



# Fair and Impartial Policing and Procedural Justice



# Housekeeping

- Be respectful of others opinions
- Have an open mind
- Nothing we discuss is intended to diminish officer safety or the importance of your job



# Goals

- Recognize your own human biases
- Understand how implicit biases can affect your perceptions and behavior
- Understand how biased thinking impacts community members, other department members, and the department as a whole
- Develop skills and tactics to reduce influence of bias, resulting in effectiveness & professionalism



## During this training...

- Leave preconceived notions about “bias” training at the door
- Think and reflect about what it means to be an effective citizen, co worker, employee, parent, person
- Recognize personal life experiences and expertise
- Participate



# Introduction to Fair and Impartial Policing

- All people have biases – yes even you
- Learn to recognize various biases
  - **Implicit bias** – unconscious
  - **Explicit bias** – conscious animus towards a group
- Explore what social-psychology has taught us
- Explore what our families have taught us (Bias by proxy)





# Understanding Human Bias

# Susan Boyle – Britain's Got Talent





# Key Point

- Humans prejudging is reality
  - We automatically assign characteristics to people.
  - Example: Prejudging of Susan Boyle and conclusions about whether she could sing based on appearance






# Fundamental Concepts of Human Bias

- Bias is a normal human attribute—even *well-intentioned* people have biases
- Biases are often unconscious or “implicit”
  - Can manifest in individuals who, at the conscious level, reject prejudices and stereotyping
  - Understand how implicit bias can affect our perceptions and behavior

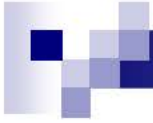


# Understanding Implicit Bias:

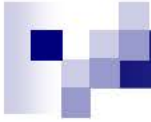
- Whom do we prejudge, or assign ‘ambiguous stimuli’?
- What determines the characteristics we attribute to them?



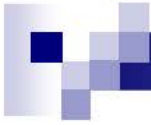
What stereotypes might people attribute to the following individuals?














# **Common Identifiers for Stereotypes and differential treatment**

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



# Discussion – Small Groups

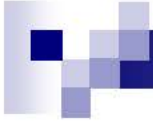
- What is the primary label you select for yourself, what do you identify as most?
- Is there a difference in type of friends you have now from when you grew up?
- Is there something that played into that?



# Malcolm Gladwell

- “Blink”

- Snap judgments about people and things
- “Think without thinking”



# Money Train

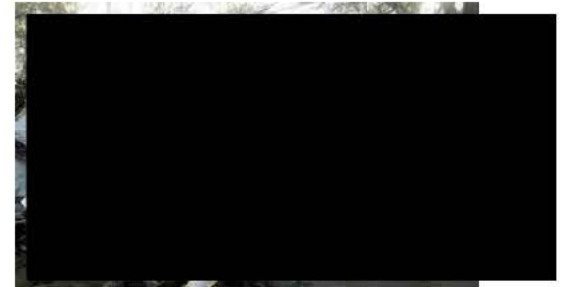






# Stereotyping and Human Bias

- 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





# Reactions to stereotypes

- How do people in our society react to the homeless?
- How might we treat the homeless versus persons of means?
- Does being homeless warrant less service?





# Key Points of “Blink” Response

- Recognize what your “blink” response” is
- Replace it with objective (bias free) judgment and response



