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“The Forgotten Victims” How Racialized Gender Stereotypes Lead to Police Violence Against Black Women and Girls: Incorporating an Analysis of Police Violence Into Feminist Jurisprudence and Community Activism

Nnennaya Amuchie

For all the Black girls and women who never had a chance to live
in a world free from violence.

—Nnennaya Amuchie

I. INTRODUCTION

Last year, thousands of young people gathered around the world in solidarity with Ferguson, Missouri, after police officers killed Michael Brown,¹ an unarmed 18-year-old Black teenager.² Following Michael Brown’s death, police officers killed many more unarmed Black men including highly publicized and mourned Eric Garner in New York City by a chokehold, 22-year-old John Crawford in Ohio, and seven-year-old Tamir Rice in Ohio.³ While these deaths sparked national attention and debate,

¹ *Michael Brown's Shooting and Its Immediate Aftermath in Ferguson*, N.Y. TIMES, http://www.nytimes.com/interactive/2014/08/12/us/13police-shooting-of-black-teenager-michael-brown.html?_r=0 (last updated Aug. 25, 2014).

² *Id.*

³ James Queally & Alana Semuels, *Eric Garner's Death in NYPD Chokehold Case Ruled a Homicide*, L.A. TIMES (Aug. 1, 2014, 9:24 PM), <http://www.latimes.com/nation/nationnow/la-na-nn-garner-homicide-20140801-story.html>; Elahe Izadi, *Ohio Wal-Mart Surveillance Video Shows Police Shooting and Killing John Crawford III*, WASH. POST (Sept. 25, 2014), <https://www.washingtonpost.com/news/post-nation/wp/2014/09/25/ohio-wal-mart-surveillance-video-shows-police-shooting-and-killing-john-crawford-iii/>; Shaun King,

public discourse and community activism ignored the deaths of numerous Black women who were also the victims of police killings that same year.⁴ Police officers also killed Yvette Smith, Gabriella Nevarez, Aura Rosser, Michelle Cusseaux, and Tanisha Anderson.⁵ Unfortunately, discussions about police violence center on Black men's experiences, rendering Black women invisible.⁶ The failure to include Black women's experiences in national and local discourse on police violence created a need for this paper.

While no conclusive list of Black women killed or brutalized by the police exists, a group of feminist scholars created the campaign "#SayHerName"⁷ to offer stories that reveal the ways gender, race, and

Tamir Rice: The Story Behind the Senseless Killing, Character Assassination, and Resulting Cover-up, DAILY KOS (Dec. 2, 2014), <http://www.dailykos.com/story/2014/12/02/1348833/-Tamir-Rice-The-story-behind-the-execution-character-assassination-coverup-of-a-senseless-murder>.

⁴ Evette Dionne, *Police Kill Black Women All the Time, Too – We Just Don't Hear About It*, BUSTLE (Dec. 8, 2014), <http://www.bustle.com/articles/52433-police-kill-black-women-all-the-time-too-we-just-dont-hear-about-it>.

⁵ Shaun King, *Texas Police Caught in an Enormous Lie About Their Murder of Unarmed Mother Yvette Smith*, DAILY KOS (Sept. 18, 2015) <http://www.dailykos.com/story/2015/09/18/1422588/-Texas-police-caught-in-an-enormous-lie-about-their-murder-of-an-unarmed-mother-Yvette-Smith#>; Glennisha Morgan, *Lesbian Woman of Color Killed by Sacramento County Police Officers*, ELIXHER (Mar. 8, 2014), <http://elixher.com/lesbian-woman-of-color-killed-by-sacramento-county-police-officers/#sthash.ILQHxYgV.dpuf>; John Counts, *40-Year-Old Woman Fatally Shot by Ann Arbor Police Officer Identified*, MLIVE (Nov. 11, 2014, 4:46 PM), http://www.mlive.com/news/ann-arbor/index.ssf/2014/11/ann_arbor_police_shooting_name.html; Diana Green, *Phoenix Police Shoot 50-Year-Old Woman During Mental Health Call*, WORLD SOCIALIST WEB SITE (Aug. 29, 2014), <https://www.wsws.org/en/articles/2014/08/29/phoe-a29.html>; Jaeah Lee, *A Mentally Ill Black Woman's "Sudden Death" at the Hands of Cleveland Police*, MOTHER JONES (May 28, 2015, 6:00 AM), <http://www.motherjones.com/politics/2015/05/tanisha-anderson-killing-cleveland-police>.

⁶ KIMBERLÉ WILLIAMS CRENSHAW ET AL., *AFRICAN AM. POLICY FORUM, SAY HER NAME: RESISTING POLICE BRUTALITY AGAINST BLACK WOMEN* 6 (2015), http://static1.squarespace.com/static/53f20d90e4b0b80451158d8c/t/55a810d7e4b058f342f55873/1437077719984/AAPF_SMN_Brief_full_singles.compressed.pdf (shedding light on Black women's experiences of police violence in an effort to support a gender inclusive approach to racial justice that centers all Black lives equally).

⁷ *Id.* at 6-7.

sexuality can operate to inform police abuse of black women.⁸ Scholars concluded the report by calling for an intersectional, feminist perspective that includes all Black people in every category such as race, gender, gender identity, and sexual orientation in the discussion around police brutality and violence.⁹

While this paper does not document every incident of police violence against Black women and girls, I hope this paper sheds light on the different ways Black women experience police violence due to racialized gender stereotypes. Black feminist thought encompasses theoretical interpretations of Black women's realities by those who live it.¹⁰ Thus, Black women have individual experiences and realities, which Black feminist thought recognizes and embraces.¹¹ Patricia Collins suggests, "Black feminist thought consists of specialized knowledge created by African-American women, which clarifies a standpoint of and for Black women."¹² This paper uses the Black feminist framework to analyze the experiences of individual Black women who have experienced police violence. Through these individual stories, this paper hopes to enrich Black feminist theory and to find commonalities between the stories that help explain the relationship between police violence and Black women.

Black feminist theory uses intersectionality as a tool to investigate how different systems of oppressions interact to shape Black women's daily experiences. "As far back as slavery, white people established a social hierarchy based on race and sex that ranked white men first, white women second, though sometimes equal to black men, who are ranked third, and

⁸ *Id.*

⁹ *Id.* at 32.

¹⁰ Patricia Hill Collins, *Defining Black Feminist Thought*, FEMINIST EZINE, <http://www.feministezine.com/feminist/modern/Defining-Black-Feminist-Thought.html> (last visited Mar. 12, 2016).

¹¹ *Id.*

¹² *Id.*

black women last.”¹³ This devaluation of Black women has normalized violence against Black women and the lack of care regarding that violence.¹⁴

One cannot fully understand the depth of Black women experiences without adopting an intersectional approach and lens. For example, without an understanding of how race and gender interact to produce stereotypes of Black women, one misses how police violence against Black women may differ from police violence against similarly situated White women.¹⁵ Unfortunately, no comprehensive data exists that documents incidents of police violence against Black women, which in itself is a problem. However, Black feminist theory values every experience of each Black woman, and this paper adopts this principle by centering Black women’s voices and experiences and exposing often dismissed truths.¹⁶

This paper will expand on the “#SayHerName” campaign by examining how historical stereotypes of Black women inform police violence against Black women. Part I will define intersectionality and explain the elements of Black feminist theory. Part II will explore the history of racialized gender stereotypes of Black women. Part III will connect the aforementioned stereotypes to five instances of police violence against Black women and girls. Lastly, Part IV will conclude this paper with an analysis on how feminist jurisprudence can include an intersectional framework to address the unique police violence against Black women through legal scholarship, national policy and advocacy, and legal processes.

¹³ BELL HOOKS, *AIN’T I A WOMAN?* 52-53 (1981).

¹⁴ See generally Treva Lindsey, *Race in the US: Herstory*, ALJAZEERA (Sep. 5, 2015), <http://www.aljazeera.com/indepth/features/2015/09/race-herstory-150904052450065.html>.

¹⁵ See Terrell Jermaine Starr, *Why is No One Talking About Black Women Abused by Police?*, THE WEEK (Dec 7, 2015), <http://theweek.com/articles/591811/why-no-talking-about-black-women-abused-by-police>.

¹⁶ BETH E. RICHIE, *ARRESTED JUSTICE: BLACK WOMEN, VIOLENCE, AND AMERICA'S PRISON NATION* 127 (2012).

A. Police Violence: Defined

For purposes of this paper, police violence includes killing, physical abuse, verbal abuse, sexual assault, sexual harassment, psychological intimidation, emotional violence, false arrest, and racial profiling. This definition exposes the breadth of violence Black women specifically face at the hands of police officers. Because Black women face unique police violence due to their race and gender, I will also use the United Nation's definition of violence against women. According to the United Nations Declaration on the Elimination of Violence against Women, violence against women includes "physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs."¹⁷ While the Declaration on the Elimination of Violence against Women fails to use an intersectional approach in evaluating violence against Black women, it is useful to understand that gender-based violence is not solely physical.¹⁸

B. Intersectionality and Black Feminist Theory

In order to contextualize police violence against Black women, this section provides a framework on how hegemonic structures intersect to oppress groups of people based on their identity. In order to fully understand and resolve police violence against Black women, the legal system, legislators, and community stakeholders must adopt an

¹⁷ G.A. Res 48/104, Declaration on the Elimination of Violence Against Women, (Dec. 20, 1993), <http://www.un.org/documents/ga/res/48/a48r104.htm> (stating that the United States has an affirmative obligation to protect women from all forms of violence).

¹⁸ *Id.* "Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include, inter alia: (a) The right to life; (b) The right to equality; (c) The right to liberty and security of person; (d) The right to equal protection under the law; (e) The right to be free from all forms of discrimination; (f) The right to the highest standard attainable of physical and mental health; (g) The right to just and favourable conditions of work; (h) The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment." *Id.*

intersectional approach. Therefore, this section focuses specifically on intersectionality in order to lay the foundation to interrogate stereotypes about Black women in Part II.¹⁹

1. Intersectionality Defined

In 1989, Kimberlé Crenshaw coined the term intersectionality.²⁰ Intersectionality recognizes that people live multi-dimensional identities—specifically race, class, and gender—due to interlocking systems of oppression.²¹ For example, a formally educated Black woman may have class privilege but still experience race- and gender-based oppression. Similarly, a Black man may have gender privilege but still experience race-based oppression.

Crenshaw clarified that “the term [intersectionality] was used to capture the applicability of Black feminism to anti-discrimination law.”²² Black women created intersectionality to analyze their own experiences and add to anti-racist and feminist theory and literature.²³ That is, the particular legal challenge was grounded in the fact that anti-discrimination law looks at race and gender separately.²⁴ As a result, Crenshaw believes that when Black women, or any other women of color, experience either compound or

¹⁹ Kimberlé Williams Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139, 140 (1989) [hereinafter *Demarginalizing the Intersection of Race and Sex*].

²⁰ *Id.*

²¹ *Id.*

²² Bim Adewunmi, *Kimberlé Crenshaw on Intersectionality: “I Wanted to Come Up with an Everyday Metaphor That Anyone Could See,”* NEWSTATSMAN (Apr. 2, 2014), <http://www.newstatesman.com/lifestyle/2014/04/kimberl-crenshaw-intersectionality-i-wanted-come-everyday-metaphor-anyone-could>.

