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At the turn of the century, multicultural communities are a growing phenomenon globally and in many cities throughout the United States. The world has witnessed increasing transnational migration of large groups of people due to a variety of factors worldwide. This movement has resulted in changes in the ethnic and cultural makeup of communities that are the destinations and sources of the migration.

These changes present challenges for criminal justice practitioners and policymakers in the affected communities. For example, some cultures will allow only women to be questioned by a female police officer. A male may refuse to cooperate with a female police officer. Men from some cultures carry a ceremonial dagger next to their skin, which they would be reluctant to remove. Communication may be a problem, as not everyone speaks the same language. Poor language skills and a lack of cultural sensitivity may lead to unintended violence. Cooperation with law enforcement officers within ethnically homogeneous neighborhoods may not be forthcoming. Recruitment and retention of an ethnically diverse police force is both a challenge and a necessity. Failure to address the challenges of policing in a multicultural society can result in misunderstandings, alienation, civil unrest, and violence.

To address these challenges, NIJ, together with the Israel National Police's Community & Civil Guard Department, co-chaired a conference on policing a multicultural society. The meeting was held in Jerusalem, Israel, in March 2001.

Presented here are papers prepared from this conference. They were published by the Israel National Police in a special edition of the journal *Police and Society*. NIJ has posted them to share information and the experiences of eight countries with practitioners and policymakers in the United States and other countries that face similar problems.

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Introduction: Policing a Multicultural Society

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Introduction

The fall of the Iron Curtain, persistent regional conflicts, repression and political unrest, the opening of borders by previously closed societies, and a variety of trends related to globalization figure prominently in the world at the end of the 20th century and the beginning of the 21st. A consequence of this international tumult has been the migration of large numbers of people from one place to another. This movement is changing the cultural diversity and the ethnic composition of both sending and receiving areas, in some cases transforming longstanding homogeneity. Countries that historically may have been less than welcoming to outsiders have suddenly become multicultural and multiethnic. In states that have undergone significant political change without a major influx of immigrants, no less profound shifts have altered features and expectations of, and demands on, societal institutions, including the police. These internal shifts have literally transformed the "policed" into the police; peoples who historically were the recipients of police actions and services have themselves become the police delivering those actions and services or have been placed in positions to review, revise, or otherwise influence policing policies and practices.

The Challenge

Notwithstanding differences in the previous postures taken by various jurisdictions toward immigrants and marginalized subjects, a common underlying question remains: What impact have these transnational trends had on institutions dedicated

to the preservation of order and stability? Indeed, one of the societal institutions for which these emerging global patterns can be expected to have posed fundamental challenges is the police. The police in all societies are charged with maintaining public order and protecting public safety, and that generally means conserving the status quo in whatever form it may take. The police are inherently conservative in both their actions and their predispositions. They represent the vested economic and political interests and values of the societies in which they perform their policing duties. Where countries are changing and adding cultural and ethnic multiplicity, the police are most likely to be aligned with the old cultural and ethnic guard, or they may be perceived as such by new, or newly empowered, constituents. As a result, questions about the philosophy and practice of policing are ultimately liable to come under close and probing scrutiny.

The police operate at "street level," where they have direct contact with all who are involved in any way with law and public safety. In fact, the police represent the sole agency with which the vast majority of those who ever have any dealings with the criminal justice system come into contact. As a result, the police have enormous power to influence attitudes and public opinion about fundamental concerns regarding a political entity's capacity to act in just, legitimate, and accountable ways. Police-community relations are shaped on the street and in the station houses, and it is there that such controversial practices as profiling and "zero tolerance" are enacted. Using their discretionary arrest powers, the police are also the gatekeepers of the criminal justice process. They determine who is subjected to the power of the law and who is not. Because of this unique role and powerful position in society, the police are likely both to influence and to be influenced by the social implications of migration and shifts in the political power of various communities.

Rapid transformations in the relative heterogeneity of the population, and the accompanying discourse on multiculturalism, can lead to questions about the validity of definitions of laws or crimes for some groups and conceptions of "order" or "disorder" for others. Conversely, the arrival of new groups often provokes questions about the appropriateness of practicing what those groups consider "normal" domestic or familial relations, duties, or privileges. Thus, an increase in the number of ethnic, cultural, and linguistic communities and racial groups can give rise to conflicts about the legitimacy of legal and communal standards and definitions, and hence present an enormous challenge to law enforcement and order maintenance activities.

A Response

Two of the many nations encountering these new challenges to policing are Israel and the United States. In an effort to better understand the issues, and, most important, learn the lessons taught by the experiences of others in this critical area, the Israel National Police (Division of Community Policing and Civil Guard) organized a conference on policing a multicultural society. The conference, cosponsored by the National Institute of Justice of the U.S. Department of Justice (hereafter NIJ), was held in Jerusalem, Israel, in March 2001.

Experts from a number of countries were invited to submit papers and participate in the workshop. To ensure wide dissemination of the workshop products, agreement was reached with the academic journal *Police and Society* to devote a special issue to this topic. *Police and Society* (Pinchas Yehezkealy and Orit Shalev, coeditors) is published (normally only in Hebrew with English abstracts) under the auspices of the Division of Community Policing and Civil Guard of the Israel National Police. Because of the broad interest in this important subject, this special issue of *Police and Society* is being published in English (with Hebrew abstracts) and, in addition to its regular subscribers, is being made available by NIJ to a worldwide audience in electronic form via the NIJ Web site. Not all contributors were able to come to Jerusalem, but all those submitting a paper have had their contributions considered for inclusion in this special collection. Decisions have been based upon a rigorous peer review process.

Contributors to this issue of *Police and Society*, who are drawn from a variety of countries, address a wide range of topics and nations. The articles lay out the problems, contradictions, or dilemmas facing the police in their respective societies and the ways the various countries have addressed the issues and responded to the challenges. The authors in this collection take different approaches. The collection includes general perspectives on some countries, descriptive accounts of practices in other countries, theoretical perspectives on problems inherent in multicultural policing in still other countries, and finally, empirical studies delineating some of the issues that present themselves in specific contexts in yet other countries.

The problems associated with policing in culturally and ethnically diverse societies are not unique to countries that have undergone dramatic changes in recent years (see the discussions of Germany and South Africa in this volume as examples of the latter). It is clear that such problems can also be found in relatively stable, albeit diverse, countries where change has been more evolutionary than revolutionary. Three such countries are Canada, Australia, and the United Kingdom.

According to Philip Stenning, Canada has seen its dramatically increased immigration over a 40-year period met by police forces that are reluctant to even see the need for, much less embrace, changes in their organizations and practices to meet the new challenges. These new challenges are especially apparent in cities like Montreal and Toronto, where attitudes of immigrants toward government, police, the law, justice, social order, interpersonal relations, and child rearing clash with the prevailing standards. Canadian police departments, in their effort to deal with the problems of policing a multicultural society, have adopted a number of practices, which Stenning discusses in some detail. Stenning singles out as especially noteworthy the provision of "cultural sensitivity" training for the police. Such training creates a "conceptual dilemma," or ambiguous situation, for officers, based in the attempt to draw a distinction between "positive" and "negative" discrimination. The "progressive" policy response is to train the police to be more sensitive to cultural differences, to be alert to such differences, and to respond accordingly (including, at times, with tolerance and respect). At the same time, as another tenet of this progressive response, the police are told that cultural difference is an inappropriate basis for discretionary decisionmaking and that equal treatment under the law is what is required. The distinction can prove to be unworkable in practice, and the police response to this ambiguous message can often be confusion, impatience, and an inclination to stick with the status quo.

Such less than thoroughly developed responses to the task of improving police-minority relations are central to Simon Holdaway's analysis of the role of race in policing, which is framed around two calamitous events in the United Kingdom. The two events - a police crackdown and the subsequent racial riots in Brixton, London, in 1981, and the police investigation of the murder of a black youth in 1993 - led to much soul searching and to efforts at police reform. Holdaway argues, however, that typical police responses to these and similar incidents are misplaced and ineffective. New laws, policies, managerial strategies, and training in multicultural issues are equally unlikely to improve police-minority race relations. In fact, he argues that an overemphasis on multiculturalism can actually reinforce rather than ameliorate racial prejudice and that discrimination (evident in the differential meanings and experience of "citizenship") can function independently of multicultural policies and prescriptions. So what should be done? He argues that "racialisation" is key to understanding (and possibly improving) police-minority relations. Racialisation is not limited to actions undertaken by the police or other state agents; it is an ongoing, constitutive process, integral to the construction of social reality, evident in the ongoing classification of individuals into (and out of) racial categories that furnish grounds for subsequent inference and action or inaction. Holdaway submits that people do not possess "race" or "racial identities" uniformly. Although group

identification and categorization are inevitable, there must be recognition that the nature of police-minority race relations is shaped by a mutually interactive process.

Australia provides an interesting contrast to those countries, like Canada and Britain, where the multicultural policing issues are related to relatively recent immigration (that is, situations where the problems arise from traditional police forces having to deal with new immigrants). In Australia, according to Mazerolle, Lindsay, and Marchetti, the main multicultural policing challenges emanate from the indigenous Australian communities. The Aboriginals and others who make up these communities are not newcomers; they actually preceded the more recent white Australians who began arriving 200 years ago. The issue, instead, is the disparate economic, political, and social relationship between the white and indigenous Australians. Mazerolle, Lindsay, and Marchetti note that, although indigenous peoples live predominately in rural areas, and consequently there are not ethnic ghettos in Australian cities, the police are highly centralized. There is thus "little basis for diversity and localized approaches to policing local communities." And it is just such local communities that constitute the vast majority of all Aboriginal communities. The result is that, despite a number of initiatives to reduce social distance, the Australian police continue to exacerbate the historical tensions between themselves and the indigenous populations.

In their article, Adelman, Erez, and Shalhoub-Kevorkian focus on the tensions the police face when policing violence against women in multicultural societies, particularly the theoretical and pragmatic dilemmas involved in respecting differences while enforcing laws in a nondiscriminatory fashion. The authors examine the gendered meaning of "community" in community policing and link the new emphasis in policing on local values, multiculturalism, diversity, and cultural sensitivity with the invisibility of gender differences within these minority communities. Community policing is oriented toward partnerships with and input from the community and toward serving the interests of differentiated "communities." It is also oriented toward events and interactions that are taking place on the streets rather than behind closed doors. But an exclusive focus on the lifeblood and health of the public face of a community may run the risk of overlooking the welfare and well-being of the members within the community. As a result, domestic violence may be placed beyond the reach of community policing. In light of the push to criminalize domestic violence, community policing may be problematic in multicultural societies in which police, reflecting the dominant community ideology, characterize subordinated or minority communities as inherently primitive or violent. Drawing on the literature on policing violence against minority women, including their research on the policing of violence against Arab women in Israel, they argue that gendered racism and racialized sexism shape

victims' and police responses to domestic violence, resulting in the culturalization and underpolicing of violence against women in minority communities. They recommend that police seek out nontraditional community leaders and organizations that challenge rather than reinforce myths and stereotypes about minority women

Another critical issue with respect to community policing in a multicultural society is the very meaning of community itself. Ibarra's article addresses this topic by looking at the means and circumstances through which residents of two Los Angeles neighborhoods contact the police. Drawing on his ethnographic fieldwork, he describes and discusses the often contradictory perceptions of "order" and "disorder" that can coexist in a multicultural neighborhood, even one as small as a few city blocks. The data demonstrate how identifying something as a problem worthy of police response is contingent on neighborhood social relations as well as ethnic origin, social standing, immigration status, and/or residents' personal and political histories. Conceptions of contacting the police that are prevalent in many Western societies may not, according to Ibarra, be useful or even applicable to some segments of the population or in some situations. Alternative ways of contacting the police, as well as different perceptions of crime and disorder, need to be considered by the police to be effective and to accomplish their mission. Ibarra emphasizes that it behooves the police to think of how their work may foster relationships of trust with (and within) the community, as opposed to engendering hostility, bitterness, and distrust. The issue is not just the state of relations between the police and the community; also at issue is how relations among members of a community frame the meaning of contacting the police and are, in turn, affected by neighbors' complaints to the police.

The decade of the 1990s witnessed enormous political, economic, and social change. Among the countries undergoing particularly eventful political upheaval were Germany and South Africa. Ewald and Feltes describe how the breakdown of the Berlin Wall on November 9, 1989, meant the end of the Iron Curtain and the beginning of cataclysmic change for Germany. Following the relaxation of borders that had divided East from West for nearly five decades, a virtual flood of people began traveling from the East to the West. The formerly homogeneous society of the socialist German Democrate Republic (East Germany) was transformed practically overnight, with increased xenophobia and all its repercussions being among its results. The former West Germany had an influx of asylum seekers, including persons from Eastern Europe claiming German heritage. Both the police as an institution and police officers as individuals had to confront and cope with these critical changes. For example, police in the East, accustomed to the totalitarian tactics of a police state, had to determine who they now represented, the public or the government. According to Ewald and Feltes, across Germany there developed

great uncertainty among police officers, the outcome of which often was frustration, opposition to organizational change, and a general withdrawal from public contact. The German example is an enormously valuable case study of a society's efforts to cope with both the burdens of its past and the new challenges of dramatic change. The German police have been and continue to be at the center of these efforts.

The burdens of the past and the challenges of the present likewise characterize current developments in South Africa. Post-apartheid policing offers another illuminating case example of the profound changes policing has to undergo to cope with the new realities of a reordered political scene. Buntman and Snyman argue that the new South African Police Service (SAPS) has both a legal and political commitment to accommodate cultural, ethnic, and racial diversity. There are, however, two constraints that limit the multiculturalism of the SAPS. First, their heightened awareness and concern has not yet been matched by real changes in the ways the police deal with different citizens and communities. Second, the police have been overwhelmed by the increases in crime, particularly violent crime—increases that they are trying to combat with limited human and financial resources. History tells us that concerns for human rights and civil liberties often take a back seat to calls for cracking down on crime and preserving law and order under these circumstances. Buntman and Snyman paint the complex South African scenario in vivid detail.

Finally, William McDonald presents what is perhaps the most optimistic (and at the same time controversial) of the papers in this collection. Sketching various developments in the United States, he argues that a new paradigm for policing multiethnic societies is emerging. Accepting the premise that the police reflect the societies in which they exist, McDonald concludes that culture in the United States and other "liberal democratic societies" has become more tolerant of diversity and demanding of equality and that police practices and policies have moved with this change. The United States aside, assuming that Australia, Britain, Canada, and Germany would all qualify as liberal democratic societies, the papers about those countries in this volume seem to point to a different conclusion. The same might be said about his conclusion that police priorities are shifting from fighting crime and maintaining law and order to maintaining racial and ethnic peace. Other authors here would probably disagree.

Where there would likely not be disagreement is with McDonald's conclusion that the challenge for the police in multiethnic, liberal, democratic societies is to find the proper balance among the public goods at stake. What the McDonald paper exemplifies is that, indeed, the subject of policing multicultural societies is one

about which there are many opinions. We have tried to capture a few of them in this collection.

To complete this project, we had to rely on the help of many individuals, who in their different capacities provided assistance of various kind. We have benefited from the advice, insightful comments, suggestions, or reviews of manuscripts by the following colleagues: Sally Hillsman, Robert Langworthy, Phillip Stenning, Robert Friedmann, Dan Price, Peter Kraska, Paul Jesilow, Rick Sarre, Tim Prenzler, James Willis, Fran Buntman, David Weisburd, Pini Yehezkeally, Giora Rahav, Menachem Amir, Leslie Sebba, Orit Shalev, Leslye Orloff, Catherine Rottenberg, Louise Bethlehem, Peter Grabosky, Christine Jennet, Eric Heller-Wagner, Stephen Mastrofski, and David Bayley. We are grateful for their help and advice. Alissa Huntoon, Daniel Tompkins and Marvene O'Rourke of NIJ assisted with editorial input and coordination of the project. Linsey Britz provided finishing touches to the articles, particularly the references. James O. Finckenauer, School of Criminal Justice, Rutgers University and past Director, International Center, National Institute of Justice co-chaired the workshop in Israel. Special thanks to the International Center, National Institute of Justice for their financial support and the publication of this issue, to the Israel National Police for hosting the conference that resulted in this publication, and to Kent State University and Haifa University for financial support of this project.

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Policing the Cultural Kaleidoscope: Recent Canadian Experience

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As has been the case in many other "First World" countries, the demographic profile of Canada - especially of its major urban centres - has changed dramatically during the last forty years. Beginning with a huge influx of immigrants from Europe during the 1950's and 1960's, and followed by burgeoning immigration from Far Eastern and Caribbean countries in the 1970's and 1980's, Canada's cities are now probably some of the most multi-ethnic and multicultural in the world. Official responses to these developments have encouraged "multiculturalism", which has been adopted by statute as an official governmental policy and which favours preservation of the unique identities of cultural and ethnic communities rather than the assimilationist, "melting pot" approach adopted in some other countries, while at the same time seeking to avoid ghettoization and racial conflict. Maintaining this approach while still ensuring equality and equal protection under the law, all during periods of significant economic pressures and fiscal restraint, has posed enormous challenges for policing generally and for urban public police services in particular. Despite a great deal of discussion about the need for change, both to the composition and organization of police services and to the ways in which policing is done, progress in successfully effecting such changes has been slow and uneven, and often quite strongly resisted from within police services themselves. In addition to, yet in important ways different from, these challenges, however, has been the challenge of how to provide "culturally appropriate" policing of and for Canada's Aboriginal, "First Nations" peoples, whose special place in Canadian society is constitutionally guaranteed, but whose social and economic circumstances have remained far short of those which the non-Aboriginal majority have come to expect and take for granted, and who consequently continue to find themselves disproportionately in trouble with the law and in conflict with police. This article reviews the efforts which have been made in Canada during the last thirty years to meet these challenges, and assesses the extent to which such efforts can be regarded as adequate or successful as we enter into the new millennium. The article concludes with some suggestions as to what will be required to meet these challenges more effectively in the future, and a caution against unrealistic expectations of the public police in this regard.

Key Words: Police, visible minorities, Aboriginal people, community policing, training, police-community relations, private policing, race-baced criminal justice statistics

Introduction

In Canada as in many other countries, the challenges of policing an increasingly culturally, racially, ethnically, linguistically, and religiously diverse society have preoccupied policymakers and academics during the last four decades. A combination of dramatically increased immigration, and police services that have often slowly or reluctantly recognized the need for and embraced changes within their organizations and practices, has led to still-unresolved tension and conflict between police and many members of the communities they serve. Although such difficulties are not unique to policing, the particular role of police in maintaining order and enforcing the law places them on the front lines of such conflicts and ensures that their activities will attract a great deal of media (and hence public and political) attention.

In this paper, I review the principal developments in the policing of Canada's increasingly multicultural communities during the latter decades of the 20th century and offer some tentative assessments of the progress made in this delicate and highly controversial area of public policy. An overview of the changing composition of Canadian society, particularly in its metropolitan areas, during the last 40 years and the associated challenges for policing is presented, and the principal responses to these challenges are explored. Issues that have arisen with respect to the policing of Canada's indigenous Aboriginal communities are also discussed, and the roles and experiences of private policing organizations in addressing the challenges of policing multicultural communities are reviewed. Some practical and methodological obstacles to undertaking research on this topic are then addressed, and a conceptual dilemma for policy and practice in this area is also raised. The paper concludes with a summary and assessment of progress in addressing these issues in Canada and some suggestions as to how policy may be improved (and hopefully be made more effective) in the future.

The Changing Canadian Mosaic

During the last four decades of the 20th century, the racial, ethnic, cultural, and religious makeup of the Canadian population, especially in its largest cities, underwent significant change. In 1961, almost 97 percent of Canada's population was of European extraction, and nearly half of these individuals were of British

origin. The remaining 3 percent of the population consisted of native North Americans (1.2 percent); people from Latin, Central, and South American countries (approximately 1.2 percent); and people of Asian origin (0.7 percent). Within just one generation, however, this picture had completely changed. By 1991, people of European extraction constituted only 60 percent of Canada's population, and only a third of these were of British extraction.[2] People from South, East, and Southeast Asia now constituted more than 5 percent of the population. The remaining 35 percent consisted of a kaleidoscope of peoples from all over the world. The people identified as "black" had increased from 0.2 percent of the population in 1961 to just less than 1 percent in 1991[3] and 2 percent by 1996.[4] Canada was known for having some of the most liberal immigration policies in the world. By 1996, 11 percent of the population identified themselves as members of visible minority groups and about 17 percent were immigrants.[5] Although immigration levels declined somewhat during the late 1990s,[6] the government has recognized that at least 250,000 new immigrants will be required each year if the population is to be maintained at current levels during the coming decades.[7]

This general transformation in the makeup of the Canadian population between 1961 and 1991, however, was much more marked in Canada's largest cities (Toronto, Montreal, and Vancouver), which became home to the vast majority of new immigrants.[8] During those 30 years, for example, Toronto's population multiplied almost sixfold, and immigration accounted for most of this increase. In 1961, 95 percent of Torontonians were of European extraction, but by 1991 this population had been reduced to 47 percent. The proportion of this city's population who were of South, East, and Southeast Asian extraction increased from fewer than 2 percent to just more than 14 percent during these 30 years, while the proportion of those identified as "black" increased from 0.5 percent to 3.3 percent.[9] It was estimated that, by 2001, about half the population of Toronto and 40 percent of the population of Vancouver would be members of visible minority groups (Linden, 2000: 169).

In response to this great diversification of the Canadian population, and to further its adherence to international conventions,[10] the Canadian Parliament enacted the Canadian Multiculturalism Act in 1988.[11] This unusual statute contains a declaration that multiculturalism is "the policy of the Government of Canada," and in particular that it is the Government's policy "to ensure that all individuals receive equal treatment and equal protection under the law, while respecting and valuing their diversity" (paragraph 3(1)(e)), and that all federal institutions (including the federal police force, the Royal Canadian Mounted Police or R.C.M.P.[12]) shall "generally, carry on their activities in a manner that is sensitive and responsive to the multicultural reality of Canada" (paragraph 3(2)(f)). These statutory commitments were consistent with constitutional requirements in the Canadian Charter of Rights

and Freedoms, enacted as part of the Constitution of Canada 6 years earlier in 1982. Section 15 of the Charter declares: "Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."[13] Section 27 provides: "This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians."

Challenges for Policing

As might be expected, the sweeping demographic changes that have occurred in Canada as a result of immigration during the last 40 years have brought enormous benefits to Canada. They have also, however, generated some major challenges for policing, especially in the major cities. New immigrants have brought with them different attitudes toward government, police, the law, justice, appropriate social order, interpersonal relations and child rearing, and a host of hitherto unfamiliar (and by Canadian standards sometimes illegal[14]) cultural and religious practices. In some cases, they have also brought with them tensions and conflicts from their own former homelands, including incipient "governments in exile" and offshoots of resistance and liberation movements.[15] All these challenges have, of course, been compounded by issues of communication; many of the new immigrants were slow to learn either of Canada's two official languages (English and French) or did not see the necessity of learning them at all, and police services were not capable of delivering services in multiple languages.

As if these challenges were not enough, reactions to the new immigrants generated more problems. Integration has often been slow and difficult and, in many instances, actively resisted. Immigrants have faced prejudice, discrimination, scapegoating (being unjustly blamed, for instance, for high unemployment and crime), and outright challenge by openly racist "white power" groups.

Problems of acceptance, integration, and outright discrimination have led to numerous incidents and tensions involving members of minority immigrant groups, especially in the largest metropolitan areas, as well as tensions between minority group members and the police.[16] In Toronto and Montreal, for example, and to a lesser extent in Halifax, Nova Scotia, allegations of unjustified "overpolicing" and excessive police use of force (including lethal force) against blacks[17] abounded during the 1970s, 1980s, and 1990s and led to the establishment of numerous public inquiries,[18] coroners' inquests,[19] and organized political protests and demonstrations.

Policy Responses

These various inquiries generated a long string of recommendations that have formed the basis for policy development with respect to police race relations and the policing of diverse communities. Broadly speaking, these recommendations have fallen into six categories:[20] (1) recommendations for racial, ethnic, cultural, and religious diversification of police human resources; (2) recommendations for "culturally specific" or "cultural sensitivity" training of police officers; (3) recommendations for increased liaison and communication between the police and the minority communities with which they come into contact; (4) recommendations for the adoption of formal antiracism and race relations policies by police services, with associated monitoring and disciplinary mechanisms to respond to violations of such policies; (5) recommendations for review and revision of operational policing policies and practices which may lead to "systemic discrimination" against members of minority groups; and (6) recommendations for inclusion of more minority group representatives within the membership of police governing authorities (cf. Winterton et al., 1984; and Fleras, 1989: 157). An important related development has been (7) the establishment of hate crimes units within Canadian police services. Each of these classes of recommendations is discussed in the following sections.

Diversification of the Police Workforce

In an era in which policing has been seen almost exclusively as the responsibility of public police services, those services inevitably found themselves on the front line in responding to (and being expected to provide the primary response to) the numerous conflicts, both within and between communities and between minority groups and the police themselves, to which these challenges gave rise. Yet they were terribly ill prepared for the task. Indeed, almost everything about public police organizations in Canada at that time rendered them ill equipped to meet the challenges of policing such a multicultural society. Most uniformed officers who were hired during the 1960s, for example, were young, poorly educated, Christian, white males with little or no previous exposure to, or training with respect to, people from other cultures, races, or religions or capacity to communicate in more than one of the country's two official languages. Senior officers were even less potentially adaptable; many had joined the police service immediately after returning from military service in World War II and had grown up in a society in which significant multiculturalism and multiethnicity were virtually unknown. Command structures and organizational protocols were rigid and highly centralized, leaving little room for local adaptation and responsiveness to the different needs and expectations of diverse ethnic and cultural communities. Furthermore, the other elements of the criminal justice system, to which so much of the work of the police was so closely connected, were

no better prepared to respond to the challenges of racial, ethnic, cultural, and religious diversity than the police were.[21]

Some police leaders and policymakers appreciated, albeit often somewhat belatedly[22] and after goading by academics,[23] that major changes to police organizations would be required to adapt them to meet these new challenges. Conditions for bringing about such changes, however, were not favorable. Although the 1960s saw substantial increases in police budgets and personnel, personnel policies and recruiting practices did not change quickly enough to achieve significant change in the demography of police services. Despite some aggressive recruiting campaigns, younger members of the new immigrant communities, for a variety of reasons, did not flock to join the police services. Many could not qualify,[24] and many who could were dissuaded by their peers and elders from joining the police, often because police had not been well regarded or trusted in their countries of origin. The few members of minority groups who did join the police services all too often found themselves isolated, "ghettoized," subjected to overt racism, systemic discrimination, and hostility from their peers and superiors[25] as well as suspicion from and rejection by their own communities.

By the mid-1970s, economic downturn and consequent fiscal constraints put an end to significant recruitment and numerical expansion of police services[26] and put pressure on police training and human resources development budgets. Consequently, by the time appropriate policies and strategies for increased diversification of police personnel had been developed, the resources needed to implement them had substantially declined. Continued tensions between police and visible minority communities in Canada's major cities throughout the late 1970s and 1980s, however, led to increasing pressures on the police to diversify their workforces (see, e.g., Ontario, Task Force, 1980; Winterton et al., 1984; Normandeau, 1988).

In 1986, Hill and Schiff wrote of the "modest initial results" of increased efforts to recruit members of visible minority groups as police officers and stressed that to achieve a "visibly mixed" police service to serve a "visibly mixed" society, minority recruitment efforts would need to be "stepped up and made more penetrating" (1986: 87). Since then, numerous commissions, task forces, and government and other reports have lamented the lack of adequate progress in the recruitment and promotion of members of visible minority groups within Canadian police services (see, e.g., Quebec, Comite d'enquete, 1988; Ontario, Race Relations and Policing Task Force, 1989: 55–92; Nova Scotia, Royal Commission, 1989; Head and Clairmont, 1989; Wilson et al., 1990; Jayewardene and Talbot, 1990; Ontario, Task Force on Race Relations and Policing, 1992: 30–57; Quebec, 1992; Nelson, 1992;

Andrews, 1992; Suriya, 1993; British Columbia, Commission of Inquiry into Policing in British Columbia, 1994: E13–E19).

Despite all these urgings, and genuine and often quite vigorous attempts by many police leaders to "change the faces" of their organizations to better reflect the cultural makeup of the communities they policed, and despite some formal statutory employment equity requirements introduced in the 1990s,[27] the ethnic and cultural composition of police services in Canada has remained stubbornly out of alignment with that of many of the communities they police. Thus, while 11 percent of the Canadian population (and a much higher proportion of the populations of the major cities) identified themselves as members of visible minority groups in 1996, only 3 percent of police officers were members of such groups (Swol, 1998: 8, Table 6).[28] In Toronto, the Canadian city with the largest municipal police service and a very substantial ethnic/visible minority population (estimated now to be close to half the population),[29] ethnic/visible minority representation[30] among sworn officers in the police service increased from less than 6 percent in 1991 to 10 percent (508 of its 5,089 sworn officers) in 2000.[31] Sixteen percent of its sworn officers speak one or more languages other than English or French.[32] In Montreal, Canada's second largest city, the visible minority population constituted 12 percent of the total population in 1996, but by the year 2000, after 10 years of aggressive recruitment efforts, visible minority members still constituted only 3.7 percent of the sworn officers in the Montreal Urban Community (M.U.C.) Police Service.[33] In British Columbia, the Oppal Inquiry pointed out in 1994: "While 8 per cent of the population in BC is of Chinese or Indo-Canadian origin, the number of police officers from visible minorities (three per cent) does not come close to representing these two groups, let alone other visible minority groups" (British Columbia, Commission of Inquiry into Policing in British Columbia, 1994: E13–E14). By 1996, the visible minority population constituted 31 percent of the population of the City of Vancouver and 18 percent of the province's population. Yet by 1999, visible minority officers constituted 7 percent of the officers on the City of Vancouver Police Service and 7 percent of all municipal police officers in the province.[34] As a strategy to respond to the challenges of multiculturalism in Canada, therefore, attempts to "diversify" the police workforce have met with limited success so far.[35]

Culturally Specific or Cultural Sensitivity Training

In the early 1980s, a concerted effort was made to develop what came to be referred to as "Police Intercultural Education" (Miner, 1984). The objectives of the programs developed as a result of these initiatives were identified as follows:

1. To encourage interaction and understanding between members of the police department and members of the racial and cultural minority communities.
2. To develop understanding of and sensitivity to the values, beliefs and behaviours of people from racial and cultural groups different from ones own.
3. To assist the police to utilize minority community resources and apply strategies which will work effectively in policing minority communities.
4. To provide members of minority communities with an understanding of how the police department operates, what community service programs it provides, and how minority communities can relate to the police department. (Miner, 1984, p. 88)

Evaluations of the initial "police intercultural" courses were not very encouraging (see, e.g., Wilson et al., 1990). While evaluators found there had been some benefits from the interactions between police personnel and representatives of minority groups participating in the courses in terms of communication and sharing of information, they were skeptical about the impact of the courses on police attitudes and practices. In particular, the evaluators noted that "the 'power' of the workshop experience was insufficient to counter the 'power' of the social forces which shape attitude development" within the police (Ungerleider and Echols, 1984, p. 91).
These early evaluations were quite limited, however, being based essentially on surveys of participants before and after participation in the courses. They were not therefore capable of assessing possible wider, cumulative, and longer term impacts of these initiatives. By the end of the 1980s, however, serious doubts were being voiced about the efficacy of such discrete educational initiatives to improve police-minority group relations and the quality of policing in multicultural communities. In 1989, the Lewis Task Force in Ontario concluded:

> The Task Force reviewed existing race relations programs. Our strong belief, based on expert opinion, is that this training falls so far short of what is needed, in both design and delivery, that it is not only inadequate but may also result in reinforcing stereotypes.
>
> (Ontario (1989), Race Relations and Policing Task Force, p. 97)

The task force recommended that police officers in the province should be required to undergo a 4-week "refresher training" course at 5 years of service and every 5 years thereafter. It further recommended that such training be required to include "a significant component of professionally evaluated race relations training and that it integrates race relations issues throughout the curriculum" (Ibid.: 103).[36] Despite a subsequent comprehensive province wide review of police training in the province (Ontario, Strategic Planning Committee, 1992) - which, incidentally, barely touched

on this particular issue - and a reiteration and elaboration of its earlier recommendations by the task force when it was reconvened in 1992 (Ontario, Task Force on Race Relations and Policing, 1992: 71–92), the task force recommendations in this respect have never been fully implemented. In its 1992 report, the task force noted "with regret" that "efforts in this area have been a major failure" (Ibid.: 92). Unfortunately, not much has happened since to warrant any revision of that assessment.[37]

Similar but less detailed recommendations were included in the 1994 final report of the Oppal Inquiry in British Columbia (British Columbia, Commission of Inquiry into Policing in British Columbia, 1994, Vol I, p. E-40).

Police/Minority Community Liaison

The establishment of ethnic community consultation and/or liaison groups to advise police and maintain open communications between the police and such communities has undoubtedly been the most common strategy adopted by Canadian police services in their attempts to improve relations between the police and members of ethnic or visible minority communities. Often this has been accompanied by the establishment, within police services themselves, of a unit specifically tasked with enhancing such relations (see, e.g., Fleras et al., 1989). Almost all of the various commissions of inquiry, task forces, and committees previously referred to have advocated the establishment of such institutions, and all of the police services that service communities with significant ethnic or visible minority populations have experimented with them.

As has been the case in many other jurisdictions, however, and with almost all such consultative groups, whether addressing multicultural issues or "community" issues more generally, a number of difficulties have been experienced in getting such groups to function as intended and to achieve desired objectives. The first of these problems has concerned the issue of representation. Concerns are often raised about who determines who will represent minority communities on such groups. If, as is often the case, the police control appointments to such groups, a perception easily arises that only the members of such communities who are supportive of the police are appointed, leaving critics of the police without representation.

If, on the other hand, minority communities are left to choose their own representatives on such groups, there may often be disputes about who can legitimately represent the interests of various minority communities, as well as whether (and if so how) a consultative committee can be formed that is at once large enough to represent all the various minority community interests, and at the same

time small enough to be viable as a working committee. Furthermore, when the police do not have control over who is appointed to such committees, they will sometimes show reluctance to work with, and listen seriously to the opinions of, those representatives whom, for one reason or another, they do not consider "suitable" for such positions.

Even setting aside these issues, however, further issues arise about who, in practice, actually controls the agendas and business activities of such consultative groups. In a "process evaluation" of some of the early "pilot community committees" established in Toronto to improve relations between the police force and members of visible minority communities in the city, for example, Gandy commented more than 20 years ago on the "low level of communication between members at the meetings"; the high turnover in committee membership, low attendance and community participation, and presence at such meetings of senior police officers that was perceived to be intimidating; and "a feeling of community members that the police were experts who might be questioned but not challenged" (1979, pp. 61–68). He reported that "several community members expressed frustration that the police felt that an explanation or an answer to a complaint closed an issue for further discussion." He also expressed concern that "among the unanticipated consequences of the lack of communication between police and community members of the committee may be the reinforcement of preconceived notions or prejudices of each group about the other or the enhancement of an adversarial relationship between the police and the public" (Ibid.: 62). He reported that this situation had led to members of the committees feeling distrust, frustration, and dissatisfaction.

Although Gandy was reporting on consultative committees that were among the first of their kind in Canada and were established more than 20 years ago, similar difficulties with such committees have been reported in other jurisdictions[38] and continue to be observed. Despite a very concerted effort to identify conditions for success of community consultative groups (see, e.g., Weiler and Associates, 1992), and strong headquarters encouragement toward their establishment, internal reports on implementation of this element of the Royal Canadian Mounted Police's community policing policy across the country still reiterate many of the difficulties Gandy identified in his report (see, e.g., Johnson and Dubois, 1994: 35 and 39–40; Royal Canadian Mounted Police, 1995: 4–7 and 18–20; Todd and Todd, 1997; and, most recently, Royal Canadian Mounted Police, 1998[39]). These difficulties are probably best summed up by Richard Weiler and Associates Ltd., in a document they prepared on this subject in 1992 to assist the R.C.M.P. in establishing such groups:

> Development of successful committees sometimes encounters roadblocks. Various reasons have been put forth to explain the failure of committees to materialize or continue:

Lack of commitment

Police officials sometimes fall short in their commitment. They may lack resources to support committee development, be unwilling to train committee members, or fail to respond to committee concerns or take action on priorities.

Communities can also show a lack of support for committees. Some believe the same objectives are being achieved through existing interagency committees, local officials, etc. Some resist formal means of organizing community opinion. They argue that current informal relations with police are adequate. Other communities suggest that a committee is inappropriate since they have no crime problem.

Unrealistic expectations

Committees do not always continue their work. Members don't show up. The group fails to develop objectives sufficient to justify the committee's continuance. Members become frustrated with lack of police response. They may be concerned that their participation will be viewed as a "spying" exercise. Some committees are overwhelmed by the complexity of issues they believe require attention. They lack the credibility, competence, time and resources to meet these challenges.

Some police organizations develop detailed implementation plans for committees that are simply unsuited to the character of a community. This is often the result of misinterpretation, or misunderstanding within a RCMP division of the Commissioner's policy on consultation groups. Unrealistic rigidities may be introduced to the implementation of the committees, the characteristics or operations of committees, or the timeframe expected for full implementation.

Geographic Area

Committees are sometimes designed to meet the needs of populations that do not represent a natural community - for instance when they are defined to conform with police boundaries. This design flaw can result in communities with distinctive characteristics and different community policing interests being represented through one committee. The marriage can fail if no common agenda is possible. Some committees attempt to deal with agendas that do not fit the communities they serve.

(Weiler and Associates Ltd. (1992), pp. 26–28[40])

Almost all of these difficulties are reported as having been encountered by R.C.M.P. detachments during the 1990s in the force's internal audits of the implementation of its "community consultative groups." Most commonly cited obstacles to effective implementation have been lack of clarity as to the mandate and role of such groups, lack of sincere commitment to genuine consultation on the part of some police members, problems of burnout and dissipating interest and commitment on the part of members of such groups, and frustration occasioned by a perceived lack of response by the police to the suggestions and priorities voiced by such groups (Royal Canadian Mounted Police, 1995; Royal Canadian Mounted Police, 1998).

Formal Antiracism and Race Relations Policies and Monitoring

Often as the result of pressures arising out of the hearing of complaints by provincial Human Rights Commissions, many governmental institutions began to adopt formal antiracism, race relations, and equality policies in the 1970s. The police were somewhat slower, however, to implement this particular approach. One of the first and clearest examples of it was initiated by the (then) Metropolitan Toronto Police Force[41] in the late 1970s. In 1979, in response to conflicts between the force and ethnic minority communities, and consequent pressures from minority community representatives, their political supporters on local councils, and the Metropolitan Toronto Police Services Board (the governing authority for the police force), the force promulgated Standing Order No. 24, entitled "Declaration of Concern and Intent," which required every member of the police force to "avoid any expression or display of prejudice, bigotry, discrimination, and sexual or racial harassment." It also committed the force and the board to implementing many of the kinds of recommended initiatives discussed in this paper and provided that disciplinary action would be taken against members of the force who contravened the declaration. Standing Order No. 24 was revised in 1985 and formally reaffirmed in 1989. In 1990, it was incorporated into a formal Race Relations Policy promulgated by the Metropolitan Toronto Police Services Board (Metropolitan Toronto Police Services Board, 1990).[42] In addition to Standing Order No. 24, the policy included five policy statements on community relations, employment equity, staff development and training, media relations, and public complaints.[43]

Concerns were raised, however, as to whether the promulgation of Standing Order No. 24 and the Race Relations Policy had actually had any impact on police practices (see e.g., "Policing in a Multiracial Society", 1985). To respond to these concerns, the Police Services Board asked the Metropolitan Toronto Auditor in 1992 to conduct an audit of "policies, procedures, programs and practices [of the police force] that impact on racial minorities and the police race relations climate" (Andrews, 1992: Letter of Transmittal). The audit was ambitiously conceived but eventually handicapped by inadequate resources. In his report, the Metropolitan Toronto Auditor noted:

> In this study, we found no evidence at all of organized, intentional prejudice or bias against racial minorities. Nor did we find evidence that the Force attracts individuals who are overtly racist. We did find evidence[44] that, over time, officers develop strong feelings and beliefs as to attributes of individuals based on factors such as appearance and racial background. These attitudes, when taken collectively, can and do produce a bias in behaviour which produces unequal treatment of individuals of different cultural or racial background.
>
> (Andrews, 1992, p. 2)

The audit reviewed how effectively and adequately the Race Relations Policy had been reflected in personnel practices, training, access to services, enforcement, community relations, the handling of public complaints and discipline, and media relations and communications. It noted a combination of significant progress and substantial shortcomings and listed 74 recommendations for improvements. It remains the most substantial attempt to monitor and evaluate the implementation of such a formal race relations policy in any police service in Canada. The Metropolitan Toronto Police Force responded to the audit report with a comprehensive plan of action designed to implement the principal recommendations of the report (Metropolitan Toronto Police Force, 1994).

The initiative in Toronto, and the recommendations of two task force reports on race relations and policing in Ontario,[45] led to the establishment of a Race Relations and Policing Unit in 1990[46] and a provincial Race Relations and Policing Monitoring and Audit Board in 1992, within the provincial Ministry of the Solicitor General, with a mandate to monitor all aspects of police race relations in the province. A year later, the Ministry promulgated a formal province wide police race relation's policy (Ontario, Ministry of the Solicitor General and Correctional Services, 1993). The Monitoring and Audit Board was short lived, however, and in 1996 it was abolished in the course of a more general governmental cost-cutting measure (cf McLeod 1996). Responsibility for monitoring implementation of, and compliance with, the race relations policy was assumed by the Ministry's Inspection Branch, which was mandated to conduct regular inspections of municipal and regional police services throughout the province.[47] The report of the Oppal Inquiry into policing in British Columbia in 1994 recommended similar provincial monitoring of employment equity within police services in that province (British Columbia, Commission of Inquiry into Policing in British Columbia, 1994: Recommendation 58, Vol. 1, p. E–18). Although no formal ongoing mechanism for such monitoring has apparently been established, a review of the composition of municipal police department staff and recruits during the period from 1996 to 1999 was undertaken (Watt, 1999).

In its 1989 report, the Ontario Race Relations and Policing Task Force recommended that provincial authorities should establish a medal of excellence to be awarded annually to police forces that had achieved significant progress in

implementing employment equity; that individual police services should establish achievement awards for officers with outstanding performance in race relations or community policing; and that officers who had served well in specialized race and ethnic relations units should receive positive recognition for this when promotional decisions were made.[48] Published information as to whether, and if so to what extent, these recommendations have been implemented in Ontario could not be found at the time this article was written.

In 1991, as part of the implementation of a National Action Plan developed following a major national consultation by the federal Department of Multiculturalism and Citizenship in 1989, the federal Solicitor General of Canada established a Canadian Centre for Police Race Relations on the premises of the Canadian Police College in Ottawa.[49] The Centre was provided with a small staff and a mandate to monitor developments and innovation in police race relations in police services throughout the country, function as a resource and communication center and, on request, provide advice to police services on these matters.[50] The Centre, however, had no jurisdiction to formally monitor race relations in any police service in Canada.[51] Unfortunately, as a result of cutbacks to the budget of the Ministry of the Solicitor General of Canada, the Centre was closed in 1999.

Review and Revision of Operational Policing Policies Leading to Systemic Discrimination Against Members of Minority Groups

Considerable review of operational policing policies that may have some impact on relations between police and members of minority groups has occurred through the various reviews, task forces, commissions of inquiry, and audits already referred to, and many recommendations for changes in such policies have emerged from these reviews. In 1992, however, the Ontario Government established a Commission on Systemic Racism in the Ontario Criminal Justice System. The commission sat for 3 years, held hearings, and commissioned a substantial amount of original research on a wide variety of issues concerning the treatment and experiences of members of minority groups in all phases of the criminal justice system and the perceptions of, and attitudes toward, the criminal justice system held by members of such groups.[52] Since the subject of police race relations in Ontario had recently been the subject of two task force reports,[53] it was not the highest priority for the commission. Nevertheless, the commission devoted a chapter of its 1995 report to the police (Ontario, Commission on Systemic Racism in the Ontario Criminal Justice System, 1995a, Ch. 10). The commission reported that "[D]espite the best efforts of reformers, community members and police officers…well-founded concerns about systemic racism[54] continue to taint the policing system," and commented that

"concerns about systemic racism in police practices remain widespread and deeply felt" (Ibid.: 336 and 337). The commission reported evidence that the majority of Toronto residents who were surveyed believed that "the police treat black people worse than white people" and that a substantial minority believed that police discriminate against Chinese people. It also reported survey evidence that lent "considerable weight" to community concerns that police discretion with respect to stopping people in cars and on foot was "exercised in a racially discriminatory manner."[55] In addition, the commission wrote that its consultations:

> [P]roduced numerous allegations of rude and disrespectful police treatment and of excessive police scrutiny of black and other racialized Ontarians[56], and revealed strongly held beliefs that police authorities tolerate such abusive behaviour. We also found considerable suspicion of community policing, especially among black and other racialized youths. Many feel excluded from the co-operative partnerships that community policing envisages; they fear that racial equality is not on the community policing agenda.
>
> (Ibid, p. 337)

The commission's response to these concerns was to endorse the approaches advocated by the Metropolitan Toronto Police Force in its 1994 document *Moving Forward Together: An Integrated Approach to Race Relations* (Metropolitan Toronto Police Force, 1994); recommend the creation, by police services boards, of more local "community policing committees" with minority group representation on them; and recommend the development and publication, by the provincial Ministry of the Solicitor General and Correctional Services, of "guidelines for the exercise of police discretion to stop and question people, with the goal of eliminating differential treatment of black and other racialized people" (Ibid.: 359). In addition, the commission recommended that each police service should conduct "a comprehensive review of its commitment to racial equality in policing" (Ibid, p. 343), on the basis of which it should develop an action plan to achieve and maintain such equality, which would be regularly monitored by its police services board. As a further monitoring mechanism, the commission recommended the publication of a Public Complaints Policy Statement, the establishment of a "comprehensive public complaints database that includes categories that would allow the police to monitor complaints about police stops of black or other racialized people," and the funding of education on formal and informal police complaint mechanisms (Ibid, p. 360). The commission's report constitutes the most comprehensive examination of issues of systemic discrimination in policing in Canada. Unfortunately, as a result of a change of government in Ontario around the time the commission's report was submitted, many of its recommendations have not been acted upon.

Minority Representation on Police Governing Authorities

Compared with the attention that has been paid to relations between police services and members of minority groups in Canada, very little attention has been paid directly to the role of police governing authorities (variously named police commissions or police services boards). Research in the late 1970s and early 1980s, however, made it clear that at that time, the membership of such governing authorities tended to be drawn from a narrow pool (mostly white, male business or professional people) and rarely included representation from visible and/or ethnic minority groups (Stenning, 1981: Part II, Ch. 1; Hann et al., 1985, pp. 19–20). During the latter half of the 1980s, however, provincial governments began to make a conscious effort to appoint such persons as members of police governing authorities in the belief that such appointments would enhance the capacity of police governing authorities to accurately represent the views and wishes of the communities served by their police services, particularly in the ethnically diverse metropolitan centers. They were further encouraged in this respect by the Canadian Association of Police Boards (CAPB), which was established in 1990, as well as in the reports of a number of provincial inquiries and task forces on policing.[57] In its 1995 report, the Ontario Commission on Systemic Racism in the Ontario Criminal Justice System recommended that municipal and regional police services boards in the province should establish local community policing committees (CPCs) with various consultative, monitoring, and advisory functions with respect to the policing of their communities, and that "every effort should be made to ensure that CPC's are gender-balanced and include young persons and members of locally racialized communities" (Ontario Commission on Systemic Racism in the Ontario Criminal Justice System, 1995a: 348). In addition, the CAPB, together with its provincial counterparts, has regularly mounted seminars to educate police governing authority members on matters related to their responsibilities, including issues of police race relations and the problems of policing a multicultural society. No systematic information is available, however, as to the current composition of municipal and regional police governing authorities in Canada or the extent to which police governing authority members have received any training in matters of multiculturalism and race relations and their relevance to policing. It is difficult, therefore, to assess how much impact these recent developments have had on police governing authorities.

Hate Crimes Units

Canada's long history of immigration, initially primarily from Europe and more recently from other parts of the world, has also unfortunately been accompanied by a history of prejudice and intolerance. For decades, for instance, blacks in Ontario and Nova Scotia and persons of Chinese origin in British Columbia experienced significant racial discrimination. With the substantial immigration of European Jews fleeing the Holocaust in the middle of the 20th century, antisemitism became a serious problem in many parts of Canada (Backhouse, 1999). Japanese immigrants on the west coast were transported, interned, and dispossessed during World War II (Adachi, 1976), as were Italians and Germans in Ontario (Iacovetta et al., 2000). And there has been a long history of discrimination against Canada's Aboriginal people (see, e.g., Bartlett, 1986; Cairns, 2000).

The great immigration boom in the 1960s generated further concerns about racial and religious intolerance, and in 1965 the federal government established a special committee to study the problem of hate propaganda and make recommendations. The committee's report was published in the following year (Canada, Special Committee on Hate Propaganda in Canada, 1966), recommending the enactment of offences in the Criminal Code outlawing public incitement to, and willful promotion of, hatred against "identifiable groups" and advocacy or promotion of genocide. In 1970, these offences were added to the Criminal Code,[58] and their constitutionality has been subsequently upheld by the Supreme Court of Canada.[59] The law in this area was subsequently revisited by a Special Committee of the House of Commons in 1984 (Canada, House of Commons, Special Committee on Participation of Visible Minorities in Canadian Society, 1984) and the Law Reform Commission of Canada in 1986 (Canada, Law Reform Commission of Canada, 1986), both of which recommended improvements, including the addition of racial hatred as an aggravating factor in sentencing. In 1995, the Criminal Code was further amended to achieve this result.[60]

Concerns over the spread of hate propaganda and hate-motivated crimes, and over the socially destructive effects that inadequate investigation and prosecution of such offences might cause, led the Toronto and Ottawa police services to establish specialized Hate Crimes Investigation Units in 1993. Police services in Montreal, Winnipeg, and Vancouver soon followed suit and, according to Mock (2000), "at the present time, most large cities in Canada have police hate crimes units, or at least specialized officers within intelligence or other relevant units, responsible for developing expertise in the area, training their colleagues and documenting the incidents of hate-motivated crime, including statistics on target groups."[61]

The Policing of Aboriginal People

Although Canada's Aboriginal ("First Nations") population has not significantly increased as a proportion of the population as a whole (it remains at about 2 percent), recognition of, and responsiveness to, the needs of this particular minority group have increased significantly over the last 30 years. The Charter of Rights contains two provisions (Sections 25 and 35) that specifically recognize and protect the Aboriginal rights of Canada's indigenous native peoples. Because of their special status within the Constitution, issues concerning the rights and heritage of Canada's Aboriginal peoples are usually addressed separately from those concerning the multicultural interests of immigrant groups, and in this regard policing has been no exception. Since the federal Parliament has constitutional responsibility for the protection of the country's Aboriginal peoples, the responsibility for the policing of Aboriginal people (especially those living on reserve lands) has historically resided with the federal government rather than with provincial governments, which have primary responsibility for policing more generally. During the last 30 years, however, this responsibility has increasingly been addressed through tripartite negotiated agreements involving the federal government and the provincial governments and First Nations concerned. In 1992, after protracted consultations and negotiations, the federal government introduced a formal First Nations Policing Policy (Canada, Solicitor-General, 1992), which has provided the broad framework for policy development in this area since then.[62] Under these agreements, the policing of First Nations communities is undertaken by the federal police service (the Royal Canadian Mounted Police, through its specialized Aboriginal Policing Branch), or by newly established "stand-alone" First Nations policing services, or sometimes through cooperation between Aboriginal policing services and provincial or adjacent municipal police services.[63] The First Nations Policing Policy, and the various policing agreements that have been negotiated pursuant to it, however, have focused almost exclusively on the policing arrangements for First Nations communities (i.e., essentially native Indians living in native communities on reserve lands). An increasingly high proportion (estimated now to be more than 60 percent) of Aboriginal people in Canada are now living in Canada's urban areas,[64] however, and are thus are not directly affected by, and do not directly benefit from, these policing policies and arrangements. Although some of the municipal or regional police services that police these urban areas have developed specialized Aboriginal liaison units specifically to address issues relevant to their Aboriginal populations, most have not, with the result that the policing needs of these Aboriginal people tend to be addressed within the context of multicultural policing issues more generally (see, e.g., LaPrairie, 1995; Canada, Royal Commission on Aboriginal Peoples, 1996, pp. 83–93; Todd, 2001).

During the last 30 years, the relationship between the police and Canada's Aboriginal people has been the subject of a number of public inquiries and reports across the country,[65] mostly arising out of allegations of "underpolicing," "overpolicing," and discriminatory policing of Aboriginal people, both on reserves and in urban areas. Some of these have arisen out of wrongful convictions of Aboriginal people (e.g., Nova Scotia, Commission of Inquiry into the Donald Marshall, Jr., Prosecution, 1989) and killings of Aboriginal people by police (e.g., Manitoba, 1991; Goodson, 2000). Policy with respect to the policing of Aboriginal communities in Canada, however, has been debated within two broader frames of reference—the disproportionate representation of Aboriginal people in Canada's correctional institutions[66] and the more general agenda of self-government for Aboriginal peoples[67]—which are beyond the scope of this article.

Private Policing

Compared with published research on the role of the public police in the policing of multicultural communities, the contribution of private policing has been almost totally neglected. There are some reasons to think, however, that at least in some respects private policing organizations may be better placed for the policing of such communities than their public police counterparts. Recently, for instance, the Canadian Centre for Justice Statistics has published figures indicating that ethnic minorities are better represented in private policing organizations than in public police services. Data published by the Centre, based on 1996 census returns, indicate that members of visible minority groups accounted for 6 percent of private investigators and 11 percent of security guards in Canada, compared with only 3 percent of public police officers[68] (Swol, 1998: 7). At present, however, there is virtually no systematic information available in Canada about what initiatives have been put in place in private policing organizations to respond to the particular policing needs of multicultural communities, or to what extent this is regarded as a priority by private policing providers.[69]

In the 1980s concerns were raised about the policing of areas of "publicly used private property,"[70] such as shopping malls, recreational facilities, and housing estates, by private policing organizations. In particular, accusations were made of discrimination against youth and members of visible minority groups in the enforcement of petty trespass legislation. The almost unfettered discretion of security guards, acting on behalf of property owners, to require people to leave such places without explanation or justification[71] was pointed to as facilitating such discrimination. The government of Ontario appointed a task force to look into these allegations and to make a report with recommendations. In its report, the task force concluded that there was indeed evidence of such discrimination (Ontario, 1987: Ch.

