



Implicit Bias versus the “Ferguson Effect”

Psychosocial Factors Impacting Officers’ Decisions to Use Deadly Force

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A key issue facing the police profession today is the allegation of racial bias in the use of force. This longstanding issue was placed in the forefront with the events in Ferguson, Missouri, in August 2014, and the concern on the part of many community members has been reinforced and bolstered through the accumulating effect of media coverage of police shooting incidents throughout the year that followed. This debate occurs as the police profession, other professions, and the public learn about the science of bias, including implicit bias. Theory and research from psychologists who study human bias help with understanding the various psychological (as well as sociological) forces that might impact police decisions to shoot (or not shoot). Three lines of research shed light on these forces; together these studies identify several factors that might impact an officer’s decision to shoot—factors that might produce or eliminate differential responses to Black and White subjects. The three important groups of studies support the following statements:

- Police professionals may use *more* force (or be quicker to use force) against Blacks because, like many

humans, they have a Black-crime implicit bias producing greater perceptions of threat from Blacks than from people of other races.

- The above phenomenon can be countered by high-quality use-of-force training.
- Police professionals may use *less* force (or be slower to use force) against Blacks—possibly putting the officers in danger—out of concern for the social and legal consequences associated with shooting racial and ethnic minorities.

Background

It is well documented that police intervene disproportionately with racial and ethnic minority individuals. Studies have confirmed, for instance, the disproportionate representation of minorities among subjects who are arrested or ticketed,¹ searched,² stopped as pedestrians or drivers,³ or otherwise surveilled.⁴ Disproportionate intervention with minorities has also been documented with regard to police use of force.⁵

Two general explanations have been put forth to explain this over-representation of racial and ethnic minorities among people with whom police intervene. Some have argued that patterns of racial disparity are

consistent with racial minority groups' involvement in criminal behavior and resistance to police intervention.⁶ Consistent with this argument, racial and ethnic minorities are disproportionately on the receiving end of police enforcement actions because of their relatively greater involvement in criminal activity.⁷ In the case of force, in particular, the argument is that greater force is used against racial and ethnic minorities because of this disproportionate criminal involvement and greater subject resistance in incidents with police.⁸

The second explanation is that greater police intervention with racial and ethnic minorities is due to police bias and prejudice.⁹ Arguably, racial bias has been an issue facing the police since the creation of the first police agencies in the United States, and certainly since the civil rights movement in the 1960s.¹⁰ Although these allegations are longstanding, the issue re-emerged with particular potency in the late 1990s and early 2000s with the label of "racial profiling" and is back at the forefront of the national discussion of police and community.

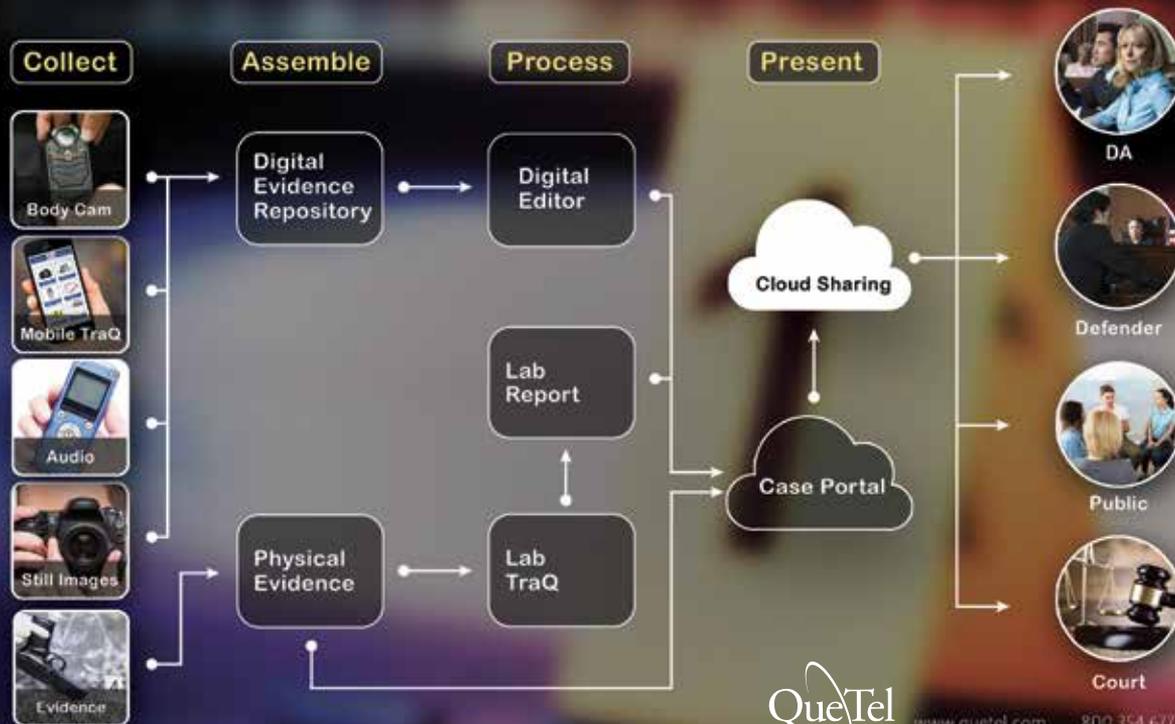
The science of bias has advanced a renewed discussion of police interventions with minorities. Bias researchers identify a difference between "explicit" and "implicit" bias and explain that bias has changed over

