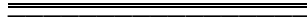


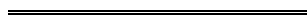
**The Bill Blackwood
Law Enforcement Management Institute of Texas**



Implementing Mandatory Bias Awareness Training



**A Leadership White Paper
Submitted in Partial Fulfillment
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ABSTRACT

As high-profile incidents make national news, the community calls for police reform. Reform efforts call for agencies to modernize training and take into consideration the needs of the community. Implicit bias awareness training has been recognized in reform efforts as significantly relevant to 21st Century Policing and is a recommended training for all police agencies. Despite the recommendation, police agencies are slow to implement mandatory training for implicit bias. Reasons for why bias awareness has not been a training topic vary among all police agencies. Some agencies are constrained by budgets while others struggle with negative feelings surrounding the topic. Racial profiling has consistently been among police training topics; however, the topic does not explore other bias that can affect police officers. Replacing racial profiling training and implementing mandatory implicit bias training will benefit police officers, police agencies, and the communities they serve.

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INTRODUCTION

A surge of tragic events involving police throughout the United States have propelled police training to the forefront of police reform. One of the first incidents occurred on July 17, 2014, when police officers were seen placing Eric Garner in a choke hold where he was said to state “I can’t breathe” 11 times. Bystanders filmed the police interaction, that was subsequently released on a multitude of news and social media platforms. On August 9, 2014, just one month later, police in Ferguson, Missouri shot and killed Michael Brown. On November 22, 2014, Tamir Rice was shot and killed by police in Cleveland, Ohio. Each incident garnered national attention that ignited protests throughout the country. Members of the public called attention to disparities, injustices, and discrimination of minorities by the police. There is a commonly held belief that implicit bias occurs subconsciously and can influence officers’ behaviors and actions. This perpetuates the concern that implicit bias causes officers to engage in discriminatory practices that negatively impact the relationship between the police and the public. As an antidote for this, many agencies have begun adopting and implementing training programs for bias awareness. Although training programs is garnering interest, there are no current mandatory requirements to implement bias-awareness training.

An attempt to address public concerns arose when President Barack Obama convened a task force to identify best policing practices and offer recommendations for reducing crime and building trust with communities (Final Report, 2015). The Final Report on the President’s Task Force on 21st Century Policing (2015) included six pillars that considered as essential for modernizing policing in the 21st Century. Among the

recommendations in the final report (Final Report, 2015) was a recommendation for police to undergo implicit bias training. Despite the recommendations for the training there are no national mandate for implicit bias awareness training for all police officers. To combat growing concerns of biased behavior, law enforcement agencies should implement and maintain mandatory implicit bias training. On one hand police agencies across the nation have responded in agreement of police reform. Many police agencies have already implemented bias awareness training within their organizations and have done so for many years. On the other hand, there are agencies that have yet to implement bias awareness training. The rationale for implementing or not implementing varies among agencies.

POSITION

Racial profiling has long been a police training topic taught in police academies and integrated into police in-service training. The American Civil Liberties Union (ACLU, 2022) define racial profiling as the discriminatory actions of law enforcement officers who target certain individuals for suspicion of crime based on the person's race, ethnicity, religion or national origin. Some examples of racial profiling are using race to choose which drivers to stop for minor traffic violations or using race to pick which individuals to search for illegal contraband. Racial profiling is singularly focused on race as a basis for discriminatory police behavior. A shortcoming of racial profiling curriculum is the impression that prejudice and racism is displayed outwardly. The concept implies that police officers are deliberate in their thoughts and actions, and wholly negates the implications of implicit biases. As such, racial profiling training is intrinsically outdated and ill-suited for modern day policing. In contrast, implicit bias

training provides a broader base for understanding other variables at play during police interactions and decision making. Biases that occur at the conscious level and are openly conveyed are commonly associated with old-fashioned prejudices described as explicit biases (Fiske, n.d.). Another form of bias can occur subconsciously and unknowingly influencing attitudes and actions is known as implicit biases. Most officers do not outwardly express biases in the course of their duties. If they were to do so, it is unlikely that agencies would condone such behavior. However, there is a high likelihood that officers could be unconsciously impacted by biases in the course of their duties. The idea of being biased is commonly misunderstood by officers because it can give the impression that officers are intentionally being discriminatory in their actions. Therefore, a major teaching point of implicit bias training is imparting to officers that implicit bias is a human attribute inherent in everyone. Moreover, biases can take many forms and extend far beyond race. Biases and stereotypes can include, but are not limited to, age, sex, religion, socioeconomic status, education level, sexual orientation, or body shape. This is seen in almost every profession and is by and large not limited to the police profession. It is not to say that racial profiling is insignificant. Rather, it does not explore other variables that contribute to discriminatory behavior or police misconduct. Agencies and officers within them are better served by replacing outdated racial profiling with a modern teaching model for implicit bias awareness.

