What are the causes and effects of racial profiling, and what can we do about it?

Heal the Streets
2011 Participatory Action Research Report
Heal the Streets 2011 REPORT

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Heal the Streets, a program of the Ella Baker Center for Human Rights, is a ten-month fellowship program that trains Oakland youth to become community leaders and violence prevention advocates. Each year, the youth fellows gain valuable leadership skills, mentorship, and experience in community organizing while focusing on a project of their own design.

The Ella Baker Center is named for an unsung hero of the civil rights movement who inspired and guided emerging leaders. We build on her legacy by giving people opportunities and skills to work together to strengthen our communities so that all of us can thrive.

This year, we, the Heal the Streets youth fellows, focused on causes and solutions for racial profiling because each of us identified it as a serious issue in our communities. With the help of the Oakland Police Department, BART Police, and many youth and community organizations, we led a research project to collect and analyze data through focus groups and interviews.

METHODOLOGY

Our primary research question was: What are the causes and effects of racial profiling, and what can we do about it?

Through our project we initiated focus groups with youth groups and organizations around the Bay, mostly from Oakland and Richmond, CA, including:

- Youth Bridge
- Youth Uprising (Man-Up and Leaders in Action)
- West Oakland Health and Safety Collaborative
- United Roots
- Youth Empowerment
- And open groups at the Ella Baker Center.

The size of focus groups ranged from 4 to 30 youth.

We also interviewed 18 Oakland Police Department and BART officers. We received support and valuable information from Rashida Grinage from PUEBLO and Sujatha Baliga, a restorative justice activist. We also attended the Oakland Public Hearing on Racial Profiling. We analyzed the data by reading the transcriptions of the interviews and focus groups, highlighting important quotes, and sharing that information with the entire group. We decided our findings and recommendations by identifying the problems, using the data we collected then suggesting causes, effects and solutions to the problems.

Though our first project is ending with our fellowship, the story of racial profiling and how to solve this problem is far from complete. Our recommendations to the City of Oakland, the Oakland and BART Police Departments and community members are outlined in this report. And we plan to follow through so that as many of them as possible can be put into action.
EXECUTIVE SUMMARY

KEY FINDINGS

1. Racial profiling occurs often, but goes under-reported because youth don’t believe reporting will lead to changes.

2. The community and the police lack a shared definition for racial profiling. What the community calls racial profiling can be called “bias-based policing” or “criminal profiling” by officers, which makes it difficult to identify and prove incidents of racial profiling.

3. Many officers believe that racial profiling rarely or never happens, and that if and when it does, it has serious consequences.

4. Racial profiling (and bias-based policing by OPD’s definition) result in community members feeling hurt and angry, and losing their trust in police officers.

KEY RECOMMENDATIONS

Community members need greater support and information to report incidents of racial profiling as they are experienced.

The Oakland Police Department should:
- Edit their definition of racial profiling.
- Teach their officers how to treat every person with dignity and respect when making stops, and require them to explain why the stop is being made.
- Sponsor more programs that encourage police officers and the community to get to know each other and improve outreach and accessibility for their current public meetings.

The City of Oakland should:
- Require all officers to communicate to community members their reasons for making a stop and ensure that officers are trained how to do this politely.
- Increase, and make mandatory, programs that bring officers and youth together, like Code 33.
- Support more community mediation and restorative justice programs, which will allow offenders to give back to the community that they have harmed, rather than being imprisoned. The city should prioritize these programs instead of just traditional policing.
- Provide community based organizations and schools with funding and support to teach people their legal rights in their preferred languages.
- Give more support and incentives for urban youth to become involved in social activism and community transformation.
For centuries race relations between people of color and white people in the United States have been strained. From slavery, to Reconstruction, to post Reconstruction to Jim Crow, institutionalized privileges for white people and discrimination against people of color have been the rule, not the exception.

