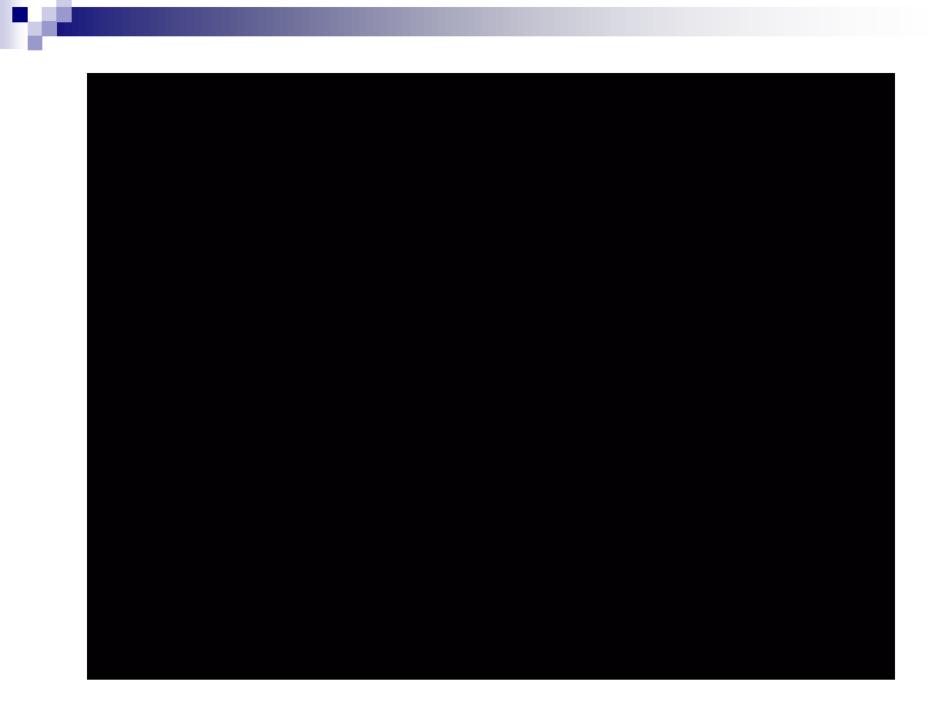
# Fair and Impartial Policing

**Supervisor Training** 





#### Intro

- All people, even well-intentioned people have biases.
- We'll discuss various biases.
- We'll explore what social-psychology has taught us. (Impedes our ability.)...



# Differences between Explicit vs Implicit

- Need to recognize our unconscious biases—called "IMPLICIT BIASES"--so we can implement bias-free behavior
- Implicit biases are not EXPLICIT BIASES
  - A person with explicit biases (e.g., racist) has conscious animus towards groups, is unconcerned, will tell you about it.



#### Fair and Impartial Police

- Be effective at solving crimes and handling disorder problems
  - Review facts and evidence impartially to solve crimes and handle disorder
- Stay safe and go home at the end of the shift
  - □ Review facts/evidence to assess danger ....



#### Fair and Impartial Police

- Enhance/promote trust on the part of the people they serve and enhance the legitimacy of the police.
  - □ When we do our jobs well…
  - F/I are essential for maintaining our legitimacy and living up to the values of the profession.



## Effective First Line Supervisors Are:

- Role Models
- Mentors
- Representatives of the Department
- Authorities on Policy and Practice
- Professional Coaches
- Disciplinarians

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## **Goals of the Training**

- Recognize your own human biases
- Understand how implicit biases can affect your perceptions and behavior
- Understand how biased policing impacts community members and the department
- Understand how FIP supports procedural justice and thus police legitimacy
- Develop skills and tactics to reduce the influence of bias on police practice and allow you to be safe, effective and just police professionals



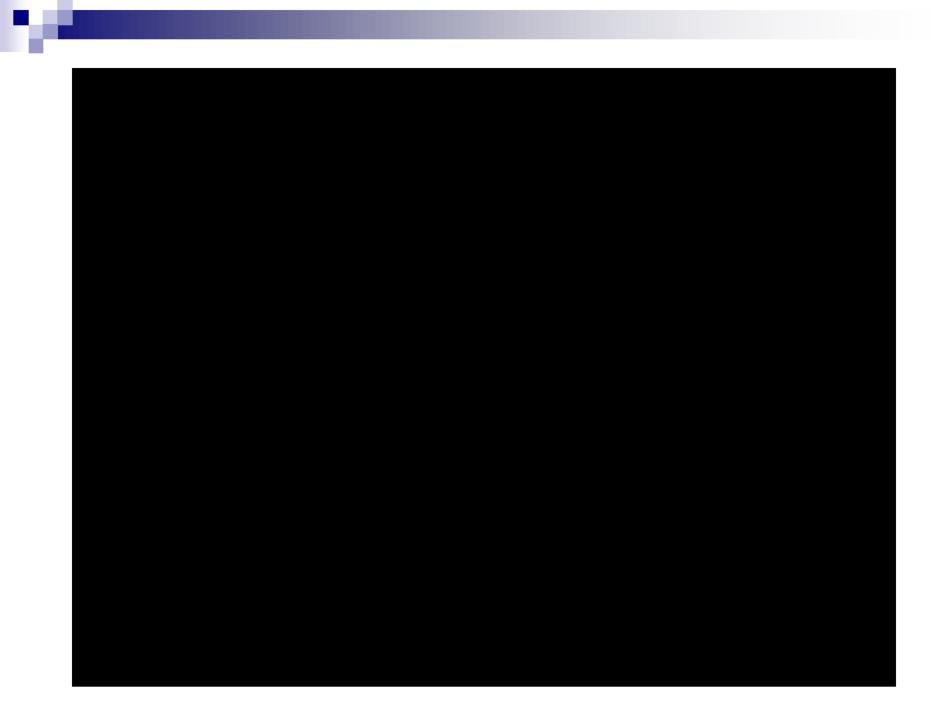
## Any discussion focusing on bias and policing . . . .

