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How Police Brutality Harms Mothers: Linking Police Violence to the Reproductive Justice Movement

ARNETA ROGERS*

Until the killing of Black men, Black mothers' sons, becomes as important to the rest of the country as the killing of a White mother's son—we who believe in freedom cannot rest until this happens.

—Ella Baker

Introduction

The recent and highly publicized killing of Michael Brown, an unarmed 18-year-old African American and the subsequent grand jury decision not to indict Darren Wilson, the Ferguson, Missouri, police officer who killed him, has evoked mass social protest, and highly emotional and politically charged social commentary on the racialized effects of police brutality.¹ The deaths of Mr. Brown and various other African-American men in this same year—including

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1. *Michael Brown's Shooting and Its Immediate Aftermath in Ferguson*, N.Y. TIMES (Aug. 25, 2014), <http://www.nytimes.com/interactive/2014/08/12/us/13police-shooting-of-black-teenager-michael-brown.html>.

that of Eric Garner,² a 43-year-old father of six, who died when New York Police Officer Daniel Pantaleo placed Mr. Garner in an illegal chokehold, and John Crawford,³ a 22-year-old man, who was shot dead for handling a toy gun as merchandise in an Ohio Wal-Mart—have not only sparked widespread demonstrations, but have also revived commentary echoing the same questions about disparate treatment by law enforcement that were exposed in the aftermath of the Rodney King beating over 20 years ago.⁴

While the crisis of systemic police violence has historically centered on the harm inflicted on victims of police brutality and, more generally, on the communities where they are from, an agitated group of feminist scholars and Reproductive Justice advocates have offered a more nuanced appraisal of the harm of police brutality, and have called for a reframing of the issue to one of Reproductive Justice.⁵ These scholars opine that the current climate of excessive force, harassment, and surveillance by law enforcement restricts their right to bear and raise children safely, free from an oppressive sense of peril that their offspring will be victimized or even killed prematurely at the hands of law enforcement.⁶ They suggest that this state-sanctioned and state-induced fear constitutes an infringement on their reproductive freedom.⁷

This Note will examine the social, historical, sociological, and criminal justice implications of police brutality and its legacy of racialized effects. Part I will expand upon the problem of police brutality. Part II will analyze the efficacy of framing the problem as a Reproductive Justice concern. Part III will discuss the dehumanization of black children. Part IV will examine the sociological and psychological implications of the ways in which parents, with specific attention paid to African-American mothers, are forced to parent. Part IV further evaluates and expounds the experiences of a group of African-American mothers, providing qualitative data to enhance the Note's analysis. The

2. James Queally & Alana Semuels, *Eric Garner's Death in NYPD Chokehold Case Ruled a Homicide*, THE NATION (Aug. 1, 2014), <http://www.latimes.com/nation/nationnow/la-na-nn-garner-homicide-20140801-story.html>.

3. Elahe Izadi, *Ohio Wal-Mart Surveillance Video Shows Police Shooting and Killing John Crawford III*, WASH. POST (Sept. 25, 2014), <http://www.washingtonpost.com/news/post-nation/wp/2014/09/25/ohio-wal-mart-surveillance-video-shows-police-shooting-and-killing-john-crawford-iii>.

4. Abraham L. Davis, *The Rodney King Incident: Isolated Occurrence or a Continuation of a Brutal Past?*, 10 HARV. BLACKLETTER J. 67 (1993).

5. Dani McClain, *The Murder of Black Youth is a Reproductive Justice Issue*, THE NATION (Aug. 13, 2014), <http://www.thenation.com/blog/180957/murder-black-youth-reproductive-justice-issue>.

6. *Id.*

7. *Id.*

data in Part IV evidences a diverse array of lived parenting experiences by African-American mothers. Part V goes on to discuss the particular danger police violence poses for Black children. Part VI details the ways in which this police violence often manifests in the form of gender violence perpetrated against black men and boys. Part VII details a historical framework for the role of mothers in movements organized around police violence and brutalization. Finally, this Note concludes with an analysis of how Reproductive Justice can be used as a platform for advocacy through the civil, criminal, and administrative processes that might more effectively address the personal and communal harms spurred by police brutality.

I. The Harm of Police Brutality

Police brutality, excessive force, or acts of police violence have been described as activities by law enforcement officers that are inconsistent with the official and organizational authority, values, and standards of ethical conduct.⁸ Others have more succinctly defined police brutality as the use of excessive physical force or verbal assault and psychological intimidation.⁹ Though the use of excessive force is prohibited by 42 U.S.C. §§ 1983,¹⁰ 1985,¹¹ 1986,¹² and the Fourteenth Amendment,¹³ the police in the United States have a history of using their positions of power to legitimize violence against ethnic minorities that dates back to slavery, persisting through emancipation, reconstruction, and post-reconstruction¹⁴ to present day.

The use of excessive force, both lethal and nonlethal, has been well researched in the aftermath of the grisly 1991 beating of Rodney King by members of the Los Angeles Police Department.¹⁵ Sociological, psychological, and organizational theories have been examined to understand why such abuses occur, but comprehensive statistics regarding actual police killings remain missing from official clearinghouses or formalized information pools accessible to the

8. Helen Taylor Greene, *Understanding the Connections Between Race and Police Violence*, in *THE SYSTEM IN BLACK AND WHITE: EXPLORING THE CONNECTIONS BETWEEN RACE, CRIME AND JUSTICE* 73, 75 (Michael W. Markowitz & Delores D. Jones-Brown eds., 2000).

9. *Id.* at 79.

10. 42 U.S.C. § 1983 (1996).

11. 42 U.S.C. § 1985 (1861).

12. 42 U.S.C. § 1986 (1871).

13. U.S. CONST. amend. XIV.

14. Greene, *supra* note 8, at 79.

15. See Cassandra Chaney & Ray V. Robertson, *Racism and Police Brutality in America*, 17 J. AFR. AM. STUD. 480 (2013).

public.¹⁶ Examining police violence, police brutality, and the police's use of excessive force—terms that will be used interchangeably throughout this Note—inevitably requires a more robust and accessible collection of data of police killings.

