

Power Abuse of Police Department in Law Enforcement toward Criminal Suspects in the Highest Crime Area as reflected on *Brooklyn's Finest* Film

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ABSTRAK

Objek kajian dari skripsi ini merupakan sebuah film produksi Overture dan Millennium Film yang berjudul *Brooklyn's Finest*. Film ini disutradarai oleh Antoine Fuqua. Film bergenre drama action ini mengangkat tema tentang penyalahgunaan kekuasaan dan ketidakadilan yang terjadi pada masyarakat yang bermukim di daerah yang memiliki tingkat kriminalitas tertinggi. Daerah tersebut bernama Proyek BK dan mayoritas penduduknya adalah Afrika Amerika. Kejahatan dan ketidakadilan yang ditampilkan dalam film ini dilakukan oleh penegak hukum yaitu departemen kepolisian. Baik departemen kepolisian ataupun petugas secara individual melakukan tindak kejahatan terhadap tersangka kriminal.

Dalam proses menganalisis film tersebut penulis menggunakan metode studi pustaka dengan melalui pendekatan sosiologi. Secara lebih detail, penulis menggunakan hukum tertulis yang berlaku di Amerika dan tugas-tugas departemen kepolisian sebagai pedoman untuk menilai bentuk-bentuk kejahatan yang terjadi pada tersangka kriminal.

Ketidakadilan dan penyalahgunaan yang dilakukan oleh departemen kepolisian tidak hanya dilakukan terhadap masyarakat kulit hitam tetapi juga kulit putih. Penyalahgunaan kekuasaan ini terjadi karena dilatarbelakangi oleh beberapa alasan. Ada beberapa petugas polisi korup yang membunuh dan mencuri dari warga dan tersangka kejahatan. Sedangkan departemen kepolisian berusaha untuk mengubah fakta-fakta yang terjadi di lapangan demi menjaga nama baik kepolisian. Departemen kepolisian yang bertugas sebagai penegak hukum seharusnya memperbaiki sistem yang ada dan tidak melakukan penyalahgunaan kekuasaan terhadap tersangka kejahatan karena mereka juga manusia dan berhak menerima pengadilan yang adil serta perlindungan hak-hak asasi manusia.

1. Introduction

A country has some institutions such as law institutions, religious institutions, educational institutions, etc. Each institution has roles and duties to serve people or community. However, in reality the practice is often different. Sometimes there are unjust practices in our institutions. Even the law institutions in USA like the court and the police have unjust practices inside. The United State of America is known as a super power and prosperous country. It is also known as a democratic country where laws and human rights are given a lot of attention. The court and the police have duties to protect and serve the people from crime but how if they themselves commit crime to the people. People have no idea about it at all, particularly if associated with criminal suspects in the highest crime area. Criminal suspects can get different treatments because they are judged as bad individuals. The law institution in this case is the police. Their obligation is serving and protecting people from crime. They also have to give good examples to society so the society can trust this law institution and not judge it as an unjust institution. Trust can be built from the performance of the police themselves. How they work, act, socialize and cooperate with society is the important things to build societal trust.

Brooklyn's Finest film tells about the law enforcement of the police department in the highest crime area called BK Project. It shows police's performance in the field. In addition, it gives education on how the police work in their institution and in the field. This film also presents power abuse by either the police department or the police officers. There are many power abuse practices in this film. It happens to both the White and the African American criminals suspect. This injustice practices influence the integrity of the police department toward the society. It makes the society feel that they are treated unfairly. Therefore this paper will explain how these power abuses happen in a police department in "*Brooklyn's Finest*" film.

2. Methodology

In this research thesis, the researcher uses the library research method to get the required data which are obtained from the "*Brooklyn's Finest*" film. The data are also taken from electronic media such as the internet, magazines, newspapers or journal.

In this thesis writing, the researcher uses two methods of approach namely, exponential and sociological approach to analyze the general idea of the film. The exponential approach refers to the intrinsic element of the film. The exponential approach studies the pattern of image, symbol and archetype of literary work. Every pattern and image of a play or film has the meaning even without sounds. According to Semi, a literary work accepts influence from the society and also gives influence to the society (1993:73). The sociological approach deals with the extrinsic element. It studies the social problems, social environment, and other implicit elements in the film. It may consider three aspects of community, which is race, class, and gender. It is used to explain the social problems that occur in the society and the reason why the problems happen.