- Is difficult, raising sensitive yet critically important issues
- This program was designed to examine these issues
- □ As we explore the science of human bias . . . . .



#### **During this training:**

- Leave your preconceived notions about "bias" training at the door.
- Think and reflect about what it means to be an effective police officer.
- Recognize the life experiences and expertise that you bring to this room.
- Participate.



# Understanding Human Bias

#### Susan Boyle – Britain's Got Talent



#### when she began to sing:



### Fundamental Concepts of Human Bias

- Bias is a normal human attribute—even wellintentioned people have biases
- Biases are often unconscious or "implicit"
- Implicit biases manifest even in individuals who, at the conscious level, reject prejudices and stereotyping
- Implicit biases can influence our actions
- Understanding how implicit bias can affect our perceptions and behavior is the first step to "override" implicit bias

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- All humans prejudge others
- We attribute characteristics to them
- We prejudged SB and drew conclusions about whether she could sing....

To understand/explore implicit bias: Three questions



## Understanding Implicit Bias: Question #1

- Whom do we pre judge?
  - We prejudge people we don't know; we "fill in" what we don't know about the person.



## Understanding Implicit Bias: Question #2

- What determines the characteristics we attribute to them?
  - □ Group stereotypes/biases
  - Stereotypes are generalizations based at least in part on facts.

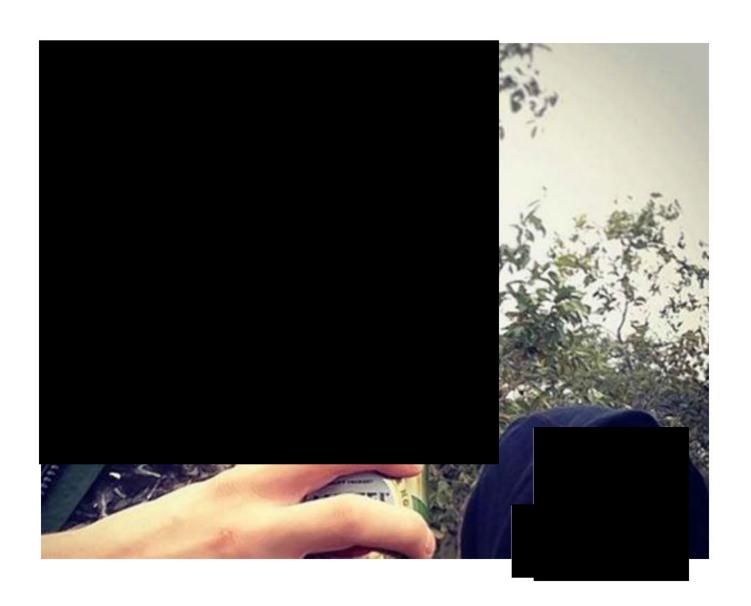


# What stereotypes might people attribute to these individuals?

How would you size them up?









## Understanding Implicit Bias: Question #3

- Do we know when we are doing this?
  - Not always.

## Bases on Which People May Be Stereotyped and Treated Differentially

- Income
- English language abilities
- Gender
- Age
- Religious affiliation
- Profession
- Sexual orientation, identity
- etc.



## 415 in the park

- Citizens who live in the area of Gatsby park call to report a disturbance in the park.
- A group of people who appear to be drinking, playing loud music, shoving each other and harassing other people as they walk by.
- Several calls coming in from other neighbors in area.
- One caller reported one of the subjects seen with a gun.



## In your groups...

- How will you respond to this call and interact with your group?
- What actions will you take when you first contact the group?
- What conclusion will you try to obtain?



Disturbance in the park



Disturbance in the park



Disturbance in the park



Disturbance in the park



#### **Debrief**

- What was your initial response to the group?
- Were the groups treated differently? How?
- What biases might be reflected here?



Policing based on stereotypes is unsafe.



## Blink Response – Malcolm Gladwell

- "Blink": About our snap judgments about people and things
- "Thinking without thinking" is not a reliable source of information to guide policing decisions.



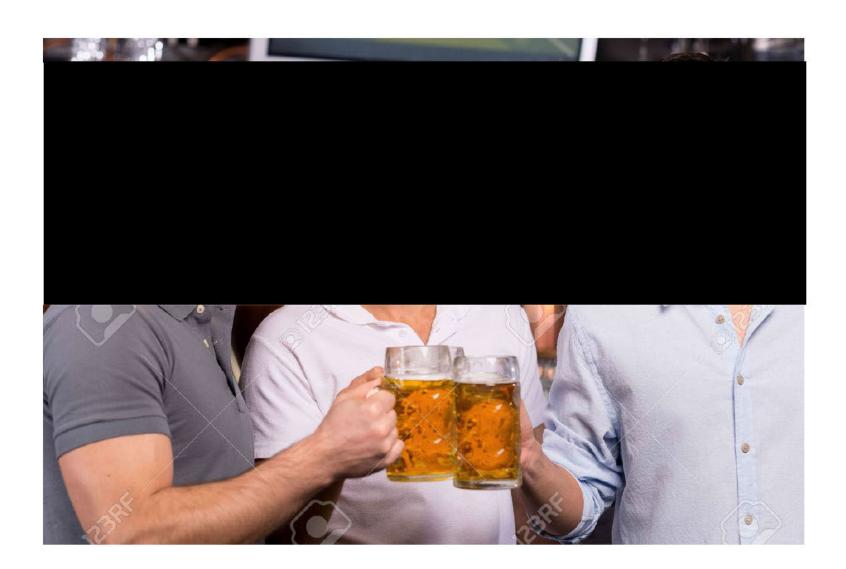
# Key Points of the "Blink" Response

Recognize the "blink" response"

 Replace it with objective (bias free) judgments



- As police officers, we have to "size people up" on a regular basis. Do we attribute characteristics based on:
- □ Preconceived bias?
- □ Officer Safety cues?











