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# Ethics and the Policing of African Americans and Those of African Descent in America

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# ETHICS AND POLICING IN BLACK AMERICA

## Abstract

Research Question: What role, if any, does ethics play in policing Black America. The criminal justice system has a race problem (Obama, 2017; Alexander, 2010). Data shows that racial disparities exist within corrections (Robertson, 2014). The numbers of minorities that are entangled within the courts, the number of arrests made by police and the numbers of unarmed blacks who have recently been killed by the police, support the notion that who have been given a pass by county prosecutors and states attorneys (Chaney & Robertson, 2015). Amadou Diallo, Tamir Rice, Eric Garner, Michael Brown, and John Crawford are just a few of the names of unarmed blacks who have been killed by law enforcement (Hall, Hall, & Perry, 2016). Effective targeting of blacks (hot spots policing) by the police officers is an important component which needs further examination (Massey & Denton, 1993). To fill this gap in the literature, this study will analyze the perspective of the police officers when they interact with people of color.

In addition, according to Starratt (1991), there are three ethics that should be addressed: the ethic of critique, the ethic of justice, and the ethic of care. These ethics complements the others as it relates to the various outlooks that bring about wholeness from a community perspective (Callahan, 1998). Ethics gives the necessary information needed to make choices with the full understanding of the consequences so that the circumstances that one seeks to achieve are more balanced.

Lastly, unconscious or implicit racism and prejudice are racial biases that individuals are not consciously aware of and that are a result of the socialization process and exposure to racial stereotypes through the media and their social environment (Glaude, 2016).

Hence, this study aims to understand the perspective of the police officers through the lens of ethics and provide pedagogical recommendations that will assist future research.

**Keywords**

Critical Race Theory, Ethics, Racial Profiling, Racism, White Supremacy, White Fear, Stereotypes, Black Criminality, Ethic of Care, Ethic of Critique, Ethic of Justice

# INTRODUCTION

According to Dunn (2009), racial profiling has emerged as one of the most contentious and persistent issues confronting law enforcement across the nation in the last twenty years. Scholarly research in this area has evolved rather quickly due to the number of instances where police have been implicated in unlawful stop-and-frisks and even in the killings of unarmed minorities (Reese, 2015; Silver & Pickett, 2015). Although an increasing number of studies have been conducted on racial profiling, scholars have yet to reach a consensus on how best to address the issue of changing the culture within law enforcement. In shifting the mindset of law enforcement, an even greater problem arises which is the public perception of police that exists within minority communities that are infested with high volumes of crime. The neighborhoods that need protection the most are the very neighborhoods that seemingly have a bad opinion of police (Dunn, 2009).

This research looks into the controversial relationship that exists between law enforcement and minorities that have assisted in exacerbating the growing problem of racial profiling from a national perspective. This study addresses the implicit and unconscious racism and fear that takes place by many who are in authority and looks into instances of racial profiling in both New York and Ohio and policy reforms that have been revamped in Cincinnati, Ohio due to the intervention of the United States Department of Justice. This research concludes with an intensive look into the ethics that need to be applied for substantive reform to take place that can change the culture within police departments and the public perceptions that exist within minority communities regarding law enforcement.

**LITERATURE REVIEW**

Rodney King endured a brutal beating by the Los Angeles Police Department (LAPD) on March 3, 1991 (Chaney & Robertson, 2014). This event was the first instance in which video footage was captured that showed police officers brutally beating someone. From that day until now, King has been known as the face of police brutality. The Los Angeles police officers were charged with assault, after much pressure from the public, but were found not guilty in the spring of 1992. The acquittal of the police officers led to the L.A. riots in which over fifty people were killed (Chaney & Robertson, 2014). It is difficult for one to assess that King's race played no role in the excessive force used.

According to Higgins, Vito, Grossi, and Vito (2012), race, especially the role that race plays in decision-making is an important and consistent issue in contemporary policing. Research has shown that minorities are disproportionately represented within the criminal justice system. Law enforcement throughout the nation has been criticized for their lack of response and service to the minority community (Higgins et al., 2012). Significant attention has been given to racial profiling in policing. Scholars have argued that racial profiling involves the use of a combination of physical, behavioral, or psychological factors that, after being subjected to careful analysis, improves the probability significantly of identifying and apprehending suspects (Higgins et. al, 2012).

