Testimony Submitted to the President's Task Force on 21st Century Policing

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RELEVANT TOPICS: Training and Education: Fair and Impartial Policing

Commissioner Ramsey, Professor Robinson and Members of the President's Task Force on 21st Century Policing:

I was introduced to the Fair and Impartial Policing program as a member of the Curriculum Design Team after my own department was thrust into the light with allegations of biased policing, thus entering the Fair and impartial Policing relationship retroactively. Fortunately many of the agencies we come into contact with today choose the training with a proactive attitude, seeing the change in the future of policing and how important it is to continually bridge the relationships between policing and the communities they serve.

We all know that Social Scientists have been studying "prejudicial attitudes" since the 1950's[i] and report that these attitudes come in different forms[ii]; they also report that the way bias and prejudice manifest in our society has changed over time.[iii] These scientists distinguish between "explicit bias" and "implicit bias" and report that "our grandparents' prejudice" was more likely to be in the form of *explicit* bias and modern day bias is more likely to be *implicit* bias.[1][iv] We humans tend to link individuals to stereotypes or generalizations associated with their group(s) (e.g., women,

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[1] Informative and easy-to-assimilate overviews of implicit bias can be found in the documents produced by the Kirwan Institute (www.kirwaninstitute.osu.edu), including Staats, C., (2013). *Implicit Bias Review, 2013* and Staats, C., (2014). *Implicit Bias Review, 2014.*

racial/ethnic minorities, gays and lesbians, homeless). These biases can impact on perceptions and behavior–producing discriminatory behavior.[v] Implicit biases are not based on animus and hostility toward groups; they can manifest outside of conscious awareness[vi] even in individuals who, at the conscious level, reject prejudice and stereotyping.[vii] The implications of the modern science of human bias are that (1) all officers—even the best—can produce biased policing because of their human biases; and (2) all agencies must be proactive in producing fair and impartial policing because they hire humans to do the work.

Interventions to Promote Fair and Impartial Policing

We have five recommendations pertain to how we bring the modern science of bias into police agencies around the country. Since 2008 the USDOJ COPS Office has supported the creation this science-based training program for police agencies[viii] and the USDOJ recently funded the National Initiative for Building Community Trust and Justice.

Recommendation #1: Law enforcement executives need information and other resources so that they can implement science-based policies and practices to promote fair and impartial policing.

Efforts on the part of agency leaders to promote bias-free policing have fallen short. There have been attempts to identify officers who are exhibiting biased policing and hold them to account focusing on officers who have explicit bias. The science of bias indicates that agency leaders must expand their focus, and this science has implications for law enforcement policy/practice in the following realms: (1) recruitment, hiring, evaluation and promotion; (2) anti biased-policing policy; (3) the leadership message; (4) supervision and accountability; (5) training; (6) outreach to diverse communities; (7) measurement; and (8) operations. The COPS Office has supported a 1 ½ day

training program for executives and community stakeholders where trainees learn about the science and then about a "comprehensive program for producing fair and impartial policing." The participants leave the training with preliminary action plans.

Recommendation #2: Law enforcement agencies should provide science-based "biased policing" training to all personnel.

Training for personnel needs to increase officers' knowledge of the modern science of bias and then impart relevant skills for producing bias-free behavior. The good news from the science is that implicit biases are malleable and controllable; individuals can be trained to *reduce* and *manage* their biases.

All police personnel need to learn about the modern science of bias and acquire the individual-level skills for reducing and managing biases.   In the COPS-sponsored Fair and Impartial Policing curricula for academy and line-level officers, trainees learn about the science and acquire skills through highly interactive and experiential sessions. A key mantra of the training is "policing based on stereotypes and biases is ineffective, unsafe and unjust."

Supervisors/managers need additional information; they are trained to scan for biased policing on the part of their subordinates and given tools for intervening when bias is suspected. Identifying the appropriate supervisory response to biased policing can be challenging. Not only is biased behavior very difficult to prove, but, for the officers whose biased behavior is not intentional or malicious, punishment would be inappropriate. Since, in many instances, there will only be "indications" and not "proof," it is important to guide supervisors on when and how they can (and should) intervene to stop what *appears* to be inappropriate conduct.