# **Race-Crime Association Studies**





# Research documenting implicit biases:

- **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.**



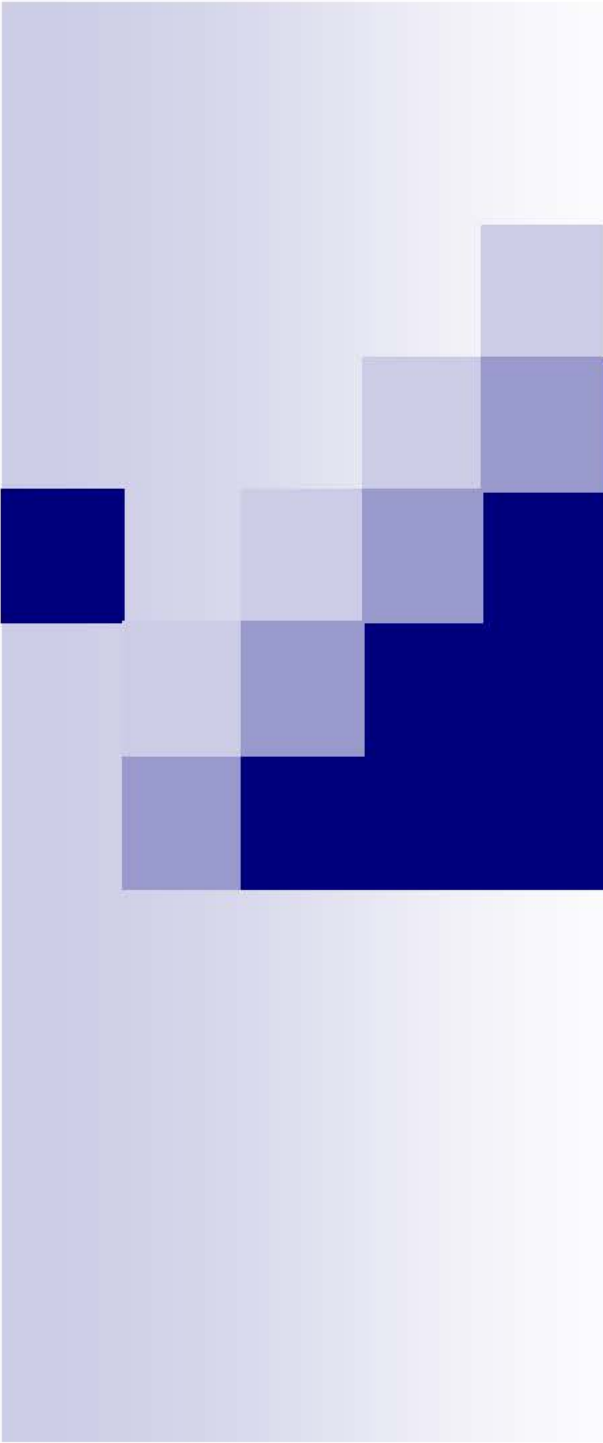
# Relevant to Humans in all professions

- More current studies focus on:
  - **Doctors, nurses** (e.g., Van Ryn & Saha, 2011)
    - Biases regarding 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)



# Shove Study

- Shove Study – Sager & Schofield 1980
- Muslim-Headwear Effect – Unkelbach, Forgas & Denson 2008
- Issues arise as an over response or even an under response



**Stereotypes are  
Based, in Part,  
on Fact**



# **Blink responses linked to crime**

- Which groups does society link to crime?
- What does your typical 'suspect' look like?
- Is there a typical suspect for type of crime?





# **Blink responses can be harmful..**

Criminologists say that people of color are disproportionately involved in street crime