**Critical Race Theory**

According to Delgado (2012), Critical Race Theory (CRT) grew out of a movement known as Critical Legal Studies in the late 1960s when some legal scholars and activists around the nation realized that the gains of the Civil Rights era had begun to stall and in some instances were being deconstructed. Although civil rights cases flourished after the Civil Rights

Movement as the country began to challenge school integration, housing, and other forms of discrimination. The decisions of these cases did not reflect a fundamental change in the structure of the sociopolitical fabric of society. In fact, one could assert that the law, rather than assisting in the deconstruction of discrimination and racism, actually served to sustain or perpetuate it. According to Delgado and Stefancic (2007), new approaches and theories were needed to deal with the color blind, subtle, and institutional forms of racism that were developing and the American public that was growing increasingly tired of the discussion regarding race. These new Critical Legal Studies scholars began to define or construct those new approaches. By the late seventies, Critical Legal Studies existed in a swirl of formative energy, cultural insurgency, and organizing momentum: It had established itself as a politically, philosophically, and methodologically eclectic but intellectually sophisticated and ideologically left movement in legal academia, and its conferences had begun to attract hundreds of progressive law teachers, students, and lawyers; even mainstream law reviews were featuring critical work that reinterpreted whole doctrinal areas of law from an explicitly ideological motivation (Delgado & Stefancic, 2007).

According to Bell (2008), CRT attempted to address both this view of the law as a co-conspirator, which the progressive civil rights lawyers at the time failed to acknowledge. This new left scholarship challenged the color-blind ideology. In other words, CRT staged a simultaneous encounter with the exhausted vision of reformist civil rights scholarship on the one hand, and the new critique of the left legal scholarship on the other (Delgado & Stefancic, 2007).

Accordingly, Chaney and Robertson (2014) argue that the criminal justice system has systematically determined its decisions based on race and class. They note poor blacks are substantially more likely to be sentenced than poor whites. Even though blacks make up only

13% of the United States' population, they make up 40% of the prison population. CRT was birthed out of an environment where scholars examined the resolution of racism during the post-civil rights era. Chaney and Robertson (2014), surmise that scholars use this theory to attempt to understand the essential racial dynamics associated with the social phenomenon that goes unnoticed by professionals, laypeople, and the greater society as a whole.

Chaney and Robertson (2015) also assert that CRT is a useful theoretical approach to examine the deaths of unarmed Blacks in America by police. According to Crenshaw (1995), CRT aims to reexamine the terms, by which race and racism have negotiated in American consciousness, and to recover and revitalize the radical tradition of race-consciousness among African-Americans and other minorities. CRT focuses on the primacy of race and racism and their intersectionality with other forms of subordination, questions the dominant belief system/status quo, is committed to social justice, and places a high value on society's experiential knowledge (Chaney & Robertson, 2015).

**White Supremacy**

According to Chaney and Robertson (2015), white supremacy rests on the belief that those who classify as "white" are inherently superior to minorities or people of color. Additionally, white supremacy portrays that the interests and observations of members of the majority race should be above the race of those in the minority (Gilborn, 2006). Over a period, this mindset validates white thought, white action, and feeling to such a degree that whiteness is accepted as a societal norm and minorities are deemed inherently criminal, deviant, and deserving of death.

There are a few ways that the murder of unarmed minorities by police officers supports white supremacy (Robertson, 2014). Firstly, the murder of unarmed minorities carries forward

and solidifies the prejudiced legacy of citizen slave patrols that were initiated during slavery. Whether they are now called citizen slave patrols or law enforcement, a societal disdain towards minorities creates a desensitization to the suffering and the enormous struggle of the African-American (Robertson, 2014). Secondly, white supremacy is preserved when juries refuse to acknowledge the victimization and humanity of African Americans. Most juries are comprised of white people. This factor greatly increases the likelihood that, even when police officers are on trial, the same white attitude about Blacks that police officers have will be had by those who are on the jury. Thirdly, white supremacy is upheld when minorities are perceived as essentially dangerous or sub-human. Lastly, white supremacy is maintained when a non-indictment is rendered when an unarmed minority is killed by the police. This action also demonstrates that White life is more valuable than Black life (Robertson, 2014). According to Zuberi (2011), the irrefutable reality is that police officers are given a pass time-and-time again by prosecutors in the killings of unarmed Black people due to White Supremacy and CRT.