time. 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. This type of bias is known as "explicit bias"; racism is an example. 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 outside of conscious awareness and manifests even in people who consciously hold non-prejudiced attitudes.

Three lines of research from this broad literature enhance the understanding of how race might impact officers' use-of-force decisions. The first line of research, on the Black-crime implicit bias, indicates that officers' implicit biases could produce a greater tendency to use force against Black subjects compared to, for instance, White subjects. The good news from a second line of studies is that high-quality use-of-force training seems able to reduce the impact of human biases on police use of force. A third line of research brings an additional factor to light that might impact police officer decisions: a sociopolitical atmosphere that threatens grave consequences for officers who shoot Black suspects, regardless of the reasonableness of those shootings. Such an environment may explain results from this third

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line of studies showing officers using *less* force against Blacks compared to force used against Whites.

Digging deeper into these three lines of research can help police professionals understand the psychosocial factors that may impact officers' decisions to shoot, as well as identify the important implications of the research.

Studies on the Black-Crime Implicit Bias

The findings from the first line of research, indicate that officers—like other persons—have implicit biases that lead them to perceive Blacks as prone to aggression, threat, and violence. Such a perception could produce a greater tendency on the part of police to use force against Black subjects compared to, for instance, White subjects.

In studies related to this theoretical perspective, subjects are required to determine very quickly (within milliseconds) whether a person on the computer screen is a threat or not a threat and to press the “shoot” key when the person is the former and the “not shoot” key when they reflect the latter. For instance, in a 2002 study, non-police subjects faced a computer screen on which pictures of males with objects in their hands flashed up very quickly. Some of the males were White and others were Black; they held either a gun or a “neutral” (i.e., non-threatening) 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. The researchers measured both time-to-decision (in milliseconds) and errors. The results supported the Black-crime implicit bias. The subjects shot an armed male more quickly if he was Black than if he was White. Conversely, they decided more quickly *not* to shoot an unarmed White than an unarmed Black. The most common errors were shooting an unarmed Black man and not shooting an armed White man.¹¹

Other studies on this type of bias included police subjects and found an impact of suspect race on the speed of decision making. They found that police subjects (like non-police subjects) were quicker to shoot armed Black subjects than armed White subjects, indicating “robust racial bias.”¹² Researchers have also found that a neurophysiological threat response in the brain was more pronounced when participants were faced with Black suspects and that this predicted the speed of pressing “shoot” for armed Black suspects.¹³

Laboratory findings such as these are consistent with recent analyses of officer-involved shootings by the Philadelphia Police Department (PPD). In 2015, investigator George Fachner and a law enforcement consultant, Steven Carter, analyzed Threat Perception Failures (TPF) in officer-involved

shootings. They defined TPF as “mistake of fact” shootings. In these situations, the officer perceives (reasonably or not) that the suspect is armed when he or she is not; this might be due to a misperception of an object (e.g., cellphone versus gun) or actions (e.g., furtive movements). Consistent with the laboratory findings of a Black-crime implicit bias, the researchers found that the shooting of unarmed Black individuals was more likely to be due to TPF than was the case for shooting unarmed individuals of other races.¹⁴

