

“Got it Bad Cause I’m Brown”: An Intersectional Analysis of Policing and Legal Cynicism in Inland Southern California

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Abstract

Across the United States, Latinx and Black Americans disproportionately experience the brunt of policing, contributing to high rates of legal cynicism. Much research examines policing and legal cynicism in the Black community, especially among Black men; yet, we know far less about the legal cynicism of Black women and in the Latinx community. Using an intersectional analysis, this study draws upon 20 interviews with Latinx and Black men and women in Riverside and San Bernardino California to address the following research questions: How do experiences with police vary by race and gender, and how do they contribute to legal cynicism? Tied to legal cynicism, does “the police talk” vary across Latinx and Black respondents and their families? This study finds that experiences with the police vary by race and gender, and contribute to differences in the ways respondents express legal cynicism.

Introduction

Due to historical disparities in policing and sentencing, minority communities are more likely to have negative perceptions and distrust of law enforcement, a phenomenon scholars refer to as legal cynicism (Sampson and Bartusch 1998). Legal cynicism is defined as a cultural frame in which the law and the agents of its enforcement are viewed as illegitimate, unresponsive, and ill-equipped to ensure public safety (Kirk and Papachristos 2011; Sampson and Bartusch 1998). To that end, Latinx and Black individuals indicate high rates of distrust of the police and the criminal justice system overall (Bell 2017). Legal cynicism can lead to parents having the “police talk,” with their kids, a socialization practice designed to prepare children for police encounters so they remain unharmed (Gonzalez 2019).

The literature on policing primarily focuses on Black men and finds that they are disproportionately arrested and more likely to be killed or injured during police encounters than any other race-gender group (Davis 2017; Ferguson 2017). Scholars speculate that Latinx people occupy a disadvantaged middle ground where they experience the less intensive focus of criminalization compared to Black folks but are more at risk than whites (Hagan et al. 2005). Yet, little is known about the legal cynicism of Black women and Latinx communities, and how experiences with the police inform it. The existing research on these latter groups finds that Latina and Black women have similar, negative direct and vicarious experiences with the police and similarly distrust police (Hitchens et al. 2017). Research also concludes that Latino and Black men have similar negative experiences with the police but despite high levels of legal cynicism, Latino men are more likely to say positive things about the police (Carr 2007).

One drawback of the current literature is that it often conflates Latinx and Black individuals’ experiences, and therefore does not differentiate between racial-ethnic groups, and rarely examines how gender produces disparate experiential outcomes (Weitzer and Tuch 2006). In addition, much of the research overwhelmingly relies on quantitative measures to document disparities in policing and legal cynicism (Kirk and Papachristos 2011; Sampson and Bartusch 1998; Epp et al. 2014; Correll et al. 2006). While it is valuable to understand statistical group

differences, how individuals experience, understand, and respond to such encounters remains murky and are integral to making policy changes (for exception, see Hitchens et al. 2017).

Legal cynicism or anomie of the law is a product of neighborhood structural conditions and police-resident interactions (Sampson and Bartusch 1998). Direct and vicarious experiences with police harassment may influence individual cynicism, but it becomes cultural and transmitted generationally through social interaction (Kirk and Papachristos 2011). Legal cynicism can be passed on from one generation to the other through “the police talk.”

I use intersectionality as an analytical framework to understand how policing affects legal cynicism while considering identities such as race, ethnicity, and gender (Crenshaw 1989). The intersectional lens accounts for categorical identities in relation to one another and how they are affected by systems of power, such as law enforcement agencies (Collins 2015). Intersectionality allows for an understanding of the complex human experiences of Latinx and Black men and women in the study (Collins and Bilge 2016).

To highlight these complexities, I use Patricia Hill Collins’ intersectional “matrix of domination” (2000). This approach shows how legal cynicism is affected by police experiences and oppression as tied to interlocking demographic categories, such as race, ethnicity, and gender. Analyzing Latinx and Black men and women comparatively acknowledges the variation of experiences people have with the police and how that translates to individual and group levels of legal cynicism.

Methods

Interviews were conducted with Latinx participants from the Eastside, a neighborhood in Riverside, and Black participants from the Northside, a neighborhood in San Bernardino, California. These research sites were chosen because they are understudied. The majority of policing studies focus on major cities, such as Los Angeles, Chicago, and New York City (Felker-Kantor 2018; Solis et al. 2006). Riverside and San Bernardino Counties, located in Inland Southern California, known as the Inland Empire, have one of the largest Latinx populations in the nation. Yet little research focuses on these counties (De Lara 2009).