Much of this has yet to change. The unjust reality that people of color are predominantly discriminated against by police officers is ever-present in today's society. Communities of color- and black men in particular- are targeted through the “war on drugs” and the “war on crime”. Because such a vast amount of people in urbanized areas are targeted, many target people feel that all they can do is accept the consequences as they fall. The livelihood of the communities diminish, trust is lost between community members and police officers, and community members become afraid, hurt, and angry.

What is happening in Oakland is no different that what has transpired over the years; it is just designed differently. Urban youth are being picked up left and right for appearing to partake in criminal activity, or even for just standing on the corner looking like they are ready to commit a crime. Actions by police based on this way of thinking have led to mass incarceration of Blacks and Latinos in the nation's prison system. At the heart of the issue is the fact that such discrimination- and legal separation from the world and the opportunities it holds- hinders the advancement of people of color as a whole. As Michelle Alexander writes in her book *The New Jim Crow*:

> It is not just that they lack opportunity, attend poor schools, or are plagued by poverty. They are barred by law from doing so. And the major institutions with which they come into contact are designed to prevent their mobility....The current system of control permanently locks a huge percentage of the African American community out of the mainstream society and economy. The system operates through our criminal justice institutions, but it functions more like a caste system than a system of crime control...the so-called underclass is better understood as an under caste- a lower caste of individuals who are permanently barred by law and custom from mainstream society....this new system of racialized social control...creates and maintains racial hierarchy much as earlier systems of control did. Like Jim Crow (and slavery), mass incarceration operates as a tightly networked system of laws, policies, customs, and institutions that operate collectively to ensure the subordinate status of a group defined largely by race.

Gang injunctions, designed to restrict a criminal organization's ability to plan and commit more crimes within an area called a “safety zone” designated specifically for that group, were approved and held constitutional by the CA Supreme Court in 1997. Recently, several gang injunctions were enacted in Oakland. They were presented as an attempt to protect the community's right to safety and peace while only restricting those who are deeply involved in dangerous activity. However, the restrictions in practice are much broader. ICE raids are currently intensifying, and across the country laws are being passed that allow officers to racially profile anyone that looks like they might be illegal. Officials use tactics such as harassment, intimidation, and fear to plague Latinos and Asians and create frenzies within their communities. These two forms of legalized racial profiling must be addressed because they affect everyone's lives. Whether you’re a person of color or not, the injustices hurt the community and the relationships between the community members and the officials paid to protect and serve.
HEAL THE STREETS FELLOWS PROFILES

Dion Campbell, age 16
School: Metwest High School
Ethnicity: African-American
I got involved in Heal The Streets because I wanted to make a difference in my community. While working with the fellows, I discovered my passion for social justice work.

Paul Castro, age 17
School: Oakland Technical High School
Ethnicity: African-American and Caucasian
I got involved with Heal the Streets to bring awareness to youth about things that can impact them. I got an opportunity to meet other young leaders and work with great people.

Daniel Calhour, age 17
School: Kipp Klingon High School
Ethnicity: Hispanic and Caucasian
I got involved because of my US History & War & Peace class. I felt that during my time in those classes, Mr. Kushida, my teacher, had opened my mind. He impacted me to the extent that I felt that I wanted to change society. And this is what I do each and every Thursday, with the Heals the Streets program.

Tamu Deskins, 17
School: American High School
Ethnicity: African American
I got involved because I saw it as an opportunity to be involved in a change. I know that Oakland is a city that has many issues that aren’t being dealt with, and I wanted to bring these issues to the community to solve the issues. Someone has to stand up for the community, and it’s youth that have the power to change it for the next generations. I’ve learned more about social justice than I’ve ever known before. From jail systems, to the real ways of police officers, to learning how to voice my opinion, Heal the Streets has taught me that I have a great interest in social justice and given me a chance to be apart of a project that will make a difference.