### Unconscious/Implicit Racism, Stereotypes and Fear of Black Criminality

Unconscious or implicit racism are racial biases that individuals are not intentionally aware of and that are a product of the socialization progression and experience to racial typecasts through the media and their social environment (Quillian, 2008). What is more, even individuals who suppose "colorblindness" and have an overt aversion to explicit racism can be guilty of this type of racism and or prejudice. It is important to address this in lieu of conversing the genuine power and authority that lies with police officers because of the presence of unconscious and implicit racism and its degree of frequency within the criminal justice system. The actuality of unconscious and implicit racism highlights that no one, not even the most well-intentioned of individuals, can be perfectly "colorblind" or racially impartial (Bell, 2008). What this means for

the criminal justice system is that those who work inside it, those who are theoretically supposed to be impartial, objective, and balanced in action and opinion, cannot be fully reliable to be so. Thus, implicit and unconscious racism intimidates the supposed racial neutrality and impartiality of the system because it merely cannot be assured (Reese, 2015).

Levinson, Cai and Young (2010) studied the means implicit racial bias can affect legal results from a legal perspective and what was found indicates that unconscious racism poses a serious danger to "racial justice" in the United States. The researchers administered an Implicit Association Test (IAT), which measures implicit bias by assessing someone's response speed in an electronic test to quantify unconscious bias in their subjects. Levinson, Cai and Young (2010) note one of the most well-known of these tests is one in which those who responded are asked to pair attitudinal words, such as good or bad with pictures of different racial groups. The IAT used by the researchers was explicitly fashioned to reveal implicit overtones between guilt and race and was thus called the "Black/White, Guilty/Not Guilty" IAT, in order to assess whether or not people assume a person's culpability based on their race (p. 188). The researchers were also interested to find whether the outcomes of their IAT would give them understanding into how "ambiguous trial evidence" might be administered by jurors (p. 190).

What Levinson, Cai and Young (2010) discovered reinforced a link between an hypothesis of one's guilt based on their skin color. The subjects of the researchers study "held strong associations between Black and Guilty, relative to White and Guilty" and the mock jurors the authors studied were unable to separate these racial biases when presented with "ambiguous evidence" (p. 190). Levinson et al. (2010) are not alone in their study of implicit racial biases and how they may affect real life legal outcomes. The authors cite another study in which the

IAT was used to evaluate implicit bias in defense attorneys for capital crimes (p. 196). In this particular test, the subjects were also guilty of "strong implicit biases against blacks (p. 196).

The significance of these findings is what it means for real life trials in which defendants should be presumed innocent until confirmed guilty (Levinson, Cai, and Young, 2010) and the individuals responsible for their fate are theoretically supposed to base their decisions on actual evidence, rather than on personal biases towards a particular defendant. These results, as well as the actuality of implicit/unconscious racism and prejudice, call into question the ability of the United States court system to offer truly unbiased trials. But not only implicit racism may act as an obstacle to racial equality within the criminal justice system, but stereotypes additionally.

## Stereotypes and Black Criminality

Stereotypes can fall under the auspices of both implicit and explicit racism, meaning they may be consciously or unconsciously believed. Stereotypes are opinions or views about a group of people based on simplifications and overviews and are generally negative in connotation. According to Oliver (2003), typecasts about black criminality have created fear in many Americans of blacks and specifically black men or men of color. Oliver (2003) discusses three essential ideas with regards to these stereotypes and how they affect white observations of blacks: 1) whites feel threatened by black proximity, 2) they equate blackness with guilt, and 3) they favor more punitive treatment of black suspects than of white suspects. The first point is no revelation as "white flight" has been a response to the threat of black proximity for years. When black people move into a neighborhood, it is almost guaranteed that white folks will leave. But all are equally insightful of the point that many whites have a fear of blacks which taints their perceptions of black innocence resulting in their sustenance of punitive crime policy. Glaude (2016) explains it as white fear. White fear is the general frame of mind that blacks are

dangerous, not only to whites because they are prone to criminal behavior, but to the overall well-being of society. White fear begins with reasonable feelings of unease about specific situations and springs from there. Glaude (2006) addresses that from the founding of the United States, fears of blacks have come from ideas and beliefs about who they are and what they are about and capable of. The idea of black criminality is replicated time and time again and often maintained by the mass media to get ratings. According to Oliver (2003), a study shows a week's worth of news coverage that forty-one percent of African American fixated on stories that convoluted crime and another study discovered that eighty-four percent of stories about black crime were categorized by violent crime. In addition, Black suspects were also found to be constantly depicted as "particularly threatening or dangerous" (Oliver, 2003, p.6)