5). The task force recommended that the provincial trespass legislation should be amended to place constraints on the exercise of such discretion and to increase the accountability of private policing organizations for their use of these powers. These recommendations, however, have never been implemented.[72] Rigakos' (2002) and Rigakos and Greener's (2000) more recent research suggests that the problems identified by the Task Force in 1987 may still be outstanding.

Research Difficulties

One factor that has bedevilled debates about the policing of a multicultural society in Canada has been the absence of good data on the implications of policing for different racial and ethnic groups. Although anecdotal evidence of discriminatory policing abounds, "hard" data on this subject do not.[73] This is in large part because the collection of race-based data with respect to policing has been steadfastly resisted in Canada, mainly out of fear that such data might be misused to the detriment of some racial or ethnic groups[74], and partly out of skepticism about the accuracy and usefulness of such data. Despite some vigorous arguments to the contrary (see, e.g., Wortley, 1999), the view has prevailed that the dangers of collecting such statistics outweigh any possible benefits. An important consequence of this has been that discussion of policing a multicultural society in Canada has had to occur in something of an informational vacuum.

Ideally, the success of the various policy responses to the policing challenges posed by increasing diversity would be assessed by considering the impact of such policies in terms of such measures as changing crime rates and changing patterns of complaints against the police. The absence of any systematic hard data linking such matters to the race of suspects, offenders, victims, and those who file complaints against police in Canada, however, currently makes such evaluations impossible. As a result, any assessments of such programs must inevitably be no more than tentative and largely impressionistic.

A Conceptual Dilemma?

At the heart of any discussion or policy with respect to policing in a multicultural environment, however, may be a conceptual dilemma that has received inadequate attention. It is perhaps best illustrated by the observation that one of the most common responses to accusations of discriminatory policing is a call for cultural sensitivity training or education for police officers. That is, to render police less culturally discriminatory, we need to make them more cognizant of cultural differences. Although it is not difficult to appreciate the arguments in favor of such

an approach, it is also not difficult to imagine how it may confuse police officers who, on the one hand, are told that cultural (or racial or ethnic) difference is an inappropriate basis for discretionary decision making, and on the other hand, are told that they must always be alert and sensitive to cultural (or racial or ethnic) differences among those with whom they interact, and respond accordingly.

Underlying such an approach is an assumption that a clear distinction can be drawn between positive and negative discrimination. Yet such a distinction is not always self-evident and may not be so readily accepted by police officers, especially if it seems to conflict with their own experience of policing and/or with the tropes of their profession (Shearing and Ericson, 1991)[75] and when there is little hard evidence to support it. As Gaskell has pointed out in another context in Canada (Gaskell, 1995):

> The line between flexibility (treating people differently because they are different) and discrimination (treating people differently because of the group they belong to) is not always clear. An active teaching process is required to encourage an understanding of differences while also ensuring fairness.
>
> (Ibid, p. 155)

It may be, then, that some further work is needed to clarify this critical conceptual distinction and to present it in a way to which police officers can more readily relate. That issue, however, is certainly not unique to Canada and would require another article to be adequately explored.

Conclusion

Over the last 40 years, a variety of initiatives and activities have taken place at both the policy and operational levels to better equip Canada's police services for meeting the challenges of policing a multicultural society that have resulted from population diversification brought about through increased immigration. While few would doubt the sincerity and good intentions of the initiatives, they have achieved limited success in meeting their stated objectives. Canada still experiences significant problems and tensions between and within its diverse racial, ethnic, cultural, and religious communities and between members of these communities and its police services. This is also true with respect to its indigenous Aboriginal population.

Success has been limited, in part, because it is far beyond the capacity and mandate of the police to address the underlying causes of such problems and tensions (such as intolerance, discrimination, and associated unequal access to education, employment, and social services). Two other issues are raised but not fully explored

in this paper: a lack of good data on the nature of the problems that law enforcement personnel face in policing a multicultural society and on their success in doing so; and a potential conceptual dilemma underlying approaches to policing a multicultural society that has not been adequately addressed or resolved.

Despite these difficulties, however, considerable and consistent progress toward more appropriate and effective policing of Canada's multicultural society has been observed over the last 40 years. It is likely that the situation would be worse today without the activities and initiatives undertaken over that same period. Although such conclusions are unsatisfactorily vague, they are the best that can be offered until systematic data that could form the basis for more precise evaluations can be made available in Canada.

Notes

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[2] Following World War II, however, the proportion of those of European extraction who were from Eastern rather than Western Europe increased significantly.

[3] All figures presented here are derived from the reports of the 1961 and 1991 censuses (Canada, Dominion Bureau of Statistics, 1962; and Canada, Statistics Canada, 1993a). These figures represent only those who reported a single racial or ethnic identity; as a result, the figures for "black" people (identified as "Negroes" in the 1961 census) are undoubtedly lower than the total numbers of people who would have identified themselves as "black."

[4] 1996 Census Statistical Profile: www.statcan.ca/start.html, and click on "Census."

[5] See previous footnote.

[6] 174,000 in 1998; 158,000 in 1999.

[7] There is not agreement on this matter, however (see, e.g., Collacot, 2000). Furthermore, it is questionable whether the right-wing Canadian Alliance Party (formerly the Reform Party), which has been significantly growing in popularity in recent years and is now the Official Opposition in the Canadian House of Commons, would support such levels of immigration if it ever formed the government.

[8] Almost three-quarters of those who immigrated to Canada between 1991 and 1996 took up residence in one of these three cities. In 1998, 42 percent of immigrants came to Toronto (Linden, 2000: 169).

[9] But see footnote 3, above. It is now estimated that approximately 8 percent of the inhabitants of the greater Toronto area are "black."

[10] Specifically, the International Convention on the Elimination of All Forms of Racial Discrimination (1965) and the International Covenant on Civil and Political Rights (1966).

[11] R.S.C. 1985, 4th Suppl., c. 24. The statute implemented the recommendations contained in the 1987 report of the House of Commons Standing Committee on Multiculturalism (Canada, House of Commons…, 1987).

[12] Despite the fact that policing is, for the most part, a constitutional responsibility of the provinces in Canada, the R.C.M.P., with just more than 15,000 sworn officers (representing 27 percent of Canadian police officers), is by far the largest police service in the country. In addition to its federal and territorial policing responsibilities, the R.C.M.P. provides provincial policing services under contract to 8 of the 10 provinces as well as municipal policing services under contract to 197 municipalities in those 8 provinces. The R.C.M.P. also provides policing services to a substantial number of First Nations (Aboriginal) communities, although more and more of these have recently established their own "stand-alone" police services.

[13] Subsection 15(1). Subsection 15(2), however, makes allowance for bona fide affirmative action programs that may discriminate on these grounds.

[14] For example, female circumcision, carrying offensive weapons in public, consuming marihuana ("ganga").

[15] These, of course, have posed challenges for the Canadian Security Intelligence Service as well as for the "regular" public police services.

[16] See, e.g., Hill and Schiff, 1986.

[17] These include allegations of racially targeted drug law enforcement, police harassment of blacks in public places, such as streets and shopping centers, and the claim that police operationally enforce an "offense" of "driving while black."

[18] See, e.g., Quebec, Comite d'enquete…, 1988; Ontario, Race Relations and Policing Task Force, 1989; Head and Clairmont, 1989; Quebec, Task Force…, 1992; Ontario, Task Force on Race Relations and Policing, 1992; Ontario, Commission on Systemic Racism in the Ontario Criminal Justice System, 1995a.

[19] See, e.g., Abraham et al., 1981.

[20] In a review of the literature on police race relations prepared for the Law Reform Commission of Canada in 1991, Brodeur commented on the high degree of repetition to be found in the various reports from which these recommendations had emanated during the preceding 20 years (Brodeur, 1991: 62). Indeed, these recommendations have been so repetitive that it has now become common practice for public inquiries on this topic to list in their reports the similar recommendations of previous public inquiries on the same topic (see, e.g., Ontario, Race Relations and Policing Task Force, 1989: Appendix D, pp. 237–267).

[21] See, e.g., Ontario, Commission on Systemic Racism…, 1995a.

[22] See, e.g., Lunney, 1985; Cryderman and O'Toole, 1986.

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[23] See, e.g., Loree, 1985; Linden, 1989; and Fleras et al., 1989.

[24] For instance, many potential Asian recruits were unable to meet the minimum height requirements, based on European standards, which were in place at that time but have since been abandoned or modified.

[25] See, e.g., Nelson, 1992. Between 1989 and 1994, retired R.C.M.P. officers launched an unsuccessful court challenge of the decision of the R.C.M.P. to allow officers of the Sikh religion to wear turbans instead of the traditional R.C.M.P. headgear (see Pelot, 1993). In 1993, the Commission on Systemic Racism in the Ontario Criminal Justice System attempted to undertake a survey of racial minority police officers in nine police services in the province. The Commission's explanation of why this survey could not be successfully undertaken makes for instructive reading (see Ontario, Commission on Systemic Racism…, 1995b: 318–319). More recently on this subject, see Holdaway, 1996.

[26] Between 1962 and 1975, the number of police officers in Canada increased by 83 percent, while the population increased by 25 percent. But between 1975 and 1990, the number of police officers increased by only 17 percent, while the population increased by 20 percent. The recession also led to decreased turnover within the rank and file of police services, thus reducing further opportunities for more diverse recruitment. In the 1990s the number of police officers declined (from a high of 56,992 in 1991 to 54,699 in 1997, although expenditures on police services remained fairly stable during this period ($5.25b in 1990, $5.85b in 1996) (Source: Swol, 1997: Table 6).

[27] See, e.g., Section 48 of the Ontario Police Services Act, R.S.O. 1990, c. P.15, and Ontario Regulation 153/91 (1991). The Police Services Act provided provincial authorities with substantial powers of intervention in the administration of police services, which did not comply satisfactorily with the employment equity requirements. These provisions, however, were repealed in 1995 (by S.O. 1995, c.4, s. 4(10)). In 1995, federal legislation was enacted that explicitly provided for the possibility of application of employment equity requirements to the Royal Canadian Mounted Police: see Section 4 of the Employment Equity Act, S.C. 1995, c. 44. Compliance with these requirements is monitored by the Canadian Human Rights Commission, which is mandated to conduct compliance audits of affected employers. The federal legislation is specifically directed at employment of people belonging to "designated groups," including "women, aboriginal peoples, persons with disabilities and members of visible minorities."

[28] By 1996, women constituted at most 13 percent of sworn police personnel nationally, and only 4 percent of them were members of visible minority groups. Conflicting figures on the percentage of police officers who are women have recently been published by the Canadian Centre for Justice Statistics, however (compare Swol, 1997: Table 2, with Swol, 1998: Tables 4 and 6).

[29] According to census data, it was approximately 30 percent in 1996 (see footnote 4, above).

[30] "Racial minority" is defined in the Service's applicant survey as including "Black, Filipino, Korean, Other Southeast Asian, Person of mixed race or colour, Chinese, Japanese, Oceanic, South Asian (Indo Pakistani), Visible Minority West Asian or North African, Visible Minority Central or South American."

[31] Toronto Police Service officials declined to disclose how many of these 508 officers considered themselves to be "black," but a senior black police officer claimed in August 2000 that there were 187 black police officers on the Toronto Police Service, out of a total of 350 in the Province of

Ontario (Abbate, 2000). If true, black officers comprise 3.7 percent of the Toronto Police Service, and 1.7 percent of all sworn officers in the province (see Swol, 1997: Table 7). According to census data, blacks constituted approximately 6 percent of the Toronto population and 3.3 percent of Ontario's population in 1996 (see footnote 4, above). In 1999, however, it was reported in the Toronto *Globe and Mail* that: "The city's newest police officers, 93 recruits graduating from training college today, speak 28 languages and represent most races, including black, Asian and aboriginal. The class is 19-per-cent female and 22-per-cent non-white" (*Globe and Mail*, "Newest police officers represent most races," December 10, 1999, p. A9).

[32] Between them, these 814 officers speak 60 languages other than English and French. I am grateful to the Director, Human Resources, of the Toronto Police Service, Mr. William Gibson, and Constable Mary Price, for providing this information. According to census data, approximately 40 percent of Toronto's population spoke languages other than English and French in 1996 (see footnote 4, above).

[33] This was up from 0.6 percent in 1991, however. By comparison, Aboriginal persons, who constituted 0.3 percent of the Montreal population in 1996, constituted 0.4 percent of the sworn officers in the M.U.C. Police Service in 2000. In addition to its Aboriginal and visible minority membership, a further 9.2 percent of sworn officers belonged to ethnic groups whose first language was not English or French in 2000; 19 percent of Montreal's population belonged to such groups in 1996. See footnote 4, above, regarding population statistics, and Van Dam, 2000, for statistics on Aboriginal, visible minority, and other ethnic representation in the M.U.C. Police Service.

[34] Aboriginal members constituted a further 1 percent in each case. In 1996, Aboriginal persons constituted 2.2 percent of population of the City of Vancouver and 3.8 percent of the provincial population. It should be noted, however, that between 1996 and 1999, 17 percent of those undertaking recruit training at the British Columbia Police Academy were members of visible minority groups and 3 percent were Aboriginal, indicating some progress in the recruitment of such officers. See footnote 4, above, regarding population statistics, and Watt, 1999, for statistics on visible minority representation in municipal police services and recruit classes in British Columbia.

[35] See also Jain et al., 2000, in which a similar conclusion is reached.

[36] The Task Force also recommended that all police recruits should be required to complete a 2- to 3-month internship with a visible minority community organization and that officers seeking promotion should be required to complete another such internship before being considered for promotion (Ibid.: 106). This recommendation, which was reiterated in the Task Force's subsequent report in 1992 (Ontario, Task Force on Race Relations and Policing, 1992: 90), has never been implemented.

[37] The Basic Constable (Recruit) Training curriculum at the Ontario Police College currently includes the following "antiracism" topics: workplace violations, hate crimes, community panel, and problem solving (Ontario Police College, 1998).

[38] See, e.g., Morgan, 1989, and Stratta, 1990.

[39] This is undoubtedly the most comprehensive and current review of such groups in Canada. See, in particular, pp. 9–10, 14, 20–21, 24–25, 34–35, 43–44, 50–51, 56–57, 62, 67–68, 86 and 88–89.

[40] The authors followed this litany of difficulties with a number of suggestions for overcoming such "barriers." These were as follows: (1) Ensure that committees are organized to meet the needs of the actual community; (2) Ensure that committees propose agendas suited to their community; (3)

Encourage police organizations to allow partnerships with committees to evolve naturally; (4) Ensure that contributions from volunteers and police officers involved in developing committees are well recognized; and (5) Encourage both the police and committees to educate themselves and support the arrival of the comprehensive community policing approach in our communities. The first four of these suggestions were accompanied by some brief explanatory text (Ibid.: 28–30).

[41] As a result of an amalgamation, in 1999, of the six municipalities that constituted metropolitan Toronto, the service is now styled the Toronto Police Service.

[42] For a description of the genesis and early history of this policy, see Todd and Todd, 1992.

[43] The disciplinary element of the policy was also backed up by the passage of an amendment to the police force regulations which added the following provision: "4.2.4 Professional Conduct. Members shall not, by word, deed or gesture, conduct themselves or persuade or attempt to persuade other persons to conduct themselves, in any manner that is discriminatory towards any person because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, record of offences, age, marital status, family status, handicap or political or religious affiliation" (Article 4.2.4 of Bylaw No. 22, as inserted by Bylaw No. 94, November 1990). For a rather favourable review of the genesis and early history of this policy, see Todd and Todd, 1992.

[44] The credibility of the audit report in this respect, and in particular the willingness of the police force to accept this "finding," was weakened by the fact that none of this "evidence" was actually documented in the report.

[45] Ontario, Race Relations and Policing Task Force, 1989, and Ontario, Task Force on Race Relations and Policing, 1992. These reports also recommended establishment of enhanced province-wide agencies for investigating and adjudicating public complaints against the police, but the jurisdiction of these institutions was not in any way confined to matters involving race relations.

[46] The unit was to perform "developmental functions in the areas of race relations training, employment equity, and police and community relations" (Ontario, Race Relations and Policing Task Force, 1992: 23). In its 1992 report, the Ontario Race Relations and Policing Task Force argued that this unit should be regarded as only a temporary measure until the ideal situation would be reached in which "the entire Ministry [of the Solicitor General], not a separate Unit, must have responsibility for race relations." The task force recommended that the unit be given a bigger budget and a much higher profile within the Ministry (Ibid.: 23–28).

[47] As noted above, employment equity standards have also been embodied in legislation and regulations (see footnote 26, above). In Ontario, police compliance was monitored by the Race Relations and Policing Monitoring and Audit Board.

[48] Ontario, Race Relations and Policing Task Force, 1989: Recommendations 12, 40, 46, and 53.

[49] The Centre was initially also supported by funds from the federal Department of Multiculturalism and Citizenship.

[50] A brief description of the Centre can be found in the Newsletter of the Canadian Association of Chiefs of Police, Vol. 17, No. 2 (Summer 1992), at p. 17.

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[51] With the exception of federal policing agencies such as the Royal Canadian Mounted Police and the Canadian Security Intelligence Service, constitutional responsibility for the maintenance of police services resides with the 10 Canadian provincial governments.

[52] See, e.g., Wortley et al., 1997. The research projects undertaken by the Commission are listed on pp. 437–438 of its report (Ontario, Commission on Systemic Racism in the Ontario Criminal Justice System, 1995a) and the research instruments used are published in its *Technical Volume* (Ontario, Commission on Systemic Racism in the Ontario Criminal Justice System, 1995b).

[53] See footnote 45, above.

[54] The Commission defined "systemic racism" as "the social production of racial inequality in decisions about people and in the treatment they receive" (Ontario, Commission on Systemic Racism in the Ontario Criminal Justice System, 1995a: 39).

[55] For the most recent confirmation of these kinds of allegations, see Wortley (2001). The possibility of police discrimination against black suspects was recently acknowledged by the Supreme Court of Canada in *R. v. S. (R.D.)* [1997] 3 S.C.R. 484.

[56] A survey of accounts of their arrest by inmates in detention centers in the Toronto area, conducted by Stenning in 1993, found no significant evidence of racially discriminatory use of force or violence by police in making these arrests but considerable evidence of racial slurs and other disrespectful remarks made by police, particularly toward black suspects: see Stenning, 1994: Part II.

[57] See, e.g., Ontario, Race Relations and Policing Task Force, 1989: 191; Ontario, Task Force on Race Relations and Policing, 1992: 135–136; British Columbia, Commission of Inquiry into Policing in British Columbia, 1994: B–63.

[58] See now Sections 318–320 of the Criminal Code, R.S.C. 1985, c. C–46.

[59] See *R. v. Keegstra* (1991) 61 C.C.C. (3d) 1 and (1996) 105 C.C.C. (3d) 19. Another provision (Section 181) prohibiting the spreading of "false news," which was used to prosecute a holocaust denier, was struck down as unconstitutional in *R. v. Zundel* (1992) 75 C.C.C. (3d) 449.

[60] See now paragraph 718.2(i) of the Criminal Code.

[61] Roberts (1995), however, has drawn attention to the inadequacy of such statistics.

[62] Primary responsibility for implementing the First Nations Policing Policy rests with the Aboriginal Policing Directorate in the federal Ministry of the Solicitor General.

[63] For a recent summary of these various arrangements, see: http://www.soonet.ca/fncpa/hrdc/arrangements.htm.

[64] The highest concentration of urban Aboriginal people are to be found in the inner-city areas of major cities in the Western provinces of Canada (Manitoba, Saskatchewan, Alberta, and British Columbia), although Toronto, Montreal, and Halifax (Nova Scotia) also have significant Aboriginal populations (Canada, Statistics Canada, 1993b).

[65] See, e.g., Depew, 1986; LaPrairie, 1988; Head, 1989; Nova Scotia, Royal Commission…, 1989; Clark, 1989; Ontario, Osnaburg-Windigo…, 1990; Alberta, Commission of Inquiry…, 1991; Alberta, Task Force…, 1991; Canada, Law Reform Commission of Canada, 1991; Manitoba, Public Inquiry…, 1991; Brodeur and Leguerrier, 1991; Saskatchewan Indian Justice Review Committee, 1992; British Columbia, Commission of Inquiry…, 1994: Vol. 2, Section G; Depew, 1994; Canada, Royal Commission on Aboriginal Peoples, 1996; Stenning, 1996.

[66] See LaPrairie, 1996; and Finn et al., 1999.

[67] See Cassidy, 1991; and Canada, Royal Commission on Aboriginal Peoples, 1996 and 1997.

[68] Allowance must be made, however, for the fact that private security employment tends to be more concentrated in urban areas, whereas public police services cover rural as well as urban areas. As noted earlier, visible minority representation tends to be a little higher in those urban police services that police communities with significant visible minority communities. Aboriginal people make up 3 percent of public police officers, 2.9 percent of private security guards, and 1.3 percent of private investigators (Swol, 1999: 7). Women constituted 20 percent of private security guards, 21 percent of private investigators, but only 13 percent of public police officers (Ibid.: 5).

[69] In his 1987 report on the enforcement of the trespass legislation by private security on "publicly used" private property in Ontario, Task Force chairman Raj Anand wrote: "[I]n spite of numerous requests, I received no evidence that in-house or contract security guards receive training in human rights, multi-culturalism or tolerance of varying lifestyles." (Ontario, Task Force on the Law Concerning Trespass to Publicly-Used Property as it Affects Youth and Minorities, 1987: 103).

[70] Shearing and Stenning (1981) have referred to these kinds of places as "mass private property" (see, more recently, Jones and Newburn, 1998: 46–51 and 104–114).

[71] See Rigakos and Greener (2000), and Rigakos (2002), for very recent discussions of these powers and their use by private security personnel in Canada.

[72] A government Bill (Bill 149, 1st Session, 34th Legislature) to this effect was introduced in 1988 but was never passed.

[73] Although most recently see Toronto police data presented and analyzed by the Toronto Star which suggests that blacks are treated differently by police (Rankin et al., 2002).

[74] In this connection, it is relevant that at least one Canadian academic has employed such statistics from other jurisdictions in support of racial explanations of criminality (Rushton, 1988; for a rejoinder, see Roberts and Gabor, 1990).

[75] In this connection, it should be borne in mind that a fair amount of police training teaches police to use stereotypes ("the way things typically are or are expected to be") as a means of recognizing things and people that/who are "out of order" (see, e.g. Ericson, 1982). The idea that there may be something wrong with stereotypes as a basis for decision making (especially if they seem to be consistent with their experience) may therefore not be quite as obvious to police officers as it is to others.

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Police Race Relations in England and Wales: Theory, Policy, and Practice

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This paper considers key features of police race and ethnic relations in England and Wales during the last two decades. A particular theoretical perspective, based on the view that race is a social construction, underpins the argument presented. The key concept explored is that of 'racialization'. First, the history of immigration and settlement into Britain will be charted briefly. Two key moments that have defined police race relations and drawn them to police and public attention - the 1981 riots in London and the racist murder of Stephen Lawrence - are then analyzed. Through these analyses, the ways in which the occupational culture of the police rank and file has sustained particular relationships between the police and ethnic minority groups is emphasized. Finally, whilst it is recognized that some aspects of cultural difference between minority and majority ethnic groups are of relevance to policing, it is argued that that an over-emphasis on multiculturalism can reinforce rather than ameliorate, racial prejudice and discrimination.

Key Words: Police, Race, Race Relations, Ethnicity, Multi- culturalizm.

Introduction

This paper considers key features of police race and ethnic relations in England and Wales during the past two decades.[1] A particular theoretical perspective, based on the view that race is a social construction, underpins the argument presented. This sociological perspective allows us to analyze the different ways in which race and ethnic relations are articulated within police forces and takes us into territory neglected by criminologists (Smith, 1997; Tonry, 1997). Rather than scrutinize outcomes of the police use of legal and other powers, in particular how they are differentiated along lines of race and ethnicity, it is argued that the task of the

criminologist is to describe and analyze social processes that lead to differential outcomes. Studies about the outcomes of police action are not dismissed out of hand. They are viewed as the starting point, rather than the endpoint, of research about policing in general and police race and ethnic relations in particular. Here, the key concept is "racialization," the ascription of race as a significant or the essential feature of a phenomenon, event, or relationship. (Holdaway, 1996; Omi and Winant, 1994).[2]

Race is a social construct, a form of categorization that places people into groups defined by erroneous biological and/or cultural characteristics. We know that there are inherited differences between people, but they are continuous, not separate, essential clusters of traits (Gilroy, 1993). That which is often viewed commonsensically as biologically or culturally natural, as essential to a person, is in fact rather tenuous. As Michael Banton put it some time ago:

> As a way of categorizing people, race is based upon a delusion because popular ideas about racial classification lack scientific validity and are moulded by political pressure rather than by the evidence from biology.
>
> (Banton and Harwood, 1975)

The concept of racialization, then, allows us precisely to analyze data on the basis that race is socially constructed. (See Holdaway, 1996 for a full discussion of the notion of racialization.) It moves us away from the orientation that racial prejudice and/or discrimination, and therefore the attitudes and actions of individuals, should be the focus of research. It should prevent us from reifying the notion of race, as has been so often the case with the concept of "racism." Racism has been used in so many different ways that it has become a catch-all, sometimes referring to individual racists, sometimes to wholly reified institutions, and sometimes to whole societies, as if none of these phenomena have any relationship to human action, other than one of straightforward determinism.

It was argued above that racialization means the ascription of race as a significant or the essential feature of a phenomenon, event, or relationship. The research task is to therefore describe and analyze social processes that construct phenomena with the meaning of race. The basic point to emphasize is that the concept of racialization allows us to identify mundane processes that construct relationships within and without the police, and that can be called race (or racialized) relations.

Crucially, I want to argue that this perspective allows us to move beyond what is sometimes called direct discrimination, to consider how an apparent absence or neglect of the salience of race to routine policing can sustain negative relationships between the police and ethnic minorities.[3] I will maintain that the use of negative

ideas about black youths, as drug users and as offenders, for example, played a key role in the police action that led to the near riots on the streets of Brixton, London, in 1981 (see "The Brixton Incident"). I will also argue, however, that officers' neglect of race as relevant to their work can also create difficult relationships with ethnic minorities. This point will be illustrated through a consideration of the way in which the London Metropolitan Police investigated the murder of a black youth, Stephen Lawrence, failing to define it as a racially motivated crime. Both incidents led to very tense relationships between the police and the main ethnic minorities in England. Relationships between ethnic minorities and the police therefore run a continuum from a clear presence to a somewhat elusive absence of race.

This perspective is not just of academic interest but also of direct relevance to practical reform. Studies of the differential outcomes of legal powers, for example, can do nothing more than direct reformers' attention to what preceded them (Tonry, 1997; Holdaway, 1997). The study of outcomes does little more than lead us into constabularies, to their policies, to their working practices, and, crucially, to their occupational cultures. We cannot reform police prejudice and discrimination adequately if we do not describe and analyze the actions that led to their expression through the use of law, policy, routine behavior toward ethnic minorities, and so on.

Without a careful consideration of this routine world of policing, strategies to change the police will be based on an erroneous belief that a primary emphasis on new legislation, new policies, new managerial strategies, new training concerned with multiculturalism, or other interventions to change policing are sufficient. The problem that then confronts us is that virtually every study of policing worth its salt has told us that there is a clear distinction between law as it is written and law in action, between policy as it is written and policy in action (Chatterton, 1976; Manning, 1977). The concept of racialization sensitizes us to this distinction and, ironically, is essential for an understanding of police race relations.

First, to set the scene, the history of immigration and settlement into Britain will be charted briefly. Next, two key moments that have defined police race relations and drawn them to police and public attention will be identified and analyzed. One, the serious disturbances in Brixton, London, during, 1981, demonstrates how officers' negative images of black youths can affect police race relations (Scarman OBE, 1981). The other incident, the police investigation of the murder of Stephen Lawrence in 1993, demonstrates how officers' failure to consider the pertinence of race to policing can create calamitous relationships with ethnic minorities (Sir William MacPherson of Cluny, 1999). These highly visible examples are taken because they are momentous and have an important place in the history of police race relations in the United Kingdom. However, the crucial point is that they do not

provide us with extraordinary evidence that is only of relevance to momentous events. Indeed, it will be seen that they lead us to the ways in which mundane policing runs a thread through the everyday and more spectacular events that have made up the history of police race relations in the United Kingdom. In a brief paper like that, these two events are of value because they indicate in sharp focus processes of racialization that are to be located in the mundane world of everyday policing. Their analytical purpose is to direct us to the occupational culture of the rank and file, to what officers take for granted in their everyday work.

Some findings from research related to these key defining moments will be described. These are officers' use of stop-and-search powers and the policing of racial attacks, "hate crimes" as they are sometimes called. Crucially, the ways in which the occupational culture of the police rank and file, which holds the continuum of the presence and absence of race, has sustained particular relationships between the police and ethnic minority groups in contemporary England and Wales will be emphasized.[4]

Finally, I argue that, although some aspects of cultural differences between minority and majority ethnic groups are of relevance to policing, an overemphasis on multiculturalism can reinforce rather than ameliorate racial prejudice and discrimination. For example, I cannot imagine how the policing of contemporary Israel would be enhanced greatly if Israeli police training and race relations policy were based primarily on an understanding of the cultures of Arabs. Similarly, the racialized divisions of the United States are not primarily those of conflicts and misunderstandings of culture.[5] The problems of police race and ethnic relations are much more complex, with the negative portrayal of minorities by police officers at their core. A focus on multiculturalism can exacerbate conflict between the police and ethnic minorities, masking negative processes of racialization.

The Historical Context

History is not a straightjacket. Histories of immigration and settlement form frameworks of material opportunity as well as public and private consciousness of the continuing worth, desert, and character - the lives and identity - of immigrant peoples.[6]

Initial immigration in the 1950s and 1960s was first from the West Indies and then from India; from Africa, when Indian Asians were expelled from Uganda by Idi Amin; and from Bangladesh, with people from other areas (Hong Kong, for example) entering the country sporadically. Each group faced significant disadvantages when they first entered England; discrimination affected key areas of

their lives. During the past 40 years, however, a significant pattern of change has developed (Modood, 1997). The ethnic composition of England and Wales is approximately 94.1 percent white, 1.8 percent black, 2.9 percent South Asian, and 1.2 percent Chinese and others (OPCS, 1991).[7] Broadly speaking, Pakistanis and Bangladeshis are consistently at a disadvantage with respect to white people, and often with respect to other minorities. People of Caribbean and Indian origin, save those from Africa, are often found to experience disadvantage, but it is usually less serious than for Pakistanis and Bangladeshis. Chinese and African Asians have now reached a position of broad parity with the white population, behind on some indicators, housing for example, but ahead on others, educational qualifications being one (Modood, 1997).

This general description of the situation of ethnic minorities in England and Wales does not reveal differences of achievement and/or aspiration related to gender and age or differences of identity within and between minority groups. The adjective "black," which was the lit motif of antiracism policies in the 1980s and 1990s, cannot contain the diverse experience of Britain's ethnic minorities. These are not differences that warrant the primary analysis of Britain as a multicultural society, however. Differences of culture are important and relevant to police race and ethnic relations, but they are not their defining characteristic. The defining characteristic is a complex pattern of racialized relations, mostly formed in relation to skin color and other signifiers of race and of ethnicity.

Asking Questions of the Police

The pace of change in police race relations has been driven mainly by external events, not the police. Until the early 1980s, the police took the widely accepted view that immigrants would gradually assimilate into our apparently homogeneous culture. The initial task for police was to understand different immigrant cultures and for people from those cultures to understand the traditions of English policing. When a problem of "police immigrant relations" (the term used) was identified, it was understood as a difficulty of communication across cultural barriers (Dear, 1972). The solution lay in better forms of communication, in the skills of officers working in specialist, police community relations departments, and through the provision of adequate information about immigrant cultures.

This approach had two main effects. It located police race relations within specialist departments, not within routine policing. The problems of policing "those people" became the concern of specialist officers who understood immigrants and their cultures. The work of the rank and file was largely unaffected by police community relations policies. Further, because immigrants were thought to have distinct

cultures, the idea that they were really different from the English was emphasized. They needed to and would mould their very different cultures into the mainstream culture of English society. Immigrants were therefore not citizens in the same sense as white people were citizens.

Within this framework of understanding, race relations were of little relevance to a local police commander and his officers.[8] The differential use of legal powers, for example, was not of relevance to the management of a police division. Business as usual required such subjects to be left to specialists. This was an approach that was to have calamitous effects and was of direct relevance to the first defining moment for police race relations that will be discussed, a near riot in London. Negative ideas about black people as criminals and drug users - not perceptions of cultural differences - were central to the events that precipitated it.

The Brixton Incident

In 1981, what was for all intents and purposes a riot, occurred in Brixton, an inner-London borough, destroying the notion that problems of police race relations were problems of cultural differences, of inadequate communication, and so on. Following a rise in reported street robberies and so-called muggings, a police stop-and-search operation was put in place. Officers stopped more and more people, but the robberies continued and arrests were not forthcoming. The operation spiraled into conflict between local police and residents, who felt oppressed as they were stopped with increasing frequency.

Events came to a head when a taxi driver was stopped and searched by officers. He had been seen putting something into his sock. The taxi driver's explanation was that he had put bank notes there for safekeeping. Officers believed he was in possession of drugs and insisted on searching him immediately. A small crowd gathered as the incident developed and became the tinder to light a serious confrontation between many people and the police. Property was set on fire and looting occurred; violent clashes took place between officers and rioters, many but by no means all of whom were black.

Dominant ideas about ethnic minorities, black people in particular, were woven into the police action that led to the Brixton disturbances. Rank-and-file officers' ideas about black people as criminals and about their possession of drugs were taken for granted, intensifying the stop-and-search operation. Further, when they stopped the taxi driver, officers assumed that they could and should have total control of the incident, using crime control rather than peacekeeping techniques based on the sensitive use of discretion.

This centrality of near absolute control of police territory, however, is not an assumption that officers' have reserved for the policing of ethnic minorities. It is a key assumption and central to the occupational culture of policing (Holdaway, 1983). It is of relevance to the policing of ethnic minorities and the ethnic majority. When placed within the particular context of the policing of black people in Brixton (and other, similar contexts), however, conflict was generated. The creation of negative relationships between the police and ethnic minorities in Brixton was therefore associated with particular ideas about black people - as well as fundamental ideas about the control of a geographical area - of relevance to the policing of all ethnic groups. Ideas about ethnic minority cultures played no part in the riot. Ideas about the criminality of black youths and, crucially, about control and crime fighting were put into action within a framework of what officers regarded as routine policing.

This is a key point, fundamental to police race relations in England and, I am sure, to other societies. To understand police race relations, one certainly has to look at specific contexts of police work and related written policies and practices. The main concern, however, should be with how ethnic minorities are policed within the context of routine assumptions officers make about policing. Their ideas about race and ethnic minorities are moulded within this context. In Brixton, routinely accepted ideas about how policing is practised, including ideas about the pertinence of race to an incident, sustained negative relations between officers and members of an ethnic minority.

Stop-and-Search Powers

The discriminatory use of stop-and-search powers was one of the significant problems the Brixton disturbances highlighted, and they remain a serious bone of contention for ethnic minorities (Spencer, 2000). The police have a power under the 1984 Police and Criminal Evidence Act to stop and search any person reasonably *suspected* of committing an offence. This legal power, which could be used to effect as a crime control strategy, has been found by research to lead to consistent discrimination against ethnic minorities and formed a means through which negative ideas about ethnic minorities have been expressed (Smith, 1997; Mooney, 1999).

A large study in the London, Metropolitan Police area where the 1981 disturbances occurred, for example, found that, when on foot, black men were four times more likely to be stopped than were people from other ethnic groups; 49 percent of West Indians who owned or said that they had regular use of a vehicle said they had been stopped by the police (Smith, 1986, pp. 249–255). The stop rate for Asian youths

was considerably lower than for the other ethnic groups. When the repetitive use of stops was considered, black youths were found to be stopped by an officer on average 5.06 times each year and white youths 1.94 times. The 'hit rate' of arrests from stops was 1 in 12, which hardly justified the discretionary use of the power and its damage to relationships between police and ethnic minorities. More recently, a study that revisited the London Metropolitan Police statistics found that the inequality for blacks remained and that young Asians[9] 'roaming the streets in deprived areas had made them easy targets but the police should not search them to try to 'get lucky'' (FitzGerald, 1999). This pattern of the use of stop and search holds for the whole country. Available figures published by the Home Office indicate that stop-and-search rates are five times higher for black people than for white people (Home Office, 1998).

In a study of my local constabulary - the South Yorkshire Police - in which figures for 1998 were analyzed, I found that young black males between ages 15 and 25 had a 1 in 3 chance of being stopped per year, Asians a 1 in 6, chance and whites a 1 in 10 chance. Blacks formed 0.8 percent of the county's population and Asians just over 3 percent (Holdaway, 2000). There is no evidence to indicate that similar findings would not be found in any of the 43 constabularies of England and Wales (Mooney, 1999).

In all these studies, it has been found that ethnic minorities, and predominantly black youths, are stopped for the suspected possession of drugs, often small amounts of cannabis that do not lead to a court appearance. In my South Yorkshire study, for example, it was found that black youths were most likely to be stopped for the possession of drugs, while white youths were most likely to be stopped for suspected possession of stolen goods or going equipped to steal. There is no available evidence to suggest that black youths use drugs more than any other ethnic group, however (Graham and Bowling, 1996). Stereotypical ideas about black youths as drug takers seem to have nevertheless informed police decision-making.

Although the actual number of young blacks and Asians stopped and searched in my study were small and the legal power used fairly infrequently, it cannot be assumed that its impact on the views of ethnic minorities has been proportionate. We can be confident that suspicions about the disproportionate use of stop-and-search powers have fueled a (correctly felt) sense of discrimination among ethnic minorities. Stories about being stopped and searched have flowed from person to person; newspaper accounts, however inaccurate, have added to this picture; other forms of communication have increased feelings of marginalisation and discrimination. Youths, and in some cases whole communities, have and continue to feel

criminalised. Negative, racialized relationships between the police and ethnic minorities have been sustained.

An Institutional Problem?

A central feature of the official report into the 1981 disturbances was the rejection of the idea that there was institutional racism in the police (Scarman 1981, p. 64). Lord Scarman, the judge who conducted the inquiry, argued:

> It was alleged by some of those who made representations to me that Britain is an institutionally racist society. If by that is meant that it is a society which knowingly, as a matter of policy, discriminates against black people, I reject the allegation.
>
> The direction and policies of the Metropolitan Police are not racist. I totally and unequivocally reject the attack made upon the integrity and impartiality of the senior direction of the force. The criticisms lie elsewhere - in errors of judgement, in a lack of imagination and flexibility, but not in deliberate bias or prejudice.

Scarman acknowledged, "Racial prejudice does manifest itself occasionally in the behavior of a few officers on the streets . . . (and they can) lapse into unthinking assumptions that all young black people are potential criminals." A more collective, institutional understanding of police race relations was rejected, however.

Scarman's influential view, which held sway until recently, meant that if an institutional view of prejudice and discrimination was to be advanced, police policy *and* practice had to discriminate directly and openly against ethnic minorities. According to Scarman, officers' negative ideas about black people, which played such a central part in the Brixton incident, were not institutionalized within constabularies. The problems of racial prejudice and discrimination lay with a few racist officers, not with the intended and unintended outcomes of policies and practices, aspects of the occupational culture of policing, or any other more collective phenomena.

Police race relations policy was therefore directed toward screening out racist recruits, training that incorporated aspects of individual discrimination and prejudice, and so on. There was no imperative for race relations to be viewed as a dimension of constabularies as institutions. It took 18 years and another defining incident for such a discourse about police race relations to be articulated publicly. Ironically, it was a failure by the police to take into account the racialized nature of the murder of a black youth - a neglect of the racialized nature of a crime - that prompted a consideration of race relations within the police.

The Stephen Lawrence Inquiry

Stephen Lawrence was an 18-year-old black youth who was murdered in 1993 by a group of white youths who shouted racist abuse at him as they made their unprovoked attack. Lawrence was merely standing at a bus stop with Duwayne Brookes, a friend. In essence, he was stabbed and killed for one reason, and one reason alone - he was black.

The police investigation of this murder was deeply flawed and its racist character not recognized by initial police inquiries, despite obvious evidence to the contrary. Stephen's parents launched a campaign for an independent investigation into the police handling of the murder investigation and, after repeated attempts to secure the attention of the government, were granted a public inquiry in 1997.

The notion of institutional racism was central to the Lawrence Inquiry Report, published in 1999, which defined it as:

> The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.
>
> (Sir William MacPherson of Cluny 1999, p. 29)

During the inquiry hearings, MacPherson's definition of institutional racism was put to but rejected by the then commissioner of the Metropolitan Police, Sir Paul Condon. He insisted that it implied that *all* his officers discriminated *deliberately* against black and other ethnic minority people. His preferred view of institutional racism, however, was less than clear. It vacillated between the analysis of racism as an individual and as a collective phenomenon, without any appreciation of how either might be related to police work and to officers working in his constabulary or any other institution. At the inquiry hearing, Condon said:

> I recognize that individual officers can be, and are, overtly racist. I acknowledge that officers stereotype, and differential outcomes occur for Londoners. Racism in the police is much more than 'bad apples'. Racism, as you have pointed out, can occur through a lack of care and lack of understanding. The debate about defining this evil, promoted by the Inquiry, is cathartic in leading us to recognise that it can occur almost unknowingly, as a matter of neglect, in an institution. I acknowledge the danger of institutionalisation of racism. However, labels can cause more problems than they solve.
>
> (MacPherson, 1999, p. 24)

This answer exasperated the Inquiry team, and it stated in its final report that the commissioner had failed to understand and accept that "institutional racism" was a concept of direct relevance to his organisation (MacPherson, 1999, p. 24).

Grounding Institutional Life in Occupational Cultures

> Institutions are patterns of behavior in any particular context which have become established over time as "the way things are". An institution has relevance and meaning in the social situation concerned; people will recognize it - will know it - if only in the normative specification of "how things are done". Institutions are an integral part of the social construction of reality, with reference to which, and in terms of which, individuals make decisions and orient their behavior.
>
> (Jenkins, 1996, p. 29)

This matter-of-fact description of an institution orientates us perfectly to the analysis of institutional racism I will pursue. It requires a description and analysis of "how things are done," made common sense within what, from a more distanced standpoint, can be seen as problematic, partial, and particular. Jenkins goes on to make the point that "institutions…are emergent products of what people do as much as they are constitutive of what people do" (1996, p. 128).

Institutions emerge from taken-for-granted ways of working together; from related, taken-for-granted ways of thinking; and from taken-for-granted categorizations and self-definitions of identity. Institutions are objectified, but they should be conceptualized and researched as social processes that construct, sustain, and objectify them (Berger, 1967). This is where the concept of racialized relations is particularly germane. It is concerned precisely with the study of mundane relationships that lead to the attribution of race to particular phenomena that could be defined differently (Hughes, 1994; Holdaway, 1996).

The primary context within which these processes are articulated is the occupational culture of the police rank and file. Considerable research informs us about the contours and power of the rank-and-file occupational culture (Holdaway, 1983; Chan, 1997). It is pervasive, reaching across all ethnic groups, within and outside the police workforce. In their evidence to the MacPherson Inquiry, the Metropolitan Police Service Black Police Association representatives put it that:

> We should not underestimate the occupational culture within the police service as being a primary source of institutional racism is the way that we differentially treat black people.
> Interestingly I say we because there is no marked difference between black and white in the force essentially. We are all consumed by this occupational culture. Some of us may think we rise above it on some occasions, but, generally speaking, we tend to conform to the norms of this occupational culture, which we say is all powerful in shaping our views and perceptions of a particular community.
>
> (MacPherson, 1999, p. 25)

The occupational culture, then, mediates wider racial categorizations, stereotypes of black youths as criminals being one among many. It moulds these categorizations within the context of routine police work; we have seen how negative views of black youths framed the policing of Brixton more than two decades ago.

To understand why officers fail to define an assault as a racial attack, even a murderous assault such as that of Stephen Lawrence, requires sensitivity to all the contingencies they have perceived and taken into account. These may well extend beyond the relevance of whether or not race is viewed as directly pertinent to an incident. Indeed, I argue that in the Lawrence case it was the failure to take race into account that led to its disastrous handling by the police. If this analysis is accepted, MacPherson's notion of "unwitting," institutionalized discrimination becomes viable.[10]

Racial Attacks

In successive presentations to various public bodies, the Association of Chief Police Officers has recognized the serious nature of racial attacks. Although there is some evidence to the contrary, the commitment to dealing with racial incidents expressed by chief officers on behalf of the whole police service is sufficient to expect officers of all ranks to be aware of their effects on victims, their relatives, and their friends.

The seriousness of racial attacks and harassment, therefore, cannot be denied or neglected by the police. In their 1986 report, many years before the Lawrence murder, the parliamentary Home Affairs Select Committee advised all constabularies to make them a priority, a view endorsed by the Home Office. This was a message repeated by subsequent Home Affairs committees and an interdepartmental working party report in 1989.

Since 1985, at the suggestion of the Association of Chief Police Officers (ACPO), the following definition has been operationalised by all police forces: "any incident in which it appears to the reporting or investigating officer that the complaint involves an element of racial motivation; or any incident which includes an allegation of racial motivation made by any person." The intention was to introduce a number of checks and balances into the definition to ensure the adequate reporting and recording of racial incidents. The reporting and investigating officer and any person making an allegation has an opportunity - in theory if not in practice - to define an incident as racially motivated. Further, it is possible for any person to be the victim or perpetrator of an attack, no matter their ethnic origin. The agreed definition should capture the vast majority of racial attacks and acts of harassment, and it remains official policy to this day.

The inconsistent translation of policy, including definitions of racial attack and harassment, into the routine, operational practice of the ranks has persistently dogged policing. An officer recording an incident may abide by the agreed definition if "any other person" conveys a clearly articulated and persistent expression of racial motivation. For many different reasons - a desire to avoid "paper work," a lack of interest, the effects of negative ideas about ethnic minorities, racial prejudice and discrimination, a failure to realize how a racial motive can enter into an offence - an officer might fail to record an incident as racially motivated. A central aspect of this problem is that officers may well underestimate the extent of racial attacks and their impact on victims. Race is not recognized as a dimension of relevance to routine policing.

Formal definitions are important, but they are not necessarily the primary guide for rank-and-file officers who deal with an allegation of racial attack. There may well be a gap between police policy and practice, between the formal and working rules determining police action. The success of the ACPO definition depends ultimately on officers' acceptance of their policy guidelines and other peoples' accusations of racial motivations. Once we talk about officers' acceptance of definitions of racial attack, we have to consider how the occupational culture mediates written policy - how it creates an absence of race as it is put to work on the streets.

Racial attacks are therefore another area of concern to ethnic minorities. The way in which the police have dealt with them or, rather, have failed to deal with them as racialized incidents, has had a negative impact. A 1998 Home Office study estimated that 15 percent of all incidents against ethnic minorities have been motivated by racism. About 41,000 (29 percent) were reported to the police and about 12,222 (8 percent) recorded by the police (Percy, 1998). The police have therefore not been interpreting the definition of racial attacks with the openness expected.

One effect of this pattern of victimization and response has been heightened levels of concern and fear about personal safety among ethnic minorities. Further, there is a documented dissatisfaction with police action and a fostering of negative, racialized relationships between the police and ethnic minorities (Bowling, 1999).

Police Immediate Response: Racial Categorizations

The initial question to ask when considering the police response to the Lawrence murder is, "When did it become apparent to officers that the assailant could have committed the crime with a racial motive?"

This issue of definition and subsequent police action is important because it was reported to the officers attending the scene of the murder that Stephen Lawrence had been "attacked by a gang of white youths who had made off on foot along Dickson Road." Such information should have raised in their minds knowledge about such a gang committing serious assaults locally, some of them racially motivated.

Duwayne Brookes, Stephen Lawrence's friend, who was with him when he was killed, stated that the assailants called him "nigger." Officers were reluctant to accept his account, which suggests that they were unaware of or unwilling to abide by written policy guidelines about the identification of a racial attack within which they should have been working. Further, it suggests that they employed negative stereotypes of black youths when dealing with Brookes; they refused to believe his statement from the outset. If the murder had been defined as a racial attack from an early point, different assumptions would have framed the subsequent police investigation.

Categorizations of black people as troublesome and potentially criminal were evident in the treatment of Duwayne Brookes. Indeed, Brookes was later regarded as a possible suspect when officers questioned him at the hospital to which Stephen Lawrence's body had been taken. Negative ideas about black youths in particular and black people in general that surfaced in the way officers treated Brookes were also evident in the Brixton incident.

Officers did not define the murder as a racial attack. If we are to understand why this happened, it is necessary to understand the group identification of police officers as they worked within the occupational culture. In this context, the meaning of "irrelevance" is prescribed to many events that could be defined as racial attacks. Race is not a pertinent feature informing many aspects of routine policing: Ethnic minorities should be and, it is supposed, are policed in the same way as the ethnic majority. Their different experience of citizenship, which affects their relationship with the police; their possible criminal victimization on the basis of their status as members of an ethnic minority; and their cultures are not of relevance to police work. From an officers' routine perspective, the Lawrence murder was therefore not the result of a racial attack. In my evidence to the Lawrence Inquiry, I therefore argued:

> At virtually every stage of the investigation of Stephen Lawrence's murder, an inadequate understanding of action to be taken when a crime is thought to have been committed by a person or persons with a racial motive was apparent. To understand why officers acted in this way it is necessary to place them within the wider context of police culture. The officers were "color blind," denying the relevance of the racial status of the victims, the racial motive of the assailant and, therefore, the need for a particular approach to the investigation of the Lawrence murder. The failure of police officers dealing with the Lawrence case to recognize and accept "race" as a central feature of their investigation is in my view central to the deficiencies in policing identified by Kent Police.
> 11.3. The sustaining of negative relationships with the Lawrence family and Duwayne Brookes; a failure to undertake an adequate investigation; a lack of competent management; and a lack of a particular approach to the investigation of a racial attack were compounded precisely because the officers in charge of the inquiry did not place race at the centre of their understanding of the Lawrence murder and its investigation. Race relations were consistently under-played or ignored. Adequate police action was never considered.
>
> (Holdaway, 1998)

The Local Context

An explanation of police action when investigating the Lawrence murder should be as concerned with the *absence* as much as the *presence* of racialized categorizations. This is a testing argument because it requires us to demonstrate reasonably that officers could have acted differently, that they had the available information and knowledge to do so, and that criminological analysis is not engaged in a kind of pretentious mind reading. Is there any evidence to support the argument, apart from that already cited?

First, the London Borough of Greenwich, in which the murder was committed, has a sizable black British population. All officers working there should have been aware of the ways in which good relationships between the police and the local black population could be damaged by an actual or perceived inadequate level of police service.

Second, before Stephen Lawrence met his death, it was well known that in Greenwich a number of racial murders and other serious racial attacks had occurred over a preceding number of years and months.

Third, the right-wing British National Party had opened a "bookshop" in the area and was known to be active there.

Fourth, the special racial incidents unit at Plumstead police station, which was near the scene of the murder, and been established some time earlier, employed officers to deal with racial attacks and work with their victims. The existence of this unit should have signaled to all officers working in the Eltham area the seriousness of

such attacks and the need to be particularly aware of the requirement to deal with them appropriately and precisely as racial attacks.

Officers, however, failed to define and investigate the murder as a racial attack. It was defined as a murder, an assault on *any person*, not the murder of a black person, perpetrated by a racial motive and one that could and should have called out particular meanings in officers' minds. Their ideas and related actions created negative rather than positive relationships between the police and the Lawrence family and Duwayne Brookes, with wider repercussions for police race relations generally.

Conclusions

Contexts

What can we learn, for policy and for criminological research, from the Scarman and MacPherson reports? The first point is straightforward but uncomfortable for the police. Challenges to police authority by ethnic minorities should be taken seriously. More than 20 years ago, Sir Kenneth Newman, once commissioner of the London Metropolitan Police, put it that, "The police have to thank the West Indians for doing us a favor in making us think again about our authority" (*The Guardian,* 1973). The history of police race relations in Britain has a strong strand of conflict running through it, with pressure for change arising from public inquiries.[11] Change has not been driven spontaneously by the police but required by the findings of various inquiries into insensitive and inappropriate police work. This context begs researchers to take seriously and understand processes of conflict.

Second, we are reminded time and again how police rhetoric and written policy do not provide an adequate account of police action. The distinction between "policy as it is written" and "policy in action" is fundamental to understanding police race relations (Barrett and Fudge, 1981; Holdaway, 1983, 1987). We cannot understand this distinction between police race relations policy and action adequately, however, in terms of a 'cultural lag' - ethnic minorities clutching to their own customs and mores, inhibiting assimilation and leading to police misunderstanding.

Cultural differences are important, as is the notion of a 'multicultural society', but cultures are not possessed by groups of people who identify with them uniformly. They are a complex, often ambiguous array of signs, symbols, affectations, values, and other phenomena that are negotiated in myriad contexts (Barth, 1969; Eidheim, 1978).[12] In the context of policing, some members of some ethnic minorities might emphasize distinct cultural traits that are given a much lower profile in other

contexts. Black youths in Brixton, for example, may have emphasized their ethnic minority identity by a range of affectations, responding to the feeling that they were overpoliced. The same could be argued about the Lawrence family's response to a police failure to recognize that they were victimized because they were members of an ethnic minority.

Police action can therefore intensify a minority identity, including a sense of cultural difference and the action related to it. The conflicts encountered by officers involved in both incidents, however, were not related primarily to cultural differences. Police categorizations of ethnic minorities have to be related to minority ethnic group responses, and minority ethnic categorizations of the police have to be related to police group responses. Processes of racialization include both group identification and categorization. Police race relations must be understood as an interactive process.

We need to research more carefully the ways in which particular contexts of policing lead to particular outcomes. Work of relevance to this topic, completed some time ago, suggests that demeanor, voice tone, empathy, and so on are all critical (Southgate and Ekblom, 1984; Southgate, 1986; Southgate and Crisp, 1992). In his study of the 1981 riots, Michael Keith discovered that "place" was particularly important. He pointed out that particular geographical locations have symbolic importance, sometimes for ethnic minorities, sometimes for the police (Keith, 1993). When incidents occur in these localities, there is a likelihood of conflict.[13] Time is a further dimension of importance. These and other factors will differ between ethnic minorities as they will in relation to gender and age within each minority group.

