Assessing the racial aspects of police force using the implicit- and counter-bias perspectives

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ABSTRACT

Purpose: The events in Ferguson in August 2014 reignited the longstanding national discussion of race and the police use of force. Recent theory and research from those who study human biases have produced contradictory predictions about how a subject's race might impact on officers' decisions to use force. The "implicit-bias perspective" claims that officer's biases should produce a greater tendency to use force against Black subjects; the "counter bias" perspective predicts lesser force against Blacks, due to officers' concerns about the consequences of using force against racial/ethnic minorities. The implicit-bias perspective also predicts a moderating impact of neighborhood context; specifically, this perspective predicts that the use of greater force against racial/ethnic minorities will *disappear* in high crime neighborhoods.
Methods: The current study examined 1846 use-of-force incidents to determine whether the racial aspects of force are consistent with the implicit-bias or counter-bias perspectives.
Results: Selected results were consistent with the implicit-bias perspective, including the predicted moderating impact of neighborhood crime on the relationship between subject race and force.
Conclusions: Additional research should assess whether actual uses of force are consistent with the implicit-bias or counter-bias perspectives but, it is argued, the implications for training are the same for both.

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Introduction

There is considerable empirical evidence that police intervene disproportionately with Black subjects. Two major explanations for this phenomenon are that this level of intervention is (1) justified by the greater involvement of Blacks in criminal activity and in resisting police, and (2) explained by police bias. Regarding the second explanation, the theory of "implicit bias" has received increasing attention in recent years and found support in voluminous empirical research (for an overview, see Staats, 2013 and Staats, 2014). Pursuant to this theory, we link people we do not know to the characteristics or "stereotypes" associated with their group(s) (groups based on e.g., race, gender, body type). These linkages or associations can impact how we perceive the individuals and can impact on our behavior; this can occur outside of conscious awareness. Most relevant to this current study are the consistent findings from laboratory studies that there is a Black-crime implicit bias, whereby we link Blacks to crime and violence (Correll, Park, Judd, & Wittenbrink, 2007a; Correll et al., 2007b; Eberhardt, Purdie, Goff, & Davies, 2004; Peruche & Plant, 2006). In police, a Black-crime implicit bias could mean that Black subjects are seen as a greater threat and thus might be more likely to receive force or to receive greater force.

Recent research, however, calls into question whether the Black-crime implicit bias is producing in police more or greater use of force against Black subjects. The "counter-bias" perspective produced from research by James and team (James, Vila, & Daratha, 2013; James, Klinger, & Vila, 2014; James, Vila, & James, 2015) posits that the human biases that police have—including the Black-crime implicit bias—may be overcome by a counter bias. This counter bias would produce *less* force against Blacks compared to, for instance, Caucasians, because of police fears of the consequences of using force, especially deadly force, against Black subjects. Officers might fear departmental sanctions, prosecution and jail/prison time, and national media attention, and might even fear physical threats to him/herself and family.

One purpose of this research is to see if field data on use of force by police are consistent with the implicit-bias perspective or the counter-bias perspective. If the implicit-bias perspective is supported, a second purpose will be to test whether and how neighborhood context impacts on this relationship. Implicit bias theory and some preliminary research posit that the impact of implicit bias on police use of force (that, as above, would produce overuse of force against Blacks) should disappear in some neighborhoods due to another psychological concept, "the negativity bias." Specifically, laboratory research by Correll and colleagues (Correll, Wittenbrink, Park, Judd, & Goyle, 2011) indicates that the relationship between subject's race and use or level of force disappears in high crime neighborhoods. This finding of a *moderating* impact of

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neighborhood crime on the relationship between subject race's and use of force is contrary to the previous research in the field—conducted by Terrill and Reisig (2003)—that identified a *mediating* relationship.

The current study is responsive to calls to see if field research is consistent with the implicit-bias or counter-bias theories and the support each has received in laboratory settings (Dasgupta & Stout, 2012; Smith & Alpert, 2007; James et al., 2014). The current study answers these calls by examining whether analyses of actual incidents of use of force produce results that are consistent with the theory of implicit bias or theory of counter bias and, if the implicit bias theory is supported, whether the field data provide support for a *moderating* impact of neighborhood crime. These questions are addressed using data from 1846 use-of-force reports submitted by officers during a 4-year period in a large urban agency. This study is not meant to be a critical test of the various theories, but rather is designed to use empirical data to bring these recent research developments to the study and discussion of use of force and police bias. This represents a preliminary study that can stimulate continued and more advanced analyses to help us understand the various psychological and sociological factors that might impact on whether and how officers' use of force might be impacted by the subject's race. The current study brings theory and research to bear on this important, national topic and identifies future research needs and policy implications.

The need for this advanced understanding of the racial aspects of use of force is much more than an academic exercise. The longstanding national discussion of whether police are racially biased in their use of force was re-ignited by the use of force and community response to it in Ferguson, MO in August 2014. Many members of the racial/ethnicity minority community perceived bias in the application of force by Darren Wilson against Michael Brown and their protests, sometimes violent, reflected concerns about the treatment of racial ethnic minorities by police and the criminal justice system more broadly. Subsequent officer-involved shootings and other incidents involving racial/ethnic minority community members—such as those in New York City (NY), Madison (AL), Gardena (CA), Cincinnati (OH), Prairie View (TX), McKinney (TX), Baltimore (MD), North Charleston (SC), Pasco (WA), Cleveland (OH) and Chicago (IL)—has kept the discussion at the forefront. Responses to this national discussion included the President's development of a Task Force on Twenty-First Century Policing, calls across the nation for increased police accountability at the local level (with special attention to the adoption of body-worn cameras), and state-legislative action designed to improve police-community relationships and enhance police accountability (Leib, 2015).