## <u>NOTHING</u> in this training is intended to compromise your officer safety.

It can actually help your officer safety.

#### "Money Train"

#### 100

#### **Stereotyping and Human Bias**

- We prejudge people we don't know
  - □ Did not know the lady
- We assign a group characteristic to them.
  - □ She's not a criminal, not a risk
- We do not always know when this is happening.
  - □ Outside of Woody's conscious awareness.



Policing based on stereotypes is ineffective.

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Law enforcement officers deal with a variety of community members....



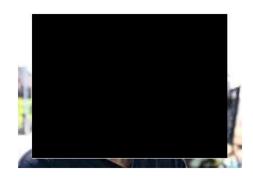
















#### Susan Fiske

- How do people in our society react to the homeless?
- How might some officers treat the homeless versus persons of means?

#### **Key Point:**

Policing based on stereotypes (biases) is unjust.

### THE RACE-CRIME ASSOCIATION STUDIES

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- Ethnicity and race (e.g., Nosek, Banaji and Greenwald, 2002)
- Gender (e.g., Banaji and Hardin, 1996)
- Sexual orientation (e.g., Dasgupta and Rivera, 2008)
- Body shape (e.g., Bessenoff and Sherman, 2000)
- Age (e.g., Perdue and Gurtman, 1990), etc. etc.

## Relevant to Humans in <u>all</u> professions

- Current studies focusing on
  - □ Doctors, nurses (e.g., Van Ryn & Saha, 2011)
    - Biases on the basis of race, class, weight
  - □ Lawyers, prosecutors and judges
    - Gender (e.g., Levinson & Young, 2010)
    - Race/ethnicity (e.g., Smith & Levinson, 2012)
  - □ School teachers (e.g., Van den Bergh et al, 2010)
  - □ Law Enforcement (e.g., Correll et al., 2007; Peruche & Plant, 2005)
  - □ Etc. etc.



# Turn now to research on an implicit bias with particular relevance to policing.

Black-Crime Implicit Bias (or "Implicit Association")



#### The "Shove" Study

- **Study:** How did people interpret the shove by the Black versus the shove by the White?
- Result: The "shove" was perceived as more threatening when performed by the Black person
- Replicated and showed this was true for both White and Black subjects.



#### The Visual Perception Study

 Subjects were "primed" with Black male faces, White male faces, or no faces

Completed object recognition task

(Eberhardt, Goff, Purdie, & Davies, 2004).

#### Levels of Degradation

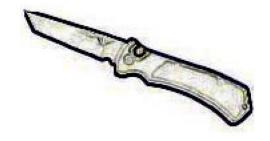


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#### **Crime Relevant Object**



#### **Crime Relevant Object**











#### Background science

When two concepts are linked in our minds, when one is brought to the fore, the other one is close behind.

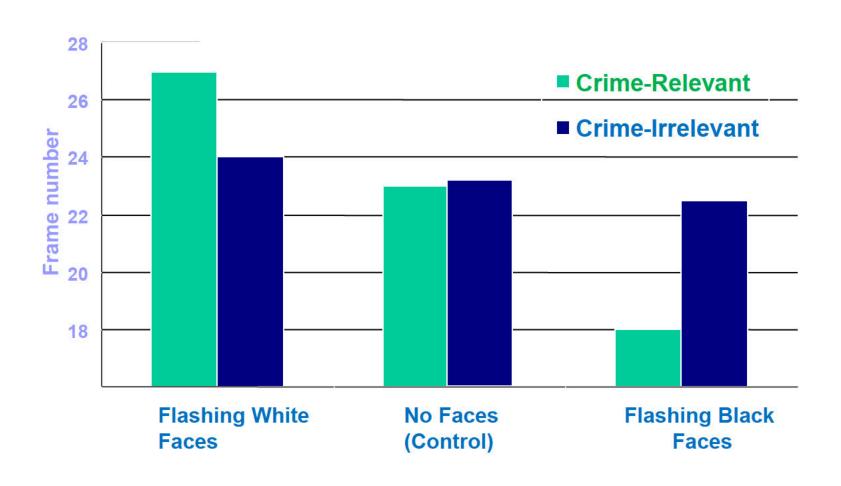


#### **Hypotheses**

If the Black-crime association impacts our visual perception, then:

- Participants primed with Black male faces should be faster to identify crime-relevant objects than those primed with White male faces.
- There should be no effect of prime for crimeirrelevant objects.

#### Object Identification





## Results: Affirmed a Black-Crime Implicit Bias

Exposure to Black male faces <u>facilitated</u> the identification of crime-relevant objects.

Exposure to White male faces inhibited the identification of crime-relevant objects.



#### Be a Research Participant!

- We will see slides of backgrounds and then a person will appear—very quickly with something in his hands.
- Shout "Threat" if you see a threat
- [Silent if no threat]











































### Correll Results: Race Made a Difference

**Speed:** Participants shot a White armed man slower than a Black armed man.

**Errors:** Participants were more likely to shoot an *unarmed* Black man than an unarmed White man.

(Correll, 2002)

# Another Correll study coming up



## The Muslim-Headwear Effect Study

- Research volunteers played a computer game that showed apartment balconies on which different figures appeared, some wearing Muslim-style headwear or hijabs and others bare-headed.
- They were told to shoot at the targets carrying guns and spare those who were unarmed.



### The Muslim-Headwear Effect Results

People were much more likely to shoot Muslimlooking characters even if they were carrying an "innocent item" instead of a weapon.

(Unkelbach, Forgas & Denson, 2008)



#### **Gender and Crime Implicit Bias**

- In this same study, they also varied the "targets" by gender
- They found the expected gender effect: Subjects were more likely to shoot men than women even when the men were harmless.



#### Blink responses linked to crime

- The studies above show link between Blacks, Muslims and men to crime.
- Which other groups does society link to crime?
  - What groups do we link to NON-crime?