Finely grained descriptions and analyses of these subjects would help us to understand the forms and content of interaction between ethnic minorities and the police. They would analyze processes of racialization. Importantly, they would take us beyond outcome studies of the differential use of law and policy and help us to identify contexts within which particular actions lead to prejudice and discrimination.

Differentiation

The pattern of change among Britain's ethnic minorities is one of increasing differentiation, which could have implications for the type of contextual analysis I have suggested. It could mean that ethnic groups with a particular historical relationship of difficulty with the police - Afro-Caribbean and Pakistani youths, for example - form alliances on the basis of a shared experience of being black or a common perception of victimization by police oppression. Alliances could also be

based on the experience of receiving similar, material rewards, bringing some black youths closer to some Asian youths who live in the same city, perhaps under the symbol of being 'black'. Some more socially mobile groups - for example, the Chinese, who are achieving high educational qualifications - may become less concerned about the police. This would hold for younger people but maybe not for their parents, whom we know to be victims of racial attacks.

None of these changes are predictable. They are possibilities. However, if patterns of ethnic differentiation become more marked, we might see a strengthened view of Britain as a multicultural society. In this situation, with the identification of ethnic groups by cultural reference points, the notion of distinct cultures will be strengthened, homogenized, and reified. Ironically, the language of celebrating diversity within a multicultural society could have the effect of constructing a spurious unity within ethnic groups. Attention may be diverted from the fluidity and contextual perspective I have stressed, with a consequence that the police revert to a view that police race relations are indeed about understanding different cultures, constructing ethnic boundaries that mark 'them' as different from 'us'.

A key point about this reification of cultures is precisely that ethnic boundaries identify not just others but also ourselves. Every identification of an ethnic minority is at the same time an identification of an ethnic majority. To identify Pakistanis as having a distinct culture and identity, for example, is to identify English people as having a different culture and identity. To chart the contours of not being "black" is to chart the contours of being "white" and, therefore, what black is not. Multiculturalism can become a convenient umbrella under which racism flourishes, which is the situation in the United States and Canada.

Police officers tend to work with rather clear-cut, polarized views. Actions are either right or wrong, with little middle ground. We all use what Schutz has called "typifications", we have to if we are to act coherently within a world of infinite variation and complexity (Schutz, 1967). However, within the context of routine police work, and as I have outlined elsewhere, typifications easily become stereotypes, risking prejudice and discrimination, not least when officers are dealing with members of ethnic minorities (Holdaway, 1996, 1997). If the notion of multiculturalism and diversity is strengthened in contemporary Britain, officers' views of ethnic minorities may become more rigid and open to stereotyping.[14] An emphasis on cultural differences may enhance separation rather than unity between ethnic minorities and the ethnic majority. The possibility of negative racialized relations arising from this situation is considerable.

Policy

Throughout this paper I have argued that an analysis of police race relations should focus primarily on the ways in which relationships are ascribed with the meaning of 'race'. An emphasis on the problems of policing people from different cultures can be misleading, both theoretically and as a means of identifying policy reform. Police community and race relations policy should recognize both differences and similarities among ethnic minority and majority groups. Differences should encompass some aspects of minority cultures (and majority cultures too) but be primarily about the ways in which the experiences of racialized prejudice and discrimination among ethnic and other minorities has an impact on policing. Further, an analysis of outcomes related to ethnicity returns us to the processes that led to them. Clear policy reforms are implied by this analysis. In this section of the paper I will review relevant, current proposals for police reform in the light of this analysis.

After the Lawrence Inquiry report was published, the Home Secretary, Jack Straw MP, drew up a national action plan for police race relations. This was a novel approach for a U.K. government and marked an important moment for police race relations and race relations generally. The statement was one of intent. It included a commitment by the government to build an antiracist society, with a priority for all government ministries to eliminate prejudice and discrimination from its policies, taking into account the need for interministerial cooperation when formulating policy. All public-sector organisations, including the police, now have to demonstrate how they have taken steps to eliminate discrimination from the delivery of their services, personnel policies, and so on.

Constabularies are required to place race relations at the center of their work and integrate policy and practice into routine policing, taking into account the culture of policing.

> The changes required by the Lawrence Inquiry will only work if they are systemic, embraced by the culture of the police service, as well as its practice. That means that they must be implemented within the mainstream of the service at every level - not seen as some "bolt on extra". Providing a police service in which all sections of our multi-ethnic and multi-cultural society can have trust and confidence is not peripheral to policing - it is the core task of policing.
>
> (The Home Office, 1999, p. 2)

Ministries and constabularies should work in partnership with ethnic minority groups to assist the adequate implementation of the action plan. Building and retaining public trust is central with "The overall aim being the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing" (The Home Office, 1999, p. 3).

New performance indicators to cover many areas of policy implementation will be defined by Her Majesty's Inspector of Constabulary, and the Inspectorate will play an increased role by conducting routine thematic race relations inspections of samples of constabularies and one-off, no notice inspections of race relations in selected forces. Her Majesty's inspectors will be accompanied and assisted in these inspections by lay people, including people from ethnic minorities. The action plan puts it that inspections should be 'frequent, rigorous and challenging'. They would include the recruitment, promotion, and retention of ethnic minority officers, with each constabulary being given a recruitment target for ethnic minorities by the Home Office.

In addition to his own oversight of the action plan, the Home Secretary established a monitoring group with a membership of people from ethnic minorities, including Stephen Lawrence's parents, police associations, government organisations and others, with the specific task to monitor and report on progress.

This type of governmental intervention in police race relations was new. The Home Office has always advised chief constables about various matters, but an action plan for their own and others' implementation was novel. It was important because it marked an intention by government and a clear framework for policy. However, we do not yet know how far the 43 constabularies have implemented the plan, and the findings of the monitoring group have not been published. This does not mean that the government's response was tokenistic. However, there is no doubt that the Home Office has lost some momentum, and there is a need for a clear statement of progress in the near future.

One would expect all constabularies to have undertaken thorough audits of their race relations policies and practices since the publication of the MacPherson Report. Police attention has certainly been focused on recruitment targets, and this might be indicative of their preference for tangible achievements. There can be no doubt that the recruitment of more officers from ethnic minorities is important. Research shows, however, that recruitment is closely related to the routine quality of policing ethnic minorities, and, on its own, recruiting from ethnic minorities makes little difference to the problems thrown up by the Brixton and Lawrence cases (Holdaway, 1991, 1996; Holdaway and Barron, 1997). There is yet to be a systematic evaluation of the ways in which all 43 constabularies in England and Wales have responded to the Lawrence Inquiry report and the Home Secretary's action plan. Until that research is undertaken, it is not possible to know accurately how police race relations policies are developing.

As far as the use of the power to stop and search is concerned, a small number of constabularies have completed analyses to identify ethnic bias by officers. To my knowledge, they have been undertaken in the metropolitan area, in the mix of urban and rural country that is covered by the South Yorkshire Police, and in rural Norfolk. Ethnic bias has been identified in all these force areas. Importantly, a number of pilot stop-and-search schemes are running in the Metropolitan Police Service, which are basically concerned with officers using data from crimes analysis, to target more precisely the areas in which stop and search might be used effectively. Also, they are required to explain more fully to their supervisors why they have used the power to stop and search, thus becoming more accountable. The results of the pilot are not yet known.

Many of the Home Secretary's action plan points should create greater accountability and openness within constabularies, not the least through the inclusion of lay people for inspections and other work. The selection of the right personnel to undertake such work within the often highly charged political context of race relations is not easy. My view is nevertheless that the more the police involve members of ethnic minorities in the formulation and development of their policies, the more trust and confidence will be secured.

This is also the case with basic and continuation training, and the Home Office has contracted a training consultancy to advise constabularies about their training provisions. Again, there has not been any systematic appraisal of this work but, from discussion with senior officers, I have the clear impression that there is still a tendency to place undue importance on cultural differences in training provisions. The Metropolitan Police Service, for example, has recently published a guide about ethnic minority cultures and circulated it to all its officers, which is surprising given the irrelevance of the misunderstanding of culture to the Lawrence murder inquiry. The police face problems of negative, racialized relations, not of cultural appreciation and understanding.

My view is that it is far more important for officers to understand and work on the basis of the different experience of citizenship experienced by some ethnic minorities. Central to this work is an officer's response to that experience, to his or her own views about ethnic minorities and how they should be policed. There needs to be a clear recognition of the importance of race within policing - to tackle the problem of absence and neglect identified in the Lawrence case - and its direct relevance to routine police work.

Much more is required, however, not least to address the group and wider, organisational context of policy. It is crucial for training to be related to routine

police work. Indeed, all policy for police race relations should be integral to routine policing, and the Home Secretary's plan has this notion at its center. In England, there has been an absence of overarching police race and community relations policies in constabularies. Two searching reports based on inspections undertaken in a number of constabularies have led Her Majesty's Inspector of Constabulary to recommend strongly that basic race and community relations policy statements are developed by all constabularies and that chief officers express their commitment to them publicly (Her Majesty's Inspectorate of Constabulary, 1997; 1999). The Home Secretary's action plan was influenced by the Inspectorate's findings. Once in place, race policies should provide a clear framework for force policy at the local level and the evaluation of divisional commanders' work.

Officers of managerial rank can only have so much influence, however. The key personnel with significant opportunities to change routine policing are lower ranked supervisors, inspectors, and sergeants. It is crucial that they have the training and build the confidence to create a climate in which a high quality of police service is offered to all sections of the population, to encourage officers to recognize the pertinence of ethnicity to routine policing, to challenge individual officers who display inappropriate views, and so on. This will need sensitive training, real rewards for demonstrated competence, and a managerial framework of support. It will also need the identification of examples of good practice in police race relations, which we do not have. The focus of research has tended to be on bad rather than good practice. If this idea is accepted, there is a great deal of scope for criminologists and police officers to work together to analyze the ways in which occupational culture affect police relations with ethnic minorities, and find solutions. Before this can be done, however, the police have to accept the need for cultural change within their organisation, and criminologists have to move beyond theory to the practicalities of policy making, implementation, and management.

Officers do not police ethnic minorities in a wholly distinct manner, a point made several times in this paper. The occupational culture of the lower ranks is central here and officers' common-sense views about policing are all important. Any reforms will be filtered through this common sense, refracted as new ideas harmonize with or jar against taken-for-granted assumptions. Processes of racialization are mediated through the occupational culture of the rank and file, which informs all policing and binds the policing of ethnic minorities to routine policing (Holdaway, 1996; 1997).

The changes the Home Secretary requires are about race relations *and*, crucially, imply but do not recognize sufficiently the need for fundamental reform of the culture of policing. One of the values of analyzing race relations within the police is

the way it brings into clear view problems of policing per se. Race is a litmus test for all policing. Because the occupational culture - like all cultures - is taken for granted, a reflective capacity is required to realize its features, the ways in which it guides work, informs judgments, and so on. Once the taken-for-granted way of thinking about policing and practicing police work is suspended as just one perspective, alternatives become more possible. The notions of the similar and distinct requirements of policing ethnic minorities become feasible, the response of ethnic minorities to the use of stop-and-search powers becomes more understandable, and the need to identify racially motivated crime as good policing develops. Cultural change, however, is extremely difficult to realize and will require the concerted efforts of the managerial and supervisory ranks over a considerable period of time.

The Scarman and Lawrence reports were key moments in the development of police race relations in the United Kingdom. They were litmus tests of policing, pointing to calamitous outcomes of police action. More important, however, and this is the criminological task, is the description and analysis of the processes that led to the outcomes identified in the reports. Race is socially constructed, moulded within the crucible of routine policing. If we do not understand routine policing more fully, police race relations will not be reformed adequately.

Notes

[1] In this paper I will use the notions of "race" and "ethnicity" interchangeably. I agree with Eriksen's view that, "Ideas of 'race' may or may not form part of ethnic ideologies, and their presence or absence does not seem to be a decisive factor in interethnic relations." (Eriksen 1993, 5).

[2] I am grateful to a reviewer of this paper for pointing to the weaknesses of a previous definition of racialization I included in a draft of this paper. Also, it is accepted that skin color, as an identifier of racial origin, is by no means the only identifier used by the police. Other characteristics, more usually viewed as related to ethnicity, religious affiliation, or dress, for example, are of importance. In this paper the interest is in the main ethnic minority groups in England, people of Afro-Caribbean and Asian origin, whom the police usually identify by skin color.

[3] The history of police race relations is mainly one of tension and conflict. However, the constructionalist view is also consistent with the idea of positive racialized relations. The notion of race does not have to be one with negative meanings, of course it does not, and sometimes officers recognize the centrality of race to incidents, placing race in the ascendant in a positive, responsive manner.

[4] There is not scope in this paper to include the ethnographic detail of evidence that explicates fully the

analysis offered. A reader who wants to read further about the studies upon which my paper is based is referred to Holdaway 1983, 1987, 1991a, 1991b, 1996, 1997a, and 1997b; and Holdaway and Barron 1998.

[5] I recognize that some aspects of ethnic minority cultures are of relevance to policing. However, they are not the primary features of a solid analysis.

[6] We are talking about a third generation of people with very different geographical origins.

[7] The 1991 census is the latest available. It was retaken in 2001.

[8] At this time, police commanders were almost without exception male.

[9] In the UK, the term "Asian" means people from the South Asian region, for example, India, Pakistan, and Bangladesh.

[10] This is arguing that a failure to take race into account, or doing nothing, is sustaining racialized relations. We will tackle later the difficult question of how one can substantiate whether or not a person who has done nothing had the information that would have allowed them to act differently.

[11] This does not mean that routine relationships between the police and ethnic minorities are always difficult. They are not.

[12] A question about the "reality" of minority ethnic cultures has been posed and challenged in this paper. However, the notion of a police occupational culture is central to it. This culture is constructed, of course, but for many and complex reasons associated with the police mandate, with the tightly knit relationships within the police workforce, with a perception of a hostile world that requires officers to be vigilant, and so on, there is adequate social science evidence to conceptualize it as a shared culture, with very strong, real effects on police action. The relevant literature is referred to in this paper.

[13] This point is of import to recent conflict between Israelis and Arabs.

[14] My research about police race relations in Toronto suggests that this point is of more general relevance.

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Policing the Plight of Indigenous Australians: Past Conflicts and Present Challenges

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In our paper, we address the unique characteristics of Australian society and we examine the nature, complexities and challenges that the police face in policing indigenous communities. We provide a synopsis of the historical context shaping contemporary policing in Australia, and we identify the Royal Commission into Aboriginal Deaths in Custody as the landmark inquiry shaping recent reforms in policing. We discuss recent trends and policy initiatives that have emerged since the Royal Commission. In particular, we examine police initiatives to implement community policing, restorative justice processes, recruitment and training programs, diversionary programs, and customary law initiatives and how they relate to the recommendations from the Royal Commission.

Key Words: policing minorities, Indigenous policing, Australian Police, minority communities, community policing, diversionary programs.

Introduction

One of the biggest issues facing governments of most contemporary democratic societies is managing the past, present, and future patterns of immigration. Australia is certainly no stranger to the political, social, and economic complexities posed by both legal migrants and the diverse population of refugees. Indeed, recent federal elections in Australia have been dominated by debates over migration and how the government might best handle past and future in-migration to Australia (see Robert Manne, November 12, 2001, Sydney Morning Herald, "How a single-issue party

held onto power"). The challenge of policing these migrant communities is certainly an important national agenda item for governments and police agencies throughout Australia (see Australian Institute of Criminology Conference Series, "Policing Partnerships in a Multi-Cultural Australia: Achievements and Challenges," October 25–26, 2001).

The challenge of policing multicultural societies is, however, somewhat different in Australia compared with the challenges faced by police agencies in other western democratic countries like the United States and the United Kingdom. One of the most important differences is the relative lack of ethnic ghettos or enclaves[2] in Australia compared with the United States and the United Kingdom (Burnley, 1999; Chan, 1997; Jupp et al., 1990; Marcuse, 1996; Viviani, 1996). Even in Sydney, which has Australia's highest concentrations of migrant populations and is a significant city of immigrants on a world scale, very few areas warrant the classification of ethnic ghetto (Burnley, 1999).[3] Analyses of migrant settlements over the past 100 years of Australian history generally suggest that there is a characteristic pattern of dispersal. That is, initial first-generation migrant clusters tend to diffuse very quickly in Australia as language and employment barriers are overcome and as residential mobility and intermarriage within the second and subsequent generations rises (Burnley, 1999; Chan, 1997; Jupp et al., 1990; Price, 1993; Viviani, 1996).

With a few notable exceptions,[4] one of the primary multicultural policing challenges in contemporary Australia is that of policing indigenous Australian communities.[5] Since the early 1980s, the challenge of policing indigenous Australian communities has been a topic of much public, academic, and political attention. Newspaper reports (e.g., Sydney Morning Herald, March 23, 1991), academic papers (Cunneen, 1990; Tyler, 1999), government reports (NSW Office of Aboriginal Affairs, 1994; NSW Office of the Ombudsman, 1994), and, most significantly, a Royal Commission into Aboriginal Deaths in Custody (Johnston, 1991) universally condemn historical and contemporary approaches to policing indigenous communities. Indeed, Elliot Johnston commented in the final national report that: "police intervention in the lives of Aboriginal people throughout Australia has been arbitrary, discriminatory, racist and violent" (Johnston, 1991, Vol. 2, 13.2.3).

The plight of policing indigenous Australians has a long and unhappy history. Within Australia, most commentators argue that the colonial systems of power, control, and policing have fundamentally shaped contemporary conflicts between police and Aboriginal people (see, generally, Broadhurst, 1997; Cunneen, 2001). Cunneen (2001) and Coe (1980), for example, argue that understanding Australia's 200-year history of the oppression of Aboriginal people is vital to identifying the

structural, political, and economic basis that has shaped the discriminatory approach taken by Australian police in dealing with indigenous people.

Australia's indigenous people are grossly overrepresented as participants in the criminal justice system.[6] Australia's Aborigines make up just 1.1 percent of the total population (Australian Bureau of Statistics, 1999), yet:

> Aborigines are 9.2 times more likely to be arrested, 6.2 times more likely to be imprisoned by lower courts, 23.7 times more likely to be imprisoned as an adult and 48 times more likely to be imprisoned as juveniles than non-Aborigines.
>
> (Broadhurst, 1997, p. 407)

In Australia, more than 70 percent of all indigenous people reside in remote rural areas (Australian Bureau of Statistics, 1996; Roberts and Doob, 1997). At the same time, 85 percent of all Australian residents occupy 1 percent of the Australian continent and most of these coastal dwellers live in the seven coastal cities. Thus, Australian cities (where most people live) typically have dispersed populations of ethnic and indigenous people (see Jupp et al., 1990), whereas the vast rural areas, particularly in Western Australia and the Northern Territory, are still home to the great majority of indigenous Australians. These types of geographic distributions of Australia's population generate great logistical and cultural challenges for police in Australia.

Of particular note are the challenges faced by police in Western Australia and the Northern Territory. Both of these states[7] have well above the national average in their proportion of Aboriginals, the proportion of Aboriginals who can speak an Aboriginal language, and the size of the geographic areas under Aboriginal control. Western Australia and the Northern Territory also have very high Aboriginal participation in imprisonment.[8] Broadhurst (1997) therefore concludes that areas such as the Northern Territory and Western Australia, which rank highest on indicators of "cultural strength" (e.g., proportion of Aborigines who spoke an Aboriginal language, saw elders as important, voted in Aboriginal and Torres Strait Islander Council elections, and participated in various cultural activities and ceremonies) and highest on indicators of "stress" (e.g., proportion of single-parent families, amount of unemployment, and extent of unsatisfactory housing and service access), thereby have greater potential for conflict with the dominant society and thus have the highest police or prison custody rates.

Effective policing of Australia's indigenous communities has been historically undermined by the highly centralised nature of the structure of police in Australia. The centralised system of policing provides little basis for diversity and localised approaches to policing local communities, particularly rural Aboriginal communities

that constitute the vast majority of all Aboriginal communities. Australia comprises eight state, territory, and federal police departments that collectively police 19 million people living across 7,692,030 square kilometres (*World Fact Book*, 2001). By contrast, in the United States, more than 15,000 police departments are responsible for providing police services to 280 million people residing across more than 9 million square kilometres (*World Fact Book*, 2001). This degree of decentralisation in American policing provides a natural basis for police agencies to develop and implement local approaches for handling local problems. The long-term lack of decentralised police services in Australia is, at some level, to blame for the enormous social distance experienced between many indigenous Australian communities and the police.

Addressing the unique characteristics of Australian society, our paper will examine the nature, complexities, and challenges that the police face in policing indigenous communities. We begin by providing a synopsis of the historical context shaping contemporary policing models for policing indigenous Australians. We then introduce the reader to the Royal Commission into Aboriginal Deaths in Custody, a landmark inquiry in Australia that shaped much of the discourse and direction for policing reform in Australia over the last decade. Next, we provide an analysis of how policing has changed (or has not changed) in the decade since the Royal Commissioners submitted their findings. We conclude by examining the challenges that face police in Australia as they seek to alter the historically poor relations with indigenous Australians and bring Australian policing into the 21st century.

Policing in Australia

Indigenous Australians (including Aboriginal and Torres Strait Islanders) are 27 times more likely to find themselves in police custody than non-indigenous people and, during August 1995, represented 31.8 percent of all persons held in custody by the police (Cunneen and McDonald, 1997). In this section, we examine some of the historical context of Australian policing with a view to understanding some of the characteristics of police in Australia that have historically compounded poor relations between the police and indigenous people.

Currently, there are eight police agencies in Australia (six state police agencies, one territory police agency, and the Australian Federal Police that has federal jurisdiction as well as local jurisdiction over the Australian Capital Territory). In contrast to countries that have highly decentralised police structures (like Canada and the United States), all police services in Australia are delivered at the state level. As of June 2000, there were 43,722 sworn police officers in Australia, including more than 13,000 sworn officers in the New South Wales Police Service, 10,000

officers in the Victorian Police Service, and 7,700 sworn personnel in the Queensland Police Service. About 20 percent of all sworn officers in Australia are female, and 0.66 percent are defined as Aboriginal Police Aides, Special Constables, or Liaison Officers (Australian Institute of Criminology, 2001).

The centralised, state-based nature of policing in Australia is historically grounded in the colonial history of Australia. Australia was settled by England in 1788 as a convict colony. The first colonies in Australia were in New South Wales and what is now called Tasmania (formerly Van Dieman's Land). Most of the other states in Australia were proclaimed colonies by the mid-1800s. In the early years of Australia's history, "each colony had its own laws, customs, barriers, monetary regulations and immigration policies" (Pentony et al., 1995, p. 13), and the individual states self-determined their economic, political, and social systems. The self-rule of the individual colonies established a parochial approach to early (as well as contemporary) politics. Over the years, this parochial nature of Australian society has created many problems. For example, New South Wales practiced free trade policies, whereas the second most populous colony, Victoria, was Protectionist. During Australia's early years, the excise placed on goods from some of the colonies/ sometimes made it more costly to transport goods between the colonies than to transport goods overseas. From the outset, early Australian society was characterized as a group of colonies that had no special relationship to each other, except that they happened to be sharing the same continent and they had been settled by Anglo-Saxon convicts and free settlers arriving from England.

Chappell and Wilson (1969) identify the Sydney Police Act of 1833 (NSW) as an important landmark in the development of police forces in Australia. The Sydney Police Act differed from the Metropolitan Police Act of 1829 in England in that "a substantial part of the Act was devoted to the removal and prevention of nuisances and obstructions" (Chappell and Wilson, 1969, p. 9). Historians generally suggest that the absence of local institutions in colonial Australia created a vacuum for police to assume much broader social responsibilities than their overseas counterparts, giving them extensive powers to administer not only criminal laws but also public health and hygiene laws (Chappell and Wilson, 1969; King, no date). Not only did early Australian police have extensive powers to intervene in people's day-to-day lives, but the police themselves were not exactly models of propriety. Chappell and Wilson (1969) make the following observation:

> If it were found difficult to obtain men of suitable quality for the police in London, it is not hard to imagine how much more difficult it was to recruit suitable personnel for the police in New South Wales and the other Australian colonies from among a population largely composed of convicts and emancipists.
>
> (Chappell and Wilson, 1969, pp. 9–10)

By the time of Federation in 1901, all of the Australian states were centrally controlled by their respective state governments and each of the states had cobbled together police forces. By the turn of the century, police forces in Australia could be characterized as being "thoroughly unpopular" (Ward, 1968, p. 154), comprising substandard personnel possessing substantial powers that provided the legal basis for the police to perform a wide range of extra-legal activities. Chappell and Wilson (1969) suggest that this breadth of police responsibility "brought the members of the constabulary into more frequent contact with the public in situations of potential conflict than would normally be the case" (1969, p. 30).

The creation of an English legal and policing system in Australia had particularly devastating results for Australia's indigenous people. The imposition of Terra Nullius[9] under International Law deemed the Australian continent to be empty of any sort of civilization and thus allowed the British to impose British sovereignty and place all people (including indigenous persons) under the British system of law (Chisolm and Nettheim, 1997). Lippmann (1991) describes Australian indigenous people during these early colonial days as being "outside of the law, a sometimes feared nuisance whose eradication, whether it be by natural selection or justified force, was seen as paramount if Australia was to become a civilised nation" (1991, p. 13).

Since the early 1800s, dozens of laws, regulations, and procedures have been implemented by state and federal governments to oppress, control, coerce, and manipulate the lives of indigenous people. For example, the Aboriginal Protection Act of 1869 (Vic) separated the legal status of indigenous people from other Australians (Lippmann, 1991; Rowley, 1970); the Commonwealth Electoral Act of 1918 (Cth) officially excluded indigenous people from the right to vote in federal elections and was not repealed until 1962 with the passing of the Commonwealth Electoral Act of 1962 (Cth)[10]; and Queensland's Aboriginal Protection Act and Restriction of the Sale of Opium Act of 1897 (Qld) that was adopted by most other states created a law that designated any person who was Aboriginal or of Aboriginal descent as "state property" (Chesterman and Galligan, 2001, pp. 39–41). This particular law placed restrictions on indigenous persons' freedom of movement, freedom of financial autonomy, freedom to work, and freedom to practice spiritual beliefs. The law also provided for the removal and separation of indigenous children from their families (Rowse, 2000).

After World War II, the segregationist and discriminatory approach to dealing with indigenous people in Australia slowly evolved into a more assimilatory approach to indigenous issues that was, in many ways, as devastating to Aboriginal people as the

earlier racist policies. By 1975, the Whitlam Government had adopted the Racial Discrimination Act of 1975 (Cth) that saw all forms of federal discrimination outlawed. Nonetheless, many State governments continued to enact state legislation and refuse equal treatment for indigenous persons before the law (see Cunneen, 2001; Cunneen and Liebsman, 1995; see, also, *Koowarta v. Bjelke Peterson* (1982). By the 1990s, the High Court of Australia upheld two cases that recognized indigenous land propriety rights (see *Mabo v. Queensland (No. 2)* (1992) and the *Wik Judgement* (1996)). In many ways, these two land rights court cases paved the way for at least some alteration in the historical control imbalance experienced by indigenous Australians at the hands of white Australians.

Against this backdrop of political, economic, and social persecution of indigenous people in Australia over the past 200 years, the police, as the primary vehicle of state control, have perpetuated a system of discrimination, abuse, and conflict against Australia's indigenous communities into the 21st century. Indeed, Cunneen (2001) summarizes the situation by stating:

> [T]he historically specific experience of Indigenous people provides compelling reasons for considering the use of violence against them as institutionalised racist violence directly connected to the colonial process. The racialised constructions of Indigenous people continue to provide context in which police decision-making occurs.
>
> (Cunneen, 2001, p. 128)

The Royal Commission into Aboriginal Deaths in Custody

The Royal Commission into Aboriginal Deaths in Custody (RCIADC)[11] is one of the most thorough investigations into the policing of indigenous people in Australia. It is a telling account about the way in which indigenous people in custody have been treated by police officers and of the manner in which "frontier" policing practices resulted in the overrepresentation of indigenous people in custody (see, also, Broadhurst, 1997). The Royal Commission is largely regarded as a watershed inquiry that revealed atrocities and compelled Australian police to become better equipped to police not just indigenous people but all people from a wide range of ethnic backgrounds. The Royal Commission revealed to the masses the plight of indigenous Australians and how archaic and obsolete police practices were, particularly in rural areas, in effectively policing indigenous people. In the years since the completion of the final report, police practices have been largely shaped by the Commission's recommendations. We explore these issues below.

The Royal Commission into Aboriginal Deaths in Custody was established on October 16, 1987, to inquire into and report on Aboriginal people who had died in police or prison custody or in any other place of detention since January 1, 1980.

The catalyst for its inception was "public agitation" led by members of the Aboriginal community (Johnston, 1991: 1.1.3). Aboriginal activists had started a long campaign to protest against the large number of Aboriginal deaths in custody (Kerley and Cunneen, 1995). The campaign began with the death of John Pat in 1983. The National Committee to Defend Black Rights began informing other Aboriginal people of the circumstances of John Pat's death and of the failed prosecutions against police officers for charges of manslaughter (Corbett, 1991). This raised the concern of many Aboriginal people, and as other deaths occurred, the national campaign gained momentum. Increasingly, the non-Aboriginal community also joined with the Aboriginal community in questioning why there were so many Aboriginal deaths in custody. Commissioner Johnston acknowledged in the final national report:

> It is a revealing commentary on the life experience of Aboriginal people and of their history that it would have been assumed by so many Aboriginal people that many, if not most, of the deaths would have been murder committed if not on behalf of the State at least by officers of the State. But disquiet and disbelief in official explanations was not only expressed by Aboriginal people; many non-Aboriginal people shared the assumption that police and prison misconduct would be disclosed by a Royal Commission. Thus many non-Aboriginal people, whilst not sharing the life of Aboriginal people, had seen and heard sufficient evidence of the mistreatment of Aboriginal people to share their expectation that Aboriginal people would suffer and die from the same discrimination and brutality as they experienced during life.
>
> (Johnston, 1991: 1.1.3)

The campaign ultimately attracted international attention. Gradually, the negative publicity generated by the large number of deaths, particularly during 1987 when there was an Aboriginal death in custody almost every two weeks (20 deaths occurred in 1987 alone), compelled the Australian government to establish the Royal Commission into Aboriginal Deaths in Custody (Corbett, 1991). A prominent Queens Counsel, James Muirhead, was initially appointed as the National Commissioner, followed by five other Commissioners, to conduct inquiries in the six Australian States and the Northern Territory (no deaths had occurred in the Australian Capital Territory during the relevant period). Commissioner Johnston replaced Commissioner Muirhead (who had retired) as the National Commissioner on April 28, 1989. The inquiry considered 99 deaths that had occurred between January 1, 1980, and May 31, 1989. Although the original terms of reference were framed in a way that limited the inquiry to investigating the deaths per se, they were later extended to include a consideration of the underlying social, cultural, and legal issues that may have had a bearing on the deaths.

The Royal Commission examined files maintained by agents of the state of each deceased that contained details of their birth, adoption, schooling, medical history, and involvement with the criminal justice system. The Commissioners also

conducted interviews and received submissions. From this information and from historical and anthropological accounts, the Commissioners constructed a picture that told the story of the life of each deceased person investigated. The final national report, consisting of five volumes, was tabled on April 15, 1991, and made 339 recommendations. The inquiry cost around $A40 million (Millikin 1991, p. 7).

It was acknowledged that the expectation, on the part of Aboriginal people, that police misconduct and negligence would be uncovered by the Royal Commission in relation to some of the deaths, was not unreasonable in light of the historical context (Johnston, 1991: 1.4.2). Ultimately, however, the Royal Commission concluded that the deaths were not as a result of any system defect per se. Indeed, "as reported in the individual case reports which have been released, [the] Commissioners did not find that the deaths were the product of deliberate violence or brutality by police or prison officers" (Johnston, 1991: 1.2.2). It was found, however, that Aboriginal people were 23 times more likely to die in custody than non-Aboriginal people primarily because Aboriginal people were overrepresented in police cells and prisons (Biles et al., 1990). Interestingly, "Aboriginal people who died in custody were more likely to have died in police custody rather than in prisons" (whereas non-Aboriginal people were more likely to have died in prison) (Johnston, 1991: 5.1.3). In fact, of the 99 deaths investigated, 63 occurred while in police custody (64 percent), and only 36 occurred in prison or in a juvenile detention center.

The report of the Royal Commission has been widely cited and used in federal, state, and territory government law reform over the past 10 years (Atkinson, 1996, p. 4). Robyn Lincoln and Paul Wilson (2000) note that "more than any other work done in the field of Aboriginal criminal justice studies, the Commission's work provides a wealth of information" (2000, p. 205) and a sound basis for police operational reform. Similarly, Commissioner Johnston QC (1991), stated in the final national report:

> There has never before been such a comprehensive inquiry as that conducted by this Royal Commission. The whole range of societal and historical factors which impact on Aboriginal lives came into focus from the investigations of the deaths of so many of them which occurred whilst ostensibly under the care and protection of the State.
>
> (Johnston, 1991: 1.2.16)

Prior to the Royal Commission, no other thorough examination of the relationship between Aboriginal people and police had been conducted, even though since colonization there has existed a deep animosity between the two groups (Cunneen, 2001; Foley, 1984; Harris, 1996). This animosity stemmed from an historical power relation in which Aboriginal people had been ordered, controlled, and monitored by police who acted as representatives of the state. As Lincoln and Wilson (2000) note, however, the inquiry in many ways did not go far enough. The final report has been

criticised for a number of reasons, including that it did not fully consider the involvement of Aboriginal people in the criminal justice system, that it produced a descriptive rather than an explanatory report, that there was too much focus on "Aboriginality" and not enough focus on custodial practices, that it inadequately detailed the process in which its recommendations were to be implemented, and that it failed in its investigation to go beyond the concept of race as constructed by legal rhetoric (Committee to Defend Black Rights, 1989; Craigie, 1992; Harding, 1999; Harris, 1996; Lincoln and Wilson, 2000; McDonald and Cunneen, 1997; National Aboriginal and Islander Legal Services Secretariat, 1989; Purdy, 1992; Sackett, 1993; Whimp, 1994). These deficiencies have been identified as having contributed to the finding that none of the deaths were "the product of deliberate brutality or violence by police or prison officers" (see, again, Johnston, 1991: 1.2.2).

Although the inquiry found that there had been no foul play on the part of police and prison officers in relation to the 99 deaths investigated, it highlighted the tensions that existed between Aboriginal and non-Aboriginal people. Commissioner Johnston QC (1991) recognized that the worst type of relationship between Aboriginal and non-Aboriginal people was that between Aboriginal people and police officers (Johnston, 1991: 1.4.15-1.4.17). The hostility was even more profound in situations where police detained Aboriginal people in custody. Police detention of Aboriginal people compounded the oppression and control historically experienced at the hands of police officers. When coupled with other socioeconomic disadvantage, Aboriginal people in police custody experienced acute feelings of powerlessness (Broadhurst, 1997; see also: Tittle, 1995).

It has been widely acknowledged that indigenous Australians are the most disadvantaged group of the Australian population, based on all accepted social indicators (Bottomley and Parker, 1999; Johnston, 1991). The Royal Commission into Aboriginal Deaths in Custody identified many factors that served as indicators of the level of oppression and disempowerment suffered by Aboriginal people generally. Aboriginal people were found to suffer from racism, high unemployment, poverty, undereducation, and poor health (Johnston, 1991; see, also, Bottomley and Parker, 1999, p. 243).

Of the ninety-nine, eighty-three were unemployed at the date of last detention; they were uneducated at least in the European sense - or under-educated - only two had completed secondary level; forty-three of them experienced childhood separation from their natural families through intervention by the State authorities, mission or other institutions; forty-three had been charged with an offence at or before aged fifteen and seventy-four at or before aged nineteen. (Johnston, 1991: 1.2.17)

This overwhelming disadvantage, coupled with a sense of disempowerment particularly when confronted with police custody, was manifested in the deaths investigated by the Royal Commission. Table no. 1 examines the causes of death occurring in police and prison custody.

Table no. 1: Cause of Death by Type of Custody[12]

	Police Custody	Prison Custody or Juvenile Detention Center
Self-inflicted deaths	23	11
Head injury	11	1
Gunshot	2	2
Other external trauma	1	2
Drug use	2	2
Alcohol use	5	0
Natural cause	19	18
Total	63	36

As table 1 shows, Aboriginal people were much more likely to die from self-inflicted deaths in police custody than in prison custody. In fact, 23 of the 63 deaths in police custody were self-inflicted (36.5 percent). The average age for those who died by hanging[13] in police custody was 25, and only one of those who died from self-inflicted deaths (either by hanging or by a self-inflicted injury) in police custody was female. Most of those who hanged themselves in police custody had been detained for under 2 hours (14 cases). Seven had been detained between 2 and 6 hours, and one had been detained between 6 and 8 hours.[14] Generally, the inquiry revealed glaring deficiencies in the standard of care and accommodation for police custody. The standard of the police cell accommodation was found to be lower than that of the prison cell accommodation. Commissioner Johnson described some of the police cells as "highly unsatisfactory," "appalling," and "dungeon-like" (Johnson, 1991: 3.3.56). The main architectural deficiencies identified in relation to the police cells were that they were often isolated from offices and other facilities (Johnston, 1991: 3.3.34). Also, insufficient medical services were available in police custody to deal properly with problems of substance withdrawal and other medical conditions (Johnston, 1991: 3.3).

Overall, drunkenness in a public place was the most overwhelming reason for police detention. Most Aboriginal people in police custody were detained as a means of "protection," until they became sufficiently sober for release (Johnston, 1991: 1.6.2).

The final national report strongly recommended (recommendations 79 to 91) that drunkenness be decriminalised and that procedures be implemented that would allow a greater number of Aboriginal people to be diverted from police custody because of public drunkenness. All but two of those who died by hanging while in police custody had a blood alcohol reading that was higher than the maximum allowed when driving.

The power imbalance between Aboriginal people and police officers has been well documented as having resulted from an historical context that grew from the colonization of Australia over 200 years ago by European invaders (see Broadhurst, 1997; Cunneen, 2001; Harding et al., 1996; O'Shane, 1992). Various factors would have contributed to the feelings of powerlessness experienced by Aboriginal people in police custody. Aside from their prevailing low socioeconomic status, the deceased who committed suicide and who were considered by the Royal Commission were generally young, male, alcohol dependent, and had been isolated from family and friends for a period of time in substandard police cell conditions.

Contemporary Issues for Policing Indigenous Communities

The Royal Commission into Aboriginal Deaths in Custody was a watershed inquiry that concluded with a multitude of recommendations that aimed to improve policing practices and, more generally, reduce the economic, social, and political deprivation of Aboriginals in Australia. The majority of the recommendations made by the Royal Commission related directly to reforming police practices. In particular, the Commission made a number of recommendations to remedy relations between indigenous people and police and to divert indigenous people away from custodial detention.[15] In this section, we critically examine some of the most significant recent policing initiatives that relate to the Royal Commission recommendations.

The most common types of programs that have been implemented by police agencies since the Royal Commission include the adoption of "community policing," implementation of diversionary programs, cross-cultural training and education, and granting of greater Aboriginal autonomy regarding justice issues. Cross-cultural training and education has included the recognition that police officers had little knowledge of "the effects of colonisation and dispossession on Aboriginal people" (Cunneen, 2001, p. 210). A description of the role of police during the "frontier" and "protection" periods of Australian colonial history has therefore been adopted as an important training device in some jurisdictions. Attempts have also been made to incorporate Aboriginal customary law within the criminal justice process and for indigenous communities to assist in directing the punishment of offenders (Parkinson, 2001, p. 222). Overall, there has been a greater

attempt by the various police departments to consult with Aboriginal and Torres Strait Islander people in relation to policing practices. In Queensland, for example, "extensive consultation has been undertaken with Aboriginal and Torres Strait Island consultants working for the [Queensland Police Service]" to produce effective police training programs and to develop policing strategies (Melville et al., 1994, p. 258). We examine these and other police initiatives below.

Diversionary Programs

Within the Aboriginal population, Aboriginal youth are the most vulnerable to the criminal justice system (see Broadhurst, 1997; Cunneen, 2001). Cunneen (1996) reports: "in 1990 Aboriginal young people were 62 times more likely to be incarcerated in Western Australia, 16 times more likely in NSW, and 12 times more likely in Queensland" (Cunneen, 1996, p. 19). Cunneen (1996) asserts that other research indicates similar figures in other states, and the most recent data suggest that there has been little reduction in these levels. Smandych et al. (1995) affirm that a major reason why Aboriginal youth are more likely to be arrested rather than reported is because police believe they will not attend a panel or court. This label of arrest is then carried through the system, where "a caution is less likely for Aborigines because they were arrested in the first instance—and this initial contact is perceived as reflecting a more serious offence or an intractable offender" (Smandych et al., 1995, p. 254). Clearly, diversionary programs and community policing approaches are widely recognized as optimal programs for Aboriginal youth, especially when most offences involve minor stealing (see Wootten, 1995).

One family of diversionary programs - restorative justice - has gained particular prominence most recently in Australia. Restorative justice, in the broadest sense, refers to many initiatives ranging from "diversion from formal court process, to actions taken in parallel with court decisions, and to meetings between offenders and victims at any stage of the criminal justice process" (Daly, 2000, p. 168). The trend toward restorative justice programs, however, poses another hurdle for the police to overcome during the post-Royal Commission period. Indeed, Daly (2000) notes the scepticism of Aboriginal people of any new justice measure introduced by a dominant "white" system, however well meaning or well resourced. An illustration of the police/Aborigine divide and how it can be acted out is provided in the restorative justice initiatives that are applying conferences as an alternative diversionary justice strategy. In a South Australian report on Aboriginal and non-Aboriginal contact with the restorative justice program, 19 percent of Aboriginal youth, compared with 8 percent of non-Aboriginal youth, did not go forward with the conference (see Doherty, 1999). The major reason was nonattendance, and Daly (2000) tentatively concludes from her own research that this is because Aboriginal

youth are disaffected with any justice system process, whether it is caution, conference, or court. On the other side, police make relatively lower referrals to formal caution and higher referrals to court for Aboriginal than for non-Aboriginal people (Daly, 2000). Daly (2000) suggests that this low participation stems from Aboriginal youth having a greater likelihood of previous contacts with the police (for a variety of reasons) and occurs because Aboriginal youth are less likely to complete agreements (see, also, Broadhurst, 1997).

Despite a lack of systematic analysis of the underlying factors leading to the low participation rates of Aboriginals in conferencing, the outcome research on conferences is relatively positive for Aboriginals compared to their outcomes for court proceedings (Daly, 2000). According to Daly's (2000) research in South Australia, "offenders report greater procedural justice (being treated fairly and with respect), higher levels of restorative justice (the opportunity to repair the harm they have caused), and increased respect for the police and the law" (2000, pp. 176–177). Victims, too, reported a "higher sense of restorative justice (e.g., recovery from anger and embarrassment) and high levels of procedural justice" (Daly, 2000, pp. 177). Analysis by race and ethnicity showed no differences in perceptions of procedural justice and, when interviewed and specifically asked, young people (offenders) and victims rarely felt disadvantaged in the conference because of their race-ethnic identity (Daly, 2000). Daly (2000) also found that conference dynamics worked more smoothly when, in addition to offenders (or victims), there were other Aboriginal participants at the conference, such as police aides, community workers, or Aboriginal Legal Rights Movement representatives. Thus, it would appear that the establishment of conferences as an alternative and diversionary justice measure is most likely a positive step toward improving indigenous perceptions and reducing their involvement in the formal aspect of the criminal justice system.

Indigenous Recruitment

The Royal Commission recommended the need for negotiation and self-determination in relation to the design and delivery of criminal justice services. In a comment on the current literature, however, Mugford (1997) notes a general failure to implement adequately and effectively many of the recommendations of the RCIADIC, particularly in relation to negotiation and self-determination. The importance of consultation and negotiation with indigenous communities is well documented in the Royal Commission's final report and is closely related to other recommendations that implored police departments throughout Australia to adopt policies to attract and recruit indigenous people into the police service. Under the auspices of the RCIADIC, substantial funding was set aside for each police organisation to develop and implement its own recruitment strategy (Kamira, 2001,

p. 78). In 1999, most police organisations had an "Indigenous Unit," but commentators still lamented the ad hoc approach to indigenous recruiting (Kamira, 2001). One question constantly presents itself: Despite the Royal Commission's recommendations and despite the amount of funding provided for targeted indigenous recruitment, why is there such a paucity of indigenous police officers? Little research has been conducted into the experience of serving indigenous men and women; however, Kamira (2001) proposes some factors likely to be contributing to this phenomenon.

Kamira (2001) suggests that Australian police agencies continue to reinforce systemic attitudes, values, and beliefs that cause officers to be unconsciously and unintentionally discriminatory despite the multitude of efforts to reform the police since the Royal Commission. Recruiting policies can still reflect middle class non-indigenous, non-migrant sensibilities. For example, "[t]he Australian Federal Police (AFP) Indigenous Career Development and Recruiting Strategy receives many applications which fit the AFP criteria [however] few applicants make it past the testing. The main barrier is the psychological profile which appears to favour non-Indigenous middle-class applicants" (Kamira, 2001, p. 79).

Recruitment problems do not end there. Some indigenous people feel they are being marginalised if sent to a community because first and foremost they were recruited as police (Kamira, 2001). Another problem is:

> [The] misguided belief that indigenous people are one happy harmonious society. One police officer in Queensland was sent from the academy to a country town because he was Indigenous. The local community could not identify with him because they thought he was a Torres Strait Islander and the white community did not identify with him because he was black. The result was that he was so unhappy and lonely that he resigned.
>
> (Kamira, 2001, p. 79)

It appears that without adequate training and appropriate systemic support, indigenous recruits can end up individually burdened with the entire responsibility and conflict of the police/Aboriginal divide. Intensely exacerbating this problem is the lack of power and influence that indigenous recruits are typically given within police organisations (Wootten, 1995; Divakaran-Brown and Williams, 1997).

According to Kamira (2001), it is these issues that lead to the poor retention rates of Aboriginal recruits. It appears that, although external funding strategies have created widespread indigenous recruitment programs, an important future step is for these programs to become more internally integrated and funded in order that they become more deeply and systemically supported. Indeed, Kamira (2001) asserts that police organisations are recruiting indigenous police to satisfy external requirements, not because they wish to be truly representative of the community.

Reducing Social Distance

Despite the ongoing problems of attracting and retaining indigenous people to the police occupation, Australian police agencies have implemented a number of initiatives to reduce the social distance between the police and indigenous people. At one end of a range of "outreach" programs is an Aboriginal visitor's scheme in which voluntary Aboriginal workers visit Aboriginal detainees at any time of the day or night in police cells to ensure their general safety and well-being (Divakaran-Brown and Williams, 1997). This scheme assists police in their duty of care to detainees and relies on a significant degree of goodwill and commitment from the Aboriginal community. Despite being established in South Australia since 1989, workers only started receiving training and remuneration in 1999 (Kamira, 2001). A recent evaluation of the visitor's scheme confirmed its importance, recognized the calming effect that Aboriginal visitors have on agitated detainees, and acknowledged that the scheme could be central to the significant reduction of deaths in police custody in recent years (Divakaran-Brown and Williams, 1997).

One entirely Aboriginal initiative in the Northern Territory is a Night Patrol program, in which voluntary nonpolice community members attend disturbances in the town camps and attempt to settle disputes when they begin and not after they have "exploded" (Wootten, 1995). Generally, the police do not attend the scene of a disturbance unless requested by the Night Patrol. "The [City] Council mediates the dispute at a community meeting usually the next day, where issues are publicly discussed and unacceptable behaviour condemned" (Wootten, 1995, p. 198). The main criticism of such programs is simply that the patrols are usually voluntary and underresourced (Wootten, 1995; see, also, McDonald and Whimp, 1995). Nonetheless, Wootten (1995) reports that the general consensus amongst police is that the crime rate and level of antisocial behaviour has significantly decreased and that good relations and a high degree of trust have been built up between police and Aboriginal organisations (see, also, HRSCATSIA, 1994).

Another outreach initiative that has been trialed in the state of Victoria is the community justice panel, which liases with police, the courts, corrections, and community services (Wootten, 1995). This initiative involves panels of Aboriginals that are on call on a roster basis and are contacted by police when the police have a problem involving an Aboriginal (Wootten, 1995). The observed range of interventions observed with this program include taking a person affected by liquor home or to a shelter, quieting a rowdy party, finding care for a child or young person, helping with bail, and giving reassurance to an arrested person (Wootten, 1995).

Community Policing

Closely related to the recommendations of the Royal Commission for the police to reduce their social distance with Aboriginal communities is the need to implement community policing across Australian policing, particularly in indigenous communities. Cunneen (2001), however, comments that the rhetoric of community policing sits uncomfortably with evidence showing the increased use of tactical and paramilitary police groups in Aboriginal communities during the 1980s and 1990s. Cunneen (2001) suggests that while the principles of community policing might have been understood and implemented in most Australian communities, it seems that Aboriginal communities have remained outside any mainstream effort to implement community policing, thus undermining the foundation by which the police might have improved police-Aboriginal relations. The apparent dualistic approach to implementing community policing further serves to undermine the relationship between police and indigenous people.

To overcome these problems, the basic principles of community policing must extend to indigenous communities both to improve the relationship between police and indigenous communities and to institutionalise community policing into mainstream policing practices. Police departments must be truly willing to decentralise their control of resources, devolve the locus of power, allow indigenous communities to identify and coproduce priority problems, and implement innovative problem-solving strategies. These basic elements of community policing appear largely underdeveloped in Australian policing, particularly in relation to policing indigenous communities.

Contemporary efforts to decentralise police resources in Australia under the auspices of community policing pose many historical and structural barriers. The state-based structure of police services makes it a major undertaking for the police to decentralise decisionmaking and to allocate scarce police resources. Some commentators lament the idea of decentralisation of police services, seeing the process as potentially "leading to a loss of accountability, ineffective central monitoring and variation in application and commitment to Indigenous issues" (see Cunneen, 2001, p. 210). The double-edged sword of community policing is not unique to the particular issues facing police in Australia (see Bracey, 1992). Thus, Australian police need to decentralise the delivery of police services and at the same time develop procedures to ensure accountability and commitment to applying best practice principles in policing indigenous communities.

Community consultative committees also appear to have failed within Aboriginal communities (see Cunneen, 2001). The New South Wales Office of the Ombudsman's report (1995) suggested that "police/community consultative groups are still manipulated, or Aboriginal people selected for their compliance" (1995, p. 44). In many cases, it appears that many Australian police, particularly those in rural areas, simply do not have the skills to identify and involve cross-sections of Aboriginal communities in their problem-solving efforts.

Additionally, one of the key recommendations from the RCIADIC was to change cultural attitudes of the police toward Aboriginal people. Kamira (2001), however, reports that "cultural change within the police force toward Aborigines has been slow" (2001, p. 75). In a staff survey examining police attitudes towards various aspects of community policing, "middle-ranking officers were found to be most resistant to change and least supportive of community policing ideas, whereas the higher ranks and beat police showed more enthusiastic support" (Chan, 1997, p. 205). Unfortunately, it is the middle-ranking group that dominates police stations in rural townships with significant Aboriginal and non-Aboriginal populations and "these are the areas where over-policing is most likely to occur, particularly as a result of pressure from dubious law and order campaigns generated by the non-Aboriginal populations" (Wootten, 1995, p. 184).

Decriminalization of Drunkenness

One important issue uncovered by the Royal Commission was the role that drunkenness played in Aboriginal deaths in custody. One recommendation of the final report was for the states to consider decriminalising public drunkenness. Despite strong RCIADIC recommendations, a very high number of arrests or detentions continue for public drunkenness and, as recently as 1995, Victoria, Queensland, and Tasmania had still not decriminalised drunkenness (Wootten, 1995). Moreover, the states and the Northern Territory have an inadequate number of shelters for sobering up, and commentators continue to observe that charges such as offensive behaviour or language or loitering are still being used when the real problem is drunkenness (see Wootten, 1995). McDonald and Whimp (1995) suggest that accompanying the decriminalisation of public drunkenness must be the provision of adequate alternatives to police cells for people who need to be detained for their own or other people's safety.

> Also, involvement of Aboriginal people and organisations in the management and day-to-day operation of these alternative care facilities should be sought and encouraged, and their integration with longer term programs which enable Aboriginal people to deal effectively with problematic drinking behaviour and lifestyles should be promoted.
>
> (McDonald and Whimp, 1995, p. 198)

Aboriginal Customary Law

Attempts have also been made to incorporate Aboriginal customary law within the criminal justice process and for indigenous communities to assist in directing the punishment of offenders (Parkinson, 2001). A number of reasons have been advanced for the recognition of some customary law, specifically in the sentencing process. The most significant of those is to bring about safer and less violent communities, given anecdotal evidence that many "customary" communities employ what might be described as "restorative" models of justice and have very low levels of violence and criminality generally (Sarre, 1998). While there are good reasons for action in relation to the use of customary laws, such action does not appear to have materialized (Mugford, 1997). Several reasons have been suggested, including the possible threat that federal legislation might pose to state and territory governments and a concern that it might set a precedent for dealing with laws of immigrant communities within Australia (Mugford, 1997). Jamrozik (1994) suggests that customary laws have been used with the explicit support of the courts in a few exceptional cases. Nonetheless, some commentators believe that Aboriginal law should have a special place within the judicial system, unlike the cultures and laws of other minority groups (Jamrozik, 1994).

Conclusion

Policing the plight of indigenous Australians is a contemporary dilemma that has deep historical roots. From the colonisation of Australia, indigenous Australians have lacked social, economic, and political power, and their relationship with the predominantly white, Anglo-Saxon police has been based on terror, violence, and oppression (Broadhurst, 1997; Cunneen, 2001). The plight of indigenous Australians came to the forefront of Australian criminal justice issues during the 1980s, culminating in an extensive Royal Commission inquiry into the large number and frequency of Aboriginal deaths in custody.