The media has a strong and resounding influence on the public's perception of reality, and because of this fact, its dissemination of the black criminality stereotype is above all harmful. When the media depicts blacks and particularly black and brown men as criminal or violent it can further reinforce the already negative views that the public carries regarding them. Burns (2011) further substantiates this notion by giving a detailed account as to how the media heavily influenced law enforcement and the prosecutor's office in their rush to arrest and prosecute the Central Park Five.

Burns (2011) gives a detailed account on the specifics of the case surrounding the Central Park Five jogger being a successful white investment banker and the five young black and Latino teenagers who were prosecuted and convicted. Burns (2011) further shows how the media coverage of the crime exposed a racism that was rarely acknowledged or examined at that time. The language that was used to portray the alleged offenders was filled with imagery of savage, wild animals, the same racist language that was used to justify lynching's in the early 1900s.

Burns (2010) gives an account as to how this brutal rape exposed the deepest fears of people in the 1980s, at a time when the crack epidemic was paramount during the war on drugs; reckless, violent, black and brown youths rampaging unchecked, raping and beating a helpless white woman. The media alone was not to blame because the prosecution and police as well as the defense were all culpable in this rush to judgment. However, Burns (2010) suggests this case exposes the deeply ingrained racism that yet exists in society. This case shows a fear of minority youth, ones who were referred to as super predators in the 1990s (DiIulio, 1995). The false narrative, disseminated by the police, prosecutors and the media, was accepted verbatim unchecked by the public because it conformed to the assumptions and white fear (Burns, 2010; Glaude, 2016).

**New York**

According to Simmons (2015), for many years, the New York Police Department (NYPD) has engaged in a practice known as "stop and frisk." This policy allows law enforcement, based on reasonable suspicion that criminal activity is taking place, the discretion to engage in investigatory stops and to conduct a pat-down of the outer clothing of the individual if there is reasonable suspicion that the suspect is carrying a weapon (Simmons, 2015). However, New York's stop-and-frisk policy came under scrutiny following the shooting of Amadou Diallo in 1999. Diallo, an African immigrant, was shot at forty-one times. Diallo was unarmed. After this incident, the United States Attorney General conducted a comprehensive investigation into this policy. The report found that blacks and Hispanics were significantly more likely than whites to be stopped (Simmons, 2015). Despite the findings, New York intensified the stop-and-frisk policy between the years 1999 and 2013. NYPD conducted 97,000 stops in 2002 and by 2011, the stops increased to almost 700,000. Not only did the stops

increase but along with that, the disproportionality of the stops increased as well, with over eighty percent of the stops being minorities (Simmons, 2015).

**Ohio**

According to Schatmeier (2012), when Congress enacted the Violent Crime Control & Law Enforcement Act of 1994, it gave the United States Department of Justice (DOJ) a powerful tool for correcting unconstitutional practices in state and local law enforcement agencies.  Over the last twenty years, the DOJ has used this power to investigate, sue, and enter into contractual agreements with police agencies as a means of reforming unconstitutional practices such as racial profiling, excessive use-of-force, and unconstitutional stop-and-frisk practices.  These agreements have often failed to achieve the goals stated within their respective frameworks due to resistance from police officers and police unions (Schatmeier, 2012).  Studies show that police officers, as well as their unions, are not for consent decrees because, in their view, they complicate and undermine their ability to patrol and effectively police the communities they serve.  Also, city leadership often works against contractual reform because of political pressure from the unions.

However, Cincinnati has been able to make great strides under an agreement with the DOJ that stemmed from the killing of an unarmed black teenager, Timothy Thomas, in 2001. This incident sparked a riot because before this killing, in the seven years preceding this, thirteen African American men, no whites, had been killed in police shootings.  The riots that took place led the city to institute a mandatory curfew to curb the violence and looting that followed.  The DOJ quickly announced a formal investigation in which it was revealed that the Cincinnati Police Department had multiple problems in their use-of-force policies, reporting and data

management, and it was found that there was a lack of accountability both inside and outside the department (Schatmeier, 2012).

