Trust in Policing: The Role of White Supremacy

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Through **research**, **education**, and **policy** development, we support our community in transforming our criminal legal system in Minnesota to align with our commonly held values

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Executive Summary

The Value of Trust in Policing

At the <u>Minnesota Justice Research Center</u>, we explore the importance of values like trust in our criminal legal system. Research on trust in policing paints a clear picture: Trust is low and has been declining, especially in communities of color. For the first time in 27 years, the majority of Americans *do not trust the police* (<u>Ortiz, 2020</u>). This trust varies significantly by race. In Minnesota, 81% of white Minnesotans felt they could trust the police always or most of the time, while only 51% of Black Minnesotans felt that way (<u>Lake Research Partners, 2020</u>). When trust is as low as it is, we must dig into the research to learn more.

The Role of White Supremacy in Trusting Policing

As many scholars have pointed out, the history of law enforcement in the United States is inextricably influenced by racism and the centuries of white supremacy and Black oppression (e.g. <u>Goff, 2021</u>). White supremacy culture is baked into our society at every level, and none of us is immune. Thus, an important question is: *if white supremacist ideologies are in the air we breathe and in the foundations of law enforcement, how might communities of color ever trust the police?* Society must understand the role of race in policing to address it. This starts by recognizing the continued prevalence and danger of white supremacist ideologies.

For this report, we focus on the connection between *explicit white supremacist ideologies and hate groups* and law enforcement. We examine what the Anti-Defamation League (ADL) calls the "<u>full-fledged ideology</u>," more explicit (and arguably less insidious) than the white supremacy that characterizes the racism which plagues our nation.

Contemporary Examples of White Supremacy in Policing

A 1995 report from the Southern Poverty Law Center (SPLC) explicitly warned police and government officials of the growing threat of violence from what they called "extremists and militant white supremacists." In 2006, the FBI released an intelligence assessment called "White Supremacist Infiltration of Law Enforcement," describing how the presence of white supremacists among law enforcement personnel is a significant concern. A 2015 FBI report not only found links between police and white supremacist groups but what Purdue (2020) calls "direct infiltration" of police departments. In her research examining what she also calls an "epidemic of white supremacists in police departments," Vida Johnson (2019) examined incidents in which police officers were found expressing their overtly racist beliefs or their direct connections to hate groups spread across 40 states and 100 police departments. She highlights examples across the country, including a few here in Minnesota (in Rochester, Minneapolis, and Burnsville).

Over the past two decades, many scholars and journalists have examined this issue (see <u>Carless & Corey</u>, <u>2019</u>; <u>Downs</u>, <u>2016</u>; <u>German</u>, <u>2020</u>; <u>Purdue</u>, <u>2020</u>; <u>Robinson</u>, <u>2019</u>; <u>Schulkin</u>, <u>2020</u>; <u>& Speri</u>, <u>2017</u>). However, there is effectively no publicly available data on the prevalence of white supremacists in law enforcement. Instead, most of what we know arises through accidental discovery and scandal.

Recommendations

The public must trust that law enforcement officers will equitably and humanely enforce the law without hate or bias and that our police departments are not themselves furthering the cause of extremist violent hate groups. This requires that we talk about it, conduct more research, take action, and evaluate our efforts:



1. Talk about it

The first step we must take is to talk about the issue. In particular, policy makers and public officials must talk honestly about the problem of white supremacy in policing. If the two FBI reports over the past 20 years are not enough evidence, the January 2021 attack on our nation's Capitol alongside the countless stories should be ample data to demonstrate the significance of this problem: in addition to the pervasive systematic racism baked into our system of law enforcement in this country, we have a problem with police holding, expressing, espousing, and acting on dangerous white supremacist ideologies. If public officials show that they are willing to call the problem by its name and stop its growth in the shadows for 20 more years, we will take a first step toward increasing trust.

2. Conduct more research on white supremacy in policing

We need accessible data on both white supremacy in law enforcement and racial bias in policing more broadly. As researchers, we value and seek data to understand and discuss an issue with as much clarity as possible. While a plethora of examples highlight the *presence* of the problem, we still do not know much about the *nature* of the problem. To understand the urgent issue of white supremacists in policing alongside the messier and critical root cause of this issue - pervasive structural racism in America - we must dig into the nature of the problem.

3. Take action

In addition to collecting more rigorous data on the nature of the relationship between race and police more broadly, we must move forward with attempts to address the urgent issue of white supremacist infiltration in law enforcement. **One place to take action is to prohibit the licensure of officers who have associations with white supremacist groups or who express these ideologies.** It is also important to note that decisive action can mean putting policies and programs into place *now* and creating a plan to tackle the larger issue moving forward, knowing that none of this will be solved overnight. Considering licensure is important, as the data shows us that responsive accountability measures like firing and litigation require significant resources and further erode the public's trust (e.g. German, 2020).

4. Evaluate and assess

Finally, as these policies take shape, we must also put evaluation plans in place to determine if and how they work. There are many instances, both in the criminal legal context and in social systems more broadly, of interventions and solutions that are well-meaning but ineffective. As mentioned above, when we take action, we need to also set out a plan for next steps and longer-term change, part of which involves determining the metrics we should be assessing to explore whether our work is achieving the change we want to see.