II. What is Reproductive Justice?

"Reproductive Justice" is the complete physical, mental, spiritual, political, social, and economic well-being of women and girls, based on the full achievement and protection of women's human rights.¹⁷ The idiom was developed and coined by a delegation of women of color returning from the 1994 International Conference on Population and Development in an effort to integrate concepts of reproductive rights, social justice, and human rights into the larger pro-choice movement.¹⁸ Since the 1973 *Roe v. Wade*¹⁹ decision, many women of color recognized problems with the term "choice" popularized by the mainstream women's movement, as the term has failed to acknowledge the ways laws, policies, and legislators punish and reward different groups of women, restricting their ability to freely "choose."²⁰

Following *Roe*, while the mainstream "choice" movement in the United States often reflected a preoccupation with the legality of abortion and privacy rights, many women of color organized against sterilization abuse and teen pregnancy, as well as the deleterious and disproportionate impact that the danger of illegal abortions posed for low-income women and women of color.²¹ In response, they searched for a conceptual framework that reflected the rights to have and not to have a child, and the many ways their rights to be mothers and

16. See, e.g., Robert E. Worden, *The Causes of Police Brutality: Theory and Evidence on Police Use of Force*, in POLICE VIOLENCE: UNDERSTANDING AND CONTROLLING POLICE ABUSE OF FORCE 23, 23–32 (William A. Geller & Hans Toch eds., 1996); see also FATAL ENCOUNTERS, <http://www.fatalencounters.org> (last visited Dec. 27, 2014); see also ANDREA M. BURCH, U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, ARREST-RELATED DEATHS, 2003–2009 – STATISTICAL TABLES (2011) (reporting that Arrest-Related Deaths program reporting a total of 4,813 arrest-related deaths between 2003 and 2009. Of these, about 6 in 10 deaths (2,931) were classified as homicide by law enforcement personnel).

17. Loretta Ross, *What is Reproductive Justice?*, in REPRODUCTIVE JUSTICE BRIEFING BOOK: A PRIMER TO REPRODUCTIVE JUSTICE AND SOCIAL CHANGE 4, 4 (1994), available at <http://www.law.berkeley.edu/php-programs/courses/fileDL.php?fid=4051>.

18. *What is Reproductive Justice?*, ASIAN COMMUNITIES FOR REPRODUCTIVE JUSTICE, <http://strongfamiliesmovement.org/what-is-reproductive-justice> (last visited Nov. 23, 2014).

19. *Roe v. Wade*, 410 U.S. 113 (1973).

20. Loretta Ross, *Understanding Reproductive Justice: Transforming the Pro-Choice Movement*, 36 OFF OUR BACKS, no. 4, at 14, 16 (2006) (describing the process of how women of color coined the term reproductive justice out of the "choice" movement).

21. *Id.*

parent their children are constantly threatened.²²

Thus, the Reproductive Justice framework, endorsed and employed by advocates, activists, and academics seeks to remove reproductive rights advocacy beyond the isolation of abortion access and integrate it into a comprehensive vehicle for addressing other social justice issues concerning communities of color, including economic and environmental justice, immigrants' rights, disability rights, discrimination based on race and sexual orientation, and other community issues.²³ This comprehensive perspective embodies women of color's recognition that it is not only important to fight for the right to have a child or not have a child, it is equally important to advocate for the right to parent the children they have.²⁴

In this regard, SisterSong, a national women-of-color Reproductive Justice collective, proffered three core pillars for the Reproductive Justice movement, in which they express that every woman has the right to:

[1] decide if and when she will have a baby and the conditions under which she will give birth, [2] decide if she will not have a baby and her options for preventing or ending a pregnancy, and [3] parent the children she already has with the necessary social supports in safe environments and healthy communities, and without fear of violence from individuals or the government.²⁵

It is the third pillar that many feminists and Reproductive Justice advocates have begun to link to problem of police brutality.

Writing for *The Nation*, political journalist Dani McClain reflected on the fact that, while the extrajudicial killings of unarmed black men exemplify the most egregious forms of police brutality, the violence remains narrowly framed in terms of race, police violence, white

22. Ross, *supra* note 20, at 16.

23. *Id.* at 14.

24. *Id.*

25. Loretta Ross, *Understanding Reproductive Justice*, TRUSTBLACKWOMEN.ORG (Mar. 2011), <http://trustblackwomen.org/our-work/what-is-reproductive-justice/9-what-is-reproductive-justice>.

supremacy or laws that protect murderers from prosecution.²⁶ McClain suggests that this conversation of police violence is rarely characterized as a feminist issue by those who advocate for choice, self-determination, and dignity as related to the autonomy of the family unit.²⁷

Others encourage this framing as a response to the communal and personal panic women of color began to express through various social media platforms in the aftermath of Brown's death. Some women uttered emotional and reactive responses to Brown's death, such as "As soon as I get pregnant, I'm leaving the country" or "I don't want to make them a target," verbalizing a historically entrenched and internalized fear felt by women of color, and particularly by African-American women, that their children may be gunned down or otherwise brutalized by law enforcement.²⁸ Other commenters suggest that the perpetuation of police violence is a continuation of the traumatic historical relationship between women of color's reproduction and state control.²⁹

What at first blush may seem like impassioned and grief-stricken outcries rooted in an intersectional convergence of disparate power relationships, the Reproductive Justice framework/response to police brutality can be strategically levied as a vehicle to address this harm in a more nuanced and comprehensive way. Although not found explicitly in the Federal Constitution, the Supreme Court of the United States established a constitutional procreative right when it overturned Oklahoma's Habitual Criminal Sterilization Act of 1935 in its decision in *Skinner v. Oklahoma* and *Skinner's* progeny.³⁰ Framing the issue of police brutality as one of Reproductive Justice confronts this procreative right in relation to the third pillar of the Reproductive Justice movement: the right to parent children in a safe environment

26. Dani McClain, *The Murder of Black Youth is a Reproductive Justice Issue*, THE NATION (Aug. 13, 2014), <http://www.thenation.com/blog/180957/murder-black-youth-reproductive-justice-issue>.

27. *Id.*

28. Feminist Newswire, *Activists Connect Shooting of Michael Brown to Movement for Reproductive Justice*, FEMINISTS MAJORITY FOUNDATION BLOG (Aug. 13, 2014), <http://feminist.org/blog/index.php/2014/08/13/activists-connect-shooting-of-michael-brown-to-movement-for-reproductive-justice>.

29. Hannah Giorgis, *The Soapbox: Why We Cannot Have Reproductive Justice Without Fighting Police Brutality*, THE FRISKY (Aug. 13, 2014), <http://www.thefrisky.com/2014-08-13/the-soapbox-why-we-cannot-have-reproductive-justice-without-fighting-police-brutality>.

30. See, e.g., *Skinner v. Oklahoma*, 316 U.S. 535 (1942).

and healthy community, free from the fear of violence from individuals or the government. Although there is a constitutionally recognized right to bear children,³¹ should this right extend the concept of substantive due process to recognize the right to parent in a safe and sustainable community, free from the coercion of life-threatening police violence?

The traditional framing of police brutality offers little recourse for addressing the harm faced by mothers in the current and historical climate of police brutality, intimidation, and surveillance. This framing requires further examination of the ways mothers of black men navigate their personal and familial relationship with the police, how they combat negative public perceptions ascribed to black men and youth, and how they negotiate the safety of their families.³² The socioeconomic status and racial compositions of the communities where these mothers reside, and whether or not they live in “urban” neighborhoods, will further differentiate their parenting experiences. Exploring the tragically common experiences that are unique to these women as parents illuminates the ways in which their parenting choices are confined, restrained, and coerced by the United States government.