As above, the COPS Office has supported the creation and dissemination of four additional, science-based curricula designed for the following groups: (1) academy recruits and/or in-service

patrol officers, (2) first-line supervisors, (3) mid-level managers, and (4) trainers. Individuals from over 250 local, state and federal agencies in North America have received training in these various curricula. The response to the training has been overwhelmingly positive. Although most trainees—especially at the lower levels of organizations—come into the sessions defensive or even hostile, their hostility abates as they start to hear about the biases that all humans have.

Recommendation #3a: Scenario-videos that are used to train use-of-force judgment should incorporate scientifically supported elements that can reduce bias in the application of force.

The theory of implicit bias has implications for maximizing the potential of use-of-force judgment training for reducing the potential impact of bias on use-of-force decisions. In state-of-the art use-of-force training, pre-service and in-service officers respond to video scenarios that play out on a screen. The officers must decide if the subject or subjects in the scenario are a threat and, if they are, whether and how much force to use.

Two key concepts from the theory of bias—ambiguity[ix] and counter stereotypes[x]–provide guidance on how to maximize the effectiveness of this video/scenario training in terms of reducing biased uses of force.   Video scenarios, reflecting these concepts, have the potential to train officers to reduce or eliminate reliance on demographics when attempting to discern threat (or lack of threat) and include ambiguous-threat situations involving counter stereotypes.

The recently released results of research conducted by Lois James and colleagues[xi] were counter to those produced by Josh Correll and colleagues, but the implications of the findings for training are the same: Police personnel need high-quality, scenario-based training, involving counter stereotypes in ambiguous threat situations.

Recommendation #3b: Resources should be made available to agencies so that they can provide frequent, scenario-based, use-of-force judgment training.

The video scenarios described above exist and have the potential to condition officers to make their force decisions—not based on demographics—but on relevant indicators of threat (and non-threat). But, some questions remain: (1) what proportion of agencies have access to video/scenario training resources, and (2) in those agencies with these resources, what is the frequency and dosage of exposure? Research has been conducted that indicates that fewer than half of agencies provide computer-based scenario training and, of those that *do* provide the training, one-quarter expose their personnel to only one scenario annually. (Six in 10 exposed their officers to fewer than 4 scenarios annually.)[xii]

[2]Some preliminary research (Correll et al., 2010) indicates that the backdrop of the scenario—showing a high crime area or a low-crime area—might also impact on the activation of various biases.   The implication is that scenario backdrops should vary, such that sometimes the ambiguous threat scene takes place in what clearly is a high crime area and sometimes the scene takes place in an area that would appear to be a low-crime environment.

[3]The science-based elements of scenario training could be applied to non-video, role-play training, too, such as Simunitions. For some agencies, however, particularly if their role-play "subjects" are agency personnel, it might be a challenge to involve subjects that reflect a range of demographics.

Recommendation #3c: Research should be conducted to identify the frequency and dosage of science-based scenario training that is required to reduce/eliminate biased use-of-force decisions and the results should be used to develop standards to guide agencies.

Indeed, we believe there is sufficient theory and empirical support to implement recommendation #3b in the near future. That said, more research *does* need to be conducted. A top priority would be to initiate research that will examine what frequency and dosage of the scenario-based training produces and maintains the desired outcomes. This research can be used to produce standards for agencies.[2]

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[2] The methods used in the research of James and her team could provide a model for future research as her methods, compared to other methods, more closely reflect actual police decision-making.

[i] The leading scholar in the early years was Gordon Allport who wrote *The Nature of Prejudice* (1954) Menlo Park, CA: Addison-Wesley Publishing Company.

[ii] The seminal early works detecting implicit biases are Gaertner, S.L. & McLaughlin, J.P. (1983). Racial stereotypes: Associations and ascriptions of positive and negative characteristics. *Social Psychology Quarterly*, 46(1): 23 – 30. And Devine, P.G. (1989). Stereotypes and prejudice: Their automatic and controlled components. *Journal of Personality and Social Psychology*, 56(1), 5 – 18.

[iii] See e.g., Schuman, H., Steeh, C., Bobo, L., & Krysan, M. (1997). *Racial Attitudes in America: Trends and Interpretations*, Revised Edition. Cambridge, MA: Harvard University Press.

[iv] Fiske, Susan (2008). Are we born racist? *Greater Good*, Summer 2008; pp. 14 – 17, p. 14.