Courtney Hester, age 17
High School: Salesian High School
Ethnicity: African-American
I got involved with Heal the Streets because I wanted to make a difference in my community. I wanted to expand my horizons and experiences by being involved with such a powerful, youth-led research group. I learned how to break down my pre-conceived stereotypes and not judge people on what they look like. Also, I learned how to get outside of my comfort zone. I learned to be more confident and bold when I speak to police officers. Lastly, I learned to really listen to others’ opinions and to accept people’s differences and learn from their experiences.

JerRicKa Page, age 19
College: Chabot College
Ethnicity: African-American
I wanted to be a big part of social change and the Heal the Streets program was exactly what I needed and was the best jumpstart to me. I learned that there is more than one solution to social change.

Tele’jon Quinn, age 16
School: Metwest High School
Ethnicity: African-American
I got involved because I was looking for more opportunities to educate myself and benefit my community. Heal the Streets was suggested by an advisor of mine and I jumped to the opportunity.
Damon Survine, age 16
School: Envision High School
Ethnicity: African-American
I got involved in Heal the Streets because of my sister. This is so much more serious than sitting in the house playing video games. It affects me and my community because we all live here. This research could not only inform others but make a change!

Natalia Thomas, age 18
School: International Christian School
Ethnicity: Latina, African-American, Caucasian, and Native-American
I am involved in this research project concerning the topic of racial profiling because this issue has been ingrained in society since slavery. Also, it affects Oakland in a deep way by causing a tear between the community and the Oakland Police Department. I want Oakland to be a place of peace and love, not violence. I learned a huge amount of information, but the thing that stuck with me the most is that people in Oakland feel that they cannot be successful because they feel limited by their race. Many of the people I interviewed and did focus groups with are just trying to survive.

Samantha “Thida” Vaing, age 18
College: Cal-State East Bay
Ethnicity: Cambodian and Chinese
I am involved in this project because racial profiling is a constant issue in our Oakland community. After the shock and loss of Oscar Grant, I realized that the community needs to work together and make a change. This project gave me the opportunity to be a part of it. Through this research project I was able to gain so much knowledge on racial profiling. One of the most important things that I learned through the process was to look at the scenario from both sides. The community tends to view only the community member or the victim's side, rather than the officers'. But through this project I learned to keep an open mind and listen and put myself in both sides.

Sandra Walker, age 19
College: Laney College
Ethnicity: African-American
I got involved with Heal the Streets to be part of changing Oakland into a city that I can raise my child in. I am motivated to make sure I do things to see change.

Jerrica Webb, age 19
College: Cal-State East Bay
Ethnicity: African-American
I got involved with Heal the Streets to help me get involved in my community. I never got a chance to meet my father, due to the fact that he was shot before I was born. I am a sensitive person and I not only see some of the issues my community has, but they effect me too. I just like the fact that I am able to be a part of the changes in a positive way.

Myeisha Williams, age 18
College: Merritt College
Ethnicity: African-American
Social Activism has always been a topic near and dear to my heart. I see problems that plague my community and with every fiber of my being I want to make a change. Heal the Streets has helped me further my knowledge and experience in the field of community transformation. I am so happy I as awarded the opportunity to partake in such a fabulous program with such an iconic organization. Through this project, I learned that the misunderstanding that lies between community members and police officers lies on the basis of misguided trust, hurt, anger, and fear. The underlying problem is the lack of effective communication between community members and police officers.

Cindy Yee, age 17
School: Kipp King Collegiate on High School
Ethnicity: Chinese
I had been going to plenty of social justice organizations and I felt it was time I contributed back to my community. I was also interested in what I could learn in this program. Plus, I wanted to get a better understanding on the issue of racial profiling and how it applies to me specifically. I learned that policies as well as education are important in changing the current situation of racial profiling.
THE PROBLEM: Racial Profiling and Bias-Based Policing

Finding #1: Racial profiling occurs often, but goes under-reported because youth don’t believe reporting will lead to changes.