Literature review

It is well documented that police intervene disproportionately with racial/ethnic minority individuals (see e.g., Walker, Spohn, & DeLone, 2012). Studies have confirmed, for instance, the disproportionate representation of minorities among subjects who are arrested or ticketed (e.g., Kochel, Wilson, & Mastrofski, 2011; Langton & Durose, 2013), searched (e.g., Eith & Durose, 2011; Engel & Johnson, 2006; Gelman, Fagan, & Kiss, 2007; Higgins, Jennings, Jordan, & Gabbidon, 2011; Higgins, Vito, & Walsh, 2008; Langton & Durose, 2013), stopped as pedestrians or drivers (e.g., Engel, Calnon, & Bernard, 2002; Gelman et al., 2007; Lange, Johnson, & Voas, 2005; Langton & Durose, 2013; Lundman & Kaufman, 2003), or otherwise surveilled (Meehan & Ponder, 2002). This disproportionate intervention with minorities has also been documented with regard to police use of force (e.g., Eith & Durose, 2011; Engle & Calnon, 2004; Smith, 1986; Terrill & Mastrofski, 2002).

The section below provides an overview of the empirical literature on police use of force including racial disparities in the use of force. Then the various explanations for that disparity are introduced, including the implicit bias perspective.

Police use of force

Research on police use of force before the 1960s was minimal—focusing on technical specifications for weapons, training and law. Robin's (1963) study of 32 cases of justifiable homicide by police in Philadelphia between 1950 and 1960 was the first study to receive national attention. Since Robin conducted his study, there has been considerable research looking at the police use of force. This research has examined force within various levels: individual, situational, and organizational/community. At the individual level, research has focused on various characteristics of officers including race (e.g., Garner, Maxwell, & Heraux, 2002; Gau, Mosher, & Travis, 2010), gender (e.g., Bazley, Lersch, & Mieczkowski, 2007; Garner & Maxwell, 2000), age (e.g., Garner et al., 2002), experience (e.g., Terrill & Mastrofski, 2002; Paoline & Terrill, 2007), attitudes (e.g., Friedrich, 1980; Worden, 1995), education (e.g., Paoline & Terrill, 2007), and training (e.g., Lee, Jang, Yun, Lim, & Tushaus, 2010; Lim & Lee, 2015).

Research on situational factors has focused on subject characteristics such as race (e.g., Best & Quigley, 2003; Chevigny, 1990; Engel, Sobol, & Worden, 2000; Klinger, 2009), gender (Garner et al., 2002; Terrill & Mastrofski, 2002), social status (e.g., Birbeck & Gabaldon, 1998), mental health (e.g., Best & Quigley, 2003), and demeanor (Garner et al., 2002; Terrill & Mastrofski, 2002). Situational-level research has also focused on characteristics such as the nature/seriousness of precipitating offense (McLaughlin, 1992; White, 2002), subject resistance (Bazley et al., 2007; Klinger, 2009; Lee et al., 2010; Lim & Lee, 2015), and number of officer and bystanders on scene (Best & Quigley, 2003; Lawton, 2007; Terrill, Paoline, & Manning, 2003; Lim & Lee, 2015), to name a few.

Most relevant to this study is the previous research on subject race. Much of the early research focused on the proportion of police force opponents who were Black, relative to their representation in the residential population (Blumberg, 1983; Fyfe, 1978, 1981, 1982; Milton, Halleck, Lardner, & Albrecht, 1977). With a bit more sophistication, some researchers compared the proportion of racial/ethnic minority force subjects to the proportion of crimes or violent crimes committed by those minorities, to evaluate the argument that minorities were more often the subjects of police force because they were more often the subjects in police interactions with criminals or violent criminals (e.g., Binder, Scharf, & Galvin, 1982; Blumberg, 1983; Harding & Fahey, 1973; Milton et al., 1977). Meyer (1980); Fyfe (1981), and Blumberg (1983) advanced these methods by looking at subject race and force, controlling for the behavior of subjects.

The modern, more sophisticated multivariate research has produced mixed findings. Engel et al. (2000) and Klinger (2009) found no impact of subject race on police use of force. Garner et al. (2002) found that the positive relationship between suspect race as Black and whether officers used force disappeared when they controlled for suspect resistance. In contrast, Smith (1986); Terrill and Mastrofski (2002), and Worden (1995) found that police were more likely to use force or more force against minorities, even when the appropriate variables are controlled. (See also Gau et al., 2010.)

Use of force research has also focused on the impact of organizational variables such as methods of accountability (Matulia, 1982) and policy (Uelman, 1973; Waegel, 1984), as well as community or neighborhood characteristics (Best & Quigley, 2003; Chevigny, 1990; Lee et al., 2010; Smith, 1986; Terrill & Reisig, 2003). Regarding the latter, the research most relevant to the current study has looked at whether the relationship between subject race and police use of force is impacted by neighborhood crime rates. As a preview of the more in-depth coverage below, the field research (Terrill & Reisig, 2003) has identified a mediating impact of neighborhood crime on the subject-race effect; that is, researchers such as Terrill & Reisig, 2003, report that the disproportionate use of force against racial/ethnic minorities is a result, not of their race, but of their presence in high crime areas.