Summary: While the work to root out racism's grip on society will require massive cultural shifts, rooting out the *explicit links* between individuals' white supremacist ideologies and our law enforcement is a first step. We must continue talking about white supremacy as a serious and dangerous issue in policing. We need better and more data on the issue. And we must act now, not in 20 years, to address this issue. We must rigorously evaluate our efforts and continue this work. *Trust in police is a clear challenge. If we can agree that trust is important - trust in our current system of law enforcement and in whatever our future systems of public safety look like - then we must begin to address the role of white supremacy.*



Trust in Policing: The Role of White Supremacy

I. Introduction

"We need to trust those that are supposed to protect us" - Black survey respondent, Mpls Public Safety Survey (LCEF, 2020)

Perspectives around policing are polarized in this country. However, we might all agree that developing, deepening, and maintaining a sense of trust that police will equitably and humanely enforce the law is paramount. At the <u>Minnesota Justice Research Center</u>, we use research, education, and policy development to explore the importance of values like trust in our criminal legal system and transform how we think about justice in Minnesota. Research on trust in policing paints a clear picture: Trust is low, especially among communities of color, and has been declining across the board. When trust is as low as it is, we must dig into the research to learn more. Doing so allows us to explore options to increase public confidence.

To trust is human. Psychologically speaking, we are wired to be trusting, especially when we feel safe and loved (<u>Kramer, 2009</u>). We default to trust with our families and our friends. And while we often think of trust in relation to individuals, we also grow to develop trust in systems and in roles. Psychologist Robyn Dawes illustrates what "role trust" might look like, explaining, "We trust engineers because we trust engineering and that engineers [as individuals] have been taught to apply valid principles of engineering" (<u>Dawes, 1996, p. 24</u>).

By this same token, do we trust police? Do we trust policing? Do we agree on what "valid principles of policing" are? In our current national dialogue, following the killing of George Floyd here in Minneapolis and other both high- and low-profile officer-involved killings, many are digging into questions about what role police departments actually play. Do we double-down on efforts to reform police departments or dismantle the institution and build something new by re-imagining what public safety might look like? When we think about whether communities trust policing, we must make assumptions about what we trust police to *do*. Are police departments designed to protect us, as the quote above implies? As these important conversations unfold, many of us start with the premise that police departments - or whatever organization or institution we might re-imagine - should fulfill two collective goods: provide public safety and *equitably and humanely* enforce the law.

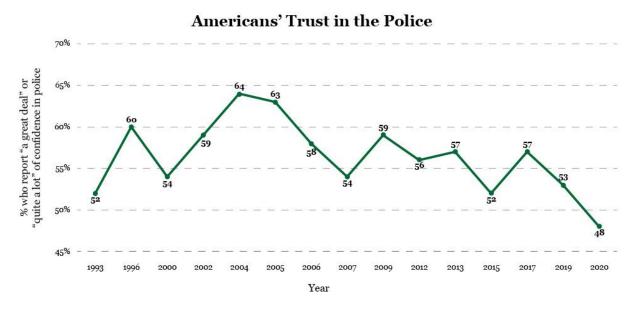
In the report that follows, we explore what the research shows about trust in policing, the role of white supremacy in building trust, and the evidence of contemporary examples of white supremacy in policing. We then offer four recommendations for policy makers, researchers, and the general public to address the explicit connections between law enforcement and individuals who express white supremacist ideologies as a starting point to tackle the larger challenge of white supremacy in policing. The report closes by identifying some challenges to implementing the recommendations and re-focusing on the value of trust.

II. The Continuing Decline of Trust in Policing

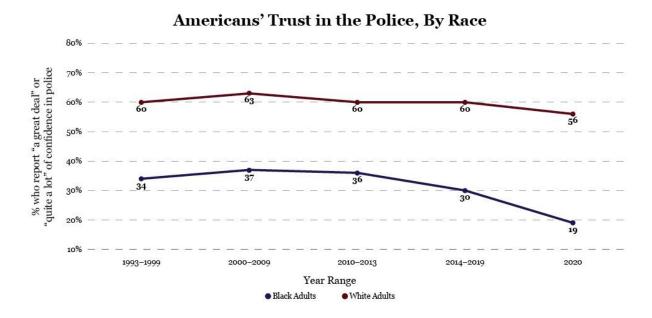
Research on trust in policing paints a clear picture: Trust is low, especially among communities of color, and has been declining across the board. Since 1993, an annual Gallup survey has found that public confidence in the police has hovered between 52% and 64% (Brenan, 2020). However, just this past year, that number



dipped below 50%; For the first time in 27 years, the majority of the surveyed population do not trust the police (Ortiz, 2020)



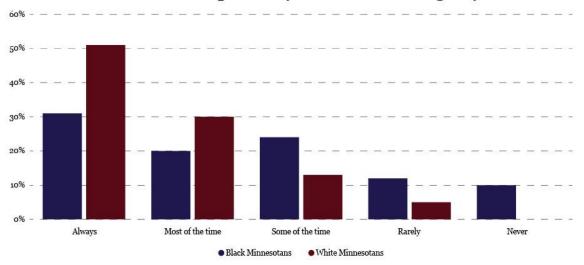
This drop is significant, but it's also important to note that, even when trust was at its height, more than a third of the survey respondents did not have much trust in the police (Brenan, 2020). This is not a new problem. Digging deeper into the data, we find that this confidence varies depending on the race of the population surveyed. Since beginning these annual surveys, Gallup has found consistent differences between Black and white respondents (Jones, 2020). As of 2020, that difference was the largest it has ever been with 56% of white adults reporting a great deal or quite a lot of confidence in police compared to just 19% of Black adults surveyed. Few Black Americans trust the police.