III. Combating the Dehumanization of Black Children

Racially disparate treatment of adults by law enforcement and the criminal justice system has been well documented.³³ Likewise, a large body of literature substantiates the overrepresentation of youths of color in the nation’s juvenile justice system.³⁴ Youths of color are detained more often than their white peers, overrepresented in their referrals to juvenile court, more likely to be adjudicated as

31. *Skinner*, 316 U.S. 535.

32. McClain, *supra*, note 26.

33. See generally Steven R. Cureton, *Determinants of Black-to-White Arrest Differentials: A Review of the Literature*, in *THE SYSTEM IN BLACK AND WHITE: EXPLORING THE CONNECTIONS BETWEEN RACE, CRIME AND JUSTICE* 65 (Michael W. Markowitz & Delores D. Jones Brown eds., 2000).

34. Janice Joseph, *Overrepresentation of Minority Youth in the Juvenile Justice System: Discrimination or Disproportionality of Delinquent Acts?*, in *THE SYSTEM IN BLACK AND WHITE: EXPLORING THE CONNECTIONS BETWEEN RACE, CRIME AND JUSTICE* 228 (Michael W. Markowitz & Delores D. Jones Brown eds., 2000).

delinquents, and are more likely to be institutionalized.³⁵ Despite the near universal protection that most societies tend to afford children, black children are 18 times more likely than white children to be sentenced as adults and represent 58% of children sentenced to adult facilities.³⁶ While incarcerated, black youth are also more vulnerable to physical and sexual assault and suicide.³⁷

A recent study links this disparate treatment, the product of explicit and implicit forms of racial bias, to the dehumanization of black children. As a result of this disparate treatment, they are perceived by authority figures as older than their actual age, less innocent, and less worthy of protection.³⁸ The study further suggests that the psychological context of the dehumanization of black children allows for morally objectionable actions, such as disproportionate sentencing and the use of excessive force by officers—phenomena that would not exist if these children were perceived as fully human.³⁹ In his grand jury testimony, Ferguson, Missouri police officer Darren Wilson expressed that Michael Brown looked at him like a “demon” and that Wilson felt childlike in comparison to Mr. Brown’s alleged brute strength.⁴⁰

Historical examples of the dehumanization of black children include the forced separation of black children from their parents during the chattel slavery systems throughout the 17th and 18th centuries and the 1955 lynching and disfigurement of 14-year-old Emmitt Till, whose alleged crime was whistling at a white woman.⁴¹ Another 14-year-old black teen, George Junious Stinney Jr., was the

35. Joseph, *supra* note 34, at 228.

36. Phillip A. Goff, Matthew C. Jackson, Brooke A. L. Di Leone & Carmen M. Culotta, *The Essence of Innocence: Consequence of Dehumanizing Black Children*, 106 J. OF PERSONALITY AND SOC. PSYCHOLOGY 526, 526 (2014) (describing disparities black youth face in sentencing and treatment in the criminal justice system).

37. *Id.*

38. *Id.* at 527.

39. *Id.*

40. Transcript of State of Missouri v. Darren Wilson, Grand Jury 225, vol. V (Sept. 16, 2014) (Officer Darren Wilson described Michael Brown as subhuman during grand jury testimony. Officer Wilson shot and killed 18-year-old Michael Brown in Ferguson, Missouri after a disputed altercation between the two. Brown’s death, and Wilson’s subsequent nonindictment sparked mass demonstrations in response to law enforcements relationship with African Americans and history of police brutality).

41. Goff et al., *supra* note 36, at 527.

youngest person in the United States to be legally executed, and in the days leading up to the highly anticipated grand jury indictment decision of Officer Wilson, 12-year-old Tamir Rice was shot dead while playing with a toy gun in a local park by an Ohio police officer within seconds of the officer's arrival.⁴²

Even when young black men are victims of violence, they are often posthumously portrayed in the media as thugs or otherwise unworthy of the nation's sympathy.⁴³ Details often surface that the victims struggled in school, listened to rap music, or that their murdered bodies tested positive for THC (a principal chemical in marijuana).⁴⁴ Headlines and articles expressing that these young men were "no angel[s]" are commonplace in mainstream news sources such as the *New York Times*.⁴⁵ While their sons are held in the public eye to unattainable standards of human perfection, African-American mothers are forced to simultaneously grieve and attempt to maintain the integrity of their slain child's legacy.

Commentary on the character assassination of 17-year-old Trayvon Martin, murdered by neighborhood vigilante George Zimmerman, reemerged in the aftermath of the death of Michael Brown. Images widely disseminated in the media portrayed both young men in implicitly racist ways, causing their stories to elicit less sympathy from the general public.⁴⁶ While some media outlets showed a picture of Brown adorned in his graduation cap and gown, a large majority opted to transmit images of him posing on a stoop in a basketball jersey.⁴⁷ The "If They Gunned Me Down" campaign emerged as a social media

42. Ian Reifowitz, *George Stinney: How the Tragic Death of One Black Teen Shares Similarities to So Many Others*, HUFFINGTON POST (Apr. 06, 2015), http://www.huffingtonpost.com/ian-reifowitz/george-stinney-how-the-tr_b_6614364.html.

43. Renee Lewis, *Ferguson Reports Raise Questions on Media Criminalization of Blacks*, AL JAZEERA (Aug. 14, 2014), <http://america.aljazeera.com/articles/2014/8/14/ferguson-media-iftheygunnedmedown.html>.

44. Mike Schneider & Kyle Hightower, *Trayvon Martin Case: Evidence of Marijuana Found in Martin's Blood*, HUFFINGTON POST (July 17, 2012), http://www.huffingtonpost.com/2012/05/17/trayvon-martin-case-marijuana-found-in-blood_n_1525840.html.

45. John Eligon, *Michael Brown Spent Last Weeks Grappling with Problems and Promise*, N.Y. TIMES (Aug. 24, 2014), <http://www.nytimes.com/2014/08/25/us/michael-brown-spent-last-weeks-grappling-with-lifes-mysteries.html>.

