Racially Biased Policing:

The Law Enforcement Response to the Implicit Black-Crime Association

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While some of the bias in policing is caused by intentional discrimination against people of color, there is a considerable body of research that points to another mechanism producing biased behavior. Social psychological research has shown that "implicit" or "unconscious" racial bias can impact what people perceive and do, even in subjects who consciously hold non-prejudiced attitudes. This chapter summarizes the research conducted on police officers and non-police subjects to gauge their implicit association between Blacks and crime, and it then discusses the law enforcement interventions implied by the findings. Agencies need to hire a diverse workforce composed of people who can police in a race-neutral fashion, use training to promote employees' controlled responses to override automatic associations, facilitate "unlearning" of the Black person/crime association in firearms simulations, set forth policy outlining the appropriate use of race/ethnicity for making law enforcement decisions, train first line supervisors so they can detect and respond effectively to biased behavior on the part of their supervisees, and implement a style of policing that promotes positive interactions between police and their diverse constituencies.

BACKGROUND

On February 4, 1999, four officers from the New York Police Department (NYPD) looking for a Black serial rapist saw Amadou Diallo, an African-American immigrant, on the sidewalk near a building. The plainclothes officers reported later that they identified themselves as police officers and ordered Diallo to stop and "show his hands." Diallo instead ran up the steps toward an apartment door and reached into his jacket. The

officers perceived that Diallo was reaching for a gun and opened fire, killing him. Diallo was later found to be unarmed. He was on his own doorstep and had been reaching for his wallet (Cooper, 1999).

A number of factors likely impacted the officers' belief that Diallo's behavior was aggressive and dangerous. Among them would be the level of violent crime in the neighborhood, the likelihood that Diallo was the suspect they sought who might resist apprehension, and that Diallo did not respond to commands to stop and reached inside his jacket. In the controversy that followed this police-involved shooting, community members claimed that racial bias impacted the police response. Did Diallo's race, in fact, impact the police officer's perception that he was a threat? If Diallo's race was a factor in what the officers perceived and how they responded to the situation, did this operate at a conscious level or did it occur subconsciously?

Racial bias has been an issue facing police arguably since the creation of the first police agencies in this country, and certainly since the civil rights movement (see Walker et al., 2000; Walker, 1998). During the 1950s and 1960s, a majority of the major urban riots were precipitated by perceptions that police had misused force against racial minorities (Walker, 1998; National Advisory Commission on Civil Disorders, 1968). Incidents of civil unrest in recent years – for instance, in Cincinnati, Los Angeles, Miami and other cities – were similarly precipitated by incidents identified as racially biased mistreatment of minorities by police.

When the issue reemerged in the late 1990s, it had a new label – "racial profiling." The particular focus was on police stops of drivers of color, and the blame was laid on U.S. Drug Enforcement Administration's (DEA) drug interdiction training. The problem manifested anew and somewhat differently following the terrorist attacks of September 11th, 2001. Prior to that time the salient issue was police bias against Blacks and Hispanics: after 9-11, people of Arab descent complained that police and other U.S.

residents "saw crime" (specifically, they saw "terrorism") in them and treated them accordingly.

The longstanding nature of this issue is not proof of its insolubility. The law enforcement profession in the twenty-first century is much different than it was even 40 years ago. Local law enforcement leaders understand the importance of strong police-resident relationships for achieving their objectives. Additionally, the advances in the profession in the realms of hiring, training, policy directives, supervision and accountability all have potential applications for addressing the issue of racially biased policing. (In this chapter, the phrase "racially biased policing" will be used to reference the inappropriate consideration by law enforcement of race, ethnicity or nationality in deciding with whom and how to intervene in an enforcement or service capacity.)

How one characterizes or understands racially biased policing has significant ramifications for identifying the appropriate law enforcement agency responses to it. In this chapter, I focus on one particular "cause" of racially biased policing – arguably a major cause – and identify the agency interventions that are implied by this understanding of the nature of the problem. While many stakeholders have attributed the problem of police racial bias to overt and intentional discrimination on the part of police against people of color, there is a considerable body of research pointing in another direction. This literature tells us that even "good," well meaning individuals in our society have racial biases that lurk beneath our consciousness and impact our perceptions and behaviors. Interventions for preventing and responding to racial bias in policing that emanate from this source take a different form than efforts focused on intentional discriminatory behavior.

In the next section, I will review some of the seminal research on unconscious or "implicit" racial bias, including some recent studies involving police subjects. In the

subsequent section I will identify the law enforcement agency interventions that are implied by this source of police bias.

IMPLICIT BIAS AND THE RACE-CRIME ASSOCIATION

In the national "discussion" on racially biased policing, stakeholders have charged that there are a lot of "bad apples" in policing who are intentionally practicing racial bias in the course of their work. There are certainly these types of people in law enforcement, as there are in all professions, and these folks are in part responsible for racially biased policing. A narrow focus on this source of police racial bias, however, can be detrimental to a considered agency response. These accusations reflect an overly narrow characterization of the problem.