What does this look like closer to home? Black Minnesotans make up around 7% of the state population but comprise nearly 38% of the state prison population (<u>Minnesota Department of Corrections, 2021</u>). In Minnesota, a poll conducted in late August of 2020 by the Council for Minnesotans of African Heritage (CMAH) demonstrated that while 81% of white Minnesotans felt they could trust the police always or most of the time, only 51% of Black Minnesotans - including both immigrant and non-immigrant Black Minnesotans - felt that way (<u>Lake Research Partners, 2020</u>).¹ While it seems both Black and white Minnesotans tend to be more trusting of the police than the average American, increasing public confidence in a state where half of our Black population does not trust the system poses challenges.

Would you say that you feel confident that you can call on and trust the police if you are in an emergency?



Examining data from the Twin Cities, several studies show a bleaker picture. Researchers surveyed and interviewed Black, Latinx, and Native American residents of Minneapolis on their views of the Minneapolis Police Department (<u>Leadership Conference Education Fund, 2020</u>). Residents reported feeling that officers are not part of their community or accessible, their services are inadequate, they use force inappropriately, and they are not held accountable for their actions. In sum, most residents (54.6% of Native American, 69.1% of Latinx, and 54.6% of Black residents) believed the *role of the police* needs to change. Another study conducted with residents of North Minneapolis found *only 15%* of interviewees reported they had "quite a lot" or a "great deal" of confidence in the police, and that persistent negative experiences with police reduced their trust significantly (<u>Phelps, Powell & Robertson, 2020</u>).

Trust, of course, is a two-way street. On the one hand, as Brian Jackson (2015) from the RAND Corporation points out, "We understand why it is tough to build and maintain [trust]: even under the best of circumstances, the role of police means that they interact with citizens at their most vulnerable, must contend with stressful and volatile situations, and may have to take actions that every individual involved is unlikely to view positively." On the other hand, research shows us that in white communities, police routinely interact positively with citizens *not just* when they are at their most vulnerable (e.g. see Weisburd & Majmundar, 2018) and that during traffic stops - which represent most police community interactions -

¹ Interestingly, the CMAH poll included a national survey and found that compared to Black Americans nationally, a larger share of Black Minnesotans reported that they can call on and trust the police in an emergency all of the time. But a larger share of Black Minnesotans than Black Americans nationally also say that they can "rarely" or "never" call on and trust the police.



officers speak to Black drivers more informally, disrespectfully, harshly, and with fewer explanations (<u>Voigt et al., 2017</u>). When the community develops trust in law enforcement, police can be more trusting that the community will support them in doing their job.

In examining the relationship between police and communities, one need not dig far to learn how centuries of historical inequities and injustices have limited the ability for many communities to trust police.

III. The Role of White Supremacy in Trusting Law Enforcement

As many scholars have pointed out, to examine the history of law enforcement in the United States is to understand its original intent as a tool for Black oppression (e.g. <u>Goff, 2021</u>). Research shows, and many Black Americans know viscerally, that the relationship between policing and white supremacy is as old as our system of law enforcement. In the South in the 1700s, law enforcement patrols were created to stop escaped enslaved people (<u>Bass, 2001</u>). The history of policing is inextricably tied to the role of white supremacy in this country.

White supremacy culture is baked into our society at every level, and none of us is immune. Whole bodies of sociological and criminological research (see Baldwin, Delgado, Du Bois, Kendi, Nayak, and powell as leaders in this work) have examined the relationship between race, in particular whiteness, and the creation of and perpetuation of inequities across sectors from education, housing, and the criminal legal system. Many scholars have also examined more closely the role of race in policing (see Braga, Eberhardt, Forman, Goff, and Weizer as leaders in this work). Reciprocally, narratives about crime and the need to quell it have been used to generate and manipulate fear that plays upon and reproduces racism and white supremacy (Simon, 2007). Thus, an important question is: if white supremacist ideologies are in the air we breathe and in the foundations of law enforcement, how might communities of color ever trust the police?

A critical first step is discussing the problem. As a society, we must understand the role of race in policing - and how it intersects with the roles of ethnicity and class - to address it. This starts by recognizing the continued prevalence and danger of white supremacist ideologies.

As we discuss problems, we must define terms. When studying race and racism more broadly, scholars and journalists use terms like white supremacist, white nationalist, the alt-right, domestic terrorist, and far-right extremist just to name a few. Defining becomes especially challenging when some argue that narrowing the definition of something like white supremacy can actually serve to bolster its foundation on division and hierarchy, while others note that broadening definitions serve to water down important distinctions (see Newkirk, 2017 for a deeper dive into defining white supremacy).