Through our research, we grew our understanding of racial profiling and some of the causes at the root of the problem in Oakland. We started by asking the young people in our focus groups if they had personally experienced racial profiling. Here are just a few of their responses:

- I watched the police. They’re crazy. I think that the police do that just because. My brother, he don’t sell nothing. They even profiled him. [Cops] follow him around. Anytime any one of us come outside they tell me, lift up my jacket.

- Two days ago, me and my friends were around the corner from my school and then like a block away we saw police driving down the street, so we didn’t mind them. But then they turned on they sirens and sped down to us with no reason. So we started walking down the street. Both of them hopped out of their car, and they literally started walking so fast after us. I’m like ‘what is this?’ He was like, ‘You come here!’ We just kept walking because we didn’t know who it was. But then my friend turned around. They literally, they searched him, like “where’s the drugs?”

- I just be getting stares. I could tell they’re racial profiling when they stare everyday.

- People just walk outside and they just get racially profiled. I’m riding my bike down the street and I get racially profiled. I get pulled over by the highway patrol.

- They really just racial profiling...”What are you doing? Why are you walking?” You could be doing nothing. You don’t have nothing to do with nothing. They ain’t got nothing else to do. They just see you and you a part of it.

- I did a program for the summer, a journalism program. So they sent me out to do a story...So a cop actually did pull us over. I drove with a mentor. He was also Hispanic. So they pulled us over and asked us if we had a green card and if we were illegal. I was mad. I showed him my ID. I’m like, “I’m a citizen. I was born here. So why you just pulling us out?” Cause we were like the darkest people there so they obviously pulled us over. I’m like, “Why, just because we look this way you just gonna assume that we’re illegal. Just because we speak Spanish you’re going to tell me that I’m not from here?”

- Last year it was [two friends and I]. We went downtown at lunch. Whatever, it was raining. So some cop pulls us over and tells us, “get in the car,” telling us there was three girls, black girls downtown robbing people. And he thought we was one of them three.

From our conversations with young people around Oakland, we learned that racial profiling occurs often. But there is a lack of data, largely because racial profiling goes under-reported because people don’t believe reporting will lead to changes.

- Maybe people haven’t been making complaints because they don’t think anything will happen. – Deputy Chief Israel

A report commissioned by the City of Oakland and PUEBLO noted: Very few students reported that they had filed a complaint after a negative experience and few were aware of the available avenues for filing a complaint. The primary reasons for not filing were feelings that their complaint would not make any difference or similarly, that it wasn’t worth the time and effort.

When asked why they don’t report it, one young person said, “...Naw, there wasn’t a need to really go that far with it, cause it would have just caused more trouble.”

Reporting, however, can lead to changes, as noted by Rashida Grinage from PUEBLO:

- People coming forward with complaints led to the recommendations for policy change which did occur.
Another of the main challenges in stopping racial profiling that we identified is how difficult it is to officially identify when racial profiling occurs. One of the key problems is that our definitions of racial profiling are different.

According to the ACLU, racial profiling refers to “the discriminatory practice by law enforcement officials of targeting individuals for suspicion of crime based on the individual’s race, ethnicity, religion or national origin.”

According to former OPD Captain Ronald Davis (who is now with the East Palo Alto Police Dept.), the OPD defines racial profiling as using race as the sole basis for vehicle stops, detentions, investigations or to determine the scope of police actions. Under this definition, racial profiling:

- Is racist behavior
- Is not widespread
- Is committed by only a few bad apples

It is important to note that under this approach, race can be used in policing as long as it is not the sole method.

The ACLU argues that: “Defining racial profiling as relying ‘solely’ on the basis of race, ethnicity, national origin or religion can be problematic. This definition found in some state racial profiling laws is unacceptable, because it fails to include when police act on the basis of race, ethnicity, national origin or religion in combination with an alleged violation of all law. Under the ‘solely’ definition, an officer who targeted Latino drivers who were speeding would not be racial profiling because the drivers were not stopped ‘solely’ because of their race but also because they were speeding.” - ACLU http://www.aclu.org/racial-justice/racial-profiling-definition

Former OPD Captain Ronald Davis acknowledges that, “The community defines racial profiling as ‘The police use of race or ethnicity to determine who should be stopped or searched.” Under this definition:

- Racial profiling is a common practice
- Supported by training and management
- Committed by all officers regardless of their own race
- Based on the stereotype that people of color are more likely to commit crimes or carry narcotics/contraband.”

