

## **This Is Not Your Grandparents' Prejudice: The Implications of the Modern Science of Bias for Police Training**

BY LORIE FRIDELL

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On August 12<sup>th</sup> District Court Judge Shira A. Scheindlin, held that the stop and frisk practices of the New York City Police Department (NYPD) violated Constitutional rights (*Floyd v. City of New York*). In reflecting on a key concern in the case--the targeting of racial/ethnic minorities—Judge Scheindlin wrote, “Unconscious bias could help explain the otherwise puzzling fact that NYPD officers check ‘Furtive Movements’ in 48% of the stops of blacks and 45% of the stops of Hispanics, but only 40% of the stops of whites. There is no evidence that black people’s movements are objectively more furtive than the movements of white people” (p. 45).

Judge Scheindlin’s reference to “unconscious bias” reflects our expanded scientific understanding of how bias and prejudice manifests in our society. Early researchers on the psychology of bias reported that prejudice was based on animus toward groups and that a person with prejudice was aware of it (see, in particular, Allport 1954/1979). Bias with these characteristics is now known as “explicit bias”; racism is an example. More recent research on this topic provides us with a fuller understanding of how prejudice is manifested. Social psychologists report that bias has changed in our society. As one scientist proclaimed, “Modern prejudice is not your grandparents’ prejudice” (Fiske, 2008: 14). What these scientists have determined—through voluminous research on this topic—is that bias today is less likely to manifest as explicit bias and more likely to manifest as “implicit” (or “unconscious”) bias. Social psychologists have shown that implicit bias can impact what people perceive and do. It works below consciousness and manifests even in people who consciously hold nonprejudiced attitudes (for reviews, see Greenwald and Krieger, 2006; Hardin and Banaji, 2013).

Bias starts with our automatic tendency to categorize individuals. We categorize individuals and objects to make sense of the world, which includes categorizing people we don’t know according to group membership (Allport 1954/1979; Billig, 1985). We then attribute to these individuals the stereotypes associated with their group. This does not require animus; it requires only *knowledge* of the stereotype (Devine, 1989; Blair and Banaji, 1996). Implicit bias, like explicit bias, can produce discriminatory actions (e.g., Bertrand and Mullainathan, 2004).

Research has examined implicit biases linked to ethnicity and race (e.g., Bertrand and Mullainathan, 2004), gender (e.g., Axelson et al., 2010), social class (e.g., Haider et al., 2011), sexual orientation (e.g., Oberle et al., 2011), religion (e.g., French et al., 2013), body shape (e.g., Schwartz et al., 2006), and age (e.g., Gross and Hardin, 2007). It has examined the manifestations of bias among members of various professional groups, such as doctors (e.g., Stone and Moskowitz, 2011), other health professionals (e.g., Schwartz et al., 2003), medical students (e.g., Haider et al., 2011), educators (e.g., Axelson et al., 2010), prosecutors (e.g., Smith and Levinson, 2012), and law enforcement (e.g., for a review, see Fridell, 2008).

In policing, implicit bias might lead the line officer to automatically perceive crime in the making when she 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. Moving beyond racial and ethnic biases, implicit bias might lead an officer to be consistently “over vigilant” with males and low income individuals and “under vigilant” with female subjects or people of means. Where there is a crash with two different versions of what happened, implicit bias might lead the officer to believe the Caucasian man in the white shirt and tie driving the BMW as opposed to the Hispanic man in jeans and a pick-up truck.

### Remedies: Reducing and Managing Biases

So the bad news is that prejudice remains widespread (Nosek et al., 2007) and manifests below consciousness, even in those of us who eschew, at a conscious level, prejudices and stereotypes. The good news comes from the large body of research that has identified how individuals can reduce their implicit biases or, at least, ensure that their implicit biases do not affect their behavior (for reviews, see Oskamp, 2000; Monteith et al., 2010). Scientists have shown that implicit biases can be reduced through positive contact with stereotyped groups (e.g., for a review, see Pettigrew and Tropp, 2005) and through counter-stereotyping, whereby individuals are exposed to information that is the opposite of the cultural stereotypes about the group (e.g., Kawakami et al., 2005, 2009). The former mechanism provides further justification for community policing methods, such as permanent assignments and positive police interactions and partnerships with the diverse individuals within a community. The latter mechanism provides the theoretical rationale for use-of-force role-play training (including computer simulations) that randomly pairs the demographics of subjects to scenarios that do and do not result in threat or danger to officers (see Correll et al., 2007). In addition, taking the perspective of the stigmatized other has been shown to reduce (both explicit and implicit) biases, at least temporarily (e.g., Galinsky and Moskowitz 2000).