Studies Indicating the Potential of Training to Reduce Bias in the Application of Force

Although the line of research above indicates that police, like other persons, link Blacks to violence and threat, which may impact their decisions to shoot, another line of research indicates the potential value of state-of-the-art training to rein in this human tendency. Simulator-scenario training provides this potential. Even though, as reported, research has found that a subject's race impacted the speed of shooting decisions by both police and non-police subjects, they found a more promising result when they looked at another outcome with their police subjects: errors (i.e., errors such as incorrectly shooting a Black suspect with no gun, or failing to shoot a White suspect with a gun). When researchers compared police and non-police subjects with regard to errors, they found that police officers did not show racial bias in their errors. The researchers linked this result to the possibility that high-quality use-of-force judgment training helps officers override their implicit biases. There also exists some empirical support for this conclusion. A study has shown that bias in officers' application of force disappears when participants are exposed to repeated trials where suspect race and presence of a weapon are unrelated.¹⁵ As discussed further, their “exposure to repeated trials” is consistent with high-quality, scenario-based police use-of-force training.

The “Counter Bias” Studies

Recent research has produced findings that raise the possibility that the atmosphere surrounding police and use of force against minorities may actually lead officers to *hesitate* when facing a threatening Black subject, therefore putting themselves in danger. These studies use state-of-the-art techniques that improve upon the traditional “shoot”/“don't shoot” methods that have been criticized for bearing little resemblance to a real-life officer-involved shooting.¹⁶

The researchers addressed the limitations of the original “shoot”/“don't shoot” button-pressing experimental designs by testing police participants in state-of-the-art

simulators similar to those used by law enforcement agencies in the United States and around the world for deadly force judgment and decision-making training. Sixty realistic, high-definition deadly force scenarios were developed based on 30 years of official data on officer-involved shootings in the United States. The scenarios were filmed using professional actors to play the roles of “suspects” and other people (e.g., crime victims and witnesses) in real-world settings. Some of the filmed scenarios depict suspects who are armed with deadly weapons of some sort, while in others the suspects hold innocuous objects such as wallets or cellphones and, thus, present no threat. The dynamic, interactive, life-size video scenarios used in these simulators were made to capture the complexity and emotional content of deadly encounters while maximizing experimental control. Subject race varied in the scenarios; all other variables within a scenario (e.g., demeanor, use of foul language, proximity, clothing style, physical size, location, and speed and subtlety of movement) were controlled, ensuring that any variation in participant decisions was based on a suspect's race.¹⁷

Using this novel methodology, Dr. Lois James (lead author of this article) and her colleagues ran a series of experiments between August 2012 and November 2013 in which 80 police patrol officers from the Spokane Police Department (a mid-size agency with 289 sworn officers) were tested on deadly force judgment and decision making through scenario simulations. These experiments were conducted in the Washington State University (WSU) Simulated Hazardous Operational Tasks laboratory, directed by Dr. Bryan Vila. Participants responded to roughly equal numbers of scenarios featuring White (59 percent) and Black (41 percent) suspects, and within those categories, roughly equal numbers of suspects were armed (56 percent) and unarmed (44 percent).¹⁸

Contrary to the results in the first line of studies described above, the experiments found that the subjects took significantly *longer* to shoot armed Black suspects than armed White suspects in deadly force scenarios. Holding all other variables constant, officers took an average 200 milliseconds longer to shoot armed Black suspects than armed White suspects. When examining shooting errors, they found that officers were significantly *less* likely to shoot unarmed Black suspects than unarmed White suspects, again holding scenario difficulty constant. Officers were slightly more than three times less likely to shoot unarmed Black suspects than unarmed White suspects.¹⁹

These results seem to suggest that officers found the Black subjects to be less threatening, and yet the researchers had