In this exploration of white supremacy in policing, we recognize the value of engaging in this debate. For now, we turn to three organizations that center these issues in their work to borrow definitions: the FBI, the SPLC and the ADL.

In their investigations of the danger of white supremacy as a domestic terror threat, the FBI uses the term "white supremacist extremists" (WSE) defined as "groups or individuals who facilitate or engage in acts of violence directed at the Federal Government, ethnic majorities or Jewish persons in support of their belief that Caucasians are intellectually and morally superior to other races" (House Hearing, 2019).



In their work on examining the impact of hate groups across the nation, the SPLC uses the term "white nationalist," reflecting the shift in language and expression of ideologies over time, and defines white nationalist groups as organizations that "espouse white supremacist or white separatist ideologies, often focusing on the alleged inferiority of nonwhites" (SPLC, n.d.).

As they monitor extremism across the ideological spectrum, the ADL uses the term white supremacy as "to characterize various belief systems central to which are one or more of the following key tenets: 1) whites should have dominance over people of other backgrounds, especially where they may co-exist; 2) whites should live by themselves in a whites-only society; 3) white people have their own "culture" that is superior to other cultures; 4) white people are genetically superior to other people. As a full-fledged ideology, white supremacy is far more encompassing than simple racism or bigotry" (ADL, n.d.).

Some scholars favor a broader definition in their work highlighting the history of racist violence in police, the overpolicing of people of color *and* underpolicing of white supremacist violence, and the manipulation of police recruits by ordering, maintaining, infusing, and embodying white supremacist ideologies (see <u>Ward</u>, <u>2018</u>, <u>Beliso-De Jesús</u>, <u>2019</u>, and <u>Castle</u>, <u>2020</u> as examples). Other scholars examine incidences of police engaging directly in white supremacist hate groups and acting on and explicitly expressing white supremacist ideologies (see Jones, 2016 and <u>Johnson</u>, <u>2019</u> as examples).

For this report, we focus on the connection between *explicit white supremacist ideologies and hate groups* and law enforcement. Taking these definitions together, we examine what the ADL calls the "full-fledged ideology," more explicit (and arguably less insidious) than the white supremacy that characterizes the racism which plagues our nation. As we employ the FBI's definition, we broadly consider "acts of violence" as violent and hateful language. In reality, we could argue (with ample evidence) that the nature and design of policing in this country is reliant on white supremacist culture. Instead, we dig into the data on the danger of the direct connection and even infiltration of individuals with white supremacist ideologies and law enforcement.

IV. Contemporary Examples of White Supremacy in Policing

In 1995, the United States Department of Justice received a report from the SPLC's "Klan Watch" explicitly warning *police* and other government officials of the growing nationwide threat of violence from what they called "extremists and militant white supremacists" (SPLC, 1995). The report outlined how two of the country's most influential militias and the country's premier neo-Nazi group had "set in motion counter-intelligence campaigns that apparently target law enforcement agencies, the military, government officials, and civil rights organizations." Furthermore, in conversations about these threats, an FBI official observed that many of the white supremacists were "better armed than some law enforcement agencies" (SPLC, 1995).

A decade later the nation's top law enforcement organization weighed in: In 2006, the FBI released a highly redacted intelligence assessment called <u>White Supremacist Infiltration of Law Enforcement</u>. In the briefing, the FBI describes how the presence of white supremacists among law enforcement personnel is a *significant concern*. In the report, they do *not* use the more recent term "white supremacist extremists," but instead warn of both white supremacists in "organized groups" *and* "law enforcement personnel sympathetic to white supremacist causes." The FBI highlights the danger of this presence for the public and for law enforcement officers themselves.



In a piece for the Brennan Center, Michael German, an FBI agent whose job was to infiltrate white supremacist groups, describes his frustration with the lack of response to explicit racism in law enforcement (German, 2020). He and many others who have written on this topic (see Downs, 2016; Purdue, 2020; Robinson, 2019; Schulkin, 2020; and Speri, 2017) point to the now well-known 2006 FBI intelligence assessment as being evidence enough for needing a larger and national response to this problem.

And yet, another decade passed before the FBI again warned the public of the danger of white supremacists in policing, this time through a classified FBI Counterterrorism Policy Guide in 2015. In reporting on the document, Alice Speri of The Intercept highlights the guide's findings, which are similar to the intelligence assessment from 2006: white supremacists and domestic extremist groups have active links to law enforcement officers at "epidemic levels" (Speri, 2017). The 2015 FBI report not only found links between police and white supremacist groups but what Purdue (2020) calls "direct infiltration," noting that domestic terrorists were "using links in law enforcement to gain intelligence, gain restricted access privileges, and ultimately evade capture." Again, this poses significant danger for both law enforcement departments and communities more broadly. The public must trust that law enforcement officers will protect and serve without hate or bias, but also that our police departments are not themselves serving to further the cause of extremist violent hate groups.