- True
- False



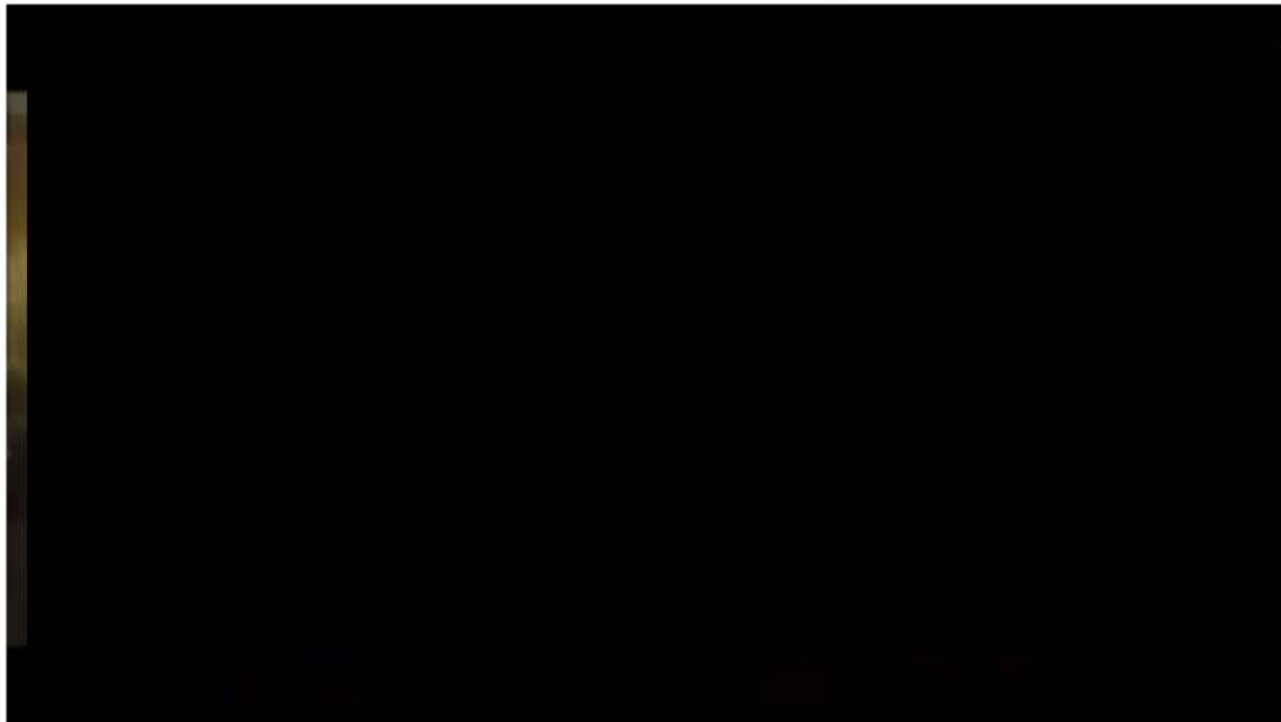
# Economic Status, Race and Crime

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



# **Stereotypes are based, in part, on fact .....**

- Can you justify making decisions based on those stereotypes alone?
  - Sometimes... it can be true.
  - But it can be ineffective and unjust





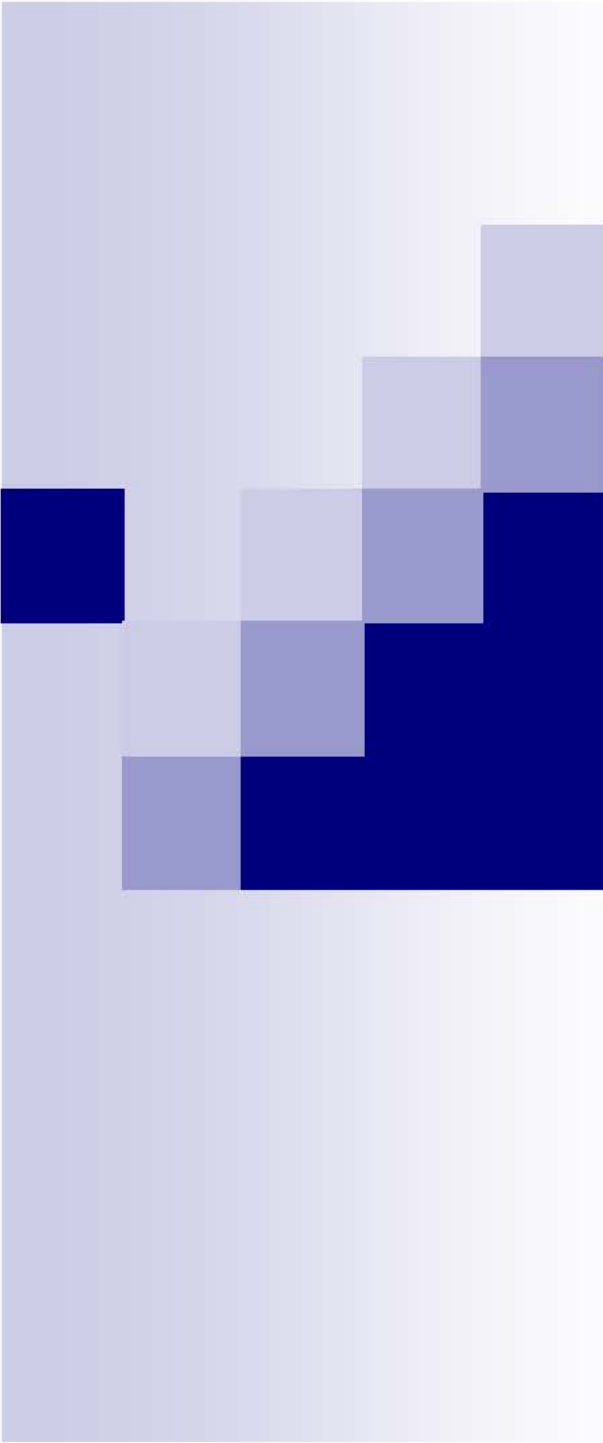
# Key Points

- The stereotype by Sandra's character held true
- Sometimes your "blink response" is right
- Sometimes "blink response" is wrong
- Do not rely on "blink response"
- Overall: Stereotyping based on biases is ineffective and unjust