Another set of remedies doesn't require that we rid ourselves of the implicit biases that took a lifetime to develop. The social psychologists have shown that, with information and motivation, people can implement “controlled” (unbiased) behavioral responses that override automatic (discrimination-promoting) associations and biases (see e.g., Monteith, 1991; Devine, et al., 2012).

### Science-Based Training for Police

Around the country, traditional racial-profiling training programs have not been based on science and have reflected outdated understandings about prejudice. Many such training programs have conveyed the message, “stop being prejudiced,” with an emphasis on reducing animus toward stereotyped groups. From the science, we now know that this message is ill-suited for most individuals in modern society, including most individuals in policing, who may not have explicit prejudices. Further and more important, individuals receiving such messages can be offended—producing a backlash against these efforts.

In setting forth the “remedies” for NYPD, Judge Scheindlin suggested something different from the traditional training for biased policing; she wrote that “it may ... be appropriate to conduct training for officers on the effect of unconscious racial bias” (Floyd v. City of New York, p. 17). The Fair and Impartial Policing (FIP) training program applies the modern science of bias to policing; it trains officers on the effect

of unconscious bias and gives them the information and skills they need to reduce and manage their biases (see Gove, 2011; Fridell, 2010; Laszlo and Fridell, 2012).

There are five FIP curricula; three of which were developed pursuant to cooperative agreements with the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office).<sup>1</sup> The five curricula that address biases based on gender, sexual orientation, religion, socio-economic status, and so forth are customized for these audiences:

- Academy recruits and/or in-service patrol officers
- First-line supervisors
- Mid-level managers
- Command-level personnel (or command personnel and community leaders)
- Law enforcement trainers

They were developed with the help of an expert curriculum designer, Anna Laszlo, and a Curriculum Design Team (CDT), comprising police executives, first-line supervisors, officers, community stakeholders and academic experts on biased policing. In addition, CDT members included some of the top social psychologists from across the nation who conduct the research on human biases.

The FIP perspective is not only based in research evidence and more accurate in terms of conveying how biased behavior is produced, but it also can reduce police defensiveness. Many FIP attendees walk into the room at the start of training somewhere between defensive and hostile; they walk out at the end of training with a new way of thinking about bias in policing and with the motivation and skills to promote fair and impartial policing. Session evaluations are overwhelmingly positive.

Evidence-based policing is not just about implementing better informed and tested crime control approaches, but also about how to effectively achieve fair and impartial policing. Developing training to control implicit bias that is based in rigorous science, and not conjecture or personal beliefs, is especially important to this long-standing concern of law enforcement and community stakeholders. And it appears practice is headed in the right direction. Several states are moving toward statewide adoption of the FIP curricula, including Kansas, Rhode Island, Wisconsin, and South Carolina.

The Special Litigation Unit (SLU) of the U. S. Department of Justice, which investigates agencies that are suspected of engaging in unconstitutional practices, including biased policing, is promoting training that addresses how implicit biases affect even well-meaning officers. The COPS Office, which has invested \$1 million in the FIP initiative, is supporting train-the-trainer sessions across the nation and bringing FIP training to agencies at risk for SLU investigations with the hopes that those agencies can get on track to produce fair and impartial policing and avoid SLU intervention.

*More information about the Fair and Impartial Policing Training can be obtained from [www.fairandimpartialpolicing.com](http://www.fairandimpartialpolicing.com).*

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<sup>1</sup> 2007-CK-WX-K004, 2010-CK-WX-K015, 2012-CK-WX-K018

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