Social psychological research reveals another likely source of racial bias in policing – one that likely manifests, not in the "bad apples" among police, but in the overwhelming number of well-meaning individuals who want to serve their constituencies fairly. Despite their good intentions, however, their behaviors may still manifest racially biased policing. It is likely that many of these officers, like humans in every profession, are not fully cognizant of the extent to which race/ethnicity impact on their perceptions and behaviors.

Supporting this view – that well-meaning people might be biased – is the considerable and growing literature on what is variously called "unconscious bias" or "implicit bias." Social psychologists working in this realm point to the "implicit system" of our brain that is designed to be "reactive rather than reasoned" (Gladwell, 2005). It was designed for, and indeed specializes in, quick generalizations, not subtle distinctions. It produces mental shortcuts that can be very valuable for facilitating human thinking and producing human reactions. Researchers have found that these associations or mental "shortcuts" include automatic associations between social groups and concepts, one of which is the automatic or implicit association between minorities, particularly Blacks, and

crime. Considerable research has identified this implicit bias linking minorities and crime even in people who test as "non-prejudiced" and are otherwise "consciously tolerant." This association, as research over six decades has shown, impacts on both perceptions and behavior (see also this volume, Williams and Close; Leiber).

Implicit bias might influence the line officer who perceives crime in the making when s/he observes two young Hispanic males driving in an all-Caucasian neighborhood. It may manifest among agency command staff who decide (without crime-relevant evidence) that the forthcoming gathering of African-American college students bodes trouble, whereas the forthcoming gathering of white undergraduates does not.

In the sections that follow, I summarize the research literature that: (1) supports the existence of a widely-held stereotype linking minorities and crime, (2) distinguishes between explicit (conscious) and implicit (unconscious) biases, (3) indicates that implicit bias can affect *perceptions*, (4) indicates that implicit bias can impact on *behaviors*, (5) explores the mechanisms by which biased behavior can be prevented, and (6) tests these constructs and processes using police subjects. As will be seen below, this research has, for the most part, focused on the link between blacks and crimes, not on the potential link between other people of color (e.g., Hispanics, people of Arab descent) and crime (see Dovidio et al., 2000).

The Race-Crime Stereotype

Social psychologists have long been interested in how various schemata impact how we interpret evidence, including our tendency to classify individuals and draw conclusions about them based on their racial or ethnic grouping (e.g., Duncan, 1976; Hilton and Von Hippel, 1990). These researchers have identified some widely shared cultural stereotypes, including the cultural stereotype that blacks are violent and otherwise criminal (Allport and Postman, 1947; Correll et al., 2002; Devine, 1989; Devine

and Elliot, 1995; Dovidio et al., 1986; Duncan, 1976; Greenwald et al., 2003; Payne, 2001; Sagar and Schofeld, 1980).

Devine (1989) conducted one of the key studies in this long line of research. She asked subjects to list the content of cultural stereotypes "regardless of their personal beliefs." Both high-prejudiced and low-prejudiced subjects were knowledgeable of the cultural stereotype associating blacks with aggressiveness, hostility and criminality. (Williams and Close, this volume, discuss the sources of these widely-held stereotypes.)

Explicit and Implicit Bias

The widely held assumption concerning the black-crime association can operate at the conscious and/or unconscious levels. Dovidio et al. (2000) distinguish between "the traditional form of prejudice that is blatant and conscious" and the "subtle, unintentional, and, possibly, unconscious forms of bias" (pp. 157-158). These researchers argue that because of societal changes in attitudes toward minority groups, as well as the corresponding reduced tolerance for overtly expressed racism, we now see less of the traditional form of prejudice and more of the unconscious form.

A person might have contrasting conscious and unconscious racial "attitudes." Dovidio et al. (2000) describe a conflict that occurs in people who, at a conscious level, proclaim and indeed hold egalitarian personal beliefs, but who unconsciously harbor the widespread implicit associations between race and crime. The research discussed below shows how these contrasting belief systems manifest in different circumstances and how people can actively promote their conscious beliefs to inhibit their unconscious biases.

Impact of Implicit Bias on Perceptions

Research has shown that this widely held black-crime association influences what people perceive. Payne (2001) examined how the black-crime association can impact how people process visual stimuli. In his study, Payne used the "racial priming"

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technique, whereby subjects were exposed to black or white faces to see if these stimuli would promote stereotype-consistent errors. Subjects sat before a computer screen and were told that they would see a picture flash that would be the cue to them that the "target picture" was about to appear. This target picture would be either a tool or a weapon, and they were to respond very quickly by hitting one key if it was a tool and another if it was a weapon. The flashing pictures that served as the cues were either white or black faces. That is, the first flashing picture was either a black or white face and it was followed by the "target picture" that was either a tool or weapon. In two separate but similar studies, Payne measured the speed at which the subjects identified the target object as well as the level and nature of the categorization errors.