To show this point further, we asked young people what racial profiling is and they said:

- I think it’s when people are target for their specific background or skin color.
- Getting pointed out cause [of] your nationality.
- ... Well, when you get judged on what race you are.
- When the police stop someone because they are Black, or Latino or Asian. When they basically stop somebody because of their race and harasses them.

Whereas, when we asked Oakland police officers what racial profiling is, they said:

- If there’s no description given [as in criminal profiling] and an officer’s just looking - oh that’s a black hoodie and dreads. I know that he’s a b-boy or a gangster, yeah that’s racial profiling and I hope it doesn’t happen. - Anonymous Officer

- When we as law enforcement engage in investigative encounters … to dispel if a crime is afoot, if we only use race as a factor, absent any other descriptors. – Anonymous Officer

- Racial profiling when you stop or make contact with someone based specifically on their color. – Anonymous Officer

- Racial profiling is actually defined by state law and that’s when you are using race alone as the reason for the stop and I think it’s incredibly rare. – Deputy Chief Israel

**Bias-based policing**, defined by the OPD, is: The act (intentional or unintentional) of applying or incorporating personal, societal, or organizational biases and/or stereotypes in
decision-making, police actions, or the administration of justice. Bias-based policing is both legal, and similar to the community’s definition of racial profiling.

Officers call the following situations examples of bias-based policing or criminal profiling but community members would consider them racial profiling:

- ...today the profile in Oakland of a suspect who commits violent assaults is 82% of the time an African American male about 16-24 year old. So our officers become conditioned to looking for suspects who look like an African American male about 16 to 24. - Deputy Chief Israel.

- We see two identical cars going through a red light, I have an older white lady and I have four black guys in du rags, what does my bias tell me and then how do I act on it? So that’s why I say bias is involved in just about all of our decisions. The question is, how much does it impact our decision making. I think [bias] is probably prevalent in policing throughout the country. -Deputy Chief Israel

As OPD Deputy Chief Israel explains, sometimes what happens is (by OPD definitions) a blurry combination of racial profiling, criminal profiling and bias based policing.

- ...we asked [the cops], “How come you are only stopping white people at 7th and Hamilton?” He says, “because I know white people buy their weed there, I know that no white people live at 7th and Hamilton so when I see [white people] in the area, I’m stopping them.” So is that a bias or is that criminal profiling? When you talk to the officer he’s going say “I’m criminally profiling” but the truth is it’s almost like a combination of all those things because [the police] are using race, which is a component of racial profiling, but are adding into it your own personal experiences or biases... - Deput Chief Israel

The distinctions between racial profiling, bias-based policing, and criminal profiling (by OPD definitions) is even unclear to many officers.

- Well racial profiling is not a stereotype. I mean a stereotype’s a stereotype. Racial profiling is saying, okay this group is criminals. So it’s not a stereotype. It’s like based off of whatever. I don’t know.

- Biased based policing – we all have our own preference. Is it bias in a negative sense, it could be yes or no. Some people take it to an extreme. Where they go and pick on a particular group for the enforcement purposes based on what their preference may be. When experience or training comes into play, there are certain factors that we look for. Is that bias? I don’t think so.

- Racial profiling is when a law takes any enforcement action based on a persons’ race, gender or age. That is prohibited, and understood by our department.

Finding #3: Many officers believe that racial profiling rarely or never happens, and that if and when it does, it has serious consequences.

