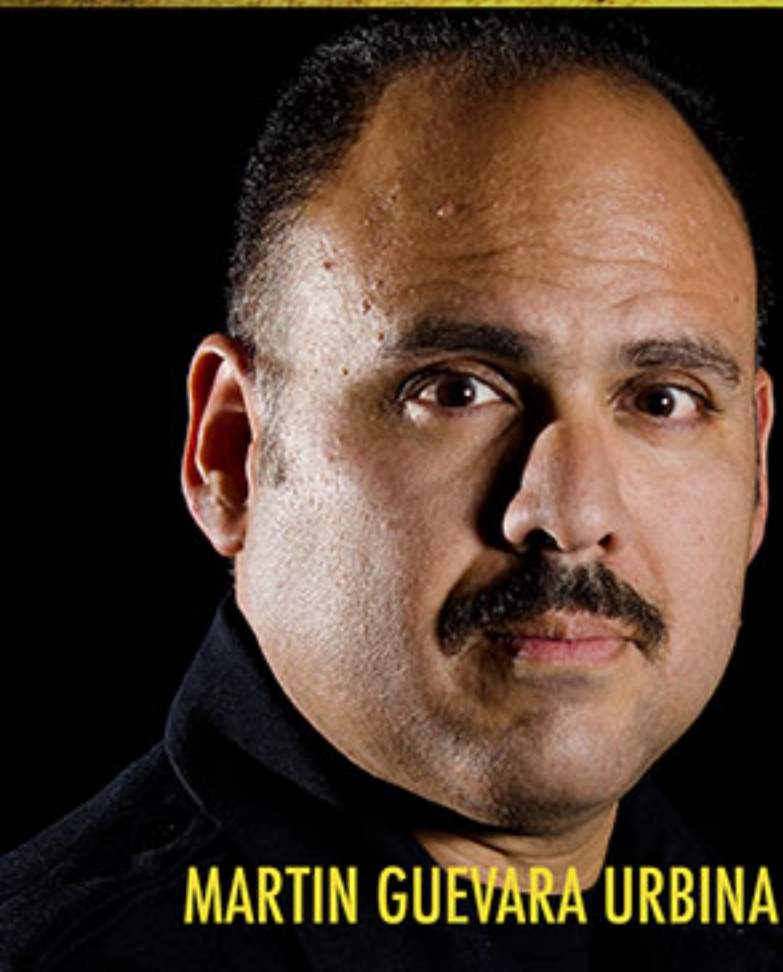
LATINO POLICE OFFICERS *in the* UNITED STATES

An Examination of Emerging Trends and Issues



MARTIN GUEVARA URBINA • SOFÍA ESPINOZA ÁLVAREZ

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An Examination of Emerging Trends and Issues

By

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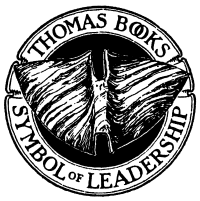

CHARLES C THOMAS • PUBLISHER, LTD.
Springfield • Illinois • U.S.A.

Published and Distributed Throughout the World by

CHARLES C THOMAS • PUBLISHER, LTD.
2600 South First Street
Springfield, Illinois 62704

ISBN 978-0-398-08144-7 (paper)
ISBN 978-0-398-08145-4 (ebook)

Library of Congress Catalog Card Number: 2014048017

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Printed in the United States of America
CR-R-3

Library of Congress Cataloging-in-Publication Data

Urbina, Martin G. (Martin Guevara), 1972-
Latino police officers in the United States : an examination of emerging trends and issues / by Martin Guevara Urbina, Ph.D., Professor, Criminal Justice, Sul Ross State University-Rio Grande College and Sofia Espinoza Alvarez, Universidad de Leon, San Miguel de Allende, Guanajuato, Mexico.
pages cm
Includes bibliographical references and index.
ISBN 978-0-398-08144-7 (pbk.) -- ISBN 978-0-398-08145-4 (ebook)
1. Community policing--United States. 2. Police-community relations--United States. 3. Hispanic Americans. 4. United States--Ethnic relations. I. Espinoza Alvarez, Sofia. II. Title.