The results supported the existence of an unconscious black-crime association. With regard to speed of response, Payne found that subjects were quicker at identifying weapons following a black face prime; conversely, subjects were quicker to identify the tools when primed with a white face. The nature and level of the errors similarly supported a black-crime association. Following a black face prime, subjects were more likely to classify a tool as a gun. Referencing this finding, Payne (2001, p. 188) reports, "the critical finding is that simply priming participants with a Black rather than a White face was sufficient to make them call a harmless item a gun."

Eberhardt et al. (2004) used black and white face primes to assess their impact on the subjects' ability to identify degraded images of crime-related objects. They argued that, if the black-crime association exists, exposure to a black face will make crime concepts more accessible. A group of white, male college students were randomly assigned to one of three subliminal priming conditions. During the first part of the study, the subjects were primed with either all white faces, all black faces, or no faces (the latter group was primed with lines.) During the second part of the study, the subjects saw degraded objects on the screen that would become more and more clear in small

increments (41 frames). The subjects were instructed to push a button when they could identify the object and then say what the object was. The objects were either crime-related objects (e.g., gun, knife) or neutral objects (e.g., camera, book). The speed of identification was recorded.

The results indicated a strong black-crime association. The subjects who had been subliminally primed with black faces were much quicker than the subjects in the other two conditions to identify the crime-related objects. Conversely, the subjects who had been subliminally primed with white faces were slower than even the control group (no face prime) to detect crime-related objects. Further confirming the existence of the black-crime link were the findings that: (1) the priming condition had no impact on the speed at which subjects identified the non-crime objects, and (2) subjects in the no face-prime condition identified the crime-related and neutral objects at equal speeds.

Researchers have found that the black-crime association impacts a subject's memory of other related phenomenon: in a subway scene, identifying who held the deadly weapon (Allport and Postman, 1947), and how subjects interpret "ambiguously aggressive behavior" (Devine, 1989; Duncan, 1976; Sagar and Schofeld, 1980). Researchers have found that the implicit association between Blacks and crime affects perceptions in both high- and low-prejudiced subjects (see, e.g., Devine, 1989). That is, even people whose conscious or "explicit" attitudes are egalitarian, exhibit implicit associations between Blacks and crime.

Impact of Implicit Bias on Behavior

Researchers have shown that the implicit association between blacks and crime influences not just visual processing, but also behavior even "without the knowledge or intent of the perceiver" (Payne, 2001, p. 181). Correll et al. (2002) conducted two studies using White undergraduate subjects. In both studies the subjects faced a computer

screen that flashed pictures of males with objects in their hands. The pictures varied by the race of the person (white or black) and by the object (gun or neutral object). The subjects were instructed to push the "shoot" button if the person held a gun and the "don't shoot" button if he held a neutral object. In the first study, the subjects were instructed to act quickly, but were given a "sufficient response window" so that they almost always made the correct decision to shoot or not shoot. The researchers measured time to decision. In the second study, the response window was shortened to force the respondents to act quickly. This shorter time window increased the number of errors.

The results supported a black-crime implicit association. In the study examining time to decision, the subjects shot an armed male more quickly if he was black than if he was white. Conversely, they more quickly decided *not* to shoot an unarmed white than an unarmed black. The results of the second study that examined the nature of errors were consistent with the first in terms of confirming a black-crime association. One type of error occurred when the subject shot a person holding a neutral object. When the male in the picture was unarmed, the subjects mistakenly shot him more often if he was black than if he was white. The other type of error was not shooting the person in the picture who held a gun. When the male in the picture was armed, the subjects mistakenly did not shoot him more often if he was white than if he was black. The researchers summarize their findings as follows: "Studies 1 and 2 provide evidence that the decision to shoot an armed target is made more quickly and more accurately if that target is African American than if he is White, whereas the decision not to shoot is made more quickly and more accurately if the target is White" (Correll et al., p. 1320).

Plant et al. (2005) found similar results using similar methods and subjects. College students were shown white or black faces with objects superimposed on them. The object was either a gun or neutral object, and the students were instructed to hit one

key for "shoot" if the object was a gun and another key for "don't shoot" if the object was neutral. The subjects' responses were consistent with the black-crime association.

Reducing the Race-Crime Association and/or its Impact on Behavior

The social psychologists conducting these studies have examined how to combat the automatic processes that reflect the black-crime association. Some of these researchers have explored how to promote behavior that can override the implicit black-crime association; other studies have tested whether the black-crime association can be weakened or eradicated. Some of these studies have explored the impact of intergroup contact on the manifestation of implicit bias, producing implications for its reduction.

Dovidio et al. (2000) describe the individuals who have contrasting *explicit* egalitarian beliefs and *implicit* black-crime associations. Indeed, a number of the researchers who have examined the impact of the black-crime association on perceptions and behavior have determined that even people who test as non-prejudiced (i.e., they have egalitarian beliefs) exhibit the black-crime implicit bias. As noted above, in the studies that test the subjects' *automatic* response to black-crime stimuli, the non-prejudiced people produce prejudiced responses (e.g., Devine, 1989).