²³ *Id.*

²⁴ *Id.*

overlapping discrimination, the law does not recognize their unique discrimination, leaving them with no legal remedies.²⁵

Crenshaw further argued that courts view legal discrimination through a single axis, recognizing sexism and racism as mutually exclusive rather than mutually dependent on one another.²⁶ When courts analyze race- and gender-based discrimination separately, they erase the dual experience of a Black woman as both Black and woman.²⁷ Crenshaw contended that courts perpetuate the idea that only White women experience sexism and only Black men experience racism by failing to analyze the interaction of race and gender for discrimination against Black women.²⁸ Black women do not endure one-dimensional oppression, but rather experience discrimination in multiple ways, which courts should recognize in their legal analysis.²⁹

Today, the legal system continuously fails to adopt an intersectional approach since it continues to analyze race and gender claims separately.³⁰ Recently, Crenshaw launched a campaign, “#WhyWeCantWait,” urging the adoption of an intersectional framework so Black women can gain access to justice through laws and policies that eliminate legal barriers.³¹ Courts continue to analyze race claims and gender claims separately, further erasing Black women’s experiences and limiting Black women’s access to justice.³² Additionally, feminist theory, anti-discrimination law, and anti-

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Demarginalizing the Intersection of Race and Sex*, *supra* note 19, at 139-40

²⁸ *Id.* at 139.

²⁹ *Id.* at 141.

³⁰ *Id.*

³¹ Kimberlé Crenshaw, *Why Intersectionality Can't Wait*, WASH. POST (Sept. 24, 2015), <http://www.washingtonpost.com/news/in-theory/wp/2015/09/24/why-intersectionality-cant-wait/>; *see also* Letter from My Brother’s Keeper, to Barack Obama, Pres. of the U.S. (June 17, 2014), <http://www.aapf.org/recent/2014/06/woc-letter-mbk> (discussing a letter to President Obama urging the inclusion of women of color in his initiative “My Brother’s Keeper”).

³² *See generally Demarginalizing the Intersection of Race and Sex*, *supra* note 19 (exploring how Black women are rendered invisible within the legal system. Crenshaw

racism activism continue to marginalize Black women by failing to recognize their unique experiences.³³ That is, court systems recognize gender issues and race issues as separate legal claims with separate legal remedies.³⁴ Instead, the legal system should acknowledge and remedy the everyday oppression Black women experience. As explained in the Introduction, discourse about police violence often ignores the ways in which Black women experience violence.³⁵ I will draw on Crenshaw's intersectional framework to show how race, class, gender, and other identities shape police violence against Black women.

2. Ain't I a Woman?

This section highlights the long history of racialized sexism Black women have faced. The intersecting identities of Black and woman produce specific racialized stereotypes about Black women. In fact, the interlocking oppressions of racism and sexism have created stereotypes that justify and rationalize violence against Black women. It is important to understand that the lack of intersectionality is a century-long problem, and it is necessary that legal institutions, policymakers, and community activists adopt the approach to create more inclusive solutions to police violence against Black women. This section will also highlight how Sojourner Truth articulated the ways that Black women had been disenfranchised in the courts and in everyday social life.³⁶ Although Crenshaw coined "intersectionality" in 1989, many Black women experienced the burden of navigating through both gender and racial oppression many decades prior.³⁷ In fact, Sojourner

uses three cases to highlight the importance of intersectionality and centering Black women experiences to reveal the ways Black women are discriminated against).

³³ *Id.* at 140.

³⁴ *Id.* at 166-67.

³⁵ Dionne, *supra* note 4.

³⁶ HOOKS, *supra* note 13, at 15.

³⁷ Sojourner Truth, *Keeping the Thing Going While Things Are Stirring*, HISTORY IS A WEAPON, <http://www.historyisaweapon.com/defcon1/sojournertruthstirring.html>.

Truth discussed the double discrimination Black women faced in 1851.³⁸ In 1851, White American women hosted a Women's Rights Convention in Akron, Ohio to discuss gender reform.³⁹ In 1870, the Fifteenth Amendment granted Black men the right to vote by declaring that no citizen should be denied the right to vote based on race or color.⁴⁰ In 1920, the Nineteenth Amendment granted White women the right to vote.⁴¹ Although the Nineteenth Amendment legally permitted women of all races to participate in voting, Black women did not secure the right to vote until the Voting Rights Act of 1965 and faced high levels of discrimination during the Suffragist movement.⁴² "From the end of the Civil War onwards, some white suffragists argued that enfranchising women would serve to cancel out the 'Negro' vote, as there would be more white women voters than black men and women voters combined."⁴³ Sojourner Truth expressed sentiments of rejection and exclusion by White women and Black men in her speech.⁴⁴

Sojourner Truth recognized how Black women were treated differently and were denied womanhood because of their skin color.⁴⁵ She articulated

³⁸ Sojourner Truth, *1851 Women's Convention in Akron, Ohio: Ain't I a Woman?*, in *ESERVER: FEMINISM AND WOMEN'S STUDIES* (Jan. 4, 2005), <http://feminism.eserver.org/history/docs/aint-i-a-woman.txt>.

³⁹ *See id.*

⁴⁰ *Fifteenth Amendment*, HISTORY, <http://www.history.com/topics/black-history/fifteenth-amendment> (last visited Mar. 12, 2016).

⁴¹ Heidi Williamson, *Women's Equality Day: Celebrating the 19th Amendment's Impact on Reproductive Health and Rights*, CTR. FOR AM. PROGRESS (Aug. 26, 2013), <https://www.americanprogress.org/issues/women/news/2013/08/26/72988/womens-equality-day-celebrating-the-19th-amendments-impact-on-reproductive-health-and-rights/>.

⁴² *Id.*

⁴³ *African American Women and Suffrage*, NAT'L WOMEN'S HIST. MUSEUM, <https://www.nwhm.org/online-exhibits/rightsforwomen/AfricanAmericanwomen.html> (last visited Mar. 12, 2016).

⁴⁴ Truth, *supra* note 38.

⁴⁵ *Id.*

the ways that Black women endured harsh and inhumane working conditions like men, yet enslaved Black women were worth less than men.⁴⁶

While black men were not forced to assume a role colonial American society regarded as “feminine,” black women were forced to assume a “masculine” role. Black women labored in the fields alongside black men, but few if any black men labored as domestics alongside black women in the white household.⁴⁷

Sojourner Truth also criticized White, heterosexual ideals of femininity and masculinity and redefined femininity by asserting her physical dominance over men.⁴⁸ Since slavery, White women have represented the standard of womanhood and have benefited from Black women’s oppression and disenfranchisement.⁴⁹ Black women stereotypes represented the opposite of what White women represented.⁵⁰

In the nineteenth century, White women were no longer portrayed as sexual temptresses; they were extolled as the “noble half of humanity” whose duty was to elevate men’s sentiments. The new image of womanhood was diametrically opposed to the old image. The White woman was depicted as a goddess rather than a sinner; she was virtuous, pure, innocent, not sexual, and worldly. The shift away from the image of the White woman as sinful and sexual to that of the White woman as a virtuous lady occurred at the same time as the mass sexual exploitation of enslaved Black women. As American White men idealized White womanhood, they sexually assaulted and brutalized Black women.⁵¹

⁴⁶ *Id.*

⁴⁷ HOOKS, *supra* note 13, at 22.

⁴⁸ Truth, *supra* note 38 (stating “I have ploughed and planted, and gathered into barns, and no man could head me! And ain't I a woman? I could work as much and eat as much as a man”).

⁴⁹ See HOOKS, *supra* note 13, at 31-32.

⁵⁰ *Id.*

⁵¹ *Id.*

This historical distinction between White women and Black women informs the different types of violence that Black women and girls face. These types of violence cannot be adequately understood by assuming that all women or girls are treated equally by society and by the law. Rather, it is necessary to adopt an intersectional approach to deconstruct how history has shaped specific violence against specific groups of people like Black women.

Furthermore, society continues to draw a distinction between who is considered a woman (White) and who is not considered a woman (Black).⁵² Sojourner Truth articulates this distinction in her speech by stating,

I could work as much and eat as much as a man—when I could get it—and bear the lash as well! And ain’t I a woman? I have borne thirteen children, and seen most all sold off to slavery, and when I cried out with my mother’s grief, none but Jesus heard me! And ain’t I a woman?⁵³

Frustrated by the undeniable dehumanization of Black women and their ignored hardships and disenfranchisement, Sojourner Truth repeats multiple times, “Ain’t I a Woman?,” as she declares the work she did and the children she bore.⁵⁴ Sojourner Truth’s ability to speak candidly and openly about her experience as a Black woman evoked feelings of astonishment, shock, and disgust from the convention attendees.⁵⁵ When she spoke at the Akron Women’s convention, a reporter described her costume as “neither male nor female” and expressed his inability to determine her sex.⁵⁶ Many attendees thought Sojourner Truth was an imposter—a man disguised as a

⁵² Charmaine Davis, *When Can Black Women Stop Asking, ‘Ain’t I a Woman?’*, HUFFINGTON POST (Nov. 5, 2015, 5:48 PM), http://www.huffingtonpost.com/charmaine-davis/black-women-stop-asking-aint-i-a-woman_b_8472228.html.

⁵³ Truth, *supra* note 38.

⁵⁴ *Id.*

⁵⁵ CARLETON MABEE, *SOJOURNER TRUTH: SLAVE, PROPHET, LEGEND 188-89* (1995).

⁵⁶ *Id.* at 188.

woman—because of her masculine build and her ability to speak loudly and coherently.⁵⁷ Because she was Black and a woman, convention attendees ridiculed and harassed Sojourner Truth, forcing her to bare her breast to prove that she was indeed a woman.⁵⁸ Stereotypes such as masculine, promiscuous, and primitive influenced the way people treated Sojourner Truth at the convention.

Sojourner Truth’s “Ain’t I a Woman?” speech exemplifies the dehumanization and erasure of the Black women experience in public discourse. Courts have generally refused to consider both sexism and racism as interlocking oppressions, which render Black women legally invisible and contribute to systematic injustice. Although Sojourner Truth recognized her strength and value as a woman, she did not believe that society recognized her humanity. She questioned why the legal system refused to extend equal treatment and human rights to Black women. Sojourner Truth’s speech resonates with experiences Black women continue to face today and with the underlying goal of intersectionality.

Sixteen years after writing “Ain’t I a Woman?,” on May 9, 1867, Sojourner Truth gave another speech at the First Annual Meeting of the American Equal Rights Society in New York City.⁵⁹ Sojourner Truth explained, “In the courts women have no right, no voice; nobody speaks for them. I wish woman to have her voice there among the pettifoggers. If it is not a fit place for women, it is unfit for men to be there.”⁶⁰ Lawyers, legislators, and policy makers continued to ignore Sojourner Truth’s and other Black women’s demands for basic human rights.⁶¹ Although Black

⁵⁷ *Id.* at 188-89.

⁵⁸ *Id.* at 189.

⁵⁹ Sojourner Truth, Address to the First Annual Meeting of the American Equal Rights Association (1867) (transcript available at https://bcc-cuny.digication.com/MWHreader/Truth_Speeches_1851_1867).

⁶⁰ *Id.*

⁶¹ Truth, *supra* note 38.

women and men had struggled equally for liberation during slavery and much of the Reconstruction era, Black male political leaders upheld patriarchal values.⁶² As Black men advanced in all spheres of American life, they encouraged Black women to assume a more subservient role.⁶³ In response, Sojourner Truth articulated the lack of advocacy for Black women and the inability for the courts to recognize her humanity.⁶⁴

As both a women's rights advocate and a slavery abolitionist, Sojourner Truth wanted to navigate the world free from race-based violence and discrimination.⁶⁵ Today, Black women are killed, abused, stigmatized, and denied basic human rights because of stereotypes of being both Black and a woman.⁶⁶ Black women have often felt silenced and left out, especially by their White women counterparts.⁶⁷

Whenever black women tried to express to white women their ideas about white female racism or their sense that the women who were at the forefront of the movement were not oppressed women they were told that "oppression cannot be measured." White female emphasis on "common oppression" in their appeals to black women to join the movement further alienated many black women.⁶⁸

The idea of a "common oppression" has denied Black women the space to articulate the unique oppression and violence they face.⁶⁹ As explained

⁶² HOOKS, *supra* note 13, at 5.