# Hurry up and buy







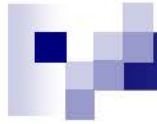
Do Non-Prejudiced  
People have Implicit  
Biases

- 
- Yes! Implicit bias manifests even in non-prejudiced people
  
  - Exists even in individuals who consciously hold non-prejudice ideals/attitudes
  
  - Exists among those of the same race
    - Example: Many minorities have a race-crime/danger implicit bias (shove study)



# Avoid thinking...

- Biased policing is “someone else’s issue”
- Progressive attitudes towards other groups are justified and therefore the person considers self as bias free



# **Biased Actions Negatively Impact:**

- Community members
- Our Department
- Your work unit
- You



# Discussion

- What are some perceptions from the community about the San Jose Police Department?
- What are the factors affecting perception?





# Immigrant Communities

- May come from nation in which police are tyrannical and abusive
  - May be hesitant to trust police
  - May be difficult to build trust in such communities

# Shooting of Cau Bich Tran



The OIS occurred on July 13, 2003.

The suspect was wielding a 10 inch “Asian vegetable peeler” at police.

The suspect was 25-years-old and spoke little English.

The suspect was 4’ 9” and weighed 98 pounds.

The suspect had a history of mental health problems.

The officer was subjected to an “open grand jury”.

The grand jury declined to indict the officer.

The suspect’s family was awarded \$1,825,000.

The shooting led to protests.

# Does the media play a role in implicit biases?

August 13, 2001 The Mail on Sunday 25

**Scientists discover what may have made Stephen Hawking – and Lily Cole – so intelligent**

By Jenny Rafter

## Why blue-eyed boys (and girls) are so brilliant



**Cambridge Blue:** Model Lily Cole

They are all renowned for their intelligence and academic achievements. Now scientists may have discovered what made the likes of Stephen Hawking, Alexander Fleming, Marie Curie, Stephen Fry and Lily Cole such model pupils – their blue eyes.

New research has revealed that blue-eyed individuals may study more effectively and perform better in exams than those with dark eyes. In reaction time tests conducted by American scientists, brown-eyed people performed better, making them more likely to succeed in activities such as football, hockey and rugby. But the researchers concluded that people with lighter eyes were better problem solvers.

Blue-eyed boys and girls proved to be more successful in activities that required them to think and structure their own time, such as golf, cross-country running – and studying for exams. It could explain why so many of our most academic high flyers have blue eyes.

Stephen Hawking, the author of A Brief History of Time, is Britain's most eminent physicist. Biologist Alexander Fleming famously discovered penicillin and Marie Curie was the first twice-honoured Nobel laureate for her pioneering work on radioactivity.

Writer and actor Stephen Fry is notoriously brainy, possessing a scholarship to Cambridge, and model Lily Cole recently secured a place at King's College, Cambridge, to read social and political sciences after achieving five A\* at A-level.

It could also help to explain why many of our top footballers and rugby players, including John Terry and Jerry Wilkinson, are brown-eyed.

Joanna Brown, professor emerita at the University of Liverpool, who conducted the tests, said the results supported a link to a mutated link between eye colour and academic achievement. It is just observed, she said. There's no causal link, however yet.

Dr Tony Falzon, senior psychology lecturer at the University of Bedfordshire, who has also studied the genetics of eye colour, believes that it should be taken more seriously as an indicator of traits.

**HONDA**  
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## Pack Of Violent Black, Hispanic Teens Attack 4 White Men Outside Denver Mall...

jacksonville.com/money THURSDAY - AUGUST 2, 2012 The Times-Union

# Engineering still a man's world

## Efforts to bring more women into the profession haven't been successful

By Kevin Collison  
McClatchy Newspapers

**KANSAS CITY, MO.** | Thirty years after the first wave of women began pursuing engineering careers, it's still mostly a man's world — despite an earnest effort to encourage girls to pursue a profession with good opportunities.