Some studies, however, have shown that these automatic responses can be overridden by "controlled responses" – producing non-prejudiced behaviors – in certain circumstances. Controlled processes are, by definition, intentional ones. They include non-prejudiced behaviors that people can exhibit in rejection of their implicit or automatic biases. According to Dovidio et al. (2000), making a non-prejudiced person aware of his/her automatic biased response produces the motivation and ability to consciously override the automatic response with a controlled response that reflects one's egalitarian beliefs. Devine (1989), too, reports that promoting awareness of the automatic response allows and motivates the non-prejudiced person to implement counteractive forces that

reflects his/her personal (egalitarian) beliefs. As Devine explains (1989, p. 16): "Although stereotypes still exist and can influence the responses of both high- and low-prejudiced subjects, particularly when those responses are not subject to close conscious scrutiny, there are individuals who actively reject the negative stereotype and make efforts to respond in nonprejudiced ways."

Overriding the automatic implicit associations, however, requires active attention and thus *time* to recognize the implicit association and decide to act in a manner that reflects one's explicit, or conscious, egalitarian beliefs. The time-restricted shoot/don't shoot types of situations do not provide the time necessary to implement the controlled response (Greenwald et al., 2003). This fact highlights the importance of another line of research that tested whether the learned race-crime association can be unlearned.

In the study conducted by Plant et al. (2005), the researchers found support for the automatic association between Blacks and crime when they exposed college students to white and black faces upon which guns or neutral objects were superimposed. These researchers also wanted to see if they could eliminate the implicit bias through repeated exposures of the subjects to these pictures with the weapons *randomly* placed with the black and white faces. The researchers argued that unbiased responses might be produced if subjects – over repeated exposures – saw that group membership (white or black) did not improve their decision making. According to Plant et al. (2005, p. 143), "exposure to multiple decision trials where the race of the suspect is unrelated to the presence or absence of a gun could potentially eliminate biased responses for subsequent decisions."

To test this, the researchers looked at the error rates of the subjects, comparing the result to their early trials. Their expectations were confirmed by the finding that biased behavior was reduced during the second half of the trials. The researchers conducted two additional studies to assess: (1) whether the effect of reduced bias would

persist for 24 hours, and (2) whether the reduced bias seemed to be due to experience with the task ("practice") or to the random pairing of faces and objects ("unlearning" of the association). Plant and her colleagues found that the reduced bias exhibited after repeated random exposure to faces and weapons persisted after 24 hours. To determine this, they had the subjects in the first study return 24 hours later to complete the shoot/ don't shoot task. They supplemented the experimental group with a control group of students who, at time 1, completed a similar computer exercise that involved different stimuli (flowers, birds and insects as opposed to humans) and, at time 2 (24-hours later), completed the shoot/don't shoot exercise.

The third study attempted to determine whether the reduced bias during time 2 trials could be attributed to "practice" with the computer exercise or was due to "unlearning" the Black- crime association. As above, the "unlearning" was thought to be produced by the *random* pairing of black and white faces with guns and neutral objects; this random pairing is contrary to the black-crime association. For this study, they compared the time 1 and time 2 rates of error for two groups: one group saw random pairings of faces and objects, and the other group was exposed to pictures in which black faces were more frequently paired with guns and white faces were more frequently paired with neutral objects. The researchers found error reduction only in the first group. Plant et al. report (p. 150): "these findings indicate that it was not merely practice with the shoot/don't shoot program that eliminated the automatic race bias in the previous studies, but that it was likely the fact that race was unrelated to the presence of a gun."

Some of the studies examining how to control or reduce implicit biases have incorporated concepts from the intergroup contact hypothesis (see chapter by Leiber, this volume). According to this hypothesis, contact with groups other than your own can impact on levels of explicit and implicit bias (Allport, 1954; Pettigrew, 1997). Dovidio et al. (2000) describe the various mechanisms by which contact with other groups can

influence attitudes toward those groups. Through the "decategorization" mechanism, contact with members of other groups transforms the members into individuals as opposed to "group members." The interactions produce "more individualized perceptions of outgroup members and more personalized relationships." Two other mechanisms involve "recategorization." In one version of recategorization, the group boundaries are maintained, but the group is ascribed more positive characteristics through interaction with its members. In the second version of recategorization, the group boundaries are broken down such that the separate groups become one. The character of the contact is an important determinant of its impact and, in this regard, Sherif and Sherif (1969) report that "cooperative interaction" is the type most likely to reduce intergroup bias.

Research on Police

Several of the researchers conducting studies on implicit bias have commented on how the black-crime association might manifest in police work. Peruche and Plant (2006) suggest that officers' implicit biases might increase the scrutiny of blacks compared to others; it might lead to more searches of blacks than others. Officers might interpret ambiguous behavior on the part of blacks as more threatening or aggressive and might, in turn, respond in a more aggressive fashion. Payne commented on the implications of the findings of his shoot/don't shoot study for the real world of policing (2001, pp. 190-191):

> If the officer is like the average participant in our experiments, he or she will experience some degree of automatic bias when interacting with a Black suspect. That is, the officer will be more prone to respond as if a Black suspect is armed, compared to a White suspect. In situations where a Black suspect is actually armed, this bias will facilitate performance. The officer will be faster to respond, and less likely to make an error, compared to the case in which a White suspect is armed. However, in situations where a Black suspect is unarmed, the automatic bias may tragically interfere with performance.