In her research examining what she also calls an "epidemic of white supremacists in police departments," Vida Johnson (2019) studied incidents in which police officers (including high-ranking officials) were found expressing their overtly racist beliefs or their direct connections to hate groups spread across *40 states and 100 police departments*. She highlights examples in LA and Cleveland in the 90s of officers with direct ties to white supremacist groups. She points to more recent examples in Florida, Alabama, and Louisiana of officers appearing in photos giving Nazi salutes, sporting white supremacist tattoos, and attempting to explicitly recruit members onto the force from a local KKK chapter. Here in Minnesota, Johnson points to incidents in Rochester in which an officer posted about shooting Muslims in the face, in Minneapolis in which off-duty police officers engaged in fights using racial slurs in Green Bay and Apple Valley, or in Burnsville where an officer admitted to exchanging racist emails with a white man convicted for shooting Black protesters. These highlight the nature of this problem closer to home. And these are only examples in which a scandal arose following the discovery of links to hate groups or the unfolding of horrific racist events.

As more examples come to light, a growing body of evidence shows links between police officers and white supremacist ideologies emerging online. One recent investigation by <u>Carless and Corey (2019)</u> of Reveal News verified the identities of nearly 400 officers at every level of American law enforcement from 150 departments who were members of online forums of extremist groups where they actively participated in hate speech, expressed Islamophobia and other white supremacist ideologies, and spouted anti-government rhetoric.

A team of attorneys in Philadelphia launched a research project called the "Plain View Project" (PVP) examining thousands of horrifyingly biased, dehumanizing, and violent Facebook posts and comments made by current and former verified police officers with the goal of encouraging departments to investigate the comments that "erode civilian trust and confidence in police." The PVP team examined the Facebook accounts of nearly 3,000 officers from eight police departments in six states (PA, TX, MO, AZ, ID, and FL) and an additional 600 retired officers from those same departments producing data that even alarmed experts in race and criminal justice (Hoerner & Tulsky, 2019).



In Oakland, a former Oakland Police Department officer who was involved in two fatal shootings while on duty posted to his social media account describing his participation storming the U.S. Capitol as part of the January 6, 2021 assault on public servants and our democracy. Several current Oakland Police Department officers liked and commented on the post (BondGraham, 2021). NPR released an investigation finding that at least 31, or 15%, of the first 200 individuals charged in the insurrection on our nation's Capitol had possible ties to the military or law enforcement, a finding that has "especially alarmed government officials" (NPR, 2021). Considering the warnings over the past twenty years, this should not be surprising.

There is effectively no publicly available data on the prevalence of white supremacists in law enforcement. Instead, most of what we know arises through accidental discovery and scandal. A quick internet search yields hundreds of examples, like the Black man in Muskegon County, Michigan who toured a house for sale - a house of a cop - and found a framed KKK application (Bella, 2019). Or the School Resource Officer who worked as an organizer for a white nationalist group called Identity Evropa (Weill, 2019). When putting these hundreds of examples into context, the reality is that there are around 18,000 police departments in the United States. While it's a small number in reference to the total police departments that we *know* about, it is a surprising, dangerous, and meaningful number. Furthermore, the FBI reports are both heavily redacted or classified, and one might imagine the FBI has enough evidence to warn law enforcement of the problem.

Taking together the above examples, and many others like it, a pattern emerges: the expressions of white supremacist ideologies by law enforcement officers are becoming more emboldened and progressively more explicit and overt. In the 2006 FBI report, agents cite the example of a skinhead group encouraging what they call "ghost skins" to seek positions in police agencies. Ghost skins are members who avoid overt displays of affiliation so as to "blend into society and covertly advance white supremacist causes" (FBI, 2006; Speri 2017). In 2017, a Washington D.C. police officer brazenly appeared in court while on-duty wearing a T-shirt emblazoned with white nationalist symbols and other threatening content *over* his police uniform (Harrell, 2017; Ward, 2018). It's almost as if organized groups are seeing how far they can push themselves out there and position their views as legitimate before society does something about it.

V. Recommendations

If the two FBI reports over the past 20 years are not enough evidence, the January 6, 2021 attack on our nation's Capitol alongside the countless stories that crop up weekly should be ample data to demonstrate the significance of this problem: in addition to (and likely resulting from) the pervasive systematic racism baked into our system of law enforcement in this country, we have a problem with police holding, expressing, espousing, and acting on dangerous white supremacist ideologies.

1. Talk about it

The first step we must take is to talk about the issue. Specifically, policy makers and public officials must talk honestly about the problem of white supremacy in policing. The public must also be vocal about this issue and name it. As Pete Simi - a sociologist who studies the presence of white supremacists in the military - notes, this issue has been a problem "for decades" (Speri, 2017). In one study, Simi finds nearly one-third of individuals charged with far-right terrorism-related activities had some experience in the military, and that only counted individuals who were indicted (Simi & Bubolz, 2016). He and others point out that this issue still gains no traction in prevention because *no one wants to really talk about it*. We need



to use and grapple with definitions of terms like white supremacy. We need to explore uncomfortable truths and histories. We must talk across the aisle and build bridges.

Some may argue that this approach is counterproductive. They may say naming the problem of white supremacy in policing, and especially exposing the problem's extent and reach, will make Black Americans even more distrustful of police. We disagree. To the contrary, we contend that appropriately naming and diagnosing the problem are essential starting points for communicating that the issue is being taken seriously, and that there is a commitment to addressing it. Communities have long had these conversations. But if public officials in particular show that they are willing to call the problem by its name and stop it from growing in the shadows for 20 more years, we will take a first step toward increasing trust.