It is clear, based on the findings in the MOU between the DOJ and Cincinnati, that this has been a successful agreement (Schatmeier, 2012). The DOJ's intervention in Cincinnati provides many lessons for scholars and future research. First and foremost, the city of Cincinnati was able to reduce successfully use-of-force violations, increase citizen satisfaction, and change the culture of Cincinnati's policing model from a militaristic style to one that emphasized problem-solving and community interaction. They accomplished this achievement by overcoming an obstinate police force and command staff, initial pushback from city officials, and a hostile police union. It is important for the DOJ to realize that credit for the success in Cincinnati is due to the initial design of the agreements, powerful leadership, party communication and interaction, and appropriate enforcement mechanisms (Schatmeier, 2012).

In conclusion, the progress made in Cincinnati should be used as a model for other cities to implement. There are a lot of issues and disagreements that are entangled within these contracts, but the overall objective should be to ensure equality and justice for all and not just a mere few. In July of 2015, a white University of Cincinnati police officer shot an unarmed black man for a minor traffic infraction (Lowery & Berman, 2015). The entire incident was recorded because the officer was wearing a body camera. The officer was fired and indicted, and the city did not erupt in violence. The quick action of the prosecutor to seek an indictment can likely be attributed to the change in the culture of the police force and the community from the DOJ stepping in 2002.

The unfair and bias practices of law enforcement obviously did not just start in 1991 with the brutal beating of Rodney King (Chaney & Robertson, 2014). On the contrary, there were

countless numbers of lynching's that took place. The one that received the most notoriety is the brutal beating and murder of Emmett Till in the 1950s that drastically changed the scope and outlook in the world (Whitfield, 1991). Emmett Till was a fourteen-year-old being tortured and murdered for whistling at the wife of a White store owner. Those who were implicated were found not guilty, although they admitted later to committing the murder. The current killings of unarmed black men (Trayvon Martin, Michael Brown, Tamir Rice, Jonathan Crawford, Freddie Gray, etc.) are evidence that there is still work to be done on the subject of racial profiling. It is drastically important to change the culture and bias that exists in law enforcement and the public perception that resides within minority communities.

## ETHICS

To understand the necessity of reform that is needed one should first analyze the philosophical or theoretical approach that goes into fundamental reform from a standpoint of ethics. There are a few ethical stances that should be given consideration in this research before laying forth prosecutorial reforms.

According to Starratt (1991), there are three ethics that should be addressed: the ethic of critique, the ethic of justice, and the ethic of care. Each of these ethics complements the others as it relates to the various outlooks that bring about wholeness from a community perspective. Each of these various ethics allows one to make choices with the full understanding of the consequences so that the circumstances that one seeks to achieve are more balanced. The ethic of critique, according to Starratt (1991) draws its force from critical theory where social life is explored as fundamentally problematic because it exhibits the struggle between opposing interests and wants among various groups and individuals within society. The ethic of critique causes one to ask such questions, "Who benefits by these arrangements?" and "Which group

dominates this social arrangement?" "Who defines the way things are structured here?" and

"Who defines what is valued and disvalued in this situation?" The idea is to uncover which

group has the advantage over the other and how things got the way they are. Starratt (1991)

notes by addressing inherent injustice, critical analysts invite others to redress such injustice.

Hence, the basic stance of the analysts is ethical because they are dealing with questions of social

justice and human dignity. Starratt (1991) also addresses a plethora of issues that the ethic of

critique addresses, issues of such rationalization and legitimation of institutions such as prisons

and police agencies. The ethic addresses the notion that no social arrangement is neutral because

it is inherently designed to benefit a segment of society at the expense of another.

According to Callahan (1998), moral dilemmas involve situations in which one cannot

escape from making a decision. When one chooses not to decide, in fact, a decision is inherently

made indirectly. Moral dilemmas within the prosecutor's office always involve sacrificing

something of significant moral value. A lot of the conflicts of values morally that prosecutors

deal with on a daily basis are values such as loyalty to law enforcement, or the welfare of

someone in the community they have taken an oath to serve, the public good of the whole,

personal integrity, and legitimate self-interest. To address reflective equilibrium, Callahan

(1998) argues that moral deliberation for prosecutors will involve two major activities. First,

being clear regarding what is considered to be morally right or wrong in certain instances.