Take Taya Upkes, who graduated summa cum laude in May with a bachelor's degree in mechanical engineering from the University of Missouri-Kansas City.

She had nine job offers before receiving her diploma and accepted an offer from Cummins to work at its plant in suburban Minneapolis.

Her starting salary? Somewhere in the "mid-60s." And Cummins also is paying her graduate school tuition. She helps design generator sets for yachts, she said, and she's the

only woman working in a department of 15 or 20.

"I actually enjoy it," she said. "It was intimidating at first, but I got used to it. It's not in the back of my mind to think about it anymore."

Engineering schools around the region report Upkes isn't alone.

"The demand for engineers in general is high," said Cary Mirka, an associate dean at Iowa State University. "Ninety-five percent of our students have jobs within six months, and recruiters are keen on women."

Despite those opportunities, the enrollment at Iowa State reflects a nationwide pattern.

The share of women in its undergraduate engineering program peaked at 16.5 percent in 1995. This year, 15.2 percent of the engineering students are female.

**ENGINEER** continues on D-2



Destnee Walton (from left), 12, Martayllia Copes, 10, and Jordan Miller, 11, all of Kansas City, MO., assemble a robot at Science City in Kansas City's Union Station. The KC STEM Alliance (science, technology, engineering and medicine) hosts a summer camp.



# Why do we feel she can't sing?



- Discussion of Susan Boyle:
  - We prejudge people who have “ambiguous stimuli”
  - Are we ingrained to do so on some level?
  - Do we always know this is happening



# Avoid “Profiling by Proxy”

- Beware of others’ implicit biases
  - Don’t let THEIR biases impact YOUR behavior





# Group Discussion

- **Scenario:** A white woman in an all-White neighborhood calls 9-1-1 to report a “suspicious man in a car” out in front of her house. It appears that the only thing “suspicious” is that the man is Black; she is unable to articulate or identify any behaviors that indicate criminal activity.



# Key Points of Discussion

- Not one right answer
- Think about options analytically, weighing consequences
  - Ex: Think about the perspective of the person in the car...
    - Have empathy for him as well as the woman.



# **Analyze Your Options with a “Fair and Impartial” Lens**

- Challenge what you think you see
- Recognize your own biases
- Recognize others' biases
- Consider bias-free options
- Minimize negative impacts with strong communication skills



# Addressing Our Implicit Biases



# Two remedies for our implicit bias “affliction”:

- Reduce our implicit biases
- Recognize our biases and thwart their impact on our behavior





# **Remedy #1:**

## **How do we reduce implicit bias**

- (a) Contact theory
- (b) Exposure to counter-stereotypes
- (c) Slow it down



# Contact Theory

- Definition: Positive contact with other groups reduces both conscious and implicit biases
  - Ex: Biases against Muslims are weaker in people who have had positive personal contacts with Muslims, etc
- Works two ways
  - Working with the community can show the department and police officers in a more positive light.



# Counter-Stereotypes

- Can weaken our biases through exposure
  - Ex. #1 - repeated exposure and conversations with homeless subjects.
  - Ex. #2 – more exposure to happy circus clowns



# Reduce ambiguity, slow it down

- When you can, slow it down
- Gathering more information before you act:
  - Can produce better decisions
  - Can reduce possibility of acting or not acting on your bias'



## **Remedy #2: Recognize biases & thwart their impact**

- Implement Controlled Behavior
  - The most important and effective way we can respond to bias is to recognize it and decide NOT to let it be a factor
  - Implement behaviors that effectively override your bias.





# Examples for Discussion

- Ex. #1: Providing Hispanic citizens with information on vehicle releases and asking *if* they have a California Driver License
- Ex. #2: Speaking in a loud tone when speaking with citizens where English is not their native language



# Key Point

Very normal human interactions can help us reduce our biases.

*If we recognize our biases,* we can implement “controlled behaviors” that override our (natural) implicit biases.