The good news is that we are in the very beginning stages of this process. For example, in their first 100 days of office, the new Biden-Harris administration will sign an executive order aimed at "rooting out systemic racism" (The White House, 2021). In his examination of what he calls the "living histories of white supremacist policing," scholar Geoff Ward (2018) points out that recently, even prominent U.S. law enforcement authorities like FBI Director James Comey in 2015 and President of the International Association of Chiefs of Police (IACP) Terrance Cunningham in 2016 have advocated coming to terms with histories of racist police violence. In 2021, the attorney general nominee for the United States vowed to make "the prosecution of white supremacists and others who stormed the Capitol on January 6th" his top priority (Hymes & McDonald, 2021). In an op-ed for the Houston Chronicle, Chief of Houston Police and the President of Major Cities Chiefs Association, Art Acevedo, encouraged "American patriots" to confront racism, white supremacy, and authoritarianism in examining the law enforcement response to the January 2021 attack on the Capitol (Acevedo, 2021).

In Minnesota, community members in Duluth are grappling with the horrific lynching of Isaac McGhie, Elmer Jackson, and Elias Clayton (who were falsely accused of raping a white woman) one hundred years after it happened. Using the term "ritualized white supremacy" to describe the killings, community members erected a monument and have been pushing for public conversations and reconciliation including examining the role of law enforcement in allowing those killings to occur. In 2020, Governor Tim Walz granted the first posthumous pardon in the state of Minnesota for Max Mason, the innocent man arrested and convicted of the crime that McGhie, Jackson, and Clayton were lynched for (Kraker, 2020).

Taken together, these public officials are all taking an important first step in using the language of white supremacy and reckoning with the historical legacy of white supremacy in policing. The next step is to reckon with the continuing contemporary issue.

2. Conduct more research on white supremacy in policing

We need accessible data on both white supremacy in law enforcement and racial bias in policing more broadly. Another benefit of engaging in more meaningful conversations about white supremacy in policing is that we will likely begin to address root causes of the issue. As researchers, we value and seek data to understand and discuss an issue with as much clarity as possible. While a plethora of examples highlight the *presence* of the problem, we still do not know much about the *nature* of the problem.

Some research projects (like The <u>Plain View Project</u>) are beginning this work, collecting data on incidents in which law enforcement officers express white supremacist ideologies. However, the FBI reports on the subject are classified or heavily redacted, and most of the evidence we have are from incidents significant



enough to cause an investigation and news story. Researchers must examine both the prevalence and the nature of the relationship between law enforcement and white supremacy both directly (for example, collecting data on the number of police officers with white supremacist affiliations or conducting research on hiring and licensing practices in police departments) and indirectly (for example, studying and exploring the frequency and type of white supremacist ideologies in police-community interactions). More research also needs to be done to explore the prevalence and effectiveness of any existing remedies in police departments to address the issue of white supremacy.

In the wake of the killing of George Floyd in Minneapolis in 2020, the Minnesota Legislature passed several reforms aimed at improving accountability and strengthening data sharing policies. Among other reforms, HF1 requires the Peace Officers Standards and Training (POST) Board to create a centralized database of officer misconduct complaints (Cook, 2020). This kind of database is a critical first step in conducting more research and analyzing the role of white supremacist ideologies in officer misconduct complaints. However, the scope of this database would need to be expanded to include the issue at hand.

To understand the urgent issue of white supremacists in policing alongside the messier and critical root cause of this issue - pervasive structural racism in America - we also need access to publicly available data on policing and race. Because racial bias is baked into how we police and understand crime, one significant issue preventing us from understanding the nuances of the relationship between race and policing is what scholar Philip Atiba Goff calls "a denominator problem." Crime data is often used as a baseline, or a denominator, when trying to understand racial bias in policing. Some argue, for example, since more crimes are committed in Black communities, that the overpolicing of Black communities is not about bias or white supremacy but is a response to crime.

One of the problems with this argument, as Goff explains, is that "what we choose to make a crime is deeply influenced by the racial legacies of the United States and the ways in which we create conditions for crime" (Klein, 2020). We know, for example, that if police officers assault Black Americans at a rate four times greater than white Americans and kill Black men at a rate 2.5 times greater than white men (Peeples, 2020), that's clearly a problem. In Minneapolis, Black people are 8.7 times more likely and Native Americans are 8.6 times more likely than white people to be arrested for low-level offenses (ACLU, 2015). However, as researchers we actually cannot currently say with data whether that's a problem solely with police bias, a problem inextricably tied to legacies of white supremacy, discrimination, and racist policies in other social sectors (e.g. housing and education), or more likely both.

3. Take action

In addition to collecting more rigorous data on the nature of the relationship between race and police more broadly, we must address the urgent issue of white supremacist infiltration in law enforcement. **One place to take action is to prohibit the licensure of officers who have associations with white supremacist groups or who express these ideologies.** It is also important to note that decisive action can mean putting policies and programs into place *now* and creating a plan to tackle the larger issue moving forward, knowing that none of this will be solved overnight.