Secondly, finding principles that help explain what is just or unjust so that the decisions and

actions made by prosecutors can be explained to the public in a viable way. These actions, once

taken should be able to withstand actions taken in certain cases even when officials have no

strong moral convictions either which way. In conclusion, the aim of the prosecutor should be in

moral deliberation to get a kind of reflective equilibrium between moral convictions, religious beliefs/theories held, and moral principles properly developed (Callahan, 1998).

The ethic of justice balances the individual rights with the good of the whole. Starratt (1991) argues that the ethic of justice asks the question, "How do we govern ourselves while doing justice?" Put more simply; people are treated according to a standard of justice that is uniformly applied to all relationships. There are two central thoughts as it pertains to the ethic of justice. First, individuals are driven by their passions and interests, especially by fear of harm and desire of comfort. Individuals enter into social relationship to advance their personal agenda. Individual will and preference are the only sources of value. Therefore, social relationships are essentially artificial and governed by self-interest. The issue of social governance assumes a social construct in which individuals agree to surrender some of their freedom in return for their state's protections from otherwise unbridled self-seeking of others. In this line of thinking, the obligation to act ethically comes from the individual, not society (Starratt, 1991).

According to Starratt (1991), the second thought as it relates to the ethic of justice has to do with experiential living. Through experience in living in society one learns moral lessons. By participating in the life of the community, individuals learn how to think about their behavior regarding the larger common good of the community. In this line of thinking, the ethic of justice demands that the claims of the institution serve both the common good and the rights of the individuals in the community. The way to promote ethical attitudes and understandings of perceptions about self-governance is to engage in healthy dialogue, which means communication from both sides. Starratt (1991) further asserts ethics is grounded in practice within the community. The protection of human dignity depends on the moral quality of social

relationships which is a public and political concern. This line of thinking fervently adheres to citizenship as a shared initiative and responsibility among persons committed to mutual care. For the maximum best output this should be from both the prosecution and those within the community (Starratt, 1991).

The last ethic that Starratt (1991) addresses is the ethic of caring. This ethic focuses on the demands of relationships from a standpoint of absolute regard. This ethic places humans in direct relationship with one another where each one enjoys intrinsic value and worth. The ethic of care requires fidelity and genuine regard to one's plight understanding they have the right to be who they are, be it gay, straight, queer, Black, White, poor, rich, Jew, etc. The ethic of care does not take into consideration one's economic status or the color of their skin but affords one the ability to be authentically true to who they are in living their truth. Also, Starratt (1991) asserts that one becomes whole or complete when they are in relationship with others. The ethic of care is interested in nurturing quality and trust with individuals with the objective of pursuing a harmonious and long-lasting relationship (Starratt, 1991).

In addition to the ethic of care, it is important for the prosecutor to apply what Strike, Haller, and Soltis (2005) assert as the principles of equal respect and benefit maximization. Strike et al. (2005) argue the principle of equal respect requires that one acts in a way that respects the equal worth of moral agents. The principle of equal respect requires that one regards human beings as having intrinsic worth as fundamentally expressed in the "Golden Rule." There are three components that are applied to the principle of equal respect. First, the principle ascribes that people be treated with the utmost dignity and self-worth. It is important to treat people as an ends rather than as a means. The principle says that it is important that the goals of people be fully respected and not merely used to serve the welfare of a select few. Second, this

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principle supports the freewill and choice of people even when a disagreement is prevalent. In other words, a high priority must be given to education people with information that will afford them the opportunity to make responsible decisions without fear of retaliation and harm. And lastly, this principle asserts that everyone is entitled to the same basic rights and equal treatment (Strike et al., 2005).

## Ethical Police Reform

According to Walker (2012) institutionalizing police accountability reforms is important in changing the culture of the police department and shifting the public perception of how minority communities view law enforcement. All memorandums of understanding (MOU) and consent decrees set forth by the United States Department of Justice set forth an early intervention system (EIS) and an open and accessible citizen complaint process. These two reforms have played a vital role in more than twenty settlements throughout the nation that have been critical in achieving sustainable and long-standing goals that have transformed the police organization as a whole and called them into accountability (Walker, 2012).