3. Theoretical Framework

3.1 Intrinsic Element

In analyzing film, there are two important elements that have to be discussed. They are intrinsic and extrinsic elements. The analysis of the intrinsic elements include of theme, character, setting, conflict and mise-en-scene while the cinematography includes the camera's control by the filmmaker. According to Meyer, theme is the main idea of the whole story that has several elements which are unified and organized (1990:96). Characters, according to Pratista, can be divided into two kinds that are main character or major character and supporting character or minor character. According to Pratista, setting is divided into three namely, setting of place, time and social. According to Boggs in his book *The Art of Watching Film*, conflict is the main source of a story which is told in printed paper or on the stage or in the film. mise- en scene is everything that is located in front of camera in a film production (Pratista, 2008, 61).

3.2 Extrinsic Element

3.2.1 Power Abuse

3.2.1.1 Definition of Power Abuse

According to Rafael Raga Maran, in his book *Pengantar Sosiologi Politik*, dominance or power is a possibility of someone to impose other people to behave as his or her wants. If someone imposes on you to give him some money then it is called power. Based on *Grolier Webster International Dictionary*, abuse is "improper

treatment or employment; a corrupt practice or custom” (1974:5). So, power abuse is a capability of someone to give improper treatment to other people to behave as his or her wants by force. There are two kinds of power, namely legitimate power and non-legitimate power. Legitimate power is a control over individuals based on their agreement to be controlled. There are two types of legitimate power, namely influence and authority. Authority is legitimate power that is institutionalized into some institutions. People admit this type to be controlled by other people. It acquires legitimation from a set of written regulations and explicit procedures that explain the duties and rights of the people. The citizens accept or admit their obedient to *law*. This legal authorization is usually called *government by law* not *government by people* (Maran, 2001:190-197).

3.2.1.2 Government

A country must have a government. The government organizes human relation. Traditionally, a government has four principal functions, namely protective, regulative, assistive and productive. However, the most important function for this thesis is protective function. It gives physical and mental protection and also gives protection to live, to possess properties and to get human rights for the citizens without any exception. Therefore, a government establishes armed and police forces to protect its citizens. The armed force defends the country sovereignty from the external threat, while the police protect live, property, and morality. A government has capacity to make a lot of regulations to rule its citizens through its institutions but a government cannot act arbitrarily to them, especially, the police department which has power or authority to protect the citizens from crime. It cannot abuse its power to people before they are proven to be guilty. For example, the commissioners or the police officers cannot just throw someone to jail for any reason before he or she gets the fair trial proceeding (Maran, 2001:197-198).

The police department is one of the law institutions which can be found in every state in the United States. It has some duties and responsibilities for the community or society (*Ensiklopedi Americana*, 1829 :298). When police officers are faced with a crime situation, they will make arrest for the suspected criminals under the authority of a warrant which is already signed by an authorized judge. Without a warrant, police officers may make an arrest when the arrested person has committed a felony. Although it is already signed in the Fourteenth Amendment about civil rights but in fact, in arresting, police officers are more tempted to treat roughly to the criminal suspects and ignore their rights. According to Kisberg “evidence suggests that youths are treated as harshly as their adult counterparts, with less respect for their constitutional rights” (1978:78).

Although there is a legal procedure that set forth in the Fourth Amendment about arresting and seizure case but there are still many harsh treatment or police brutality to the criminal suspects. Kisberg’s statement is strengthened by data of the last ten year about the police’s brutality that is written on *10 Worst Cases of Police Brutality in History* article. The legal procedure by using a warrant from the authorized judge applies not only in arresting criminals but also in search and seizure private place. The police department is given authority to make policies and regulate the department itself. This includes decision making on proceeding the criminal either adult criminals or juvenile offenders. The different policy of each state makes different treatment for adult criminals and juvenile offenders. However, there is a standard procedure that the

police department has to take to proceeds them. According to Barry Kisberg in his book *Critical Perspective Juvenile Justice: the Children of Ishmael*, there are differences to process the adult criminal and the juvenile offender (1978:76). Some social investigations will be held before the court to gain the proper treatment to be applied to a juvenile. Social investigations consist of information of the child's family, school progress, peer associations, and attitudes. Juveniles have the right to counsel in adjudication hearing but do not have the right to choose a counselor independently. According to *Encyclopedia Americana*, "the court does not decide whether the youth is "guilty", but whether he is "a juvenile delinquent" (1829:213, vol 8). The disposition is then held if the juvenile offenders are found to be delinquent. The court will determine the proper decision for juvenile offenders. There are some different alternatives of court decision in each state such as a foster home, a private institution, a boys' ranch, or a state training school, formal probation and restitution. All these alternatives will rehabilitate the juvenile to be a good child. The various states of the juvenile codes for the processing of the youth are made by juvenile justice authorities. The states do not give proper protection of the children who experience injustice practice of these juvenile codes (Kisberg 1978:74-78).