Despite the comments and statements of the Royal Commissioners condemning the treatment of Aboriginal people at the hands of the police and other criminal justice officials, the inquiry did not find police and prison officers responsible for any of the 99 deaths. Consequently, many commentators suggest that the Royal Commission did very little to help Aboriginal people view police in a different way (Harris, 1996). The distrust and animosity is still evident. Chris Cunneen (2001) maintains that "terror and violence today remain an important part of the relationship between the criminal justice system and Indigenous people in Australia" (Cunneen, 2001, p. 107).

> In the decade after the Royal Commission handed down its national report, indigenous people continue to die in custody predominantly from suicide and self-inflicted injuries (43 percent) and from natural causes (43 percent) (Williams, 2001). However, the number of indigenous deaths occurring in police custody from January 1, 1990, to December 31, 1999, decreased from 67 deaths (during the Royal Commission inquiry) to 21 deaths (Williams, 2001).[16] The decrease in Aboriginal deaths in police custody is an important development and may have been as a result of changes - imperfect that they clearly are - made to policing practices as described in the preceding section.

Although some progress has been made, many criticisms prevail on the processes undertaken by the various police departments in their efforts to reduce the power imbalance of indigenous people in Australia. Criticisms have been leveled at the degree to which the recommendations have been implemented and at the real value of the programs adopted (Brennan, 1994; Cunneen, 2001; Harding et al., 1996; McDonald and Cunneen, 1997). In particular, some commentators argue that there has been little attempt to negotiate with Aboriginal communities in relation to the design and delivery of programs and policies (Brennan, 1994). Governments and courts alike have thwarted the process of self-determination by strictly adhering to liberal legal traditions (Bottomley and Parker, 1999). In areas where Aboriginal community police have been recruited, they have been poorly trained and supervised (Cunneen, 2001). Further, McDonald and Cunneen (1997) claim there is little if any accountability or transparency in relation to police discretion, there are disparities between jurisdictions in relation to the criminalisation of public drunkenness and other public order offences, and that racist and violent police practices continue.

We conclude that, while redressing the plight of indigenous Australians goes well beyond the purview of the police, Australian police departments nonetheless need to revisit much of the Royal Commission recommendations. We observe that over the past 10 years, police agencies, in partnership with their respective state governments, have made a wide variety of attempts to reduce the plight of indigenous people within the criminal justice system. We note, however, that the state of policing in Australia continues to exacerbate the historical tensions between police and indigenous communities into the 21st century. The Royal Commission into Aboriginal Deaths in Custody did much to highlight the plight of indigenous people and to identify the poor relations between police and indigenous people. The Commission's recommendations have served as benchmarks by which Australian policing can contribute to reducing the social, economic, and political imbalances experienced by Aboriginal people. Nonetheless, the basic principles of community policing appear to have been short-changed in indigenous communities, training and recruitment has been inadequate, and the lack of participation of indigenous people in diversionary programs has been disappointing. Until these deficits have been

remedied, relations between the police and indigenous communities will continue to be difficult at best and oppressive at worst.

Notes

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[2] Ethnic ghettos or enclaves are defined as areas of multiple deprivation dominated by a single ethnic minority or by closely associated minorities (see Jupp et al., 1990).

[3] See Burnley (1990) for a detailed presentation and discussion of recent Australian census data and contrasting comparisons to London and areas in the United States.

[4] Most Australians readily identify the suburb of Cabramatta, located in Sydney's outer western suburbs, as an "ethnic ghetto" and as an area that poses challenges for the police. We remind readers, however, that this type of ethnic enclave that experiences a multitude of social and economic problems is not characteristic of Australian communities.

[5] The term "Aboriginal" refers to mainland and Tasmanian indigenous people in Australia. "Torres Strait Islander" people are defined as those peoples that descend from the 19 small islands that lie to the north of the northernmost point of mainland Australia (Cape York). The Torres Strait stretches approximately 150 km between the northern most tip of Australia and the south coast of Papua New Guinea and is the stretch of water that links the Coral Sea in the east with Arafura in the west. The term "indigenous people" is used generically in Australia to refer to both Aboriginal and Torres Strait Islander people. We note that the Royal Commission into Aboriginal Deaths in Custody considered only the deaths in custody of Aboriginal people.

[6] We acknowledge the various explanations for "overrepresentation," including that Aboriginal people commit a disproportionate amount of crime; that Aboriginal people commit a disproportionate amount of certain offenses that are more likely to be detected and processed by the criminal justice system (e.g., serious and visible offenses); or that the criminal justice system is guilty of unwarranted disparity in its treatment of Aboriginal people (see La Prairie, 1995: 162; see, also, La Prairie, 1997). For a detailed analysis of the overrepresentation issue in relation to Aboriginal people in Australia, see Broadhurst (1997).

[7] We note that the Northern Territory is not technically a "state" in Australia. However, in our paper, we use the term "state" occasionally in referring to the Northern Territory for ease of expression.

[8] According to Broadhurst (1997), the Australian states of Tasmania, Victoria, and New South Wales (NSW) have average or below-average Aboriginal populations, negligible proportions retaining traditional languages, little or no land under Aboriginal "control" or claim, and relatively low Aboriginal participation in imprisonment. South Australia has a below-average Aboriginal population, but higher language retention and significant areas under Aboriginal control, whereas Queensland has an above-average Aboriginal population but below-average language retention and only a small area of land under Aboriginal control. Both have levels of Aboriginal imprisonment that fall between the extremes. The above- and below-average references are compared with the national average.

[9] In 1835, the Governor, Sir Richard Bouke, proclaimed Australia as being terra nullius, reinforcing the notion that the land belonged to no one prior to the British Crown taking possession of it. Aboriginal people therefore could not sell or assign the land, nor could an individual person acquire it, other than through distribution by the Crown.

[10] In 1967, a referendum was held by the Commonwealth of Australia to amend s51 (xxvi) of the Constitution and repeal s127, giving the Commonwealth the power to make laws regarding Aboriginals and ordering that Aboriginals be counted in the census.

[11] The Royal Commission into Aboriginal Deaths in Custody is variously referred to in this paper as "the Royal Commission" and "the RCIADIC." We cite the final report as Johnston (1991), and we use the numbered paragraph system as it appears in the final report to identify direct quote passages in our paper.

[12] Self-inflicted deaths include self-inflicted injuries and hanging.

[13] We were unable to determine, from the data presented in the final report, the age of one man who died from a self-inflicted injury in police custody. His case file was not released for cultural reasons.

[14] We were unable to determine, from the data presented in the final report, the length of time the man referred to in the previous footnote had been detained in police custody. His case file was not released for cultural reasons.

[15] The recommendations made by the Royal Commission dealt with a variety of issues relating to Aboriginal people and police relations. For example, recommendations 60 and 61 focused on police violence and racism; recommendations 79 to 91 focused on diversion from police custody; recommendations 122 to 167 focused on custodial health and safety; and recommendations 214 to 233 focused on police training, the establishment of police protocols, and the recruitment of Aboriginal people in police service roles.

[16] We note that prison deaths, by contrast, increased from 39 to 93 (Williams, 2001). Overall, the total number of indigenous deaths in places of detention marginally increased by 5 deaths. Note that Williams (2001) considered 110 deaths in the period from January 1, 1980, to December 31, 1989; therefore, he included 11 extra deaths in the same period as the Royal Commission inquiry.

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Policing Violence Against Minority Women in Multicultural Societies: "Community" and the Politics of Exclusion•

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In an era oriented toward community policing, police face the complex dilemma of respecting differences while enforcing laws in a non-discriminatory fashion. In light of the recent push to criminalize domestic violence, community policing may be particularly problematic in multicultural societies in which police, reflecting the dominant community ideology, characterize subordinated or minority communities as inherently primitive or violent. To explore these theoretical and pragmatic tensions, the authors examine the gendered meaning of "community" in community policing, and link the new emphasis in policing on local values, multiculturalism, diversity, and cultural sensitivity with the invisibility of gender differences within these minority communities. Drawing on the literature on policing violence against minority women, including their work on Arab women in Israel, they argue that gendered racism and racialized sexism shape victims' and police responses to domestic violence resulting in the culturalization and underpolicing of violence against women in minority communities. The authors recommend that police should seek out non-traditional community leaders and organizations that challenge rather than reinforce myths and stereotypes about minority women and men.

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Introduction

Within the past decade, feminists have transformed violence against women from an individualized personal problem to a globalized social issue requiring state-based interventions. Transnational bodies such as the Council of Europe have charged their member states to address violence against women. More than 165 nation-states have ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Since 1992, CEDAW has explicitly obliged its signatories to consider violence against women as a violation of women's human rights. In most democratic states across the globe, the solution to violence against women has been operationalized primarily through the criminalization model. As a result, domestic violence is now under the jurisdiction of the police in various countries. This raises a set of critical questions regarding criminalization and community policing, particularly in multicultural[1] societies.

We raise and address these questions by focusing on the literature on domestic violence and "difference", drawing primarily on our studies of the policing and politics of domestic violence in Israel[2], specifically against Arab women[3]. Given the state's radically diverse and politically polarized population, Israel provides a particularly illustrative, if not extreme, case study of the policing of violence against minority[4] women. As a result, this case study enables us to easily highlight issues that can be found in most heterogeneous communities or nation-states.

At the most general level, we ask how discourses of multiculturalism, diversity, and cultural sensitivity, when combined with prevailing practices of racism and misogyny, shape the masculinist occupation of policing (Miller, 2001). Do multicultural societies protect cultural diversity for all group members, or do they accomplish it at the expense of some segments of the population? When or under what conditions can "cultural sensitivity" become a mechanism of oppression for some members of a minority group? With regard to the criminalization and policing of domestic violence, which community members are protected by police and which are ignored by them and why? Who determines local community needs? Are all communities equally prepared to collaborate and cooperate with police?

Following a presentation of the theoretical framework, we review reasons for which the control of women's behavior, at times enforced through violence, acquires

particular significance in minority communities (whether they are immigrants, indigenous populations, or groups that are culturally or ethnically different from the majority society). We then highlight research conducted on criminal justice system responses in multicultural countries to perpetrators and victims/survivors of violence against minority women. To demonstrate the impact of cultural sensitivity approaches on minority women in contested areas or insular communities, we focus our analysis on a number of themes related to the "culturalization of violence". In light of the centrality of culture and difference to the policing of violence against women, we then query the meaning of "community" in community policing. We conclude with reflections on the tensions between multiculturalism and feminism as they play out in community policing of violence against women and offer directions for rethinking current police approaches or practices.

Multiculturalism and Feminism

Susan Okin Moller, a renowned political science scholar, has recently noted the tensions between feminism and multiculturalism, specifically with regard to multicultural concerns to protect cultural diversity (Okin, 1998). She suggests that efforts to respect minority cultures may sometime clash head on with core tenets of feminism -with the belief that women should have human dignity equal to that of men, that they should not be disadvantaged by their sex. Okin (1998) submits that multiculturalism - the protection of minority cultures or "way of life" not only via individual rights but also via group rights or privileges - may put women at a disadvantage and perpetuate their inequality with men. Because societies and cultures are suffused with gender ideologies and practices, attempts to preserve "authentic" or "traditional" cultural identity often result in the endorsement or even encouragement of discriminatory practices against women and girls (see, also, Okin, 1997, for examples of how multiculturalism may adversely affect minority women[5]).

In line with Okin's (1997) claim, we pose two conflicting views illustrating the tension between feminism and multiculturalism as applied to policing violence against minority women in liberal democratic societies. The first view stipulates that such societies ought to respect the beliefs and acknowledge the needs of its various cultural, racial, ethnic, or religious constituent groups. This view endorses group recognition as a collective aim and promotes the "politics of recognition" (Taylor, 1994), which stresses the importance of appreciating cultural, ethnic, or other group values and needs. The second view calls for recognizing the right of each individual to choose his or her way of life as he or she sees fit. This view espouses the "politics of rights" (Habermas, 1994) or the primacy of individual rights over collective ones. The dilemma is how to reconcile the two approaches in policing violence against

women: how to determine and then acknowledge the collective needs of the group while simultaneously respecting the individual rights of its members. We demonstrate that multicultural approaches envisioned as inclusionary for constituent groups may become exclusionary within groups, in this case, along minority-gender lines. Overemphasizing cultural boundaries or differences may promote particularist justice system responses, ignore resistance by individuals subjected to these responses, and discriminate or oppress minority women.

Members of receiving societies often expect immigrant groups to assimilate upon arrival (see examples in: Volpp, 1996). Similarly, colonizing or occupying societies force indigenous or native communities to abandon their ever-changing ways of life and adapt and conform to the rules of the new regime (Merry, 2000). Although host and colonial intentions are to "civilize," "modernize," or "develop" local communities considered being backward and primitive, these expectations are now considered oppressive (Okin, 1998; 1999). Thus, democratic multicultural countries presently seek to devise new policies that are more responsive to cultural differences, and attempts at being "culturally sensitive" to group variations currently characterize the design of social policy. However, we submit that "culture" is often used as a justification and rationalization for disregarding gender-based oppressions from both within and without the group (Yuval-Davis, 1997).

Democratic societies are expected to identify, accept, and accommodate the cultural needs of diverse citizens with various cultural identities, who are often members of disadvantaged minorities requiring protective legislation and nondiscriminatory law enforcement. A focal concern in this respect is the need to recognize and treat cultural minorities as equal in public policies and institutional responses. The degree to which majority social institutions, including the police, succeed in this task of acknowledging cultural identities remains open for debate, although critical, race, and feminist socio-legal scholars have indicted liberal democratic legal systems for relying on elite white, middle class, masculine standards of needs and rights, falsely presented as neutral in intent, application, and outcome. As a result of this false neutrality, the convergence (Crenshaw, 1991; Yuval-Davis, 1997) of geo-political and socio/politico-cultural ideologies in the lives of minority women can render the policing of violence against women in multicultural societies a form of oppression for individual minority women, families, and collective communities (Websdale, 2001). That women in general and minority women in particular are in a disadvantageous structural position in society is in part demonstrated by differential educational, employment, and income levels (e.g., see Snider, 1998; Collins, 1998). These material, symbolic, and status disadvantages, in turn, create or worsen obstacles to personal and social dignified survival (Guttman, 1994). This is mostly visible in contested areas or when minority-majority community relations are

particularly hierarchical, strained, in high conflict, or even at war. Hence, the demand for a fair and balanced politics of recognition (Guttman, 1994).

To address these tensions, it is necessary to examine the meaning of "community" and the way group rights, social difference, and gender-related binaries of public/private and active/passive have been constructed to justify differential police responses[6] to violence against women in minority communities. Prevailing police approaches that ignore these concerns are ill suited to address in a culturally sensitive manner the complexity of violence against women, particularly in closed patriarchal minority communities. As we demonstrate, the victimization of minority women, although acknowledged, is often normalized, and in the name of cultural sensitivity, police responsibility for enforcing violence against women laws is at times neutralized or abandoned altogether.

We argue, that to transform multicultural societies into societies that recognize and celebrate diversity in law enforcement practices**,** the notion of culture has to be examined in all its political complexity and history of fixation and change (e.g.,Yuval-Davis, 1997; Collins, 1998). It is critical to analyze the place of "culture" and "community" not only by how perpetrators justify their violence against women but also by how police explain their differential responses to it. Although some political theories and feminist writings in this area have offered a vision for such transformation (e.g., see Yuval-Davis, 1997, for analysis of diverse women's citizenship), critical examinations in the context of criminal justice or policing have remained sparse (e.g., Bolger, 1991; Daly, 1994; Lucashenko, 1997).

Community Boundaries and Gendered Social Control

Boundaries between majority and minority communities are often marked by rigid distinctions of value between "us" and "them" or insiders and outsiders. One of the ways that many societies accomplish this outcome is to clearly distinguish between "our" superior notions of womanhood (and manhood) and "their" inferior notions thereof. In both secular and religious national cultures, women play the role of biological national reproducers as well as that of cultural transmitters and cultural signifiers of the national collectivity (Yuval-Davis, 1993). Because women are seen as the cultural carriers of the collective - who transmit its beliefs, rituals, and family and community histories - their behavior is subjected to strict monitoring. The proper control of women in terms of marriage, divorce, and sexuality ensures that children who are born to them are within the boundaries of the group not only biologically but also symbolically (Espin, 1998).

This dynamic is particularly visible when groups experience real and/or perceived threats to their collective survival. Thus, gendered social control may be heightened and intensified in times of upheaval, such as migration, colonization, or war. A community's sense of safety and identity depends on a sharp contrast between two sets of cultural values: their own and those of the majority society (Espin, 1998). These two sets are perceived as rigidly different, dissimilar, and unchangeable. The preservation of traditional versions of women's roles becomes central to this sharp contrast (Razack, 1998).

Minority groups often carry concepts of familial, communal, or national honor that are strongly tied to women's virtue[7]. Cultural traditions, colonial hegemonies, and the vicissitudes of historical processes inform the development and perception of female virtue. Definitions of what constitutes appropriate behavior of women are justified in the name of society's prevalent or salient values: nationalism, religion, morality, health, etc. (Yuval-Davis, 1993). This explains why most groups (men and women alike) try to maintain jurisdiction over personal status or family law codes and to control, legislate, and rigorously monitor the behavior of "their" women. This also explains why most endeavors to resist assimilationist policies or the processes of cultural change and to preserve a sense of authentic cultural identity - often orchestrated by traditionalist political or religious patriarchal leadership, and despite much dissent and resistance by indigenous feminists (e.g., Bhabha, 1997; Yuval-Davis, 1994; Volpp, 1996) - focus on restricting women's roles and circumscribing their behavior and sexuality. Retraditionalizing women thus becomes central to preserving national identity and cultural pride (Ahmad, 1992; Narayan, 1997).

Some gender violence scholars theorize that minority, immigrant, and/or indigenous men experience lack of control in their daily life that renders them powerless and unable to perform dominant forms of masculinity. This may result, it is argued, in the desire to exhibit power and control within intimate relationships. In turn, the control of women may become associated with or enhanced as part of "traditional" norms of masculinity. Controlling women's behavior and sexuality may also become a symbol of continuity and orderliness**.** It may provide minority members a comforting sense that not all traditions are lost (Espin, 1998). Minority or immigrant men sometimes express this aspiration by a preference for arranged or intra-ethnic marriages, preempting the risks involved in marrying Western women, or those who have been "corrupted" by Western values (Erez, 2000). Such control tendencies, the research confirms, justify and increase the prospects of violence against women. Similarly, Linda Gordon (1988) explains domestic violence as a set of tactics and strategies that enforce men's entitlement to women's service and sexuality. Men use physical violence not only to establish but also to reinforce this entitlement, particularly when women resist men's coercive control.

While discourses of multiculturalism demand the invention of new social welfare and criminal justice practices, the problem with addressing violence against women in multicultural contexts is that, at the core of all cultures and fundamental to social groups' identities, are conceptions of the "virtuous" woman and related prescriptions concerning the appropriate behavior of females. When employed as a punishment for or as a tool to enforce these behavioral expectations, violence is often considered an acceptable practice. Police have traditionally been hesitant to intervene in acts conducted in what is viewed as a private domain, particularly in minority communities.

Culturalization of Violence Against Minority Women

Minority-majority relationships in multicultural societies or contested states may range from open, friendly, and trusting to distrusting, hostile, or antagonistic. These relations shape residents' and citizens' experiences of and responses to violence as well as their expectations for and interests in police intervention. Majority-minority community relations also influence police perspectives on and response to violence against women. In turn, multicultural discourses affect the way police responses are perceived or experienced by minority group members. Certainly, the quality of majority-minority relations waxes and wanes depending on the political, economic, and social context. Below we draw on our research in Israel where majority-minority relations are particularly antagonistic as well as on research conducted in nation-states that have experienced and continue to experience a wide range or type of majority-minority relations. Currently, nationalism and xenophobia are on the rise in Western Europe, with majority-minority relations growing increasingly hostile. This is also observed in the newly emerging democracies in post-Communist Central and Eastern Europe and in states that maintain communal control over personal status law, such as India, as well as in established democracies with large immigrant or indigenous populations, such the United States and the United Kingdom. These changes in minority-majority relations warrant broad attention to community policing and the culturalization of violence.

Through our review of the relevant literature on violence against minority women, including our own research on violence against Arab women in Israel, we have identified five common themes that center on the culturalization of violence against minority women. Each of these themes illustrates majority culture ideology as reflected in police perspectives and practices.

Violence as cultural attribute: The first theme common to all groups surveyed was how people disregard or fail to acknowledge the place of male domination in their understandings of violence against minority women. In other words, violence against women in minority communities is viewed by the majority as a group or cultural attribute rather than as an expression of male domination. As Volpp (2001, p. 1189) comments,

> We identify sexual violence in immigrants of color and Third World communities as cultural, while failing to recognize the cultural aspects of sexual violence against mainstream white women.

Gender and male domination of women within and across multicultural communities is rendered invisible in the majority analysis, leaving minority women the risk and burden of attacking their culture as a whole to make a personal claim for state protection. Such culturalization of violence is inextricably tied to racism (Razack, 1998) rather than to respect for multiculturalism.

Normalization of violence: The culturalization of violence is linked directly with our second common theme: the normalization of violence. While culturalization of violence temporarily renders invisible men or masculinity from popular understandings of violence against minority women, blaming culture as a whole, the normalization of violence serves to further distance the majority culture from violence within minority communities. The normalization of violence provides members of the majority culture with justification for the prevalence of violence as well as their under policing of it.

When victims and their attackers are of the majority society, for example, or are of the same race or ethnic group, it is commonly assumed that it is gender and not race or ethnicity that determines how the assault is "scripted" (Razack, 1998). Yet, there is cross-cultural evidence to suggest that the judgment by the majority society of intra-group violence against women in minority communities is mediated by the stereotyping of minority cultures and their carriers (e.g., Espin, 1998). Minority communities, often perceived as primitive and prone to violence, are commonly differentially treated by the justice system, including the police, with regard to violence against "their" women. For instance, research in Israel has shown that the majority of Israeli police viewed violence against Arab women as "normal," and related to "Arab mentality" or culture, which views women as commodities (Shalhoub-Kevorkian and Erez, 2002). Research in Australia demonstrates that majority society views Aboriginal manifestations of violence against women as part of their tradition and condoned by "tribal law" (Laster and Raham, 1997; Blagg, 2002). Additional work on immigrants of color to the United States suggest that violence against women is attributed by the majority community to a "culture of

violence." Each of these explanations enable the marking of the "other" as transgressive without an interrogation of one's own culture.

Research on the role played by police officers' perceptions of minority groups in decision making regarding violence against women has been sparse[8]. Kathleen Ferraro (1989), in her classic study of policing woman battering under mandatory arrest laws, highlights the way perceived cultural attributes serve as reasons, excuses, or justifications to ignore mandatory arrest policies in the southwestern United States, which receives a large immigrant population, primarily from Mexico. For instance, she demonstrates that police tend to dichotomize the community into normal (majority) and deviant (minority) citizens. Normal citizens maintain conventional lifestyle, such as employment, sobriety, family, and modestly clean homes, and are heterosexual, white, and speak English. Deviant or minority citizens, referred to as "Mexican", "Indian" or otherwise "these kinds of people", live an atypical lifestyle. They are publicly intoxicated or high, homeless, involved in crime, live in rundown houses, have an unconventional family structure, and speak foreign languages. Habitual problems, perceived as poor choices, such as addiction, chronic unemployment, and violent behavior, are viewed as endemic to these populations. Although a normal wife beater is considered situationally deviant - his battering is a response to a strain caused by justifiable social stressors (such as a request for divorce) - the battering of minority citizens is viewed as a routine event for "these kind of men." Hence, officers believe that arrest is a waste of time and meaningless in such cases because violence is a way of life for these people or endemic to their culture. Research in Australia (Blagg, 2002) also provides evidence of police downplaying the seriousness of violence against Aboriginal women on the grounds that it is "part of their culture" and they are "used to it." Violence is perceived is a vital part of their otherness and strangeness, making it all too easy for authorities to minimize the severity of the battering or cast aside the suffering of their victims.

Analogous "cultural defenses" often are employed by defense attorneys for sentence mitigation of batterers (e.g., Maguigan, 1995; Volpp, 1994), and police are inclined to accept culturally based attributions of motives as reasons for nonintervention. Yet, unlike defenses in the court, police resorting to culturally based excuses or justifications remain invisible and rarely come to the forefront of public attention. Cultural prejudices and value judgments often determine the extent of blame attributed to minority or immigrant men in judging violence against women. There have been numerous court cases in which minority men attempted to use "cultural defenses" to explain or justify cases of sexual assaults of girls, attempts by fathers to marry off their young or even minor daughters, or honor killing of daughters, wives, or sisters (e.g., Okin, 1997; Volpp, 1994). Appeals for leniency typically include

minority men who were violent with their female partners or family members but who claimed to have conformed to their cultural dictates. Courts have often accepted requests for sentence mitigation (e.g., Laster and Raham, 1997; Maguigan, 1995; Rimonte, 1991; Kelly, 1999).

On the other hand, the few women victims of rape or abuse who have tried to use cultural arguments to explain nonresistance or compliance with men's demands have not had their requests granted. Women who claimed that they adhered to cultural prescriptions when they were not challenging men's authority or orders to comply have hardly ever convinced criminal justice agents that they were unwilling participants in their rape or were victims of abuse (Razack, 1998). Furthermore, women who resisted abuse and acted aggressively as they defended themselves were viewed as deserving the violence and worthy of a harsher disposition because they have violated cultural expectations[9].

This differential treatment has led some scholars to note that in violence against women, legal subjects are recast as a "cultural man" or an "acultural woman" (Laster and Raham, 1997). A minority man who commits a violent act aligns himself with his cultural background or history and benefits from it. A minority woman enacting violence for her defense or as an act of rebellion has no recourse to cultural precedent or script and consequently must suffer legal and social recrimination if she resists her own victimization.

While cultural defenses are formally not admissible in court for guilt determination purposes (they may affect sentence leniency, e.g., Maguigan, 1995), in police settings, particularly in applying cultural sensitivity through community policing approaches, they are likely to affect police decisions to intervene. The police may adopt community standards of acceptable behavior and minimize or tolerate harm committed by "uncivilized" minority men. Ethnicity (or nationality, race, etc.) hardly ever absents itself from the battering script, normalizing the abuse and absolving the abuser from responsibility. The stereotyping of minority men and their women regulates what is seen and acknowledged by the police, how an incident is interpreted, and what course of action the police will take. For instance, An Arab woman in Israel recounted how the officer that came to her house to investigate her abuse complaint criticized her for not "behaving according to Arab traditions." The officer chastised her for keeping a dirty house all the while disregarding that her husband, in his rage, had thrown the food she had prepared for the family all over the house. The officer also admonished the woman for pushing her husband without recognizing that the husband had seriously injured her (Shalhoub-Kevorkian and Erez, 2002.) This severely abused woman concluded that she would never call the police again, even if her life were at risk. Some police officers expressed sympathy

for Bedouin men accused of violence, suggesting that in their culture men have to marry female relatives, which may explain why they resort to violence (Shalhoub-Kevorkian and Erez, 2000).

Differential reckoning of victims: This normalization of violence categorizes violence against minority women as normal and that against dominant women as deviant, resulting in the differential reckoning of real victims, our third theme. By differential reckoning of victims, we mean to say that police, as part of the dominant society, play a role in determining who constitutes a legitimate and deserving victim and what constitutes a legitimate excuse (i.e., justification) for resorting to violence against women.

In practice, both types of reckoning ostensibly deny the victimization of certain women. They also make it difficult for police to consider in totality the conditions that entrap battered women (Ptacek, 1999). Instead of understanding, for example, that immigrant women may be cut off from the support of extended family and community networks and may experience severe isolation, that they may lack linguistic skills or the right to work, or that immigration laws create legal dependents out of arriving immigrant women, police dismiss the violence women face or consider what they perceive as an "uncooperative" or passive victim as unworthy of their intervention (Abraham, 2000; Erez, 2002). For indigenous women, the impacts of colonization, racism, or "othering" (Said, 1995) present cumulative and overwhelming difficulties, often leading to women, too, considering the violence normal, which in turn increases the grip that minority men have over "their" women (Blagg, 2002; Bolger, 1991; McGillivray and Comasky, 1999) and contributes to police mythologies that minority women neither seek nor deserve protection. The complicity of the dominant majority in the violence (in terms of the marginalization of minorities, differential treatment, etc.) is also forgotten. Gender is taken out of context, as economic, political, historical, and social forces that have weakened minority or indigenous communities are ignored, and conditions that make minority women particularly vulnerable to male dominance by their own and the outside community are overlooked (Volpp, 2001; Blagg, 2002).

A critical issue for the policing of violence against women, however, is that majority group members control the interpretation of what it means to take culture into account. This involves questions such as whether the violence has exceeded what is "normal" or "reasonable" violence for "these kind of people," whether it is outside the parameters of tolerable or expected abuse for minority women, and whether indigenous resistance to woman abuse is in fact a genuine part of the culture. Available studies of policing violence against minority women confirm that such judgments guide police officers' responses to woman battering and influence their

readiness to enforce the law in minority communities. Research has identified a patriarchal male fraternity and identification between law enforcement officials and minority men whose communities they serve, predisposing police officers to overlook the harm, or question the credibility of abused women's complaints. For instance, Shalhoub-Kevorkian and Erez (2000) report that officers were willing to accept farfetched excuses offered by family members for the violence, and in an effort to resolve the case, would agree to solutions negotiated on behalf of the victim by family members or community representatives. Some officers viewed minority women complainants as exaggerating or even fabricating accusations, while expressing understanding for their men. Laster and Raham (1997) documented how criminal justice agents trivialized injuries inflicted on Aboriginal women when men were perceived as acting within the parameters of their cultural tradition. Sympathy toward patriarchal cultures, together with a conscious or unconscious regard for the impact of marginalization upon minority men, tend to engender tolerance and empathy for minority men in their attempts at "managing" their women (e.g., Okin 1998; 1999).

Thus, police and prosecutors may justify the punishment of violent men to the extent to which women are considered by the majority community worthy of trust and protection (Dobash and Dobash, 1979). For minority women, the bar is often raised higher than it is for their majority counterparts. For minority men, however, expectations for self-control, rationality, and discipline are lower compared with those applied to majority men. For instance, research in Israel (Shalhoub-Kevorkian and Erez 2002) has shown that police expect Arab women to exhibit higher levels of passivity and submissiveness in dealing with male family members or to tolerate more violence in their marital life than their Jewish counterparts. The police also accepted more readily Arab men's excuses for their violent outbursts or turned a blind eye to battering incidents within this community. Police rationalized this behavior with a range of arguments (e.g., that it might be better for the Arab woman if the violation is ignored, that the Arab woman might be killed if her complaint to the police become known, or that the woman would not be able to survive outside her community).

For her own good: Our fourth theme, "for her own good," centers on this rationalization of avoidance strategy. Paralleling the position taken by adults vis-a-vis children, authorities explain that they under police violence against minority women because it is in their (i.e., women's) best interest or for her own good, given her cultural position. Although this may be the result of wayward diversity training, we argue that paternalistic avoidance of duty should not be encouraged as a strategy of cultural sensitivity. That is, unless police intend to bypass the needs and rights of women within minority communities.

If the police are called for help, officers often become apprehensive about intervening in what is regarded as an internal minority community affair. "Cultural sensitivity" serves as a convenient and institutionally acceptable justification for nonintervention. If the police attempt to intervene on behalf of abused minority women, indecisive, hesitant, or wavering complainants may face pernicious problems. In addition to legal considerations related to pursuing redress without victim statements, the police may soon become unsympathetic to the plight of minority women who retract their complaint or refuse a benevolent offer to "rescue" them from violent partners. Retraction, in turn, reinforces initial police stereotypical beliefs about violence as a routine minority community practice or way of life (Bolger, 1991; Ferraro, 1989). Israeli officers frequently referred to Arab or Bedouin mentality as reasons for not intervening or for making concessions to parties' demands to refrain from arrests, or to the futility of official intervention when violence against women is inherent in this community (Shalhoub-Kevorkian and Erez, 2002).

At the same time, police may avoid responsibility for enforcing the law through a genuine concern for the welfare of the victim. Research on the policing of violence in the Arab community in Israel has identified justifications used by the police to overlook or minimize law violations, including the overall welfare of the victim, her safety, or her prospects to marry. Cost-benefit analysis in which the police weigh these considerations was a common theme in determination of the best response to women in closed communities such as the Arabs in Israel (Shalhoub-Kevorkian and Erez 2002). The question remains as to how police manage these strategy negotiations with individual women and to what extent she is able to "choose" among options.

The double bind of "gendered racism" and "racialized sexism": One of the most complex and insidious themes we identified in the policing of violence against minority women, which raises pragmatic dilemmas for victims as well as police, was the double bind of "gendered racism" and "racialized sexism" (Espin, 1998). Namely, minority women are subjected to a convergence of racism and sexism in the majority society while they also experience sexism and male domination in their own community. This means that while minority women embody an intersection of both gender and community (Crenshaw, 1991), experiences of violence may force them to prioritize or somehow "select" one over the other. More troubling is how women are penalized for making either "choice." When abused minority women attempt to call the police for safety, they find themselves in this double bind. If they expose their battering, their own communities view them as traitors or disloyal sisters for disclosing the violence (Crenshaw, 1991; Erez, 2000). If they bring their

battering experience to the attention of the police, they risk exacerbating the racism directed at their community - at both minority or immigrant men and women. Fear of reinforcing the dominant group's stereotypes, possibly leading to further racism and discrimination toward the minority group, effectively silences minority abused women (e.g., Crenshaw, 1991; Erez et al., 2003).

Women from minority groups who report abuse are also seen by the majority society as women who have abandoned their communities because they are so patriarchal, backward, or primitive - firm proof of the minority culture's inferiority (e.g., Shalhoub-Kevorkian, 1999). If they do overcome their reluctance to expose the abuse and report the violence, they are vulnerable to familial and communal pressures to withdraw the complaint and may be persuaded to retract their grievances. They may also suffer grave consequences for their attempt to involve outsiders (e.g., Hasan, 1999). The police, on the other hand, as noted above, may readily accept retractions when dealing with closed communities, as they may be genuinely convinced that it is in the abused woman's best interest to forgive and forget.

Police may make minority women, doubly stigmatized by gender and as the "other," feel irrelevant, or not in urgent need for police protection, particularly when the dominant society labels them as a member of the enemy community. For instance, research (Shalhoub-Kevorkian and Erez, 2002) has portrayed the uneasiness and discomfort that abused Arab women in Israel felt in reporting the battering to the police. One abused Arab woman recounted that while waiting to file her complaint, she was criticized by the officer who took her report and identified her as an Arab for her community's recent confrontation with the police. She, as did other interviewees, reported being frustrated and aggravated about having to endure not only their husband's abuse but also the burden of being part of the adversarial "other".

Taken together, these five themes indicate that police practices reflect dominant society's stance on minority communities, with particularly extreme dilemmas found in high-conflict, multicultural societies. The cultural double standards, and consequently under enforcement of the law experienced by minority female victims of intimate violence, have been identified in several studies. Contradictory complaints of under- and over enforcement by the police often plague law enforcement in minority communities.

Community Policing and the Criminalization of Domestic Violence: Whose Community?

With our analysis, we are not suggesting that community policing alone is responsible for the culturalization of violence against minority women, nor are we arguing that traditional forms of policing handle violence against minority women in radically different ways. We are suggesting, however, that community policing, with its emphasis on local community boundaries, understanding and valuing cultural differences, and empowering selected community leaders to prioritize policing needs, may produce unintended consequences in the policing of violence against minority women. For example, community policing may exacerbate already existing harmful policing practices, such as the under policing of violence against minority women. At the same time, community policing also may weaken community initiatives against violence against minority women that are not considered authentically representative of the community. In addition, community policing encourages the development of (professional) relationships between police officers and community members as well as discretionary and interpretive use of rules. This opens up community policing of violence against women to a variety of questions regarding rules and relationships, street-level bureaucracy, and discretionary decision making (Oberweis and Musheno, 2001).

The widespread criminalization and policing of domestic violence coincides chronologically with the rise of the community policing model. Community policing is based on collaboration and police-community partnerships. Developed in the United States, community policing is, in part, a response to police racism and to demands for increased minority community protection. Thus, community policing seeks citizen input, relies on local norms and values, and maintains a limited geographic focus. To correct racist and discriminatory law enforcement, community policing emphasizes cultural competency, acknowledges diversity, and supports the ideal of a "cultural match" between policing philosophy and community values (Wakeling et al., 2001, p. ix). Thus, community policing is often recommended to alleviate tensions between subordinated and dominant communities within multicultural societies.

Community policing, whether focused on the maintenance of public order, the reduction in crime opportunity, and/or social problems, has become the best practices model and leading approach to police reform (e.g., Committee on Multi-Ethnic Community Relations, 1994). Indeed, Herbert (2000, p. 114) has even submitted that "police departments in the Western world can only remain legitimate if they genuflect before the altar of community policing." Given the dramatic increase in U.S. assistance to civilian police forces abroad, including those located

in transitional democracies and failed states (Bayley, 2001), it is critical that scholars, practitioners, and activists situate the criminalization of violence against women within the framework of community policing and the discourses of difference and multiculturalism.

The criminalization and policing of domestic violence have not escaped criticism. Early critiques of the contemporary criminalization model and the law enforcement approach centered on the patriarchal nature of the law and the unproved ability of legal interventions (e.g., mandatory arrest, orders of protection, incarceration) to protect individual women and their children (Fagan, 1996). Feminist activists, in particular, expressed deep concerns about the ability of the criminal justice system to address the structural conditions that cause domestic violence in the first place (Ferraro, 1996; Snider, 1998). Others anticipated and feared the institutionalization of grassroots women-centered antiviolence movements, warning of the tendency of the state to co-opt efforts aimed at societal transformation and turn them into programs that maintain the *status quo ante* (Matthews, 1994).

In addition to these gender-exclusive critiques of criminalization, minority women, including immigrant and indigenous women, have articulated significant concerns regarding "difference" and the policing of domestic violence in stratified, multicultural societies. Scholars have demonstrated, for example, how differences and contexts, such as poverty (Raphael, 2000), rurality (Websdale, 1998), sexual orientation (Levanthal and Lundy, 1999), immigration (Abraham, 2000; Erez et.al., 2003), racism (Ritchie, 1996), and colonialism (McGillvray and Comasky, 1999; Merry, 2000), matter in women's experiences of and responses to domestic violence. Rural women may not have access to social services as do urban women, for example, and police response time to a remote home may be fatal; lesbian women may threaten to "out" their closeted battered partners; newly arrived immigrant women may think that they are legally dependent on their battering husbands to obtain legal permanent residency. This research also has illustrated how institutional treatment of women victims is influenced by these same differences and contexts.

One pragmatic way minority women have addressed how differences matter to individual and institutional responses to domestic violence is to develop community-based organizations, such as the Asian & Pacific Islander Institute on Domestic Violence, that educate and advocate for members of their community, or to establish shelters that cater to specific communities, such as South Asian immigrant women in the United States or Arab women in Israel. Despite these "specialized" services, however, problems still exist regarding the policing of domestic violence within multicultural societies. Networks, organizations, and shelters may serve local communities, but battered women must still contend with a state-based criminal

justice system that may not provide them safety with dignity. The common lament of those critical of the criminal justice response to violence against minority women is that it may exacerbate minority women's vulnerability to gender violence and their community's vulnerability to state violence through both under policing and over policing. Critical race feminist Adrien Wing refers to this dynamic as "outside/inside violence" (2000, p. 338; see also Atkinson, 1990; 1996; Bhattacharjee, 2001; Boldger, 1991; Coker, 2001; Coomaraswamy, 2001; Crenshaw, 1991; Collins, 1998; Daly, 1994; Critical Resistance/INCITE, 2002; Lucashenko, 1997; Razack, 1998).

Our conceptualization of the dilemmas facing police in multicultural societies builds on and extends this area of writing and activism focused on racialized and/or ethnic majority-minority dynamics in the United States, Australia, Israel or Canada. Specifically, we argued that racialized national minority groups who live in high-conflict, militarized, or contested states present a particular kind of difference that matters to the policing of domestic violence in multicultural societies. For example, their geography of domestic violence (Warrington, 2000) may be more restricted and confined, socially and spatially. Their problems in appealing to the police are compounded by the historical and geopolitical dimensions introduced into the minority-majority community relationships. The dilemmas of the police in addressing violence against these women are intricate and may require an even more delicate balance between "respecting difference" and enforcing state laws in a nondiscriminatory fashion. In assessing community policing and its effects on violence against women, it is important to examine the meaning of the "community," particularly, who constitutes its representatives, leadership, and spokespersons. It is equally important to examine the outcomes of such input and its effect on the welfare of minority women victims of violence.

A casual observation would indicate that the power holders/brokers and those officially representing immigrant or indigenous minority communities rarely include women in their ranks. For instance, in a study of policing domestic violence in the Arab community in Israel (Shalhoub-Kevorkian and Erez, 2002), several officers have observed "immediately following a complaint about wife battering, there is an intensified level of interference by community dignitaries," all of whom are men. Hasan (1999) also provides ample examples of situations in which community notables holding patriarchal values were called on to mediate or help in resolving cases of violence against women. Whether the leadership authority is derived from religious, political, or social bases, community leaders are likely to be men who represent "traditional" views of familial relations and gender obligations. If they include women, these are most likely elderly women recruited to help uphold traditional values and practices (Espin, 1998).

Yet community leaders, notables, or dignitaries - often called upon when the police seek community input or liaisons with the community - have much impact on police decisions relative to abused women. Community leaders serve as the link between the police and the community, exerting influence on determinations regarding the fate of the victim, her abuser, and their families. The police often rely on notables' judgment about the seriousness of the event, their interpretation of the context, and input about the most effective intervention. One Israeli Arab woman, for example, who was pleased with the comfort and support she received from a female police officer, was disappointed with the police when she discovered that her own and her husband's families, community notables, and the police had reached an agreement that specified that, following an apology from the abuser, she would be returned to him. She reluctantly returned to avoid social exclusion and rejection of herself and her daughters. Another Israeli Arab woman recounted her running away from her abuser only to find out that an agreement between her own family and the police stipulated that any time she leaves, the police would call her family to pick her up and return her to the husband. She stated that her trust in the police had been violated and that she would never call them for help, as "it was better to be buried in my village's earth, than to be buried in a stranger's earth." (Shalhoub-Kervorkian and Erez, 2002). These examples demonstrate how the conservatizing and exclusionary effects of community policing centered on local community values create a welcoming atmosphere for male collusion against victims. As a result, abused minority or immigrant women, caught between the need to escape their abusers and the need to avoid the police, often do not perceive the community leadership as working on their behalf (Narayan, 1997).

Furthermore, police tend to passively ignore indigenous feminist resistance and/or actively critique their support organizations as irrelevant, inauthentic, or "not part of the community." For example, Shalhoub-Kevorkian and Erez (2000) found that Israeli police officers evaluated efforts by Arab women organizations to support abused women and demand strict enforcement of the law against family violence (issuing restraining orders, arresting batterers or using shelters) as "too radical" or not "suitable for this community." Although officers thought that such organizations were "a good start for Arab women," they still considered their activists as "not representing their own community."

Some researchers and activists have suggested that violence against women may serve political ends when majority and minority communities are arranged in hierarchal and contested relations. Governments may provide patriarchal leadership of minority communities with the freedom to resolve violence against women cases according to their "traditions" so that they have at least a perception of autonomy.

According to some scholars, such a move helps to divert minority communities' attention from the discrimination and national oppression they experience as a minority (Hasan, 1999). This parallels the kind of nationalist bargain struck between colonizing or occupying forces with regard to family law codes or personal status laws, in which subordinated communities fight for and/or are presented paternalistically with a slice of control over communal or religious practices, such as marriage and divorce (Adelman 1997; 2000). Others have suggested that the police may use violence against women cases as occasions to improve relations with the minority community or create opportunities for building desired bridges (Shalhoub-Kervorkian and Erez, 2002). Of course, police may also have various ideological, organizational, and resource reasons to succumb to minority communities' pressures to allow them to handle such cases internally, or to resolve them according to their "traditions." A common effect of these distinct interpretations is that national or communal desires for sovereignty, which may be deeply shared by women members of the community, may leave these same women vulnerable to victimization.

From the perspective of the dominant society, concessions to cultural relativism, often echoed by police officers, allow them to distinguish themselves from the primitive "other." Violence against women perpetrated in minority communities, and majority society responses to the violence, serve the interests of both. As Glazer and Raz (1994) in their study of family honor killings in the Arab community in Israel suggest, Israeli Arab men, who take it upon themselves to enforce traditional law by killing women, reaffirm their status and authority within their own community. Their actions also allow them to claim moral superiority over Israeli Jews, who are regarded as having a pale sense of honor and little power because they cannot exert control over "their" women. For Israeli Jews, family honor murders among Israeli Arabs serve as a double affirmation of their superiority. They are proud of their own modern social system that abhors such practices while their system also validates their image of themselves as "tolerant," as they are prepared to make concessions in their dealing with the primitive "other" (e.g., by not interfering when a woman is threatened by family members). Given this hierarchy of meaning and value, some readers may argue that at least this should translate into the proper and safe policing of violence against dominant women. However, feminist sociologists, criminologists, and anthropologists have documented how women members of dominant societies benefit from this "bartering system" of chivalry only insofar as they qualify for and "adhere to proper gender roles" (Belknap, 1996, p. 70 in: Zatz 2000, p. 518, see also: Laster and Raham, 1997; Razack, 1998; Ferraro, 1989).

In closed communities or in conflicted areas, the intervention needed is one that stops abuse and opens pathways to the transformation of masculine subjectivities

and creates possibilities for victims' material empowerment (Coker, 2001), perhaps with minimum interference by the police or the criminal justice system. There is a preference among women from such communities, whether they are Arabs in Israel, immigrants in the United States, or Aboriginal women in Australia or Canada, for strategies that change behavior while maintaining family relations[10]. For many indigenous, minority, or immigrant women, choosing to leave "family" - with all its intricate embedded ties of responsibility and obligation, connection with country, culture, and related support network - is not an option (Blagg, 2002; Erez, 2000). At the same time, it will be important not to treat women in minority communities as monolithic constituents. A group of Aboriginal women in Canada, for example, indicated that they desired an increase in policing of domestic violence whether in conjunction with indigenous practices or in isolation (McGillvray and Comasky, 1999). Police intervention strategies need to respect - rather than problematize - minority women's cultural and family obligations. Yet these obligations should not be used to subject women to abuse and relinquish responsibility for their safety. Thus, culturally sensitive practices, which engage the community in police decision making regarding woman abuse, need to be reexamined in light of questions such as who represents the community, whose interests its input reflects, or from whose viewpoint a particular outcome is desirable. Raising police awareness about cultural differences or ad hoc sensitivity training alone may not be sufficient to transform time-honored ideologies and practices of woman exclusion. In formulating culturally sensitive intervention strategies, the police should search for and activate local resources that support women and adopt a multiplicity of women-centered indigenous solutions.

Community policing, with its emphasis on local knowledge and citizen-state collaboration, may provide a unique opportunity for understanding power struggles and recognizing dissent and resistance to accepted practices that perpetuate gender imbalance (Miller, 1999). A new vision of community policing would recognize dissenting voices and mobilize community resources that support and empower abused women. As cultures are not static but continuously change, violence against women cannot be justified or tolerated based on cultural differences. Nor can culture (or "mentality") be used to neutralize responsibility by those who are policed and those who police. As communities are not monolithic, police should seek out and activate nontraditional community leaders and organizations that challenge rather than reinforce stereotypical beliefs and myths about minority women and men. Cultural sensitivity training for police should provide a bird's-eye view of the community, including its internal resources that support and defend abused women's right for safety, whether these are formal or informal indigenous feminist and human rights organizations, victim assistance grassroots movements, or nongovernmental

organizations. This will result in a complex understanding of life in and across communities.

Conclusion

Using the policing of violence against women as a case study, we have explored tensions between two major approaches to multiculturalism: the politics of rights (Habermas, 1994) and the politics of recognition (Taylor, 1994) and how it results in the politics of exclusion (Collins, 1998). For minority women caught in the net of gender violence, the lure of multiculturalism is considerably reduced. Liberal democracies, committed to principles of equality before the law and to multiculturalism, are particularly susceptible to failed attempts to reconcile these contradictory goals.

Multiculturalism, particularly its corollary - cultural sensitivity - can become a convenient and institutionally acceptable, and perhaps even encouraged, mechanism of culturalizing violence against minority women. Such approaches tend to perpetuate rather than challenge views about the inferiority of "other" cultures, including the portrayal of violence against women as endemic to minority communities. Violence against minority women, although acknowledged, then goes unnoticed, is minimized, or is tacitly accepted. Gender and ethnic/race biases tend to guide and determine routine operations of social control institutions with the blessing of both majority and minority communities. For minority women, the gains accomplished through the "politics of recognition" are easily lost through the "politics of exclusion," as cultural sensitivity practices toward violence against women become a form of police neglect, at best, or oppression, at worst.

In light of our analysis, we suggest that those who study, advocate for, and practice community policing investigate the extent to which community policing serves everyone in communities similarly. Community policing programs must assess whether all members of a particular community are fairly represented in partnerships with police.

The underlying lesson from our research is that in the name of multiculturalism, diversity, and cultural sensitivity, police invoke a concept of "culture" that appears static, is often mythological, and is not necessarily representative of all members of a community or social group. Law enforcement officials with the best intentions may need to understand that the concept of culture is a political one and should be used with caution, particularly when charged with preventing and intervening in violent crimes against minority women in contested states. Failure to recognize and mitigate the suffering of those whose voices are heard least, and whose lives are

often hidden behind closed doors within closed communities, constitutes police failure to grasp their primary role in multicultural societies: to protect and form a partnership of trust with both the men and the women of the community.

Notes

[1] The use of the term "multiculturalism" or "multicultural" is controversial, and there is no consensus on its meaning or practice. To some it suggests racism, while to others it alludes to efforts to accomplish a monolithic culture. Some black feminist scholars have rejected the term outright, as it locates the problems inherent in multiethnic/racial societies in "culture" rather than racism. It also overly concedes to traditional male community leaders who wish to freeze gender (and often generational) relations, suggesting that there is no dissent from within the community, nor any social change. In this article, we restrict the concept to principles of providing recognition in the form of group rights to minority communities, often expressed in cultural sensitivity approaches, or hiring practices applied in Western democratic societies with multiple ethic, racial, or cultural enclaves.

[2] We illustrate the challenges of policing violence against women in high-conflict, multicultural societies by drawing primarily although not exclusively on our research in Israel. Over the last decade, violence against women has developed into a recognized social problem in Israel. Feminist activists in Israel began collectively organizing against rape and domestic violence in the mid to late 1970s, with the first shelter for battered women established in Haifa in 1977. Not until 1991 did the Israeli parliament approve the first piece of legislation aimed explicitly at violence in the family; this law permits a battered woman to apply for a restraining order. By 1995, there were six shelters across the state, supported, in part, by government funding. Today, the number of shelters for women and their children has doubled. A growing number of nongovernmental organizations and social service agencies are also staffed by and for Israeli Arab women who are victims of men's violence. In addition, private and public monies support Beit Noam, an innovative residential treatment program for men who batter that provides services in Hebrew. Yet, for all of this activity, in 2001, the Israeli police opened more than 22,000 cases of domestic violence (Ruth Sinai, March 21, 2001. Haaretz English Edition online at http://www.haaretzdaily.com. Last accessed March 21, 2001). At the very least, these numbers document the criminalization of domestic violence in Israel. More important, they indicate that Israeli women are beginning to take their concerns about domestic violence to the police and that the Israeli state is starting to respond to women's demands for safety and protection. However, this overly brief description does not indicate the challenges to policing domestic violence in a high-conflict, multicultural society, which we explore in the text.

[3] The history of the relationship between Israeli Arabs and the Israeli state contributes to our understanding of the challenges facing police in multicultural societies. At the close of the 1948 war that established the State of Israel, the remaining Palestinian Arab community, formerly under the jurisdiction of the Ottoman Empire and, for a period, under the British Mandate, came under Israeli control. Between 1948 and 1966, these citizens were administered by Israeli military rule. Israeli military rule controlled the economic, social, and political life of this national minority community (Lustick 1980). Although there are direct and overlapping familial, political, and historical connections between them, Arab citizens of Israel can be distinguished from the Palestinians who reside in what is termed "the territories" in the sense that the latter are not citizens of Israel. These territories came under Israel rule after the 1967 war, and part of them have acquired some degree of autonomy as a result of the 1992 Oslo agreement. The status of the territories (including the West Bank, Gaza Strip, Golan Heights, and East Jerusalem) remains a contentious and central focus of Jewish and Arab Israeli everyday life. Israeli Jewish discrimination against Israeli Arabs can be noted

from state budget allocations to employer hiring practices. Indeed, Israeli Arabs are considered by some Jewish Israelis to constitute a fifth column. Critics argue that the categorization of Israeli Arabs as culturally inferior, alternatively as primitive and pastoral or as cunning and violent, is widespread. In light of the increased politicization and Palestinianization of the Arab sector in Israel, a substantial proportion of Israeli Arabs refer to themselves as Palestinians, Palestinians living in Israel, and/or Palestinian citizens of Israel. Our article deals with Israeli Arabs who are citizens of Israel, that is, those residing legally within the Green Line. The history of military rule, the contested nature of Israeli Arab citizenship in Israel, and the continued violence related to the territories serve as an important context to our argument regarding the policing of violence against women in high-conflict multicultural societies.

[4] Following Romany (2000), we consider "minority" as a social location of subordination rather than as an indicator of numerical proportion. Minority status can be based on race, ethnicity, religion, or nationality and may result from migration, colonization, or other geo/socio-political arrangements in which countries become multicultural or multiethnic societies. Many of the issues regarding violence against minority women and its policing are shared by all women and are not unique to minority women. The differences are often manifested in degree, extent, formulation, and impact on different women. In this respect, it is also useful to be reminded of Volpp's (2001) caution that to posit feminism and multiculturalism as oppositional is to assume that minority women, presumably disproportionately assaulted by their men, are victims of their cultures. This assumption, Volpp (2001) submits, is achieved by a discursive strategy that constructs gender subordination as integral only to certain cultures. She provides evidence to show that the ubiquitous claim that minority and Third World cultures are more subordinating than Western cultures can be traced to the history of colonialism, the origins of liberalism, depictions of the feminist subject, and the use of binary logic in discourse about violence against women. She also warns against the risks in pitting feminism against multiculturalism: obscuring the influences that shape cultural practices, ignoring the forces besides culture that affect women's lives, and overlooking the way women exercise agency within patriarchy. She joins other critiques of this mode of thinking (e.g., Cohen et al., eds., 1999), reminding us of the high level of violence against women within Western countries such as the United States or England.