It is noteworthy that most of the shoot/don't-shoot studies have been conducted on non-police subjects, despite the fact that, in reality, only police are legally authorized to make this decision in real life (Correll et al., 2002; Greenwald et al., 2003; Peruche and Plant, 2006; Plant and Peruche, 2005). Importantly, Plant and Peruche (2005) and Peruche and Plant (2006) have conducted shoot/don't-shoot studies using a sample of police officers as subjects. Forty-eight police officer subjects participated in a study using the methods described above involving black or white faces with guns or neutral objects superimposed on them. Officers were instructed to "shoot" or "not shoot" depending on whether a gun or neutral object appeared. The results of the police officers matched those of the lay subjects; they were consistent with stereotypes of blacks as violent criminals. Officer subjects were more likely to erroneously shoot an unarmed suspect when he was black and more likely *not* to shoot an armed suspect if he was white. Next, replicating their study referenced above (Plant et al., 2005) that used college students as subjects, Peruche and Plant determined that the officer subjects manifested reduced bias during the second half of the trials compared to the first. The officers completed several surveys that allowed the researchers to assess factors that were linked to the initial bias (first set of trials). The officers reported their years of experience and the number of hours of diversity training they had received, and they completed surveys measuring their attitudes toward blacks (the instrument was developed by Brigham, 1993), their beliefs about race and criminality, and – reflecting the intergroup contact hypothesis – the level and quality (positive or negative) of their work and personal contacts with blacks.

With regard to the relationships among the attitudinal and contact variables, the researchers found that officers with positive experiences with black people in their personal lives had more positive attitudes toward blacks and more "positive beliefs" about blacks and crime (i.e., they did not think black suspects were more dangerous).

Conversely, more negative personal and work contacts were linked to negative attitudes about blacks; the negative work contacts also correlated with negative attitudes about blacks and crime. (The causal directions of these associations are unknown. The negative contacts might produce the negative attitudes or the negative attitudes might lead to negative interactions.)

In terms of the bias manifested in the initial trials, the results showed that the officers who had negative attitudes toward blacks and the ones who thought black suspects were more dangerous were more likely to shoot the black suspects and not shoot the white suspects. Years of experience had a "marginally significant effect" in terms of predicting initial bias; more years of experience predicted less initial bias. The researchers found no relationship between hours of diversity training and either explicit attitudes or the level of bias manifested in the computer exercise.

THE LAW ENFORCEMENT RESPONSE TO UNCONSCIOUS RACIAL BIAS

An understanding that biased policing could be caused by implicit associations in well-meaning officers has implications for the incentive on the part of police leaders to implement change efforts, as well as the substance of those interventions. This conceptualization can *promote* change because conceiving of biased policing as caused in part by widespread human biases, not just intentional discrimination, can reduce police defensiveness. Police leaders are more likely to initiate change if both they and their constituencies understand that: (1) even the best police officers, because they *are* human, might engage in biased policing; and, (2) even the best police agencies, because they *hire* humans, will have biased decisions made by their personnel. Line personnel and supervisors are more likely to accept the fact that they have human biases that may lead to unintentional discrimination while they are less likely to accept that they intentionally discriminate.

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The broader conceptualization of the cause of racially biased policing also guides the direction of change within agencies. A different package of remedies is implied depending on whether one focuses on ill-intentioned people practicing intentional discrimination or well-meaning humans with unintentional biases. The first group likely manifests other problem behaviors as well, and these employees are a great challenge to executives. Policy and training are not likely to impact on these officers; for the most part, their actions are already contrary to the existing policies of the agency and the training they have received. The greatest hopes for changing the behavior of these practitioners are close and effective supervision, an early warning system to identify problem officers, and accountability through discipline or dismissal (see below).

With a focus on the human biases of well-meaning people, an agency needs to: (1) hire a diverse workforce comprising people who can police in a race-neutral fashion; (2) use training to promote employees' controlled responses to override automatic associations and structure firearms simulations to facilitate "unlearning" of the black-crime association; (3) set forth policy to ensure that personnel understand when it is and is not appropriate to use race/ethnicity to make law enforcement decisions; (4) train first-line supervisors so they can detect and respond effectively to biased behavior on the part of their supervisees; and, (5) implement a style of policing that promotes positive interactions between police officers and their diverse constituencies.

Hiring

Recruiting and hiring practices have the potential to reduce racially biased policing in two basic ways: (1) hiring to produce a police workforce that is diverse in terms of race/ethnicity, and (2) hiring officers who can police in an unbiased manner. There are a number of reasons an agency would want to hire a diverse workforce.

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First, a diverse workforce can convey a sense of equity to the public, especially to minority communities. Second, it increases the probability that, as a whole, the agency will be able to understand the perspectives of its racial minorities and communicate effectively with them. Third, it increases the likelihood that officers will come to better understand and respect various racial and cultural perspectives through their daily *interactions with one another* (Fridell and Scott, 2005). This third reason for a diverse workforce reflects the intergroup contact hypothesis, reported above. It is consistent with findings that positive contact with people in other groups reduces bias against those groups.