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tested participants' Black-crime implicit bias and found that participants demonstrated strong implicit biases associating Black suspects with weapons, a finding that is consistent with the first line of studies described above. Other factors (including methodological ones) that might explain the findings were discussed, and it was concluded that the most likely explanation for the results is rooted in police officers' concerns about the social and legal consequences of shooting a racial or ethnic minority. Despite the study being conducted *before* the events in Ferguson, it appears the officers may have been concerned about the consequences of shooting a Black male, particularly an unarmed Black male. For example, the officers might have been concerned about departmental discipline, prosecution, media attention, and even the safety of his or her family.²⁰ Support for the possibility that this concern existed even before the events in Ferguson sparked the current debate comes from interviews with police officers; for example, David Klinger, in his book published in 2004, *The Kill Zone: A Cop's Eye View of Deadly Force*, reported multiple instances in which officers voiced concern over the differential treatment of officer-involved shootings based on suspects' race.²¹ One of Klinger's interviewees shared

The press always plays up the racial angle on shootings around here, and that used to affect my thinking about things. I remember this one time... a black guy took a shot at me and my partner and then took off running. When we caught up to him, he was walking towards some citizens with his rifle. I told him several times to drop the gun, but he just kept moving. I yelled, "This is the last time I'm gonna tell you to put the gun down. If I have to shoot you in the back, I'll shoot you in the back. I don't want to shoot you in the back, but I'm gonna shoot you in the back right now!" As soon as I said that, he threw the rifle down. The whole time I was telling him I was going to shoot him, I was thinking, "They'll crucify me on the news tomorrow if I shoot this black guy in the back." That was all it was gonna be: "White cop shoots black man in the back." That was gonna be the extent of the story because that's just what the press preys off of.²²

The Implications of the Aggregate Findings

How does one make sense of these three lines of study? One key question is whether the methodologically superior and more recent studies reflected in the third group disprove the first? That is not the perspective adopted here. Instead, it is likely that these three sets of studies each contribute to an overall understanding of race and police decisions to use force. They highlight

the potential impact on officers of (1) their human biases, (2) use-of-force training, and (3) the police-community environment. The strength of each of these forces will vary across officers, jurisdictions, and time periods and depend on personal characteristics, the nature and frequency of training, and the local and national environments.

What are the implications of the research? Foremost is the need to work through the current U.S. environment wherein police have gone from being the "good guys" to being the "bad guys." Officers need to feel confident that they will be supported when they do their job right and well and punished (whether by the department, the criminal justice system, the public, or the media) only when they do not. A recent Gallup poll found that public trust of the police is the lowest it has been in 22 years.²³ (The lowest rating prior to this was during the federal trial of the four officers involved in the Rodney King incident.) Another poll, conducted jointly by the *Washington Post* and ABC News, found that, at the one-year anniversary of the events in Ferguson, Whites in the United States today are significantly more likely than in years past to say that "Blacks are treated less fairly than others by law enforcement." While most in policing would agree that the police should be held accountable for their actions, right now, the atmosphere is such that every use of deadly force (particularly against minority subjects) seems to be presumed unreasonable until proven otherwise. A number of court cases and trials involving police shootings have been in the news recently, including the following:

- Two officers under indictment in Albuquerque, New Mexico, for killing a homeless man²⁴
- Two former officers in East Point, Georgia, under indictment for a death that occurred following their use of Tasers²⁵
- A North Charleston officer facing murder charges for the death of Walter Scott²⁶
- A former Fairfax, Virginia, officer charged with second-degree murder for shooting a Springfield man²⁷
- Six officers under indictment in Baltimore, Maryland, for the death of Freddie Gray²⁸
- Officers from the University of Cincinnati and Chicago Police Departments facing murder charges²⁹

In the wake of these high-visibility prosecutions, CNN spoke with police researcher Philip Stinson of Bowling Green State University who reported that, during the period 2005 through 2011, there were, on average, 6.5 prosecutions of police for on-duty deaths. Fourteen officers have been charged over the past five months, which produces an "annualized rate of 33.6 cases per year, or more than five times the usual rate."³⁰

Regardless of the merits of the cases individually or collectively, such an environment has an impact on officers, and, indeed, officers report "pulling back" for fear of department sanctions, criminal charges, media attention, and more. On August 7, 2015, in Birmingham, Alabama, a detective was pistol-whipped and knocked unconscious by a Black subject whom he had pulled over. The unnamed officer told CNN why he did not respond with force: "A lot of officers are being too cautious because of what's going on in the media. I hesitated because I didn't want to be in the media like I am right now."³¹