46. Lewis, *supra* note 43.

47. *Id.*

response to this problematic practice, as hundreds of thousands of people of color posted dueling images of themselves on Twitter and Tumblr, contrasting racialized stereotypes with mainstream depictions of respectability.⁴⁸ Their portrayals begged the question of which image media outlets would select to share their narrative if their lives ended violent tragedy as Brown and others.⁴⁹

IV. Coercion or Adaptation? A Qualitative Perspective on Parenting Strategies for Mothers Raising African-American Sons

Faced with the stark reality that their children are perceived as older and more culpable from very young ages, mothers of black boys alter their parenting strategies to help ensure the safety and integrity of their sons. Strategies include strict supervision through the use of curfews, chaperonage, discouraging friendships with delinquent peers, seeking internal and external community resources, and the support of kinship networks, such as aunts, uncles, and grandparents.⁵⁰ Some parents of black boys have even been willing to sacrifice traditional parenting structures, where children are raised in close physical proximity to the home, and instead use a strategy of exile, where youths are extricated from their home communities and sent to live with relatives or friends, or even at penal institutions.⁵¹ Parents of African-American males commonly use exile, because they are especially concerned with protecting their children from threats of physical violence by the police in their communities.⁵²

Homicide is the leading cause of death for African-American

48. Bill Chappel, *People Wonder: 'If They Gunned Me Down,' What Photo Would Media Use?*, NPR (Aug. 11, 2014), <http://www.npr.org/blogs/thetwo-way/2014/08/11/339592009/people-wonder-if-they-gunned-me-down-what-photo-would-media-use>; see also TUMBLR, <http://iftheygunnedmedown.tumblr.com> (last visited Dec. 27, 2014).

49. Chappel, *supra* note 48.

50. Joseph B. Richardson, Jr., *Taking Boys out of the Hood: Exile as a Parenting Strategy for African America Male Youth*, 143 NEW DIRECTIONS FOR CHILD & ADOLESCENT DEV. 11, 12 (2014) (describing different parenting strategies of African-American parents).

51. *Id.*

52. Chappel, *supra* note 48.

men between the ages of 15 and 34.⁵³ For African-American male teenagers in the United States, this risk of being murdered (39.2 per 100,000 population) is more than twice that of Hispanic males (17.1 per 100,000 population) and about 15 times that of white males (2.6 per 100,000 population).⁵⁴ However, the real fear of premature death for African-American males not only comes in response to the reality of community violence, it is also reflected in their mother's fear that their son could be violently victimized by the police.⁵⁵

Data used in this section and throughout this Note was collected by the Author by interviewing a group of four African-American mothers. The interview participants ranged in age from 33 to 52 at the time of the interviews.⁵⁶ The participants were from different geographic regions of the country and each shared their perspective in light of their profession, marital status, level of education, and personal and communal relationship with police.⁵⁷ Some of the participants described their experiences raising either sons or daughters exclusively, while others shared their account of raising both sons and daughters, and recounted varying approaches to parenting across genders.⁵⁸ Their experiences and perceptions on how law enforcement interacts with their communities and families diverge in some respects, but remains consistent when expressing adaptive parenting behaviors implemented to help their children—specifically their sons—combat structural and personal racist encounters with the police.⁵⁹

For example, Participant 1, a 34-year-old African-American woman, high school teacher, and single mother of a 4-year-old son living in the Deep South⁶⁰ stated that she does not fear the police

53. *Leading Causes of Death by Age Group, Black Males-United States, 2010*, CENTERS FOR DISEASE CONTROL AND PREVENTION (2010), available at <http://www.cdc.gov/men/lcod/2010/LCODBBlackmales2010.pdf>.

54. Arialdi M. Miniño, *Mortality Among Teenagers Aged 12–19 Years: United States, 1999–2006*, 37 CDC NAT'L CTR. FOR HEALTH STATISTICS DATA BRIEF, 4 (May 2010).

55. Richardson, Jr., *supra* note 50, at 11, 16.

56. The author conducted these interviews from November 9, 2014 to November 21, 2014. Interview transcripts available with the author. See app. A for interview questions.

57. *Id.*

58. *Id.*

59. *Id.*

60. MERRIAM-WEBSTER ONLINE DICTIONARY (2014), <http://www.merriam-webster.com/dictionary/deep%20south> (defining "Deep South" as a region in the Southeast United States,

because she personally knows most of the officers in her small town.⁶¹ The officers know her by name and she says she has cop friends she knows she can call.⁶² She further expressed that without this personal relationship she would be as apprehensive as others in her immediate community and the larger black community.⁶³

Conversely, Participant 2, a 52-year-old guidance counselor, biological mother of two and informal surrogate to five other children, also residing in the Deep South, expressed perhaps a generational shift in her personal and perceived communal relationship with law enforcement.⁶⁴ She voiced that she felt the police were “lowdown,” “dirty,” and “disrespectful.”⁶⁵ Participant 3, a 33-year-old married mother of two living in Oakland, California, intimated that her personal relationship with law enforcement was not one of fear, but of distrust, because she has known family members that have been beaten up by the police, or have been victims of other forms of police misconduct, such as having drugs planted on them.⁶⁶

Although the different mothers voiced varying perspectives on their own personal relationships with the police, a common theme in their narratives emerged as they described their overall feeling that law enforcement’s presence in their communities has been negative, and that the anonymity of law enforcement and unfamiliarity with the communities where they work—communities they are tasked to protect—fosters an increasingly hostile environment.⁶⁷ For instance, Participant 1 expressed of the current climate, that “we’re living in an age where the police aren’t involved in the community at all.”⁶⁸ She further stated, “Growing up, the police were more involved and visible at positive things. I saw them at Dunkin’ Donuts. Their job as

usually considered to include Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and all or part of the adjacent states of Florida, Virginia, Tennessee, Arkansas, and Texas).

61. Interview with Participant 1 (Nov. 9, 2014).

62. *Id.*

63. *Id.*

64. Interview with Participant 2 (Nov. 20, 2014).

65. *Id.*

66. Interview with Participant 3 (Nov. 21, 2014).

67. Interviews with Participants 1–4, *supra* note 61, 64, 66; *infra* note 70.

68. Interview Participant 1, *supra* note 61.

protecting and serving is also to know their community. Cops just see a nameless shameless black person. They can't vouch for anyone because they don't know them."⁶⁹

Participant 4, a 36-year-old single-mother of one daughter, also living in Oakland, California, similarly voiced frustration with the lack of a community-oriented police presence in her city and surrounding neighborhood.⁷⁰ She stated that:

Community policing means that police maybe don't wear uniforms but they attend churches and go to schools. They recognize families and know what's going. It shouldn't always be negative. We need a relationship that's not based on 'you've committed a crime now I'm putting you in handcuffs.' Policies have to be about building communities and that's not what happened.⁷¹

V. Black Children in Danger

Although the systemic racism entrenched in the United States' criminal justice system is not a recent development, the current spotlight on the slayings of multiple unarmed African-American men or youth by law enforcement has brought to the forefront a rational fear of victimization by law enforcement.⁷² Reproductive Justice advocates have called into question the underlying assault on the reproductive rights of particular communities when the opportunity to raise children is brutally and systemically denied.⁷³ In line with this sentiment, Participant 1 expressed that "everything is a teaching moment" for her four-year-old son.⁷⁴ "Even some of the TV shows we watch. It's hard to teach your children to walk the straight and narrow and still give them the freedom to explore. Saying kids will

69. Interview Participant 1, *supra* note 61.

70. Interview with Participant 4 (Nov. 9, 2014).

71. *Id.*

72. See Michael Brown's Shooting and Its Immediate Aftermath in Ferguson, *supra* note 1; see also Queally & Semuels, *supra* note 2; Izadi, *supra* note 3.