⁶³ *Id.*

⁶⁴ Truth, *supra* note 38.

⁶⁵ Sojourner Truth, *Ain't I a Woman?*, Address at the 1851 Women's Convention in Akron, Ohio (May 29, 1851) (transcript available at http://feminism.eserver.org/history/docs/aint-i-a-woman.txt/document_view).

⁶⁶ Eternity E. Martis, *The 'Angry Black Woman' Stereotype is Justifying Police Brutality*, HUFFINGTON POST (Aug. 13, 2015, 12:15 PM), http://www.huffingtonpost.ca/eternity-e-martis/stereotype-justifying-police-brutality_b_7967558.html.

⁶⁷ See HOOKS, *supra* note 13, at 144.

⁶⁸ *Id.*

⁶⁹ *Id.*

prior, intersectionality acknowledges that all oppression is not the same and that different oppressions interlock, which inform the ways in which Black women experience violence.⁷⁰ Black women and White women cannot experience the same type of gender-based violence because their race impacts the ways they are oppressed.⁷¹ As such, lack of intersectional discourse surrounding issues of police violence renders Black women invisible by assuming police violence only happens one way or along one axis. The next part of this paper will introduce Black feminist theory.

3. Black Feminist Theory Explained

As long as oppression against Black women exists, Black feminist theory will always be necessary. Black feminist theory articulates the ways that Black women experience oppression in order to resist oppression through theory and ideas.⁷² The theory consists of five different concepts: (1) interlocking oppressions, (2) standpoint epistemology, (3) everyday knowledge, (4) dialectic images, and (5) social justice praxis.⁷³

a) Interlocking Oppressions

Patricia Collins argued that viewing a matrix of domination for Black women as a system of interlocking race, class, and gender oppression shows systems are organized based on domination.⁷⁴ Rather than viewing each oppressive system as distinct, Black feminist theory aims at showing how each system depends on other existing oppressive systems. That is, oppression is not binary but fluid depending on which matrix of domination one sits at in society. For example, while a college education may grant a

⁷⁰ *Demarginalizing the Intersection of Race and Sex*, *supra* note 19, at 149.

⁷¹ *Id.*

⁷² RICHIE, *supra* note 16, at 127.

⁷³ *Id.* at 128-31.

⁷⁴ PATRICIA HILL COLLINS, BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT 35 (2000).

Black woman class privilege and access to money, education may not prevent a Black woman from receiving unequal work salary, denial of a job promotion, street or work harassment, or unlawful detainment by police.⁷⁵ Beth Ritchie explained this phenomenon as a tangled web where Black women have “concentrated structural disadvantages that are profoundly intense and forceful in their ability to stigmatize and create subordinate social status.”⁷⁶ Thus, recognizing the interlocking oppressions of Black women enriches legal and academic analysis on gender-based violence.

b) Standpoint Epistemology

A standpoint is an individual’s unique world perspective.⁷⁷ Black feminist theory derives its context, analysis, and theory by centering individual Black women’s standpoints on oppression.⁷⁸ That is, Black women hold expertise on their own experiences and should be consulted to speak about their experiences.⁷⁹ According to Patricia Hill, affirming the importance of Black women’s self-definition and self-valuation, which is the principle behind standpoint epistemology, is a key theme within Black feminist thought.⁸⁰ Although Black women occupy different spaces in society, the political, cultural, economic, social, and historical structures form a collective overarching experience.⁸¹ Beth Richie explains that

⁷⁵ See generally, *Black women in the United States*, <http://ncbcp.org/news/releases/BWRReport.BlackWomeninU.S.2015.3.26.15FINAL.pdf> (2015 report analyzing the issues that are affecting Black women including work, reproductive justice, violence, school to prison pipeline, and politics).

⁷⁶ RICHIE, *supra* note 16, at 128.

⁷⁷ *Intersectionality and Matrix of Domination*, WIKI (Feb. 11, 2013), <http://www.markfoster.net/struc/intersectionality-wiki.pdf>.

⁷⁸ RICHIE, *supra* note 16, at 129.

⁷⁹ *Id.*

⁸⁰ Patricia Hill Collins, *Learning from the Outsider Within: The Sociological Significance of Black Feminist Thought*, 33 SOCIAL PROBLEMS S14, S16 (1986), http://users.clas.ufl.edu/marilynm/Theorizing_Black_America_Syllabus_files/Learning_from_the_Outsider_Within.pdf.

⁸¹ COLLINS, *supra* note 74, at 286.

standpoint epistemology underscores the belief that “those who understand the phenomenon under exploration are in the best position to evaluate and make claims about the meaning of it.”⁸² Standpoint epistemology embraces subjectivity over objectivity and acknowledges that Black women have the intellectual capacity to interpret their realities and formulate their own theories.⁸³

c) Everyday Knowledge

While standpoint epistemology confirms the importance of centering Black women as experts of their lives, everyday knowledge demonstrates that standpoint is not static.⁸⁴ That is, Black feminist thought centers Black women’s everyday experiences specifically because Black women continuously experience interlocking systems of oppression.⁸⁵ Seeking out everyday Black women as experts will always enrich Black feminist theory. Beth Richie makes clear: “Privileging everyday knowledge is an attempt to locate authority or expertise with those who experience a circumstance rather than generating it from scholars, policymakers, or other outsiders who lack access to authentic understanding of events, relationships, behaviors, values, or historical antecedents to current phenomena.”⁸⁶

Thus, this paper uses everyday knowledge to demonstrate police violence against Black women and girls. Using these stories gives Black women and girls authority on police violence rather than looking at police violence through an outsider’s lens.

⁸² RICHIE, *supra* note 16, at 129.

⁸³ *Id.*

⁸⁴ COLLINS, *supra* note 74, at 25.

⁸⁵ *Why We Can’t Wait: Women of Color Urge Inclusion in “My Brother’s Keeper,”* AFR. AM. POL’Y F. (June 17, 2014), <http://www.aapf.org/recent/2014/06/woc-letter-mbk>.

⁸⁶ RICHIE, *supra* note 16, at 130.

d) *Dialectic Images*

Understanding dialectic images is essential to assessing how stereotypes fuel violence against Black women. Dialectics is “the method of reasoning which aims to understand things concretely in all their movement, change and interconnection, with their opposite and contradictory sides in unity.”⁸⁷ Black feminist theory uses standpoint epistemology, everyday knowledge, and images of Black women to engage the dialectic process to reconcile how Black women are perceived and how they actually are.⁸⁸ Identifying how images of Black women throughout history differ from everyday Black women experiences lends credence to Black women as experts of their own lives. It shows how distorted images of Black women can perpetuate stereotypes that enable violence against Black women.

Black feminist theory asserts the radical idea that Black women are whole human beings who can be and feel many things at once, which is completely different than stating that Black women fit into the Mammy, Sapphire, and Jezebel stereotypes that will be discussed below.⁸⁹ In fact, “challenging these controlling images has long been a core theme in Black feminist thought.”⁹⁰ This paper will use various Black women and girls’ experiences to break the notion that Black women are monolithic. Those experiences demonstrate how Black women and girls are boxed into stereotypes that influence police violence regardless of their class, age, location, or any other distinct characteristic or background. I believe that Black feminist theory aims at breaking away from those stereotypes by presenting a multitude of images that represent everyday Black women.⁹¹

⁸⁷ *Di – Dialectics*, ENCYCLOPEDIA OF MARXISM: GLOSSARY OF TERMS, <https://www.marxists.org/glossary/terms/d/i.htm#dialectics> (last visited Mar. 12, 2016).

⁸⁸ RICHIE, *supra* note 16, at 130.

⁸⁹ *Id.*

⁹⁰ COLLINS, *supra* note 74, at 69.

⁹¹ *Id.* at 131.

e) Social Justice Praxis

Lastly, social justice praxis contends, “research on Black women [should] be linked to efforts at changing conditions that subordinate them and their communities.”⁹² Patricia Collins believed that providing new knowledge to Black women about their own experiences could be empowering.⁹³ Thus, Black feminist thought allows Black women to narrate and interpret their experiences so they can fully understand the oppression that they collectively face. When multiple Black women understand the different types of oppression they face, collective acts of resistance can begin to take place. When Black women control their stories and own their narratives, they are able to resist the stereotypes that reinforce violence against them. Collins urged that Black women must continuously deconstruct their oppression in order to define their abilities and selves on their own terms.⁹⁴ As long as Black women remain oppressed by interlocking systems, they will continue to resist those systems.⁹⁵ Black academics equipped with this knowledge can now create tools for community engagement and political education.

Collins explains, “activating epistemologies that criticize prevailing knowledge and that enable us to define our own realities *on our own terms* has far greater implications.”⁹⁶ In order to challenge power dynamics, ignite critical thought, transform legal institutions, and affect social change, legal practitioners and scholars must incorporate the five elements of Black feminist theory in their work. Thus, it is critical for scholars, lawyers, and activists to understand how race, gender, and other identities inform Black

⁹² RICHIE, *supra* note 16, at 131.

⁹³ COLLINS, *supra* note 74, at 291.

⁹⁴ *Id.* at 274.

⁹⁵ *Id.*

⁹⁶ *Id.*

women's everyday livelihood to build a framework recognizing the unique police violence against Black women.

II. HISTORY OF BLACK WOMEN STEREOTYPES

Collins states, "Portraying African-American women as stereotypical mummies, matriarchs, welfare recipients, and hot mommas helps justify U.S. Black women's oppression."⁹⁷ She goes on, "These controlling images are designed to make racism, sexism, poverty, and other forms of social injustice appear to be natural, normal, and inevitable parts of everyday life."⁹⁸ This paper asserts that stereotypes make police violence against Black women seem justified and normal. It also asserts that police violence is an extension of a long history of oppression and violence against Black women and girls.

Stereotypes promote discrimination by systematically influencing perceptions, interpretations, and judgments; they also arise from and are reinforced by discrimination which justifies disparities between groups.⁹⁹ Stereotypes strongly determine and preserve racist policy judgments.¹⁰⁰ Mark Peffley and Jon Hurwitz conducted a study on the relationship between Black stereotypes and White political views of Blacks in the context of welfare and crime.¹⁰¹ The study concluded, "Whites holding negative stereotypes are substantially more likely to judge blacks more harshly than similarly described whites in the areas of welfare and crime

⁹⁷ *Id.* at 69.

⁹⁸ *Id.*

⁹⁹ John F. Dovidio et al., *Prejudice, Stereotyping, and Discrimination: Theoretical and Empirical Overview*, in *THE SAGE HANDBOOK OF PREJUDICE, STEREOTYPING AND DISCRIMINATION* 3, 7 (John F. Dovidio et al. eds., 2010).

¹⁰⁰ Mark Peffley et al., *Racial Stereotypes and Whites' Political Views of Blacks in Context of Welfare and Crime*, 41 *AM. J. POL. SCI.* 30, 31 (2004).

¹⁰¹ *Id.*; see also JON HURWITZ, *PERCEPTION AND PREJUDICE: RACE AND POLITICS IN THE UNITED STATES* (Mark Peffley ed., 1998).

policy.”¹⁰² Consequently, stereotypes strongly influence how institutions perpetuate violence against Black people. Moreover, “[c]ultural images of African American women based on stereotypes are at the very foundation of the problem of African American women’s limited access to societal resources and institutions.”¹⁰³ Negative stereotypes are at the core of Black women’s oppression, and they influence the justification of excessive police force and even police killings of Black women. A deep analysis of Black women stereotypes is necessary to understand police violence against Black women.