HV7936.C83U73 2015
363.2089'68073--dc23

2014048017

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Claudio G. Vera Sánchez, PhD, is an Assistant Professor in the Criminal Justice Department at Roosevelt University. He earned his doctorate from the University of Illinois at Chicago. His areas of research center on youth justice and policing. His studies have explored the experiences of young minorities (e.g., Latinos and African Americans) with the police, the perceived legitimacy of the police in underprivileged neighborhoods, and how officers negotiate police work within inner-city neighborhoods, as documented in some of this recent publications, like "Sacrificed on the Altar of Public Safety: The Policing of Latino and African American Youth" (2011) and "Racialized Policing: Officers' Voices on Policing Latino and African American Neighborhoods" (2011). Professor Vera Sánchez is also committed to transformative learning, and he has worked collaboratively with university students to redirect students with previous involvement with the legal system from a "path of prison" to college.

I dedicate this book to Drs. David E. Barlow and Melissa Hickman Barlow for entrusting me with this much needed and timely project and, of course, their encouragement, advice, and support over the years. And to Dr. Meghan S. Stroshine for enriching my educational career with this challenging but rewarding opportunity–undertaking Latino Police Officers in the United States.

M.G.U.

Daniel, for your unconditional care, love, and support, I dedicate this book to you, a dream come true, in our quest for knowledge.

S.E.A.

PREFACE

Who is as free as a writer? Nadie es tan libre como un escritor . . .
No one is as free as a writer!

–Sofía Espinoza Álvarez

Predating the American Constitution, the United States has historically characterized itself as a country grounded in democratic principles, like freedom, equality, civil liberties, voting rights, representation, and justice, always progressing, while avoiding ruptures and discontinuities. In truth, contrary to *conventional wisdom*, the U.S. is more reflective of continued political, economic, and social chaos in the historical fight for expansion, wealth, power, control, and dominance than a unified movement for equality in America's main institutions or universal freedom and justice. In effect, while there has been gross inequality and injustice in all major U.S. institutions, some of the most fundamental discontinuities, inefficiencies, inequalities, and injustices have been generated by the very system, the criminal justice system, that has been designed to govern order, equality, justice, and positive social change. Worse, in the very arena where the machinery of justice is operating and thus efficiency, equality, and justice are supposed to prevail, some of the most catastrophic events and movements are taking place, while strategically targeting certain segments of society.

After centuries of supposed "liberation," today, as in the past, people tend to blindly accept criminal justice polices without truly questioning the very essence of American criminal law, as recently documented by renowned Texas A&M University Professor Joe R. Feagin in *White Party, White Government: Race, Class, and U.S. Politics* (2012). Most notably, in the context of race and ethnicity, as early as 1740, the South Carolina Slave Code, for example, identified

> the people commonly called negroes, Indians, mulattos and mestizos have [been] deemed absolute slaves, and the subjects of property in the hands of particular persons the extent of whose power over slaves ought to be settled

> and limited by positive laws so that the slaves may be kept in due subjection and obedience (cited in Hall, Wiecek, & Finkelman, 1996:37),

resulting in a centuries-long legacy of manipulation, marginalization, oppression, and silencing of racial minorities. Subsequently, starting with the Declaration of Independence (1776), race has played a central role in defining U.S. laws and how criminal justice policies are applied to blacks. As for ethnic minorities, normally left out from the *pages of history*, Latinos, like blacks, have in fact suffered the indignities of conquest and *de jure* segregation (Acuña, 2011a; Almaguer, 2008; Bender, 2003; De León, 1983; Feagin, 2013; McWilliams, 1990; Mirandé, 1987; Urbina, 2012a; Urbina, Vela, & Sánchez, 2014). In the case of Mexican Americans, under the rationale of Anglo-Saxon expansion and Manifest Destiny, premised on the ideology of racial, ethnic, religious, and cultural superiority of white Americans, the Treaty of Guadalupe Hidalgo ended the Mexican-American War in 1848, granting the United States 55 percent of Mexico's territory, an area that now comprises about one-third of the continental U.S. Soon after, policies like the 1855 "Greaser Act," an anti-vagrancy law enacted in California defining vagrants as "all persons who are commonly known as 'Greasers' or the issue [children] of Spanish and Indian blood," was a deliberate use of criminal law to specifically target Mexicans based on race and ethnicity (Morín, 2009:16). As documented by José Luis Morín (2009:15),

> This history is instructive as to how Latinas/os would be regarded in later years, since persons of mixed racial backgrounds, as many Latinas/os are, have been and often continue to be viewed with disdain, and subject to discrimination by the dominant 'White' social structure.