# Strengthening Police Legitimacy through Procedural Justice



# Impact of Biased Policing on the Department

- We will not gain Police Legitimacy
  - The public view that the police are entitled to exercise authority.
  - Reflects trust and confidence in police



# Legitimacy Promotes

- Acceptance of police decisions
- Cooperation with the police
- Compliance with the law





# Threats to Police Legitimacy

- History of police in the US
  - Tumultuous relationships with particular groups (Civil Rights Protest – Alabama, 1963 and Stonewall, 1969)
  - Police misconduct
- Disrespectful, abusive and/or biased interactions with community members



# Understanding our History

- You personally did not create the history of SYPD but you have to constantly work to keep it legitimate
- With certain individuals, it is harder to produce police legitimacy



# Procedural Justice

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

Procedures used by management

Procedures used by co workers



# Procedural Justice Leads to Legitimacy

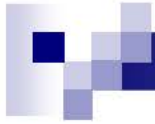
- When you give someone a voice, are objective and respectful you gain trust.
- The procedural justice process of fairness and respect leads citizens to view the department as legitimate and trustworthy.



# What does that get me?

- Lowered stress \*\*
- Increased officer safety
- Fewer complaints
- Greater cooperation from citizens and co workers
- More pleasant work environment





# Law enforcement stressors

- The Department
- The Public
- Our Family



# Cynicism....

- A cynic expects nothing but the worst in human behavior.
  - Can you think of anyone like this?
- As a public servant is this how we see the world, how about officers?



## “Us” vs. “Them”

“Real World”  
for police= 3-  
6% of the  
population

In reality, 94-97%  
of the population  
Is law abiding

# The Golden Rule

Asking the question, “How would I like to be treated in this situation?” is an integrity guideline for any situation.

The Golden Rule divides cultural and religious boundaries, and is accepted by most people throughout the world.

It can be used to create common ground with any reasonable person.





# Procedural Justice- Voice

Allowing the participant to voice their point of view or offer an explanation

- Active listening
- Allow them to talk

Having a voice makes people feel that they are a part of the process and that they have input in the decision, even if it does not impact the decision.





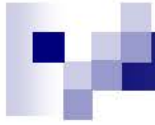
# Communication

- Verbal communication accounts for 7% of information communicated.
- Tone and volume account for 38% of information communicated.
- Body language accounts for 55% of information communicated