Within American society, images of Black women consists of three different stereotypes: (1) the nurturing, self-sacrificing, matriarchal “Mammy”; (2) the hyper-sexualized, promiscuous, whore “Jezebel”; and (3) the sassy, angry, hot-tempered “Sapphire.”¹⁰⁴ Although these stereotypes arose in the 18th century, these stereotypes are still reinforced through the media today.¹⁰⁵

A. Mammy

According to Chanequa Walker-Barnes, the Mammy archetype originated during slavery and became the dominant image of Black women during Reconstruction.¹⁰⁶ Melissa Harris-Perry explains in “Sister Citizen” that the Mammy was loyal and trustworthy.¹⁰⁷ She was the mule of the slave

¹⁰² Peffley et al., *supra* note 101, at 30.

¹⁰³ K. SUE JEWELL, FROM MAMMY TO MISS AMERICA AND BEYOND: CULTURAL IMAGES AND THE SHAPING OF US SOCIAL POLICY 12 (1993).

¹⁰⁴ Carolyn. M. West, *Mammy, Jezebel, Sapphire, and Their Homegirls: Developing an “Oppositional Gaze” Toward the Images of Black Women*, in LECTURES ON THE PSYCHOLOGY OF WOMEN 288 (2008).

¹⁰⁵ *Id.*

¹⁰⁶ CHANEQUA WALKER-BARNES, TOO HEAVY A YOKE: BLACK WOMEN AND THE BURDEN OF STRENGTH 86 (2014).

¹⁰⁷ MELISSA V. HARRIS-PERRY, SISTER CITIZEN: SHAME, STEREOTYPES, AND BLACK WOMEN IN AMERICA, 72-73 (2011).

master and was entrusted with the master's children and possessions.¹⁰⁸ The Mammy describes a motherly, nurturing Black woman who puts everyone else's needs before her own well-being.¹⁰⁹

The Mammy stereotype presents a challenging paradox for Black mothers because while she was well-loved and wielded considerable authority in her White "family," the Mammy knew her "place" as the obedient servant.¹¹⁰ For example, during slavery, Black mothers took care of their masters' household needs and babysat their masters' children, which did not allow them time to spend with their children and tend after their household.¹¹¹ Black mothers are expected to do everything for everyone, but as a human being, this is simply impossible. The Mammy stereotype dehumanizes Black mothers, forcing them to lose their human qualities and subscribe to the superhuman trope or, as Collins describes, become "magnificently physical."¹¹² For example, society denies Black mothers the space to grieve and heal, causing mental health issues.¹¹³ US

¹⁰⁸ *See id.* "Unlike the bad black woman who was aggressively sexual, Mammy had no personal needs or desires. She was a trusted adviser and confidante whose skills were used exclusively in service of the white families to which she was attached. Mammy was not a protector or defender of black children or communities. She represented a maternal ideal, but not in caring for her own children. Her love, doting, advice, correction, and supervision were reserved exclusively for white women and children. Her loyal affection to white men, women, and children was entirely devoid of sexual desire." *Id.*

¹⁰⁹ *See* BARBARA CHRISTIAN, *BLACK WOMEN NOVELISTS: THE DEVELOPMENT OF A TRADITION, 1892-1976*, 11-13 (1980) (describing the Mammy as "[B]lack in color as well as race and fat, with enormous breasts that are full enough to nourish all the children of the world; her head is perpetually covered with her trademark kerchief to hide the kinky hair that marks her as ugly. Tied to her physical characteristics are her personality traits: she is strong, for she certainly has enough girth, but this strength is used in the service of her white master and as a way of keeping her male counterparts in check; she is kind and loyal, for she is a mother; she is sexless.").

¹¹⁰ COLLINS, *supra* note 74, at 73.

¹¹¹ KIMBERLY WALLACE-SANDERS, *MAMMY: A CENTURY OF RACE, GENDER, AND SOUTHERN MEMORY* 4 (2008).

¹¹² COLLINS, *supra* note 74, at 74.

¹¹³ *See generally* Arnetta Rogers, *How Police Brutality Harms Mothers: Linking Police Violence to The Reproductive Justice Movement*, 12 HASTINGS RACE & POVERTY L. J.

society views Black women as durable and able to withstand any type of violence: essentially, a Mammy.

B. Jezebel

The Jezebel stereotype also derives from slavery to justify rape and abuse of Black women.¹¹⁴ Throughout slavery, slaveholders and their family members coerced, bribed, beat, induced, seduced, and violently raped enslaved Black women.¹¹⁵ Rape was a common method of torture slavers used to subdue recalcitrant Black women. The threat of rape or other physical brutalization inspired terror in the psyches of displaced African females.¹¹⁶

Today, Black women make up 13 percent of the US population, yet around 60 percent of Black women reported that they have been raped, which is a disproportionately high reporting rate.¹¹⁷ High levels of sexual violence against Black women correlates with historical accounts of slave-owner rape. Enslaved Black girls were usually sexually assaulted when they were between the ages of thirteen and sixteen.¹¹⁸ The Black female was exploited as a laborer in the fields, as a worker in the domestic household, as a breeder, and as an object of white male sexual assault.¹¹⁹ According to Carolyn West, “white slave owners exercised almost complete control over

205, 206 (2015) (discussing the social, historical, sociological, and criminal justice implications of police brutality and its legacy of racialized effects on Black mothers); *see also* Adam Hudson, *Families of Police Violence Face Trauma without Support*, TRUTHOUT (June 7, 2015, 12:00 AM), <http://www.truth-out.org/news/item/31197-families-of-murdered-black-men-deal-with-trauma-channel-anger>.

¹¹⁴ West, *supra* note 104, at 294.

¹¹⁵ *Id.*

¹¹⁶ HOOKS, *supra* note 13, at 18.

¹¹⁷ YOLANDE M. S. TOMLINSON, INVISIBLE BETRAYAL: POLICE VIOLENCE AND THE RAPES OF BLACK WOMEN IN THE UNITED STATES 2 (Sept. 22, 2014), http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/USA/INT_CAT_CSS_USA_18555_E.pdf.

¹¹⁸ HOOKS, *supra* note 13, at 24.

¹¹⁹ *Id.* at 22.

[B]lack women's sexuality and reproductive capacity."¹²⁰ Thus, to justify rape and sexual violence, slave owners created the Jezebel image characterizing Black women as sexually promiscuous, hyper-sexualized, and highly fertile.¹²¹ Collins describes the Jezebel as the "nexus of controlling images of Black womanhood."¹²² Because the Jezebel portrays Black women as sexual savages who could not be victims of rape, rapists faced few legal or social sanctions for raping Black women.¹²³ By definition, only White women could be raped, and the crime of rape of a Black woman did not exist at law.¹²⁴ Thus, the Jezebel dehumanizes Black women and rids them of the autonomy to consent to sexual activity and reject sexual advances.

Throughout slavery, slave owners owned and regulated Black women's bodies, sexualities, and sexual expressions.¹²⁵ Since women were designated as the originators of sexual sin, black women were naturally seen as the embodiments of female evil and sexual lust.¹²⁶ Slave-owning society labeled Black women as Jezebels and sexual temptresses and accused of leading White men away from spiritual purity into sin.¹²⁷ Regulating Black women's bodies and treating Black women as breeding animals also proved profitable for White men; by doing so, they increased the number of new slaves Black women produced. The more slaves, the more free labor. Collins explained, "If Black slave women could be portrayed as having excessive sexual appetites, then increased fertility

¹²⁰ Carolyn M. West, *Images of Black Women*, in *WOMEN'S STUDIES ENCYCLOPEDIA* 680, 681 (Helen Tierney ed., Greenwood, 2nd ed. 1999).

¹²¹ *Id.*

¹²² COLLINS, *supra* note 74, at 81.

¹²³ West, *supra* note 104, at 294.

¹²⁴ HOOKS, *supra* note 13, at 35.

¹²⁵ *Id.*

¹²⁶ *Id.* at 33.

¹²⁷ *Id.*

should be the expected outcome.”¹²⁸ The Jezebel stereotype played a unique role in maintaining the slave economy by providing a strong justification for sexual and physical violence against Black women.

Intersectionality recognizes how race adds another layer to the heterosexual analysis because “Black people and other racialized groups simultaneously stand outside these definitions of normality and mark their boundaries.”¹²⁹ Collins explains, “Within the context of gender-specific, White, heterosexual normality, the jezebel or ‘hoochie’ becomes a racialized, gendered symbol of deviant female sexuality.”¹³⁰ She further explicates,

Within intersecting oppressions, Black women’s allegedly deviant sexuality becomes construed around jezebel’s sexual desires. Jezebel may be a “pretty baby,” but her action as a “hot mama” indicates that she just can’t get enough. Because jezebel or the hoochie is constructed as a woman who’s sexual appetites are at best inappropriate and at worst, insatiable, it becomes a short step to imagine her as a “freak.”¹³¹

As a result, a large number of Black women experience rape and sexual assault by police officers and prison guards with impunity.¹³² For example, according to a United Nations Committee on the Elimination of Racial Discrimination report, a Chicago police officer kidnapped and raped a 19-year-old Black girl but never faced prosecution.¹³³ In another example,

¹²⁸ COLLINS, *supra* note 74, at 81.

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Sexual Violence Against Black Women in the United States*, BLACK WOMEN’S BLUEPRINT (June 11, 2015, 4:47 PM), http://www.bwborg.org/assets/downloads/bwb_INVISIBLE_BETRAYAL.pdf.

¹³³ ANDREA J. RITCHIE ET AL., IN THE SHADOWS OF THE WAR ON TERROR: PERSISTENT POLICE BRUTALITY AND ABUSE OF PEOPLE OF COLOR IN THE UNITED STATES 27 (Dec. 2007), <http://www2.ohchr.org/english/bodies/cerd/docs/ngos/usa/USHRN15.pdf> (a report prepared for the United Nations Committee on the Elimination of Racial Discrimination).

Chicago police officers repeatedly sexually and physically attacked a 50-year-old Black woman, Dianne Bond, in her apartment.¹³⁴ Officers subjected Dianne to an invasive and unnecessary strip search, reinforcing the Jezebel trope wherein Black women lack autonomy over their own bodies.¹³⁵ Unsurprisingly, Dianne received no justice since the officers never received discipline or criminal prosecution.¹³⁶ The legal system consistently turns a blind eye when police officers sexually abuse Black women and girls.

Collins also points out that the Jezebel is another controlling image of Black women’s sexuality.¹³⁷ However, through an intersectional analysis, this controlling image of Black women as sexual beings, whose sole purpose is to please men, ostracizes Black women who are not heterosexual. Collins explains that heterosexuality is juxtaposed to homosexuality as oppositional, different, and inferior “[o]ther.”¹³⁸ Therefore, with this wider oppositional difference, the Jezebel becomes the freak on the border demarking heterosexuality from homosexuality.¹³⁹ This leaves Black lesbians, bisexual, and transgender women as the most deviant and the most deserving of violence.¹⁴⁰ Unsurprisingly, Black transgender women suffer from the highest incidence of police brutality and police killings.¹⁴¹ According to a 2013 report on hate violence against lesbian, gay, bisexual, transgender, queer, and HIV-affected communities, (1) transgender people of color were “2.7 times more likely to experience police violence and 6

¹³⁴ *Id.* at 30.

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ COLLINS, *supra* note 74, at 81.

¹³⁸ COLLINS, *supra* note 74, at 129.

