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## Beyond the Birdcage: Insights to Understand, Analyze, and Improve

We can take decisive action today to address racial injustice. [PM Special Supplement, June 2020]

By Kurt Wilson, ICMA-CM | Jun 24, 2020 | ARTICLE

I've never met George Floyd. I don't know much about him or the events of May 25. In fact, I haven't even watched the video. Not because I don't care, but because I feel like I've seen it before. Not because it doesn't matter, but because it's so relatable. Mr. Floyd was a 46-year-old Black man who was more than 6 feet tall and whose autopsy listed him as 223 pounds. I too am a 46-year-old Black man who stands more than 6 feet tall and weighs close to 223 pounds.



I literally don't know a single person who looks like me who hasn't experienced the ugly side of policing. But it's an important distinction that while every Black person has been negatively impacted by bad policing, not every police officer has engaged in or condoned bad policing. That's the difference between the institution of policing and individual officers.

Marilyn Frye's analogy illustrates a fictional birdcage used as a punitive device designed to restrict a bird's movement. That's its purpose and it carries out this oppressive mandate unforgivingly. The cage, though, is made of individual bars. Each individual bar has a different mandate — to hold onto the next bar or to provide a climbing platform for the bird. The individual bar helps the bird by protecting it from cats and supporting its toys, cognitively disconnected from the nefarious intentions of the cage. The individual bar may not concur with the cage's mission, but it's the collective efforts of those individual bars that carry out the mission of the entire cage. Good individual officers are like those bars, often well-intentioned and dutifully helping people, while also being associated with something out of their control. One could argue the cage is the institution of policing, but it's also plausible that, since racism is larger than policing, the cage represents something larger.

While my personal background "fits the description," my professional background is very different. I'm a credentialed manager and Cal-ICMA board member with a law enforcement background that includes front line, oversight, and regulatory roles. This means that the policing of Black America rests at the confluence of my personal and professional life. That's a heavy weight to bear. A few years ago, after recognizing the value of my perspective, I conducted my own research on this topic as part of my doctoral dissertation. Even though it didn't leave me with the quick global solution I hoped, it provided the framework in which I now analyze the issue. It also verified that the history is too impactful to ignore.

Many people are reluctant to consider the historical context because they weren't the ones personally responsible for what happened generations ago. I call this the "It wasn't me" defense. From an individual perspective, it's absolutely true. Law enforcement officers aren't wrong for wanting to be judged on their own actions instead of the actions of some other person, in some other place, at some other time, just because of the color of their uniform. After all, that's the same thing Blacks have been seeking for years — not to be stereotyped or targeted based on the color of their skin.

The difference with cops is that they have a dual role. In addition to their individual capacity, they are a symbol representing the institution of policing — a practice steeped in traditions of both pride and problems that had nothing to do with the individual officer. That means today's officers get to take responsibility for all the good things that other police have done — all the people who have been helped, crimes that have been solved, and lives that have been saved. It also means taking credit for the embarrassing origins, actions, and injustices credited to policing — and that's a long list.

That history fuels the frustration. The rate of abusive policing has not increased. Even a cursory review of complaints clearly demonstrates that it's not a new phenomenon. The heightened awareness is owed to the prevalence of cameras to capture, and social media to distribute, the evidence. If you're wondering what would have happened if there were no video in the Floyd case, just ask anyone who's been abused. For them, the video is vindication for when they told their own story and no one believed them. "Oh, come on, they wouldn't do that!" It's part of the reason that Black people are less likely to trust police and more likely to believe stories of brutality than people whose personal experiences don't align with injustice.

It always looks easy from the outside looking in, but there's no substitute for walking a mile in someone's shoes. Reading a book or subscribing to a predominantly Black entertainment channel is not a substitute and can't tell you what it's like to be Black. Alternatively, being arrested or watching cop shows on tv can't qualify you to understand what it means to be a cop.

Each group's perspective is genuinely understood by members of each group, but few outsiders truly understand what the groups go through. That's precisely why their perspectives are so important and should be represented by those people themselves. It means policies intended to improve the lives of Black people should include input from actual Black people. The same is true of policing. Police accountability boards that prescriptively prohibit participation by police are excluding a critical viewpoint that can't be reproduced by other people.

In order to make progress we must first define what success actually looks like. That definition varies based on our own interests and experiences, but it's more complicated than that. While people on the front lines of the conflict have a vested interest, those not directly affected are apathetic. Progress is difficult to define or achieve when the majority of people are disinterested in the outcome. Awakening a critical mass of people and getting them off the sidelines is a function of capturing their hearts and minds to make them aware of and interested in the benefits of progress. However controversial, releases and protests are designed to do just that.

### Protests

The concept of protesting is intentionally disruptive and goes outside the boundaries of traditionally accepted expression, but that's the point. People who have deep-seated beliefs will risk it all to defend them whether or not everyone agrees. People who are on the opposite side of those beliefs and people who are otherwise not engaged tend to be bothered by those protests. But for those seeking to engage the unengaged people, this tactic is effective. Popularity in the moment isn't necessary if the cause is later proved to be just. Modern protests are judged against the standard set by Dr. Martin Luther King Jr., but the comparison omits the 1966 Gallup poll showing that two-thirds of America had an unfavorable opinion of King. Sadly, he had to die to become popular and gain support.

As the saying goes, when your only tool is a hammer, every problem looks like a nail. We must expand the toolbox of stakeholders in order to get the best results. Passionate protests and reactive legislation shouldn't be the only tools at our disposal. When people feel voiceless or unheard, they reject diplomacy.