The good news comes from the work being done by agencies across the United States to heal the breach between law enforcement and the diverse communities they serve. This work has been promoted, guided, and recognized by the President's Task Force on 21st Century Policing as well as documents produced by major police organizations, such as the International Association of Chiefs of Police (IACP)'s report on community-police relations.³²

As previously discussed, a key implication of the psychosocial research is the need to heal the breach between police and diverse communities and give back to officers the confidence they need to do their jobs without fear that legitimate actions will draw punishment. A second, very important implication of the research is linked to training. Interestingly, for all three lines of research, the implications for training are the same: Agencies need to provide high-quality, scenario-based judgment training that conditions officers to focus not on demographics, but on indicators of threat.

A concept from the science of implicit bias advances the understanding of how high-quality use-of-force judgment training that uses carefully controlled and realistic scenarios (such as the ones discussed herein) can help to reduce the impact of demographics on the split-second use-of-force decisions that police must make. Social psychologists who study how individuals can reduce their biases point to the potential value of "exposure to counter-stereotypes." This concept is easy to understand. If a person has an association between a group and a stereotype, exposure to members of that group who reflect the opposite of that stereotype can reduce the strength of it.³³

If this concept is extended to police training, video-simulator judgment training wherein the trainees are exposed to counter-stereotypes could serve to reduce differential responses to subjects based on demographics or other appearance factors. This means that the person or persons in the videos who turn out to be a threat to officers in a scenario are just as likely to be women as men, just as likely to be old as

young, just as likely to be White as Black or Hispanic, and so forth. In 2005, a team of researchers used button-pressing “shoot”/“don’t shoot” methods with subjects to see if repeated exposure to counter-stereotypes would reduce the manifestation of bias. Related to the counter-stereotypes theory, the subjects saw pictures (“stimuli”) that were consistent with stereotypes: Black man with a gun (or White man without a gun), but they were just as likely to see counter-stereotypes: a White man with a gun (or a Black man without a gun). The researchers confirmed their hypothesis that repeated exposure to “shoot”/“don’t shoot” stimuli that included counter-stereotypes reduced the biased application of force.³⁴

The key outcome of this training is to focus officers’ attention not on demographics and other aspects of appearance, but on indicators of threat. Making race irrelevant to the force decision is the aspiration for officers whether dealing with a Black-crime bias or the counter-bias effect.

To be most effective, the scenarios should place these counter-stereotypes in ambiguous threat situations. Biases and stereotypes are most likely to impact people when they are facing ambiguous stimuli. The application to force training will make sense with an example: If the threat in a scenario is unambiguous—for instance, the officer enters a room and finds herself facing a person with a gun pointed at her—it is unlikely that demographics (and associated stereotypes) will impact on her decision. It is when the threat is ambiguous that the risk of implicit biases is greatest. An example is the 2014 shooting by a trooper in Columbia, South Carolina. The trooper pulled over a young black male for a traffic violation and, after the man was out of the car, asked him for his driver’s license. The young man quickly turned and reached into the car. The officer, in fear (as indicated by the dashcam video), fired his weapon at the young man.³⁵ This ambiguous behavior on the part of a Black male produced perceptions of threat; likely, if a White woman had acted the same way, the perception (and outcome) would have been different.

Police professionals reading this will recognize that scenarios already exist in judgment training that reflect counter-stereotypes in ambiguous threat situations. The following are questions for the profession and the communities they serve: Is the field providing video-scenario training *enough* to produce the conditioning effect sought? What proportion of officers are exposed to this method of training? And, for those who are exposed to it, is their exposure frequent enough to produce the desired effects? Not all agencies have access to video-scenario training, and, of those who do, many have the resources (including the resources required to take officers off the streets for training) to provide only a minimal amount of exposure to scenarios each year.³⁶

Recent research indicates that fewer than half of agencies provide computer-based scenario training and, of those that *do* provide the training, one-quarter expose their in-service personnel to only one scenario annually.³⁷ (Six in ten expose their in-service officers to fewer than four scenarios annually.) Furthermore, it cannot be assumed that the few scenarios to which officers are exposed contain sufficient demographic variation and the elements previously described. It is not empirically known how much is enough and that research is needed, but, in the meantime, common-sense conjecture of implicit bias researchers is that the more exposure one gets over time (e.g., to judgment scenarios), the more likely it is to produce long-lasting changes.³⁸