[v] See e.g., Dasgupta, N. (2004). Implicit ingroup favoritism, outgroup favoritism and their behavioral manifestations. Social Justice Research*, 17(2): 143 – 169.* Kang, J., Carbado, D., Casey, P., Dasgupta, N., and Faigman, D. (2012). Implicit bias in the courtroom. *UCLA Law Review* 59(5): 1124 – 1186. Dovidio, J.F., Kawakami, K., and Gaertner, S.L. (2002). Implicit and explicit prejudice and interracial interaction. *Journal of Personality and Social Psychology*, 82(1): 62 – 68. Correll, J., Park, B., Judd, C.M., Wittenbrink, B., Sadler, M.S., & Keesee, T. (2007b). Across the thin blue line: Police officers and racial bias in the decision to shoot. *Journal of Personality and Social Psychology,* 92 (6): 1006 – 1023.

[vi] See e.g., Dovidio, J.F., Kawakami, K., Smoak, N., & Gaertner, S.L. (2009). The nature of contemporary racial prejudice. In R.E. Petty, R.H., Fazio & P. Brinol (Eds.). *Attitudes: Insights from the New Implicit Measures* (pp. 165 – 192). New York, NY: Psychology Press. Greenwald, A.G., & Krieger,L.H. (2006). Implicit bias: Scientific foundations. *California Law Review*, 94(4): 945 – 967. Kang, J., Bennett, M., Carbado, D., Casey, P., Dasgupta, N., Faigman, D., et al. (2012). Implicit bias in the courtroom. *UCLA Law Review*, 59(5): 1124 – 1186. Petty, R.E., Fazio, R.H., & Brinol, P. (2009). The new implicit measures: An overview. In R.E. Petty, R.H. Fazio & P. Brinol (Eds.). *Attitudes: Insights from the new implicit measures*. (pp. 3 – 18). New York, NY: Psychology Press.

[vii] See e.g., Cunningham, W.A., Preacher, K.J., & Banaji, M.R. (2001). Implicit attitude measures: Consistency, Stability, and Convergent Validity. *Psychological Science*, 12(2): 163 – 170. Dasgupta, N., McGhee, D.E., Greenwald, A.G., & Banaji, M.R. (2000). Automatic preference for White Americans: Eliminating the familiarity explanation. *Journal of Experimental Social Psychology,* 36(3): 316 – 328. Devine, 1989, ibid. Graham, S. & Lowery, B.S. (2004). Priming unconscious racial stereotypes about adolescent offenders. *Law and Human Behavior*, 28(5): 483 -504. Kang, J., Carbado, D., Casey, P., Dasgupta, N., and Faigman, D. (2012). Implicit bias in the courtroom. UCLA Law Review, 59(5): 1124 – 1186.

[viii] Awards form the US Department of Justice Office of Community Oriented Policing Services include 2007-CK-WX-K004, 2010-CK-WX-K015, 2012-CK-WX-K018, 2013-CK-WX-K021

[ix] See e.g., Bertrand, M., Chugh, D., & Mullainathan, S. (2005). Implicit discrimination. *The American Economic Review*, 95(2): 94 – 98.

[x] Blair, I.V., Ma, J.E., & Lenton, A.P. (2001). Imagining stereotypes away: The moderation of implicit stereotypes through mental imagery. *Journal of Personality and Social Psychology*, 5(81): 828 – 841. Dasgupta, N. & Greenwald, A.G. (2001). On the malleability of automatic attitudes: Combating automatic prejudice with images of admired and disliked individuals. *Journal of Personality and Social Psychology*, 81: 800 – 814. Kang, J., & Banaji, M. (2006). Fair measures: A behavioral realist revision of 'affirmative action.' *California Law Review*, 94: 1063 – 1118.

[xi] James, L., Vila, B. & Daratha, K. (2013). Influence of suspect race and ethnicity on decisions to shoot in high fidelity deadly force judgement and decision-making simulations. *Journal of Experimental Criminology*, 9(2): 189 – 212. James, L., Klinger, D. & Vila, B. (2014). Racial and ethnic bias in decisions to shoot seen through a stronger lens: Experimental results from high-fidelity laboratory simulations. *Journal of Experimental Criminology*, DOI 10.1007/s11292-014-9204-9.

[xii] Morrison, G.B. & Garner, T.K. (2011). Latitude in deadly force training: Progress or problem? *Police Practice and Research*, 12(4): 341 – 361.