[5] Responding to Okin's provocative question as to whether multiculturalism is bad for women, several scholars (Cohen et al., 1999) have criticized Okin's claim or rejected it outright. Some have contended that Okin's views are rooted in a moral universalism that is blind to cultural difference. Others have quarreled with Okin's focus on gender or argued that we need to exercise care with which group rights should be permitted and not reject the category of group rights altogether. Okin concludes with a rebuttal, clarifying, adjusting, and extending her original position. For our purpose, the response by Homi Bhabha (1997), in particular his arguments regarding cultural defense, is relevant. Bhabha submits that by focusing on cultural defense cases (marriage through capture and rape by Hmong men, wife-murder by immigrants from Asia, family honor killing by people from Middle Eastern countries, or mother-child suicide among Japanese and Chinese provoked by the shame of the husband's infidelity), Okin produces "monolithic," although gender-differentiated, characterizations of minority, migrant cultures. He states that issues related to group rights or cultural defense need to be placed "in the context of the ongoing lives of minorities in the metropolitan cultures of the West if we are to understand the deprivation and discrimination that shape their affective lives, often alienated from the comforts of citizenship." He also challenges the underlying image of minorities as the abject "subjects" of their cultures of origin, who preserve "the orthodoxy of their distinctive cultures in the midst of the great storm of Western progress," a view that ignores the resistance and reform from within minority communities. Because in this article we specifically address violence against women in minority groups that gives rise to such "cultural defenses" and police response to such cases, including thinking modes or reactions that often parallel cultural

defenses, Bhabha's criticism is of less concern for us. See Shalhoub-Kevorkian (1999) for a recent example of the adverse effect of Arab culture on dealing with rape victims.

[6] Differential treatment of minority members, particularly women and children, is not unique to police or to the domain of criminal law, but is also documented in other agencies or occupations (such as social work, counseling) and in the civil law area.

[7] We should note that when we mention minority groups' patriarchal nature or enforcement of conception of the "virtuous woman" we do not mean to suggest that majority societies are not patriarchal or do not subscribe to such conceptions. As Okin (1998) emphasizes, all societies, including the major Western countries on which she draws to provide examples about the tensions between feminism and multiculturalism, are gendered, with substantial differences of power and advantage between men and women. The differences between these countries and the minority groups they absorb, colonize, or with which they otherwise come into contact, and which involve policing, are only a matter of degree. The same applies to minority women's experiences with abuse and social reaction to it compared with other women. The similarity is often more pronounced than the differences, and many of the issues discussed in this article (e.g., privacy, reluctance to report) are present to various degrees in all woman abuse cases (see also endnote 4, above).

[8] The literature on police typification or categorization has dealt mostly with common criminals, such as the "symbolic assailant" (e.g., Skolnick, 1968) or "the asshole" (Van Mannan, 1978). For the most part, it has failed to examine police typification of either woman abusers or cultural minorities.

[9] There have been few cases in various countries in which cultural arguments have been used in high-profile cases by minority women who transgressed. Often the argument held in cases in which the female defendants represented a "conventional" minority woman (e.g., a faithful wife who resisted her husband's violence), whereas in cases in which she did not conform to such expectations (e.g., she was prostituted by the man she killed), her appeal failed (e.g., Rimonte, 1991).

[10] Indeed, most women simply want the violence and coercive control to end; they do not want to sever the relationship.

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Contacts with the Police: Patterns and Meanings in a Multicultural Realm[1]

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The meaning of policing a multicultural society is addressed through a consideration of how residents in two urban neighborhoods - one more socially differentiated, the other less so - make contact with the police. Description and analysis are based on data collected in the course of a 3 year long ethnographic project in the Hollywood section of Los Angeles. Employing interviewing and participant observation techniques, the research investigated residents' definitions of and responses to crime and disorder as well as residents' perceptions and use of the local police. Variations in how police contacts are made in the two neighborhoods are reported, and the implications of these patterns are considered. Contacting the police is a social process as much as an individual one, hence will vary depending on social and personal contexts. Community policing strategies that are cognizant of the variety of preexisting social structures and relations that are to be found in a multicultural city's neighborhoods promise to more effectively service the communities residing in them.

Key Words: Police, community policing, ethnography, multiculturalism, disorder, immigrants, calls for service, social control, policing minorities

Introduction

A hallmark of "reform era policing" (Kelling and Moore, 1988) is the successful promotion of the idea of "calling the cops" to request assistance in dealing with various sorts of "troubles" (Bittner, 1970). Indeed, the 9-1-1 system had by the 1990s grown so popular,[2] and the demands placed on it so great, that many observers of policing were now proposing "demarketing" (Kelling and Moore, 1988) 9-1-1; funding new, nonemergency telephone numbers, such as 3-1-1; and

promoting the idea that citizens contact their local police stations through other means, such as by dialing the local station's seven-digit number or more specialized numbers like "graffiti hotlines." Although 9-1-1 and seven-digit calls are the main avenues through which the police are contacted in the cities of the United States (Reiss, 1971, p. 11),[3] the mere popularity of these telephone systems can lead us to fail to consider the significance of variations in contacting the police, casting into relief issues important to understanding policing in multicultural societies. People make contact with the police through means other than by placing calls to emergency and nonemergency phone numbers, and they utilize these alternatives in varying ways in different neighborhoods. Variations in contacting patterns express shifting social dynamics at work in the multicultural metropolises of the United States.

Popular, academic, and political discussions about the United States as a multicultural society tend to emphasize the first part of the two-part term: attention is drawn to the mix of different cultures[4] within the United States, and emphasis is placed on historical and contemporary problems related to racial and ethnic dominance and subordination, the ability of U.S. institutions to absorb or reach out to minorities or recent immigrants, and the possibility of achieving societal integration and a unitary national identity (e.g., Gitlin, 1995; Glazer, 1997; Schlesinger, 1998). Such discussions generally take for granted the meaning of the second part of the term - "society" - so that observations drawn from all over the nation are interpreted as symptomatic of the challenges the problem of "multiculturalism" poses for the United States or American society. In relating the issue of multiculturalism to the problems of policing, this chapter departs from the national-level approach by considering multicultural society from a microsociological perspective.

I begin with the observation that inhabitants of multicultural societies reside in neighborhoods, arrayed along important sociological continua: Some will have more social and cultural differentiation, and others will have less; some will be more socially and culturally isolated (or segregated), and others will be less so; and some will be highly and formally organized with clearly identified structures of authority and leadership, and others will be weakly organized with competing centers of authority. Neighborhood dynamics and social relations will reflect these varying degrees of differentiation, isolation, and centralization through the kinds of social interactions that occur among neighbors and users of the "parochial realm" (Lofland, 1998, p. 14). These dynamics, in turn, will shape the process and meaning of making requests for police services; indeed, they will shape the meaning of what is a "police relevant" matter. In short, neighborhood social organization contextualizes the idea

of multicultural policing by virtue of how it patterns social interactions, including those among residents and between residents and the police.

Discussions of policing in socioculturally diverse realms are enhanced when neighborhood specificity is given proper consideration (Alpert and Dunham, 1988; Smith, 1986; Sherman, 1986; Alpert, Dunham, and Piquero, 2000). Reiss long ago observed that "the social settings or stages where officers ... work vary... according to the social composition of the beat" (1971, p. 7), the latter usually being a collection of neighborhoods. Qualitative researchers who have used the "ride along" method in their studies of police patrols have sensitized us to the importance that the police attribute to locality in making sense of the residents who have requested their services, or whom they encounter in proactive situations, and the standards that are "appropriate" to apply, given the neighborhood they are in (Werthman and Piliavin, 1967). Ferraro (1989), for example, found that police officers in Phoenix made distinctions between the moral character of residents from the projects and residents from "normal" middle-class neighborhoods, distinctions that were consequential for how officers handled complaints of spousal abuse. Herbert (1995) found that police officers in the Wilshire division of Los Angeles distinguished between pro-police and anti-police neighborhoods, again to consequential effect—traffic stops took on a more menacing character in the latter than in the former.

Alpert and Dunham (1988) found that place of residence is more influential in explaining variations in attitudes toward the police than either race or gender. The issue transcends attitudinal concerns, however, for the question pertains to how varying social dynamics in different neighborhoods account for and situate patterns of police-resident interaction. Residents of a multicultural city's ethnically isolated enclaves are likely to have patterns of social interaction and experience that lead them to learn about crime, and perceive and make contact with the police, in ways at least partially different from residents of neighborhoods that contain, for example, mixtures of second-generation Korean-Americans, middle-class whites, and first-generation Latino immigrants. How does it matter whether one lives in a neighborhood where most of the other residents do or do not share your language, social class background and aspirations, lifestyle, or race and ethnicity? Reviewing research on neighborhoods, Alpert and Dunham observed:

> Residents of low-income heterogeneous neighborhoods tend to be more suspicious of each other, to perceive less commonality with other residents, and tend to feel less control over their neighborhood than do the residents of more homogeneous neighborhoods.
>
> (1988, p. 13)

Given such a generalization, we can expect relations among neighbors to vary as one moves from socially heterogeneous neighborhoods to socially homogeneous ones.

Homogeneity and heterogeneity generate different possibilities for social interaction and networks of communication; these, in turn, stand to shape collective interpretations of, and reactions to, local events. Hence, the sociological underpinnings of a given neighborhood may inform inhabitants' views of the police, and the act of contacting the police, in ways distinct from those that emerge in a neighborhood four or five city blocks away. Questions about who contacts the cops, for what, and how, are better addressed when the meaning and process of contacting the police is tied to these interpretive habitats, for it is there (and not in "American society") that one will encounter the situated understandings and "local knowledge" (Geertz, 1983) that shape how residents filter observations made or heard about on local streets, including those related to "crime," "disorder," and the police themselves.

Research Methods

The findings reported here are based in research done over a 3-year period as part of a team ethnography.[5] Each member of the research team pursued similar data collection goals and strategies in socially distinct areas in the Hollywood section of Los Angeles (for a total of five neighborhoods). The data that resulted from the methods we used were often quite rich and instructive on how people in the study neighborhoods live, think about crime and disorder, and utilize the police as a resource in their efforts to live amid distinctive local "troubles" (Emerson and Messinger, 1977) and "problems" (Spector and Kitsuse, 2001).

My role on the team entailed collecting data in two of the five study neighborhoods, La Adelita and De Mille[6]; both are on the lower end of the socioeconomic spectrum represented by the five neighborhoods, and each has a sizable or predominant population of immigrants from Central America. I moved into one neighborhood, De Mille, and visited the other, La Adelita, five blocks away, regularly. In classic participant-observer fashion, I spent time with residents and people who worked there in various kinds of settings and situations, seeking out perches from which to observe how they reacted to events and people on and off the street. I accompanied them as they moved about the area and interviewed them during or soon after these trips, probing their in situ understandings of the streets and local events. Observations were also made at community meetings, block parties, antidevelopment organizing efforts, community forums at the local police station, Neighborhood Watch meetings, and the local school's daily parenting classes.

Interview data were collected through formal, in-depth interviews with 54 residents from the two study neighborhoods. Residents were prompted to describe the evolution of their understanding of the area's crimes, problems, risks, and dangers;

their perceptions of what their neighbors do and think about these issues; their contacts with and views on the police; and their routine uses of the immediate and surrounding areas. These interviews with residents were supplemented with interviews with nonresidents, including people who worked in local businesses and institutions, community policing officers, and field staff working for city council representatives.

Generally speaking, ethnographic research is useful in describing processes that underlie activities like calls for service, the outcomes of processes that are ordinarily hidden from the instruments of conventional research approaches.[7] Police department-gathered data on calls for service will not reveal much about the meaning of calling the police from this address in this neighborhood as opposed to that address in that neighborhood; they will not tell the story behind calling the councilwoman's field representative this time as opposed to telling the bilingual teacher's aide at the local school last time. These stories are tied to the social environments in which people live. Calls for service cannot be viewed in isolation of these milieus, for the latter define the ambits from which actions are viewed as tenable or pointless, sensible or foolish, responsible or intrusive. Ethnographers, by immersing themselves in people's social worlds, are in a position to comprehend such distinctions by locating them within the contexts from which they emerge (cf. Merry, 1981).

Setting: Two Neighborhoods, La Adelita and De Mille

La Adelita

La Adelita is a high-density, predominantly Latino neighborhood in Hollywood; according to the 1990 U.S. Census, a representative block in the 8-block study area has 903 people living in 227 housing units. The vast majority (more than 90 percent) of the units are rented, and most of the apartments are in multiunit structures containing 10 or more separate dwellings.[8] Of the 903 counted residents, 734 are classified as "Hispanic" (81 percent).[9] As recently as the 1970s, the area was considered an Armenian neighborhood, but with the eruption of guerilla-state conflicts in Guatemala, Honduras, Nicaragua, and El Salvador throughout the 1970s and 1980s, there was heavy migration to Los Angeles (Lopez et al., 1996, p. 285) and to this neighborhood, transforming it into a "Little Central America" replete with Guatemalan grocery stores, Salvadorean restaurants, and record stores specializing in imports of "música tropical." Although English is the dominant language of commerce and formal institutions beyond this and similar neighborhoods, La Adelita's lingua franca is Spanish. Area residents would generally be classified as members of the working poor. They have limited formal

education, rarely having completed high school, and work in low-paying jobs, often "under the table." The division of labor is gendered: The men tend to work in warehouses and garages, on assembly lines, as *jornaleros* ("day laborers"), valets, or janitors, and the women tend to work as maids, cleaning ladies, and seamstresses (usually as "piece workers").

Residents of La Adelita migrate to the United States not in families, but in chains. Each successive arrival is assisted in settling by predecessors (parents, parents' *compadres*, siblings, friends, former fellow townsfolk, etc.), creating relationships of sponsorship and reciprocity. The residents rely upon one another in many respects: to find housing, employment, schools, child care, leisure spots, and general orientation to the often bewildering people and scenes of Los Angeles. A sponsor vouches for a newcomer's character in many of these situations, such as the woman who tells her friend that her cousin can be trusted to take care of her friend's children or the laborer who tells the contractor that his friend is honest and will not steal from a client, hence is a safe hire. Because residents tend to get their jobs through neighborhood and family contacts (Kusenbach and Ibarra, 2001), there is widespread use of this vouching system, and assessments of moral character circulate in the neighborhood fairly readily. Residents thereby form impressions of who is *gente buena* and who is *gente mala* (good and bad people), or *gente de respeto* and *gente sin respeto* (reputable and disreputable persons), that is, who one can associate with and who one should avoid (albeit in a gracious way), lest trouble (i.e., the state) intrude into one's life.

The neighborhood's social relations rest on wide-ranging and overlapping networks of communication, constantly being created, revitalized, and extended, allowing area news to travel quickly. This dynamic attests to the importance and role La Adelita's rich street life has in residents' daily routines. Through most of the day, people of all ages and in diverse kinds of groupings are walking, hanging out, and parading about the neighborhood. In fact, locals have many reasons to be out on the streets. They walk to and from the nearby *tienditas*, *mercados*, and *panaderías* that cater to their needs, tastes, and economic means and are staffed by deferential clerks who address them in Spanish, using the traditional honorifics that go unused in non-Latino stores. They may take advantage of the many black- or gray-market street vendors selling produce and various wares at market-beating prices; accompany their children or their neighbors' children to and from school; or merely sit and wait for buses that will take them (the women especially) to work. Area residents also have a preference for using their porches, front stoops, and driveways as means to beat the heat and congestion inside their small and overcrowded apartments; to watch their children playing on the sidewalks and parkways in their front yardless dwellings; to learn about job openings at a warehouse where a neighbor may be employed or

about a vacancy at a less expensive apartment around the block[10]; or to receive updates about who is cheating on whom or who has given up on Los Angeles and moved back to the homeland. The streets are the central mechanism for staying in touch with recent developments, local opportunities, issues, and problems, and the street provides residents with updated relationships as much as updated news.

La Adelita residents share many experiences and circumstances that color their views on local crime and the police. For instance, heads of area households tend to be of marrying and reproducing age,[11] in their twenties, thirties, and forties. They share the experience of rearing children in a nonnative land that holds attractions to delinquent activities and styles that did not exist back home. And yet, although the youth may speak and dress in alien idioms, the children are not "othered" or perceived as personally dangerous, and this is true of both their own children and the children of their neighbors. Typically, adolescents will have been reared in the neighborhood and have personal ties to the adults in the area, through the youths' parents or through their own children. Long-term residents often say that youth in the local street gang harass only those who are from outside, visitors to a local night club or restaurant, or those who commit some kind of affront, such as walking between the young men when they are in a huddle. This innocuous perception contrasts sharply with how the police view the young men—as gang bangers, taggers, drug dealers, or people on their way to becoming the same. As a consequence, the treatment that area youth (and not just gang bangers) receive at the hands of the police is seen as especially harsh, even discriminatory. Discrimination is another common experience for these people—they have encountered it in various settings since arriving in the United States, at nonlocal stores whose clerks look down on them because they do not speak English, from the people who have denied them housing for having too many children, and from the police whom they alternately consider hypervigilant and unresponsive.

Most La Adelita informants cite at least one victimization in their family since arriving in Los Angeles, yet they are apt to put such victimization into perspective. To be sure, they reason, it is not such a good thing to be mugged on the street, but Los Angeles cannot compare to life in a war zone, where you have to hide your father or brothers in ditches so that the guerillas or the militia will not find them, and it is unclear whether the police are or are not staging attacks on civilians so that they will be blamed on the rebels. And although residents typically know who in the immediate area is involved in criminal activities, especially drug dealing, it is rare for them to notify the police about it. They say that this is in part because they fear retribution and in part because they can empathize with the down-on-his-luck neighbor who would stoop to dealing drugs (which in any case are typically dealt to outsiders - both in terms of residence and nationality) in order to make ends meet in

a poor-paying labor market. Over and above this, the police from La Adelita residents' homelands do not have the best reputation for trustworthiness and professionalism, as indicated by the informant who said that "in Guatemala the police kill people and no one ever finds out." Finally, and perhaps most important, these residents either secured legal residence in the United States only after prolonged effort, are in the country illegally outright, or are living with someone who is in the country illegally.[12] Because they assume the police inquire about immigration status (city law prohibits these practices by the police), they are loath to pursue inessential contacts with police. (I never heard stories of La Adelita residents calling the police about noisy neighbors, for example.)

Given the ever-present background issues—among them, linguistic isolation, mutual reliance and interdependence, problematic immigration status, stigmatization of area youth, prejudice and discrimination, a relatively thick skin regarding what is truly dangerous or police relevant - residents are reticent to make direct contact with the police and are motivated to pursue alternatives to such contacts as a way of addressing local troubles. In fact, concerns about crime and disorder are rarely an impetus for La Adelita residents to talk with each other or to organize themselves collectively. Mutual self-protection and crime prevention, and the solidarity that result from them, are more a consequence of their frequent interaction, shared experiences, and social situation than a pretext for their interaction, despite the high levels of police activity in the area. The criminal events that occur in the neighborhood largely do not appear mysterious to locals - they are ultimately understandable without the necessity of police intermediaries or translators. Thus, one resident notes, locals see drug dealers on the street where cops on patrol do not:

> One woman wears her hair up in a hat, to kind of look like a guy, a big sweater. The dealers sit at the bus stop, walk up the street. They will be on the phone, then walk back up, go around the block. Police will ride by. "It's just somebody on the street, right? Normal." They're expecting to see gang members out here, that's what they're looking for. They don't see that.[13]

Although the police consider the neighborhood a high-crime area (mostly because of the drug dealing, gang activity, and prostitution that occurs there daily), residents and the police have rarely collaborated on addressing the neighborhood's problems. From a community policing perspective, residents constitute an untapped resource, for they know who among them is involved in activities of interest to the police, even if they are disinclined to share that information. On the other hand, La Adelita residents typically report having little fear of personal victimization - "use your common sense and you will be fine" seems to be the prevailing sentiment; bad things mostly befall bad people, or people who are careless, or people who do not actually reside in the neighborhood. Local thugs won't harm you if you are local, since it is likely you will know them or their family.[14] This sense of safety that

residents have seems to rest on a conception of the area as village-like: small and peopled by like-minded and known or easily known consociates. Moving frequently but staying within the area, La Adelita residents do indeed know many people living on nearby streets, creating an often remarked upon resemblance between the area and their pueblos and *colonias*. Their wide-ranging immersion in the street life means that residents are knowledgeable about "crime and disorder" phenomena of interest to the police; and yet it is precisely this immersion that leads them to dismiss a reading of these phenomena as matters for which the police merit being contacted. Familiarity works to normalize, or encourage personal accommodations to, such putative problems, rather than to seek their remedy.

De Mille

Five blocks away from La Adelita is the less densely populated De Mille neighborhood. According to the 1990 U.S. Census, a representative block has 263 inhabitants. Despite the smaller number of people who live in De Mille, however, the area's collective character is more complex. Where the outlook and residents of La Adelita are readily characterized because of the homogeneity that follows from their shared backgrounds, marginality, and frequent social interaction, De Mille is not susceptible to easy characterization. Its population is highly differentiated, its community dynamic the obverse of La Adelita's, with race and ethnicity figuring prominently among its sources. De Mille consists of a mix of Caucasians, Asian-Americans, African-Americans, and Central American and Korean immigrants. No single group constitutes a numerical majority on most of the neighborhood's blocks, although Latinos constitute the largest presence overall (40 percent of the population), while persons of Asian/Pacific Islander descent constitute 31 percent, (non-Hispanic) whites 23 percent, and blacks 6 percent.

Overlying these racial and ethnic differences is the monolingualism of the residents. Whites and blacks are typically fluent in English alone, Latinos in Spanish, and Asians/Pacific Islanders in either Korean or Tagalog; the few local Chinese and Japanese have been in the country for a longer period of time and are fully bilingual. The children of the residents are usually bilingual, but most of the families with school-age children are Latino. Thus, *where residents of La Adelita are linguistically isolated from the broader society, the residents of De Mille are linguistically isolated from a majority of their neighbors.*

De Mille is an interstice, a place where different neighborhoods with different social profiles meet, forming a zone of overlapping, multiple social worlds. When asked to name where they live, members of the different groups often give instructively contrasting replies. Many of the younger whites answer "Larchmont" or "Larchmont

Adjacent." Koreans say "Korea Town." African-Americans say "Mid Wilshire." Latinos answer "Hollywood." These are not misidentifications. The neighborhood is situated close enough to these areas to be viewed as an extension of each by the various groups. In this sense, residents resemble settlers, extending the territory covered by their term for the area. Further, the groups' divergent identifications of De Mille express understandings and expectations of what the neighborhood is about, as a repository of lifestyles, aesthetic sensibilities, class affiliations, and risks and opportunities. Thus, each group's spatial orientation tends to differ as well. Accompanying them on foot, it is striking that the whites prefer to walk in one direction (toward Larchmont), while the Latinos tend to walk in another (into Hollywood), preferences often explained by reference to the dangers that exist in the other direction. In short, a potent mix of elements—linguistic isolation, racial and ethnic diversity, different underlying mappings about the literal and social location of the neighborhood—yields mutually exclusive in-group orientations in an area consisting of multiple groups, portending conflict and misunderstanding.

The neighborhood-based lifestyles of the groups contrast sharply. There are two sets of whites; the first is an older group of retired or nearly retired, home-owning empty-nesters who have resided in the neighborhood for 20 to 50 years. Most migrated to Los Angeles from states like Missouri and Illinois and can recall when people like themselves largely populated De Mille. In a sense "left behind," they share the experience of watching many of their former friends and neighbors move out because the neighborhood had "gotten so bad." The core anticrime activists are in this group: they stayed and fought while the others left for greener and safer pastures. The second group of whites consists of childless singles and couples, both heterosexual and homosexual, in their twenties, thirties, and forties, with middle-class backgrounds, tastes, and aspirations. This group has been moving into De Mille in recent years, as the entertainment industry has been experiencing prosperous times. They are attracted to the area because of its proximity to the movie studios and their offshoots as well as its proximity to Larchmont Village, an area where people who have "made it" in the movie business live in elegant homes and condominiums. This group probably represents a first wave of gentrifiers to De Mille: they are artists, writers, actors, and sundry studio workers who see the area as less glamorous than adjacent areas to the west, a "fixer-upper" whose dangers keep their peers from moving in and discovering the area's attractions, among which many name the multicultural composition of the local community.

The Latinos live in families, unlike the whites (the average Latino household contains about four people; the average white household consists of between one and two persons), and they are more likely to be employed in blue-collar and service occupations than are the whites. Unlike the older whites who view the area as

having deteriorated from 25 years ago and as having improved from 10 years ago, and unlike the younger whites who view the area as a potentially hip place into which to relocate but also as containing dangers relative to the more exclusive areas adjacent to the west, the Latinos view the neighborhood, vis-à-vis crime, as an absolute improvement on where they lived before (e.g., areas like La Adelita). Consequently, De Mille Latinos consider this to be a quiet, fairly risk-free neighborhood compared with what they have seen at previous addresses. Thus, they do not think the area's putative problems require urgent, coordinated attention, leading activist-types to infer they are less interested in improving the neighborhood's quality of life.

People of Asian/Pacific Islander descent are the third major group residing in the area; generally they are either Filipino or Korean, although some are Chinese and Japanese. Members of this group usually live in multiunit structures, which are typically ethnically homogeneous. For example, a Filipino purchased a four-unit apartment building and housed his mother, his sister's family, his aunt, and his own family in the various units. Down the block, Koreans almost exclusively inhabit a large apartment complex of about 40 units. As a result of such housing arrangements, few Asians have much social interaction with members of the other groups. The result is a lack of relations between Asians and the others and a perception among the non-Asians that the Asians are either unsociable or indifferent to the neighborhood. Asian homeowners are often quite active in the neighborhood, but their limited English can restrict the communication they have with members of the other groups; the few Chinese- and Japanese-Americans are, as stated, fully bilingual, but their bilingualism does not serve them in efforts at communicating with Korean and Filipino immigrants, or Spanish-speaking immigrants for that matter.

An absence of common lifestyles in De Mille means that the kinds of social interactions that are encouraged in La Adelita are precluded in De Mille. De Mille's Latinos are rearing children, unlike most other De Mille residents. Hence, adult neighbors of diverse backgrounds do not interact under the guise of impromptu babysitting, coordination of after-school childcare, or attendance at each other's children's parties. Further, the absence of youngsters in the non-Latino households means that non-Latinos do not have children around to provide non-Latino adults with nondeviant interpretations of teenage fashions, activities, and other cultural practices; nor are there opportunities to introduce such adults to these youngsters as the friends of their own children. There is a paucity of "inside translation" of Latino youth for non-Latino adults, a vacuum likely to be filled by stereotypes of them as inclined toward delinquent acts. When a new Latino family with teenage boys moves into the neighborhood, non-Latinos will sometimes speculate about whether

the boys are in a gang, for example, and in some cases will notify the police to that effect with little proof but the hearsay that circulates within their communication network.

The latter is key, for language and barriers to communication underpin this neighborhood's social relations and dynamics. Channels of communication in De Mille operate along group lines: Whites talk to whites. Koreans talk to Koreans. Latinos talk to Latinos. Because information sharing largely occurs within groups, and because these groups have such different outlooks on the nature of the area's dangers and the neighbors' character (e.g., are the teenagers with shaved heads and baggy clothing a threat?), perceptions often develop without reaction from sources that might contradict or put to rest the rumors and concerns. The consequences of these networks of communication vis-à-vis neighborhood disorder and crime are diverse. It is not as if the rumors and in-group perceptions have the same effect regardless of who engages in these communications, for three reasons: first, because crime is not equally important to the various groups' sense of shared purpose; second, because the various groups perceive the relevance of the police in different ways; and, third, because the groups comprehend sources of local crime and disorder in different ways.

With respect to the first point, De Mille whites are more apt to organize their interactions and social relations around crime concerns than are the nonwhites. Although members of the Neighborhood Watch group have developed ties that transcend the auspices of their meeting, socializing with one another quite extensively, they have come to know one another through their participation in the anticrime group, and their identity as a group is reiterated through their activities in that regard. Thus, they are apt to incorporate crime and disorder topics into their conversations and activities, in a way that is not true for other groups, getting enthused and curious when hearing about a local spotting of a patrol car and taking pride in their abilities to ferret out signs of criminality. Crime does not hold the same importance to the interaction that occurs among Latinos, who are more apt to talk about matters grounded in material concerns, such as the search for better jobs, coordination of child care, and the logistics of commuting together (by bus or by car). Crime is a kind of white noise hovering in the background of Latinos' awareness, occasionally becoming a subject of chat but rarely a call for arms or action.[15]

De Mille's whites are far more apt than the other groups to think of the police as their public servants, there to help them deal with the neighborhood's problems; hence, they are more likely to become indignant when the police are nowhere to be found. Meanwhile, the nonwhites take a more hands-off attitude toward local

troubles and see little reason to call the police. This contrast is based both in what the groups consider to be the sources of the neighborhood's problems and in different thresholds for considering something a problem. When asked to identify those they consider responsible for area crime of which they are aware, whites are more likely to point to their (out-group) neighbors, and the Latinos vaguely speak about people who live beyond the neighborhood, opportunistic passers-by, or outsiders who might see the area as prime territory for crime because there is no street gang that controls the area (the assumption being that areas uncontrolled by gangs lack a vigilant policing mechanism). Crime is not something that they feel they can really control in a proactive sense, in contrast to the whites, who often speculate about what their (out-group) neighbors are up to and who are concerned to spot any possible sources of trouble emanating from them, especially when the family is new to the neighborhood and there are teenage males in the household. Varying tolerance levels can also be found between the groups: The nonwhites do not take things like abandoned furniture and graffiti seriously at all, to the consternation of the whites, some of whom quite actively monitor these things, call the police and/or city about them, and, in some cases, keep logs (and photographs) carefully noting the dates of the appearance and resolution of such incidents.

In sum, La Adelita residents are more isolated from mainstream institutions like the police, have extensive and overlapping ties with each other, and thus share understandings on neighborhood problems; they are usually well informed about who is doing what but rarely contact the police. De Mille residents are variously integrated into or isolated from mainstream institutions. Some De Mille residents are more likely to invoke the police and are more likely to think that some among them are up to no good and merit surveillance, control, and or eviction from the neighborhood; others do not reflexively invoke the police, think that the neighborhood is safe compared with other previous residences, and believe that, in any case, the serious crime problems are apt to be instigated by nonlocals, resulting in lesser concern with the neighbors' doings. La Adelita and De Mille are two neighborhoods worlds apart in their social dynamics, even though they are but five blocks removed.

Patterns of Contact

How, and in response to what kinds of situations, do people in these neighborhoods go about contacting the police? The answers to these questions are instructively different for the two areas under discussion. Although contacting the police via the telephone is the most widely adopted practice in both neighborhoods, such a generalization conceals underlying differences in meaning and practice related to the collective character of the two areas. In addition, several other contacting strategies

are either unique or unevenly practiced in each area, and these patterns of prevalence and emphasis are also worthy of comment.

Placing calls to the police is much more problematic in La Adelita, where the prevailing attitude is that it is important to *"evitar problemas,"* or "avoid problems," and involvement in a situation where the police are present is a quintessential *problema*. When an ordinary La Adelita resident *does* place a call to the police via 9-1-1, it is typically in response to a nonroutine, dramatic event, and the resident calls with much trepidation, as a last-ditch measure to introduce the *deux ex machina* of the state into a situation over which they lack control (cf. Bittner, 1970). Chela, for example, placed a call to the cops after seeing a man beating a pregnant woman outside her building, but only after the abuse became especially vicious:

> The first time Chela called the cops was after witnessing a man and woman, both Latino and across the street neighbors, fighting out front. Chela happened to be dusting her furniture in her bedroom when she noticed that he was striking the woman, who was also pregnant. Chela didn't think about calling the police at first but when she saw the man drag the woman by the hair down the street in her pregnant condition, it was too much to bear. Chela called 9-1-1 and told the dispatcher that it was a serious matter in that the man might be doing irreparable harm to the baby. Within ten minutes the police showed up with the couple still out front. They separated and interviewed the two, finally arresting the man and arranging for the woman's ambulance transport to the hospital.
>
> Soon an officer showed up at Chela's door to thank her for notifying the police of what was happening. She remembers him commenting to her that it was nice to know that there is someone in the neighborhood who takes care to watch out for what happens. Chela responded that she didn't do much, just thought that she should call in because the woman was pregnant and might suffer great injury. He asked her if she would testify in court about what she saw. Chela declined, saying that it wasn't really her problem, and besides a lot of other people had also witnessed the incident. All Chela wanted was for the cops to make the man stop beating the woman. "No quería compromiso." ("I didn't want to commit myself to this matter."). Her reluctance was owing to the possibility that when he was eventually released from prison, he might seek retribution against Chela for giving witness.

Chela is representative of La Adelita residents in that they generally set a high threshold of violence that must be exceeded before they will place a call to the police; however, surpassing such a threshold by no means proves a sufficient condition for making such a call. Consider the following example, drawn from an interview with Gaston, who is explaining his and his wife's reaction to a killing that occurred outside their apartment:

> Gaston had been watching television with his wife in their bedroom, overlooking the parking area, when they heard the gunfire. At the entrance of Gaston's backyard/parking area, a young man was killed, his head blasted by a shot gun. The contents of his skull were emptied on the driveway. Gaston went out to the landing at the back door and looked down toward the area where the boy's body continued to spasm. The paramedics and police came shortly afterward,

> and still the boy wouldn't completely die, the body continued to twitch. Does Gaston know who called the police or paramedics? Gaston doesn't know. What was Gaston's initial reaction to the shooting, if not to call 9-1-1? Gaston says that his philosophy whenever a dead body is involved, is to stay out of it, because if you intervene to assist, you expose yourself to the arm of the law. The police want to question you, accuse you of having had something to do with the killing. "They take you to jail. You are screwed," he says. Thus, Gaston and his wife only watched from upstairs until the police showed up, at which point they walked downstairs to take a closer look. Did the police ever try to interview Gaston or his wife? No, they never asked us questions, he says.

There are many underlying issues that animate locals' reluctance about making direct contact with the police: their limited English-speaking abilities; their own or a household member's legally problematic status; fear of retribution; concerns about police prejudice, discrimination, and entrapment; and a desire to keep the home and family below the radar of the law and courts.[16] Further, the police - whose actions are often seen at a distance and can appear arbitrary and bewildering - are often speculated about in La Adelita, made into objects of mystery and local urban legend. Some residents express views about the police in which they are posited as menacing figures: as potential stalkers, conspirators in frameups, and power-mad brutes.[17] Others speak about criminals impersonating police officers. In such cases, it does not matter if the man at your door is wearing a uniform, carrying a badge, or flashing an official- looking ID: These just go to show you how cleverly the would-be offender is disguised. Such concerns are not expressed by De Mille residents, at least not by the non-Latino inhabitants.

But there is another, more surprising reason for the lack of direct-contacting efforts: Some of La Adelita's residents are not versed in the practice of making contact with the police by phone - it is an institutionally alien practice to them. Residents who are from the more rural areas of Central America report not having had telephones or local police to whom they could make a complaint about a crime or dispute. Making a complaint to the police might have entailed undertaking a 2 hour bus trip across mountainous terrain into the nearest city, where a report could be filed with an indifferent officer at a kiosk or in a police station. Now in Los Angeles, these residents with rural origins may walk or drive to the police station to file a complaint or to give witness to a crime or police matter, to the extent they make contact with the police at all. Experiences are not uniformly pleasant or positive in this regard. For instance, one resident spoke of having to sit for 2 hours in the police station's lobby before a Spanish translator appeared, only to be told that he would have to go to another station some 5 miles away to share his information with the appropriate officers. Especially galling was that he had made the 1-mile walk to the station in order to *assist* the police, having witnessed where a suspect had fled after eluding a police raid. Needless to say, this man says he has never returned to the police station to offer this kind of assistance again.

The physical dimensions of La Adelita's residential dwellings reinforce residents' reluctance to call the police. The apartment buildings in which they live typically require that a visitor be buzzed onto the premises. However it is also the case that it is rare that the apartment units themselves are equipped with remote buzzers. Because the police are unable to enter the buildings without being let in, residents understand that if they are viewed allowing cops into the building, they will be considered the source of the call to the police.

> Zilda tells me that one of the reasons she is not inclined to call the police as often as she could is because people would know that it was she who called. Why? Because she would be the one waiting out front to let the police enter the premises. Not a wise action, she says, because there are so many drug dealers in the building that it is not a good thing to be considered "una rata" (a rat).

La Adelita residents are renters, and they usually put the burden for contacting the police on their building's managers and landlords, especially where the criminal event involves people other than those from one's own household, i.e., with respect to street crime and disorder. Hence, when they encounter a matter for which a police response is sought, residents tend to take their complaint to the apartment manager. Rogelio's account is representative:

> People who live in the building are always keeping an eye out on each other's apartment, explain Rogelio. Someone - the manager, other tenants - is always around, using or milling about the courtyard. I ask him to tell me about where he sits when he is indoors and how he uses the living room windows. He says he sits at the kitchen table, near a window looking out onto the courtyard, and he will note when a stranger comes into the complex, in which case he will follow him with his eyes and see what he is doing, where he goes, what he seems to be up to. "Le tiro un ojo." ("I keep an eye on him.") He says that if anything happens that is suspicious he won't call the police. Instead, what he and other tenants do is call the manager, who is in charge of calling the police. The manager is Latina and lives at the front of the building, facing out onto the street. "Ella mira todo" ("she sees everything"), he says, noting that she is always looking over the street, including at his car when it is parked in front. He thinks that she does good work, keeping an eye out for everyone.

Residents do not think of this as "passing the buck"; rather, the manager is viewed as a someone whose responsibilities include maintaining local order, entrusted with using whatever means are at his or her disposal for achieving it, including calling the cops. (Such delegating also undoubtedly is rooted in recognition of the manager's stronger English skills.) The manager thus becomes an intermediary between civilians and officers, but the idea that managers should mediate complaints to the police can be a double-edged sword, for not all managers are as vigilant as Rogelio's. Some managers, like some residents, also fear retribution, others are simply rarely around, and some make their own accommodation to local crime and disorder. Consider Joveta's complaint about her manager:

> One thing Joveta and her husband don't like about living in Los Angeles is "La gente," or "the people." For example, the parking area to the back of the apartment building is open, accessible to hanger-outers, and the manager doesn't do anything to discourage the men who gravitate back there to drink. Her husband complains that whoever is so inclined enters freely, does whatever they feel like doing, including taking drugs, and basically treat the area like their hotel. Some of these men have broken the wing window on his car - three times already. The first time they stole the speakers and equalizer. Recently they broke in again and they stole the car stereo. A week ago it happened yet again and he talked to the manager. She responded, "no se puede hacer nada, el dueño no hace nada" ("nothing can be done, the landlord won't do anything").

Joveta believes that the manager is simply scared of the parking lot users, and the end result is that no one - not Joveta, her husband, or the manager - calls the police regarding the persistent crime and disorder concerns that they are living with. This reliance on a residential intermediary to make a complaint to the police is another practice that was not found in the De Mille area.

Notwithstanding the institutionalized pervasiveness of 9-1-1 and calls to the police, the assumption that punching a few telephone digits will result in a police officer at one's door is routinely made problematic in the densely populated urban areas of the United States, such as Los Angeles, and this is no less true in the neighborhoods I studied. Residents rightly conclude that the Los Angeles Police Department is often overextended, judging by their experiences with the failure of police to appear or to appear with the punctuality that the complainants feel their matters merit. Another La Adelita resident, Salma, told a story in this vein:

> Salma says she has never seen the police patrol on her street, unless someone has been killed. Salma remembers the night she called the police because a man was beating a woman, both of whom were neighbors. The operator asked her if anyone was bleeding. There wasn't. The operator replied, "sabes que señora, como esta en su apartamento no se ande metiendo, y si hay sangre, llamanos, no por su gusto. Aquí hay muchas problemas mas serios que esos." ("Ma'am, as you are in your apartment, you are best off not intruding in other people's affairs. If there is blood, call us, and not out of your own desires. We have many other problems more serious than this.") Salma says that the dispatcher didn't let her talk very much, and left her feeling scared, doubting why she had bothered to call in the first place - after all, it is not Salma's business. And then later, she sees the couple back together.

Faced with such nonresponsive police units, many La Adelita residents come to think of the police as largely ineffectual at best - not around when needed, yet ready to harass you for no apparent reason. Gaston, quoted earlier, thinks of the police this way. In this excerpt, I am asking him about whether members of the local gang ever bother him:

> The only people who come around the neighborhood to "molestar por gusto" (harass for fun) are the police, says Gaston. He describes two recent incidents in which the police showed up at his backyard, where he and his friends were sitting out under the car port, making carne asada and

> drinking beer. He points out the area to me: it is about 30 feet from the sidewalk and clearly within private property. 'The police showed up asking questions: what are you doing? What's going on here?" Recalling these incidents, Gaston becomes indignant. 'What business is it of theirs? This is not government property! This is private property!'

One of Gaston's favorite pastimes is to grill fish out back and drink beer on weekends with friends and neighbors, a custom that he imported from his native Guatemala. A very hard laboring man, such activities are central to his quality of life, respites from work, forms of socializing that are deeply enjoyable to him. Hence, police visits in such circumstances are perceived as nothing other than harassment. Other residents told similar stories of intrusiveness by the police, in the context of both police-initiated stops and calls for service.[18] The general tenor of La Adelita residents' remarks, then, is that interactions with the police have a very unpredictable quality to them in their neighborhood. If you call the police, you cannot be sure that the police will respond; if they do respond, you cannot be sure that they will treat you courteously; and, even if you are treated courteously, you cannot be sure that you will not be considered a "rat" by neighbors who note the officers leaving your dwelling without an arrestee in tow. A commonly voiced suspicion is that if the police, on their own initiative, stop and question you, it will usually not be out of a concern with the community's safety or well-being, much less your own, but out of sheer discrimination or sadism.

La Adelita residents rarely call the police on their neighbors. Where a neighbor is persistently a source of concern or irritation, residents are as likely to simply move elsewhere in the neighborhood (there are abundant vacancies) as learn to ignore the unpleasant person or group in their midst.[19] Such a generalization does not hold in De Mille. The people most inclined to request a police unit at the address of a neighbor are members of the local Neighborhood Watch. Participants in this group are mobilized by a collective memory of the neighborhood. As long-term residents, they have seen De Mille through its ups and downs: They can recall when the neighborhood was in what they consider much better condition than at present, and yet they also recall when the neighborhood was in much worse condition as well. Consequently, members of the Neighborhood Watch keep an eye on the physical conditions of the area's streets, sidewalks, and buildings, and on the presumed moral character of the people who are to be found on or in them. For these residents, the slightest signs of disorder can be ominous, a harbinger of slippery slopes and "spirals of decay" (Skogan, 1990). As a safeguard against such portents, the members believe it is important to call the police—a lot. The problem, from the point of view of these residents, is that the police do not take their neighborhood and its problems seriously enough. In fact, the police do view De Mille as an "iffy" area. As one police officer described it at a community meeting, De Mille is neither safe nor dangerous but "in between, sort of between a rough area and a good area." Yet

this is not a neighborhood that is high on the list for routine police passings, despite its apparent fit with Wilson and Kelling's (1982) neighborhood "at the tipping point."

De Mille residents who are inclined to request police units at a neighbor's address realize that the police do not always come in response to a routine call to 9-1-1 or the station's seven-digit number. Hence, these police-invoking residents of De Mille are more persistent and strategic about invoking a police presence than their proximate neighbors or the residents of La Adelita. This might take the form of calling special telephone numbers that bring them into direct contact with the neighborhood's community policing officer, known as the Senior Lead Officer (SLO),[20] a practice not found in La Adelita.[21] In addition, some of the residents of De Mille have developed the practice of coordinating their calls to the police, usually in response to an incident of disorder, and typically only when it is felt that the police have been an unresponsive presence in recent days. Upon seeing some form of disorder, a member of the calling group might call the numbers of a few neighbors whose names and phone numbers are listed on a "phone tree." Each called member will have two responsibilities, to call another member on the tree and to call the police station. The thinking of the group is that by calling frequently and in coordination with others in the area in response to single incidents, the chance that a unit will arrive at the scene will be increased—six complaints in response to one prostitute walking down a residential street being a clearer expression of citizen alarm than the one complaint of a citizen with too much time on her hands. Very rarely, an overzealous member of the collective calling group might exaggerate by falsely claiming to have seen a gun in the belief that police will more promptly respond. Whether the police arrive or not, members reason, the logging of the calls is effective in the long term, because the higher frequency of calls will eventually result in more frequent deployments of patrol units to De Mille. Thus, calls to the police are understood in De Mille as having a long-term significance, rather than simply being an immediate effort to deal with an emergency situation, as in La Adelita.

Members of De Mille's Neighborhood Watch tend to be white homeowners with long tenures on the block. People are informed of Neighborhood Watch meetings by flyers that advertise upcoming events, and these flyers tend to be given to people who have regularly attended prior meetings, resulting in underrepresentation of those members of the neighborhood who are not homeowners and, typically, not white. For instance, while accompanying organizers distributing these flyers I noted that apartment buildings (where the vast majority of Latinos live) were avoided as targets for flyer distribution, except for the occasional apartment manager who had

"cleaned up" a previously unruly building of its "undesirable" tenants by no longer renting units to them. People who didn't speak English were studiously avoided:

> When we get to the corner, I notice that there is a group of Spanish-speaking Latinos sitting around the kitchen table of a peach-colored house. I ask whether we should give them a flyer announcing the upcoming meeting. One of the women wrinkles her nose and shakes her head, saying "no." Continuing on our walk, I point to an elderly Asian man, with a long white beard, clad in loose robes, watering his lawn. Should we cross the street and give him a flyer, I ask? No, I am told, he probably doesn't speak English, he won't know what it says, says one of the women. As we move down to the next block, the women talk about how most of the people who live in this specific area don't speak English. An apparent exception is the occupant of a large house, partitioned into two units. The women go through a lot of trouble to leave a flyer with the resident. When no one answers the doorbell, they debate different places where it would most likely be seen by the man: on the front gate off the sidewalk, under the door, in the mailbox, and so forth. Finally, after a long period, someone answers the door, a child, and the women give the flyer to her, asking her to be sure to hand it over to their friend.[22]

Calls to the police from this neighborhood about "quality of life issues" overrepresent the homeowners' complaints in police dispatcher logs, and because of their dominance at local Neighborhood Watch meetings, the community policing officer is likely to have members of this group as his points of contact in the neighborhood. Hence, and although there are exceptions, police are much more likely to encounter renters, Latinos, and other minorities as the objects of complaints than as the makers of complaints. In fact, the community policing officer routinely encourages or advises people during his Neighborhood Watch visits to phone in their complaints, especially when it is apparent to the officer that the complainant and the complained about come from different social worlds.

> Kelley, talking to the Senior Lead Officer at a police-community meeting, launches into a litany of complaints, beginning with a story about her neighbors. "There are these guys who live next door, in this apartment building to the west, and they play their music so loud. Sometimes its Led Zeppelin, sometimes its country, sometimes its Latin, you get the idea. My floor vibrates, the walls shake, it really disturbs my space, right?" The SLO nods in sympathy. "They do this all the time, and when I've gone over there they laugh at me and turn the music up. The women who used to live there had bottles and rocks thrown at them when they went over there to complain. Woah!" She laughs nervously. "These are people I do not want to deal with, you know? I mean they look dangerous, like serious heavy duty gang members." The SLO thinks about what she says and gives her a serious expression. He asks her for the address and she readily gives it to him. "Then, this past Sunday, these other people across the street were playing their music full blast. I stood across the street and yelled at them, 'TURN IT DOWN!' They looked at me and smiled and did nothing. So I went to the middle of the street and I told them again (here she adopts the bodily posture that she presumably adopted on Sunday, one hand on hip, lurched over, head tilted, scowl on face, thumb up and waggling downward),"TURN IT DOWN POR FAVOR!"
>
> The SLO interjects. "Wait a minute, you don't want to do that. You can get hurt. You don't know what these people are capable of." She nods her head and appears to get uncharacteristically flushed, as she agrees with his remonstration; it almost seems she didn't

> realize at the time that she was putting herself in such danger. "You need to let us deal with this, we can send someone out to tell them to turn it down." "You will come out?" she asks, surprised. "Yes. A marked car will show up, it might take us some time depending on the day, but we will send someone out there. We just need you to show us which is the house that is making the noise, we can't show up at their door without a specific complaint." "No way!" she says, visibly upset. "I don't want to be seen by these guys, I don't want them to know I am the one who called the cops. Some of these guys look really hard core!" He clarifies that all that is needed is the exact address of the noisemakers. "We can just say that 'some of the neighbors have complained about their being too much noise'." He explains how police respond to the calls: "on the first call we issue a written warning telling them to cease and desist. On the second call we issue them a citation, which requires them to appear in court. On the third visit we impound their stereo equipment." Kelley appears impressed by this itemization and says, "I don't want them to get into trouble or have their stereo taken away, I just want them to be good neighbors, act civilly."

Such conversations between the SLO and a first-time attendee of these meetings are not unusual, where someone reports making an effort to communicate a concern directly to a neighbor of a different background, and the officer alarms him or her into realizing that such efforts are risky. Presumably the officer believes that he is keeping the peace by giving this advice, preventing further conflict. As a result, visitors to these meetings come to understand that it is better to allow the police to intervene rather than deal with their neighbors in alternative ways. Because the resulting calls to the police tend to involve people of different racial/ethnic and class backgrounds, usually the white calling in regard to a Latino, the police come to play a role in the neighborhood that unwittingly feeds into its underlying social tensions. Residents who find themselves suddenly faced with a police visit are likely to interpret the incident in racial or otherwise socially conflicted terms:

> Some Latino apartment dwellers (Ernesto and Gladiola) are holding a yard sale in front of their building. At one point they mention that some of the people in the neighborhood are racists, and I ask them what they have seen that leads them to that conclusion. Some of the buildings will not rent out to people with children, they say, and these buildings tend to house few if any Latinos. Anything else, I ask. They both immediately talk about the white woman who lives next door who is always calling the police on them for playing loud music. It turns out that they are talking about Kelley. Not only has she come by and made sour-looking faces as she walked by, she has come over, asking them to turn down the music, and, they suspect, called the police on them as well. In fact, Ernesto is facing a $100 fine because of the most recent call by Kelley to the police. The police came by on a noise complaint, and Ernesto was in the driveway drinking a beer. The police told him that that was a violation of the law. Ernesto said that he was at home. The police pointed at his apartment and said that that was his home, that the drive way was something else. Ernaesto has a court date pending on the matter. As Gladiola hears Ernesto talk about the woman who calls the cops, she recalls times that she too was reported. She mentions that she was told that after a certain number of calls her stereo would be impounded.

The understanding that some of their neighbors are prejudiced preceded the involvement of the police, of course, but notice that the manner in which the police intervened in the situation reinforced that impression. As stated earlier, Latino residents in De Mille tend to think that the problems of crime that residents confront

tend to come from outside the neighborhood, whereas white residents are more apt to think that they come from within the neighborhood. Thus, the Latinos tend to take disorder much less seriously than the whites because the forms of "human disorder" in the neighborhood are precisely not disorder: yard sales, grown men drinking in view of the street, youth running around or hanging out on the corner, loud parties, unlicensed fruit truck drivers and tamale vendors - these are not forms of disorder, these are people who are either family, friends, or friends of someone in the family. It makes no sense to have police show up in these circumstances. The long-term residents and the gentrifiers, however, are more likely to view such people with varying degrees of alarm and feel that such an interpretation is validated by the broken windows-style theorizing that is the prevailing discourse at Neighborhood Watch meetings (and in informal conversations among them outside such meetings). There is a fundamental interpretive gulf here then, a gulf at risk of being filled with views of your neighbor in a most unflattering light: He is a criminal; she is a racist.

Ultimately, the concern seems to be with the future of the neighborhood's streets. Will De Mille's street life come to more and more resemble La Adelita's? The vibrant street scene of La Adelita is both model and nightmare, depending on whom you talk to. Indeed, at the most extreme, residents of one neighborhood may begin to place calls for service that involve neighborhoods other than those in which they live precisely for this reason. This occurred when the residents of De Mille started to call for a police crackdown on street vendors in La Adelita, even though La Adelita is five blocks away and generally beyond the ambit of De Mille's residents.

> The Senior Lead Officer is explaining to unsatisfied De Mille residents at a police-community meeting why patrol officers will drive right by illegal street vendors in La Adelita (because they are from another beat, thus don't know of the problem, or they are on another call). I point out that it is unlikely that the police will address the problem unless they receive complaints about the vendors. The SLO says that they do get such complaints. I ask from whom. Two of the women say that another woman in the group, Marilyn, calls all the time, whenever she drives by and sees them out there. But do the local residents or businesses call about them? I ask. The SLO says that many of the local businesses don't like them because they undercut their businesses, but he doesn't get a lot of calls from the businesses regarding the vendors. It really is up to people like Marilyn to call, he says. I don't point out that Marilyn doesn't live in the area, so I am not sure why it bothers her, but she tells me anyway: it's the food that they dump on the street - that creates a health hazard.

At this point, the issue comes full circle. La Adelita residents consider such crackdowns wholly unjust attacks on poor people like themselves trying to make an honest living, hence would probably never complain about such vendors. La Adelita residents spoke of how shocked they were watching the police force compatriots to dump their *tamales* and chopped fruits into trash cans that were then carted away by the city, a waste of both money (for the vendors) and food (for the poor and homeless). From their point of view, the police did this not because De Mille's

homeowner-activists called the cops, or even because local businesses objected to the competition. No, they are apt to say, this just goes to show you that the police are more interested in harassing than in helping people like them. To be sure, in this case community policing has resulted in empowering some, in decreasing the fear of some, in addressing the underlying sources of local problems as they see them.[23] And yet this has been done despite the fact that local residents' own standards of disorder and justice would not have recommended such action.

Discussion

Multicultural societies pose particular challenges for liberal democratic nations, challenges especially encountered by their police departments. Community policing is attractive in such circumstances because of its mandate to "build bridges" between the police and the sociocultural variety to be found in such nations. The importance of building such bridges represents recognition that effective and productive police work is contingent on the "input" of residents "concerning both the needs of the community and the best way in which the police can meet these needs" (Skogan and Hartnett, 1997, p. 8).