- A person could be disciplined and they can even be terminated if it’s determined that they specifically are targeting people because of their race in order to enforce the law. - Anonymous Police Officer

When asked, “How would you feel if your partner racial profiled?” the police officers answered:

- If I can say he is out there racially profiling we’ll address the issue immediately. Addressing that issue I would notify my supervisor. It is beyond my ability to address... The supervisor would address that obviously pulling the officers off [and] interview him and me...These allegations are extremely serious. Then obviously the watch commander and of course the internal affairs would get involved in those issues.

- I have never been around anyone that racially profiled. I don’t racially profile, so it means I don’t tolerate the (expletive)... So I never had to confront anyone about racial profiling because I don’t [do] racial profiling.

As Israel explains, not believing that racial profiling happens, can prevent an officer from seeing it when it does happen.
• I knew these guys because this used to be my beat, and they were like ‘Hey Israel, this [officer] just called us the N word’... And I didn’t believe him. This same cop retires, I see him a few years later in a social setting and I hear him use a racial slur, and that was the first time it ever hit me that, there’s racist cops, and I had no clue. I refused to believe it and that’s when it hit me that we probably got racist cops who actually do that... So there’s an example where I was told about it, but I just didn’t believe what I was seeing so there again there’s that bias that we have. So that’s a fear of mine, that even if officers are seeing and hearing it, they may not understand because of their own belief system, that that’s actually what’s happening. – Deputy Chief Israel

EFFECTS OF RACIAL PROFILING

1. Racial profiling (and bias-based policing by OPD’s definition) result in community members losing trust in their police officers.

• The police are supposed to be here to protect us, but we feel that they’re here against us. – Anonymous young person

• How can you bond with someone who doesn’t like you at all, like, they live to put you down? – Anonymous young person

• Gang members don’t want help from the police, they’re lying in a pool of their own blood, dying and they will say “I got this” and I’m like “Dude I can help you, I’m a police officer, don’t you want us to find the guy who did this?” and he’s like “I’ll take care of it” and he dies. – Deputy Chief Israel

Trust between the community and the police, however, is critical for officers to do their job:

• We want to ensure that there is trust between the community and the police department and without that trust we cannot function because the citizen is the eyes and ears of the police department, they know what’s going on...we want to build that trust. – Anonymous Officer

• It affects hugely the community. If you have a community that feels that the police is out there profiling certain individual. When the citizen becomes a victim of crime... they are going to be reluctant to cooperate with the police reluctant to help us address this issue. – Anonymous Officer

• We have very limited resources, we are down to 658 officers. We need a minimum of 1200 to be somewhat affective. Community trust is vital in our day-to-day operations. The citizen needs to pave their own way to protect themselves, with our help. ...If they believe the police are out there just picking on a group of people, that particular group of people. If that community doesn’t have the trust in us, why would they talk to us? - Anonymous Officer

2. Racial profiling (and bias-based policing by OPD’s definition) result in community members feeling hurt and angry.

Below are examples of how racial profiling leads to hurt and angry community members:

• While driving with a mentor to report on a story for his journalism summer camps, a young Hispanic man was pulled over by the cops and was asked if [he] had a green card and was legal. The youth felt very offended and said this about his reaction: “I was mad...I mean I go, why me? I showed him my I.D. like, I’m a citizen. I was born here. So why you just pulling us [over]. Cause we were like the darkest people there so they obviously pulled us over. I’m like why, just because we look this way you just gonna assume that we’re illegal? Just because we speak Spanish you’re going to tell me that I’m not from here? I was so mad.”

• While walking downtown on a cold, rainy day going to get lunch with two other friends, a youth and her friends were stopped by the police and told to get into the car. The cops radioed that there were “...three black girls downtown robbing people.” Because the cops suspected the girl and her friends were the three black girls robbing people, he put them into the back of the police car. The youth recalls, “I was mad. I was in the back of the car.” Once the police confirmed that he was detaining the wrong girls, without apology or the slightest sense of guilt, he just brought us back to the school.”
• One youth recalls his numerous encounters with the police and expresses how it has shaped his feelings for the police today. I’ve been pulled over numerous times by the police and detained for long periods of time. Hours sitting in the car, hours with having my hands on the dashboard and just sitting there and the way I felt about it – at first I was mad. I was really mad and angry. And then it got to the point to where it felt almost like it was just a part of my life. And then I grew up and I got a little smarter, I got mad again because I realized that it wasn’t a normal thing.

