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# DOJ clears Wilson but excoriates Ferguson police

*Report finds pervasive pattern of racially biased policing*

March 6, 2015 2:00AM ET

by [Lauren Carasik](#) [@LCarasik](#)

Seven months after the death of unarmed African-American teenager Michael Brown in Ferguson, Missouri, convulsed the city and ignited protests across the nation, the Department of Justice (DOJ) announced that it would not bring civil rights charges against Darren Wilson, the white police officer who killed Brown. The decision was not a surprise, given the DOJ's [selective leaks](#) about the difficulty in satisfying the high bar for indictment.

While Wilson was absolved of willfully violating Brown's civil rights, the DOJ excoriated the justice system in which he worked. In a separate [102-page report](#) released on March 4, the DOJ found a corrosive pattern and practice of racially biased behavior in the Ferguson police department and court system. The searing report vindicates protesters whose insistence about the Ferguson police's routine and unfair treatment of black people triggered the investigation.

The documentation on the Ferguson police department's systemic bias situates Wilson's actions in a culture of institutional discrimination that may have contributed to Brown's death. Some of the information in the report was already known. For example, the state attorney general [previously documented racial disparities](#) in traffic stops. But the report also contained new disturbing — if not unexpected — details such as the disproportionate use of force against minorities and the selective enforcement of minor infractions.

The revelations bear out pervasive police bias. Some 67 percent of Ferguson's population of 21,000 is black. In the last two years, 85 percent of traffic stops and 90 percent of tickets involved black motorists. About 93 percent of arrests in Ferguson involved black individuals. African-Americans accounted for more than 90 percent of such minor charges as jaywalking, failure to comply with police requests and disturbing the peace. The report notes that "Ferguson city officials

maintain the harmful stereotype that black individuals lack personal responsibility and continue to cite this lack of personal responsibility as the cause of the disparate impact of Ferguson's practices."

The damning conclusions were backed by vivid and disturbing examples. Ferguson police officers in supervisory positions used city accounts to exchange racially charged emails, indicating an institutional culture in which denigrating blacks is tacitly accepted or at least free from reprisal or discipline. The exchanges include one quipping that Barack Obama would not be president for very long because "what black man holds a steady job for four years." Another joked about an officer seeking welfare for his dogs, which are "mixed in color, unemployed, lazy, can't speak English and have no frigging clue who their Daddies are." And a third joked about a black woman who received a check from Crime Stoppers after having an abortion.

As offensive as the emails are, they pale compared with the excessive force used against minorities. An officer used a stun gun on a black woman for refusing to remove her bracelets, "even though there were five officers present and the woman posed no physical threat." In another instance, officers repeatedly used a stun gun on a man they stopped without reasonable suspicion, although he "made no aggressive movement toward the officer" and "never tried to stand — he only writhed in pain on the ground." Other times, officers unnecessarily escalated situations by deploying dogs, and in every instance in which they bit, the target was black.

**Firing or disciplining a few police officers for offensive emails cannot address the department's pervasive lack of accountability.**

In fact, Ferguson operated its policing with an expressed goal of enhancing revenue collection, which took precedence over its core public safety mission. Officers were explicitly encouraged to step up efforts to generate fines when city coffers were low, interlocking bias with perverse incentives. The focus on law

enforcement activities that could bring in cash for the city exacted a toll far beyond the realm of criminal justice system. “Minor offenses can generate crippling debts, result in jail time because of an inability to pay and result in the loss of a driver’s license, employment or housing,” the report reads.

The courts compounded the policing bias and disproportionate harm to the city’s most vulnerable, especially the poor, who were subjected to arrest warrants for offenses such as failure to pay fees that accumulated additional penalties at an extortionate rate. And city officials condoned the behavior. For example, defending the reappointment of a judge with a questionable record, the city manager argued, “It goes without saying the city cannot afford to lose any efficiency in our courts, nor experience any decrease in our fines and forfeitures.”

At a press conference on March 4, outgoing U.S. Attorney General Eric Holder lamented the “highly toxic environment, defined by mistrust and resentment” that created a powder keg situation that erupted after Brown’s death. Holder’s forceful condemnation contextualized the rage that enveloped the city and spread across the nation.

His comments followed remarks by FBI Director James Comey last month, in which he acknowledged prevalent racial bias and endemic racism in policing. “Many people in our white-majority culture have unconscious racial biases and react differently to a white face than a black face,” he said. He went on to blame internalized biases on interactions between police officers and predominantly black street criminals. But he failed to consider how policies such as [broken-windows](#) policing, racial profiling and the war on drugs place poor and minority communities under siege.

On Wednesday, Ferguson Mayor James Knowles announced that the city would follow the DOJ’s recommendations, including hiring an independent consultant and implementing a civilian task force to oversee the department. He indicated that one officer has been fired and two placed on administrative leave for the inflammatory emails. That is a promising start, but it is not enough. There is a long road ahead for both Ferguson and the rest of the nation to institute policing

that treats all citizens equally. Firing or disciplining a few police officers for offensive emails cannot address the pervasive lack of accountability. And relying on the same officials to correct a poisonous and corrupt culture in the same departments in which they allowed it to flourish invites justifiable skepticism. As [The St. Louis Post-Dispatch](#) editorial board rightly noted, the revelations call for firings from the top down.

The DOJ should be lauded for condemning the department's collective responsibility instead of blaming a few bad actors for rogue behavior. The abuse did not occur in a vacuum. Instead, it is firmly situated within the organization's racist culture. To be sure, racially discriminatory policing is a national problem that requires a sustained effort to understand and dismantle. It should not take a tragedy to trigger the federal attention and oversight that is often necessary to force meaningful reform, especially since the DOJ lacks the resources to investigate more than a tiny fraction of the nearly 18,000 law enforcement agencies in the country. In the past 20 years, the DOJ has investigated at least 65 of them, leading to 32 consent decrees.

The United States has not overcome its legacy of racial inequality. Meanwhile, the body count of unarmed black and Latino people killed by police continues to mount. Some deaths, like those of Brown, Eric Garner and Tamir Rice, are etched into the national consciousness. Others — such as the killings of [Akai Gurley](#), [Aiyana Stanley-Jones](#) and [John Crawford III](#) — fade from the headlines more quickly. Until we confront the deep, pervasive and structural nature of racially biased policing and adopt comprehensive reforms, the families and communities of those who have perished at the hands of the police will continue to suffer more tragedies and the cumulative and devastating effect of daily indignities.

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*The views expressed in this article are the author's own and do not necessarily reflect Al Jazeera America's editorial policy.*