According to its proponents, community policing represents an advance on the professional model of policing in addressing the problems of our major cities' neighborhoods (e.g., Kelling and Cole, 1998). This increased effectiveness of community policing is intertwined with the enhanced "legitimacy and authorization" (Kelling and Moore, 1988) that police departments gain by virtue of their officers' adoption of practices that yield non-adversarial contacts with residents, transforming "the police from what has been described as 'an army of occupation' into an accepted, unremarkable, and institutionalized part of the community" (Skolnick and Bayley, 1988, p. 82). Of key import is the insight that police departments gain into neighborhoods' "problems" because their officers consult with the residents and businesses on their beats. The idea is that by addressing locals' definitions of neighborhood problems, police can re-specify the tactics and aims of their policing street by street and thus be viewed as responsive to local concerns and worthy of the community's confidence and trust. Consequently, many observers, including Skolnick and Bayley, have noted the importance of attending to neighborhood and community specificity:

> Communities cannot be mobilized for crime prevention from the top down. Members of the community have to become motivated to work with and alongside professional law enforcement agents. Each area, neighborhood, or block may have its own set of problems. More affluent neighborhoods may care mostly about daytime burglars... Poorer neighborhoods have different problems, usually centering on the quality of life.... To prove successful, crime prevention should focus on the particular needs of particular communities.
>
> (1986, p. 213)

The deference to local standards and sensitivities that multiculturalism urges upon societal institutions, including the police, dovetails with the community policing principle that "how it looks in practice *should* vary considerably from place to place, in response to unique local situations and circumstances" (Skogan and Hartnett, 1997, p. 8), taking "seriously the public's definition of its own problems" (Ibid.). This bedrock principle will work, however, only assuming the police can find a consensus in the neighborhood that can be the basis for their re-specification or customization of policing. This article has presented two kinds of especially challenging neighborhoods for this conception of policing: One, a neighborhood in which consensus, while it does exist, is unlikely to be communicated to the police and is in any case quite tolerant of what nonlocals consider disorder. Two, a neighborhood in which social differences among the residents are so great that the police are often in effect acting on behalf of one group's conception of disorder at the expense of another group's. In neither of these cases is community policing easily realized.

There is some risk in using the term "community" without some appreciation for the diversity of social dynamics in neighborhoods (Alpert and Dunham, 1998). The imagery "community" evokes is that of a collective with shared interests and values, but such collective interests and values need not be present or be easily represented in actual neighborhoods. As Reiss put it:

> Conceptions of community and of community standards all too often assume homogeneity and stability of the population that does not exist in most local areas of the metropolis. Many police precincts are characterized by a diversity of peoples. Differences in age, race, class, and other interests within a population often means differences in expectations about what standards of behavior and law enforcement should prevail in the community.
>
> (Reiss, 1971, p. 209)

Similarly, Skolnick and Bayley (1986, p. 214) state that many urban "neighborhoods" and "communities" may in actuality be weakly organized, where "neighbors may be the very people" whom residents fear (Conklin, 1975); meanwhile, Skogan and Hartnett propose that "community policing is difficult in areas where the community is fragmented by race, class, and lifestyle. Groups will be quick to point to each other as the source of local problems" (1997, p. 14).

In areas like La Adelita, characterized by social homogeneity and consensus, social order-relevant commonalities are likely to be substantial. Therefore, no requirements are imposed on community policing officers that they thoroughly sample the local population, since locals' collective interests and values will be readily conveyed once initial contacts are made and rapport is established. There are two caveats,

however. First, making such contacts and establishing such rapport may be the most difficult task in getting community policing off the ground in these neighborhoods when residents are collectively mistrustful of the police. Community policing officers in such neighborhoods may have to confine themselves to making contact through intermediaries who have the confidence of residents as capable of fully and carefully listening to their concerns and conveying them to officials.[24] These intermediaries are likely to have long-term ties to residents and be viewed as interested in "helping the community." They will probably possess detailed and empathetic knowledge of representative residents' family and living situations. Landlords already perform something of this role in La Adelita, although it is done in an unsystematic and non-programmatic way.

Second, La Adelita residents' mistrust of the police stems in part from the latter's acting upon received ideas about what represents a sign of crime and disorder in need of being "nipped in the bud," ideas which are not shared by residents themselves. The stream of research and theorizing that was heralded by Wilson and Kelling (1982) called much attention to indicators of disorder rooted in the scenes on and aesthetics of neighborhood streets. And yet, neighborhood cultures that not only celebrate a vibrant, even chaotic street life but also thrive on it encourage disorder without finding it threatening, precisely because of the extensive involvement that respectable members of the neighborhood may have with it. In such cases, dangers and fears are less likely to be rooted in an aesthetic of what the streets should look like than in more affluent areas because the look of the neighborhood will take a backseat to other, more pressing issues, such as finding a job or getting paid a living wage; i.e., the look of the neighborhood is registered through the prism of such needs. Walking the streets with La Adelita residents, we sometimes encountered abandoned couches on the parkway. In one case, the entire contents of an apartment were emptied out on the sidewalk, the tenant having been evicted. Responses to these sights were instructive: These were items that had been left behind for others to use, I was told. In other words, these were not signs of a community coming undone, but acts of generosity, signs of a community engaged in self-help. Multicultural societies challenge absolute and uniform understandings of (street) disorder, and the police can undermine their position in neighborhoods like La Adelita to the extent that received conceptions of disorder are not locally validated.

In socially heterogeneous areas, where "'community' frequently means conflicting rather than common interests," (Reiss, 1971, p. 209) and where "some residents can easily become the *targets*" of community policing (Skogan, 1990, p. 109), discerning the local consensus will require diligence, will be provisional, and always will be in danger of dissolution. Officers here will have to work against the

understandable inclination to develop rapport primarily with members of the community who share their "values," i.e., those who are "pro-police" or who actively seek out officers at neighborhood events. In places like De Mille, it may make more sense for community-policing officers to take a "go slow" approach, after carefully considering the nature of the area's diversity, and making substantial and various kinds of contacts among the inhabitants, being careful to note whose views have yet to be represented. The officer may have to start by taking on relatively innocuous and shared types of concerns - in De Mille, outsider vehicles that sped through the neighborhood at rush hour were an across-group source of irritation - both because these may be easily addressed and because they show mutually mistrustful residents that they can work together. Officers will have to be mindful that complaints about particular practices may target specific resident groups (complaints in De Mille police-community meetings about dogs without leashes almost always directed officers to the addresses of Korean residents, for example). In such neighborhoods, officers should be wary of deputizing locals to recruit attendees for community meetings, and they should not assume that everyone who might be interested in such meetings would necessarily be invited to them. It is not simply that some may want to exclude those whom they view as their adversaries.[25] There can be a host of underlying agendas influencing the ultimate composition of participants at these meetings, and officers should be prepared to go around local neighborhood organizers who would be sufficient elsewhere and pursue other alternatives.

Based upon her ethnographic fieldwork in a heterogeneous urban neighborhood, Merry observed "the social order in a neighborhood depends on the presence of a dominant group that perceives itself as responsible for public order" (1981, pp. 230–231). Concerns over specific objects of "disorder" are likely to become associated with (or tainted by) the groups prone to complain about them. As a result, policing disorder can make problematic the very idea of police neutrality (Riechers and Rohberg, 1990). Police reliance on specific (typically dominant) groups in heterogeneous neighborhoods endangers the idea that the police can be even-handed to the extent that the community police officer is pressured to keep his narrow constituency happy, lest it become demoralized, by validating its definitions of disorder. Otherwise, demoralized residents may stop turning up at local meetings, cease providing officers with "intelligence," hence not be around when the officer wishes to ask, as the SLOs of the LAPD often ask of their contacts, "what information do you have for me?" Community policing officers are in relations of reciprocity with their contacts, and such reciprocity may have its own, long-term costs.

A well-meaning critic might reply that the police are not sociologists and thus cannot be expected to understand the backstage machinations of their beats' social histories. And yet, it is very important whether a police action is viewed as an effort to keep a neighborhood from descending down a spiral of decline or viewed as harassment done on behalf of someone who would rather that you and your kind did not live here. A police officer in such a situation will restore order, communicate his message, write a ticket, and so forth. What he may leave behind, however, is resentment at apparent police partisanship and/or harassment. The neighborhood will have been policed, but the sense of community may well have been undermined, for definitions of disorder can be a cover for a neighborhood's micropolitics as much as an expression of resident fears. Indeed, these are probably inseparable in certain neighborhoods. As Reiss observed, "when citizens call the police they often are seeking personal gain" (1971, p. 69), and skewed calling patterns in heterogeneous neighborhoods can reflect small-scale "symbolic crusades" (Gusfield, 1966) by "moral entrepreneurs" (Becker, 1963) against particular groups by people threatened by their presence or values.

Alpert et al. propose that "an understanding of neighborhood characteristics and the infrastructure of social control networks are necessary prior to the establishment of tailored policing strategies, particularly those centered around community policing" (Alpert et al., 2000, p. 408). Strategies that represent solutions in one neighborhood will not work in another, and vice versa. In neighborhoods like De Mille, the police are in need of broadened contacts, while in places like La Adelita they are in need of simple contacts. In either case, community policing officers need to take care to follow up with people from traditionally reluctant, or police-averse, groups. These are potentially breakthrough contacts, not run-of-the mill complainants. Police mechanisms need to be implemented to screen for such contacts, for these are more than complainants whose problems are either dealt with, set aside, or not followed through on; they constitute entree into otherwise inaccessible social worlds. Much is to be gained by police departments where police officers are trained to approach their beats as ethnographers approach their field sites when trying to "get in."

Notes

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[2] According to the 1999 Law Enforcement Management Administrative Statistics survey (U.S. Department of Justice, 1999: 16), 99 percent of the 487 municipal police departments that responded participate in a 9-1-1 emergency system.

[3] Nevertheless, in multicultural cities like Los Angeles it cannot be assumed that calling the police will result in being able to communicate with someone, if you do not happen to speak English. One small-scale, "spot check" study conducted there found that "non-English-speaking callers to the Los Angeles Police Department often receive no language translation, incomplete information and rude responses from police employees... Some LAPD employees hung up on the callers when they failed to speak English... 'Only English spoken here,' one employee repeatedly told a caller" (Texeira, 2001). In Los Angeles in 1999, a total of 2,976,559 calls were placed to the LAPD, the majority of which were 9-1-1 calls (Los Angeles Police Department, 2001). Of these (almost 3 million calls), only 220,209 were calls placed in Spanish. Considering the very large percentage of residents in Los Angeles who are Spanish speaking or of Latin American heritage (almost half the total in 2000), it would appear that the problem of demarketing 9-1-1 is not one that has to be undertaken with the Spanish-speaking population in mind.

[4] The extent to which different "cultures" are at issue in such discussions is addressed by Gitlin (1995).

[5] Jack Katz and Maggie Kusenbach were the other members of the research team.

[6] Both "De Mille" and "La Adelita" are pseudonyms.

[7] Klinger and Bridges (1997) provide an overview of the limitations in using calls for service as an indicator of crime.

[8] Additionally, many renters subrent their units, subdividing them and letting out such spaces as laundry rooms, closets, and garages.

[9] Block group census data show fewer Latinos living in the area (61 percent), but this is a misleading number because some of the blocks included in the block group are not in the La Adelita study area. Thus, figures for a "representative block" are provided. The remainder of the census breakdown for the representative La Adelita block is as follows: white 15 percent, Asian 3 percent, and black less than 1 percent. Included among the whites are Armeninans (renters) and elderly Jews (single-family home dwellers), both of which groups had much diminished by the time of the study.

[10] Their tendency is to move frequently, changing addresses (but staying within the neighborhood because of its proximity to the Central American community, connecting bus routes, and nearby schools) as they seek out smaller or larger or cheaper apartments in response to the changing composition of household members and income streams.

[11] La Adelita is a truly a family neighborhood. According to the 1990 census, only 7 percent of residents in the area live alone in a household. By contrast, 87 percent of area residents live in what are classified as "family households."

[12] Of block group adults, 77 percent are classified by the 1990 U.S. Census as "not yet citizens."

[13] Centered blocks of text are excerpted from the author's fieldnotes and interviews. Interviews conducted with Spanish-speaking informants have been translated into English for this article.

[14] A commonly cited "object of alarm" (Goffman, 1971) are the "crack heads" who come into the neighborhood "looking to buy." However, such people are viewed as outsiders, people who happen to be around only because of the drug market, but who are otherwise not part of the community itself. Thus, there is little that can be done about such folks, since they are not part of the neighborhood's intergenerational system of informal social control.

[15] Crime-related concerns are expressed in Latino parent-child conversations, typically couched in terms of the importance of taking proper precautions and being mindful of whom one associates with, but this paper is restricted to neighbor relations rather than to household relations.

[16] This desire has many sources, among them the participation of household members in the black or gray market that flourishes in the area, and concerns that police are apt to judge people's parenting (especially disciplinary) practices and thus threaten the integrity of their families.

[17] To say that the police are speculated about as menacing or malevolent figures in La Adelita does not mean that these speculations are groundless; quite the contrary. Perhaps not coincidentally, these themes emerged from informants in a Central American immigrant neighborhood similar to those found in the Rampart area of Los Angeles. The police misconduct that triggered the scandal at Rampart occurred during the period of data collection for the present study, but the emergence of the scandal in the press occurred just after data collection was completed. See the *Report of the Rampart Independent Review Panel* (Drooyan, 2000).

[18] Unsought contacts with the police are much more the norm in La Adelita than in any of the other neighborhoods we studied, consistent with one survey's finding that Hispanics are less likely to initiate contact with the police than non-Hispanics, and are more likely to be stopped by the police (Walker et al., 2000: 92–93, citing U.S. Department of Justice, Bureau of Justice Statistics, 1997).

[19] Thus the parents in one household talked about moving the family out of an apartment that they had lived in for several years, in favor of one a street over, after some gay men moved into the building and began initiating conversations with their teenage sons.

[20] The Senior Lead Officer's responsibilities (during most of the data collection period) included (1) meeting with members of the residential and business community, (2) providing information to the crime analysis unit developed through contacts in the community, and (3) coordinating problem-solving strategies with other city agencies and offices. Greene (2000) provides a helpful discussion of the origins and development of the LAPD's community policing initiatives.

[21] It was not unusual to come across De Mille residents who could identify the name of the SLO; by contrast, not once in 3 years did I encounter any La Adelita residents who could name the SLO whose assigned beat included their neighborhood.

[22] When the new SLO addressed his first local Neighborhood Watch meeting, he very quickly stated, in Spanish, that he was bilingual and happy to be working in De Mille. Looking around the room of 20 or so, I noted that I was the only Spanish-speaking member in attendance to receive his welcome.

[23] La Adelita was a neighborhood of interest to De Mille activists, perhaps because many of them considered the decline of De Mille to be intimately tied to the "Latinization" of La Adelita in the 1970s. At a Neighborhood Watch meeting, I asked attendees when De Mille's problems began. Some said after the Vietnam War, when "a lot of Hispanics started moving in," especially to the La Adelita

neighborhood, "and long-term residents fled." People nodded in agreement and no one disputed this claim.

[24] The major community policing initiative undertaken in La Adelita during the data collection period (establishment of a day laborer center that led residents to cooperate with the police on a crackdown of the local drug market) was possible only because of the intermediary role played by a highly trusted (though nonresident) field deputy of the local councilwoman.

[25] For instance, a De Mille manager of a large apartment building housing younger whites hid information about upcoming police-community meetings from them because she feared they would learn about the area's problems and become motivated to move out if they attended.

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Multicultural Context, Crime, and Policing in Germany: Challenges After Unification

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Incidents of right-wing violence and reports of Xenophobia in Germany create a negative international image. Crimes against foreigners increased over the past few years, although Germany is a country with a low percentage of foreigners (only 9 % of the population are registered as foreigners). The article tries to analyse the different reasons for multicultural conflicts by showing the situation prior and after unification in both German countries. As the former German Democratic Republic was rather an emigrant- than in immigrant-country, multicultural conflicts did not take place. In the Federal Republic of Germany the number of foreigners increased since World War II from 500.000 to 7.4 Mio. In 1999, The article focuses on crimes committed by and against foreigners, the police reaction towards this evolution, policing in Europe and on the consequences for police training.

Key Words: Germany, xenophobia, right-wing-movements, unification, immigration, asylum, crimes of and against foreigners, police training.

Introduction

Germany's international image regarding openness to people of other nationalities is quite negative, which is due to incidents of right-wing violence and reports of xenophobia. The cause of such incidents may be found in a social reality characterized by ongoing foreigner-related conflicts often accompanied by violence and hatred. Because of their violent nature, these conflicts have become the object of police activities. Although Germany is not one of the countries with a high percentage of foreigners and therefore is not endangered by dissolution of its national identity (some 9 percent of all people living in Germany are registered as foreigners), it seems to be part of German "national grammar" that, particularly in times of general social insecurity, foreigners serve as scapegoats. Illegal immigration after 1993, often perceived as connected to organized crime, has become an important matter of policing in general and border policing in particular. In addition, the influx of foreigners has been accompanied by an increase in certain crimes.

In the context of increasing globalization, Germany's situation can be seen as a combination of both the conditions of social transition and insecurity and a latent xenophobic mentality that manifests itself in outbursts of violent acts by specific groups, namely young men. This has become especially apparent after the decay of the Eastern bloc, which was followed by an increase in migration and refugee movements. Right-wing extremist violence against foreigners and members of subcultures, such as homeless people, has increased dramatically. Such activities can create feelings of fear, not only for foreigners but also for the majority of the German population. In general, foreigners and native Germans are united by a strong faith that the state and local police will guarantee their security. On an even more general level, multicultural conflicts in Germany, as in other countries, are seen as issues of internal security and therefore as a major challenge to social control and, eventually, policing. In 2000, the Minister of Internal Affairs created an expert commission named "Zuwanderungkommission" (commission on immigration) to develop proposals and suggestions on how to cope with foreigner issues and immigration.

Although presenting major concern, multicultural conflicts can be viewed as part of a systematic transformation of social control and policing within a unified Germany and within a unified Europe. This transformation represents major social trends providing the framework in which the multicultural issue will be interpreted.

To explain Germany's complex situation and the police role, we first consider the historical background of the foreigner issue before and after unification. Next, we

discuss the issue of crimes committed by foreigners and how police perceive this phenomenon. In the third section, we focus on the problem of crimes against foreigners. In the fourth section, we present some aspects of policing in Europe after the disintegration of the Eastern bloc. In the last section, we examine the consequences of recent developments in social and criminal matters for police training.

Germany: A Multicultural Society?

The Situation Prior to Unification

German Democratic Republic (GDR): The heritage from the socialist GDR concerning the attitudes of its population toward foreigners is quite complicated. To understand the current situation in the new federal states (former GDR), we need to mention at least three aspects of this heritage.

First, there was an ideologically prescribed socialist internationalism that proclaimed friendship to all "class brothers" around the world. On the other hand, there were feelings of hostility and hate toward the "class enemy," who was historically connected with a simplified "anti-fascism." Although this was part of the socialist rhetoric, it was more than an abstract and artificial relationship. There were also friendly personal attitudes (Elsner and Elsner 1992) toward foreigners. Naturally, it is difficult to measure the impact of this rhetoric, but it seems obvious that this ambivalent "love-and-hate" education and socialization in an authoritarian society helped develop an inclination to see foreigners according to a "good and evil pattern" that is still prevalent even after unification. Different historical backgrounds require different concepts to describe the hostility against foreigners and xenophobia in East and West Germany.

Second, the GDR was a country of emigrants rather than immigrants. In the GDR, immigration was state-controlled and the state did not allow immigrants, as "open" Western states did; therefore, personal conflicts related to foreigners could not become a common issue on a social and public level. For example, on a social level foreigners did not pose a great threat with regard to social security and health problems (e.g., AIDS) or as a visible phenomenon in residential areas because their life was state controlled and took place mostly in exclusive areas. Because of these strict controls, foreigners could not become a metaphor for *evil* for people in the GDR.

As shown in table 1, those who did immigrate to the GDR can be divided into several distinct groups (Elsner and Elsner 1992):

- In 1951, 11 individuals from Nigeria arrived as students to attend East German universities and colleges. Between 1951 and 1988, about 42,000 foreigners came to study. In 1989, the proportion of foreign students was 5 percent of all foreigners.

- During the 40 years of existence of the GDR, many foreigners came to serve an apprenticeship. Although no figures are available for the entire period, in 1989 the number of apprenticeships was approximately 29,000. A majority of these came from Vietnam. These Vietnamese individuals lost their workplaces after unification and started their own businesses, often illegal. Today, some of the remaining members of this group are considered as part of the "Vietnamese Mafia" controlling the illegal cigarette trade.

- A third group of foreigners was made up of political refugees. Political asylum was legally based on article 23 of the GDR constitution. No information is available about the number of those foreigners in the GDR, yet it is known that in 1973, after the forces of General Pinochet took power by means of a military coup in Chile, thousands of refugees from Chile were granted asylum in the GDR.

- The largest group of foreigners was made up of workers who came on the basis of bilateral treaties between the GDR and other states. In 1989, more than 100,000 foreign workers were in 891 East German factories.

Table no. 1:**Foreigners in the GDR, 1989**
(In thousands)

	All	**Males**	**Females**
Workers	106.095	82.430	23.665
Students	10.225	7.983	2.242
Apprentices	28.898	20.638	8.260
Others	45.972	23.153	22.819
Total	191.190	134.204	56.986

Note: Tourists and Soviet troops not included.

Two more groups of foreigners were also important in defining the relationship between native East Germans and foreigners and with respect to internal security. These were Soviet troops in the GDR and foreign visitors and tourists. Individuals in these two groups committed both minor crimes and violent crimes.

Third, in terms of policing in the GDR when compared to the current situation, crimes by or against foreigners were more or less marginal issues. If the behavior of foreigners became the object of policing and the criminal justice system, this usually involved ordinary crimes. Therefore, crime by non-GDR individuals usually was not reported as a separate issue (Freiburg 1981, Adler 1983, Wolfe 1992).

Overall, crimes committed by foreigners were restricted to individual conflicts: the Cuban student who assaulted his male German rival, the Soviet soldier who tried to escape to Western countries, the Polish smuggler who tried to trade commodities (Kaiser, Moc, and Zierholz 1997). Issues like organized crime and trafficking of drugs and humans were widely unknown. Crimes committed by non-GDR citizens were not characterized by the specific cultural characteristics of their former country; therefore, no direct suggestion of a conflict between different cultures was made. Locked in by the Iron Curtain, cultural conflicts were more akin to conflicts of political systems and to issues of international security. In the perspective of internal security, the individual behavior of foreigners was a simple result of personal conflicts. The GDR, having absolute control of the immigration system at all times, precluded any risk to the existing social order; therefore, foreigners were never perceived as a personal threat to native Germans.

Where xenophobia as an expression of right-wing movements became an issue of internal security and policing in the GDR, it appeared in the form of youth provocation toward the omnipotent state. Different youth cultures developed throughout GDR history. They can be seen as protests against the adult generation in general and a stagnating authoritarian system that restricted personal freedom in particular. Since it was known that right-wing symbols were considered as an utmost provocation to the socialist nature of the GDR state, they were used in protest and to express differences of opinions. Thus, these phenomena can be explained more by internal contradictions within the GDR than as a conflict between different cultures.

Seen as an object of internal security and police work, the situation we find in the GDR of a limited presence of foreigners and a fledging right-wing movement displaying xenophobic elements had nothing in common with multicultural conflicts today. The nature of a closed society did not allow multicultural developments. When socialism as a system broke down, society as a whole and the police in particular found themselves completely unprepared in the face of virtually

unchecked migration from other (mainly Eastern) countries. Thus, to East Germany the breakdown of the Berlin Wall meant the rapid change from policing a homogeneous society to policing a multicultural society.

Federal Republic of Germany (FRG): After World War II, the total number of foreigners in West Germany (Federal Republic of Germany) increased from some 500,000 (or 10 per 1,000 inhabitants) in 1950 to 7.4 million (or 90 per 1,000) in 1999 (see table 2). There were two main periods of growth. First, beginning in the mid-1960s up until the early 1970s, a first group of "guest-workers" (Gastarbeiter) mainly from Italy, Greece, Portugal, Yugoslavia, Spain, and Turkey came to Germany to occupy open positions in lower rank jobs in the booming industries. Owing to the age structure of the German population after World War II, it was difficult to find Germans for these positions. As a result of this, the number of foreigners per 1,000 inhabitants rose from 12 in 1961 to 66 in 1975 (or in total numbers from 690,000 to 4 million). Second, between 1989 and 1997 people from former Socialist or Eastern European countries moved to Germany as a result of the fall of the Iron Curtain. The total number of aliens or foreigners registered in Germany went from 4.2 million in 1987 to 7.4 million in 1997. These figures do not include emigrants from Russia, Poland, Rumania, Kasakhstan, or other Eastern European countries who can claim German ancestors and are therefore identified by statistics as German citizens.

Between 1970 and 2000, the social structure of non-Germans or aliens changed significantly. In 1969, 57.5 percent of all foreigners in Germany were registered as dependent employees who had to pay into the social security system, but the percentage went down to 27.7 in 1998. This decline was due in part to the overall increase of the unemployment rate during the preceding few years in Germany. The main reason is that today foreigners in Germany are living together with their families and children, while in the 1960s and 1970s more single men lived in Germany. The latter came as guest-workers to earn money for their families still living in their home country. Eventually, the families were united in Germany. As recently as 1997, 51 percent of all non-German workers were lower class laborers (in 1984, the number was 70 percent) compared with 10 percent of all German workers. For the second-generation non-Germans (children of guest-workers born in Germany), the percentage is 22.

Table no. 2: **Inhabitants (German and non-German) and Foreigners in Germany, 1871–1999**[3]

Year	Inhabitants (in millions)	Foreigners (in thousands)	Foreigners (in %)	per 1,000
1871	41,058.8	206.8	0.5	5
1900	56,367.2	778.7	1.4	14
1910	64,926.0	1,259.9	1.9	19
1933	65,218.5	756.8	1.2	12
1951	50,808.9	506.0	1.0	10
1961	56,174.8	686.2	1.2	12
1970	60,650.6	2,600.6	4.9	43
1975	61,746.0	4,089.6	6.6	66
1985	61,020.5	4,378.9	7.2	72
1989 [4]	62,679.0	4,845.9	7.7	77
1992	80,974.6	6,495.8	8.0	80
1999	82,163.5	7,343.6	8.9	89

Note: Tourists and alien troops not included.

Go West: Immigration After 1989:

Before the erection of the Berlin Wall (1950–1961), a total of 2,609,321 East Germans asked for permission to settle in the West. Between 1961 and 1990, a total of 1,198,259 East Germans crossed into West Germany, both legally and illegally (Schumann et al. 1996). Particularly since the beginning of the 1980s the number of East Germans who came to the West increased, reaching 40,000 per year on a legal basis. The number of refugees decreased from 51,624 in 1961 to 2,487 in 1983 and increased again from 9,705 in 1988 to 65,426 in 1989. Although this influx of East Germans was an issue of integrating millions of people into West German society, it was not a cultural problem and therefore did not entail specific difficulties with respect to internal security in West Germany. At any rate, the tolerance and acceptance of different people by the West German population has to be taken into account. Most of the people who moved to Germany came from other European States. If we compare the data of 1988 with those of 1997, the results are as follows.

Table no. 3: **Official Immigration to Germany by Country of Origin and Nationality, 1988 and 1997**[5]

Place of Origin	Total Number		% with German Citizenship		Change in %
	1988	1997	1988	1997	
Europe	766,568	553,772	29.8	20.7	– 27.8
EU Countries	142,137	180,432	14.4	15.9	+ 26.9
Poland	313,792	85,615	33.8	16.8	– 72.7
Soviet Union	54,725	67,178	75.7	63.1	+ 22.8
Africa	24,415	36,767	17.9	11.5	+ 50.6
United States	42,653	46,578	36.5	35.2	+ 9.2
Asia	64,452	183,068	6.7	43.7	+ 184
Kazakhstan	-	83,242	-	82.4	n.a.
Overall	**903,892**	**840,633**	**28.2**	**26.8**	**– 7.0**

The data show a decrease of 27.8 percent between 1988 and 1997 for people coming to Germany from European countries. But this decrease is caused by the fact that fewer people from Poland came to Germany. The number of other foreigners from Europe, Africa, the United States, or Asia increased up to 50 percent. In the same period, the percentage of European immigrants with German citizenship decreased from 29.8 percent to 20.7 percent. The increase for Asian people (+184 percent) is caused by the huge number of people coming from Kazakhstan claiming German ancestry and accepted as Germans afterward.

If we look at the statistics for naturalization, some different figures appear. That is because only a small fraction of immigrants were naturalized and could therefore assert legitimate grounds for living in Germany. Between 1968 and 1988, within a period of 20 years, fewer than 100,000 people from the former Soviet Union were naturalized in Germany, counting for less than 10 percent of all naturalizations. But in 1989, this figure was reached in just one year, followed by a 50-percent increase in the next year. In 1995, more than 200,000 people from the former Soviet Union were naturalized in Germany, accounting for more than two-thirds of all naturalizations. After that year, the number decreased again to about 100,000 in 1999.

The majority of the people claiming German ancestry came in two- to four-generation families, but often only the older generations were able to speak the German language.[6] As a result of financial help by the German government, their readiness to work hard, and the fact that they lived together in "clans," these families were able to buy or build new houses very soon, triggering jealousy and rejection by some of the German people. The youngsters, told to come to a country where "milk

and honey," fast cars, and modern entertainment are readily available, became frustrated very quickly and struggled with the German language, which was not their first language. As a result of this, groups of Russian-German juveniles banded together, fighting against the lower-class groups of Turkish juveniles who had been dominant until then. The violent habits and unusually extensive use of alcohol of these Russian groups have been reported (especially their sexual offences against female juveniles). It has become common to see cars with posters and bumperstickers "CCCP" (for the former Soviet Union), and "Russian-only" pubs and discos or music halls, where the Russian language is necessary to get in. Such places, where more than 2,000 young people come together every night, are not unusual in some parts of West Germany.

Police increasingly complain about the aggressive habits, heavy alcohol and drug consumption, and violent activities within these groups of Russian-Germans, most especially against police officers. In 2001, police officers were attacked when they intervened in the fighting between groups of hundreds of Russian-German youngsters, arranged in advance at isolated, rural locations. After such fights, although many youngsters were seriously hurt by their ethnic counterparts using knives and baseball bats (even hand grenades and Kalashnikov machine guns were carried, although not used), no referrals were made to medical doctors or hospitals. Police officers explain that such violent disputes between regional clans seem to be part of the "Russian culture." The youngsters look at the police as the enemy rather than as an independent institution or conflict resolution agency. They avoid contacting police, even after very violent incidents, and their families support these habits. Of course, one can easily explain these facts by the experiences with police activities in their home countries; but for the police, it is very difficult to cope with such situations and to understand what is really going on between different groups of Russian-Germans of any age. There are suggestions that organized crime and drug-trafficking may be the background for such fights, but so far nobody really knows what is going on and how the situation will develop over the next few years. Police reports indicated that more and more Russian-Germans were registered as drug addicts in 2000, and the number of drug-related deaths among Russian-Germans strongly increased. The reason is not quite clear, but some experts suggest that more "clean" heroin was available that year and more inexperienced youngsters and family members of drug addicts came into contact with that heroin. It is also suggested that family ties to Russia and especially Kazakhstan support drug trafficking and drug dealing.

Whether the crime rates of these Russian-German or other Eastern European immigrant juveniles are really higher than the crime rates of comparable "foreign" (e.g., Turkish) or German-born juveniles is still under discussion and has yet to be

settled. A recent study by the police of Bavaria could not provide any evidence for the suggestion that "Aussiedler" (emigrants allowed to come to Germany because of their German descent) are more delinquent or violent than other juveniles (Luft 2000). The methodological problem is that official statistics register these juveniles as "Germans," without any special information about their country of origin or heritage.

Asylum Seekers: The Unknown Danger?

The numbers of asylum seekers in Germany peaked in 1992, when 438,000 people were officially registered. That year, more than 310,000 came from European countries (mainly from the former Yugoslavia, Albania, or Rumania). Nevertheless, it is the non-Europeans and nonblacks who make the greatest impression on public opinion, and the black African male is still the prototype of the dangerous criminal alien. This stereotype exists mainly because the illegal drug street market in bigger cities was in the hands of African people until the mid-1990s, although today Asians, Russians, or groups from the former Yugoslavia are also in that business. The accumulation of young, alien, and ethnically diverse asylum seekers, forced to live close together (usually outside towns or cities) caused public fear and feelings of insecurity. Since they are not allowed to work, their resorting to illegal activities as a means for earning income is understandable.

After the introduction of new legislation on asylum, the number of officially registered asylum seekers went down to less than 100,000 annually from 1997 on.[7] Thousands of foreigners currently live in uncertainty with respect to their chances of a permanent stay in Germany (and thus their social integration and stability, based on employment and housing) because they have no "green card" and do not know whether they will receive residential status within due time.

Besides the groups of foreigners in Germany who are officially registered, many other groups remain unregistered. According to the estimates of police and human rights activists, the number of illegal foreigners living in Germany (mostly in bigger cities like Berlin, Hamburg, and Frankfurt) amounts to tens of thousands. In bigger cities, medical doctors and lawyers offer free services for such people, who tend to live underground and fear public institutions.

Real Threat or the Fabrication of Evil? Crimes by Non-Germans: The Good, the Bad, and the Ugly

Since 1990, approximately 10 million people have left the former Soviet Republics, or about 15 percent of all inhabitants of Eastern European countries. They moved mainly to Western European countries and also (e.g., Jewish people) to Israel. One result of this migration is the movement of crime and an increase in reported crimes. One can imagine that the "capitalist challenge" was a burden too heavy for some of the people coming to Germany. This challenge resulted in crimes like shoplifting, theft, and burglary so that these individuals could take part in and have their share of capitalist society. Some (mainly Rumanian) nomadic gangs, living partly in tents in wooded areas, increased the fear of crime with breaking-and-entering offences and were depicted in the media as a visible sign of the danger coming from the East. Groups of juveniles unable to speak the German language and sticking together frighten ordinary people just by their existence and by committing mostly minor crimes.

In Germany during the same time period, the public's sense of security has decreased and fear of crime has increased. These feelings may be the result of increased numbers of asylum seekers and foreigners from Eastern Europe or feelings of personal insecurity due to higher unemployment, greater pressure on the social security system from dramatic changes in the age structure of the German population, or fears concerning the idea of more foreigners coming to Germany.

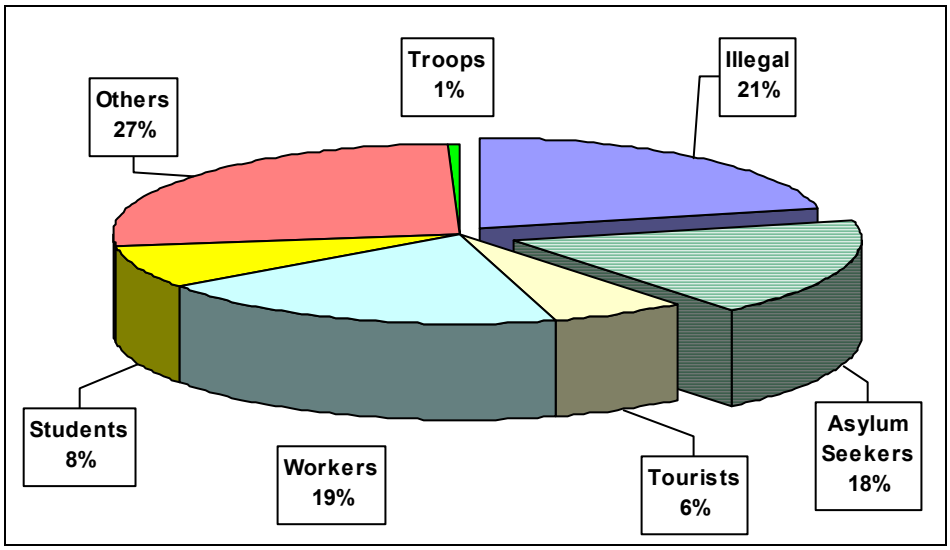
In 1999, 26.6 percent of all suspects registered with the police were non-Germans, and the percentage of foreigners in Germany was less than 9 percent. But it must be taken into consideration that for statistical and sociological reasons[8] it is not possible to compare the number of registered non-Germans with the number of registered Germans. Scientists have discussed the "real" relationship between German and non-German offenders for years, and some estimate that there is no real difference at all if one considers the effects that might result in an overcalculation and overregistration of non-Germans in the police statistics. The distribution by country for non-German suspects registered with the police in 1999 was as follows: Turkey 20.4 percent, Yugoslavia 16.0 percent, Poland 7.5 percent, Italy 4.5 percent, Ukraine 2.0 percent, Bosnia-Herzegovina 2.0 percent, and Russian Federation 1.9 percent. "Other" accounts for 45.7 percent (including 14 other countries listed offenders whose native country was listed as unknown, and those who had no listing). For some crimes, the percentage of non-German suspects is higher than the average. These include dealing with and smuggling cocaine (62.2 percent) and pickpocketing (60.6 percent).

Table no. 4: **Total Number of Offences Registered by the Police and Non-German Suspects, Germany 1984– 1999**[9]

Year	Suspects	Non-Germans	In %
1984	1.254.213	207.612	16.6%
1990	1.437.923	383.583	26.7%
1994	2.037.729	612.988	30.1%
1999	2.263.140	601.221	26.6%

In 1999, 21.3 percent of all registered suspects were staying illegally in Germany, and 17.9 percent were asylum seekers.

Chart no. 1: **Non-German Suspects by Status, 1999**[10]


Troops
1%
Illegal
21%
Others
27%
Students
8%
Workers
19%
Tourists
6%
Asylum
Seekers
18%

Especially in the fields of organized crime, illegal trafficking of people, and prostitution, dramatic changes occurred in the 1990s, not only in Germany but also in most Western European countries. For example, in 2000, about 50,000 prostitutes (of approximately 200,000 estimated in Germany) from Eastern Europe were living and working both legally and illegally. Since prostitution, illegal trafficking of refugees, drug dealing, and the weapons trade are all interrelated, one realizes the problems police face here. The general public sentiment is these problems were brought into Germany by foreigners and aliens coming to Germany over the past few years. To distinguish between legal and illegal immigrants on the one hand and criminal and noncriminal immigrants on the other hand was, and still is, a very difficult and critical task for the media, politicians, and police.

Controlling Illegal Immigrants

A New Issue for Policing in Germany After Opening the Eastern Borders

Besides controlling crime caused by some foreigners in Germany, controlling illegal immigration through border policing became a major issue, especially in a 30-km border zone with Poland, the Czech Republic, and Austria (see Kattau 1993). According to the annual report of the German border patrol or Bundesgrenzschutz (BGS), 37,789 illegal immigrants were detained by border guards or police in 1999. Although this was a decline of 6 percent compared with 1998, a significant number of people became the object of policing. The number of unnoticed illegal immigrants is estimated to be about three- to fivefold the number of registered immigrants. These illegal immigrants are mostly seen not as suffering refugees and migrants who should get assistance but, rather, as a "criminal threat." After a new "wall around the West" (Andreas and Snyder 2000) has been built, illegal migration has made human trafficking a business. As Koslowski describes for the European Union, "although states may be enhancing their capacity to control 'unwanted' migration, whether on an individual basis or through cooperation with other states, so has the marketization of illegal migration by organized traffickers increased the capacities of the 'unwanted' to migrate" (Koslowski 2000, 203). This perspective of criminalizing illegal migration became a guideline in conceptualizing and organizing police work in the European Union. As corroborated by leading authorities of police, security, and intelligence services at a Berlin conference in 2001,[11] immigration and refugee flows are seen and treated as threats to the internal security of the European Union or "Schengen-Country"[12] and firmly connected to organized crime. According to these authorities, illegal immigration combined with human trafficking are two of the top threats and dangers in Europe to be monitored and repelled by security forces. Therefore, police work must focus on these new "threat scenarios."

The legal basis for border policing by the BGS authorizes the border guards to act like police. Thus, every individual can be stopped and controlled at the border and within a 30-km zone. Investigation of persons at or near the border often leads to the arrest of suspects. During the last decade, customs agents and police forces have partnered and have been sharing a computerized information system that was developed to help deter illegal immigration (Kattlau 1993, Dietrich 1999). In addition, the BGS maintains good cooperation with Polish and Czech police and security forces (CILIP 1998). Meanwhile, the eastern border of Germany has the highest density of control in activities and staff. An average of 2.4 officers are on patrol at every kilometer of the border. The success of their work is measured in numbers of detained and refused migrants. A side effect of the widening border control is a large number of registered suspects that are not related to border security. In 1996, more than 164,000 seizures were registered as a consequence of identity checks not related to border control (Dietrich 1999). Human rights organizations criticize violations of human rights of refugees and migrants by police and security forces at the border (Basso-Sekretariat 1995, FFM 1998). A human rights organization (Antirassistische Initiative 2000) reported a total of 89 dead and 114 injured migrants at the eastern border between 1993 and 2000. Answering a request to present figures on migrant and refugee deaths at this border, the German government explained that no such statistical information was available (Deutscher Bundestag 2001). All cases of dead migrants known to the government were related to drowning or suicide. With respect to injuries between 1999 and 2000, 53 cases were registered where migrants suffered injuries through action of police or security forces. Most of the injuries were bites of police dogs. In this context, 28 police officers became subjects of criminal investigations. While two of these cases are still pending, another two were dismissed on the basis of insufficient guilt; the rest were dismissed on the basis of no evidence.

Crimes Against Foreigners and Xenophobia in Germany

Over the past few years, crimes against foreigners or “hate crimes” and xenophobia have increasingly become the subject of public discussions and media reporting. The following report gives an example of crimes or offences with a xenophobic background within one month in 2000.

Some days in Germany in September 2000:[13]

Sept. 1: Juveniles are arrested after shouting "Sieg-Heil" in Oranienburg (East Germany, EG).
Sept. 2–3: Four hundred right-wing extremists demonstrate and march in Neumünster (West Germany, WG). A dozen right-wing extremist juveniles vandalize a pub, known as a meeting point for gay and lesbian people in Zwickau (EG). A 17-year-old black juvenile is heavily assaulted by skinheads in Saarbrücken (WG). Two 14- and 16-year-old juveniles are heavily mistreated and kicked with heavy boots by skinheads in Geringswalde (EG). A 50-year-old German with Chinese heritage is heavily injured and assaulted by juveniles, shouting "Ausländerschwein" (foreign pig) in Munich (WG).
Sept. 4: A 23-year-old German with Tunisian parents is heavily injured after an attack by a right-wing extremist, shouting slogans against foreigners and showing the "Hitler Gruss" (Hitler's salutation: left hand up) in Kassel (WG).
Sept. 5: The police confiscate 6,400 CDs with right-wing extremist music in Halle and Weimar (EG).
Sept. 7: A student from Kenya is heavily injured by three juveniles, ages 16, 17, and 18, in Burg (EG); about an hour later, the same offenders beat up a man from Ethiopia. Three men attack a man from Kenya in Dortmund (WG) by kicking with their feet.
Sept. 8: A 27-year-old Indian man is beaten up by two skinheads, shouting "Heil Hitler" in Darmstadt (WG).
Sept. 9–10: Nine right-wing extremists threaten asylum seekers in Bergkamen (WG) with baseball bats, shouting rightist slogans. Four police officers are injured in a fight with about 40 right-wing extremists in Wittenberg (EG). A 16-year-old Turk is beaten up, injured, and assaulted by two skinheads. A fast-food shop of a Vietnamese is destroyed by juveniles, leaving runes and swastikas on the walls.
Sept. 13: Two 23-year-old skinheads kill a 45-year-old homeless man in Schleswig (WG) by kicking and beating.
Sept. 14: Two Vietnamese people, 24 and 28 years old, are robbed and beaten by two German juveniles, resulting in heavy injuries and treatment in hospital.
Sept. 16–17: A 31-year-old Tunisian and a 24-year-old Libyan are injured in a fight between asylum seekers and German juveniles in Stollberg (EG). A group of juveniles under the influence of alcohol attack Sinti and Roma (gypsies) camping near a lake (EG). More than 10 right-wing extremists attack 2 Turkish and Iraq families in a subway. Six people are injured. Ten extremists are arrested in Rostock (EG). A Turkish fast-food store is damaged by arson; swastikas and "NSDAP" is left on the walls in Frankfort/Oder (EG).
Sept. 21: Three police officers are suspended because they were shouting slogans against foreigners and assaulting a Tunisian taxi driver in Cologne (WG). A police officer is suspended because he showed the "Hitler Gruss" in Gotha (EG). A house for asylum seekers is the aim of an arson in Torgau (EG).Two asylum seekers from Togo are assaulted and injured by right-wing extremists (EG). A women from Afghanistan and her two children are attacked by two 17-year-old juveniles in Prenzlau (EG); the juveniles beat the children and throw one of them against a wall. A Turkish döner-shop is destroyed by arson (Stahnsdorf EG).
Sept. 22: A Turkish fast-food store owner is assaulted and threatened by right-wing extremists, the youngest aged 15, in Klosterfelde (EG). Four right-wing extremists are arrested because of arson against an asylum seeker in Wuppertal (WG). Another arson occurs in Ellwangen (WG) against a house where foreigners are living.
Sept. 24: Police break up a skinhead rock concert with 500 participants. A total of 46 police officers and 15 participants are injured; 12 are arrested in Lüneburg (WG).
Sept. 30: Some 3,000 people try to avoid right-wing demonstrations in Munich and Lübeck (WG).

Official data concerning the development of xenophobic crimes in Germany are collected in reports by the police and by the "Verfassungsschutz," the Federal Agency for the Protection of the Constitution, which is independent of the police and controlled by a special committee of members of the state parliament. The police data have to be questioned for quality and validity for the following reasons. First, only the criminal and violent xenophobic acts reported and registered with the police are included. The number of crimes that are not reported to and registered by the police is unknown. From public surveys, we have learned that the number of unreported incidents is quite high (about 1:3 on average), even for more severe crimes. Second, the criteria according to which criminal and violent acts are categorised by the police as xenophobic are by no means unequivocal; the definition and categorisation are different for each individual precinct. In some cases, all crimes in which foreigners, refugees, or even other victims (gays, handicapped) are harmed are included in the statistics—even if it is not clear whether right-wing, racist, or other xenophobic motives actually were the underlying cause. Third, because police statistics are crime statistics, molestation, insult, and discrimination are not included in these figures—although the difference between a criminal act or a noncriminal, but discriminating or insulting, act is very often unclear and depends on the personal view and the subjective perception of the victims or bystanders. The same is true for police officers responsible for taking (and accepting) the information and opening a file.[14] As a result of this, the actual number of xenophobic crimes and acts of violence is higher than the figure obtainable from police statistics. A dramatic rise in the overall number of acts officially reported as xenophobic crimes first occurred in 1991. From an average of about 250 reported acts per year until 1990, the number went up to 2,426 crimes in 1991. The majority of these acts involved distribution of propaganda, disturbance of the peace, vandalism, and other offenses. But a dramatic increase took place also in violent offences like attacks against individuals or arson. Registered xenophobic crimes increased in 1992 to 6,336 and again in 1993 to 6,721.

The quantitative escalation and dramatic increase in xenophobic events are not continuous but, rather, erratic. Dramatic individual occurrences trigger waves of escalation and mobilisation, as Helmut Willems (1995) pointed out. The wave of violence reached its first peak after the attacks on homes for foreigners and refugees at the end of September 1991 in Hoyerswerda, a small town in East Germany, which ended in the evacuation of all refugees from the affected houses. As reported by Willems:

> This success of the perpetrators in Hoyerswerda represents a central mobilisation factor in the further development of the violence: directly thereafter, imitation throughout the entire Federal Republic caused the number of xenophobic crimes and violent offences to peak and, at the same time, bring about a diffusion of the violence, in particular through the activation of violently

> disposed groups elsewhere. The same mobilisation and recruitment effect can also be observed after the successful riots in Rostock at the end of August 1992 and even after the Solingen murder (June 1993) where five Turkish women died after their house had been set afire.
>
> (Willems 1995, 166)

For the first waves of xenophobic crimes from mid-1991 to mid-1993, there are few indications of planned, organized, or directed actions. The actions are usually preceded by spontaneous decisions under strong influence of alcohol. The increase in crimes registered by police and multiple crimes by the same person does, however, indicate that xenophobic activities have become routine for certain groups. Following the events in Mölln (a city in West Germany) in November 1992 and particularly after the protest demonstrations and candlelight marches against racism and violence, a reduction in violent crimes and in the tolerance of and propensity to violence is discernible in the population. As reasons for the decrease, Willems mentions the following points:

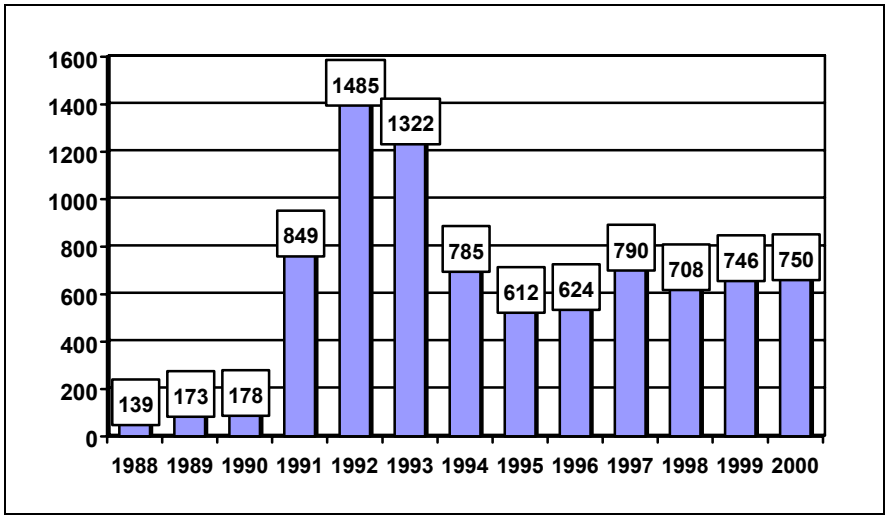
> The arson in Mölln, with two people killed, shocked sections of violent youth groups and cliques; for many, the events in Mölln went too far. Some realised only afterwards what they had been involved in. By means of the demonstrations the "silent majority" made its voice heard. The right-wing, racist, and xenophobic groups had to realise that they were a minority not supported by a large section of the population and in future could no longer count on the same tolerance in the population as was partially the case in 1991–92. The changes in the mood of the population as well as proceedings by the state against right-wing groups and criminals have changed the perpetrator's expectations of success and the risks involved.
>
> (Willems 1995, 167)

Table no. 5: **Right-Wing Extremist Members and Groups in Germany, 1997–1999**[15]

Group	1997	1998	1999
Skinheads, other violent right-wing extremists	7,600	8,200	9,000
Neonazis	2,400	2,400	2,200
Right-Wing Parties (DVU, REP, NPD)	34,800	39,000	37,000
DVU	15,000	18,000	17,000
REP	15,500	15,000	14,000
NPD	4,300	6,000	6,000
Other extremist organizations	4,300	4,300	4,200
Total	**49,100**	**53,900**	**52,400**

In 1999, there were 10,037 officially registered offences with right-wing extremist influences; of those offences, 2,283 were registered as xenophobic offences and 746 were registered as violent offences.

Chart no. 2: **Violent Offences, Officially Registered With Police as Having Xenophobic or Right-Wing Extremist Background, 1988–2000**[16]



The 746 violent offences in 1999, broken down into type of offence, are as follows: 1 murder, 14 attempted murders, 35 arsons, 65 breaches of the public peace, 630 assaults, and 2 explosions. These data were questioned by a member of the PDS Party (official successor of the former Socialist Party in the GDR) in September 2000, who pointed out that between 1989 and 1996, a total of 3,953 violent offences "disappeared" from the annual official publications by the German FAPC. No reason was given for this discrepancy, nor was the difference explained to the public, as the Ministry of Interior did not respond to the article[17] dealing with this topic.

Official sources reveal that 20 people were killed by right-wing extremist groups within the last 10 years. But calculations of some newspapers, published in

September 2000, gave a figure of 93 people with right-wing backgrounds killed in Germany since 1990. The comparison between East and West Germany shows that nearly the same number of crimes are registered in West as in East Germany, although West Germany has three times as many inhabitants as East Germany. According to the analysis of police records, over 95 percent of xenophobic crimes and violence are committed by men, by young men in particular. More than 42 percent of the suspects investigated are 20 years old or younger. Only 3 percent of the suspects are more than 30 years old. In a study published in 1995, Willems found that the propensity to xenophobic violence and violence itself seems to correlate more strongly with lower levels of education (grades 9 to 10) and with apprentices and skilled manual workers. He also found indications of a dominance of deficient family structures, special social problems (high unemployment and lack of school certificates), and suspects from predominantly lower class backgrounds. The most recent report by the FAPC questioned these results. The unemployment rate for known right-wing extremists is not higher than average, and many offenders or sympathisers have a well-off background and are either employed or in school. For Willems, xenophobic crimes and violence are group offences, although we know this is changing, as indicated by the bombing in Oklahoma in 1995 and incidents in 1999 in Sweden, where two police officers, a journalist, and a member of a trade union were killed by right-wing extremists. But in Germany, this is still true for over 90 percent of the cases (Willems 1995), where the offences are committed by groups. About 15 to 20 percent of the suspects classify themselves, or could be classified according to prior police information, as members of a xenophobic right-wing group. Particularly evident is involvement and membership in the skinhead subculture (in about 30 percent of all cases) and in other xenophobic youth groups.