¹³⁹ *Id.*

¹⁴⁰ See RITCHIE ET AL., *supra* note 133, at 21.

¹⁴¹ See NAT’L COAL. OF ANTI-VIOLENCE PROGRAMS, LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, AND HIV-AFFECTED HATE VIOLENCE IN 2013 10 (2014), <http://www.equalitymi.org/files/2013-ncavp-hv.pdf>.

times more likely to experience physical violence from the police compared to White cisgender survivors”; and (2) transgender women were “4 times more likely to experience police violence compared to overall survivors” and “6 times more likely to experience physical violence when interacting with the police compared to overall survivors.”¹⁴²

1. Black Women’s Hair and Black Women’s Autonomy

The Jezebel stereotype was used to justify physical and sexual violence against Black women. As such, black women’s hair, as an extension of black women bodies, is a host for physical violence. Black women and girls often complain that they feel violated and fetishized when people touch their hair.¹⁴³ Having their hair touched is just one of the ways Black women are often denied this agency in society.¹⁴⁴ For Black women, hair is not “just hair”: this sentiment is especially true because of the long history of denying Black women ownership over their bodies and the various form of discrimination against and public ridicule because of their hair.¹⁴⁵ Like Black women’s bodies, Black women’s hair has also been politicized and ridiculed.¹⁴⁶ Hair is an intricate part of being a Black woman, as Caldwell explains,

Hairstyle choices are an important mode of self-expression. For blacks, and particularly for black women, such choices also reflect

¹⁴² *Id.*

¹⁴³ #DearWhitePeople: *Touching a Black Woman’s Hair & Asking Her if It’s Real WILL Get You Embarrassed in Public*, CLUTCH,

<http://www.clutchmagonline.com/2015/06/dearwhitepeople-touching-a-black-womans-hair-asking-her-if-its-real-will-get-you-embarrassed-in-public/> (last visited Feb. 26, 2016).

¹⁴⁴ Maisha Z. Johnson, *These Top 8 Justifications for Touching Black Women’s Hair Are Racist and Sexist*, EVERYDAY FEMINISM (Sept. 14, 2015),

<http://everydayfeminism.com/2015/09/dont-touch-black-womens-hair/>.

¹⁴⁵ Sierra Boone, *Why It Isn’t “Just Hair” Hair for So Many Black Women*, FOR HARRIET, <http://www.forharriet.com/2015/02/why-it-isnt-just-hair-hair-for-so-many.html#axzz3zuVVdMIq> (last visited Feb. 26, 2016).

¹⁴⁶ HARRIS-PERRY, *supra* note 107, at 113.

the search for a survival mechanism in a culture where social, political, and economic choices of racialized individuals and groups are conditioned by the extent to which their physical characteristics, both mutable and immutable, approximate those of the dominant racial group. Hair becomes a proxy for legitimacy and determines the extent to which individual blacks can "crossover" from the private world of segregation and colonization (and historically, in the case of black women, service in another's home) into the mainstream of American life.¹⁴⁷

Black women often face humiliating and degrading violence due to the stereotypes about their hair. Recently, the ACLU of Northern California and the Transportation Security Administration (TSA) reached an agreement following countless complaints, including one submitted by the ACLU, about unnecessary, unreasonable, and racially discriminatory hair searches that singled out Black women at airports.¹⁴⁸ This incident is an example of the ways that Black women's hair is policed, further denying Black women autonomy over their person.

C. Sapphire

The Sapphire is the epitome of today's "angry Black woman" trope. Black women were not considered "delicate" or worthy of favors or "chivalry."¹⁴⁹ Rather, Black women "were characterized as strong, masculinized workhorses who labored with Black men in the fields or as aggressive women who drove their children and partners away with their overbearing natures."¹⁵⁰ Society often blames Black women's undesirable, difficult, and bitchy attitudes on their inability to find men who want to

¹⁴⁷ Paulette M. Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 40 DUKE L.J. 365, 383 (1991).

¹⁴⁸ Press Release, ACLU, ACLU and TSA Reach Agreement over Racial Profiling of Black Women's Hair (Mar. 26, 2015), <https://www.aclunc.org/news/aclu-and-tsa-reach-agreement-over-racial-profiling-black-womens-hair>.

¹⁴⁹ West, *supra* note 104, at 295.

¹⁵⁰ *Id.*

marry them.¹⁵¹ Black men often accuse Black women of dominating relationships and ruining the Black family.¹⁵²

The Sapphire archetype assumes that Black women are filled with uncontrollable rage and unwarranted and sporadic anger. West explains that the Sapphire is now considered the “gangsta girl who is equally as violent as her male peers.”¹⁵³ Society often depicts her as “rolling her neck, with both hands on her hips, telling off the person who has just offended her.”¹⁵⁴ Sapphire is always ready and willing to fight.¹⁵⁵

Chanequa Walker-Barnes writes,

By relegating Black women to two roles, reproduction and domestic labor, which were deemed to be their “natural” functions, the combined effect of the Jezebel and Mammy stereotypes was to underscore Black women’s lack of fitness for citizenship in the new nation. Genetically incapable of upholding the societal standard of what it meant to be a “true” woman . . . Black women’s usefulness to society was deemed to be limited to their roles as breeders and caregivers, roles that they best fulfilled when under the control and direction of “responsible” White citizens. Thus, slavery—and later sharecropping and Jim Crow segregation—was considered the best way for Black women’s co-existence with “civilized” society.¹⁵⁶

¹⁵¹ PATRICIA HILL COLLINS, *BLACK SEXUAL POLITICS: AFRICAN AMERICANS, GENDER, AND THE NEW RACISM* 263 (2004).

¹⁵² SHEILA RADFORD-HILL, *FURTHER TO FLY: BLACK WOMEN AND THE POLITICS OF EMPOWERMENT* 48 (2000).

¹⁵³ West, *supra* note 104, at 296.

¹⁵⁴ *Id.*

¹⁵⁵ See Kirstan Conley et al., *New ‘Chokehold’ Video Shows NYPD Scuffle with Pregnant Woman*, N.Y. POST (July 28, 2014, 4:38 PM), <http://nypost.com/2014/07/28/new-chokehold-video-shows-nypd-scuffle-with-pregnant-woman/> (discussing Rosan Miller being put into a chokehold by the New York Police Department after asking an officer why he wanted her to move a family BBQ to the backyard).

¹⁵⁶ WALKER-BARNES, *supra* note 106, at 87-88.

Today, these depictions extend to the maltreatment of Black women at the hands of police officers. Although slavery, sharecropping, and Jim Crow segregation no longer exist, Michelle Alexander coined the term “The New Jim Crow” in her book discussing how mass incarceration and over-policing replaced the old Jim Crow system, a change which negatively affected Black men.¹⁵⁷ She believes that the criminal justice system functions as a new system of racial control and targets Black men through the “War on Drugs.”¹⁵⁸ Unfortunately, Michelle Alexander does not capture the unique experiences of Black women under The New Jim Crow, which further shows Black women’s invisibility or non-existence.

1. The Institutional Effects of Stereotypes on Black Girls

Predictably, Black girls receive punishment in school at higher rates than their White and Latina peers. According to Monique Morris, Black girls are the fastest growing segment of the juvenile justice population and the prison population.¹⁵⁹ She explains that, “It has become increasingly clear that punitive disciplinary practices and other criminalizing policies that fuel what we understand as a ‘school to prison pipeline’ impact the girls as well as the boys.”¹⁶⁰ Morris’s report also shows multiple stories where teachers perceived Black girls as unruly, loud, and defiant—perceptions that eventually led to harsh discipline and sometimes the involvement of law enforcement.¹⁶¹

¹⁵⁷ MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* 27 (2010).

¹⁵⁸ *Id.* at 13.

¹⁵⁹ Monique Morris, *Expand the School to Prison Pipeline Conversation to Include Black Girls*, OPEN SOCIETY FOUND. (Oct. 5, 2012), <https://www.opensocietyfoundations.org/voices/expand-school-prison-pipeline-conversation-include-black-girls>.

¹⁶⁰ *Id.*

¹⁶¹ MONIQUE W. MORRIS, AFRICAN AM. POLICY FORUM, RACE, GENDER AND THE SCHOOL-TO-PRISON PIPELINE: EXPANDING OUR DISCUSSION TO INCLUDE BLACK GIRLS

Due to the Mammy, Jezebel, and Sapphire stereotypes, Black women and girls are viewed as non-feminine or un-ladylike, which leads to high levels of violence against them and excessive policing. For example, school administrators often issue summons and/or arrests to Black girls because they appear to display “‘irate,’ ‘insubordinate,’ ‘disrespectful,’ ‘uncooperative,’ or ‘uncontrollable’ behavior.”¹⁶²

Many researchers have found that stereotypes affect Black girls at a young age, yet the criminal system does not capture this intersection as highlighted in an African American Policy Forum report.¹⁶³ According to Kimberlé W. Crenshaw, Black girls are direct recipients of the school-to-prison pipeline but are rendered invisible in national discussions.¹⁶⁴ For example, school administrators enforce suspensions against Black girls six times more than against White girls, compared to three times more than against White boys compared to Black boys.¹⁶⁵ Additionally, researchers conducted a study on health disparities among incarcerated women and found that the number of women held in state and federal prisons has increased more than six-fold, outpacing the growth rate of the male prison population.¹⁶⁶ Specifically, statistics showed that African American and Hispanic women constitute the fastest-growing prison population.¹⁶⁷

5 (2012), <http://www.otlcampaign.org/sites/default/files/resources/Morris-Race-Gender-and-the-School-to-Prison-Pipeline.pdf>.

¹⁶² KATHLEEN NOLAN, POLICE IN THE HALLWAYS: DISCIPLINE IN AN URBAN HIGH SCHOOL 63 (2011).

¹⁶³ KIMBERLÉ W. CRENSHAW ET AL., AFRICAN AM. POLICY FORUM, BLACK GIRLS MATTER: PUSHED OUT, OVERPOLICED, AND UNDERPROTECTED 18 (2014), http://static1.squarespace.com/static/53f20d90e4b0b80451158d8c/t/54dce1ece4b001c03e323448/1423753708557/AAPF_BlackGirlsMatterReport.pdf.

¹⁶⁴ *See id.* (discussing a report that finds, that although males are suspended in greater numbers than females overall, race and ethnicity turn out to be substantial risk factors for Black girls when they are compared to their white counterparts).

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ Ronald L. Braithwaite et al., *Health Disparities and Incarcerated Women: A Population Ignored*, 95 AM. J. PUB. HEALTH 1679, 1680 (2005).

So while Black girls have a higher risk of receiving harsh discipline and entering the school-to-prison pipeline, Black boys receive more resources and more attention, further rendering Black girls invisible. This report also stated,

The available evidence, however, suggests that implicit biases, stereotyping, and other cultural factors may play a role. These dynamics may contribute to perceptions by decision makers that a Black girl has run afoul of institutional norms, and that punishment, rather than restorative or therapeutic responses, is warranted. Researchers have sought to measure the possibility that Black girls may be subject to harsher disciplinary interventions because they are perceived to be unruly, loud, and unmanageable. One study revealed that teachers sometimes exercised disciplinary measures against Black girls to encourage them to adopt more “acceptable” qualities of femininity, such as being quieter and more passive.¹⁶⁸

The Mammy, Jezebel, and Sapphire stereotypes perpetuate the maltreatment of Black girls and women and lead to police violence. According to the previously referenced African American Policy Forum report, “Black girls are subject to a comparable racial profiling that occurs with adults, one that can alter their futures as a result of unconscious biases that inform decision-maker ideas about culpability and punishment.”¹⁶⁹ As such, police violence occurs in the schools, in the public, and in the home, putting Black women and girls in danger everywhere they go. The next section will explore five incidents of police violence against Black women and girls.