The science shows that mere knowledge of a stereotype produces an implicit bias



### **Implications for LE**

- Officers may see danger when one there (over-vigilant)
- May overlook danger (under-vigilant)
  - Money Train



#### The Race-Crime Implicit Bias Linked to Officer Safety and Effectiveness

- Officers may:
  - Increase their scrutiny of people of color
  - Interpret ambiguous behavior on the part of people of color as more threatening
  - Respond to people of color more aggressively, as criminals
  - □ Under-respond to Whites, Asians, etc.
  - □ etc.

# Stereotypes are Based, at Least in Part, on Fact



### One example pertains to race and crime

Criminologists have shown that people of color are disproportionately involved in street crime

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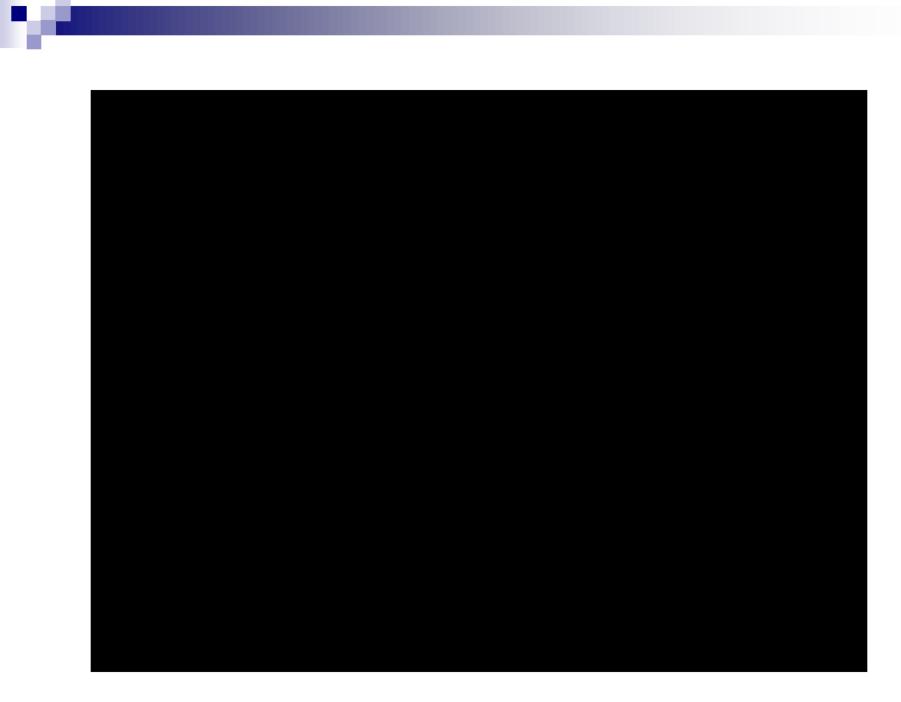
### Economic Status, Race and Crime

- A = Lower income people are disproportionately represented among people who commit street crimes
- B = People of color are disproportionately represented in lower income levels
- A+B=C People of color are disproportionately represented among people who commit street crimes



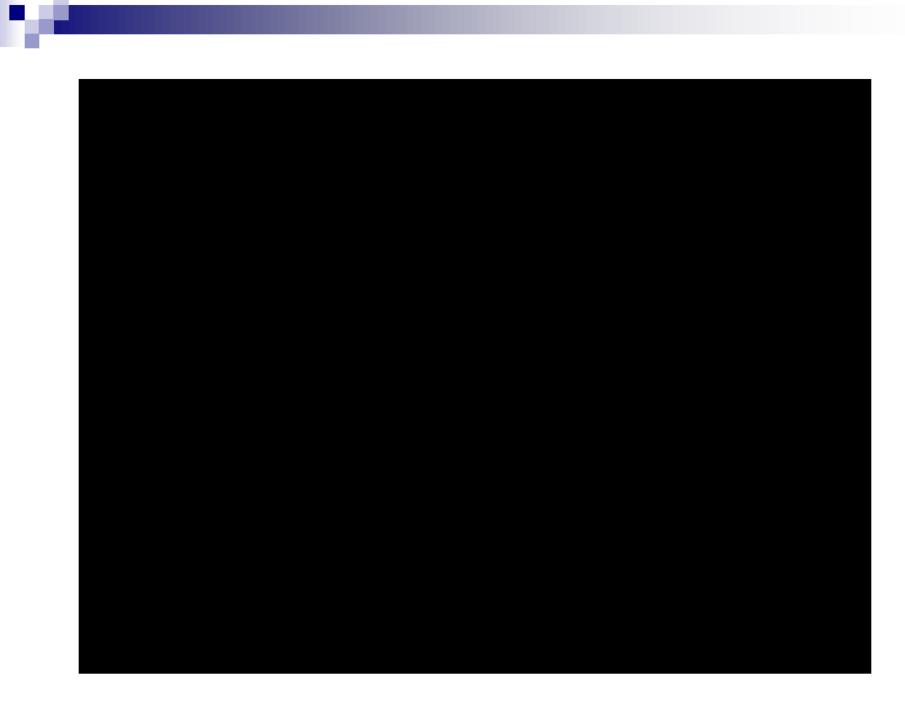
## But, that stereotypes are based in part on fact .....

- Does not justify your making decisions based on those stereotypes
- Such decisions can be unsafe, ineffective and unjust.



# Crash Scene: The Streets of Los Angeles

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#### CRASH .....

- Sandra's character was right! Her stereotype held true.
- Sometimes your "blink response" is right.
  - But sometimes it is wrong.
  - □ It is unreliable.
- Because it is unreliable, you should not police based on your blink responses, your biases.....



### **Key Point**

Policing based on biases is unsafe, ineffective, and unjust

Sometimes it can be deadly!