Willems summerizes his study on xenophobic crimes and right-wing extremism as follows:

> **Thesis 1:** The German asylum procedure has promoted interaction processes and experiences between refugees and the native population that are perceived by many as conflicts and burdens and that became the crystallisation points for the development of corresponding attitudes and a disposition to violence.
> **Thesis 2:** The conflict over asylum and the inability of political leaders to present quick decisions and better concepts have changed the political opportunity structures for right-wing and violently disposed groups.
> **Thesis 3:** The weakness of state authority, particularly in the new Eastern states, made possible successes for the violent perpetrators and contributed to the change in the cost-risk structures of violence.
> **Thesis 4:** The change in public opinion, particularly the increase of xenophobic attitudes in sections of the population in recent years, opens new possibilities of self-definition and the feeling of collective importance for stigmatised and violent groups of youth.
>
> (Willems 1995, 178)

The development and expansion of xenophobic attitudes and violence cannot be traced back solely to personality deficits and socialisation problems of individual perpetrators or to social, economic, and cultural crises of the society as a whole. Some researchers comment on the fact that xenophobic crimes and activities are more widespread in East Germany than in West Germany; they also see connections to the stricter Kindergarten-system and the formal education in the former GDR. To understand this phenomenon, we must take into account the manner in which the immigration and integration of foreigners are currently organised in Germany. All political parties, except the "Green Party" and the Party of the Democratic Socialists (PDS), stated in recent years that there are too many foreigners coming to Germany and that Germany is not an immigration country (contrary to the fact that, in reality, Germany is a country with a high rate of immigration and needs this immigration because of the age structure of its society). Slogans like "Das Boot ist voll" ("The boat is overcrowded", used by the Federal Minister of the Interior, a member of the Social Democrat Party, in 2000) or "Kinder statt Inder" ("Children instead of Indians"), used by members of the conservative party to fight plans for a Green Card for computer specialists—mostly coming from India—in 1999) gave certain political signals to the people and made the right-wing extremists believe there might be widespread support for their actions. What we have observed in Germany, as well as in other European countries, is the emergence of new ethnic conflicts and the rise of xenophobic nationalist movements that reach far beyond the right-wing political margin into the centre of society as a whole.

> The conflict about asylum is only the prelude to a new fundamental conflict: the conflict over immigration and by extension over the future definition of our society as a multicultural and multiethnic society. Youth violence gains political importance in these conflicts and is, under certain conditions, an efficient means of promoting change, as can be judged from the political processes brought about by the violence. Where right-wing or racist movements develop from here depends on (a) whether we are in a position to allow and control immigration, namely, to set quotas; (b) whether we are ready and willing to guarantee integration not only economically and socially but also legally; (c) whether we are capable of furthering and facilitating the necessary learning processes which are a prerequisite both to overcoming ethnocentric perspectives as well as to developing tolerance and solidarity beyond cultural borders; and (d) whether confidence in the social market economy can be restored to all those who see themselves (or others close to them) as threatened by unemployment, rent increases and erosion of social aid.
>
> (Willems 1995, 180 f.)

Unification, Foreigners, and the Police: Perceptions of and Consequences for the Police

After the fall of the Berlin Wall and the process of unification had begun, it was obvious that these events had as much of an impact on the police as did the increase in numbers of foreigners settling within Germany. The greatest challenge was the question how to cope with the situation in 1989–90, when police forces in East Germany were literally taken over by West Germans. In fact, in most of the East German police force headquarters the middle and higher management left their places right after the opening of the border. To keep the police running, the West German States asked their police officers to "go east" and support the East German forces. In a rapid reshuffle, abandoned posts were filled either with young, inexperienced (i.e., those with no previous record) officers or western staff. Police officers who went from West to East Germany were promoted two or three ranks, a career jump that would have taken them some 10 years in their home department. They also got better salaries than their eastern colleagues and a special bonus called "Buschzulage" (extra money for working "in the bush," i.e., the wilderness). The elimination of "rotten apples" that had served the old communist regime was a major task like in all former communist states, but some people doubt that this was done with great success. As a result, for some years in East Germany the old powerful and negative image of an oppressive force remained unchanged, combined with the idea of an incompetent, ill-equipped, and fragmented police force plagued by bureaucracy and lack of professionalism.

Another important aspect is the replacement of the planned economy (i.e., socialism) with the free market economy (i.e., capitalism), fracturing tight social bindings and communication between people. This change resulted in feelings of lack of safety, lack of trust in each other, and generally higher rates of aggressiveness. People got lost in the middle of their new freedom. For example, under the old system, everybody had "enough" money, but besides everyday necessities there was not too much to be bought; after unification, unemployment increased up to 50 percent in some parts of East Germany. (Unemployment was unknown under the socialist system because everybody had a place to work, regardless of whether or not this work was productive.) As a result of this, there was (and still is) not enough money to buy all the new "tools and toys" of capitalism (cars, television sets, stereo, computers), and while prices for everyday necessities like bread and milk increased to western standards, salaries remained lower than in West Germany.

Under such conditions, the police as an institution and police officers as individuals became involved in critical situations. The police had to decide whether they were on the side of the public or the government (as previously in the GDR). Officers

were confused as to what their new role consisted of and whether they could rely on the public to accept this role. The change in values thus affected the whole of society, including the police and the criminal justice system. The police had to cope with manifold changes, and an empirical field study on the effect of the unification on everyday policing and the attitudes of police officers (Behr 1993) showed that there was great uncertainty among those who remained in the police service, resulting in frustration, aversion against organizational changes, and withdrawal from the public.

Having to cope with the increasing problems of xenophobia (especially in East Germany), the influx of asylum seekers (mainly in West Germany), and people from Eastern Europe claiming German heritage was a new and challenging situation for nearly all police officers, both east and west. But the situation was also a challenge for police leaders and political leaders because nobody had any experience with such situations. The result was more a "muddling through" than a planned and structured strategy. Looking back, one can say that the police were not central actors in events after 1989, although they had to cope with the effects of the unification. They just tried to handle the problems in the best way they could or thought possible. There was no central or local philosophy of policing this new situation, only "business as usual."

The breakdown of the Berlin Wall on November 9, 1989, meant the end of the Iron Curtain. Beginning with the opening of the Hungarian border a few months earlier, the borderline between the two antagonist systems, protected with guns and barbed wire, slowly became permeable. Following the relaxation of border control between the Eastern bloc countries and the West, a flood of people traveled from the East to the West. If it was not a "Clash of Cultures," it was definitely the end of the homogeneous society of the socialist GDR and the beginning of an internationalization that led to what we now call a "multicultural society."

In her book *Policing a Socialist Society. The German Democratic Republic*, Nancy Wolfe sums up the situation in 1990:

> Relaxation of border control permitted a drastic increase in the number of foreigners coming into the GDR, and this fostered two types of crime: crimes committed by the foreigners and acts of violent xenophobia by GDR citizens. East Berlin was especially affected as streams of Rumanians, Poles, and Turks arrived by train. Since the GDR had not previously experienced such an influx, a social network for supporting them simply did not exist. The result was that hundreds of immigrants were camping out in the train stations, particularly in Lichtenberg and the central train station.
>
> (Wolfe 1992, 201)

In terms of internal security and policing in the eastern part of Germany, there were now two foreigner-related problems: first, the tensions caused by the unexpected influx of people mostly from Central and Eastern Europe, and second, the tens of thousands of foreigners already living in the GDR who found themselves in a rather fragile situation after the old structures of keeping them apart in fairly controlled places broke down. There was no real integration and no real assistance in solving their problems; therefore, they experienced a hostile, threatening German environment.

Furthermore, there was a counter-reaction to the new situation by East Germans. Nancy Wolfe states:

> Extremism on both ends of the political spectrum, though never acknowledged by the Honecker government, had been growing since the early 1980s. Cessation of the prosecution of dissenters, opening of the border, and the volatile political situation in the postrevolutionary period provided fertile ground for antisocial activity by a variety of groups. Among them were punks, skinheads, soccer rowdies, fascists (Faschos), and neo-Nazis, exposing a mixture of xenophobia, anti-Semitism, racism, rightist totalitarianism, antiestablishmentism, antihomosexualism, and so on. Their tactics ranged from insult and graffiti to vandalism and violence. Most threatening were the neo-Nazis. Paraphenalia of the National Socialist period, outlawed in the GDR during hegemony of the SED, were again openly displayed for sale, and Nazi slogans peppered the rash of graffiti sprayed across the state.
>
> (Wolfe 1992, 200)

Nancy Wolfe's description is both comprehensive and subtle. It shows the relationship between a specific German aloofness toward strangers and its most radical expression in the use of Nazi and antisemitic symbols, actions that reflect the German historic background. Radical, social, and political conflicts between different cultural and foreign groups were labeled as threats to the native German people.

From a police view, a specific category of crimes was related to foreigners. Interviews with policemen conducted in 1993 (Korfes 1997) presented a picture of this category that existed during the unification process, called the Wende. Two fields of concern were noted: unlawful activities committed by foreigners who were already living in the GDR and crimes committed by foreigners who came to Germany after the opening of the border. Regarding the first group, police experts report two major problems. There was the phenomenon which was described by the rather vague term of "Russian Mafia." The dissolving Red Army and Russian civilians who lived and worked in the GDR were said to be responsible for organized crime and for killings. A similarly dangerous area of crimes was related to the so-called "Vietnamese Mafia." Their members were recruited from the former Vietnamese workers and apprentices in the GDR, now dealing with illegal cigarette trade, and the trafficking of drugs and humans. Crimes committed by immigrants

from Poland, Rumania, and Turkey were described mostly as property crimes like break-ins, car theft, pickpocketing, shoplifting, and also violation of the asylum laws. Drug crimes were reported but were the exception. A police expert estimated the portion of foreigner-related crimes to be one-third of all reported crimes. The interviewed policemen in Leipzig expressed great concern about the new situation and about the restrictions in fighting these crimes imposed by new laws.

Police Work and Police Training: Policing a Multicultural Society

Migration brings people of different races, cultures, and languages into closer contact with each other, making enormous demands on their tolerance. Increasing numbers of immigrants are moving to cities that already harbor the majority of that country's population along with most of its problems. They are also moving to rural areas, where the people are not used to living together and next door to "aliens." (It is even difficult to move from one district to another within Germany because of the different dialects, different philosophies of living, and different cultures; even after 10, 20, or more years, individuals still are treated as "foreigners" even though they are German-born.) Furthermore, since the early 1990s, Germany has been experiencing economic problems that are due in part to the effects of unification. The beginning of the 21st century is challenging the German population with overburdening of public services, increasing unemployment, debating over the social security system, and declining individual incomes. There are widening class divisions (the rich are getting richer), more broken families, more children living below the poverty line, and growing anger among the disadvantaged. It seems that this anger results in xenophobia and aversion to anyone who is or who looks like a foreigner. In many empirical studies conducted during recent years, we found a common aspect causing public fear: strangers. When asked about the reason for their fear of crime or feelings of insecurity, more than three out of four people interviewed responded with "strangers" as the number one reason, followed by "darkness/dark places" (like public garages, train stations, etc.), and "incivilities." The places that people find frightening are train stations and other public places where strangers (especially juveniles) are hanging around, behaving in a disorderly manner, and sometimes fighting. We also found that those who know people claiming to have been victimized have higher rates of fear than those who were victimized themselves or who were not victimized at all.

Police today are more highly trained than ever before, and the quality of the training has probably never been higher. This is true for Germany and most of the other (Western) European states. The positive relationship between training and practice

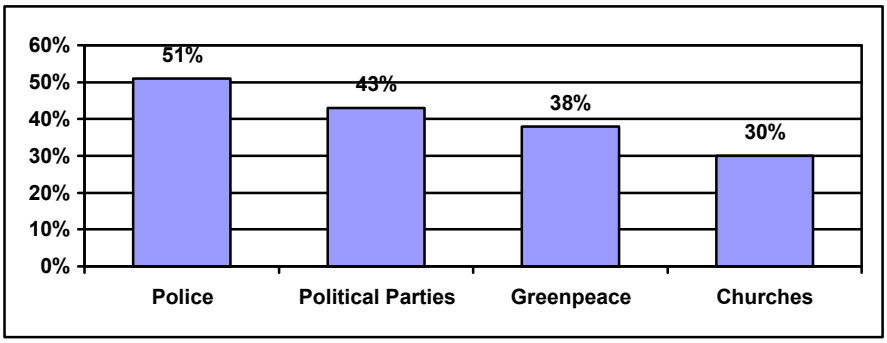
seems to be evident, but this effect is not studied enough. The benefits of the training for institutions are generally more assumed. They serve as an important legitimizing function for headquarters, rather than being empirically demonstrated (Scott and Meyer 1994). Empirical studies have focused on officers' attitudes rather than actual behavior (Mastrofski 1990). A study by Mastrofski and Ritti (1996) showed that the impact of training depends on organization-level considerations. Training has a significant positive effect in agencies that provide a supportive environment but fails to have an effect in agencies that otherwise are indifferent or hostile to the idea of officer trainng. The effect of the training, therefore, depends on the opportunities afforded by the institution to apply it, on supervisors who encourage the trained person and their intention, and on its relevance to the prospects for career advancement.[18] The supervisor philosophy "Go out there and don't get into trouble" is not a good way to encourage highly trained officers and, for that matter, to train anyone. Because of the changing nature of society, as well as the increased amount of crime and/or public fear, a police reform is desirable, even necessary. Within today's fast-paced world, it is necessary for police executives to cope with a barrage of changes. The police must develop strategies to plan, direct, and control change and to build change into their own philosophy. Problem-oriented policing, team policing, and community policing are terms reflecting the changing philosophy of policing during recent years. Although this change might be too slow, internally for the police it is a tremendous challenge because the main structures of leadership, the structure and the form of the organization, have to be changed. This includes attitudinal, organizational, and subcultural changes.

Since the complexity of the workload is not only increasing but also changing with time, police training must be constantly evolving. Contents and targets have to be changed and adopted to new circumstances. The police have to cope with an increase in volume, gravity, and complexity of crimes, aggravated by the expanding international dimension requiring new resources, connections, and information exchange. The development of new technologies and a greater mobility due to the abolition of borders affords criminal organizations access to larger markets with easier escape routes and the availability of effective communication systems. Furthermore, the unstable economic and social situation, massive unemployment, and further migration waves from Third World countries may cause massive problems for the police in the near future.

Policing in Germany is both difficult and different (Feltes 1995). Germany has not only 16 different states with 16 different police forces and training systems but also the federal border police and customs. Policing is difficult because of the "closed circuit" system of police training, in which training is organized from the beginning until the end in and by internal police training institutions under the responsibility

and supervision of the state ministries of interior. In order to broaden police officers' minds, a new strategy of more external training in "open" institutions seems to be necessary. Until this is possible, it is necessary to include as many people, topics, and methods as possible from outside in the police training system. The employees are at the core of any service-oriented institution. They produce the products, perform, communicate with customers, and may spoil the image of the corporation. New philosophies in policing (Feltes 1994) like community policing do not solve these problems per se. But a community-oriented strategy broadens the definition of an agency's function. It includes order maintenance, conflict resolution, problem solving, and provision of services as well as other activities. There are many tasks police might fulfill that are not yet discussed or accepted by both the rank and file and management. Police already tackle concerns about local crime and disorder problems (Feltes 1998), but they also have to discuss the problems of a multicultural society among themselves and with the public. In partnership with other agencies, police are responsible for maintaining peace, order, and security in the community. The police can, to a large extent, serve as "detectors" of problems through their daily contact with many parts of the population. However, police officers very often have the feeling that their work is currently not very effective or efficient but highly wasteful and bureaucratic.[19] This feeling is often shared by politicians, resulting in mistrust and a steady call for strict regulation of the police. This mistrust is not based on concern that the police might abuse their powers; it is mainly based on lack of knowledge about what they do. In reality, while at least the German population is very satisfied with the police, police officers lack self-confidence. They think that the public does not trust the police and that the public believes that police are not doing their job very well. In Germany, the police always occupy top positions in public rankings, and more than 50 percent of all people surveyed by "EMNID" and "Der Spiegel" at the end of 1997 found that the police (and not schools, politicians, churches, or families) should teach or bring "values" to the people. Usually, community surveys show a high degree of general satisfaction with the police service.

Chart no. 3: **Survey Results: Who should teach or bring values in our society (Germany)?**



Source: EMNID (1997). EMNID conducted a "public survey"; these results are reported for 2,000 people.

The police rank fifth among institutions young people trust; citizen groups, environmentalists, human-rights activists, and courts rank one through four; political parties[20] and churches rank near the bottom. Police are often placed in a position of having to defend themselves and to arrange intellectual retreat areas. Because of being placed in this defensive position, an officer may not be able to act positively, proactively, and in a future-oriented way. Communication and conflict resolution skills are as important as the knowledge of different cultures and cultural peculiarities. And finally: "A fool with a tool is still a fool." Training that provides just tools without delivering the philosophy and understanding of one's own role as a police officer as an integral part of the community is not only useless but also extremely dangerous for society. Training programs must provide communication skills and teach the philosophy of the role of the police. Without these components, the training may be useless and possibly dangerous for society.

There is a risk of increase in both crimes by foreigners and xenophobic crimes or hate crimes by natives in Germany. The establishment of special departments, task forces, or bias units for fighting hate crimes seems to be necessary, and experience in some German states shows it can be successful.[21] For Eastern European countries, there is a risk of re-emergence of socialism as a way to reduce crime. Every possible effort has to be undertaken to support these countries in transition and to cooperate with the governments that really want to fight crime. If we do not provide financial and intellectual support to fight crime in these countries, there is a risk that their

problems will spill over into Western Europen countries. The European police forces also have to reshape their approach to crime fighting to attack organised crime that supports illegal smuggling of human beings, drugs, and weapons, endangering both Eastern and Western European societies. A powerful, independent organisation on the European level, able to investigate political structures and institutions, seems to be necessary. Too often, police complain about obstructions of investigations by politicians on different levels and in different countries. Finally, international cooperation in police training is obviously necessary to provide mutual understanding and mutual support in the everyday business of the police. A European standard for police training (requirements, curricula) has to be discussed, and a functioning infrastructure for communication and cooperation has to be established. On the European level, police matters must be seen as equally important to economic matters, and cooperative initiatives on fighting crime and xenophobia must be permanently on the agenda of European institutions like the Council of Europe, the European Parliament, or the European Union.

Notes

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[3] 1951–1989: Federal Republic of Germany (West Germany); 1992–1999 Germany (former GDR included).

[4] Year of the breakdown of the Berlin Wall.

[5] Source: Statistisches Bundesamt, Statistisches Jahrbuch, Stuttgart, 1990: 73, and 1999: 80.

[6] In the late 1990s, a language test was mandatory for those who wanted to come to Germany.

[7] For recent data, see www.bmi.bund.de/aktuelles.

[8] The reasons being the problem of the "dark figure"; i.e., the estimated number of unknown cases (more crimes committed by foreigners than those committed by Germans are likely to be reported to the police), the particular social structure among non-Germans (more young, lower class men, living in bigger cities), and the inclusion of crimes that can be committed by non-Germans only.

[9] Until 1990: West Germany only.

[10] Source: Polizeiliche Kriminalstatistik, Bundeskriminalamt Wiesbaden, 1999: 116. "Others" refers to unemployed, not accepted, but officially tolerated asylum seekers, refugees, (private) visitors (no tourists).

[11] "Intelligence Services and Security Forces in the Age of Globalization," conference of the Friedrich-Ebert-Foundation, Berlin, May 21–22, 2001.

[12] In the Schengen treaty, European states agreed to abolish border controls and work together on controlling illegal immigration.

[13] Source: Stuttgarter Zeitung, October 5, 2000. (Translation by the authors.) See also the following homepages for further information: www.netzgegenrechts.de; www.infolinks.de/dir-ml/index.htm; www.kamalatta.de; www.zett.de.

[14] Although Germany has the "principle of legality" (Legalitätsprinzip), which means that every crime coming to the notice of a police officer has to be reported and investigated and only the public prosecutor has the right to dismiss a case at his or her discretion, we know from empirical field research that, nevertheless, the police have means and ways not to accept relevant information or not to define an act as a crime.

[15] Source: Verfassungsschutzbericht Baden-Württemberg, hrsg. vom Innenmimisterium Baden-Württemberg, Stuttgart 2000, p. 20.

[16] Source: Verfassungsschutzbericht Baden-Württemberg, Stuttgart 2000; data for 2000 are projections, based on the first 9 months.

[17] Taz (German Newspaper) Sept. 20, 2000.

[18] Mastrofski/Ritti, 1996: 296, 304.

[19] Loveday, 1999: 139: "A combination of extended hierarchies, organizational culture and the lack of effective management had resulted in the police service taking on all the fine characteristics of a beached whale."

[20] Public opinion about political parties is indeed very negative. In 1998, 83 percent of all Germans found that politicians play the hypocrite "very much." In second place, we find representatives of unions (47%) and journalists (41%). Scientists (12%) and professors (7%) were at the end of this listing.

[21] E.g., in Saxony, where the task force "Soko Rex" for repressive and preventive actions against right-wing extremist activities has been up and running for years; see www.lka.sachsen.de/Infos/SokoREX/sokorex.htm.

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Policing in a Diverse and Multicultural Society: The South African Case[1]

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South Africa is a large, demographically diverse, and multicultural society. The transition of South Africa from apartheid to democracy impacts directly on contemporary policing in the country. That all policing everywhere is political takes on a deeper meaning in the South African context as, under apartheid, politics was criminalized and crime politicized. Apartheid left negative legacies in all aspects of life (e.g. high unemployment and relatively low skill and educational levels among the black majority), all of which affect contemporary policing. In addition, new post-apartheid policing challenges and problems have arisen for the South African Police Service (SAPS). Notwithstanding these problems, the democratic governments since 1994 have a stated commitment to multiculturalism and diversity in policing (among other aspects of public life). These commitments are found in constitutional and statutory law as well as in an array of policy documents. There remains, however, a large gap between these policy commitments and the reality of policing on the ground. Factors such as a high crime rate and disproportionately violent offenses, widespread poverty and unemployment, and a fundamental lack of material and human resources for SAPS, contribute to the difficulties of policing such a diverse society. This gap was underscored in interviews with police officials and others. For example, while we identify a range of meanings in multiculturalism, including in contemporary South African legal expression, this complexity is not mirrored in the interviews as respondents tended to essentialize racial identity. While multiculturalism is important to SAPS, diversity issues in the SAPS cannot and do not take center stage. Adequate salaries or skills training may triumph over diversity training as the SAPS's imperative.

Key Words: South Africa, policing, police, post-apartheid criminal justice, Constitution, multiculturalism, diversity, policy versus practice.

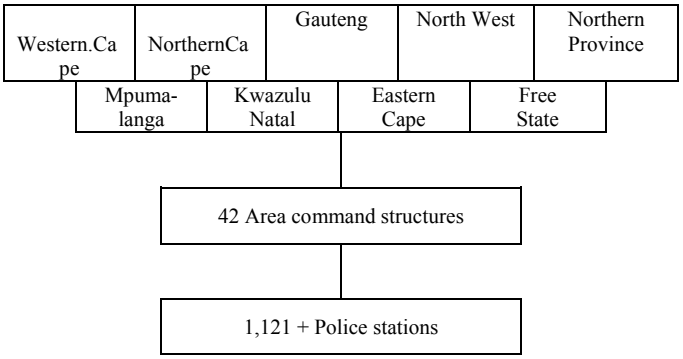
Introduction

South Africa and its postapartheid democratic policing agency, the South African Police Service (SAPS) (table no. 1), have a principled commitment to implementing multicultural and diverse law enforcement. That is, the SAPS has a legal and political commitment to equality for all members of society and a simultaneous acknowledgment, tolerance, and sometimes accommodation and celebration of difference based on group identification, including but not limited to race. These imperatives put a diverse police service and multicultural policing at center stage. Despite this commitment to diverse policing, at least two major sets of factors constrain and limit SAPS multiculturalism. First, there is greater concern and awareness about internal SAPS diversity than in SAPS dealings with South Africa's communities. Second, the enormous problems facing South Africa and the SAPS, and the limited resources (human and financial) available to address these, mean that multicultural policing is often a distant concern in day-to-day policing practices.

Contemporary South African policing cannot be understood without appreciating the impact of apartheid in shaping today's realities of crime and justice. We review this background and then examine how contemporary South African law enforcement has been conceptualized in the South African Constitution, law, and policy. As with any society, and especially a transitional democracy experiencing enormous flux, gaps exist between policy and practice. By interviewing a number of police officials and policy researchers working in and on South African criminal justice, we have been able to develop an initial understanding of the relationship between the theories and realities of multicultural policing in the country.

Table no. 1: **Structure of the Department of Safety and Security SAPS**
(Source: Nedbank ISS Crime Index, No.1, 2000, p. 19)

Secretary for Safety and Security (Deputy-DG) Malekolle Rasegatle	**National Commissioner (DG) Jackie Selebi**
Secretariat **Advisory services** • Policy • Performance evaluation • Legal services • Communications • Research support **Liaison services** (Administrative support for the minister's cabinet, parliamentary and provincial liaison duties) **Ministerial services** (Ministry personnel and financial administration)	SAPS **Operational divisions:** Cmr. Pruis: • Operational response services • Crime prevention **Operational divisions:** Cmr. Williams: • Crime intelligence • Detective services **Support divisions:** Cmr. Eloff: • Management services • Personnel services • Career management • Training • Financial services • Logistics **Inspector-General: Cmr. Chetty**



Methodological Considerations in this Study

In addition to analyzing government policies and secondary literature, we conducted a qualitative study, in which we interviewed 25 people: 19 police officials, four researchers, a former Attorney General and a journalist (see Addendum no. 1 and table no. 2). The police officials were selected on the basis of race, sex, rank, and length of service to provide insights into different perceptions on policing a multicultural society. These officials (11 men and 8 women) had an average of 16.5 years of service, varying between 8 and 28 years; 7 were black, 3 were Indian, 1 was Coloured, and 8 were white. Police officials from two of the nine Provinces, Gauteng and the North West Province, were interviewed. These two Provinces have different characteristics. Gauteng, the country's financial hub, is strongly urban and very diverse demographically. The North West Province,[2] generally regarded as politically conservative, is largely rural; mining and agriculture are its main economic activities. The research results reported in this study cannot be generalized to the whole of South Africa because the study was small and the sample nonrandomly selected. It is likely, however, that the trends identified would be found nationwide; many of the respondents had worked in other cities and Provinces, and the analysts covered national issues. The researchers work for three leading nongovernmental organizations and a prominent newspaper and university. The responses to the semistructured interviews were analyzed to determine trends and coded, and the saturation of the data confirmed the reliability and validity of the measuring instrument.

Table no. 2: **Study Participants: Researchers**

Name	Organization	Inter-viewer	Date inter-viewed
David Bruce	Centre for the Study of Violence and Reconciliation, Johannesburg	Snyman	January 12, 2001
Diana Gordon	City University of New York, New York	Buntman	July 2000
Judy Klipin	Public and Development Management Programme University of the Witwatersrand, Johannesburg	Buntman	August 16, 2000
Eric Pelser	Institute for Security Studies, Pretoria	Snyman	January 4, 2001
Jonny Steinberg	Business Day	Buntman	July 13, 2001
Klaus Von Lieres und Wilkau	Attorney General of the Witwatersrand Division from 1980s to 1994	Buntman	April 27, 1996

The two interviewers, both white women academics, conducted five of the interviews jointly. Our sex, race, and language skills no doubt impacted some responses. One white interviewee (police official 18) stated that she would speak so openly only toward a white person. A limitation of this study is the fact that neither of the interviewers is black; attitudes similar to those expressed by police official 18 may have been shared by the black respondents. We attempted to compensate for this potential shortcoming during the introductory phase of the interview by emphasizing our impartiality and the confidentiality of the responses. Various interviews (with police officials 8, 16, 17, and 18) were conducted in Afrikaans based on the respondents' preferences. In only one interview (police official 13) did the respondent explicitly express a preference for speaking in English rather than in Afrikaans. Following initial interviewee reluctance to participate in the interviews if a tape recorder was used, extensive notes were taken in all interviews to ensure consistency.

Apartheid, Diversity, and Multiculturalism in South Africa

South Africa is large and demographically diverse. Its people include an array of ethnic, racial, religious, linguistic, regional, class, gender, national, and sexual backgrounds and identities. Its Constitution mandates 11 official languages.[3] Unemployment is rife, and South Africa has the world's second largest gap between the wealthy and poor (*Poverty and Inequality,* 1998, p. 5). This economic divide is mirrored in the presence of both First and Third World elements of economic and social life. Skyscrapers exist alongside informal urban settlements ("squatter camps"), and traditional African beliefs function alongside mainstream and fundamentalist faiths (mostly Christian) as well as liberal-democratic constitutionalism.

Diversity in South Africa is most likely to be associated with race and racial discrimination. Once Europeans arrived in what is now South Africa, they sought control over African peoples and land. The most pernicious and notorious domination was apartheid, the governing National Party's doctrine and practice of white minority rule from 1948 to the early 1990s.

We identify four components of apartheid. First, apartheid was an ideological doctrine of racial separateness and white superiority.[4] Second, apartheid involved comprehensive racial segregation and discrimination. Race determined access to almost all aspects of social, political, and economic life, to the benefit of whites and the detriment, in worsening order, of mixed race "Coloureds," Indians, and Africans, collectively considered black from the 1970s. Law codified this racial hierarchy, supported by a whites-only franchise, as well as social attitudes and behaviors.

Third, apartheid involved and employed the economic exploitation of blacks by white-owned capitalist enterprises. Black access to education, property, and business ownership was very limited and black South Africans were systematically dispossessed of their land. Fourth, apartheid relied on repression, both legal (e.g., detention without trial) and illegal (e.g., torture), to crush opposition and resistance to apartheid.[5]

The history of racial rule has enormous bearing on policing in a democratic South Africa. The apartheid-era South African Police (SAP, precursor of the SAPS), together with allied government agencies, played a vital role in maintaining the unequal status quo. Apartheid criminalized normal life including political activities. Violent resistance was a crime, but political activism, whether legal or illegal, violent or nonviolent, also led to persecution and prosecution. The SAP, inextricably linked to the apartheid machine, was the "arch-villain" to apartheid's opponents (Cawthra, 1993, p.1).

All policing everywhere is political. That is, policing is an exercise of the will of the state that represents certain ideologies and power arrangements, as expressed through laws and institutional arrangements. Whether practices are deemed legal or illegal are ideological and political questions. Although all policing is political, notions of "professional" and "democratic" policing either deny the political nature of policing or seek to reduce or balance the politics of policing with professionalism, which involves enforcing legitimate law in an even, equal, and nonpartisan manner. In this vision, professional policing is a public service to enforce (legitimate, democratic, and good) law under state authority and in the name of the social good (see, for example, Lyons, 1999, pp. 36–38). No one is above or outside the law: The same law applies to the president, police officer, professor, or pauper. When policing is based on the rule of law, when there is continuity in legal and legitimate policing practices despite democratic regime change, and when policing respects international laws and principles of human rights, then policing nears the professional ideal.

The SAP was political in the worst possible sense of the term. The police protected the white minority government of the day rather than the citizenry at large. Controlling black South Africans was part of their mandate. These tendencies were exacerbated once apartheid began to be institutionalized in 1948. As Gavin Cawthra (1993, p. 12) notes:

> The police were a vital part of the structure of laws, courts, bureaucracy and armed forces that maintained white domination. [By 1948, t]he force . . . was already quasi-military and racially segregated. . . [They were] essentially authoritarian and confrontational and their main task was to enforce [racially and politically] repressive and restrictive legislation.

Over the 1970s and 1980s, in addition to the SAP, 10 police forces were forged in the black "homelands" (which supposedly gave black South Africans new national homes). Senior SAP members often staffed the upper echelons of the homeland police; SAP practices and methods were widely used by these forces, with which the SAP enjoyed high levels of cooperation. The homeland police were, if anything, more brutal and less effective at fighting crime than the SAP (Haysom in Dugard, Haysom, and Marcus, 1992, p. 67).

In hindsight, the 1980s marked both a consolidation and disintegration of policing and the SAP in South Africa. On the one hand, government budgets for the SAP steadily increased (Haysom in Dugard, Haysom, and Marcus, 1992, p. 62). Police powers broadened considerably, especially with the impositions of states of emergency in the middle of the decade. Moreover, the police increasingly coordinated efforts with other government agencies, especially through establishment of the National Security Management System (NSMS). In turn, the NSMS developed Joint Management Centres (JMCs) at regional, metropolitan, and local levels to coordinate efforts (Price, 1991, p. 87). On the other hand, the expanded financial and strategic investments in policing reflected a state increasingly unable to achieve its aims and control the citizenry or the public agenda. The state oscillated between reform and repression, flirting with changes to apartheid while increasing repression to maintain fundamental pillars of white power.

A Paradox: An Over- or Underpoliced Society?

Apartheid's critics frequently referred to South Africa as a police state. The term implies the pervasiveness, ubiquity, and even omnipotence of the police force, which is the way the SAP was often experienced, especially by black people and political dissidents. In the wake of apartheid's demise, however, a very different picture has emerged. In this scenario, part of the volume and ferocity of crime in a transitional and democratic South Africa is explained by the *lack* of policing under apartheid. A former Attorney General and member of the National Party[6] argued that the concern of apartheid policing was to protect whites rather than blacks and that the country was underpoliced rather than overpoliced, especially in terms of enforcing the law:

> [T]he [National Party] government made insufficient provision for sufficient and efficient policing in the country. . . . The South African law and order structure developed fundamentally within the nuclei of white society. You had your biggest police stations within the white communities, within the white business sector, not within your black population concentrations.
> (Von Lieres)

Crime was exacerbated by poverty, lack of development of and investment in communities, and an inadequate policing infrastructure.[7]

One of many methods by which the SAP increased its person-power was through use of kitskonstabels, literally "instant" police, a derisive term for apartheid's auxiliary constables. These kitskonstabels were a hastily and poorly trained group of law enforcement personnel imposed on the townships in the middle to late 1980s. Kitskonstabels were unable to stem crime or political rebellion; moreover, they were often perceived as criminal elements themselves as well as brutal and inept (Haysom in Dugard, Haysom, and Marcus, 1992, p. 62).

The kitskonstabels provide an example, or even a metaphor, to explain the apparent contradiction between apartheid South Africa as underpoliced versus a police state. The SAP was a pervasive force in South African and especially black life, but its primary task was to control and menace rather than to protect. The threat of police harassment, arrest, and violence, including their response to violations of apartheid law, had a powerful disciplinary effect. As philosopher Michel Foucault argues, people restrain themselves because of the possibility of their being under surveillance. Journalist Joseph Lelyveld captures this pervasive fear well:

> How was it, I asked, that black security policemen and state witnesses in political trials were never assaulted in the black townships? "To do something like that," one of the men said, "you would need at least two men, wouldn't you?" . . . I gestured towards . . . the man's best friend. "How do I know," came the mumbled reply, "that he is not an *impimpi* [informer]?" No one who was not in jail or under house arrest could ever be immune from that suspicion.
>
> (Lelyveld, 1986, p. 10)

Ironically, in conjunction with other factors, politically repressive policing came to facilitate crime. As the police focused on protecting whites and apartheid, criminals knew they were relatively safe from the law. Law-abiding people (correctly) saw the SAP as a dangerous and repressive force, rather than as a protective one. The cavalier attitude to real criminal threats was evinced by a number of indicators, including the widespread use of torture in police interrogations. While the torture of political detainees was notorious, torture was also widespread for criminal suspects and the accused.[8]

From Apartheid to Transition

As a result of longstanding internal and external pressure on apartheid, in 1990 the ruling National Party agreed to initiate a transition to democracy. Nelson Mandela was released from prison and resistance organizations, including Mandela's African National Congress (ANC), were legalized. A democratic constitution and multiparty electoral order were negotiated during a difficult transition period.

The transition also led to changes in some aspects of security force operations. Public inquiries into security force abuse began, and the police were no longer supposed to view political opposition as a criminal threat. The SAP claimed to be fighting a rising crime rate in the early 1990s. Thus foot patrols were reintroduced and patrol car service was improved in many black areas. But the police continued to prefer "paramilitary style solutions" to crime (Cawthra, 1993, p. 155). In addition to conventional policing, innovative attempts were made to deal with peace and conflict resolution in the face of political violence and serious discord (Gastrow, 1995). Despite some improvements, many aspects of the SAP's operations remained controversial, and new or intensified concerns about illegal police practices arose. As the transition wore on, the police, or at least sections of the security forces, appeared to be undermining ANC opposition.

Contemporary Challenges to and Problems for Policing

Democratic and nonracial rule began on April 27, 1994, with the country's first inclusive elections. A democratic government, with an ANC majority, has functioned since 1994. The move from white authoritarian rule to democratic nonracial rule profoundly reshaped questions of crime, justice, law, order, and policing. The entire legal framework of policing underwent major changes.

The legacies of apartheid, the challenges of democratic transformation, and new realities (from AIDS to globalization) also, however, shape and frequently limit contemporary policing. First, poverty and unemployment are widespread and severe. Apartheid dramatically increased the economic chasm between the rich and poor. This financial gap largely continues to coincide with race. There are, however, some notable changes, including a still small but fast-growing black middle class and increasing (but still minimal) white impoverishment (Swarns, 2000, p. 4). The majority of South Africans are very poor, and only a small minority are securely in (or above) the middle class. "The poorest 40 percent of households (equivalent to 50 percent of the population) receive only 11 percent of total income, while the richest 10 percent of households (equivalent to only seven percent of the population) receive over 40 percent of total income" (*Poverty and Inequality*, 1998, 5). About 19

million people, almost half the total population, are poor. In these households, the average monthly household expenditure is R353 per adult, which is about US$32 per month (where US$1=R11) (*Poverty and Inequality*, 1998, 5). Poverty and unemployment are also strongly related to a host of other social problems, from very low levels of education to the rampant spread of HIV/AIDS.

Second, crime and especially violent crime levels are extremely high. Although international crime comparisons often may be very problematic, they provide a means of assessing crime levels. In 1999, for example, South Africa had 55 murders per 100,000 people compared with 5.7 murders per 100,000 people in the United States, a country that itself experiences high rates of violent crime (South African Institute for Race Relations, 2000/2001, p. 74). More broadly, the SAPS Crime Information Analysis Centre notes "one out of three crimes recorded in South Africa involves violence or the threat of violence" (Masuku, 2001). Interpol further pointed out that, among the countries it surveys, South Africa has the highest level of violent crimes in three categories: serious assaults, murders, and robbery and violent theft. That is, although Australia has more serious assaults than South Africa, and Colombia has more murders than South Africa, only in South Africa were "recorded levels of all three categories of serious violent crimes… exceptionally high" (Masuku, 2001).

Numerous reasons are given for this crime rate, including the following. Poverty and the gap between the wealthy and poor are partial explanations. Apartheid (and before it, conquest and colonialism) were intrinsically violent systems of rule that spawned both criminality and violence among their proponents and opponents. The legacy of institutional violence, both of the apartheid state and, to a lesser extent, antiapartheid forces, have contributed to cultures of force and violence. This ethos is exacerbated by the widespread availability of guns. Crime is committed disproportionately by young people, and South Africa has a large youth population.[9]9 The nature of crime has also changed and worsened with the country's new openness. For example, international drug syndicates moved into South Africa in the early 1990s and drug gangs have clashed with fundamentalist Muslim vigilantes (Shaw, 1996; McNeil, 1999).

Third, and related to the high levels of crime and violence but also a concern in its own right, is the tenuous nature of the values that bind (or do not bind) South Africans (Bruce and Steinberg). The very understandings and definitions of "crime," "punishment," and "justice" are likely not shared by the citizenry at large. Steinberg argues further that South Africa's diversity is above all a diversity of moral visions, implying problems for entrenching support for the Constitution, which assumes fundamental law based on shared moral values. One reason for the dissonant views

on crime and punishment is that apartheid criminalized politics, and both the apartheid state and its opponents often politicized crime, from hidden state funds for secret police to bank robberies to fund the antiapartheid underground. (The politicization of violence and crime was in some senses legitimized or at least underscored by the Truth and Reconciliation Commission's mandate to give amnesty for political crimes, usually violent.) Another reason is the considerable variation between societal norms and legal requirements. For example, physical and sexual abuse of women is often sanctioned by patriarchal "traditions," while condemned in the legal code that emphasizes gender equality. Steinberg notes that although South Africa has strong legislation against domestic violence, Steve Tshwete, the late Minister of Safety and Security, does not consider intimate violence to be a criminal justice matter. Widespread crime is also associated with the common belief that HIV/AIDS can be cured if men rape or have sexual intercourse with a virgin (usually a young girl).

Fourth, the SAPS suffers from institutional problems, such as a lack of focus, low morale, or lack of a cohesive organizational identity. This macro view was more likely to be offered by analysts of the police (Steinberg, Bruce, police official 15) than to emerge from the police officers interviewed. Nevertheless, regardless of race, officers identified significant organizational and institutional problems affecting the SAPS, such as police force demilitarization, corruption, lack of resources, declining police morale, and lax discipline.

Fifth, the police suffer from a fundamental lack of sufficient resources, both human and material, from salaries to equipment. One perspective shared by virtually every respondent as well as a dominant theme in the literature is the paucity of SAPS human and financial capital. South Africa has one police officer for every 408 citizens. Although this ratio compares favorably with many developing countries, it is below that of Brazil (329:1), a country with significant similarities to South Africa, and significantly below that of many developed countries, such as Italy (102:1) (Schönteich, 2000, p. 16). But the personnel problem is one of quality as well as quantity. The *New York Times* claimed "more than 30 percent of the 120,000-member national force is illiterate, and more than 11,000 officers do not have driver's licenses" (Swarns, 2000, p. A1; see also Schönteich in Steinberg, 2001, p. 160). The lack of police vehicles to conduct police work was frequently identified as a serious problem by respondents (police officials 9, 14, 17; Steinberg). The structural difficulties facing the SAPS are enormous. In 1997, barely a quarter of detectives had actually been trained for this specialized job (Daly, 1997, p. A1). Problems are often most acute in poor black areas, like KwaMashu in KwaZulu-Natal. In KwaMashu, even after the assistance of outside security personnel led to a drop in crime, the police station remained neglected, the detectives had no training

in ballistics or forensics, and the SAPS lacked sufficient handcuffs and police cars. The SAPS thus faces greater challenges than ever before with considerable logistical and personnel impediments (Swarns, 2000).

Sixth, in addition to these difficult legacies of apartheid and transition, the SAPS also faces challenges of multiculturalism and diversity. These include clashes, potential and actual, resulting from the urban/rural divide, linguistic differences, the coexistence of various cultural norms, gender and sexuality-based differences, political and ideological clashes, traditional versus modern ideas and practices, an increasingly international society with immigrants from all over Africa and many other parts of the world, and racial differences and conflicts. Police in rural areas in the North deal with murders, for example, where community members genuinely believe the victims were witches who had to be killed for the sake of community safety.[10] Homophobia coexists with an increasingly visible gay community and constitutional recognition of equality irrespective of sexual preference. Although open political debate is a value purportedly shared by all political groupings, in practice political intolerance, including acts of violence, is rife.

Understandings of Diversity and Multiculturalism in Policy and Practice

Multiculturalism, a concept and practice, recognizes and seeks to include certain groups that have been previously excluded from and/or devalued in social, political, and cultural life. The inclusion involves the right of previously excluded peoples to have their distinct cultures, languages, religions, and other aspects of identity recognized as legitimate and equal in value to the dominant and hegemonic identities (see, for example, Atkins, 1990, p.184; Bhabha, 1996, pp. 53–57; Childers and Hentzi, 1995, p. 196). The Constitution (and other legal and policy instruments) require the SAPS to attend to and advance issues of equality, multiculturalism, and diversity. The Bill of Rights mandates extensive fundamental rights and protection for people based on their historic or self-identification. The Constitution makes clear that: "The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth" (*Constitution of the Republic of South Africa*, chapter 2, section 9, clause 3). "Cultural, religious or linguistic" communities are also given further protections to "enjoy their culture, practise their religion and use their language" and associate freely (*Constitution of the Republic of South Africa*, chapter 2, section 31, clause 1).

Despite the constitutional and broader value of multiculturalism, it is also a potentially fraught concept. The term arose in the United States and other Western societies in the 1980s and therefore tends to assume white and/or Western hegemony as the majority culture, and black and other non-white, non-Western, female, gay, and other nonhegemonic identities as minorities. While this majority-minority formulation may be useful or accurate in many contexts, it is certainly not an accurate description of race in South Africa, where blacks are the majority and whites the minority. Second, notions of diverse and distinct cultures or identities often ignore the fluid, contextual, and historically contingent ways in which cultures and identities are continually (re)constituted and contested. Thus, multiculturalism's celebration of distinction risks reifying or essentializing perceived difference. Third, the term may have very different political connotations, ranging from integration to separatism: "[M]ulticulturalism incorporates views [ranging from]… an extension of liberal pluralism or cosmopolitanism… [to] a form of radical separatism according to race, gender, or sexual preference" (Childers and Hentzi, 1995, p. 196). Indeed, apartheid as a system of racial discrimination and rule was a perverse or dominating variation of multiculturalism, where formal government claims preached a supposedly (cultural) "separate but equal" policy. Government policy claimed to promote "multinational development," including the goal of having each of the "population groups policed by its own people" (*Official Yearbook of the Republic of South Africa Bureau for Information* [1986], cited by Haysom, 1992, p. 61). Fourth, redressing unequal, hierarchical, and discriminatory behavior via multiculturalism raises the question of whether equality requires emphasizing sameness or difference, a point addressed below.

The complexity and range of meanings of multiculturalism was not mirrored in our interviews. Most respondents understood multiculturalism and diversity to refer, primarily or exclusively, to racial difference and identity. Nevertheless, these racial terms often were not stated explicitly. Instead, the police personnel who were interviewed tended to refer to diversity and multiculturalism as the interactions of "cultures." These cultures usually meant or referred narrowly to race as skin color. Moreover, diversity and multiculturalism were generally understood by police respondents as projects aiming to bring people of different races together by developing mutual knowledge and understanding as well as an appreciation for one shared citizenship and national identity.

In contrast to the interviews, South Africa's policy documents tend to offer a sophisticated and nuanced understanding of and commitment to diversity, the preferred term, and multiculturalism as defined above. In South African law and policy, multiculturalism emphasizes inclusion, tending toward a universalist or integrationist logic, rather than separatism, although there is also recognition and

celebration of distinct identities. The concern with diversity is inextricably linked with understandings of equality, emanating foremost from the Constitution.

South African constitutional protections and emerging law have, since 1994, emphasized one rule of law that applies to all people equally, irrespective of race, ethnicity, sex, or other markers of identity. While this theory does not always apply in practice, nor is it likely to anytime soon, the principle of equality under the law is powerful. But what does equality mean when all people are not the same in how they consider themselves or in their capacity to benefit from, or to be burdened by, society? In one view, ignoring difference and distinction is the best way to advance beyond and overcome inequality, for to note difference is to reinforce it, not to undermine its power. In another view, some differences do need to be taken into account to promote equality. Equality is not sameness, and certain differences, especially those that are a product of past discrimination, must be identified so that their negative effects may be recognized and counteracted (see, for example, Scott, 1988, part IV). This latter view tends to predominate in democratic South African law and policy, including SAPS policing. Thus, for example, both in its internal development and external public role, the SAPS sees the need to actively acknowledge past discrimination to address and redress it. Public funds should therefore be spent disproportionately on neglected black regions, and affirmative action policies are required to promote black men and all women in a historically white, male-dominated police force.

The New Constitution(s)

This broad view of multicultural policing, acknowledging and even celebrating diversity while redressing past discrimination, is a direct outcome of a series of government documents, both foundational law and policy elaboration. First and foremost is the 1996 Constitution (which replaced the preliminary constitution negotiated for the democratic transition). The equality provisions of the Constitution's Bill of Rights capture the dual, and perhaps multiple, meanings of equality that lie at the core of both conventional and multicultural understandings of equality: "Everyone is equal before the law… The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds… " (*Constitution of the Republic of South Africa*, chapter 2, section 9, clauses 1–3).

The Constitution specifically deals with policing in four sections. The SAPS (not so named in the Constitution) would be national but would function at all tiers of government, including in regionally specific ways. The national Cabinet retains responsibility for policing. Its objective is to prevent and counteract crime and to "uphold and enforce the law" (*Constitution of the Republic of South Africa*, chapter

11, section 205, clause 3). This is an important statement for an institution that often functioned historically above and outside the law. Underscoring civil rather than security force powers, the Constitution mandates that: "A civilian secretariat for the police service must be established by national legislation to function under the direction of the Cabinet member responsible for policing." The Constitution further elaborates on provincial rights and responsibilities vis-a-vis policing and provides for any necessary coordination and investigation of the SAPS, as well as its cooperation with other sections and agencies of government. There is little allusion to diversity; in these sections the constitutional language reflects equality as sameness more than difference. The Constitution's founding provisions, however, reflect both universal statements of equality and active inclusion of diverse cultural heritages.

Legislation and Policy

The most important law governing and defining the structure, mission, and functioning of the postapartheid police is the South African Police Service Act of 1995, which provides "for the establishment, organisation, regulation and control" of the SAPS.[11] The Act governs police work at both the national and provincial levels under the authority of, first and foremost, the national government, but also under the provincial governments. Three mandates given to the SAPS in this act are to "ensure the safety and security of all persons and property… uphold and safeguard the fundamental rights of every person as guaranteed by the Constitution… [and] ensure co-operation between the Service and the communities it serves in the combating of crime."

The Act emphasizes that the SAPS must employ community policing, especially through community police forums and area and provincial community police boards. Unlike the above-mentioned identification of communities as culturally, religiously, or linguistically defined, and unlike apartheid's notion of communities as racial (and linguistic), the Act's discussion of community policing leaves the meaning of "community" rather undefined. To some extent, the community in this legislation is identified in terms of politics and governance: The Act requires the SAPS to serve communities at "national, provincial, area and local levels," which corresponds to the organization of government. The Act (19. (1)) also requires community policing forums to be "broadly representative" of the community. This phrasing too is closely associated with governance and electoral politics, although it could also signify any one of a range of characteristics that need "representing." While the community is obliquely defined in terms of governance, police officers and other members of the SAPS are to be strictly nonpartisan in their official and public capacities. Although members of the SAPS may join political parties or movements, they may not

"publicly display or express support for or associate [themselves]… with a political party, organisation, movement or body," among other prohibitions (46. (1)).

Following the 1995 Police Act, a White Paper on Safety and Security was developed in 1998 to provide a comprehensive analysis of how crime relates to the police, government, and society more generally. It noted the continuing and negative effects of former apartheid policies, such as the lack of police legitimacy, but emphasized that the SAPS goal was to protect and serve all South African citizens. It argued that combating crime could be achieved in part through improved police performance and therefore advocated a series of reforms, including better training, specifically in the area of investigation, and the utilization of more technology. The White Paper also emphasized community policing among its strategies. Perhaps one of the most important reforms was the separation of policy formation from the SAPS into a civilian Secretariat for Safety and Security, intended as a check between policy making and implementation. Moreover, an independent body would be established to receive and investigate citizen complaints regarding allegations of police misconduct or abuse. Importantly, however, the White Paper saw crime-fighting solutions as both outside and within the realm of policing and therefore proposed investing financial resources in deterring the root causes of crime, especially at a local government level, together with government departments of health, welfare, and education. In addition, private, nongovernmental organizations, community, and religious groups were also to be included in the effort to combat crime (*White Paper*, 1998).

Despite the importance of the White Paper, its implementation was undercut by at least two factors. First, many police officers had not seen or read the White Paper and other policing policy documents (Klipin). Second, although it is common that the relative influence of one or another policy waxes and wanes, the White Paper's importance was arguably superseded by the National Crime Combating Strategy (NCCS). Although the White Paper emphasized community policing and crime prevention, the NCCS focused on crime in a series of "hot spots" and highlighted responsive rather than proactive or preventive forms of policing (Klipin). Indeed, Steinberg goes further than Klipin and other commentators to argue that "the White Paper on Safety and Security was left behind before it was even printed."

Other laws, from those concerning crime and policing[12] to those affecting the civil service and the society at large, also affect issues of policing and multiculturalism. Perhaps the most far-reaching law addressing discrimination is the Promotion of Equality and Prevention of Unfair Discrimination Act of 2000, which legislates for affirmative action, among other features. This law seeks to balance two difficult and potentially contradictory legislative goals. Its primary aim is to promote equality and

protect people from unfair discrimination. Simultaneously, however, the Act maintains people's rights to emphasize markers of identity, and thus recognizes "difference." Because the Act is civil not criminal law, it primarily affects internal (rather than external) SAPS operations. In addition to laws, government policy documents, such as the White Papers on service delivery, skills development, and transformation of the public service, affect the SAPS as well as the rest of the civil service.

Implementation and Understandings of Policy

Policies are useful to the extent that they are understood and implemented by those responsible for translating their theory into practice. We therefore interviewed police officials and analysts of the SAPS to determine knowledge, understanding, and implementation of policing policies. Importantly, we did not ask only about multicultural and diverse policing, as we wanted first to establish whether the respondents themselves identified this topic as relevant or important to the SAPS. Indeed, issues of multicultural and diverse policing cannot be understood out of the broader context of policing and socioeconomic realities.

Policy Recognition and Implementation

The Constitution of 1996, specifically sections 30 and 31, was regarded by high-ranking SAPS officials as the backbone to all current policing policies, white papers, and laws that govern policing in South Africa. These include the Batho Pele document on service delivery (which affects the civil service as a whole, including the police), the white paper on safety and security, the NCPS, and the Police Act (police official 6). Among the analysts, perceptions as to the quality and implementation of the policies were mixed. Pelser considers the policies to be excellent but poorly implemented for a number of reasons, and Klipin and Gordon implied similar assessments. Pelser argues that the policymakers neither understood the police culture nor recognized the power dynamics in the SAPS and thus vastly underestimated the difficulties of implementing policy. While Steinberg and Bruce were more critical of policy, Steinberg too emphasized the gap between the policymakers and the SAPS culture, especially during Nelson Mandela's presidency from 1994 to 1999. Since then, the political leadership reverted to more militaristic practices (Steinberg), often with an emphasis on "zero tolerance" policing (Klipin). Other problems included the lack of capability among freedom fighters to fill policing positions (Pelser) and the resignation or retirement of experienced "old guard" officials (Pelser and Steinberg), which led to a leadership vacuum.

Police officials in higher ranking positions were more aware of government policy than the more junior police, who often have far more interface with the public. Senior officials were more likely than researchers to consider that the policies were being implemented. Lower level police officials seldom had enough understanding of policy to be able to formally assess its practical implementation, but their evaluation and description of SAPS practices provided valuable descriptions of the extent to which policies are or are not followed in daily police practice. The police officials (3, 5, and 6) working in the national headquarters, the station commanders of police stations in Gauteng and the North West Province (police officials 1 and 9), and the North West Province human resources official (police official 19) were all aware of and identified the array of laws and policy documents shaping current policing. Three of these respondents considered policies to be well implemented on the grassroots level and not a hindrance to functional policing. Furthermore, for one respondent, because the policy documents were available to all, there was no excuse to be unaware of their contents (police official 19).

In contrast, the other three higher ranking officials did not consider the policies to be implemented well in daily policing (police officials 1, 3, and 5). Police officials were not considered to know the content and spirit of policies (police official 3). The head office was criticized for implementing policy without considering the local conditions as well as for a lack of training (police official 5). Many of the police officials on the ground (police officials 10, 16, 17, and 18) could not name any law or policy shaping policing and acknowledged the Constitution's importance only upon prompting.