Another aspect of hiring that pertains to racially biased policing is screening for people who can police in an unbiased manner. Although the race-crime implicit association is widespread, studies indicate that people who have explicit egalitarian beliefs can produce non-prejudiced behavior by overriding automatic associations with controlled responses. This would affirm the (obvious) desire to hire officers who do not have explicit prejudices against racial/ethnic groups. Findings that people who have had positive contacts with people in other groups exhibit less explicit and implicit bias are relevant here as well. Police agencies should consider in the screening process the extent to which each applicant has interacted positively – in social, employment, or other settings – with racial and ethnic groups not his/her own.

The background investigations can be used to help identify who among the applicants appears to be unprejudiced and has had positive experiences with diverse groups. Background investigators in all agencies interview numerous people who know the police applicants, asking many questions about the applicants' experiences, attitudes and behaviors. Questions should be (and often are) incorporated to find out whether the applicant has exhibited racial/ethnic prejudices. Additionally, background investigators should determine the extent to which the applicant has had experience interacting with

members of other races/ethnicities and cultures (i.e., in work and social settings) and the quality of those interactions.

Training

Training, particularly academy training for new officers, can play a critical role in reducing racially biased policing. There are no national surveys regarding the content of academy training on this topic. Anecdotally, we find that many agencies across the country identify the following as the content associated with their academy or in-service "racial profiling" or "bias-based policing" training: (1) traditional diversity training (i.e., conveying to officers how to most effectively interact with people of varying races, ethnicities, traditions), (2) highlighting Fourth Amendment restrictions on police practices, and (3) professional traffic stop training.

The conceptualization of racially biased policing presented in this chapter and the research findings supporting it imply the need for training that goes beyond these necessary, but arguably insufficient, topics. A department that acknowledges the potential impact of implicit bias on police behavior would want training that promotes officers' use of controlled responses to override automatic ones and that facilitates the "unlearning" of the black-crime association that might impact on split-second decisions.

To promote the use of controlled responses to override automatic ones, departments should provide training that makes academy trainees aware of their unconscious biases so that they are able and motivated to activate controlled responses to counteract them. The Chicago Police Department has an innovative curriculum that helps the recruits see how their biases and stereotypes (pertaining to gender, race/ethnicity, sexual orientation, and other characteristics) impact their perceptions and behavior and result in unjust, ineffective and unsafe policing. In compelling role-playing exercises, the recruits consistently respond to the calls for service based on their biases

and stereotypes. Their stereotype-consistent behavior results in unsafe tactics, ineffective investigations and unjust arrests that include the following: the "woman with a gun" is not frisked, the sex crime committed by a female against a male is not uncovered, the law-abiding young men of color on the corner are arrested. In the debriefings the recruits realize, and are dismayed by, how their biases led them to faulty police decisions.

The Chicago Police Department exercises convey two messages: (a) well-meaning people (including the recruits themselves) have biases that impact what they perceive and do; and (b) action based on biases/stereotypes produces unsafe, ineffective, and unjust policing. The former message might be reinforced or supplemented with computer, role-play or other exercises that helps the recruit recognize his/her own implicit biases and provides the recruit with tools for counteracting those automatic responses with controlled ones.

The recruits should be challenged to identify the key police decisions that are at greatest risk of manifesting bias. In fact, while the key messages of this training might be included in a single session, the most effective curriculum would have these concepts infused throughout the academy curriculum. Officers should – in learning about traffic stops, consent searches, reasonable suspicion to frisk, and other procedures – reflect on the potential impact of implicit bias on their perceptions and behavior.

The training described above seeks, not to rid the recruits of their biases, but rather to make these future police officers conscious of their unconscious biases. The research reported above has shown, however, that overriding automatic biases with controlled responses requires time for this adjustment. The "split second decisions" to shoot or not shoot often do not provide for this moment of bias recognition and adjustment. While the research is still very preliminary, the work of Plant et al. (2005) using lay subjects and Peruche and Plant (2006) using police subjects is instructive.

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The recruits should be challenged to identify the key police decisions that are at greatest risk of manifesting bias. In fact, while the key messages of this training might be included in a single session, the most effective curriculum would have these concepts infused throughout the academy curriculum. Officers should – in learning about traffic stops, consent searches, reasonable suspicion to frisk, and other procedures – reflect on the potential impact of implicit bias on their perceptions and behavior.

The training described above seeks, not to rid the recruits of their biases, but rather to make these future police officers conscious of their unconscious biases. The research reported above has shown, however, that overriding automatic biases with controlled responses requires time for this adjustment. The "split second decisions" to shoot or not shoot often do not provide for this moment of bias recognition and adjustment. While the research is still very preliminary, the work of Plant et al. (2005) using lay subjects and Peruche and Plant (2006) using police subjects is instructive.