• A natural reaction from victims of racial profiling is anger. Some feel hurt to such an extent, that they ultimately want to seek revenge on those who hurt them. One youth comments on other reactions he knows people to have toward racial profiling: …[racial profiling] causes people to react in such a way [that results in] retaliation. Like when that guy shot four police officers.

• One youth even had this to say, I’m scared for life.

**SOLUTIONS:**

How to end racial profiling and biased based policing

1. **The OPD should be taught how to treat every person politely and with dignity and respect when making stops, and explain why the stop is being made.**

   • **We do a terrible job explaining things to people.** – Deputy Chief Israel
   
   • **We need to be transparent in our actions. When we are stopping you we need to let the people know, let the community know, why we are stopping you, we are not stopping you just because you fit a group or your racial background. We are stopping you because we have probable cause. if the citizens knew why we are stopping people there wouldn’t be so much concern about racial profiling.** – Anonymous officer

   • **Everybody thinks that we (the police) are racists. Ask anybody. Unfortunately we have earned that because we do a horrible job of explaining to anyone why do what we do.** – Deputy Chief Israel

   • **The citizens own the police department, we work for you, so basically we have to explain to you why we do the things we do.** – Anonymous officer

   • **We like to know who people are in the area we are assigned to work because knowing people on your beat is how we solve crime … but when people don’t understand why we do it they think its racial profiling.** – Deputy Chief Israel

2. **The City of Oakland can reduce racial profiling by supporting mediation and restorative justice programs, instead of just traditional policing.**

   We interviewed a restorative justice facilitator, Sujatha Baliga who shared examples of restorative justice:

   • **Young people who commit crimes, or do harm to people, sit face to face with the people that they harm, with supporters on both sides, and they come up with a plan by which the young person learns to do right by their victim, their community, their own family, and most importantly themselves.** – Sujatha Baliga

   She said that this is important because:

   • **Getting formally processed through the juvenile justice system does nothing to fight crime. If anything it does more to increase crime.** – Sujatha Baliga

Restorative justice has some of its roots in New Zealand, where the Maori community organized to get family group conferences as an alternative to incarceration for their youth:

• **Their children were being locked up at an amazing rate, their children in particular, compared to the colonizing population who were white, and so the married people said enough is enough, we want to use our indigenous method to deal with wrongdoings of our kids. When our kids get in trouble we know how to do this our way, and it’s much more effective than your juvenile justice system, which has a ridiculous recidivism rate, and our kids come out way worse than when they came in.** – Sujatha Baliga
There are lots of great examples of restorative justice working in the US as well, however, communities of color have, for the most part, been excluded:

- A lot of restorative justice programs have been criticized for not including people of color, so there is a lot of racism in terms of selection for diversion programs, which is only nationally for white kids. -Sujatha Baliga

3. Racial Profiling can be reduced with more programs that encourage police officers and the community to get to know each other.

After participating in the Code 33 program in which Officers and Youth spend 6 weeks together, Deputy Chief Israel was able to understand the young people’s perspectives, and see and work out his own biases:

- ... I didn’t get rid of my biases or at least begin to understand how they were impacting my decisions until I got face-to-face with male Hispanics, male African American youth. There is a program called Code 33 where we were forced to sit across the table like we are and you had to listen to what I’m saying about various questions and I had to listen to your experiences being pulled over by cops or being thrown down to the ground by cops or you observing this or hearing about it. People who never actually had contact with the police hated us because of what they have seen in the media, what they have heard from their friends and it was easy to dismiss and discount these stories.