## First-Line Supervisors Help Their Officers To:

- Effectively perform their duties and solve crimes
- Identify the <u>right</u> suspect and make good cases
- Keep safe and go home at the end of the day

Policing based on biases/stereotypes impedes achievement of these objectives!

# Implicit Bias Manifests in NonPrejudiced People



- Implicit bias manifests even in nonprejudiced people
- Exists even in individuals who consciously hold non-prejudice ideals/attitudes
  - □EX: Many minorities have a racecrime/danger implicit bias (Shove Study)....



#### Some think: Biased policing is "someone else's issue"

- Often think that because of their progressive attitudes towards other groups, they must be bias free
- □ Quite likely: They are wrong.

# Addressing Our Implicit Biases

### Two remedies for our implicit bias "affliction"

- #1. Reducing our implicit biases
- #2. Recognizing our biases and thwart their impact on behavior.

### **#1. Reducing implicit bias**

- (a) Contact theory
- (b) Exposure to counter-stereotypes



### Contact Theory: Reducing Implicit Bias

Positive contact with other groups reduces both conscious and implicit biases.



### Personal Contacts and Implicit Biases in Officers

- Peruche and Plant (2006) Measured implicit bias on the part of officers
  - Shoot/don't shoot simulator to measure implicit bias.
  - □ Police, too, manifest implicit racial bias
  - □ But implicit racial/ethnic bias is weaker in officers who report positive interpersonal contacts with racial/ethnic minorities



### Contact theory works two ways



### Counter-Stereotypes and Use-of-force training

- High quality UOF training exposes officers to counter-stereotypes
  - Trains them that demographics are not a clue to threat
- Picture video training scenarios where
  - □ Threat is just as likely to be a woman as a man....



### Counter Stereotypes: Correll Study #2 (2007)

- Speed: Both police and civilians exhibited robust racial bias
- Errors: Bias was less likely to manifest itself in the decisions by police
- Bottom Line: Police made the correct decisions.
- Implication: High quality, role play use-of-force training helps police unlearn stereotypes for split-second use-of-force decisions.



### Implementing "Controlled (unbiased) Behavior"

- If we recognize our biases
- We can implement "controlled behaviors" that override our (natural) implicit biases.



### Fundamental Concepts of Human Bias

- Bias is a normal human attribute—even wellintentioned people have biases
- Biases are often unconscious or "implicit"
- Implicit biases manifest even in individuals who, at the conscious level, reject prejudices and stereotyping
- Implicit biases can influence our actions
- Understanding how implicit bias can affect our perceptions and behavior is the first step to "override" implicit bias

# The Impact of Biased Policing on Community Members and the Department

MODULE 2



#### **Previous Module**

- Science of implicit bias perceptions and behaviors
- Forms of implicit bias with policing relevance (including race-crime)
- Biased policing is ineffective, unsafe and unjust



### Biased Actions Can Negatively Impact:

Community members

Your law enforcement agency



## The Impact of Biased Policing on Community Members

How many of you have been stopped by the police? How was you interaction with the officer?

### The Impact of Biased Policing on the Department

- Explore this through.....
  - □ Police Legitimacy = The public view that the police are entitled to exercise authority.

- Reflects trust and confidence in police
  - ☐ If people see the police as legitimate...



### **Legitimacy Promotes**

- Acceptance of police decisions (OIS, Crowd Control)
- Cooperation with the police (Witnesses, Informants, Community Outreach)
- Compliance with the law (Crime Reduction)



What specific things might people do if they have trust and confidence in the police, that is, if they see your PD as a legitimate authority?

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## Community Members Who See Police as Legitimate Authorities....

- Assist with crime prevention efforts
- Call the police when a crime occurs
- Provide information about criminal activity
- Serve as a witness
- Believe an officer who is testifying
- Etc.

## The police cannot be effective without the support and cooperation of the community.

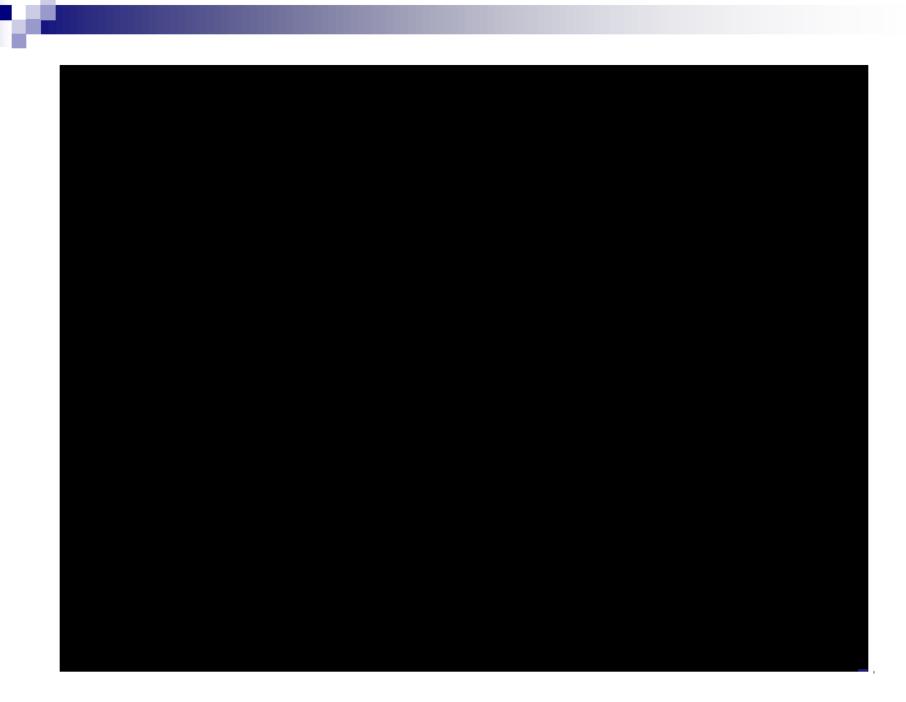


### Threats to Police Legitimacy

- History of police in the US
- Views of police that immigrants bring with them to the US
- Disrespectful, abusive and/or biased interactions with community members

### Policing History and Our Communities

- - Long term history and recent history
    - □ Police misconduct
  - Includes tumultuous relationships with particular groups





### **Understanding our History**

- You personally did not create our history
- But you police within the context of it
- With certain individuals, it is even harder to produce police legitimacy.