III. INCIDENTS OF POLICE VIOLENCE

This section uses standpoint epistemology and everyday knowledge to center Black women to demonstrate how stereotypes impact police violence

¹⁶⁸ CRENSHAW ET AL., *supra* note 163, at 26.

¹⁶⁹ MORRIS, *supra* note 161, at 8.

against Black women. As explained above, standpoint epistemology is a bottom-up approach that begins an analysis of oppression with the women who experienced said oppression. To show the ways stereotypes manifest into police violence, I will use five incidents of police violence against Black women of different ages, of different socioeconomic statuses, and from different geographic locations. The first incident uses the Sapphire and Mammy stereotypes to examine how and why Los Angeles police officers harassed, followed, and murdered Margaret Mitchell, a 54-year-old homeless Black woman. The second incident discusses the Sapphire stereotype to demonstrate how and why New Orleans police officers harassed, followed, and abused middle-class professional Jonie Pratt. The third incident demonstrates how and why Black girls like five-year-old Salencia Johnson experience psychological and emotional police violence due to the Sapphire stereotype. The fourth incident highlights both sexual and physical police violence that Black girls like 15-year old Dajerria Becton faced due to the Jezebel and Sapphire stereotypes. The last incident shows how the Jezebel stereotype dehumanizes Black women and makes them targets of sexual assault like 21-year old Charnesia Corley was.

A. Margaret Mitchell

Margaret Mitchell's death is one example of police officers directing violence towards Black women suffering from interlocking oppressions; in this case, not only was Margaret Black and a woman, but she was elderly, homeless, and mentally disabled.¹⁷⁰ Margaret Mitchell's death resulted from the Sapphire and Mammy stereotypes that reduce Black women to mules while simultaneously describing them as having sub-human strength.¹⁷¹ The

¹⁷⁰ Revolutionary Worker #1010, *L.A.--The Police Murder of Margaret Mitchell*, REVOLUTIONARY WORKER ONLINE (June 13, 1999), <http://revcom.us/a/v21/1010-019/1010/lapd.htm> [hereinafter *The Police Murder of Margaret Mitchell*].

¹⁷¹ *Id.*

Mammy stereotype reflects the White imagination grounded in fear, fantasy, control, and domination. It reduces Black women to chattel and mules, a dehumanization that resulted in police officers' excessive and fatal use of force in Margaret Mitchell's death. The Mammy stereotype controls the image of Black women, preventing them from expressing their individual personalities.

Carolyn West explains how historians created the Mammy to dehumanize Black women and to justify violence against Black women:

There is little historical evidence to support the existence of a subordinate, nurturing, self-sacrificing Mammy figure. Enslaved women often were beaten, overworked, and raped. In response, they ran away or helped other slaves escape, fought back when punished, and, in some cases, poisoned slave owners. In order to deal with this uncomfortable reality, historians and authors rewrote history to create the image of the loyal, happy Mammy.¹⁷²

Black women exist as multi-dimensional beings that exhibit different personalities, experiences, body-types, physical and emotional strengths, and intellectual capacities. But, Black women still evoke fear and animosity in police officers.

Margaret Mitchell was five foot one inch and weighed 102 pounds.¹⁷³ Community members described Margaret as small, brittle, and soft spoken.¹⁷⁴ Other community members stated that Margaret often visited their neighborhoods and pushed around the shopping cart with her personal belongings.¹⁷⁵ Although community members never complained about Margaret's presence, police officers likely perceived Margaret as a threat because of her class, race, and gender. On May 21, 1999, two police officers approached and harassed the 54-year-old homeless woman, Margaret

¹⁷² West, *supra* note 104, at 289.

¹⁷³ *The Police Murder of Margaret Mitchell*, *supra* note 173.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

Mitchell, while she pushed her shopping cart, in violation of California Business and Professions Code Section 22435.2.¹⁷⁶

Mitchell's interlocking identities as Black, elderly, mentally ill, homeless, and woman made her an easy target for "quality of life" police violence.¹⁷⁷ When Margaret Mitchell was pushing her shopping cart, she was endangering neither herself nor anyone around her.¹⁷⁸ It is not unusual for homeless people to use grocery carts to keep their belongings or for them to frequent a park or shopping centers to find shade. In fact, one witness explained that Margaret Mitchell often held all her possessions, including a nice red blanket that community members identified as her trademark, in her cart because she was homeless.¹⁷⁹ Rather than approach Mitchell as a human being, multiple police officers followed and harassed her. Mitchell began walking away.¹⁸⁰ One witness recounted the incident,

As she walked down the street, someone driving by recognized her, pulled over and tried to talk the cops out of hassling her. But the cops continued their pursuit. One witness, a Black man in his 40s, saw her running and pulling the cart behind her as the cops ran after her. "My first thought was, 'Oh, man. When they catch this person they're going to beat her.' That was my first thought. I didn't see the guns. I just saw the cops running. And I saw her in front of them running. And then I heard the bam! It was so sudden that I didn't even realize she was shot until moments later when I

¹⁷⁶ CAL. BUS. & PROF. CODE § 22435.2 (1983) ("To remove a shopping cart or laundry cart from the premises or parking area of a retail establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.").

¹⁷⁷ See generally George L. Kelling & James Q. Wilson, *Broken Windows: The Police and Neighborhood Safety*, THE ATLANTIC (Mar. 1982), <http://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/> (describing the shortcomings of broken window/quality of life policing).

¹⁷⁸ *The Police Murder of Margaret Mitchell*, *supra* note 173.

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

processed it and I saw her laying on the ground. I thought, 'Oh my god, they just shot that woman!'"¹⁸¹

Although Mitchell was guilty of only a small civil infraction, the officers used deadly force.

Community members knew the officers presented a threat to Mitchell and knew the officers would hurt her.¹⁸² The community's negative expectations of police violence demonstrates the relationship between the community and the police officers. The negative relationship between the community and police officers also gives insight on how Mitchell felt when the officers chased her. Even when Black women present images contrary to the Mammy, such as Mitchell not submitting to the police, society uses domination and violence to retain the Mammy image.

Mitchell's actions contradict both the Mammy and Sapphire stereotype. The Mammy stereotype portrays Black women as mules who can endure pain, while the Sapphire stereotype portrays Black women as animals who can exert violence. By running away, Margaret conveyed fear rather than abrasiveness and aggression, yet she was still stereotyped, targeted, and eventually killed. This demonstrates how even when Black women are not conforming to stereotypes, people may perceive them as dangerous or aggressive. Additionally, when Black women do not fit within their stereotypes, people often utilize force or violence to put Black women into their "place," or into the mold of the projected stereotype.

Kimberly Wallace-Sanders explains that stereotypes do not just exist in literature or in a historical reality, but are fluid and highly present in the American consciousness.¹⁸³ The Mammy figure shapes and continues to

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ WALLACE-SANDERS, *supra* note 111, at 3.

influence American concepts of race and gender in various ways.¹⁸⁴ Wallace-Sanders perfectly details the Mammy stating,

Mammy is part of the lexicon of antebellum mythology that continues to have provocative and tenacious hold on the American psyche. Her large dark body and her round smiling face tower over our imaginations, causing more accurate representations of African American women to wither in her shadow. The mammy's stereotypical attributes, her deeply sonorous and effortlessly soothing voice, her infinite patience, her raucous laugh, herself deprecating wit, her implicit understand and acceptance of her inferiority and her devotion to whites- all point to a long-lasting and troubled marriage of racial and gender essentialism, mythology, and southern nostalgia.¹⁸⁵

When Mitchell did not submit to the officers' requests, the officers shot her.¹⁸⁶ Following the death of Margaret Mitchell, the Los Angeles Police Commission Inspector General concluded that police officers violated LAPD's rules on officer shootings when they shot and killed Margaret Mitchell.¹⁸⁷ On the contrary, although LAPD Police Chief Bernard Parkers concluded that the police officers employed poor tactics while handling Margaret Mitchell, he expressed safety concerns to justify the killing of Margaret.¹⁸⁸ The LAPD refused to hold the police officers criminally accountable for the killing of an unarmed, elderly, homeless Black woman.¹⁸⁹ Instead, the police officers received administrative discipline, which shows the little value the department saw in Margaret Mitchell.¹⁹⁰

¹⁸⁴ *Id.*

¹⁸⁵ *Id.* at 2.

¹⁸⁶ Jim Newton, *Shooting Broke LAPD's Rules, Inspector Finds*, L.A. TIMES (Feb. 12, 2000), <http://articles.latimes.com/2000/feb/12/news/mn-63622>.

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

When the police chief justified the officers' action, he presumed Mitchell could endure the pain and preserved Margaret as an undeserving victim.

Patricia Collins explained that all prevailing images of Black womanhood represent elite White male interests in defining Black women's sexuality and fertility.¹⁹¹ Here, the police officers' actions represented elite White male interests. Thus, combining the intersecting oppressions of race, class, gender, and sexuality helps justify the social practices characterizing the matrix of domination in the United States.¹⁹²

The police chief's justification promoted the idea that the Sapphire stereotype symbolized Black women's inherent criminality and deviance. The Sapphire stereotype purports that Black women are disobedient, unruly, disorderly, and aggressive. The Sapphire stereotype influenced how the officers perceived Margaret. The two officers claimed that Margaret had a weapon in her hand, threatened to kill them, lunged and slashed at the male officer, and caused him to fear for his life.¹⁹³ Yet witnesses said that Margaret Mitchell was running away from the officers at the time she was shot.¹⁹⁴

The police chief displayed a complete disregard for Margaret Mitchell's humanity. He stated, "We're not going to carry the burden of racism in the country of the United States for the last 200 years and place it on those officers' shoulders."¹⁹⁵ The physical evidence and the eyewitness accounts failed to justify the police officer's excessive force, yet the police chief protected the officers. One must question a society where a 54-year-old woman can be killed for pushing a shopping cart. Who do these laws protect? Who do these laws harm?

¹⁹¹ COLLINS, *supra* note 74, at 84.

¹⁹² *Id.*

¹⁹³ Newton, *supra* note 186.

¹⁹⁴ *The Police Murder of Margaret Mitchell*, *supra* note 170.

¹⁹⁵ *Id.*

Rather than look to the circumstances that led Margaret Mitchell to carry her belongings in a shopping cart, the police officers decided to be the judge, jury, and executioner. The police officers killed Margaret Mitchell with impunity, which further isolated and angered the community. To the community, the officers stopped and harassed Margaret Mitchell because of her race, gender, and class status.

B. Jonie Pratt

Jonie Pratt's case demonstrates how officers exert excessive dominance and physical force when they feel Black women get "out of line." This case also demonstrates how the Sapphire stereotype influences the way people view Black women's bodies, person, and hair.

Unlike Margaret Mitchell, Jonie Pratt lived in a suburban area and was formerly employed as a teacher.¹⁹⁶ Predictably, Pratt's class status and educational level did not prevent her from experiencing police violence. On April 4, 2006, Officer Jason Giroir approached Jonie Pratt while she was parked in her driveway.¹⁹⁷ When Officer Giroir approached Pratt, he drew his gun and demanded that Pratt get out of her car.¹⁹⁸ When Pratt questioned why the officer approached her and harassed her, the officer became physically aggressive.¹⁹⁹ Officer Giroir pulled Pratt out of her car, verbally assaulted her, pepper sprayed her, pulled her hair, and punched her in the face.²⁰⁰

1. Sapphire

Like the Sapphire stereotype, Jonie Pratt was characterized as aggressive, combative, and angry. Jonie Pratt rightfully asserted her right to know why

¹⁹⁶ Pratt v. Giroir, No. 07-1529, 2008 WL 975052, at *1 (E.D. La. Apr. 8, 2008).