What has been done to address this thus far? The FBI intelligence assessment in 2006 recommended that a national screening procedure be adopted to challenge the growing concerns about white supremacist affiliations within local police departments, but this was never implemented (<u>Purdue, 2020</u>). In examining this directly, the FBI report from 2015 noted that, a decade after the first report, the "vast majority" of law



enforcement agencies still had no clear process in place to screen recruits and in fact turned a blind eye to those with dubious ideologies and beliefs (<u>Purdue</u>, 2020).

The team at Reveal brought hundreds of examples from their investigation to the awareness of police departments. However, they received varying levels of responses, echoing the FBI report noting that "no single code of conduct or ethics policy governs the thousands of jurisdictions in the U.S. that employ police officers" and that "different law enforcement agencies have widely differing standards for the behavior they accept from their personnel" (Carless and Corey, 2019).

Do law enforcement officials view white supremacy as a problem they need to act on? In an in-depth study surveying 37 of the 50 state police agencies in the county, Freilich and colleagues (2010) found that police rated the top extremist threat as Islamic jihadists. However, the survey also found that the states listed KKK groups as the second highest in number on average known to exist in each state (after Islamic extremists) but near the bottom of the list of threats of concern. Furthermore, researchers found that the perception of threat did not correlate with the groups they documented as being active in both legal and illegal activities: racist skinheads and neo-Nazis were reported to have a higher average number of involvement in activities, criminal incidents, and arrests. Finally, this kind of data collection is critical but a decade old, and the perceptions of threat may shift over time, especially now given the events of January 6th, 2021. (One older similar study from 1995 found police chiefs across the country rated anti-abortion extremists as the greatest threat). Again, more and better data on the actual threat of organizations would be useful here.

In 2016, Minneapolis was selected as a pilot site for the <u>National Initiative for Building Community Trust</u> and <u>Justice</u>, a project out of the U.S. Department of Justice designed to "improve relationships and increase trust between communities and the criminal justice system and advance the public and scholarly understanding of the issues contributing to those relationships" (<u>trustandjustice.org, 2016</u>). The initiative involved three main interventions: enhancing procedural justice, reducing implicit bias, and fostering reconciliation.

Furthermore, some departments have acted when their officers expressed hateful views or affiliated with hate groups. The Oakland Police Department, for example, released a statement following the incident in which a former officer defended the attack on the Capitol noting that, if a current officer had made those statements, "they would be grounds for immediate initiation of a disciplinary investigation and could lead to termination" (BondGraham, 2021). Law enforcement departments in Philadelphia, PA, Dallas, TX and Phoenix, AZ have policies around social media that prohibit off-duty employees from posting content that is biased or discriminatory (Hoerner & Tulsky, 2019).

As we think about what accountability looks like, the research shows us that "firings often lead to prolonged litigation, with dismissed officers claiming violations of their First Amendment speech and association rights" (German (2020). In most instances, officers either challenge the dismissals in court, which leads to expensive and long trials, or are fired and then re-hired by other departments. Prosecuting police when they are backed by powerful unions is not only largely unsuccessful - a review of police union contracts across 600 U.S. cities found 84% imposed at least one barrier to holding police accountable - but requires significant resources and further erodes the public's trust (Levin, 2020; Campaign Zero, 2016).

Recently, the Minnesota's Board of Peace Officer Standards and Training (POST) has begun to explore standards around licensing related to "non-criminal" conduct or behavior that might preclude someone from



earning or maintaining a license. When asked whether group affiliation might be a reason to reject a license approval, the Chief of Police of Mendota Heights and POST Board Chairperson Kelly McCarthy was quoted as saying, "If we want public trust we have to be vigilant... for the obvious hate groups, the obvious real extremism, I think that is a licensure issue" (Chaloux, 2021). This sounds promising.

Furthermore, at the Minnesota Capitol, Representative Cedrick Frazier recently introduced House File 593 which would prohibit Minnesota peace officers from affiliating with, supporting, or advocating for white supremacist groups, causes, or ideologies. The bill narrowly passed through committee with a vote of 11 for and 7 against. This is an example of progress, but the narrow support shows significant hurdles.

4. Evaluate and assess

Finally, as these policies take shape, we must also put evaluation plans in place to determine if and how they work. There are many instances, both in the criminal legal context and in social systems more broadly, of interventions and solutions that are well-meaning but ineffective. As mentioned above, when we act, we need to also set out a plan for next steps and longer-term change, part of which involves determining the metrics we should be assessing to explore whether our work is achieving the change we want to see.

For example, in considering bias more broadly in policing, we have seen police departments attempting to take action through the implementation of implicit bias training to increase trust between police departments and communities. Now, as these attempts become more frequent, scholars have studied outcomes and learned that training is only effective when evidence-based (<u>Richardson & Goff, 2015</u>; <u>Wood, Tyler, & Papachristos, 2020</u>; <u>Zhang, 2015</u>). Psychologist Jennifer Eberhardt, an expert in implicit bias, points out that we must go beyond implicit bias training in policing and "focus on changing the conditions that promote bias rather than simply providing knowledge to people about bias" (<u>Luscombe, 2020</u>). White supremacist infiltration certainly promotes bias in departments. We've learned that simply conducting any implicit bias training is not an effective way to tackle implicit bias in police departments.