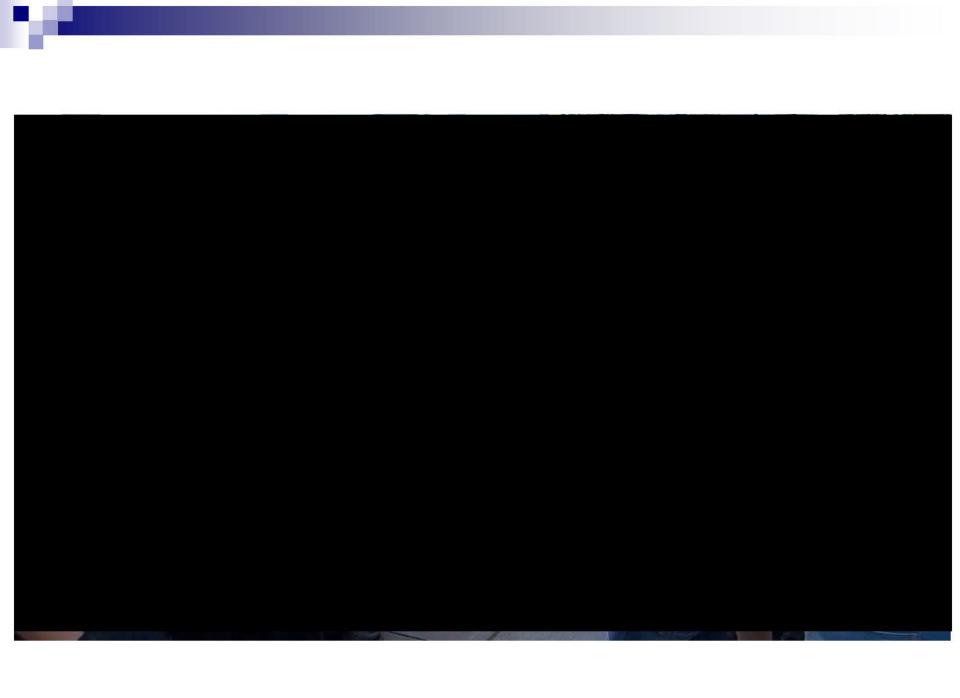
### Policing Our Immigrant Communities

- Immigrants from nations in which the police are tyrannical and abusive
- Immigrants may be hesitant to trust American police officers—based on their experiences in their home countries
- May be difficult to build trust in such communities



### A threat you CAN impact directly

- Disrespectful, abusive and/or biased behavior.
- Will harm the trust/confidence that you need to do your jobs.



## Strengthening Police Legitimacy through Procedural Justice



#### **Procedural Justice**

The procedures used by police officers where community members are treated with respect, dignity and fairness.



Police Legitimacy

Procedural Justice

**FIP** 



"When people believe that profiling is widespread and/or that they have been profiled, their support for police fades"

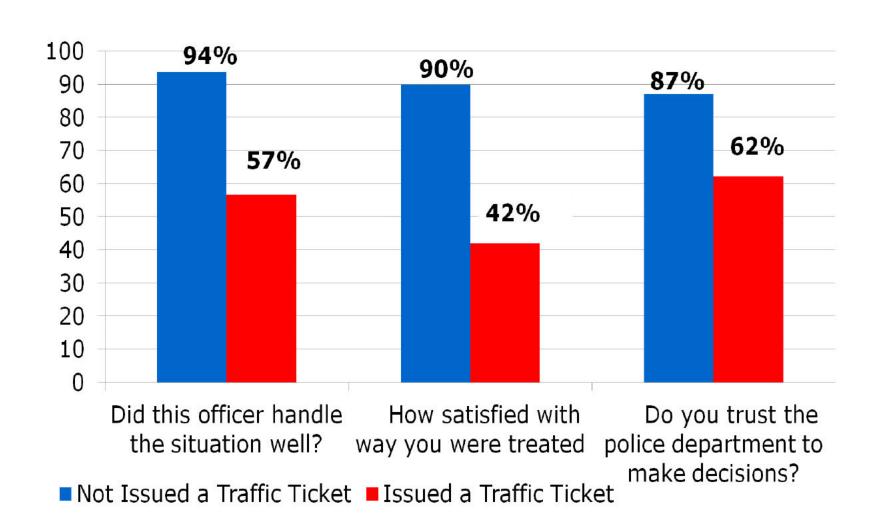
(Tyler and Wakslak, 2004, p. 255; see also Weitzer and Tuch, 2002).

#### Citizen Assessment Formula

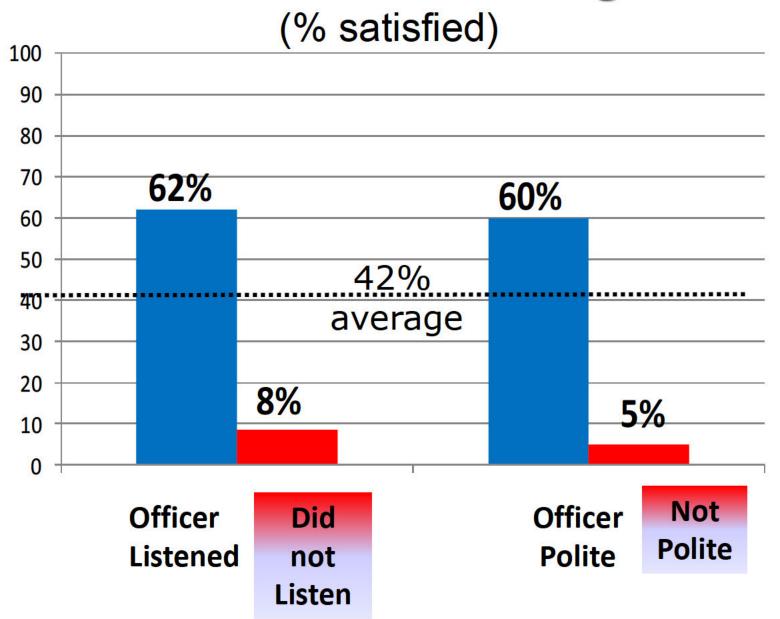
Citizen's assessment of an experience with the police:



#### **Outcome Matters: Getting a Ticket**



#### **Process Matters When Getting a Ticket**





#### Research: Community Member Acceptance of Officer's Decisions

- When there is a bad outcome with poor treatment 3% of the time.
- When there is a bad outcome with good treatment 73% of the time.
- When there is a good outcome with poor treatment 15% of the time.
- When there is a good outcome with good treatment 87% of the time.

### Procedural Justice in Action

How Do You Do This?

### 7

#### The Four Components of Procedural Justice:

- Respect: Treating people with dignity
- Voice: Allowing people to tell their side of the story
- Neutrality: Decision-making based on facts, not personal biases ....
- Trustworthiness: Transparent process



#### Take a Closer Look...Respect

- Action: Officers treat ALL individuals regardless of status—with dignity and respect
- Skill: Checking cynicism; Developing respectful communication and relationships
- Result: Validates the individual as a human being



### Taking a Closer Look: Voice

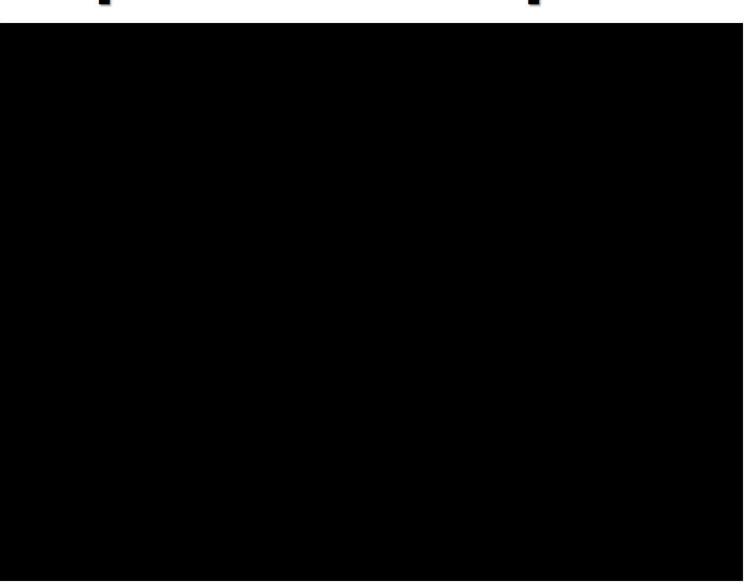
- Action: Allow community members to voice their point of view
- Skill: Active listening
- Result: Having a voice makes people feel that they are a part of the process and that they are being respected.



### Take a Closer Look...Neutrality

- Action: Exhibit a fair and impartial approach to community members
- Skill: Officer recognizes his/her biases and chooses to override biases in actions
- Result: Fair and impartial policing AND the perceptions of it







### **Module 2: Key Points**

- Biased policing can have negative impacts on both community members and the department
- You and your colleagues cannot be effective without legitimacy
- Procedural justice can produce legitimacy
- Fair and impartial policing is central to police legitimacy.

### Supervising for Fair, Impartial, and Effective Policing

### Module 3



### In This Session

- How to identify bias in your direct reports
- How to intervene when you suspect bias
- How to assess your own potential for biased decisions
- How to speak with individuals and groups about biases and biased policing.

### Supervisor's role

- In the beginning of this training session we made the point that supervisors are . . .
  - Role Models
  - Mentors
  - Representatives of the Department
  - Authorities on Policy and Practice
  - Professional Coaches
  - Disciplinarians

### Supervisor's role

- One of your most challenging tasks is to guide your officers . . . . .
  - That includes supervising to promote fair and impartial policing.
- The decisions you make and the actions you take . . . . . .
  - Determine the success of our officers and our department
  - Directly impacts community perception of our department
  - Enhances police legitimacy



### Supervisor's role

- Supervisors should convey the importance of fair and impartial policing
- If fair and impartial policing is important to you as a supervisor it will be important to your officers.

# "Crash"



### "Crash"

- Think about what should have been done
- Think about the message the Lieutenant sent
- Think about the culture of a department that would support/condone such a response

# Identifying Biased Policing in Your Subordinates



### Identifying biased behavior

- Bias can manifest in well-intentioned, illintentioned officers
- YOUR job: To identify when biased policing is occurring

### Identifying biased behavior

Picture an officer who "sees crime" in young Latino males:

- What types of actions on the part of this officer might be impacted by this bias?
- That is, what might this person do more (or do less) with Latinos?



### Identifying biased behavior

Picture an officer who sees well-to-do as law abiding, honest and worthy of respect:

How might this officer treat a wealthy person compared to a poor person?

# What sources of information would be helpful in detecting

- On-sight observations, video
- Written reports
- Radio transmissions

biased behavior?

- MDT
- Citizen complaints

# What sources of information would be helpful in detecting biased behavior?(Cont.)

- Traffic stop data and/or citation data
- Evaluations
- Information provided by other officers
- Early Intervention System (Limits)

### It is difficult to identify bias!

- Not visible <u>behavior</u> like force, it's what the officer is <u>thinking</u>
- This is why we can't rely on department's complaint system
- But this doesn't mean we "throw up our hands".....
  - Must understand and deal with less than clear information and evidence

# Intervening to Thwart Biased Behavior

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We have discussed how biased behavior can manifest in your subordinates and the types of information you might use to identify behaviors of concern.