Research participants were recruited through snowball sampling. Drawing on my personal social networks, I identified one person in each research site. My primary participants shared my contact information with prospective respondents who fit the study criteria. Prospective participants contacted me to schedule interviews. To conduct an intersectional analysis, I recruited a similarly sized, diverse sample of participants that represent each of the four groups of investigation. The sample includes a total of 20 interviews: 5 with Latino men, 5 with Latina women, 5 with Black men, and 5 with Black women. To qualify for the study, participants had to self-identify as Latinx or Black adults, be current or previous residents of the two selected neighborhoods of Riverside and San Bernardino, and have had either direct or indirect encounters with police.

Findings

Similar to past studies on this topic (Hitchens et al. 2017; Sampson and Bartusch 1998), legal cynicism in this study was high across Latinx and Black men and women. In this study, legal cynicism was measured based on trust level, on a scale of 1 through 10. Participants were asked, “On a scale of 1 to 10 (1 being not at all, 10 being the highest level), how much do you trust the police?” The overall mean reported trust was rated 3.7. My findings were consistent with Sampson and Bartusch’s study (1998), Latino and Black men’s trust in the police was rated as 3.0 and 3.8, respectively. Both Latina and Black women reported an average of 4.0 trust in police. The interviews in this study allowed for interrogation of legal cynicism beyond

quantitative responses. The majority (19) of respondents in the study did not feel comfortable calling the police. It is also important to note that according to participants, the police in San Bernardino did not respond to 911 calls promptly, which contributes to their cynicism. Below I unpack how different types of experiences with police contribute to legal cynicism, and how the police talk varies by race, ethnicity, and gender.

I found both race and gender played a role in the interviewees' direct and indirect experiences with the police and how each contributed to their legal cynicism. The men had many direct experiences with the police, which greatly informed their legal cynicism. Latino men in the study were mainly targeted by the police when perceived as being associated with a gang or engaging in criminal behavior. Black men were targeted on the basis of their race and gender, reifying the stereotypes of the "Black man criminal."

Additionally, Black men reported harassment by law enforcement more often than Latinos, even when Black men were not engaging in crime. In comparison, Latinos in the study were "let off the hook" more often than Black men, meaning they still had largely negative encounters but were not arrested and charged with crimes as frequently.

In contrast to men, the majority of Latina and Black women in the study had primarily vicarious experiences with the police, which informed their legal cynicism. The extent of their legal cynicism stemmed from the experiences of their loved one's interactions and mistreatment at the hands of the police (Bell 2016; Hurst et al. 2007). Most of the women recounted negative stories about their fathers', brothers', and partners' contact with law enforcement: vicarious accumulated experiences with the police that directly contributed to their legal cynicism.

Counterintuitively, the majority of Latinx and Black men and women in the study perceived that there were no differences in the ways Latinx and Black people were policed in the Inland Empire. In regards to gender, all participants agreed that there were differences in the ways men experienced policing compared to women. Men, and particularly Black men, reported being more likely to be stopped and racially profiled by law enforcement officers (Epp et al. 2014). In the study, there was a general consensus that men were treated worse by the police.

The police talk in the Black community is well documented whereby parents provide this to children for self-protection from harm during police encounters. I found that Black men received the police talk directly, from their parents, older siblings, and uncles. The majority of Black women in this study did not receive the police talk. I also found that Latinx people in the study did not receive the police talk.

Discussion

Defunding the police is further evidence of legal cynicism in this study. Defunding the police became a topic of controversy in the midst of nationwide policing injustices and Black Lives Matter protests in the summer of 2020. Consequently, respondents were asked "Do you support defunding the police? Yes or no?" Defunding the police was described to participants as the shifting of funding from police departments to local community resources (UCLA School of Law 2020). Irrespective of race and gender, all with the exception of one participant supported defunding local police departments.

Ultimately, this current study's findings suggest that the actions of police officers do not make community members feel safe. The first step to create safer spaces and neighborhoods within minority communities is to identify inequitable policing practices and actions that generate distrust of police. Bringing attention to legal cynicism should implore law enforcement agencies to modify their actions if police officers want to secure greater trust among community members.