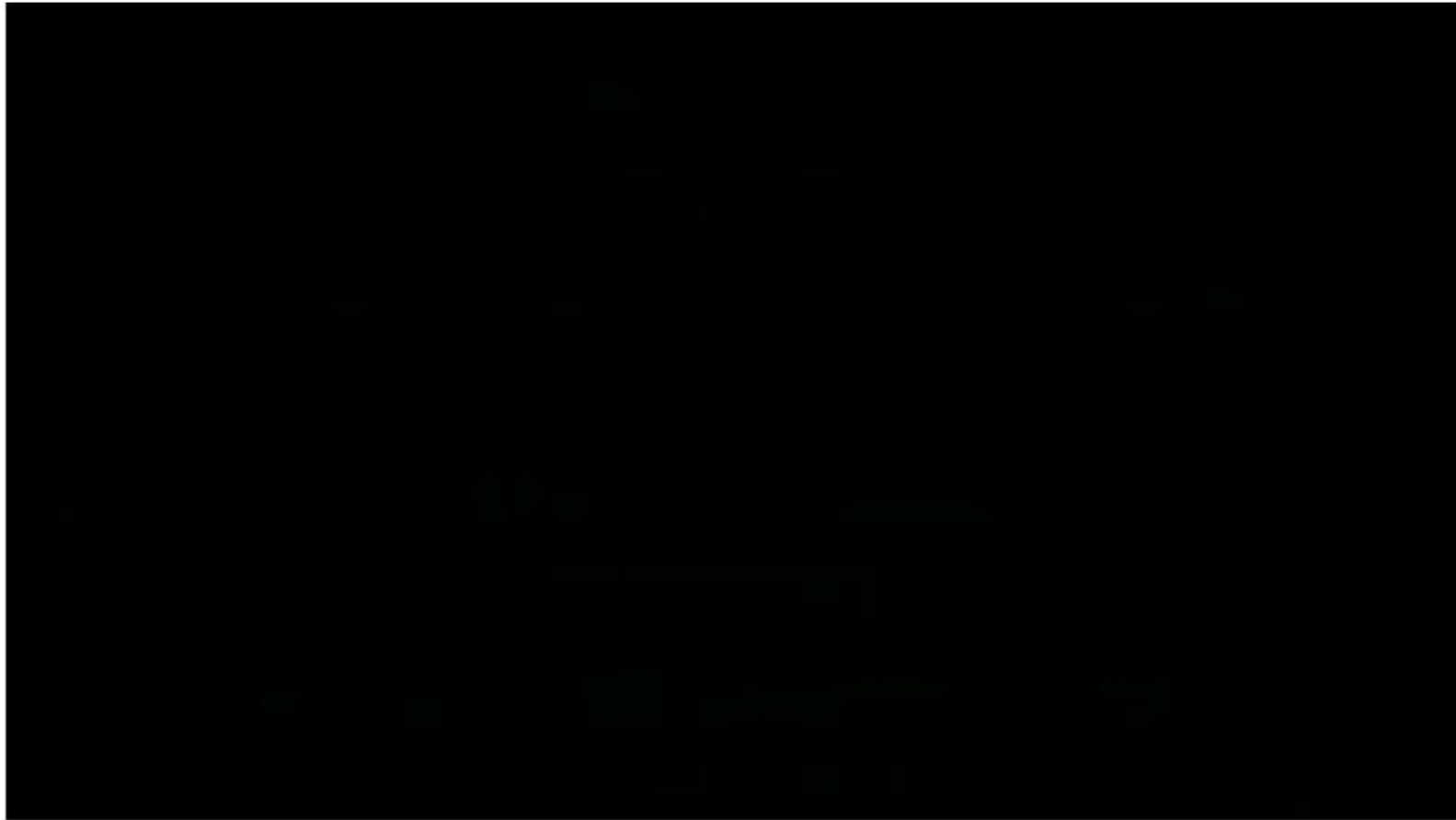


# Procedural Justice - Neutrality

- Employ decision making that is 'neutral'
  - Exhibits neutral feelings toward the person. Ask yourself what message am I sending.
  - Follow unbiased decision-making
  - Apply the decision equally and to all
- Explain why you are taking the steps you are, asking the questions you ask, explain the process.



# Cop with No Complaints





- What are some barriers for remaining neutral?
  - Own personal bias, implicit or explicit
  - Factors that contribute to our bias
  - Levels of frustration/attitude

# Procedural Justice - Respect and Dignity

- ▶ Respect for the person; respect for one's rights
- ▶ Treating a person with dignity validates him/her them as a human being.
- ▶ Showing empathy to the importance they he/she places on the issue involving the police shows respect.







# Procedural Justice -Trustworthiness

- Listen to people.
- Consider their side of the argument.
- Take their needs and concerns into account (benevolence).
- Explain the decision/action.
- This demonstrates that you have listened to them and considered their needs and concerns.
- In doing so, you gain legitimacy for yourself and the Department.



## Research Supporting Procedural Justice

**Power of Control:** Using coercion, threats, force, or the perception of power to gain compliance.

**Power of Influence:** Using ethical principles to earn people's respect and make a positive difference in their lives. Also, the power to work effectively with others to get a better result.

Procedural justice leads to legitimacy...

**THE POWER OF INFLUENCE**

*FranklinCovey (2009)*



# 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



# **RECALL: Goals of the Training**

- Recognize your own human biases
- Understand how implicit biases can affect your perceptions and behavior
- Understand how bias impacts community members and the department
- Develop skills and tactics to reduce the influence of bias on SJPD and ones that allow you to be effective, and just professionals





# Community Bank Account

- Every encounter is either a deposit or a withdrawal.
- Every contact is an opportunity to increase our legitimacy.
- Are you making a deposit or withdrawal with the way you interact in your relationships personal and professional?
- How many deposits does it take to make up for a withdrawal?
- Does one encounter affect how future generations view the police?



## San Jose Police Department Vision Statement

The San Jose Police Department is dynamic, progressive, and professional organization dedicated to maintaining community partnerships which promote a high quality of life for the city's diverse population. The Department is committed to treating all people with dignity, fairness and respect, protecting their rights and providing equal protection under the law.





THANK YOU!