Sometimes it's not about what people say, but why they say it. Sometimes it's less about how they express it and why they are expressing it. For some, this is an unacceptable excuse for recent racial protests. Was it equally unacceptable, though, when it applied to armed White protestors at the Michigan statehouse? Their deep-seated belief was to oppose the state's COVID-19 quarantine restrictions. Should the rules be different for the two groups? Should the ability to protest be conditioned on value judgments from public servants?

Protests are rarely the starting point for expression. Rather, they tend to occur when more traditional methods have been exhausted. It's like two people starting with a conversation. If one person doesn't feel heard they may raise their voice and eventually shout in an attempt to be heard. Behavioral science explains that desperation and fear cause people to react irrationally so cranking up the stress won't produce rational behavior.

### Within Reach

Progress is within reach. We tend to focus on our differences, but we actually agree on so much. Most officers will concede the problems associated with the institution of policing. The disagreement is more prevalent on the conduct of individual officers. Even with that, though, it's not as if cops have argued that no officer has been wrong or that Blacks accuse every individual officer of being awful — that rage is directed at officers in their capacity as the face of the institution of policing. The disagreement is in the number of bad actors, not the existence of them.

It's about quality, not quantity. We get hung up on assigning labels like "isolated incident," "systemic problem," and "99 percent of them...". If it were about ratios, we would focus on leading causes of death and some controversial results of that for each side. Instead, it's a qualitative problem. Even if there were only one abusive authority figure in America, it would be one too many. Rather than fighting over the prevalence, we should acknowledge that the mere existence of racism is wrong and must be addressed.

### A Path Forward

Challenges in the policing of Black America began a long time ago. It means those waiting on a solution are tired of waiting, but it also means that a solution may not be instant. Even if the results can't be immediate, the action spurring those results can be. We can take decisive action today to make improvements. Specifically, we can:

**Prepare to be humbled.** Take an honest look at the actions of yourself, your community, and your organization. Acknowledge your own limitations and don't pretend to fully understand the needs and perspective of a group if you're not a member. Your own viewpoint has limitations. Not every incident is on your radar and not every incident on your radar is legitimate.

**Get people off the sidelines in support of what's right** — win hearts and minds to solicit the support of the disinterested and disengaged. Then seek to include them rather than alienate them. This includes good officers who possess the insights and technical expertise to evaluate tactics. As the saying goes, "Nobody hates a bad cop like a good cop."

**Recognize that voiceless people will find a way to be heard.** Acknowledge that rational behavior diminishes in the presence of fear, anxiety, and frustration. Focus less on what they say and more on why they say it. Hear the source of frustration without getting defensive or passing value judgments.

**Take a stand against those who choose to abuse their authority,** rather than lumping all officers together and allowing bad behavior to hide behind good behavior. Reject the convenience of trying to fix this problem from a safe distance by using the broad brush strokes that tend to under punish bad behavior and over punish good behavior. Get your hands dirty and collect firsthand data to take aggressive action against individuals with bad behavior.

**Don't rely solely on legislative remedies** and don't target technical issues without consulting technical experts. Treating symptoms won't cure the disease. Punish the bad behavior of individuals and transform the institution — not the other way around. Short-term political pain may be the path to long-term progress.

These are difficult conversations and even more difficult policy challenges, but just because some of it may be new to you doesn't mean it's actually new. Borrow from the expertise and experiences of people in your community who have relevant insights. I'm happy to help any way I can.



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This article appeared in the PM Special Supplement, [Moments of Change: Leading with Courage and Commitment for Racial and Social Justice](#). If you would like to contribute to future publications on racial and social justice, contact us at [pm@icma.org](mailto:pm@icma.org).

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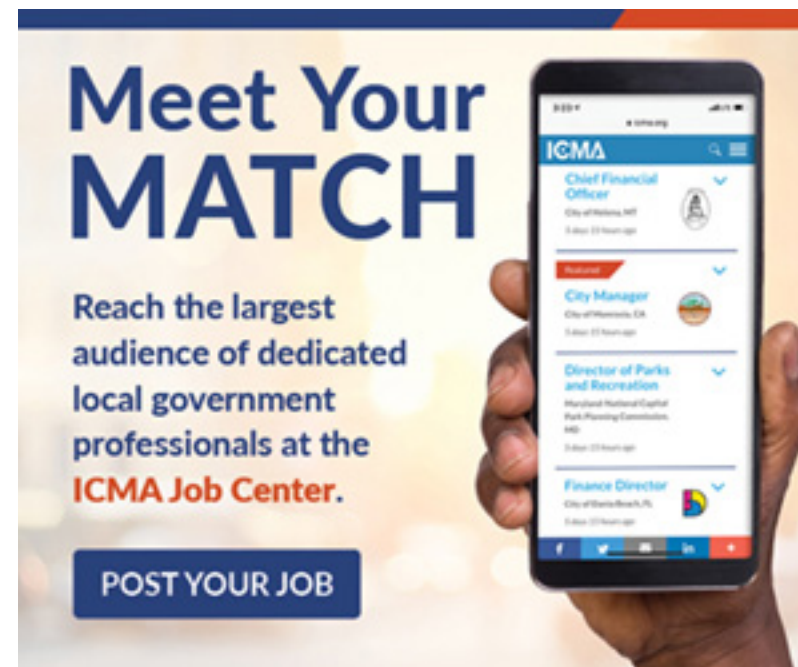
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