73. Giorgis, *supra* note 29.

74. Interview with Participant 1, *supra* note 61.

be kids is different when you have a black son.⁷⁵

Participant 4 assists in raising her nephews, and tells them that the “police are not your friend.”⁷⁶ She dissuades them from providing any information or talking to the police without an adult present, because she fears that any information they provide could subsequently be used against them or make them a target by others in their community.⁷⁷ Overall she explains that “you have to be proactive in ways that white parents aren’t” in order to ensure the safety and survival of their children.⁷⁸ Every participant reported discussing race with their children in different ways, ranging from introducing them to black pride to acquainting them with the institutionalized underpinnings they might experience at school or elsewhere in their community.⁷⁹ While recognizing that black girls and women can also be victimized and brutalized by the police, each mother belabored the additional pressure of ensuring the safety of their sons or male relatives.⁸⁰

VI. Police Violence as Gender Violence Against Black Males

While gender discrimination is more often associated with females, studies have shown that African-American males also experience gender discrimination that impacts their interactions with law enforcement.⁸¹ African-American males are more likely to be stereotyped and stigmatized as being aggressive, hypersexual, and more prone to criminality.⁸² Additionally, social dominance theory suggests that males in lower status groups are subjected to greater forms of bias than females because they are perceived as threats to racial hierarchy.⁸³ A deadly clash can ensue when police

75. Interview with Participant 1, *supra* note 61.

76. Interview with Participant 4, *supra* note 70.

77. *Id.*

78. *Id.*

79. Interviews with Participants 1–4, *supra* note 61, 64, 66; *infra* note 70.

80. *Id.*

81. Fatima Varner & Jelani Mandra, *Discrimination Concerns and Expectations as Explanations for Gendered Socialization in African American Families*, 84 CHILD DEV. 875, 879 (2013).

82. *Id.*

83. *Id.*

forces train their officers to practice rogue and hostile masculinity, exacerbated by additional explicit and implicit racial biases and combative personalities.⁸⁴ Thus, mothers of African-American sons must not only educate their sons about the dangers associated with their race, but also must vary their preparation in ways that differ from raising their female children.

These racialized and gendered systems of control are part of what sociologist Victor Rios describes as the “Youth Control Complex” (hereinafter the Complex) is part of a system of criminal and social control within which mothers of African-American sons are forced to parent.⁸⁵ Rios describes the Complex as the combined effect of a web of institutions, including schools, families, businesses, media, and a criminal justice system that criminalizes young people of color in an attempt to control them.⁸⁶ The Complex, he elucidates, is composed of both material and symbolic forms of criminalization.⁸⁷ This material criminalization involves police harassment and zero-tolerance policies in schools, which lead to detentions, expulsions, and incarceration.⁸⁸ African-American mothers have become increasingly vigilant in light of the observation that “police in schools have become very punitive, and children are winding up in the [criminal justice] system much earlier.”⁸⁹

The symbolic components of the Youth Control Complex include heightened levels of surveillance, profiling, stigma, and degrading interactions that young people of color routinely endure.⁹⁰ This symbolic pillar of the Complex is symptomatic of law enforcement policies, such as Stop and Frisk⁹¹ and Broken Windows policing, that increasingly exacerbate the likelihood that racial microaggressions will occur between communities of color and the police.⁹²

84. VICTOR M. RIOS, *PUNISHED: POLICING THE LIVES OF BLACK AND LATINO BOYS* 135 (N.Y. Univ. Press, 2011).

85. *Id.*

86. *Id.*

87. *Id.*

88. *Id.*

89. Interview with Participant 4, *supra* note 70.

90. RIOS, *supra* note 84, at 52.

91. *Terry v. Ohio*, 392 U.S. 1 (1968) (finding that a police officer has the right to make on-the-street stops in order to interrogate and pat down for weapons.) A “Terry Stop” is commonly known as the practice of “Stop and Frisk.”

92. David Rudovsky, *The Constitutionality of Stop and Frisk in New York City*, 162 U. PA.

Under Stop and Frisk, officers are allowed to stop a person based on the “reasonable suspicion” of criminal activity that the person is armed and dangerous.⁹³ Between January 2004 and June 2012, the New York City Police Department made 4.4 million pedestrian stops, of which over 80% were of African Americans or Latinos.⁹⁴ The policy has been a contentious police practice since it was first approved by the Supreme Court in 1968, and Stop and Frisk has come under direct scrutiny because of the racial disparities in policing it produces.⁹⁵

The Broken Windows theory of policing, introduced by George L. Kelling and James Q. Wilson in 1982, employs methods like foot patrols to rein in minor offenses in high-crime neighborhoods so as to maintain a system of order and community-driven accountability.⁹⁶ Some critics have proffered that it is precisely this type of policing and interaction that resulted in the killing of Eric Garner, who died while being arrested for selling loose untaxed cigarettes.⁹⁷ Awareness of the probability of consistent negative encounters with police, the ways in which black mothers equip their sons has become a compulsory and disparate reality that their more racially privileged peers of parents do not have to endure.

This level of awareness holds, especially given that some African-American mothers purport to experience varying levels of surveillance, harassment, and degradation by law enforcement.⁹⁸ As an example, Participant 4 recalls numerous experiences, of being followed and irrationally pulled over in Oakland and the neighboring city of Berkeley, California.⁹⁹ She has been pulled over for red light violations and having her high beams on, yet when she was personally assaulted

L. REV. 117, 118 (2013).

93. Rudovsky, *supra* note 92, at 118.

94. *Id.* at 121

95. *Id.*

96. George L. Kelling & James Q. Wilson, *Broken Windows: The Police and Neighborhood Safety*, THE ATLANTIC (Mar. 1, 1982), <http://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465>.

97. Justin Peters, *Loose Cigarettes Today, Civil Unrest Tomorrow: The Racist, Classist Origins of Broken Windows Policing*, SLATE (Dec. 5, 2014), http://www.slate.com/articles/news_and_politics/crime/2014/12/edward_banfield_the_racist_classist_origins_of_broken_windows_policing.html.