Their findings that random pairings of black and white faces with weapons and neutral objects can lead to a reduction in biased behavior could have implications for firearms training. State of the art training on firearms uses simulation exercises for purposes of training in decision making as well as marksmanship (Fridell, 2005). Computer simulators, "marking cartridges" exercises with human opponents (that is, using weapons loaded with, for instance, paint ball ammunition), and live exercises featuring pseudo-targets on the firing range are all popular teaching methods. These methods simulate as closely as possible the interactions officers can have with subjects. The preliminary research on reducing the black-crime implicit association highlights the importance of *random* pairings of suspect race with degree of threat in these simulations (Plant et al., 2005).

Policy

Training officers to reduce the link between race and crime or to promote their recognition of biases so that they can inhibit them when they act, is critically important, but insufficient for promoting fair and impartial policing. The officers need to know under what circumstances the consideration of race/ethnicity in making a law enforcement decision is legally appropriate versus inappropriately discriminatory. Reasonable minds differ on this distinction.

Racially biased policing occurs when law enforcement officers are inappropriately influenced by race, ethnicity, or nationality in deciding with whom or how to intervene in an enforcement capacity (Fridell et al., 2001): agency executives need to articulate in agency policy what is "appropriate" and "inappropriate." Executives shouldn't assume that all of their personnel use race/ethnicity in the same way, and should be concerned that their use may be broader than the executive (and the agency's constituencies) believes is just. In focus groups held around the country (Fridell et al., 2001), it became

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clear that practitioners at all levels – line officers, command staff and executives – have very different perceptions regarding the circumstances in which officers can consider race/ethnicity. Participants discussed when officers can use race/ethnicity as one factor in the "totality of the circumstances" to establish reasonable suspicion or probable cause. There were many differences of opinion among line officers and command staff, *even within agencies*, on this point.

It is important that these policies reflect *meaningful definitions* of what constitutes racially biased policing. While empirical support is lacking, anecdotally it appears that one policy model that is arguably meaning*less* predominates nationwide. These policies are distinguished by the use of the words "sole" or "solely," such as in "the race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause ... in or constituting a reasonable and articulable suspicion" (Connecticut Public Act No. 99-198). These policies come close to defining the problem out of existence by indicating that an officer has engaged in racial profiling *only* when the single factor race/ethnicity is used to make a police decision. Such policies do not encompass many uses of race/ethnicity that most police and stakeholders alike would consider inappropriate. For instance, this definition in a policy would not prohibit an officer from making decisions based on two factors like race/ethnicity and gender (e.g., pulling over male drivers of Arab descent *because* they are males of Arab descent) or race and place (e.g., pulling over blacks in white neighborhoods *because* they are blacks in white neighborhoods). These "solely" policies not only lack meaningful guidance, they are detrimental to efforts to promote fair and impartial policing because they define the problem so narrowly that officers can decide that they are not committing the prohibited act and thereby separate themselves from the issue altogether.

The policies that provide more meaningful guidance reflect some significant differences of opinion as to when it is and is not "appropriate" to consider race or

ethnicity. Two models that have been adopted by agencies are the "suspect-specific" model and the one set forth in a 2001 report of the Police Executive Research Forum (PERF) (Fridell et al., 2001; hereafter the "PERF report policy").[1] Both of these policies attempt to distinguish between the appropriate, or legally relevant, use of race/ethnicity in making decisions and the inappropriate use of race/ethnicity—when that usage is based on stereotypes and/or biases.

The suspect-specific model is more restrictive than the PERF report model: that is, it sets forth fewer circumstances when race/ethnicity can be used. The suspect-specific policies generally read as follows: 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. The key to this model is that the set of identifiers – which includes reference to race/ethnicity – must be linked to a particular suspect who is being sought for a particular crime. Thus, if reliable witnesses describe a suspect in an ATM robbery as 5'10", black, lean, short-haired and wearing a red sweatshirt, "black" can be used along with the other information and with other evidence in developing reasonable suspicion to detain or probable cause to arrest.

The PERF report policy encompasses the suspect-specific provision, but allows for additional uses of race/ethnicity beyond the circumstances involving a "specific suspect" and a "specific crime." It reads: "Officers shall not consider race/ethnicity to establish reasonable suspicion or probable cause except that officers may take into account the reported race/ethnicity of a potential suspect(s) based on trustworthy, locally-relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s)" (Fridell et al., 2001, 52). This provision disallows the use of race/ethnicity as a general indicator for or predictor of criminal behavior; it disallows

the use of racial or ethnic stereotypes in making law enforcement decisions. It allows for the use of race/ethnicity when trustworthy local intelligence transforms those demographics into legally relevant descriptors.

A meaningful policy in the standard operating procedures of an agency – such as the two models described above is a necessary, but, again, not sufficient, accomplishment. It is also critically important for the agency to ensure that its personnel know and act in accordance with its content. All policy models require effective dissemination: some of the models (because they are complicated) require training to ensure that officers understand how to implement them. All require appropriately selected, well-trained supervisors to promote adherence to them.