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ *Id.*

²⁰⁰ *Id.*

she had been stopped, yet the officer responded with violent physical and verbal assault. After assaulting Pratt, the officer called for backup, which led to more unnecessary force and violence.²⁰¹ Pratt stood at only five foot two inches, yet the officers perceived her as a threat.²⁰²

When two backup officers arrived, one officer shoved Pratt to the ground and knelt on her back while the other officer kicked her in the head.²⁰³ What would warrant this type of excessive force? Officer Giroir claimed that he stopped Jonie Pratt because she ran two stop signs.²⁰⁴ However, Officer Giroir did not take any reasonable steps to gather Pratt’s information or give her a ticket for her alleged violation.²⁰⁵ According to a news report, Officer Giroir did not believe that Jonie Pratt lived in her house.²⁰⁶ At the time of the incident, Pratt’s mother-in-law came out of Pratt’s house shouting “Stop that, that’s Officer Pratt’s wife,” yet the officer insisted on violating Jonie’s rights and leaving her in handcuffs.²⁰⁷ The officer publicly humiliated Jonie Pratt and reinforced the gender and race power dynamic between him and Pratt. He exerted extreme and unwarranted violence when he felt that Pratt was “out of line.”

As a result of the officers’ extreme violence, Jonie Pratt sustained a black eye, a swollen forehead, and a fractured left wrist.²⁰⁸ Predictably, “A misconduct allegation against Giroir was not sustained . . . and the District Attorney’s office refused charges against Giroir, citing insufficient

²⁰¹ *Id.*

²⁰² *More Brutality Allegations Lodged Against New Orleans Police*, USA TODAY (Apr. 5, 2006, 7:06 PM), http://usatoday30.usatoday.com/news/nation/2006-04-05-new-orleans-police_x.htm.

²⁰³ *Pratt v. Giroir*, No. 07-1529, 2008 WL 975052, at *3 (E.D. La. Apr. 8, 2008).

²⁰⁴ *Id.* at *1.

²⁰⁵ *Id.*

²⁰⁶ *More Brutality Allegations Lodged Against New Orleans Police*, *supra* note 202.

²⁰⁷ *Id.*

²⁰⁸ *Id.*

evidence.²⁰⁹ Education and class mobility do not prevent Black women such as Jonie Pratt from experiencing the ramifications of negative stereotypes. Sometimes, class status can transform preexisting Mammy and Sapphire stereotypes. According to Collins, “the Black lady refers to middle-class professional Black women who represent modern version of the politics of respectability.”²¹⁰ She explains,

This image seems to be yet another version of the modern mammy, namely, the hardworking Black woman professional who works twice as hard as everyone else. The image of the Black lady also resemble aspects of the matriarchy thesis- Black ladies have jobs that are so all-consuming that they have no time for men or have forgotten to treat them. Because they so routinely compete with men and are successful at it, they become less feminine. Highly educated Black ladies are deemed to be too assertive- that’s why they cannot get men to marry them.²¹¹

Jonie Pratt was violated in her own neighborhood and place of safety because the police officers did not believe she lived there. Officer Giroir profiled Pratt because she was both Black and a woman. When she questioned why she was being stopped, she was met with excessive hostility and violence. While Pratt proclaimed that she lived at the residence, the officers did not believe her, even when she had other family members present who urged the officers to stop. It was not enough that Pratt was educated and middle-class, her Blackness and womanhood still made her appear difficult, disobedient, and uncontrollable like the Sapphire trope.²¹² The Sapphire stereotype leaves U.S. Black women between the proverbial rock and a hard place. Black women can have a diversity of jobs, incomes,

²⁰⁹ Brendan McCarthy, *New Orleans Cop Suspended Indefinitely After Online Rant About Trayvon Martin Killing*, NOLA (Apr. 18, 2013, 7:30 PM)

http://www.nola.com/crime/index.ssf/2012/03/new_orleans_cop_suspended_inde.html.

²¹⁰ COLLINS, *supra* note 74, at 97.

²¹¹ COLLINS, *supra* note 74, at 81.

²¹² *Id.*

personalities, shapes, and sizes, yet are still pigeonholed into stereotypes that deny them their humanity and render them invisible.

Stereotypes are dangerous because they lead to excessive violence against black women even when black women are not performing according to those stereotypes. “Racial stereotypes pervade U.S. culture because people rely on cognitive shortcuts to simplify the world, and the qualities associated with racial minority groups in particular have historically negative connotations.”²¹³ As shown throughout this paper, when people rely on preconceived notions of how Black women should act, violence is often the end result. Stereotypes distort reality and jeopardize the livelihood of Black women like Jonie Pratt.

2. Black Women’s Hair and Police Violence

Pratt’s case also represents how Black women experience discrimination based on their hair texture. Their hair texture represents uncleanliness, primitive, undesirable, and unruly. Negative perceptions of Black women’s hair, matched with the dehumanization of the Black female body (Jezebel), foster a site of violence for Black women. Patricia Collins describes the politicization of Black women’s hair, body, and facial features. She states, “Dealing with standards of beauty—particularly skin color, facial features, and hair texture, is one specific example of how controlling images derogate African American women.”²¹⁴ Hair texture negatively affects the ways in which Black women experience violence and discrimination. Like Officer Girior, people often feel entitled to harass and touch Black women’s hair because of its difference in texture and perceived lack of value.

²¹³ Don Operario & Susan T. Fiske, *Racism Equals Power Plus Prejudice: A Social Psychological Equation for Racial Oppression*, in *CONFRONTING RACISM: THE PROBLEM AND THE RESPONSE* 33, 43 (Jennifer L Eberhardt & Susan T. Fiske eds., 1998).

²¹⁴ COLLINS, *supra* note 74, at 89.

Here, the officer pulled on Pratt's hair, which demonstrates a specific type of racialized gender violence that Black women face. Hair represents an intricate part of racial identity for Black women.²¹⁵ Therefore, when targeted for their hair, Black women face a unique form of dehumanization and racial violence. Paulette Caldwell explains how Black women's hair cannot be separated from the historical oppression and subordination of Black women.

Judgments about aesthetics do not exist apart from judgments about the social, political, and economic order of a society. They are an essential part of that order. Aesthetic values determine who and what is valued, beautiful, and entitled to control. Thus established, the structure of society at other levels also is justified. What appears to be merely an aesthetic judgment in *Rogers* is part of the subordination of black women and is inextricably connected to the more obvious economic judgments reflected in other cases that affect black women.²¹⁶

Black women's hair is a tool used to control Black women. Stereotypes associated with Black women's hair deny Black women the autonomy to control their hair and engage in self-expression. Many people feel entitled to touch Black women's hair in public as though Black women have no autonomy over their personhood. Given the historical context of Black women's hair, Officer Giroir violated Pratt's personal space and reinforced the power dynamic between White men and Black women.

C. Salencia Johnson

This case represents how Black girls face stereotyping as violent and aggressive Sapphires at young ages. In 2012, police officers handcuffed five-year-old Salencia Johnson when she "threw a tantrum" in the

²¹⁵ Paulette M. Caldwell, *A Hair Piece: Perspectives on The Intersection of Race and Gender*, 40 DUKE L.J. 365, 383 (1991).

²¹⁶ *Id.* at 393.

classroom.²¹⁷ School administrators described Salencia Johnson as an "unruly juvenile" because she screamed and cried like children often do.²¹⁸ Rather than treat Johnson like a child and use harm-reduction strategies or call a school psychologist to intervene, the school administrators contacted the local police station to handle the situation.²¹⁹ They promoted violence against Johnson by fostering an environment where she felt hated and unsafe. The school administrators' actions revealed that they perceived Salencia Johnson as a threat to the classroom. Stereotypes present a challenge for Black girls because those girls symbolize deviance and disobedience.

D. Dajerria Becton

On June 5, 2015, Officer David Casebolt physically and sexually assaulted 15-year-old Dajerria Becton.²²⁰ Becton was attending a pool party with her friends in McKinney, Texas, when a White woman called the police to complain that the group of Black children did not belong in the neighborhood.²²¹ Becton stated,

He [the officer] told me to keep walking and I kept walking and then I'm guessing he thought we were saying rude stuff to him. He grabbed me and he like twisted my arm on the back of my back and he shoved me in the grass, he started pulling the back of my

²¹⁷ Antoinette Campbell, *Police Handcuff 6-Year-Old Student in Georgia*, CNN, <http://www.cnn.com/2012/04/17/justice/georgia-student-handcuffed/> (last updated Apr. 17, 2012).

²¹⁸ *Id.*

²¹⁹ *Id.*

²²⁰ Brittney Cooper, *America's War on Black Girls: Why McKinney Police Violence Isn't About "One Bad Apple"*, SALON (June 10, 2015, 3:29 PM), http://www.salon.com/2015/06/10/americas_war_on_black_girls_why_mckinney_police_violence_isnt_about_one_bad_apple/.

²²¹ Tom Cleary, *Dajerria Becton: 5 Fast Facts You Need to Know*, HEAVY (June 8, 2015, 1:20 PM), <http://heavy.com/news/2015/06/dajerria-becton-mckinney-texas-black-girl-bikini-name-assaulted-video-photo-interview-friends-eric-casebolt/>.

braids and I was like telling him that he can get off me because my back was hurting really bad.²²²

This incident represents again how young Black girls face stereotyping as Sapphire and Jezebels, which leads to police violence against them. Becton did not commit a crime, yet Officer Casebolt tackled her, threw her to the ground, shoved her face into the grass, twisted her arm, and handcuffed her.²²³ The amount of violence that the officer used was neither proportional to the actions of Becton nor reasonable under the circumstances because she had done absolutely nothing. When the officer told Becton and her friends to leave, Becton followed his commands and began to walk away.²²⁴ But the officer decided to target and assault Becton. Becton explained how the officer might have thought she said something rude, but that still would not warrant the amount of violence the officer demonstrated.²²⁵

What can explain the act of an officer throwing a child in a bathing suit on the ground? What can explain a grown police officer sitting on the body of a 15-year-old and publicly humiliating her? Helplessly on the ground and in a two-piece bathing suit, Becton screamed out for her mother as Officer Casebolt pulled on her braids and pushed his knee into her back.²²⁶ Barely 100 pounds, Becton presented no threat to Officer Casebolt, yet he grabbed Becton like a wild animal that needed to be tamed. Police officers likely saw Becton as a threat that needed controlling due to the Sapphire stereotype describing Black girls as unruly and abrasive. Even when Black girls commit no crimes and represent no danger, officers still violate their personhood through sexual and physical violence.

²²² *Id.*

²²³ Cooper, *supra* note 220.

²²⁴ Cleary, *supra* note 221.

²²⁵ *Id.*

²²⁶ Cooper, *supra* note 220.

1. Black Hair as Site of Violence

Using an intersectional approach to this situation offers insight into the specific violence and dehumanization Black girls face because of their hair. Braids represent an intricate and sacred part of African American culture, taking long and painful hours to complete. By pulling on Becton's hair, Officer Casebolt engaged in racialized gender violence against a Black girl. He displayed a lack of value and care for Becton's body and hair. Cheryl Thompson explained that "[f]or young black girls, hair is not just something to play with, it is something that is laden with messages, and it has the power to dictate how others treat you, and in turn, how you feel about yourself."²²⁷ For example, Black women often experience people touching and pulling their hair without their consent, and they experience insults and discrimination based on their hair texture and hairstyles.²²⁸ Becton's braids, which is a unique cultural hairstyle, stands outside of "standard White beauty" and thus represents a threat to White male interest. I believe Black girls bear insults and attacks based on their hair and often form insecurities. Officer Casebolt asserted his dominance and disregard for Becton's autonomy over her hair. In African American culture, touching a Black women's hair expresses disrespect because Black women have a history of exploitation of their bodies and hair. As described above, slave owners put Black women on display and often investigated and analyzed their body parts and hair like animals.