98. Interview with Participant 4, *supra* note 70.

99. *Id.*

in her car with her young daughter, the police failed to respond.¹⁰⁰ Her experience reflects an intrinsic community disconnect between the type of policing she encounters wherein her experience and that of her family are only met with criminalization and no protection.¹⁰¹

VII. Mothers at the Forefront

In response to the tragic losses of their sons to police violence, African American mothers have emerged as leaders in the contemporary racial and criminal justice movement against police violence proclaiming that Black Lives Matter.¹⁰² Mothers, such as Leslie McSpadden, the mother of Michael Brown, have been vocal in their discontent with the ways the criminal justice system failed to bring about justice for her son.¹⁰³ The world looked on as Ms. McSpadden screamed and sobbed after hearing the Ferguson grand jury's decision not to indict Officer Wilson.¹⁰⁴ In her grief-stricken response, Ms. McSpadden was recorded saying: "They still don't care . . . they're never gonna care. I've been here my whole life." She vulnerably exclaimed her disbelief that the system would rightfully carry out justice for her or her son.¹⁰⁵

The political activist Al Sharpton introduced Kadi Diallo to movement-building work after the murder of her son Amadou in 1999.¹⁰⁶ Amadou was shot 41 times by four New York Police Department officers when they mistook his wallet for a weapon.¹⁰⁷ Her emergence as an activist fighting against the racialized nature of police killings was based on her unique experience as an African immigrant, which reflected a divergent viewpoint of the racialized nature of police killings in the United States.¹⁰⁸ Unlike NYPD Officer Pantaleo and

100. Interview with Participant 4, *supra* note 70.

101. *Id.*

102. Aisha Harris, *Why the Urgent Anger of Michael Brown's Mother Matters*, SLATE (Nov. 25, 2014), http://www.slate.com/blogs/the_slatest/2014/11/25/michael_brown_s_mother_why_the_video_of_leslie_mcspadden_s_anguish_at_the.html.

103. *Id.*

104. *Id.*

105. *Id.*

106. Ted Conover, *Kadi Diallo's Trial*, N.Y. TIMES (Jan. 9, 2000), <http://www.nytimes.com/2000/01/09/magazine/kadi-diallo-s-trial.html>.

107. *Id.*

108. *Id.*

Ferguson, Missouri Officer Wilson, neither of which were indicted for the killings of Eric Garner and Michael Brown, respectively, the officers responsible for emitting the deluge of bullets that ended Amadou's life were charged, only to be acquitted only months later.¹⁰⁹ Diallo, as well as Valerie Bell, the mother of Sean Bell—a 23-year-old, unarmed African-American man gunned down by NYPD officers on the evening of his bachelor party in 2006—have spoken out in solidarity to the new wave of grieving mothers experiencing a climate of police brutality they had hoped would be eliminated in the wake of their own tragedies.¹¹⁰

Mothers have been integral to and at the helm of a rich history of twentieth-century movements critiquing social conditions and organizing for social change within their communities.¹¹¹ In her book, *Golden Gulag*, Ruthie Wilson Gilmore analyzes the political economy of the Prison Industrial Complex and chronicles the movement work of the organization Mothers Reclaiming Our Children (hereinafter "Mothers ROC").¹¹² Mothers ROC, a group of predominantly working-class women of color in Los Angeles, California, formed in 1992 in response to the intense rate at which the system was criminalizing and taking away their children.¹¹³ The controversial 1992 death of George Noyes, who was shot and killed by a Los Angeles police officer, served as a catalyst for a grassroots power rearrangement that generated a 1992 L.A. gang truce, as well as the emergence of Mothers ROC.¹¹⁴ A 1995 flyer from Mothers ROC reads:

Mothers suffer a special pain when their children are incarcerated (lost to them). It was from this pain and suffering that Mothers ROC was born! We are an organization of Mothers (and others) whose children have been arrested & incarcerated. We fight against the police

109. Conover, *supra* note 106.

110. Jessica Moscovitz, *The Moms of Michael Brown, Trayvon Martin and Sean Bell Speak Out*, CNN NEW DAY BLOG (Aug. 25, 2014), <http://newday.blogs.cnn.com/2014/08/25/the-moms-of-michael-brown-trayvon-martin-and-sean-bell-speak-out>.

111. RUTH WILSON GILMORE, *GOLDEN GULAG: PRISONS, SURPLUS, CRISIS AND OPPOSITION IN GLOBALIZING CALIFORNIA*, 181 (Earl Lewis et al. eds., 2007).

112. *Id.* at 186.

113. *Id.*

114. *Id.* at 196.

abuse, the false arrests & convictions and the unfair treatment throughout the Justice System. We educate ourselves and our young about the workings of the Criminal Justice System.¹¹⁵

As Mothers ROC organized, the leaders of the group initiated the work of trying to figure out how to channel the fears and trauma produced by state violence and how they as working class and mothers of color, as the most vulnerable to state violence, could begin to systematically shield themselves and their children from it.¹¹⁶ Addressing the issue of police brutality as one of Reproductive Justice will require similar contemplation by those advocating for an intersectional analysis of the problem. Wilson Gilmore wrote that Mothers ROC's solutions for reclaiming their children from the criminal justice system drew upon structural features of self-help, organizing on every platform where conflict was enacted, and the core argument that mothers should extend their parenting techniques beyond traditional domestic spheres.¹¹⁷

Accordingly, the emergence of the current Black Lives Matter movement, spurring mass political demonstrations at home and even abroad,¹¹⁸ has embraced themes of inclusivity and organizing around multiple areas of conflict in a fashion similar to the Reproductive Justice movement.¹¹⁹ Chief organizer for the campaign Alicia Garza, writes that:

Black Lives Matter is a unique contribution that goes beyond extrajudicial killings of Black people by police and vigilantes. It goes beyond the narrow nationalism that can be prevalent within some Black communities, which merely call on Black people to love Black, live Black and

115. GILMORE, *supra* note 111, at 196.

116. *Id.* at 197.

117. *Id.*

118. Paula Mejia, *Ferguson, Eric Garner Protests Spread Worldwide*, NEWSWEEK (Dec. 6, 2014), <http://www.newsweek.com/ferguson-eric-garner-protests-sprawl-worldwide-289867>.

119. BlackLivesMatter, *A Herstory of the #BlackLivesMatter Movement*, BLACKLIVESMATTER.COM (Dec. 6, 2014), <http://blacklivesmatter.com/a-herstory-of-the-blacklivesmatter-movement>.

buy Black, keeping straight cis Black men in the front of the movement while our sisters, queer and trans and disabled folk take up roles in the background or not at all. Black Lives Matter affirms the lives of Black queer and trans folks, disabled folks, Black-undocumented folks, folks with records, women and all Black lives along the gender spectrum. It centers those that have been marginalized within Black liberation movements. It is a tactic to (re)build the Black liberation movement.¹²⁰

Garza, along with two female organizers, Patrisse Cullors and Opal Tometi, has created a call to action that, though impelled by the vigilante killing of Trayvon Martin and extrajudicial killings of Garner and Brown, at its core implores for an actualization of Black humanity for the diverse individuals that comprise the Black community.¹²¹ This includes being inclusive across the gender spectrum.¹²²

While the Reproductive Justice framing of the issue of police brutality traditionally hinges on the reproductive rights of women, the recent movement has also emboldened groups of young men to speak out about the political environment of state-sanctioned violence and police brutality.¹²³ Black male students from Yale recently created a blog that expressed their condolences and shared the grief of the parents of the slain victims of the recent police violence.¹²⁴ The blog also features several black male students writing poignant and candid words of wisdom to their unborn sons based on their experiences as black sons in America.¹²⁵ These posts include messages that read: "To my unborn son, don't let them tell you who you are, but be aware of how they see you"; "Your skin is not a death sentence"; and "If you wish to survive, you must be beyond reproach."¹²⁶ Although not explicit in the text of the

120. BlackLivesMatter, *supra* note 119.

121. *Id.*

122. *Id.*

123. "To My Unborn Son": Black Yale Students Pen Open Letters, ALJAZEERA THE STREAM (Dec. 3, 2014), <http://stream.aljazeera.com/story/201412031649-0024406>.