Supervision

Sergeants, lieutenants, and captains wield the most powerful influence over the day-to-day activities, attitudes, and behaviors of street personnel. These supervisors should be selected based on criteria that promote the likelihood that they are able to reflect on their own biases, strong role models, and effective managers of people. The first-line supervisor has the responsibility to spot-check officer performance in a variety of circumstances, observing the style of verbal communication and quality of discretionary decision making and enforcement action. The supervisor must be alert to any pattern or practice of possible discriminatory treatment by individual officers or squads (through observation, information from fellow officers, or close review of complaints) and be willing and able to take appropriate action in response to inappropriate behavior (Fridell and Scott, 2005).

Supervisors need to be trained in how to identify officers who may be acting in a racially biased manner – including those well-meaning officers whose biased behavior may not be consciously produced. Supervisors should be challenged to think about how the implicit Black-crime association might manifest in their supervisees. As above,

implicit racial bias might impact on any number of police decisions, including whom the officer stops for a traffic violation, from whom he requests consent to search, on whose license plate he runs a record check, of whom he asks "do you own this car?"

Supervisors also need guidance in how they should respond to officers who exhibit biased policing behaviors. Not only is biased behavior very difficult to prove through the traditional complaint review system, but, for the officers whose biased behavior is not intentional/malicious, "disciplinary" action would be inappropriate. Since, in many instances, there will only be "indications" and not "proof," it will be important to determine when and how supervisors can intervene to stop/prevent what appears to be inappropriate conduct while keeping in mind the ambiguous nature of the evidence as well as the sensitive nature of the issue.

Style of Policing

The research that supports the intergroup contact hypothesis has implications for the style of policing used by an agency. Peruche and Plant (2006) identified an inverse relationship between manifestations of bias on the part of police in laboratory settings and positive work and social interactions with diverse groups of people. Community policing promotes interaction with residents beyond the enforcement functions of the agency. One important principle of community policing is the long-term assignment of police personnel to geographic areas so that they can develop a comprehensive knowledge of those areas. Knowing many citizens by face and name improves officers' abilities to differentiate between suspicious and non-suspicious people on a basis other than race; getting to know the community's law-abiding citizens helps police overcome stereotypes based on characteristics such as race. The finding that *cooperative interaction* is the most potent form of contact for purposes of reducing bias highlights the

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potential value of problem-oriented policing wherein police and residents join together to identify and solve problems that produce crime and disorder.

CONCLUSIONS

Chief John Timoney (2004) of the Miami Police Department acknowledges that, "race is a factor in policing." That statement prompts the question: *How* is race a factor in policing? What are the mechanisms at work and how do they manifest in police behavior? What are the implications of those mechanisms and manifestations for police reform efforts? While much of the attention has been focused on officers who might intentionally discriminate against people of color, arguably too little attention has been paid to another source of police racial bias: unconscious, automatic implicit associations between race and crime. The NYPD officers who killed Amadou Diallo proclaimed that race was not a factor that affected their perceptions and response. Maybe race wasn't a factor in this incident; or maybe it *was* a factor – one that impacted perceptions and behavior below consciousness during the split-second period that the police had to decide to shoot or not.

Social psychological research has consistently confirmed the existence of black-crime stereotypes that can operate implicitly, even in people who explicitly hold egalitarian, non-prejudiced views. The good news is that, if people are made aware of these automatic responses, they can override them with controlled responses producing non-prejudiced behavior. Further, some preliminary research indicates that the learned black-crime association can be "unlearned" through repeated random pairings of race and threat. This important information can and should guide how law enforcement agencies respond to the issue of racially biased policing. Agencies need to respond to their "bad apples" who overtly, intentionally discriminate against people of color in the course of their work. They need to respond as well to the well-meaning officers who, like humans in every profession, are vulnerable to perceptions and behaviors consistent with

the black-crime association. An understanding of this phenomenon can guide agencies in deciding whom to hire, in developing training for recruits and supervisors and for firearms simulations, in providing guidance through policy on the "appropriate" use of race/ethnicity in making law enforcement decisions, and in deciding how to police the community in a manner that can reduce stereotypes and biases on the part of both police and community.

While the studies conducted to date give constructive direction to police reform efforts, additional research is needed. Most of the social psychological research on the race-crime association has used white college students as subjects and black people as the stereotype-promoting stimuli. Future research should broaden the subject pool to include other people of color and individuals from outside the college setting. More research should use police as subjects. Research should go beyond the focus on the black-crime association, to explore automatic associations between, for instance, Hispanics and crime and people of Arab descent and crime. Building upon the work described here, studies should continue to explore the mechanisms by which individuals can overcome or weaken the race-crime association.

The issue of racially biased policing is hardly new. It has a long history and has produced tensions between police and the diverse communities they serve; it has produced very destructive and violent civil unrest. The law enforcement profession has made tremendous advances in recent decades in many realms and the prospect for continued reform to address bias in policing is great. In fact, the research-guided efforts implemented by the police profession may ultimately serve as a model for the other professions who hire humans.

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[1] The Police Executive Research Forum, or "PERF," is a non-profit agency dedicated to the improvement of U.S. law enforcement. See www.policeforum.org for more information.

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