Towards the end of the twentieth century, Jonathan Simon (1997:173) proposed that advanced industrial societies were actually "governed through crime," with the overdeveloped societies of the West and North Atlantic "experiencing not a crisis of crime and punishment but a crises of governance that has led [them] to prioritize crime and punishment as the preferred contexts of governance," redefining the limits of criminal laws and police roles, practices, and ideologies, while socially reconstructing the confines of race and ethnicity. Then, at the turn of the century, Tony Fitzpatrick (2001:220) argued that as "global capital becomes apparently unmanageable" and "as the polity and the economic detached after a century of alignment," the state must give itself, particularly its agents, like the police, something to do, and so the state "socially and discursively constructs threats that only it can address through . . . punitive responses to the chaos it has [helped facilitate]," as in the case of the war on drugs, the war on immigrants, the war on ter-

rorism, and various other aggressive social control movements–with the police being on the frontline of these movements. In the twenty-first century, with crime and criminal justice systems becoming increasingly transnational (Ruddell & Urbina, 2004, 2007), combined with a militarized police force and assisted by advanced technological innovations and a highly charged American media, "at once totalizing and individualizing," such strategies congeal in appealing political formations that can govern "all and each" with stealthy precision (Gordon, 1991:3; Welch, 2006; Whitehead, 2013a), giving the state a notion of absolute control, legitimacy, and justice, and to a feared and mal-informed society, an appearance of global power, dominance, and solidarity.

As documented by various scholars, from the early conquest of Native Americans, to slavery, to the conquest of Mexicans, to the conquest and colonization of Puerto Ricans, to the war on terrorism, with its corresponding elements, like racial profiling, public space housing sweeps, police surveillance cameras, and drug/prostitution-free zones, such movements clearly reveal that the U.S. obsession with law-and-order is just as much about race and ethnicity as it is about safety, equality, and justice. For instance, as reported by Law Professor David Cole (2001:248), "racial profiling studies . . . make clear that the war on drugs has largely been a war on minorities. It is, after all, drug enforcement that motivates most racial profiling." Invariably, while the overall rate of the inmate population in state and federal prisons increased dramatically from 1971 to 2001, Latinos experienced a 10-fold increase (Bonczar, 2003). In fact, in 2004, the rate of Latino incarceration in state and federal prisons was 2.6 times greater than for whites (1,220 per 100,000 compared to 463 per 100,000), according to Paige Harrison and Allen Beck (2005) of the Bureau of Justice Statistics, with the Sentencing Project (2003:1) reporting that "Hispanics are the fastest growing group being imprisoned." Quickly, the ramifications of redefining race, ethnicity, crime, and punishment became gravely pressing in imprisonment rates, as reported by University of California, Berkeley Professor Loïc Wacquant (2001:82), "turning over from 70 percent white at the mid-century point to nearly 70 percent black and Latino today, although the ethnic patterns of criminal activity have not been fundamentally altered during that period."

During the last decade, though, with shifting demographic trends, possibly as in no other time in U.S. history is the dominant majority experiencing a more significant "cultural crisis" in that after centuries of *total control* their ideas about race, ethnicity, gender, social life, and, of course, representation are under attack by the intertwining forces of diversity and multiculturalism as well as political and economic uncertainty, as recently documented by Martin Guevara Urbina in *Twenty-First Century Dynamics of Multiculturalism: Beyond Post-Racial America* (2014). In part

> because the United States considers itself a 'moral' and 'law-and-order' society, the US has a phobia of the *outsider*, the *different*, and the *stranger*. As an institutionalized state of feeling and thinking, such phobia has manifested itself into ignorance, which in turn has resulted in viciousness and vindictiveness . . . [and] fear of those who threaten our interests or the status quo has manifested itself into low levels of tolerance (Nieling & Urbina, 2008:233),

making the criminal justice system the prime apparatus for suppression, control, and silencing of those who threaten the dominant social structure–consequently, presenting a critical challenge for those who wish to join the criminal justice profession, like policing, and once on the force, surviving an almost all-white environment.