124. *Id.*

125. *Id.*

126. *Id.*

posts, it was evident that these were messages based on their lives, through personal experiences, and likely the result of messages they received from their parents during their own upbringing.

Inherent in these messages, whether exuded from mothers or childless activists, is an underlying assumption about the heightened danger experienced by a particular subset of the population. For black men and youth it has become increasingly evident that traditional methods of seeking protection from law enforcement are not afforded because law enforcement has become too commonly the source of the danger. This relationship begs the aforementioned question of whether this particular form of explicit and implicit parental guidance is cautionary, or actually compelled and/or coerced by the government.

St. Louis native, and beloved children's illustrator, Mary Engelbreit, illustrated a cartoon in the aftermath of Michael Brown's death that depicted a black mother, tightly holding her son at the kitchen table.¹²⁷ Mother and child look down upon a newspaper headline that says: "Hands Up Don't Shoot," as the young cartoon boy raises his hands in the air in surrender. The mother is illustrated with a single tear rolling down her cheek.¹²⁸ The illustration included the written message that "No One Should Ever Have to Teach their Children This, IN THE USA."¹²⁹ Ms. Engelbreit hoped that this stark depiction, though couched in the style of youthful illustration could spur dialog about race relations, and she donated the proceeds from the work to a memorial fund established in Michael Brown's honor.¹³⁰ Although the illustration starkly presents a teaching moment that Engelbreit remarks should not have to occur, many mothers feel that lessons such as these are critical to the success and survival of their offspring.

In her interview, Participant 1 candidly commented that it "goes back to how you raise your child. Do you teach them to fear the police or not fear the police? It's difficult to raise a black man in the United

127. Diana Reese, *Michael Brown's Mother Inspires Controversial Artwork by Mary Engelbreit*, WASH. POST (Aug. 25, 2014), <http://www.washingtonpost.com/blogs/she-the-people/wp/2014/08/25/michael-browns-mother-inspires-controversial-artwork-by-mary-engelbreit> (Engelbreit illustration included in app. B).

128. *Id.*

129. *Id.*

130. *Id.*

States. Depending on where you live, and in many urban areas its survival of the fittest.”¹³¹ She also recognized that her experience raising her son in the Deep South could be dramatically different than that of other women in different areas of the country.¹³² While her Darwinian reference implies a fear or some overarching culture of race selection, other scholars have linked the culture of a racialized and gendered state-sanctioned violence to the philosophical concept of biopower.¹³³

In writing about the role of race in necropolitics, Achille Mbembe discusses biopower, defined by French philosopher Michel Foucault as “that domain of life over which power has taken control.”¹³⁴ In the economy of biopower, the function of racism is to regulate the distribution of death and to make possible the murderous functions of the state.¹³⁵ These more deep-seated philosophical frameworks of examining the role of race, reproduction, and state-sanctioned violence fits squarely into a larger fear recognized on both sides of a “War on Black Bodies.”¹³⁶

Conclusion

If there is in fact a war being waged on black bodies, with a particular focus on African-American men and youth, how will the tenets of Reproductive Justice proffer recourse for other victims, whose reproductive autonomy is harmed when their children are brutalized and murdered with impunity? Most participants interviewed for the analysis of this Note were largely unfamiliar with Reproductive Justice in relation to social justice movement work.¹³⁷ Participant 1 stated that

131. Interview with Participant 1, *supra* note 61.

132. *Id.*

133. Achille Mbembe & Libby Meinjes, *Necropolitics*, 15 PUB. CULTURE 11, 16–17 (2003) (defining necropolitics as the ultimate expression of sovereignty—power and capacity to dictate who may live and who may die).

134. *Id.* at 12.

135. *Id.*

136. Donald F. Tibbs, *From Black Power to Hip Hop: Discussing Race, Policing, and the Fourth Amendment Through the “War on” Paradigm*, 15 J. GENDER RACE & JUST. 47 (2012); see also *Are America’s Police Departments Waging a War on Black Bodies?*, NEW YORK PUBLIC LIBRARY: SCHOMBURG CENTER FOR RESEARCH IN BLACK CULTURE (Sept. 9, 2014), available at <http://www.thenation.com/video/181527/are-americas-police-departments-waging-war-black-bodies>.

137. Interviews with Participants 1–4, *supra* note 61, 64, 66; *infra* note 70.

she associated the term “Reproductive Justice” with Planned Parenthood and that to her the phrase meant “being able to make decisions about your own body and not have that dictated by who you work for or by anybody.”¹³⁸ Similarly, Participant 4 expressed that when she hears the term “Reproductive Justice” she thinks about bodily integrity, the reproductive system, access to care, access to contraception, and access to abortion, but understands that it is a bit more expansive now.¹³⁹

Participants 2 and Participant 3 had no prior understanding of the concept of “Reproductive Justice.” Yet, after an explanation of the framework and the development of the three pillars¹⁴⁰ established by the SisterSong collective, both thought the concept could be a useful platform for beginning to speak about what mothers go through when police brutality tragedies happen.¹⁴¹ Participant 3 aptly noted that though she was able to make this connection, the idea might not resonate with women of a lower socioeconomic class or with less education because “in reality you have babies and then you do what you can to keep them safe.”¹⁴²

Even with little understanding of the key terms associated with Reproductive Justice movement work, each participant expressed in some form or other an overbearing pressure to acculturate their children to a climate of police violence based on their personal, communal, and systemic experiences. Although there is a fundamental right to bear children, the Supreme Court has deemed that there is no fundamental right to provide for the wellbeing of those offspring.¹⁴³ There are no fundamental rights to certain human necessities, including education, welfare, food, and shelter.¹⁴⁴ Yet, examining police brutality as a Reproductive Justice issue necessitates an appraisal of the role of government in protecting the procreative rights of women whose families and children are the most vulnerable to violence

138. Interview with Participant 1, *supra* note 61.

139. Interview with Participant 4, *supra* note 70.

140. Ross, *supra* note 20, at 14.

141. Interview with Participant 2, *supra* note 64; Interview with Participant 3, *supra* note 66.

142. Interview with Participant 3, *supra* note 66.

143. *Dandridge v. Williams*, 397 U.S. 471, 487 (1970); *Lindsay v. Normet*, 405 U.S. 56, 74 (1972).