Officers put their lives on the line every day to safeguard their communities, and, to provide this protection, they are given the authority to take others’ lives. Because they have this authority, they must be held to high standards, but it cannot be forgotten that they are people like everyone else. They bring biases to their profession and can’t be expected to disregard the inflamed debate on police and race in the United States. The lines of research outlined here identify countervailing forces that can impact officers in their decisions to use deadly force, but, fortunately, the research also provides implications for action. ♦

Lois James, is an assistant professor with the Washington State University (WSU) College of Nursing and a principal investigator in the WSU Sleep and Performance Research Center (SPRC). Her novel methodology of testing racial bias in deadly force judgment and decision-making simulators and her consequent “counter-bias” results—that officers tend to be more hesitant to shoot Black suspects—have received national and international attention. With support from the International Association of Chiefs of Police (IACP) she has recently expanded her research to include the provision of portable simulated “counter-bias” training for agencies across the United States.

Lorie Fridell, a former director of research at the Police Executive Research Forum (PERF), is an expert on biased policing. She has authored and co-authored articles, chapters, and books on the topic. Dr. Fridell has been invited on a number of occasions to speak to various chiefs’ and sheriffs’ associations and police accountability groups. She has provided training or consulting services for a number of U.S. police agencies, as well. With funding from the U.S. Department of Justice, Office of Community Oriented Policing Services and with the assistance from national experts on law enforcement and the social psychology of bias, Dr. Fridell, with Ms. Anna Laszlo, has produced science-based Fair and Impartial Policing curricula for recruits and patrol officers, first-line supervisors, mid-level managers, command-level staff, and law enforcement trainers. Dr. Fridell is an associate professor of criminology at the University of South Florida in Tampa.

Frank Straub, has served in federal, state, and local public safety positions during his 31-year career. Previously, he served as the chief of police for the Spokane Police Department; Director of Public Safety in Indianapolis; Public Safety Commissioner in White Plains, New York; the Deputy Commissioner of Training for the New York City Police Department; and as a federal agent. Dr. Straub holds a PhD in criminal justice from the City University of New York and taught graduate public management and criminal justice classes at John Jay College of Criminal Justice for more than 10 years. He co-authored a book on performance-based police management, as well as articles on community policing, corrections, and the integration of public safety services.

Notes:

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¹⁶Lois James, Bryan Vila, and Kenn Daratha, "Results from Experimental Trials Testing Participant Responses to White, Hispanic and Black Suspects in High-Fidelity Deadly Force Judgment and Decision-Making Simulations," *Journal of Experimental Criminology* 9, no. 2 (2013): 189–212; Lois James, David Klinger, and Bryan Vila, "Racial and Ethnic Bias in Decisions to Shoot Seen through a Stronger Lens: Experimental Results From High-Fidelity Laboratory Simulations," *Journal of Experimental Criminology* 10, no. 3. (September 2014): 323–340.

¹⁷Ibid.

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¹⁹Ibid.

²⁰Ibid. The authors noted, for instance, that it is possible that the police officers in James and colleagues' experiments were behaving in a particular way to appear "unbiased" to the researchers. However, the analysis of racial bias was never mentioned to either participants or to the research assistants running the participants through the experimental procedures. This likely reduced participants' awareness that they were being monitored for bias. Anecdotal evidence from the police department used in testing suggests that they had no idea suspect race was a factor in the experiments.

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³⁴Plant, Peruche, and Butz, "Eliminating Automatic Racial Bias."

³⁵"Dashcam Captures South Carolina Trooper Shooting Unarmed Man in Traffic Stop," ABC News, September 25, 2014, <http://abcnews.go.com/US/dashcam-captures-south-carolina-trooper-shooting-unarmed-man/story?id=25749239> (accessed January 4, 2016).

³⁶James and colleagues provide a potential solution to several of these problems with their portable simulation system that is equipped with carefully controlled, highly realistic deadly force scenarios based on 30 years of official data on officer-involved shootings in the United States. Their system can be brought to an agency, making high-quality simulated deadly force training easily accessible nationwide.

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³⁸Blair, Ma, and Lenton, "Imagining Stereotypes Away."