In all, the historical record reveals that while all legal and social actions over time warrant concern, as the United States strives for positive social transformation, it is the historically troubled police-minority relationships that point to some of the deepest-rooted social problems in society–as the American police are the frontline agents of the law and thus the most visible upholders of democracy, freedom, and peace. Fundamentally, "At the heart of the American paradigm is the perception that law and its agents . . . are colorblind and thus justice is impartial, objective and seeks *la verdad* (the truth). But, *la realidad* (reality) differs . . . decision makers are often more guided by their environment than by objectivity" (Urbina, 2003a:124), suggesting that the historical and contemporary *dynamics* of interacting forces, like conquest, colonialism, slavery, identity, and citizenship, continue to influence the everyday American experience, and, in the area of law-and-order, how defendants are processed and treated by the American police and subsequently the judicial and penal systems–institutions that until recently have been composed mostly of white men.

With pressing shifts in diversity, multiculturalism, and demographics across the country in the twenty-first century (Urbina, 2014), however, the historical *black-white* binary approach of conducting research and publication, along with public discussion and government policy, must be more inclusive if the United States is to situate itself as the country of the future, indicative of a truly democratic country, with equality, justice, and "representation" not only for *whites* and, to a lesser degree, *blacks*, but also for *Latinos*. In fact, while the racial (black and white) experience has been delineated over the years, the ethnic realities of Latinos have received minimal attention, and, as a segment of the Latino community and a small segment of the American police, not a single book on Latino police has ever been published (to our knowledge). Clearly, the rapidly shifting landscape merits a newly energized research agenda to explore the ways in which ethnicity shapes law enforcement practices, and, by extension, the pressing need for Latino offi-

cers; ultimately, allowing us to gain sight into the future of the already largest minority group (Latinos) and the largest ethnic minority group (Mexicans) in the United States–*the emerging new face of America and the upcoming majority*–which in turn will influence the role, practice, and future of the American police.

The central goal of this book is twofold. First, with Latinos projected as the upcoming majority, the focus will be primarily (but not exclusively) on Latino police officers, delineating the pressing significance, implications, and ramifications of Latino officers in law enforcement agencies across the country. Globally, the *need, role, expectations, complexities, and future of Latino officers in law enforcement* are investigated within a broader context–the American police over time. Second, while the disproportionate representation of minorities, particularly Latinos and blacks, in the criminal justice system is well documented, much less analyzed are the *mechanisms, beliefs,* and *ideologies* that govern the Latino and overall American experience (Urbina, 2012a, 2012b, 2014; Urbina et al., 2014). Notably, understanding the historical roots and ideologies governing social control is not only vital to better understand the Latino and overall American experience, but essential for analyzing the dynamics of the American police over the years, and, by extension, how Latino officers are being situated within law enforcement, the Latino community, and society at large. As such, contributing authors seek to examine not only the historical manipulation, prejudice, discrimination, oppression, and brutality, like lynching, hangings, burnings, and excessive force, that are evident, but also the cultural, structural, financial, political, and ideological forces that have influenced and continue to perpetuate the current situation for Latinos, as police officers and community residents, in the United States. In analyzing historical and contemporary forces that have impacted the ethnic experience in everyday life, public sentiment, and criminal justice policy, we seek to reveal how anti-Latino social movements, police practices, and criminal laws not only need particular ideas about ethnicity and race to exist but also to legitimize their existence and practice–issues which will ultimately influence the *role* of Latino police in their everyday interaction with Latinos, blacks, whites, and other ethnic/racial minorities. Lastly, addressing various essential issues in this book, contributing authors demonstrate that the lack of knowledge on Latino police and the overall American police is not inevitable, and thus the book concludes with policy and research recommendations to help bridge this long neglected void–beginning representation in the police force; ultimately, the creation of a *new police force for the twenty-first century.*

Martin Guevara Urbina
Sofía Espinoza Álvarez

ACKNOWLEDGMENTS

It would have been impossible to conduct this project and edit this book without the everlasting patience, advice, and unconditional support of many highly talented, sincere, loyal, and dedicated people. To begin, our most profound gratitude goes to all the contributing authors for not only participating in this project but also being vested in producing provoking, refreshing, and captivating original chapters. This book never would have come to fruition without their assistance, perseverance, and advice throughout the various stages of the project process.