Walker (2012) asserts that an EIS is often referred to as an early warning system. It serves as a major component of all of the DOJ-negotiated consent decrees and MOUs. The EIS is a vital tool for transforming the culture of a police department and a key to ensuring the continuity of accountability-related reforms. The EIS provides data identifying officers with performance problems and assists department leaders with making informed decisions about interventions needed to correct officer performance problems. The EIS is a computerized database of officer performance with from five to twenty-five performance indicators (citizen complaints, uses of force, arrests, traffic stops, etc.). Walker (2012) notes that research and anecdotal evidence shows that in most police departments a small group of officers are

responsible for causing the majority of the problems. The EIS database establishes a foundation for making meaningful performance evaluations of officers (Walker, 2012).

According to Walker (2012), the EIS represents a transformational statement in that it includes data on officer performance rather than subjective assessments from supervisors. Officers who are identified by the EIS as problems are sent referrals for intervention for retraining and other corrective measures such as counseling, etc. The uniqueness of the EIS and the reason it has been so successful is due to the fact that it has the capability to identify an officer's specific performance problem (e.g., use of force, special issues dealing with minorities, rudeness, high volumes of arrests of people with similar characteristics, etc.), and its sources (personal family problems, substance or alcohol abuse), and select an intervention for the officer case-specific to the particular issue. This specific-problem oriented method is more effective than the traditional group-based interventions that may be irrelevant to the majority of officers in the group. If used to its fullest capacity, the EIS has the potential for transforming the organizational culture of a police department and sustaining fundamental reform in several respects. First, as an institutionalized part of the department, there are direct ramifications for problems that arise which hold administrators and supervisors directly accountable to stakeholders within the community. Secondly, no longer are subjective assessments by supervisors and politics within departments central and problems going unattended too because there are performance indicators that are logged and stored for city administrators and citizen complaint committees to review (Walker, 2012).

In addition to the EIS, according to (Walker, 2012) another fundamental part of the DOJ consent decrees and MOUs are structured independent citizen police review boards with subpoena power and the authority to recommend sanctions for officer misconduct. The citizen

review board serves as an independent civilian oversight agency to review complaints of

misconduct against officers and to review internal investigations done by law enforcement.

These boards are comprised entirely of civilians whose main purpose is to make objective

determinations on the merits of every case and respect the rights and dignity of both officers and

citizens who are filing the complaints.  This board may recommend disciplinary action, or may

independently recommend additional training or changes in existing policy where warranted

(Walker, 2012).

## CONCLUSION

The criminal justice system has a race problem.  Change is necessary, but it must be done

with skill and wisdom that affords an ethical and moral application.  Fullan (2011) states that

change must be done with purpose and empathy.  Also, Fullan (2011) goes on to say that change

must be done by collaborating with the stakeholder who is intricately involved on both sides of

the issue.  Kotter (1997) also asserts that there must be an urgency to change for change to be

effective and efficient.  It is important for law enforcement to be held accountable for actions

taken against minorities that, in some instances, lacked evidence.  More importantly, it is

inherent that the public perception of minority communities shifts while, at the same time, the

culture of the entire police organization is transformed.

The ethical analysis section, coupled with the reforms, provide answers to the following

questions, "How shall we govern ourselves (ethic of justice)? And, "What do our relationships

ask of us (ethic of care)?  The ethic of critique allows one to expose the systemic issues and

flaws that exist within police organizations as is and is a current reminder of why the "Black

Lives Matter" movement has become so vocal. The ethics of justice and care both have to do

with relationships.  The principles of benefit maximization and equal respect both deal with the

human dignity and realizing the need to treat people with intrinsic value and worth. The same level of accountability should exist for police officers as it does for civilians, especially minorities. The added reforms bring a sense of transparency and equality that seems to be lacking and it ensures balance public trust so that those who are disenfranchised can begin to forge a level of trust in a system that appears too many to be set up against them. These reforms, if added, can help in redefining the criminal justice system and changing the perception of the public and the culture of an organization so there can be harmony and those who have felt oppressed can strive and hope to live in a "more perfect union."

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