4. Discussion

To discuss the Brooklyn's Finest Film, the researcher connect the intrinsic with the extrinsic element to research what any kind of conflicts that happen in the film. Each character deals with external conflict that comes from different sources and situations. It is about power abuse that is done by either the main characters or the police department. They misapply their power as a law enforcer for some reasons. Therefore, the researcher will classify the conflict from those reasons.

4.1 Power abuse of police officer, Sal that is caused by money

4.1.1 Sal Procida kills a white drug dealer suspect

Sal uses his power and his position as a policeman of drug affairs to steal drug's money from a drugs dealer. As a policeman he must know that drug dealers have a lot of cash money, so he uses this information to steal the money from them. Sal abuses his position as a policeman to get close to a criminal so he can kills him then takes the money. Bobby or Carlo brings a lot of cash money that he holds on his chest. Sal steals that money. This incident shows that Sal has no responsibility for his work to protect people and their properties. This is called non-legitimate dominance. Sal has no right to kill Bobby Palasa. On the contrary, Sal should give life protection to Bobby Palasa not kill him. In this case, Sal violates the Fourteenth Amendment by taking the life of a person without due process of law.

4.1.2 Hitting toward an African American walker that is done by Sal without prior investigation

Sal and the other policemen raid the drug dealers' place in a room of an apartment. When Sal sees an African American drug dealer who is standing at the window, Sal mistrusts him. Sal presumes that he has already thrown the money through the window. Sal keeps asking the drug dealer about the money while his pistol points at the drug dealer's head. It is very ironic, considering the fact that Sal is a policeman but he just cares about money. Sal hopes that the money is still in the apartment room so he can steal it. In fact, the drug dealer hides it in the air conditioner. Therefore, when he sees

an African American walker passing through the window, he presumes that the walker takes the money from the drug dealer. In this incident, Sal abuses his power toward an African American walker because he hits him before asking his identity first. Sal knows that he does a wrong thing to that walker but he still hits him. Sal can get trouble because he acts roughly to an innocent African American. Based on this incident, Sal does non-legitimate dominance to the walker. Sal acts roughly just to ask about the money that is not his supposed to be his main concern.

4.1.3 Sal Procida kills a dying African American drug dealer

There is a raid to drug dealers' place by NYPD and Sal is one of them. The drug dealers' place is in the basement of a minimarket. All the police officers use pistols including Sal. When Sal arrives in the basement, he finds a dying African American drug dealer in a room. This drug dealer is full of gun shots on his chest. Then Sal gets close at the drug dealer. He whispers and says something to the drug dealer. Then, without mercy, he kills the drug dealer.

There is no conversation between Sal and the drug dealer because Sal just whispers. However, it can suggest that Sal asks him where the money is because after that Sal takes and holds the drug dealer's money with his right hand. Possibly, the African American does not tell where the money is so Sal kills him. Nobody knows what Sal does because Sal does the murder without the knowledge of any other policeman. He has legitimate dominance to shoot drug dealers who refuse to be arrested. However, he cannot shoot the African American drug dealer who is already dying and harmless. The drug dealer African American properly accepts trial procedure. It is called adult criminal proceedings. In this case, Sal violates the Fourteenth Amendment about depriving any person life without due process of law.

4.1.4 Seizure and murdering of police officer, Sal Procida in African American's drug dealer place without a warrant

When Sal knows that the raid to drug dealer's place is canceled by the chief, he feels upset. Chief says that "All right, listen up. I just got the call. The operation's scrubbed" (01:40:07-01:40:22). However, Sal insists on going to that place. He already gets information about it because he is a policeman. After that, Sal goes to the location of the drug dealers. Then, he kills the two drug dealers with his pistol and steals the drug money from them. Sal abuses his power as a policeman to attack this place even without a warrant. This incident shows that Sal violates the Fourth Amendment about search and seizure. Although people here are drug dealers, they also have the right to be secure in their private place. Sal shoots the drug dealers because of his desire of money and ignores their right. He chooses to kill them because they are drug dealers and criminals so anyone can be a suspect so Sal can be slipped off from his crime.