We like to acknowledge Dr. Adalberto Aguirre, Jr. (University of California–Riverside); Dr. David V. Baker (Riverside Community College); Dr. David E. Barlow (Fayetteville State University); Dr. Melissa H. Barlow (Fayetteville State University); Dr. Steven W. Bender (Seattle University); Dr. Ferris Roger Byxbe (Sul Ross State University–Rio Grande College); Dr. Susan M. Carlson (Western Michigan University); Dr. Arnoldo De León (Angelo State University); Dr. Joe R. Feagin (Texas A&M University, College Station); Dr. Rubén Martínez (Michigan State University); Dr. Alfredo Mirandé (University of California–Riverside); Dr. Felipe de Ortego y Gasca (Western New Mexico University); Dr. Rick Ruddell (University of Regina, Canada); and Dr. L. Thomas Winfree (Arizona State University) for their words of wisdom, compassion, and love during difficult, uncertain, or tearful moments. We are forever indebted to you for never losing confidence in us and encouraging us to continue with our research and publications.

We also extend our profound appreciation to Francisco Roberto Ramírez Ramírez, Doctor Honoris Causa, for his encouragement and support as well as his motivating and inspirational academic and everyday life lessons. Con carino, respecto y solidaridad, our most sincere gratitude to Professor Ramírez. Also, a word of gratitude also goes to María Aurora Ramírez Padrón, law school director/career coordinator, for her help, care, and guidance.

Thanks to the faculty and administration of Sul Ross State University for their patience, advice, and support. We are pleased and honored with the high level of professionalism, understanding, and compassion that we have received from our colleagues. In particular, we like to thank Drs. Bill Kibler, Quint Thurman, Jim Case, Paul Sorrels, Patricia Nicosia, and Ferris Byxbe for their support and encouragement.

We like to say a special thanks to our publisher, Charles C Thomas, and its president, Michael Thomas, for being extremely patient, supportive, helpful, and understanding throughout the entire publishing process. His personality and charisma have been a real blessing. Of course, we like to acknowledge the heroic and, at times, magical efforts of all the people who contributed to the making of this book in one way or another. We are well aware that seldom we have the honor and privilege to work with highly talented, honest, and loyal individuals or, better said, crusaders who believe, with great courage and faith, in positive social transformation and who participate in the cause toward equality, justice, respect, and human dignity.

CONTENTS

ILLUSTRATIONS

Page

Figures

Tables

LATINO POLICE OFFICERS IN THE UNITED STATES

Chapter 1

SITUATING THE CURRENT STATE OF RESEARCH ON LATINO POLICE AND ETHNIC COMMUNITY IN TWENTY-FIRST CENTURY AMERICA

Martin Guevara Urbina and Sofía Espinoza Álvarez

> [Our] knowledge of everyday life has the quality of an instrument that cuts a path through a forest and, as it does so, projects a narrow cone of light on what lies just ahead and immediately around; on all sides of the path there continues to be darkness.
>
> –Peter Berger and Thomas Luckmann

When the founding fathers of America wrote in the Declaration of Independence (1776) that "all men are created equal," it was quite obvious to them that women, eventually about half of the population, were not equal to men, and it was also quite obvious that by law "all men" meant "white men," not black men, brown men, red men, yellow men, or men of any other color. When Patrick Henry, a slave holder himself, supposedly stated, "Give me liberty, or give me death," he declared that liberty was in actuality reserved for white men, particularly wealthy white men. Paradoxically, seen as one of America's most sacred official documents the U.S. Declaration of Independence asserts that human beings are endowed with "unalienable rights," and that if a government deprives people of such rights, "it is the right of the people to alter or abolish it." As the most powerful upholder of the Constitution, emblazoned across the front of the United