144. *Id.*

perpetuated by the state through police forces.

Some main problems with movement work around police brutality whether approached through a framework of criminal justice reform, racial justice, human rights, or Reproductive Justice is that the pattern and deeply entrenched practice of police violence is often treated as an aberration in mainstream media. This system of police violence is often portrayed as the criminal act of one bad officer rather than routine police conduct.¹⁴⁵ For this reason, neither criminal prosecutions nor civil lawsuits have played a productive role in addressing the systemic problem of police brutality.¹⁴⁶

Commentators suggest that this is partially explained by the limitations of any legal system to cure social ills.¹⁴⁷ Legal rules tend to fragment instances of police brutality to obscure its systematic nature, while police supervisors, prosecutors, and judges routinely turn a blind eye to its occurrence.¹⁴⁸ This avoidance and lack of effective recourse has been a central catalyst for the thousands of people protesting the non-indictments of officers Wilson and Pantaleo. Dissenters have sharply questioned the merits of the prosecutorial discretion and the use of grand juries to even bring about charges for the officers responsible for the deaths of slain victims.¹⁴⁹

In all 50 states, police officers can be prosecuted for excessive force under applicable state laws, such as assault, aggravated assault, manslaughter, and murder.¹⁵⁰ Yet, despite the thousands of excessive force incidents that occur each year, criminal prosecutions are extremely rare.¹⁵¹ In all states, it is a complete defense to a charge of excessive force if the officer acted reasonably, and also a complete defense if he or she reasonably, although mistakenly, believed that

145. Susan Bandes, *Patterns of Injustice: Police Brutality in the Courts*, 47 BUFF. L. REV. 1275, 1275 (1999).

146. Mary M. Cheh, *Are Lawsuits an Answer to Police Brutality?*, in POLICE VIOLENCE: UNDERSTANDING AND CONTROLLING POLICE ABUSE OF FORCE 23, 23–32 (William A. Geller & Hans Toch eds. 1996).

147. *Id.*

148. Dorothy E. Roberts, *Constructing A Criminal Justice System Free of Racial Bias: An Abolitionist Framework*, 39 COLUM. HUM. RTS. L. REV. 261, 278 (2007).

149. Jeffrey Toobin, *Who Should Investigate Police Abuse?*, THE NEW YORKER (Dec. 30, 2014), <http://www.newyorker.com/news/daily-comment/investigate-police-abuse>.

150. Cheh, *supra* note 146, at 251.

151. *Id.*

force used was necessary.¹⁵²

Beyond the scope of the legal remedies, in addition to proper leadership and management of police departments, some solutions to the problem of excessive force lie in proper hiring, training, acculturation, and supervision of police officers.¹⁵³ Before assuming his post on the Ferguson Police Department, Officer Wilson was fired from a neighboring St. Louis suburban police force that was so wrought with tension between white officers and black residents that the city council decided to disband the entire force and start from scratch.¹⁵⁴ Avenues for Reproductive Justice advocacy lie in making the hiring process of officers more public,¹⁵⁵ advocating for community policing wherein police are involved in the community and pipeline programs that could increase racial parity between departments and the communities they police.¹⁵⁶

Reproductive Justice advocacy could also be used in the preparatory steps to expand legal remedies, such as improving public reporting and meaningful complaint procedures.¹⁵⁷ Currently, there is a lack of reliable data on the number of individuals who are killed by police each year¹⁵⁸ In the midst of wide scale social protest, Congress quietly reauthorized legislation¹⁵⁹ that requires states to report the number of people killed during an arrest or while in police custody.¹⁶⁰ Overall, mothers, parents, and childless activists who are angered by law enforcement's the historical and contemporaneous disregard for black lives can leverage Reproductive Justice arguments to fight against police brutality. Linking the harm mothers experience as a result of this

152. Cheh, *supra* note 146, at 247

153. *Id.*

154. Carol D. Leonnig et al., *Darren Wilson's First Job Was on a Troubled Police Force Disbanded by Authorities*, WASH. POST (Aug. 23, 2014), http://www.washingtonpost.com/national/darren-wilsons-first-job-was-on-a-troubled-police-force-disbanded-by-authorities/2014/08/23/1ac796f0-2a45-11e4-8593-da634b334390_story.html.

155. Cheh, *supra* note 146, at 247.

156. Interview with Participant 4, *supra* note 70.

157. Cheh, *supra* note 146, at 247.

158. FATAL ENCOUNTERS, <http://www.fatalencounters.org> (last visited Dec. 27, 2014); Andrea M. Burch, *Arrest-Related Deaths, 2003–2009 – Statistical Tables*, U.S. DEPT OF JUSTICE (2011).

159. Death in Custody Reporting Act of 2013, H.R. 1447, 113th Cong. (2013) (enacted).

160. Hunter Schwarz, *Congress Decides to Get Serious About Tracking Police Shootings*, WASH. POST (Dec. 11, 2014), <http://www.washingtonpost.com/blogs/post-politics/wp/2014/12/11/congress-decides-to-get-serious-about-tracking-police-shootings>.

form of systematic violence can help bolster intersectional coalitions, create proactive strategies for curbing abuse, and enjoin the larger Reproductive Justice movement in creating safe and sustainable environments where families of all backgrounds can thrive.

APPENDIX A

Participant Interview Questions:

Background Demographics

Age?

Single/Married?

Occupation?

Where do you live?

Urban/Non-Urban Area?

Racial composition of your community?

Class makeup of your community?

Kids

How many children do you have? Ages? Gender?

Do you want to have more children? Why or why not?

What are your greatest hopes for your children?

What are your greatest worries or concerns about their future?

Law Enforcement

Have you followed what's going on in the aftermath of the Mike Brown's death? What are your general thoughts?

What is your overall sentiment of the state of relationship between law enforcement and the black community? Your community?

Do you personally fear the police? Why or why not?

Is this based on personal experience?

Do you think the media plays a role in your perception?

Do you think the police should do more to protect young black men?

Parenting

How if any ways do you adjust your parenting style to in light of the historical implications of racism and police brutality perpetrated against black men?

If you are raising or have raised both girls and boys, do you parent them differently?

Do you talk to your children about race?

Do you talk them about how to interact with the police? Will you?

Reproductive Justice

What is your understanding of the term reproductive justice?

In the aftermath of the recent deaths of unarmed black men like Mike Brown and many others, some feminists and reproductive justice advocates have suggested that police brutality should be considered a reproductive justice issue because of the parenting and reproductive choices they make in reaction to police violence. Do you agree or disagree?

Solutions

Do you think the government has should play a bigger role in protecting black males from the police violence?

Do you think there should be more criminal accountability for perpetrators of police brutality?

Do you think there should be more civil liability for perpetrators of police brutality?

APPENDIX B

“IN THE USA” by Mary Engelbreit