4.2 Power abuse that is done by Clarence that is caused by vengeance

Clarence abuses his dominance to take revenge on some drug dealers who kill Casanova. Casanova is a boss of drug dealers' gang. He makes friendship with Clarence when Clarence is in undercover as a drug dealer. Clarence gets angry when Casanova is killed by drug dealers that are lead by Red. Without thinking twice, Clarence goes to the drug dealers' apartment. Then, he shoots them one by one. At the end, Clarence kills Red who is already dying by shooting him many times. As a policeman, he should know that he cannot judge and kill by his own way. There must be some legal procedures for

murders if Clarence wants to punish them. It is called adult trial proceeding. The policeman should bring a warrant under judge authority to arrest them then accept the trial procedures.

This incident shows the brutality of Clarence. It can be classified as non-legitimate dominance because he has no permission from the drug dealers to kill them. Moreover, he has no permission from the judge to kill them.

4.3 Power abuse that is done by new policemen

4.3.1 Power abuse that is done by Melvin Panton that is caused by high attention to help a woman

Melvin Panton is a new policeman that is appointed in the BK Project. Since he is a new policeman, he has to be accompanied by a senior policeman. The senior policeman is Eddie. He is appointed by commissioner. The first policeman who is guided by Eddie is Melvin Panton. After they meet and introduce each other, Eddie asks Melvin to wait for him in the police car while Eddie buys fishing tools. Then, Melvin sees a man who slaps his wife so he goes to that couple and tries to break up their fight by arresting the man. Melvin wants to arrest the man but Eddie comes and forbids him because a policeman cannot arrest people out of his zone. Melvin and Eddie service in the 65 precincts while that couple is in the 64 precincts. Therefore, Melvin cannot arrest someone who is not from his territory. Melvin should not do the arrest because it is also an internal affair of that couple, so he cannot have a hand in, because the woman is also angry when Melvin comes and tries to arrest his husband. Melvin misapplies his power by arresting people out of his zone only to protect the woman from his husband. It is caused by his great enthusiasm for being a policeman. It can be seen from what he says to Eddie, *“You know, I’ve always wanted to be on the force my whole life. Yeah, it’s true. I had, uh, plastic handcuffs when I was three. Yeah, every Halloween, I always dressed as a cop.”* (00.19.19-00.19.32). Another thing is because he is a new policeman so he lacks of experience. He should just warn the man for his rudeness to his wife not try to arrest the man. Moreover, this is also an error system from the police department which assigns new policemen in the highest crime area, BK Project.

4.3.2 Shooting toward an African American student that is done by Quinlan that is caused by fear on the first day

Quinlan is the same as Melvin Panton. Quinlan is a new policeman in BK Project. He is Eddie’s second counterpart. When Eddie and Quinlan arrive at the supermarket, they find an African American juvenile is arguing with the shopkeeper. The shopkeeper accuses that juvenile of stealing candy. However, that juvenile does not confess that he steals it. So, they are arguing with each other. Then they try to break the fight. Eddie can calm both sides then he asks Quinlan to go back to the police car to check the African American juvenile’s identity. However, Quinlan refuses it.

Quinlan insists on staying in order not to feel ashamed with the people in the supermarket which is located on a roadside. Eddie goes back to the police car. After Eddie leaves, the student and the shopkeeper start debating with each other again about the stealing. Quinlan frightens about this situation then he points his gun at the people and then tries to break up the fight. Then, the situation falls calm but Quinlan forces the student to face downward. He points it straight at that young African American’s head and by accident shots him. Fortunately, he misses it. Although the juvenile is not hurt,

Quinlan's mind is full of suspicion that the African American juvenile is a criminal so he needs to use his gun. At this moment, Quinlan abuses his power by treating the student harshly without investigation and further information about him. Like Melvin Panton, Quinlan lack of experience in criminal case. He does not know what he has to do. He is too afraid to fail his first day to face a criminal case in the field. In this case, both Quinlan and Eddie are wrong. First, the shooting happens because there is miscommunication between Quinlan and Eddie. Eddie as a senior policeman has the right to command his junior policeman, Quinlan to check the identity of the student in the police car. Quinlan refuses it just because he does not want to be ashamed. This is second mistake. As a junior policeman, Quinlan has to obey what is commanded to him from his senior counterpart. Third, as long as the criminal suspect does not use a pistol, Quinlan does not need to use a pistol. He should know that he cannot use it carelessly. Moreover, he uses it to an unarmed juvenile who does not do anything even after the juvenile faces downward.