In addition, the <u>National Initiative for Building Community Trust and Justice</u> project described above concluded in 2019 and the Urban Institute conducted evaluation research on the outcomes of the interventions. Researchers found that in Minneapolis, there were no significant differences in any of the police administrative outcome measures they examined: violent and property crime rates did not change, and use-of-force did not decrease and remained disproportionately high for Black Minnesotans (<u>Lawrence et al., 2019</u>). Work like this was a good first step, but we must investigate why it did not work as hoped and continue to address this issue.

Taking these and many lessons like them, we must act and take meaningful and rigorous steps to assess whether and how processes are effective (like addressing licensure for example) in reducing white supremacist infiltration of police.

VI. Challenges to Implementing Recommendations

In examining what it might look like to discuss the issue, we anticipate political pushback. The issue of race has been rendered deeply partisan in our current national dialogue. Conversations around race and policing often quickly turn to conversations around criminality and crime rates. Furthermore, discussing white



supremacy as a problem requires conversations about definitions which are challenging and portrayed as politically fraught. These hurdles should not preclude these efforts but should be considered when engaging in dialogue in order to practice "bridging," as scholar john a. powell explains, focusing on the end goal - like increasing trust - to avoid the barriers of political differences.

In exploring whether we could collect more data on race and policing, we realize significant structural policies must shift to prioritize accountability and allow the public access to policing data. The Center for Policing Equity (CPE) holds the largest database on racial bias in policing - the National Justice Database - and engages in a collaborative process with law enforcement agencies to collect their departmental data and apply a rigorous analytic framework to examine equity in police practices. Dr. Philip Goff, CEO of the CPE, explains that, despite this important work, the public still does not have access to the kind of critical data we need to understand discrimination and police-community relations more broadly. Specifically, if we want to understand what police do and how it relates to race, we need access to data around police contact that we currently lack in most cities (Klein, 2020).

Finally, in examining whether we can take action and issue policies to prevent those with white supremacist ideologies from entering law enforcement, we recognize two main hurdles that policy makers may face. A paradigmatic argument against taking action for individual's ideologies is the use of the First Amendment. This pushback happens even at the highest level of law enforcement. In June 2019, when the FBI counterterrorism chief Michael McGarrity was asked about whether he was concerned about white supremacist infiltration, he said he "would be suspect of white supremacist police officers, but that their ideology was a First Amendment–protected right" (German, 2020).

Ironically, the 2006 report addresses this concern by summarizing Supreme Court precedent on the issue: "Although the First Amendment's freedom of association provision protects an individual's right to join white supremacist groups for the purposes of lawful activity, the government can limit the employment opportunities of group members who hold sensitive public sector jobs, including jobs within law enforcement, when their memberships would interfere with their duties" (FBI, 2006). Most courts have upheld dismissals of police officers who have affiliated with racist or militant groups, following Supreme Court decisions limiting free speech rights for public employees to matters of public concern. Several legal cases hold this precedent as well.

The second critical hurdle that policy makers will likely have to address is the question of affiliation. Here, the lack of data poses a challenge in understanding the nature of affiliations with white supremacist group and expression of white supremacist ideologies. Based on the evidence at hand, as <u>Johnson (2020)</u> points out, "Officers who have such beliefs are easier than ever to identify as a result of social media, text messages, emails and internet presence." The threshold for determining affiliation will likely have to be fleshed out at a local level, but one might consider participation (in online forums, in white supremacist organizations, etc.) a starting point as have many of the investigations cited in this report.

Another side to the affiliation coin is the question of affiliation to other extremist groups: if we are discussing, collecting data on, and creating policies to address the presence of white supremacists, what about Black separatists? Or animal extremists? The reality is all the evidence we have shows that simply is not the problem. The 2006 FBI report is titled, "White Supremacist Infiltration of Law Enforcement," and no similar report exists to warn police of Black separatists groups or any other groups .



VII. A Call to Action: Transparency for Trust

Where does this leave us? With increased dialogue, data, and action on the issue of race in policing more broadly, we will ultimately increase transparency in the work of public safety. As we circle back to the psychology of trust, we know that we need transparency to develop trust in both systems and individuals.

The importance of transparency has received increasing support from organizations and individuals who bring different perspectives to the work. For example, the International Association of Chiefs of Police, among other law enforcement organizations, has advanced the concept of *procedural justice* as "a critical strategy for building trust and legitimacy in communities and within law enforcement organizations" (Holihen et al., n.d.). One of the four pillars of procedural justice is transparency. The IACP highlights the importance of transparency in policing.

Thus, transparency of affiliations and ideologies that directly affect the ability for a police officer to ensure public safety and enforce the law in an equitable, just, and humane manner is necessary to build legitimate trust from the community. While the work to root out racism's grip on society will require massive cultural shifts, rooting out the *explicit links* between individuals' white supremacist ideologies and our law enforcement appears to be a first step. We must continue talking about white supremacy as a serious and dangerous issue in policing. We need better and more data on the issue. And we must act now, not in 20 years, to address this issue. We must rigorously evaluate our efforts and continue this work. Trust in police is a clear challenge. If we can agree that trust is important - trust in our current system of law enforcement and in whatever our future systems of public safety look like - we must begin to address the role of white supremacy.



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