This paper would also argue that Becton faced sexual harassment and assault by the police officer due to her body exposure and the physical dominance that ensued when Officer Casebolt sat on Becton. The Jezebel stereotype not only applies to Black women but also applies to Black girls;

²²⁷ Cheryl Thompson, *Black Women and Identity: What's Hair Got to Do With It?*, MICH. FEMINIST STUDIES, <http://hdl.handle.net/2027/spo.ark5583.0022.105> (last visited Mar. 12, 2016).

²²⁸ *Id.*

characterizing them as sexually deviant animals that need taming by physical dominance. When Officer Casebolt pulled on Becton's hair and sat on her small body, he reinforced the sexual violence that Black girls have continued to face and the power dynamic between White men and Black girls. Sikivu Hutchinson perfectly compares the freedom of youthfulness extended to White girls but not maintained for Black girls,

It goes without saying that a black male police officer captured on video brutalizing and sitting on a bikini-clad teenage white girl would have been lynched before he returned to his precinct. It is tacitly understood that the scantily clad bodies of teenage white girls are sacrosanct cultural commodities; *publicly* off limits to law enforcement, privately available for the consumption of white heterosexist patriarchy.²²⁹

Officer Casebolt's actions administered dominance and control over a Black girl's body; something a white girl would never endure. Denied autonomy of their bodies, Black girls and Black women experience sexual harassment and sexual violence differently, sometimes through the simple act of an officer sitting on a 15-year-old girl. Officer Casebolt stripped Becton of her dignity by brutalizing her while she was in a bathing suit, surrounded by hundreds of people. He reduced Becton to the Jezebel and Sapphire stereotypes and failed to recognize her humanity and innocence as a 15-year-old girl. Furthering the culture of impunity and erasure of Black female experiences, Officer Casebolt did not face any criminal charges, nor did he face expulsion from the police force.²³⁰ Although Officer Casebolt resigned, he expressed no apology or admission of wrongdoing.²³¹ The legal

²²⁹ Sikivu Hutchinson, *Police Criminals and the Brutalization of Black Girls*, LA PROGRESSIVE (June 9, 2015), <https://www.laprogressive.com/brutalization-of-black-girls/>.

²³⁰ Sarah Mervosh, *McKinney Officer Eric Casebolt Resigns; Police Chief Calls Actions at Pool Party 'Indefensible'*, CRIMEBLOG, (June 9, 2015, 2:29 PM), <http://crimeblog.dallasnews.com/2015/06/teen-who-mckinney-officer-pulled-gun-on-questions-why-he-was-arrested.html/>.

²³¹ *Id.*

system continuously fails to articulate the intersecting systems that inform how Black women experience violence. One cannot separate gender-based violence from race-based violence because they intersect to create a host of unique experiences, such as the pulling of Becton's hair or the physical dominance of sitting on Becton's back.

E. Charnesia Corley

In August 2015, Texas police officers sexually assaulted 21-year-old Charnesia Corley in broad daylight in a public parking lot.²³² Officers pulled over Corley, claiming that her vehicle smelled like marijuana.²³³ They cuffed her and put her in the back of the police car while searching her car.²³⁴ Although the officers did not find any marijuana, they continued to harass Corley.²³⁵ Officers subjected her to a cavity search, forcing her to pull down her pants and to allow them to put their hands inside Corley's genitals.²³⁶ This incident embodies the Jezebel stereotype that establishes that Black women deserve physical and sexual violence and do not retain the right to consent to or reject sexual advances.²³⁷ Unsurprisingly, Corley stated that the officers used threats of violence to get her to submit to the cavity search.²³⁸ Sadly, she felt helpless, violated, humiliated, disgusted, and downgraded.²³⁹ Cavity searches like the one instituted in this incident represent how police officers violate the sexual autonomy of Black women, displaying the Jezebel stereotype.

²³² David Lohr, *Woman Says Gas Station Strip Search Was Like Sexual Assault*, HUFFINGTON POST (Aug. 18, 2015, 6:33 PM), http://www.huffingtonpost.com/entry/texas-strip-search-public_55c8f940e4b0923c12bdb903.

²³³ *Id.*

²³⁴ *Id.*

²³⁵ *Id.*

²³⁶ *Id.*

²³⁷ *Id.*

²³⁸ *Id.*

²³⁹ *Id.*

After the officers failed to find marijuana, the officers should have released Corley. In order to exert dominance and control, however, the officers used excessive force, verbal threats, and sexual violence. The officers found no marijuana in Corley's car, yet they maintained that Corley consented to the search. Her situation is similar to those of enslaved Black women subjected to rape at the hands of masters who claimed they had consent.

A primary reason rape of black women has never received what little attention rape of white women receives is because black women have always been seen by the white public as sexually permissive, as available and eager for the sexual assaults of any man, black or white. The designation of all black women as sexually depraved, immoral, and loose had its roots in the slave system.²⁴⁰

Recognizing the power imbalance between Corley and the officer reveals Corley's inability to consent and the long history of White men raping Black women. Because society does not believe Black women personify innocence or victimhood, the officer will not undergo criminal charges or internal discipline.²⁴¹

Indeed, Corley is not the only Black woman to experience a degrading cavity search. In 2013, police officers stopped two Black women on the side of the road and subjected them to cavity searches while in their bikinis.²⁴²

²⁴⁰ HOOKS, *supra* note 13, at 52.

²⁴¹ See Goldie Taylor, *White Cop Convicted of Serial Rape of Black Women*, DAILY BEAST (Dec. 9, 2015, 10:00 PM), <http://www.thedailybeast.com/articles/2015/12/10/the-most-horrific-cop-rape-case-you-ve-never-heard-of.html> (Daniel Holtzclaw sexually assaulted 13 Black women while on duty. He is being charged with over 30 sex crimes. There is a currently a Facebook page in support of his innocence even while more women come forward daily. Daniel Holtzclaw sexually assaulted 13 Black women while on duty. This story only garnered attention after Black women began to report on it and highlight the lack of attention. Ultimately, Holtzclaw was found guilty of only 18 counts of 36).

²⁴² *Two Women Subjected to Full Body Cavity Search on TX Highway*, NEWSONE, <http://newsone.com/3013600/two-women-subjected-to-full-body-cavity-search-on-tx-highway/> (last visited Mar. 12, 2016).

One of the victims, Alexandria Randle, stated, "It was extremely humiliating, especially with my entire family, including my 8-year-old nieces and my nephew . . . in the back of the car, and they saw all of this happening, as well as everybody on the side of the road."²⁴³ These incidents are reminiscent of sexual violence against Black women during slavery. As explained before, sexual violence during slavery was justified by the stereotypes of Black women as sexual savages who were non-human animals incapable of being raped.²⁴⁴ Today, those stereotypes continue to perpetuate violence against Black women.

IV. CONCLUSION

Black feminist theory, intersectionality, and the history of Black women stereotypes create a framework to deconstruct and analyze police violence against Black women. Using the concept of interlocking oppressions pushes the conversation of police brutality to create a praxis evaluating the most vulnerable populations of Black women. By understanding that identities interweave with one another and that Black women experience multiple forms of oppressions, challenges to power hierarchies and legal systems can be more direct and comprehensive.

Black women lack data on their experiences because they do not have the political or social power to elevate and bring awareness to their experiences. Additionally, as stated previously, race and racial disparities are often viewed as a Black male experience, whereas sexual or gender violence is viewed as a White woman experience.²⁴⁵ Standpoint epistemology guides Black feminist theory and allows anecdotal stories to add insight into the

²⁴³ *Id.*

²⁴⁴ HOOKS, *supra* note 13, at 52.

²⁴⁵ Demetria Lucas, *Driving While Black and Female*, CLUTCH MAG., <http://www.clutchmagonline.com/2012/08/driving-while-black-and-female/> (last visited Mar. 12, 2016) (describing experiences of "Driving While Black" as a female and how the discourse usually centers men).

collective experiences Black women face. This paper offered five unique experiences of Black women and girls that deal with police violence. Through these stories, we gained insight on the different ways race, gender, class, and other identities create unique stereotypes that eventually inform police violence against Black women.

While these stories differ, the overarching systems of oppression foster an environment that leads to police violence against Black women and girls. In each case, police officers used physical or sexual aggression to maintain control and domination over the victims. Regardless of age, class, or location, Black women and girls share victimization. Each story adds a layer of understanding to the overall Black feminist theory that will help create vocabulary to push a social justice agenda. Police violence against black women is underreported, under-documented, and under-highlighted. Black women are left with these questions: Who do I call to police the police? What are social and legal remedies for Black women who experience violence? What does it take for people to recognize that this problem is widespread and normalized? How do we unlearn these stereotypes about Black women and ensure that their futures are not jeopardized by police violence?

In order to analyze how stereotypes sustain Black women's oppression and lead to police violence, community organizers and legal scholars need more tools to collect and document police violence against Black women. People have to be willing to have an open and honest dialogue about the violence that Black women have faced historically at the hands of slave masters and subsequently police officers. People must confront the everyday stereotypes about Black women and be willing to investigate their complicity in a system that fosters violence against Black women and girls. Intersectionality and Black feminist theory literature provide the tools and the historical knowledge to help stakeholders navigate through the ways Black women have and do experience violence.

Understanding deeply embedded stereotypes in American society demonstrates the link between Black women stereotypes and the invisibility of Black women's stories about police brutality. The Mammy, Jezebel, and Sapphire stereotypes deprive Black women of their humanity, making them vulnerable to police violence with impunity. The legal profession, specifically the criminal justice system, can be greatly enhanced by incorporating an intersectional lens to understand, prevent, and remedy police violence against Black women. By recognizing the pervasiveness of Black women stereotypes, researchers, scholars, and lawyers can create innovative remedies to eradicate all forms of police violence against Black women.

A. Recommendations

To begin the process of addressing the serious issues laid out in this article, the author recommends we:

1. Create a nation-wide database documenting police violence against Black women. Data should be categorized by age, sexuality, gender identity, location, nationality, and ethnicity;
2. Identify and allocate funds to grassroots organizations that are already creating community-based solutions to police violence;
3. Use funds to help create awareness around the issues in the communities that are most affected by police violence;
4. Create a safe environment for victims and survivors to share stories in order to feel empowered to come forward to share and report their stories;
5. Foster public awareness and public accountability to serve as a source of empowerment for victims and a source of deterrence for officers;
6. Create an online reporting system that makes it easier for victims of police violence to share their stories;

7. Adopt an intersectional approach to legal remedies for police violence against Black women;
8. Develop a coalition of attorneys and community activists to rally around the End of Racial Profiling Act of 2015 as a step in the right direction;
9. Create a legal remedy (civil damages) for racialized gender-based violence against Black women;
10. Ensure that police officers receive criminal punishment to reduce impunity;
11. Lobby policymakers towards the demilitarization of the police and the reallocation of funds into communities of Black women to ensure adequate and affordable housing, access to fresh food and clean water, safe and adequate schools, and access to adequate and affordable health care;
12. Conduct trainings for community-based groups to engage in deescalation practices so communities rely less on police officers for safety;
13. Advocate policymakers to make strip-searches illegal;
14. Define “excessive force” to include racialized gender violence against Black women as defined and explained in this paper. Accountability and recognition of the unique harm inflicted on Black women is essential to justice; and
15. Create independent bodies with intersectionality scholars to analyze police violence claims.