In this case, Quinlan abuses his power to act arbitrarily to the juvenile by using a pistol. Therefore, he violates the Fourteenth Amendment about depriving a person of life without due law process. As previously explained, Quinlan shooting fortunately misses but he may have killed the juvenile.

4.4 Power abuse that is done by the Police Department in BK Project area

4.4.1 Police department will abuse their power to clear Allen Daniels' case based on implication of conversation between Clarence Butler and Bill

Allen Daniels is an African American student who is shot and robbed by a corrupt policeman. The identity of the corrupt policeman is unknown. When Clarence meets Bill in a cafe, they discuss Allen Daniels' case. Bill is a superior of Clarence. Bill tells to Clarence that there must be a game that will be played in Allen Daniels' case since the criminal suspect is a policeman. The boss that is discussed by Bill is the superiors or commissioners in the police department. Bill says that the superior will clean the Allen Daniels' case easily. He also tells that there must be a play that will happen. The play definitely indicates that the case will be cleared unfairly. In this case, there is power abuse that is done the police department. The police department will not let this case bring shame to the police department's name. As a justice institution, they do injustice practice just because they want to save the honor of the police department's name. They should not do that. It violates human right that is written on the Fourteenth Amendment about getting due law process.

4.4.2 Power abuse that is done by the commissioners at a closed session which discuss Quinlan's fault in shooting an African American student

This closed criminal session is a continuance of the shooting of the African American student in the minimarket. The closed criminal session is located in the police station. It is attended by four session commissioners, Eddie Dugan, Dugan's chief and Dugan's lawyer. Quinlan is not permitted to attend this session and he just waits outside the court hall. Three of the four session commissioners investigate Eddie one by one. Eddie confesses that he is guilty. He is guilty for letting Quinlan stay in the minimarket. He takes the responsibility of Quinlan's fault. He says, "*I knew I should'a stayed, and I didn't. I just, I let it go. I just let it go.*" (01:10:30-01:10:39). Eddie insists that he is the one who must be blamed for the shooting incident. However, the commissioners do not like Eddie's true confession. Eddie realizes that Quinlan's

shooting is fatal because it causes deafness to the student. Consequently, the commissioners are afraid that the police department's name is ruined. Therefore, the commissioners try to convince Eddie to change the fact by few ways. First, the white commissioner is whispering to the African American woman. He tells the woman to try to convince Eddie to change the fact. Therefore, the woman commissioner convinces Eddie that Quinlan already knows that the student is a drug dealer. In fact, Quinlan does not know anything about that.

To save the honor of police department's name, the commissioners force Eddie to confess that his partner, Quinlan already knows that the student is a drug dealer. Therefore, since the student is a drug dealer, the student resists to be arrested. In fact, the student does not do anything but Quinlan still points his gun at him and shoots him twice. Once again, Eddie refuses to change the official report and accept it as his fault. Second, another commissioner tries to convince Eddie. An African American man commissioner intimidates Eddie to change the official report because Eddie's reputation as a policeman is not great. The African American commissioner threatens Eddie that if he accepts his fault, he can get departmental charges. In this situation, the commissioners want to blame this case on that African American student. It is obviously false because juveniles have the right to counsel in adjudication hearing and get counselors. After that, a disposition is then held if the juvenile offenders are found to be delinquent. The court will determine the proper decision for juvenile offenders such as a foster home, a private institution, a boys' ranch, or a state training school, formal probation and restitution. These theories are contradictory to the conversation in Eddie's criminal session. It only discusses the case from the police department's testimony without considering it from the student's testimony. Moreover, it violates the Fourteenth Amendment on equal protection of the law. The commissioners abuse the power to reform the police department's name by changing the fact. Finally, Eddie refuses to change the official report so he is forced to retire sooner and Quinlan is arrested.

5. Conclusion

After discussing the thesis on previous chapter, the researcher finds that there are many power abuse in law enforcement that are done by the police department toward criminal suspects. It happens to both adults and juvenile African American. It is a miserable condition because the criminal suspects are also humans. They deserve to accept fair trial procedures from the police department. As stated in the Fourteenth Amendment that all humans get equal protection of the law.

The power abuses are done by both the police department and the police officers. They do not perform their duty as the law enforcer. Instead, they misapply their power to criminal suspects for their own certain reasons and ignore the humans rights of criminal suspects.

The police department should reform their institution from the inside especially their police officers that directly face with the criminal suspects. They have to remember what is supposed to be their duties as policemen. Each police officer should have a self control to manage himself when he works. The most important thing is they have to protect all the rights of the people before they are proven to be guilty.

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