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### **Officer Jacobs**

- Pulls over more Black males for traffic stops than his peers.
- Reviewing body worn camera footage you note: Much more militaristic/aggressive with Blacks.
- Much more likely to request consent to search from Blacks than others, even when the circumstances are the same.
- No crime reports to justify......



### **Officer Jacobs**

- He is a good cop who wants to serve his community.
  - He has several letters of commendation, good reports from community members, excellent performance evaluations.
  - What do you, as a supervisor, do about Officer Jacobs?

### Addressing Potential Bias with Subordinates

- Recognize ambiguous nature of the "evidence" of biased behavior
- Approach:
  - ☐ Share your observations
  - Ask why this might be occurring
  - □ Use non-accusatory tone
  - Structure concerns in terms of officer safety and effectiveness
  - Discuss how/why behavior might be biased and unacceptable

## Roll Call as a Teaching Opportunity

- Relaxed setting, hypothetical scenarios
- Look for regular opportunities to integrate Fair and Impartial Policing teachings.



- Be aware that your decisions may be influenced by your own biases.
- Be aware that some directions that you give could:
  - Be interpreted through the biases of your officers
  - Produce perceptions of biases, racial tension.



# What decisions/actions on the part of a supervisor might be impacted by his or her biases (based on race, gender, etc.)?

(Think of both decisions reflecting operational decisions and decisions associated with managing direct reports.)

### Decisions/Actions that might be impacted

- Managerial examples:
  - Deciding who gets assigned to do what
  - Differential respectful treatment of direct reports
  - □ Etc.
- Operational examples:
  - ■What crimes on which to focus
  - Where to allow aggressive treatment



### **Your Directions...**

- Also: Be aware that some directions that you give could:
  - Be interpreted through the biases of your officers.
  - Produce biased policing.

Example....

#### **Your Directions...**

- Consider this directive to your patrol officers: "Use your traffic stop powers to find the crooks, the drugs, the guns."
- Whom do you think they will stop?

# Defining Biased Policing; Departmental Policies

### **SJPD Policy:**

#### BIAS-BASED POLICING: SJPD DM C 1306 (Revised 02-15-11)

- Bias-Based Policing occurs when an officer engages in conduct based on a person's race, color, religion (religious creed), age, marital status, national origin, ancestry, sex, sexual orientation, actual or perceived gender identity, medical condition, or disability.
- Bias-Based Policing can occur not only at the initiation of a contact but any time during the course of an encounter between an officer and a member of the public.
- Officers will not engage in biased and/or discriminatory-based policing as this undermines the relationship between the police and the public and is contradictory to the Department's mission and values.



When is it appropriate for police to take race/ethnicity into consideration when making law enforcement decisions (e.g., decisions to stop, arrest, request consent to search)?

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#### **The Bottom Line:**

Officers may not consider the race or ethnicity of a person in the course of any law enforcement action unless the officer is seeking to detain, apprehend, or otherwise be on the lookout for a specific suspect sought in connection with a specific crime who has been identified or described in part by race or ethnicity.



Actionable Intelligence **Defining Biased Policing** Suspect Specific **PERF** 

Beyond these = "biased policing"

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### Beyond Suspect Specific or PERF is biased policing

- "Beyond" -- Would allow for use of e.g., race/ethnicity, sex, religion, etc. in the absence of actionable intelligence
  - □ Even in the absence of a suspect specific description
  - Even in the absence of credible, geographically circumscribed, timely intelligence that links a demographic group to particular crime, crimes, schemes.

# Talking with Community Members About Bias

## Talking with individuals, groups

- For example: Citizen concerns of bias at community meetings.
- Have you had to deal with an individual or group with concerns about bias?
  - ■What did you do?
  - □ Positive or negative response from community member(s)?
  - ■What would you do differently?

# Responding to an individual community member .....

- Alleging biased behavior
- This can be tense
- Let's start with this:

How do you want your subordinates to respond to accusations of biased behavior made against them?



### A Suggested Response to an Accusation of Biased Behavior

"I am sorry that you feel that way. I stopped you [or whatever the officer did to intervene with the community member] because you ran a stop sign [or other violation, other reason for the intervention]."

### Why this language?

- Officer's denial will not be effective
  - Won't change motorist's mind
- And besides: The motorist might be right!! (What have we learned?)
- Our suggested language:
  - Acknowledge
  - Back to business.

## Now you are called to the scene...

- What do you do/say?
- What do you not do/say?



#### What To Do

- Listen to the concerns of community members
- Inform community members of their right to file a complaint and the process for doing so

#### Adjudicate on the spot

**What NOT To Do** 

# Best to speak to community groups about bias BEFORE the crisis

- Do your agencies hold community meetings?
- Use these to talk about bias
  - More constructive "before the storm"

## Fair and Impartial Policing Messages

- Fairness and impartiality are the values of the agency
- Agency does not tolerate biased policing
- We understand, however, that humans have biases and so...
- The agency has instituted policies and procedures to promote fair and impartial policing, including...



## Summary of Key Points: Module 1

- All people, even well-intentioned people have biases
  - □ They can be "implicit" (unconscious)
- Policing based on biases can be unsafe, ineffective and unjust



## Summary of Key Points: Module 2

- Biased policing has negative consequences for community members and the department
  - □ Biased policing erodes community trust
  - Community trust is essential for cooperation and support of officers and the department
  - □ Fair and impartial policing is essential for police legitimacy

### Summary of Key

## Summary of Key Points: Module 3

To be a fair and impartial officer, you need to:

- Recognize your implicit biases and implement "controlled (unbiased) responses"
- Avoid "profiling by proxy"
- Analyze options with a fair and impartial policing lens
- Reduce ambiguity: (a) slow it down, and (b) engage with the community.

### **THANK YOU!**