States Supreme Court, the most visible icon of the American legal system, is the principle on which our system is based–"Equal Justice Under the Law." An exploration of the American experience, though, reveals that from the very founding of America, the idea that "all men are created equal," a phrase used by Thomas Jefferson, has coexisted with some of the most heinous, vicious, and vindictive atrocities, injustices, and inequalities in the history of the United States (Acuña, 2011a; Almaguer, 2008; Bender, 2003; De León, 1983; Feagin, 2000, 2013; McWilliams, 1990; Urbina, Vela, and Sánchez, 2014).

The American experience also reveals that while all legal and social actions over time warrant concern, as the United States strives for positive social transformation, it is the historically troubled police-minority relationships that reveal some of the deepest-rooted social problems in society–as the American police are the frontline agents of the law and thus the most visible upholders of democracy, freedom, and peace. In effect, "At the heart of the American paradigm is the perception that law and its agents . . . are colorblind and thus justice is impartial, objective and seeks *la verdad* (the truth). But, *la realidad* (reality) differs . . . decision makers are often more guided by their environment than by objectivity" (Urbina, 2003a:124), suggesting that the historical and contemporary *dynamics* of interacting forces, like conquest, colonialism, slavery, identity, and citizenship, influence the everyday American experience, and, in the area of law-and-order, how defendants are processed and treated by the American police and subsequently the judicial and penal systems–institutions that until recently have been composed mostly of white men.

With pressing changes in diversity, multiculturalism, and demographics across the country in the twenty-first century, the historical *black-white* binary approach of conducting research and publication, along with public discussion and government policy, must be more inclusive if the United States is to be the country of the future, indicative of a truly democratic country, with equality, justice, and "representation" not only for *whites* but also for *blacks* and *Latinos*, which now constitute the largest minority group in the U.S. In essence, while the racial (black and white) experience has been delineated over the years, the ethnic realities of Latinos have received minimal attention, and, as a segment of the Latino community and a small segment of the American police, not a single book on Latino police has ever been published (to our knowledge). The central goal of this book is twofold.

First, with Latinos projected as the *upcoming majority*, the focus will be primarily (but not exclusively) on Latino police officers, delineating the *pressing* significance, implications, and ramifications of Latino officers in law enforcement agencies across the country, while situating their experiences within the ethnic community as well as within the overall American society. Second, while the disproportionate representation of minorities, particularly Latinos and African Americans, in the criminal justice system is well documented, much less analyzed are the *mechanisms, beliefs, and ideology* that govern the Latino and overall American experience (Urbina, 2007, 2011, 2012a, 2012b). Subsequently, contributing authors seek to examine not only the historical manipulation, prejudice, discrimination, oppression, and brutality, like lynching, hangings, and burnings, that are evident, but also the structural, cultural, and ideological forces that have influenced and continue to perpetuate the current situation for Latinos in the United States. In analyzing historical and contemporary forces that have impacted the ethnic experience in everyday life, public sentiment, and criminal justice policy, we seek to reveal how anti-Latino social movements, police practices, and criminal laws not only need particular ideas about ethnicity to exist but also to legitimize their existence and practice–issues which ultimately might influence the *role* of Latino police in their everyday interaction with Latinos, blacks, whites, and other ethnic/racial minorities.

THE ETHNIC EXPERIENCE OVER TIME: EMERGING TRENDS AND ISSUES

Contrary to conventional wisdom that ethnic minorities are *new* to America, Latinos were some of the first immigrants in the United States and thus Mexican Americans and other Latinos have been in the U.S. for centuries. Before the English came to America in 1609, there was a Latino presence in the Southwest, including Texas, and they have been in the present-day U.S. since 1565 in Florida and 1598 in New Mexico, centuries before the Treaty of Guadalupe Hidalgo that ended the Mexican-American War in 1848, in which Mexico lost over half (55%) of its territory to the United States, and, subsequently, further fueling the notion of conquest, expansion, privilege, power, con-