Four police officials (10, 11, 12, and 17) moreover believed that the Constitution tied their hands and hindered them in carrying out their work effectively. (Ironically, police official 12 nevertheless claimed the implementation of human rights as a big SAPS success, although his frustration with the Constitution was because of its human rights demands.) The three officers in public order policing regard implementation of law and policy to be at the discretion of each official. Bruce argued the then Minister of Safety and Security, since deceased, tended to leave policy-related issues unclear for the SAPS. Furthermore, this Minister and his National Commissioner contradicted each other on whether or not human rights imperatives help or hurt policing, thus sending a mixed message to service members and the public. According to Steinberg, although the Constitution requires a revolution in police work, the police are not trained or empowered to work in a constitutional democracy. Instead, SAPS members often consider how to get around the Constitution, commonly seen as a constraint on their work.

Communication

There are variety of challenges to communication in the SAPS is faced with. One issue of interviewee unanimity was that the SAPS remains very bureaucratic. A senior black female official (police official 3) at National Headquarters identified lengthy decisionmaking as one of the ways in which the SAPS has not changed since 1994. In a similar vein, hierarchical structures were blamed for poor communication within the SAPS (police officials 1, 10, 14, and 18). In contrast, when the hierarchical structures were flattened within a police station, communication became better than that among the national head office, provincial structures, provincial area offices, and stations on the ground. Both lateral and horizontal communication within SAPS was reported as strained. For example, the national head office was perceived not to understand or respond to local station-level needs.

The language used during meetings was a source of contention for many police officials (police officials 1, 9, and 10), and efforts to change this were often met with rude and negative remarks. A black male in the North West Province (police official 10) was expected to take the minutes of meetings where only Afrikaans was spoken, despite his poor Afrikaans. In the Pretoria area, Afrikaans was used in the police radio control room, although most officers prefer the use of English (police official 1). This reliance on the lingua franca of the "old" police and the negative reaction to using English supports the comment by a Coloured female platoon leader (police official 17) that "apartheid still exists in the police."

Although some respondents experienced SAPS communication as poor, other officials hailed open communication as one of the biggest successes of SAPS. But people often have complex standpoints. Police official 17 identified open communication as a major SAPS success. Nevertheless, she chose not to register a grievance against her superior, who she felt discriminated against her as a woman (discussed below), because she feared her case would not be dealt with equitably and would worsen her situation. Instead, she transferred to another police station.

Perception of Relations of Self and the Community

Race continues to be an important factor informing perceptions of police officials' own career opportunities (or the lack thereof) as well as assessments of colleagues' professionalism or capabilities. One black official in the North West Province headquarters considered whites racist and not good at their policing jobs. He explained poor performance as resulting from "80 percent color and 20 percent laziness." This person also used a racial epithet to refer to Indians, pointing to the contradictory position respondents may have (police official 10). A white female officer (police official 18) reversed the racial assessments; for her, black people and SAPS personnel were inherently lazy and incompetent. But racial lenses were not only stereotypes of blacks condemning whites and vice versa. A senior Indian official, now in the North West but previously in the more cosmopolitan KwaZulu-Natal, thought white officers to be the most committed, if a dying breed. Likewise, he positively assessed many black officers as ambitious and considered affirmative action to have produced some impressive and committed black members of the SAPS (police official 9). Furthermore, many interviewees considered lack of professional capacity to be explained in whole or in part by lack of training (police officials 3, 5, 11, and 17) and lack of performance incentives (police official 3) rather than race.

Certainly affirmative action has led to or furthered race-based perceptions. Many white officials, who often have the most experience, feel marginalized and look for other employment opportunities. White officials regard the lack of promotion opportunities as a disadvantage, whereas black officials feel the direct opposite and often view the sky as the limit. One relatively young black police official considered it good that she no longer had to study to be promoted. Instead, she understood the new policy as promising automatic promotions provided one had enough experience and had spent sufficient time in the service (police official 16). Most black and some white officials considered affirmative action a SAPS success.

Opinions conflict as to the quality of the relationship that exists between the police and the communities within which they operate. Community-police relationships were regarded by most of the interviewed officials as a major challenge to efficient policing. Some respondents were frustrated that citizens believed the police alone to be responsible for crime prevention (police officials 1 and 9). In response, one black official pointed out that public action and choices are essential, from not buying stolen goods to participating in community police forums (police official 10). Furthermore, as Pelser notes, the public expects the police to "do something about the crime," yet some of the biggest crime challenges, such as domestic violence and rape, occur mostly within the confines of the home. Two police officials (8 and 16)

indicated their opinion that poor community-police relations could be attributed to the legacy of apartheid, as many people think the police have not changed and still associate the SAPS with the racist and abusive policing of the SAP. One SAPS member, a white female officer (police official 14), considered the onus for improved community-police relations to depend on the community and not on the SAPS. She recalled that when she and a colleague were on duty in a black area, they were booed and shouted at because they are white. (She now refuses to work in a black area.) An Indian male manager (police official 9) believed that, in the North West Province, white and black people were more involved with such policing-related matters as becoming reservists and serving on the community police forums, whereas most people in the Coloured and Indian communities remained distant. Pelser regarded the diminished public confidence in the government's ability to protect its citizens as the biggest hurdle the SAPS had to face and also as a crucial challenge to government as a whole. This declining public confidence in part explains the reason for the sharp increase in vigilante activity.

What should not be discounted, however, is the vast improvement in community-police relations compared with the pre-1994 levels of distrust. Bruce agreed with police officials (3, 5, and 6), who regard the improved relationships between the police and community as a clear success while noting that police satisfaction and police-community relations are not yet at satisfactory levels. In a television broadcast (*Fokus*, South African Broadcasting Corporation, July 26, 2001), Pelser noted research that showed overwhelming support for the SAPS by members of the public who have reported crime and worked with the SAPS but continuing distrust by a large segment of the public. As noted in our conclusion, SAPS awareness of the diverse and multicultural perspective of communities remains a blind spot in most policing.

Integration of Different Police Services into One

Police official 6 headed the transformation of the 11 forces into a single force. He regarded it as "a remarkable achievement because they come from different cultures" and it was difficult to pull together "competitive and suspicious" agencies. Bruce, together with most of the police respondents, agreed that the integration of the different police forces into one was a significant success. Nevertheless, the "us/them" syndrome still exists. Police official eight found that officials from the former Bophuthatswana police still use forms from the Bophuthatswana Police Force and refuse to use official SAPS forms 8 years after incorporation. Furthermore, clear differences in skills among the incorporated forces still exist. Two black officers in Gauteng (police officials 11 and 12) consider their colleagues from the previous homeland and independent state police forces to lack skills, which

in turn increases their own workload. This causes friction between officers and reinforces the difference between the previous SAP and the other police forces. Police officials 3 and 5 emphasized the need for focused training to bring the different groups to equal skill levels.

In contrast to the positive assessment of transformation, Pelser did not regard the transformation as properly managed because it had not filtered to the grassroots levels. In racial terms, the face of SAPS in the top-to-middle management levels reflects the face of South Africa, yet 60 percent of the detective services are white (Steinberg). Steinberg argues that although many blacks were appointed to management positions, they were the wrong people in those positions. Because of the hiring moratorium from 1994 to 1998, the hiring pool for the new black management consisted of people who had joined the SAP under apartheid or before 1994, so the SAPS did not tap into potential pools of personnel from outside (Steinberg).

Internal Black-White Integration

Although the transformation of the SAPS was hailed by the majority of the interviewed police officials as a significant success, the poor relations among the different racial groups within the police are regarded by many as one of the biggest challenges facing the SAPS, in part as noted above. One white officer (police officer 10), who is responsible for managing a police station's finances, believes different racial groups will never be able to work together because of inherent and permanent characteristics that cannot be overcome. Suspicion and stereotypes cloud interaction; this officer said that when she refused a black official's financial application she was labeled a racist, whereas when she refused a white official's application she was not blamed for the rejection. A black male inspector in the North West Province (police official 13) said white officers refused to take orders from black officers. A senior white police administrator (police official 8) regarded the SAPS transformation process as impossible to implement fully. He assumed, for example, that white officials could not be transferred to a rural black station because they would have to live in a black area or travel far to work from the closest white town. He also assumed it would be easier for a black person to be successfully transferred to a police station in a so-called white area, as all towns have a black township nearby (police official 8). The experience of an Indian station commander (police official 9) who was transferred from KwaZulu-Natal to North-West Province is revealing in this regard. He and his family found it hard to be accepted in the white neighborhood in which they live. But he was also skeptical of Indian and Coloured community attitudes toward the police.

Gender Equality

Although diverse policing should include concern with gender equity and inclusion, in fact few of the respondents mentioned gender without interviewer prompting. This is notable in the "macho culture" of the SAPS (Bouman, 1997, p. vt6) and South Africa's deeply patriarchal subcultures. Although most women respondents did not point to sexism as a problem, it appears as though the SAPS' transformation is not as successful with regard to gender equity. The Coloured female platoon leader, who had only men under her command, said she experienced no bias within her unit "because we play and work together" but identified clear sex discrimination against her by direct superiors. She was refused the use of a car, although a man of lesser rank had a vehicle assigned to him. She was denied promotion at one police station and was explicitly told that the position was reserved for a male. She transferred to a different police station in order to be promoted (police official 17). A white female officer (police official 19) argued that the black female and male roles within SAPS are directly influenced by traditional roles in black society. Consequently, a black man in the SAPS would not accept orders from a black female superior if he played a prominent traditional leadership role. A black woman detective (police official 14) considered men, regardless of race, to have benefited more than women from the changes in SAPS. She identified continued resistance to including women in decisionmaking. A black male officer (police official 10) supported this observation and argued that women were still discriminated against in the SAPS. He valued the role of women very highly and argued that police-community relations could be improved by presenting workshops to the women in the community, arguing that "if you teach a woman, you teach the nation."

The Value of Training

A widely acclaimed success of the SAPS is the strong focus placed on training. Some officials claimed the emphasis placed on enhancing skills and education was the single biggest change that occurred in the police since 1994 (police officials 5, 6, 13, and 14), and others (police officials 8, 9, 17, and 18) wished to see even more and further improved training. One white official (police official 18) said that she attended as many training courses as possible. She could not, however, remember whether she had participated in diversity training.[13] Various police officials remarked that the diversity-training program was too short - at least in one instance only half a day (police official 9) - and said they would appreciate followup training. Police official 19 considered training to be inappropriately limited primarily to persons working in police administration and suggested greater availability for officials on the ground. Training was furthermore regarded as an important way to improve the implementation of policies (police official 8) and to improve relations

among different race groups in the SAPS (police official 10). Klipin identified seven strategic issues that should be addressed in training: crime reduction, improved police performance, resource utilization, improved functional policing, management development and leadership, information management, and transformation. She agreed with police officials' assessments that training was a success and an achievement of the SAPS.

Conclusions and Assessments

Under apartheid, racial, ethnic, and other social differences among people were reified into a rigid hierarchy of advantage and disadvantage. In contrast, contemporary South Africa's commitment to diversity and multiculturalism is egalitarian and aims to advance a majoritarian and democratic notion of the social good, balancing equal rights in ways that respect sameness and distinction. In this context, the SAPS recognizes South Africa's people as diverse and multicultural, primarily in terms of internal SAPS reform efforts and only secondarily in terms of engaging with the broader society.

Even where SAPS members paid homage to diversity and equality, some respondents' understandings of these concepts were arguably rather uncritical. One black officer (police official 16), who insisted that she experienced no racism in the SAPS, noted that colleagues told racist jokes. A white diversity trainer explained that her own diversity training helped her to recognize the diversity of black people. She went on to state that Tswana women dress neatly, but Zulu women do not care about their appearance (police official 4). Arguably, these examples should not, however, be understood to mean that respondents (and SAPS members more generally) are not serious about their commitment to diversity and equality. Rather, police respondents tended to have more easily attainable expectations about the challenges and difficulties of multiculturalism than did the researchers or, indeed, the authors.

Our research suggests the SAPS has far greater concern, awareness, and success with multiculturalism and equality within its organization than between itself and South Africa's diverse people and needs. When the respondents recognized diversity in South Africa, it was mainly limited to racial terms, although business communities were also identified (police official 9). There was almost no discussion, however, of the often vastly different realities and perceptions of crime and community needs across the country.

Crime and criminal justice may be shaped by the legacies of race, ethnicity, class, gender, or urban or rural life in many different ways. Examples of these variations

include fundamentalist Islamic vigilantism in the Western Cape; traditionalist African vigilantism in much of rural South Africa; illegal white capital flight; widespread urban and rural beliefs in witchcraft as the source of criminal activity; extensive private security services in wealthier, predominantly white suburbs; cattle theft in the Eastern Cape and car theft in the Western Cape; and the operation of internationally based organized crime in South Africa. (More broadly, given South Africa's serious crime rate and the fact that police themselves are often victims of murder, it was startling that almost no respondents actually mentioned crime as a serious challenge to the SAPS.) That and how such multicultural realities and diversity within South Africa at large shape policing were, however, largely absent in our interviewees' responses.

There was mention that different racially based communities were less or more likely to trust the police and work with the SAPS in institutions like the Community Police Forums. Aside from this concern, however, little or no allusion was made to the differing needs of varying communities and groups for the SAPS and whether these were consistent with constitutional requirements. Nevertheless, communities' histories and current conditions do shape their needs from and perceptions of the police. Little awareness or mention of this dimension of diversity was noted, however.

Although respondents generally considered diversity only within their SAPS ranks, police officers (like other people) often continue to hold onto strong stereotypes that presumably affect policing and responses to communities. As part of the Police Station Management Programme,[14] police station managers - blacks, whites, men, women, captains, superintendents, etc. - were asked what they associate with, for example, Africans, whites, women, Indians, and so on. Associations with Africans included that they had lots of children and were smelly, stupid, illiterate, and crooks. Stereotypes of Indians included that they liked spicy food and were greedy, rich, corrupt, and exploitative. Coloureds were linked to gangs and drugs. Alcohol abuse and domestic violence were associated with shebeens (bars or speakeasies) and black men. Whites were associated with white-collar crime; the police would not usually think of whites in terms of robbery, for example, although it may depend on the area. Likewise, xenophobia in South Africa is rife, mostly against dark-skinned black people from other parts of Africa (Klipin). Thus, while much in South African policing has changed in terms of multiculturalism, the belief about criminal propensity and culture has not (Gordon).

Any discussion of and engagement with multiculturalism and diversity in the SAPS cannot, more broadly, avoid recognizing that these challenges are but one set among many in a transitional police service with limited resources and enormous challenges

of crime. Moreover, it is at times difficult to separate which problems are issues of multiculturalism and which problems concern other issues, from resources to criminal violence. Therefore, while multiculturalism is important to the SAPS, as to South Africa, diversity issues in the SAPS cannot and do not take center stage. Adequate salaries or skills training may triumph over diversity training as the SAPS imperative.

Notes

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[2] It is composed of Bophuthatswana, ostensibly an independent state under apartheid, and the former Western Transvaal.

[3] The concern with diverse languages is emblematic of South Africa's diversity, not simply on a basis of "race" divisions, but along intra and inter-ethnic as well as religious lines. It is also emblematic of the democratic and constitutional concern with protecting and recognizing that diversity. Chapter One ("Founding Provisions") of the Constitution, Section Six, identifies the following official languages: Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu. In practice, Zulu is the mostly widely used first language, Afrikaans is probably the mostly widely used second or subsequent language, and English tends to be the lingua franca of government, business, and tertiary education. In addition to these official languages, the Constitution also mandates promotion and/or respect for a variety of other languages: "Khoi, Nama and San languages;… sign language… all languages commonly used by communities in South Africa, including German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and Urdu; and… Arabic, Hebrew, Sanskrit and other languages used for religious purposes in South Africa."

[4] Apartheid has been defined variously by both its supporters and detractors. This understanding is our own, and will accord with the perspectives of some commentators, and not others.

[5] Both legal and illegal forms of repression were relatively well known under apartheid, and were publicized both in South Africa and internationally. With the establishment of democracy in 1994, greater understanding of repressive activities of the past was sought and achieved, especially illegal actions of the state (and opposition) that constituted "gross human rights abuses." Increasing knowledge about these abuses has occurred in a number of contexts and by a number of mechanisms, the most important of which is the Truth and Reconciliation Commission (TRC). The fact of a commission was agreed upon in negotiations prior to the 1994 elections, and was enacted into law by the Promotion of National Unity and Reconciliation Act, No 34 of 1995. The Commission's *Final Report* was published in 1998. (The Commission has an excellent web-site at http://www.truth.org.za.) In addition to this report, there is an extensive literature, pre and post apartheid, on human rights abuses under apartheid.

[6] Following the establishment of democracy, he became a right-wing critic of his former party and its government.

[7] The former attorney general further questioned whether the new government would make the same mistakes as its predecessors by confusing the promulgation of laws with the state's ability to enforce these: "But this is a national trait - I don't know if it's going to change in the new regime. You make the law and the problem is supposed to disappear."

[8] See, for example, Parker and Mokhesi-Parker, 1998, Chapter 4 AJudges and Torture, "for numerous examples of the Anon-political" use of torture by police, as well as for an excellent analysis of how and why torture emerged as such an important means of police "investigation."

[9] In 1996, over 44% of the country's population was under the age of twenty" (Schönteich 2000).

[10] On the late twentieth century relevance of beliefs in witchcraft in South Africa, see Adam Ashforth. *Madumo: A Man Bewitched.* Cape Town and Chicago: David Philip Publishers and University of Chicago Press, 2000 and Edwin Ritchken. "The Meaning of Rural Political Violence: The meaning of the Anti-Witchcraft Attacks." Unpublished seminar paper number 5, presented to The Centre for the Study of Violence and Reconciliation, South Africa, 29 June 1989. Available at http://www.wits.ac.za/csvr/papers/papritch.htm

[11] South African Police Service Act, No. 68 Of 1995, which may be accessed at http://www.parliament.gov.za/acts/ The statute's sections mandate structures and activities such as the functions of the Ministry, including to facilitate a Secretariat, how the SAPS should be established and what its composition should be, the obligations and limitations on SAPS Commissioners (both national and provincial), including their powers, duties, and functions, specific sections of the SAPS (from Organized Crime to Community Policing), to service regulations, to the basis of employment for SAPS members, to the establishment of an Independent Complaints Directorate, to the Municipal and Metropolitan Police Services, among the major provisions.

[12] For example, the Intelligence Act and the Criminal Procedure Acts.

[13] This example indicates a potential danger of too open a training policy that could lead to some officials seeing training as a way to avoid their regular work demands.

[14] The program is run by the University of the Witwatersrand's Public and Development Management School. Judith Klipin is the manager of and an instructor in the program.

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Addendum no. 1: **Study Participants: Police Officials**
Part A

No. in text	Rank	Area	Position	Years of service
1	Senior Superintendent	Gauteng	Acting Station Commander	19
2	Inspector	National Office	Diversity Training	15
3	Director	National Office	Victim Empowerment	20
4	Captain	North West	Provincial Training	19
5	Director	National Office	Human Rights	11
6	Commissioner	National Office	Deputy National Commissioner	28
7	Superintendent	Gauteng	Head Community Service Center: Gauteng	27
8	Director	North West	Finances: Provincial Offices	27
9	Director	North West	Station Commander	18
10	Captain	North West	Service Delivery Provincial Office	9
11	Inspector	Gauteng	Public Order Policing	10
12	Inspector	Gauteng	Public Order Policing	10
13	Inspector	North West	Head: Community Service Centre	8
14	Captain	North West	Detective Services	15
15	Superintendent	Gauteng	Area Office	15
16	Sergeant	North West	Court Duties	10
17	Captain	North West	Public Order Policing	10
18	Inspector	North West	Finances: Police Station	19
19	Superintendent	North West	Human Resources Provincial Office	27

Part B

No. in text	Gender	Race	Other background	Interviewer	Date inter-viewed
1	male	white	From constable to current position.	Snyman	Nov. 7, 2000
2	female	Indian	From constable to current position.	Snyman	Jan. 22, 2001
3	female	black	Incorporated from Transkei police. From constable to current position.	Snyman	Nov. 7, 2000
4	female	white	From constable to current position.	Buntman	July 19, 2001
5	male	white	After LLB degree, joined legal division SAPS, before current position.	Snyman	Jan. 16, 2001
6	male	white	From constable to current position. Was responsible for integration of police forces into one service.	Buntman	May 2000
7	male	white	Before current position, was responsible 1993–98 for introduction of diversity programmes in SAPS.	Snyman	Nov. 7, 2000
8	male	white	From constable to current position. Was in riot squad in Soweto from 1976 to 1981.	Snyman	July 19, 2001
9	male	Indian	From constable to current position. Moved from KwaZulu-Natal to Northwest.	Buntman & Snyman	July 19, 2001
10	male	black	Incorporated from Bophuthatswana police into SAPS. From constable to current position. Used to guard former president of BOP and premier of North West.	Buntman & Snyman	July 19, 2001
11	male	black	In uniform branch and dog unit Soweto before current position.	Snyman	Nov. 13, 2000
12	male	black	Deployed directly in current position.	Snyman	Nov. 13, 2000
13	male	black	Assistant constable guarding police stations before current position.	Buntman & Snyman	July 19, 2001

14	female	black	Initially charge office, recruiting officer, clerical before detective services.	Buntman	July 19, 2001
No. in text	**Gender**	**Race**	**Other background**	**Interviewer**	**Date inter-viewed**
15	male	Indian	After uniform branch, detective before current position.	Snyman	Oct. 27, 2000
16	female	black	Benoni radio control before current position.	Buntman & Snyman	July 19, 2001
17	female	Colored	Trained in Western Cape, then charge office in Potchefstroom before current position	Buntman & Snyman	July 19, 2001
18	female	white	Uniform branch in Durban before current position.	Snyman	July 19, 2001
19	female	white	Charge office, detective and clerical positions before current position.	Snyman	July 19, 2001

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The Emerging Paradigm for Policing Multiethnic Societies: Glimpses From the American Experience

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A new paradigm for policing multiethnic societies is emerging in which the balance between enforcing law and maintaining racial/ ethnic harmony is being reset in favor of the latter. This reflects a cultural shift towards greater tolerance of diversity. Its timing is opportune as massive international migration is reshaping the composition of formerly homogeneous populations. Community policing is a most suitable strategy for achieving race/ethnic harmony; but, the strategy alone is no guarantee. It must be knit to specific situations by politically sensitive officials.

Key Words: Multiethnic society; community policing; racial profiling; terrorism; September 11th; immigration; demographic change; tolerance; race relations; race riots

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September 11: A Prologue

On September 11, 2001, long after this paper was written but during final editing, the United States was hit by the most horrific terrorist attack in its history. Four planes were hijacked. Two were used to destroy the World Trade Center in New York City. One was crashed into the Pentagon. The fourth was crashed in Pennsylvania. All told, more than 3,000 people were killed.

That atrocity has caused a rapid and notable reordering in American culture, particularly with regard to matters addressed in this paper. With regard to the perennial problem of balancing security concerns against civil liberties and maintaining an open society, there has been a tilt in favor of security (Lancaster 2001).[1] With regard to the culture's movement toward greater acceptance of diversity and the condemnation of anything involving discrimination or xenophobia, there have been some reassessments, the full impact of which are not likely to be temporary.

Prior to September 11, a law enforcement practice loosely referred to as "racial profiling" had been developing a broad and almost unchallengeable public antipathy. Not just minority spokespersons (Edozien, 2001). But many others had come out against it, including the Governor of New Jersey (Diamond, 2000), both presidential candidates (Dickerson, 2000), and many others (Edozien, 2000; Mosk, 2000; A.P., 2000; A.P., 2001; Lueck, 2000).[2]

However, when early reports suggested that 28 of 28 suspects responsible for the September 11 attack on America were all Middle Eastern males, and when American passengers began insisting that airlines remove people who appeared to be of Middle Eastern descent from planes (Mayer, 2001),[3] the discussion of the reasonableness of racial profiling began to be reassessed (Glaberson, 2001). The proposition that law enforcement should not be allowed to take race (or ethnicity) into account when it is associated with a higher risk of dangerous behavior began to lose the moral high ground it had been gaining (Weinstein, Finnegan and Watanabe, 2001).

During his confirmation hearings, FBI Director Robert Mueller had called racial profiling abhorrent to the Constitution and promised that the FBI would not do it (Holland, 2001).[4] Yet, after the attack, FBI agents questioned and detained hundreds of people, many on the basis of little more than their race, ethnicity, or religious affiliation (Rosin, 2001). Even traditional liberals began to acknowledge and defend the legitimacy of using race/ethnicity as criteria for surveillance or inquiry by law enforcement under certain circumstances. The idea that race/ethnicity

should not be considered at all, a point of view that had been gathering support, suddenly seemed unrealistic, if not extremist .[5]

These developments do not alter the basic thesis of this paper. They do, however, put some parts of the presentation in a new light. Our argument that officially condoned bigotry is a thing of the past has been demonstrated by President Bush's handling of the war against terrorism with his clear efforts to show that the war is not against Islam, Arabs, Muslims, or the people of Afghanistan and by other actions he and others have taken to condemn hateful acts against Muslims and Middle Eastern people in the United States.

On the other hand, our review of the developments regarding racial profiling, accurate when written (see footnotes 37 through 41 and related text), is misleading today. Similarly, although it is unlikely that there will be a return to the levels of anti-immigrant xenophobia that once flourished, those in favor of tighter immigration controls and greater supervision of foreigners will no longer be as easily demonized as bigots, paranoids, and hatemongers as they had been previously. Consequently, their initiatives may be more likely to succeed in shaping policy.

Rather than rewrite this paper to integrate the changes mentioned above, I have decided to simply add this prologue and leave the rest untouched. Thus it can serve as its own unintended case study of changes in the trajectories of law enforcement developments in a free society before and after an atrocity of this nature and magnitude.

The New Paradigm of Policing

The challenge for police in multiethnic, liberal, democratic societies is to find the correct balance among the public goods at stake. They must enforce the law but also maintain racial and ethnic peace. These goals are incompatible to some extent. Enforcing the law may disrupt the peace. Keeping the peace may require forgoing opportunities to prevent crime or apprehend criminals.

The practice of racial profiling illustrates the tradeoff. The police defend the practice as an essential law enforcement tool needed to help identify potential drug couriers, terrorists, and other criminal types. More generally, they use race/ethnic appearance as one of several cues to suspect that something is amiss and that an investigation would be appropriate. A black male walking in an all-white neighborhood or in a deserted industrial park late at night, or driving an expensive new car, are common scenarios that traditionally have prompted police inquiries.

Such interventions undoubtedly prevent some crimes. But they also have high costs. They produce deep resentments and alienation among minorities who are repeatedly stopped and questioned by the police. They divide the community and undermine racial peace. Over time, they build up and explode in race riots or cheers from the black community for people like O.J. Simpson when they beat the system.

As the 21st century begins, the relative priority between enforcing law and maintaining racial/ethnic harmony is being reset. A new paradigm for policing multiethnic societies is emerging. The old paradigm was about maintaining order by keeping people in their place, both socially and geographically (Lane, 1971; Richardson, 1970; Calavita, 1984; Williams and Murphy, 1990).[6]

The new paradigm is about integration, not segregation; equal protection, not domination; mutual respect, not deference. In the old paradigm, enforcing the law was the highest value. In the new paradigm, enforcing the law is still important but increasingly is being placed second to maintaining racial and ethnic harmony.

The new paradigm reflects the changing cultural norms regarding tolerance for diversity and demands for equality. The timing could not be better. Dramatic demographic changes are happening in the world. Societies that once were dominated by a single ethnic group are rapidly becoming more heterogeneous as a result of the dual process of less-than-replacement fertility and immigration. With the end of the cold war, international borders have become more porous than ever (Schmid, 1996).[7]

In the United States, the whole concept of race relations is being transformed (Hardin, 1998). Latinos have surpassed blacks as the largest minority in many major cities. Asians are majorities in some places. The white descendants of the Europeans who founded the country, and who have dominated it politically, economically, and demographically ever since, are projected to lose their majority status by the year 2050 (Booth, 1998; Holmes, 1998).

Today's immigration has made the challenges of policing a multiethnic society all the more complex. The police are having to find ways to bridge cultural divides; to communicate in foreign languages; to win the trust of people whose past experience led them to mistrust or despise the police (Bowles, 2000); to protect foreigners both from xenophobic attacks and their own ethnic gangs.

Many of the new immigrants are illegally in their host countries, confounding the problem even further. They are more vulnerable to victimization and less willing to cooperate (Davis and Erez, 1998). The problem is magnified by the fact that many

illegal immigrants live with friends and relatives who are consequently forced to keep a distance from the police. Others are linked to international networks of organized criminals who smuggle humans for profit, frequently holding them under slavelike conditions in sweat shops or forcing them into prostitution to pay off smuggling fees.

This paper provides some glimpses of the emerging new paradigm of policing multiethnic societies based on responses of the American police to today's mix of ethnic diversity. That record provides much to be hopeful about, but some cautions must be noted and much remains to be done. The portrait is at odds with one that might be imagined from reading the newspaper headlines. Although appalling racial incidents continue to occur, to focus on them is to miss the profound changes that are taking place.

Our argument is presented in three parts. First we document the cultural changes that have occurred and their impact on policing. Then we illustrate some methods that police agencies have employed to reach the new immigrant communities and bring them into the American community. In this discussion, we note the importance of community policing in inspiring many of these innovations. Finally, we conclude with a cautionary tale.

For those who believe that the complexity of the problems of policing multiethnic societies can be resolved by something as simple as adopting community policing or by having the police agency staffed and controlled by members of a formerly oppressed minority, we analyze a few experiences that would seem to prove them wrong. The Mount Pleasant riots in Washington, D.C., the riots in Miami, Florida, and the lawsuits in Chandler, Arizona, suggest that in the end racially and ethnically sensitive policing depends upon good judgment that is not guaranteed by either race or police strategy.

The New Cultural Context and Its Impact

Police dealings with racial and ethnic minorities today are constrained by cultural and legal norms that are palpably different from those of the past. In the United States and elsewhere, there is a new level of cultural support for tolerance and equal treatment under the law. For America, this is a matter of cultural realities catching up with national ideals.

The United States is a nation of immigrants. From the beginning, it espoused the ideals of pluralism and equality. George Washington and other leaders thought they were creating a new race of men into which all the tribes of the world would be

welcome to meld together, forming a new breed (Schlesinger, 1992). It has taken two centuries to approach those ideals: one century to abolish slavery and another to prohibit discrimination.

The civil rights movement of the 1960s had a profound effect. Bigotry and direct discrimination still occur. But they no longer enjoy the protected status and public tolerance they once had. They are acts of individuals, not public policies enacted with the intent to discriminate (Mann, 1988; Kleck, 1996; Peterson and Hagan, 1996).[8] The police (and the government in general) can no longer choose sides. They must strive for impartiality or risk public denunciation and lawsuits (Kempster, 2000).[9]

For instance, the last time the United States faced the massive immigration it is experiencing today was at the end of the 19th century. Large numbers of immigrants from Southern and Eastern Europe streamed into the country. In the name of protecting the Anglo-Saxon race from mongrelization, political elites succeeded in passing immigration laws that completely prohibited the immigration of Asians and placed restrictive quotas on the immigration of Italians, Slavs, and Jews. Such patent discrimination is now unthinkable. Immigration restrictions were eliminated in the 1960s and 1970s as the norms against discrimination began permeating the culture. The impact of this change on policing can be seen in various examples.

In 1954, state and local police throughout the southwestern states joined with the federal government to conduct a massive deportation of Mexican workers who were in the country illegally. Over a few weeks, 100,000 Mexicans were rounded up and expelled in what was officially called Operation Wetback. Radio stations called upon people to turn in suspected illegal immigrants. No apology was made, either for the use of ethnic slur "wetback" or for the harassment of Mexican-American citizens who were caught up in the dragnet (U.S. Congressional Service, 1980; Craig, 1971).

In contrast, in 1997 the Chandler (Arizona) Police Department joined with the Federal Border Patrol to round up and deport 400 illegal Mexicans. In the process, they stopped several people who appeared to be Mexican and demanded to see their migration papers. The people were Americans and they objected (de la Cruz, 2000).

To use the cynically humorous phrase, they were arrested for the crime of DWL ("driving while Latino"). They filed a $32 million lawsuit against the city and won. Moreover, the Arizona Attorney General issued a scathing criticism of the police. A human relations officer and a Hispanic police liaison officer were appointed. Police officers were required to attend 1,500 hours of classes on cultural awareness and

hate crimes, and there was a proposal to teach Spanish to all officers (A.P., 1997; A.P., 1998; Drake, 1998; Magruder, 1998a; Magruder, 1998b; Magruder, 1999; Khoury, 1999; Mattern, 1999).[10]

An even broader example is the dramatic step back of American police from a role they once embraced. Virtually none of the 17,000 independent state and local law enforcement agencies in the country (Maguire and Pastore, 1996) are willing to assist the Federal Immigration and Naturalization Service (INS) in enforcing immigration laws (McDonald, 1999).

This is in sharp contrast to the "old days," when local police routinely enforced federal immigration law. In 1930, the New York City Police Department (NYPD) created a Criminal Aliens Bureau to round up and investigate all aliens with criminal records with an eye toward deportation. NYPD had been arresting about 1,200 aliens a year, but until then it did not have a special detail to check for possible immigration law violations (New York Times,1930a). This was part of a national effort to rid the country of gangsters who were seen as the product of a particular ethnic group. The effort was spearheaded by the federal government (New York Times, 1930a). In 1972, San Diego County, California, Sheriff John Duffy issued an order to taxicab drivers to report suspected illegal aliens to the police. The order was intended to crack down on the smuggling of illegal aliens. Mexican-Americans and cab drivers protested, but the order was upheld by the State Attorney General (Anon, 1973).

By the 1970s, illegal immigration was out of control in southern California. Ethnic minorities were empowered by the success of the civil rights movement. Finally, playing the "race card" had political leverage. City governments could not ignore the charges of racism in their policies. In 1979, in Los Angeles after intense community pressure and a lawsuit for cooperating too closely with the INS, the Los Angles City Council, at the behest of Police Chief Daryl Gates, issued a directive known as Special Order 40. It generally prevented any officer from questioning anyone about their immigration status, checking on it with the INS, or turning suspects accused of minor crimes over to the INS (McDonnell, 1996).

In 1983 in Santa Ana, California, just south of Los Angeles, Police Chief Ray Davis announced that his department would no longer cooperate with the INS in their sweeps of illegal aliens. "[I]n order for the illegal aliens to trust us and report crimes, we can't be seen as an extension of the INS," he said (Skolnick and Bayley, 1986). According to his community relations officer, "We never invited the undocumented alien population to settle in our city but now that they have, we are

going to work with them. You can't afford to have 25 percent of the population hostile toward the Police Department (New York Times, 1983)."

Chief Davis's move was not in reaction to a lawsuit. Rather, it flowed logically from the police philosophy he was pioneering, namely "community policing." The community's support was essential. Enforcing immigration law alienated much of the Latino community. The choice was not a hard one. Even though Californians were upset about illegal immigration, Chief Davis regarded the federal immigration control efforts as pointless. Illegal immigrants who were deported one day were back the next.

During the 1980s, protesters unhappy with American refugee policy lobbied local and state governments to protect immigrants seeking refuge from deportation. As a result of this "sanctuary movement," many state and local governments ordered their police not to cooperate with the INS in certain ways (Skerry, 1995).

In 1996, immigration restrictionists in Congress tried to negate these provisions and reenlist the services of local police to control illegal immigration. The Immigration Act prohibited state and local governments from restricting any of their entities from informing the INS regarding the immigration status of aliens. It further provided that the Federal Attorney General could enter into agreements with state and local governments to enforce immigration law (Illegal Immigration Reform and Immigrant Responsibility Act, 1996; McDonnell, 1997).

Virtually no police departments have been authorized under the new policy. When Salt Lake City officials explored the possibility as a way of coping with the growing crime problem attributed to the expanding Mexican migrant population, they were persuaded not to do it. Mexican-Americans argued that it would be used primarily against them (Donaldson, 1998; Edwards, 1998; Tobar, 1999; McDonald, 1999).

Racial profiling is a traditional police practice that has alienated ethnic minorities for decades (Cole, 2000; Wilson, 1999). Until recently, their complaints were to no avail. Today, there is a crescendo of support for abolishing the practice. Both presidential candidates, Bush and Gore, condemned it. Five states have enacted legislation prohibiting it, and 25 more have pending legislation (Dickerson, 2000; Koh, 2000; Ross, 2000).[11]

Law enforcement responses to this challenge have varied from deep denial (McAlpin, 2000), to defense of the practice (Lueck, 2000), to a constructive search for solutions (Mishra, 1999). On their own initiative or under threat of lawsuits, police have begun sensitivity training programs; started collecting data that will

allow for a check on the racial pattern in their stops; and installed video cameras on cruisers to record the race and the interactions (A.P., 1999; Gorman, 2000). In one department, the officers held group discussions that resulted in a written pledge to reject any tactics based on assumptions about race or ethnicity (Davis, 2000).

Police Responses to the New Immigrants

Immigration to the United States since the 1970s has confronted local police departments with the kind of diversity that has not been seen since the end of the 19th century. Immigrant communities that do not speak the language, are not familiar with American cultural norms, and are often deeply suspicious of any contact with officialdom have popped up overnight in various places. The sudden presence of these foreign communities has given the logic of community policing new relevance.

These communities had special needs from the rather mundane to the more serious. Transplanted refugees from Vietnam did not understand that they could not fish in the local lake without a license; immigrants from El Salvador thought nothing of urinating on the sidewalk; immigrants from the Middle East saw nothing wrong in marrying off their daughters at a young age; immigrants from various places could not read traffic signals, did not know how to report a crime, and, often, would not want to report a crime if they were the victims. Calling upon the police was a loss of face (McLaughlin and Jesilow, 1998).

Police responses have included an assortment of efforts to overcome the language and cultural barriers, including increased foreign language capability; cultural sensitivity training; educational programs for immigrants and host communities; and special police-community institutions, such as ministations manned by and directed to serve particular ethnic communities, liaison officers, and special transnational law enforcement units (National Crime Prevention Council, 1994 & 1995; Davis and Erez, 1998; McDonald, 1999).

Many examples might be cited to illustrate the new paradigm of policing multiethnic societies, but two should suffice. One has already been mentioned, Chief Ray Davis's willingness to forgo the enforcement of immigration law to gain the trust of the Latino community in Santa Ana.

Another is the partnership established between the Portland (Oregon) Police Department and the local organization of H'mong refugees.[12] This agreement is particularly telling for the balance it strikes between respect for the norms of the refugee community and the requirement that American law be observed. The letter

of agreement signed by the Chief of Police and the President of the H'mong American Unity Association states:

> WHEREAS the City of Portland has made it a concern of priority to empower the citizenry of the City to direct the Bureau of Public Safety to work collaboratively with the various and diverse communities . . .
>
> We… pledge the honor of our respective offices, and the resources of our respective organizations, toward the execution of a comprehensive partnership agreement of mutual policies and practices conforming to the aspirations of the Oregon Constitution, the expectations of Federal, State and local law, in deepest respect toward the ethno-cultural norms of the H'mong customary law (where such law is not inconsistent with… Oregon law)
>
> (National Crime Prevention Council, 1994).

A Cautionary Tale

Community policing has been the rationale for many of these exemplary initiatives. It is a key part of the shift to the new paradigm for policing multiethnic societies. It builds upon the recognition that the law enforcement function of the police cannot succeed without the cooperation and input of the community (Skolnick and Bayley, 1986 and 1988; Wilson and Kelling, 1982; McDonald, 1992; Bayley, 1989; Greene and Taylor, 1988). In effect, it challenges the idea that the police must choose between enforcing law and maintaining racial/ethnic peace. On the contrary, it argues the trust and support of the racial and ethnic communities are essential to the success of the law enforcement function.

One might expect, then, that where community policing is practiced one would be less likely to find ethnic communities angry at the police (Cohen, 2001; Alpert and Dunham,1988; Coventry and Johnson, 2001).[13] But such was not the case in Chandler, Arizona. Ironically the disastrous police operation to remove illegal immigrants there sprang from the application of community policing ideas. The department had surveyed the community; had helped to remove the "signs of crime" from the neighborhood (Wilson and Kelling, 1982) and was acting on the complaint of some residents about the nuisance and potential danger of the immigrants who gathered there for day labor (McDonald, 1992).

The logic of community policing is no substitute for good judgment and management as well as sensitivity to race/ethnic concerns. Nor is the race of the police force or the political administration any guarantee of sensitivity to ethnic grievances, as the Mount Pleasant riot in Washington, D.C., revealed. In Washington, D.C., both the police department and the political administration at the time were predominantly African-American. Moreover, the police had a form of community policing in place. Neighborhood advisory councils existed, through

which the police were supposed to be able to obtain input from the local neighborhoods.

The incident began when three metropolitan police officers stopped a 30-year-old Salvadoran immigrant who had been drinking in a park. When he drew a knife on the Hispanic female officer who was handcuffing him, her black female partner shot him nonfatally. Word quickly spread and hundreds of Hispanic youths went on a two-day rampage, directing much of their rage at the police (James, 1991; Manning, 1997).[14]

The immediate reason for the riot was the perception among Hispanics of discrimination against them by black police and black leaders in general (Kerner Commission, 1988; Manning, 1996).[15] Their complaints were the familiar ones of ethnic minorities. "It's just like in Guatemala, except that what happens back home during the day happens here at night," said one immigrant (James, 1991). "The same oppression that there is in my country, . . . is here too. The police are the same as in El Salvador. For the simple pleasure of it, they harass people. The rioting is the response to years of oppression," said another (James, 1991).

The response of the black leadership showed no sympathy for the disadvantages of being a minority. One black member of the City Council exploded, "If they don't appreciate our country, get out (James, 1991)." Mayor Dixon blamed the Hispanics for not trying hard enough to integrate themselves into the community (James, 1991).[16]

The irony was not lost on everyone. One African-American member of the City Council recognized this: "The Hispanics see the police department as an occupying force the same way black people saw the police department as an occupying force in '68 (James, 1991)."[17]

In Miami, Florida, the Latino community rose in political and economic power during the 1960s and 1970s. In May 1980, the black community exploded into a rampage when 125,000 Cubans landed after Castro allowed them to leave. Blacks had been losing jobs and economic opportunities to Latinos for two decades. Tensions continue to be high between the two groups.

According to Nathaniel J. Wilcox, a community activist there, race relations were better for blacks under the old regime when whites controlled the city.

> The perception in the black community, the reality, is that Hispanics don't want some of the power. They want all the power. At least when we were going through this with the whites

> during the Jim Crow era, at least they'd hire us. But Hispanics won't allow African Americans to even compete. They have this feeling that their community is the only community that counts (Booth, 1998).

Conclusion

The police are a reflection of the societies in which they exist. In the United States and other liberal democratic societies, the culture has moved toward a greater tolerance for diversity and demand for equality. Police practices and policies are moving with that change. There is a new balancing of priorities among the functions of the police. Fighting crime is not always the highest priority. Maintaining racial and ethnic peace is seen as outweighing the enforcement of law. Given the rapidly increasing diversity in societies, this reorientation is a timely shift. The old ideal of making one out of the many is that much closer to reality.

Notes

[1] For example, the new antiterrorism law rushed through by congress authorizes law enforcement and intelligence agencies to conduct broad domestic surveillance and to share information with each other, Lancaster John (2001), "Anti-Terrorism Bill is Approved Bush Cheers House's Quick Action, but Civil Liberties Advocates are Alarmed," **The Washington Post**, October 13, 2001, A1.

[2] Edozien Frankie (2000), "I Was Stopped Because I'm an Italian," **The New York Post**, Oct. 7, 2000, 10; Mosk Matthew (2000), "Weeding Out Officers Who Single Out Drivers: Md. Senate Debates Anti-Profiling Bill," **The Washington Post**, April 6, 2000, B01; The Associated Press (2000), "Panel Cites N.Y. Police for Profiling," **The Washington Post**, June 17, 2000, A6; The Associated Press (2001), "Migrant Council Singles Out Jerome (Idaho) Police as Racial Profilers," **The Associated Press**, July 31, 2001. Not everyone joined the chorus. New York City Mayor Rudolph W. Giuliani argued that law enforcement must be able to consider race among other factors in their decisions. Lueck Thomas J. (2000), "Giuliani Defends Police Against Federal Finding of Racial Profiling," **The New York Times**, Oct. 6, 2000, B1.

[3] Several incidents occurred where individuals who appeared to be of Middle Eastern descent were ejected from airplanes. In one case, Utah Attorney General Mark Shurtlef tried to impose zero tolerance for the practice by enforcing the law against discrimination. He threatened to sue Northwest Airlines for refusing to let three Utah citizens of Middle Eastern descent board one of its planes. Much to his surprise, he got a flood of angry protests from all across the country denouncing his action. "I'm kind of depressed. I really thought we had moved beyond this in America," he said. Mayer Caroline E. (2001), "Passenger Fears, Bias Laws May Clash: Terrorism Raises Legal Concerns," **The Washington Post**, Sept 29, 2001, A12.

[4] Director Mueller said his agency is targeting people "based on predications that the individual may have information" relating to the attacks. Holland Jesse J. (2001). "Mueller Close on FBI Confirmation," **Associated Press**, July 31, 2001.

[5] Many people who disagree with the politically correct views on certain topics remain silent to avoid the hassle and costs of disagreeing.

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[6] Indeed, historically the proximate reason for establishing police departments was often to keep the peace among increasingly diverse urban populations prone to interethnic violence. The Boston Police Department, for example, was founded in 1837 in the wake of days of rioting during which Protestants stormed through the Irish Catholic section of the city burning houses and terrorizing Catholics. Lane Roger (1971), **Policing the City: Boston,** 1822B1885*,* New York: Atheneum. Over the following decades, virtually every state experienced anti-immigrant riots, often resulting in the establishment of police departments. Richardson James F. (1970), **The New York Police: Colonial Times to 1901***,* New York: Oxford University Press; Calavita Kitty (1984), **U.S. Immigration Law and the Control of Labor,** 1820B1924, Orlando, FL: Academic Press. Southern states had special police to keep slaves in their place. Williams Hubert, Murphy Patrick V. (1990), **The Evolving Strategy of Police: A Minority View**, Perspectives on Policing: January, No. 13, Washington, D.C.: U.S. Department of Justice, National Institute of Justice.

[7] An estimated 100 million people (2 percent of the world's population) live outside their homelands. Schmid Alex P. (ed.) (1996), **Migration and Crime***,* Milan, IT: International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme.

[8] Racial discrimination in the American criminal justice process is an old topic being subjected to hot new debate. Coramae Richey Mann sees systematic race discrimination throughout the system. In contrast, William Wilbanks says the idea that the system is "racist" is a myth. The controversy is driven in part by the fact that the kind of direct, blatant forms of discrimination that existed in the past (and to which we are referring in our analysis) are not as readily apparent as expected and have not been unequivocally established in studies. Also, some analysts want to include forms of discrimination that are not the result of individual acts of bigotry or of policies/practices set with the intent to discriminate. Known as "institutional racism" this refers to decision-making standards that in themselves may be legitimate but that result in less favorable outcomes for minorities. For example, community policing of the broken windows style with its zero tolerance for incivilities could be regarded as "racist." It endorses crackdowns on "disorderly" populations, which often means the poor, hence disproportionately people of color. Because of the open-ended and problematical use of this concept, other analysts reject it. For our purposes, the fact that this debate is happening supports our fundamental argument about the shift in Western culture away from intolerance. Today we are not only worried about individual acts of direct discrimination and policies with strong potential for discrimination (see discussions of the defeat of the proposal to link the INS and local police in Utah and the discussion of racial profiling at footnotes 35 and 37 and related text) but also about policies and practices that may have an unintended, indirect discriminatory impact. See generally, Kleck Gary (1996), "Racial Discrimination in Criminal Sentencing," In: Bridges George S., Weis Joseph G., Crutchfield Robert D. (ed.), Thousand Oaks, **Criminal Justice: Readings** CA: Pine Forge Press: 339B44; Peterson Ruth D., John Hagan (1996), "Changing Conceptions of Race: Toward an Account of Anomalous Findings of Sentencing Research," In: Bridges George S., Weis Joseph G., Crutchfield Robert D. (ed.), **Criminal Justice: Readings**, Thousand Oaks, CA: Pine Forge Press: 345B50; Miller Jerome G. (1997), **Search and Destroy: African-American Males in the Criminal Justice System**, Cambridge: Cambridge University Press; Walker Samuel, Spohn Cassia, DeLone Miriam (2000), **The Color of Justice: Race, Ethnicity and Crime in America** (2d ed.), Belmont, CA: Wadsworth/Thompson; Wilbanks William (1987), **The Myth of a Racist Criminal Justice System**, Belmont, CA: Brooks/Cole; Mann Coramae Ritchie (1988), **Unequal Justice**, Bloomington, IN: University of Indiana.

[9] In its first-of-a-kind report to the United Nations Committee on the Elimination of Racial Discrimination required by the UN's antiracism convention, the United States asserted that it had the most stringent antibias laws in the world and that much progress against discrimination has been made. But it also presented a detailed catalogue of problems that remain. Kempster Norman (2000), "U.N. Hears Good, Bad on Racism in U.S," **The Los Angeles Times**, Sept. 22, 2000, 14.

[10] Associated Press (1997), "Arizona to Investigate Roundup of Immigrants," **San Diego Union-Tribune**, Aug. 10, 1997; Associated Press (1998), "City, Citizens Battle Over '97 Roundup: Chandler Incident to Be Settled in Court," July 21, 1998; Drake John (1998), "INS Targeted in Claim Over Roundup of Illegal Immigrants," **The Arizona Republic**, Aug. 7, 1998; Magruder Janie (1998), "Chandler's Tidal Wave of Illegals: Year After Roundup They're Still Coming," **The Arizona Republic**, July 26, 1998; Magruder Janie (1998), "Chief Reprimanded in 1997 Roundup," **The Arizona Republic**, Dec. 18, 1998; Magruder Janie (1999), "$400K Settles Roundup Suit in Chandler: Roundup Deal Includes New Police Policy," **The Arizona Republic**, Feb. 11, 1999; Khoury Kathy (1999), "Arizona's Suburban Divide: Who Gets Swept in Immigration Sweep?" **The Christian Science Monitor**, Feb. 2, 1999; Mattern Hal (1999), "House Bill Responds to Chandler Roundup," **The Arizona Republic**, Feb. 5, 1999.

[11] Dickerson (2000), "Racial Profiling: Are We All Really Equal in the Eyes of the Law?" In its report on the Elimination of Racial Discrimination, the United States noted racial profiling as one of the remaining problems U.S. Department of State, "The Convention on the Elimination of All Forms of Racial Discrimination: Initial Report of the United States of America to the United Nations Committee on the Elimination of Racial Discrimination" http://www.state.gov/www/global/human_rights/cerd_report/cerd_toc.html, September 2000; Koh Harold Hongju (2000), "Remarks at a Public Release of the Initial Report of the United States of America to the United Nations Committee on the Elimination of All Forms of Racial Discrimination," In: U.S. Department of State http://www.state.gov/www/policy_remarks/2000/000921_koh_cerd.html, Sept. 21, 2000; Ross Sonya (2000), "U.S. Report admits Racism in America Is Still Stubborn Problem: Ethnic Shifts in Society Called Factor," **The Record (Bergen County, NJ)**, Sept. 22, 2000, A20.

[12] The H'mong are refugees from Cambodia who were resettled in the United States after the Vietnam war.

[13] Research on community policing has focused upon particular problems, such as reducing residential burglary; or upon correlations between general characteristics, such as neighborhood context and police strategies; or upon public attitudes towards the police. Except for the studies reported by the National Crime Prevention Council (cited above) there is little literature on the impact of these police initiatives on the particular immigrant/ ethnic groups at which they were directed. See generally, Cohen Debra (2001), "Problem-Solving Partnerships: Including the Community For A Change," In: Cops Innovations: http://www.usdoj.gov/cops/pdf/cp_resources/pubs_ppse/e06011157.pdf, June; Alpert Geoffrey P., Dunham Roger G. (1988), **Policing Multi-Ethnic Neighborhoods**, New York: Greenwood Press; Coventry Garry, Johnson Kelly Dedel (2001), "Building Relationships Between Police and the Vietnamese Community in Roanoke, Virgina," **BJA Bureau of Justice Assistance Bulletin**, Jan..

[14] Over two, days hundreds of youths threw rocks and bottles at the police; damaged 20 police cars and two dozen Metro transit vehicles; and attacked 30 businesses. James Daniel (1991), **Illegal Immigration-An Unfolding Crisis**, Lanham, MD: University Press of America; Manning Robert D. (1997), "Washington, D.C.: The Changing Social Landscape of the International Capital City," In:

Origins and Destinies: Immigration, Race and Ethnicity in America, Pedraza Silvia, Rumbaut Ruben C. (ed.), New York: Wadsworth: 373B89.

[15] Although riots are often triggered by incidents involving police and citizens, they are typically rooted in underlying social inequalities. United States. Kerner Commission (1988), **The Kerner Report: The 1968 Report of the National Advisory Commission on Civil Disorders**, New York: Pantheon. For an analysis of the D.C. riot see: Manning Robert D. (1995), **Multicultural Washington, D.C.: The Changing 'Complexion' of Social Inequality**, Unpublished conference report. On file with the author; Manning Robert D. (1996), "Washington, D.C.: The Changing Social Landscape of the International Capital City," In: Pedraza Silvia, Rumbaut Ruben C. (ed.), **Origins and Destinies: Immigration, Race, and Ethnicity in America**, Belmont, CA: Wadsworth: 373B89.

[16] She stated:

I do think that in order to become a part of the community here you have to make an effort. Hispanics are not involved in "NC [Advisory Neighborhood Councils] or town meetings. They say, 'When in Rome do as the Romans do.' ...It's to everyone's advantage to learn how to speak English... You cannot have people drinking in public, because that is an inappropriate and criminal activity... And you have to respond to that symbol of authority in whatever forms it takes in our culture... James, **Illegal Immigration-An Unfolding Crisis**, 82.

[17] James, **Illegal Immigration-An Unfolding Crisis**, 80. The reference was to the 1968 race riot in Washington, DC, in the wake of the assassination of Martin Luther King. Blacks destroyed 10 city blocks and shook up the white establishment.

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