- ... I grew up in Oakland but I didn’t have nearly the experience as these young people and the ongoing experience that they have talking about why they are truant, for example, I mean when I was truant because mostly I didn’t want to take a test at Oakland High, not prepared for it, so I cut, so I went to the ice creamery... what they were telling us was that they were truant because they have to take care of their little baby brother or their mom was a mess from being out all night and strung out on drugs and they can’t leave her alone because they were afraid for her.

- I heard stories that gave me a lump in my throat. People broke down on both sides. I could not believe anybody had that experience. Then the walls started to come down.

Once people know each other, and they get to see where each other is coming from, officers and youth treat each other differently in the streets:

- Because the police are supposed to be here to protect us but we feel like they’re here against us. So its also a way for us to create a better relationship so that we feel protected as a community and the police don’t feel like Black people, Mexican people, Chinese people, any person is out to get them. -Anonymous young person

- But the truth is, that’s the only way how you can communicate with police the right way without getting abused or even getting to a violent point, you know what I mean? Like, you going to have to feel some type of bond with the authorities to understand them and for them to understand you. - Anonymous young person

- But you need to understand their point of view and what they have to do, what the police have to do, like they’re protecting the community or whatever. And then they have to understand where we’re coming from, and what we have to go through every day. - Anonymous young person

- The stereotypes start to go away and the bias begins to go especially when you see that person on the street, several times for me because I was still working on the street and you go, I know him, that’s my code 33 lady or my code 33 guy we know each other and I get out of the car and they wouldn’t run from me. They wouldn’t worry about talking to me. -Deputy Chief Israel

**RECOMMENDATIONS**

Community members should report all incidents of racial profiling that they experience.

The Oakland Police Department should:

-Edit their definition of racial profiling so that race does not have to be the “sole” factor in a police officer’s decision in order to be considered racial profiling. We like the ACLU’s definition: discriminatory practice by law
enforcement officials of targeting individuals for suspicion of crime based on the individual’s race, ethnicity, religion or national origin.

The San Jose Police Department set the precedent for changing their definition this year: “A policy changes makes it a violation for an officer to show any biased behavior at any time during an encounter with the public. It was previously a violation only if the officer first stopped an individual solely because of race, gender or other bias.”

- SF Gate – Feb 22, 2011

- Teach its officers to treat every person with dignity and respect when making stops, and require them to explain why the stop is being made.

- Sponsor more programs that encourage police officers and the community to get to know each other. And improve outreach and accessibility of their current public meetings.

The City of Oakland should:

- Require all OPD officers to communicate to community members their reasons for making a stop and ensure that officers are trained in how to do this politely.

- Increase, and make mandatory, programs that bring officers and youth together, like Code 33. They should increase the number of programs available.

- Support more community mediation and restorative justice programs, which will allow offenders to give back to the community that they have harmed, rather than being imprisoned. The city should prioritize these programs instead of just traditional policing.

- Provide community based organizations and schools with funding and support to teach people their legal rights in their preferred languages.

- Give more support and incentives for urban youth to become involved in social activism and community transformation.

LIMITATIONS

There were many things that limited our research process. The main issues were:

- The OPD restricted our access to interviewing officers until they reviewed our research questions, met with us twice and made a decision. This delayed interviews for two months, which created many other time constraints.

- Some of the officers that we interviewed did not want to participate or be recorded.

- Many of the youth we met with in our focus groups were afraid to talk because they were afraid of police retaliation.

- We could have expanded our outreach to youth who were not affiliated with organizations.

- We would have liked to have more time to talk with more organizations working on these issues in order to get a wider perspective.

- Many of our focus groups were cancelled, as other youth programs that we set up to work with didn’t have time.

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United Roots: Oakland’s Green Youth Art & Media Center
West Oakland Health and Safety Collaborative
Youth Bridge
Youth Empowerment
Youth Together
Youth Uprising
“We as the police cannot arrest our way through problems.”
- OPD Officer

“It doesn’t have to be ‘us vs. them,’ it can be about we.”
- Natalia, Heal the Streets Fellow