A benefit of implementing mandatory implicit bias training is the potential for training of this type to create a culture of accountability. The process by which this occurs, begins with the agencies decision to adopt mandatory training for implicit bias. The second step in the process is to ensure the training is mandatory for everyone in

the agency. If biases are inherent in everyone, it is safe to assume that first-line supervisors and executive police staff are not exempt from this exhibiting biased behavior. Police supervisors and executive leaders make decisions regarding training, hiring, policy development, disciplinary actions, and promotions. A concept of this nature is what Laurie Fridell (2017) describes as a comprehensive program to produce fair and impartial policing. All of which can change the trajectory of an officer's career path. Supervisors must balance office work with field work. This sometimes requires them to respond to a call or show up on a scene. In this capacity they can be biased in their actions and decision making. Therefore, employing a "top-down" approach will provide first-line supervisors and command staff an understanding of bias behavior, as well as provide tools to help them be better as individuals and supervisors. When executive level leaders attend mandatory training, it will send a clear message to everyone within the department that the training is not only important, but beneficial. Experiencing the training will help executive level leaders see and learn first-hand the benefits of the training. They are then, because of training, more apt to advocate and support it as part of the police culture in their agency. This will also help them model the way for officers at all levels and cultivate the spirit of a shared vision. This, in turn, will set the tone for the entire department.

Modeling the way for other officer's call for supervisory staff will recognize that internal procedural justice is just as important as external procedural justice. Where external procedural justice plays a role in gaining trust and support of the community, internal procedural justice can have the same impact within an organization. More specifically, it can aid officer compliance with supervisors and organizational policies.

According to Haas et al. (2015) abuses of internal power can affect employee compliance. Trust within an agency is acquired much the same way as it is in the community. Individuals in the community want to be respected and treated fairly. Internal procedural justice supports the notion that officers who feel respected by their peers and supervisors are likely to adhere to departmental policies and voluntarily comply with them (Fridell, 2016). This not only helps attain a culture of supervision and accountability, but it also furthers the idea that when employees are treated well, they will treat the community well.

Another way to achieve police supervision and accountability is by reframing policies to better address bias policing. A reality of biases in police work is that such behaviors are not easily recognized. Therefore, supervisors should have a range of options to explore for handling matters that pertain to bias behaviors. Not all matters will require disciplinary action. In fact, it could be counterproductive to the overarching goal of educating and helping officers to be better in this area. It is possible officers may not be aware of their behavior and a conversation can suffice for helping to be recognized and correct bias behavior. Putting policies in place will provide supervisors a process for addressing and holding officers accountable for misconduct when it is needed.

Building on the idea that implicit biases are inherent in everyone and occur subconsciously, officers can greatly benefit from how biases can influence their interactions and decision making. Not only can officer's interactions be perceived in a negative way, but they can also negatively impact the community perception of the legitimacy of their agency. Daniel Kahneman (2011) describes two thinking systems in the brain in which one is logical and slow, and the other is intuitive and fast. When the

brain is intuitive and fast, there is a short time frame to fill in the blanks of ambiguity. This is very important for police officers to understand this process because this is where things can go wrong. In this thinking process, stereotyping and unconscious bias can creep in and unknowingly impact an officer. In contrast, the slow and logical thinking systems allows more time to properly process information without time constraints. Malcolm Gladwell (2005) further describes the process of the fast and intuitive thinking system as blink responses. In this state others are viewed as a blank slate that is potentially filled in characteristics or stereotypes associated with certain groups (Gladwell, 2005). Laurie Fridell (2016) asserts in her work that blink responses cause officers to be unsafe, unjust, and ineffective. Officers can often unknowingly be biased in their interactions. If or when this occurs officers may not act in a procedurally just manner. This can generate negative perceptions of the agency by community members. When police officers learn about implicit biases, they can mitigate discriminatory behavior. When officers conduct their business in a procedurally just manner, they can gain trust and confidence of the community and attain police legitimacy.

COUNTER ARGUMENTS

Funding sources for police agencies vary based on size and type. Even when agencies have a desire to implement training, it can be hard to do when a lack of funding exists. More and more, national conversations about police reform are calling for measures to decrease police budgets (Vermeer et al., 2020). Police training is already costly, extensive, and fragmented. Topics such as the use of force, de-escalation, mental health crisis intervention, sexual assault, trauma-informed

interviewing, as well as use of less-lethal and lethal weapons are also viewed to be just as important as implicit bias training (Hollywood et al., 2017). As the list of recommended police training topics continue to grow, police agencies are already having to do more with less. Reducing police funding would further complicate matters for police agencies that are already working with limited funding.

A rebuttal to this is a simple notion for agencies to examine the cost versus benefits of adding such training. An analysis of the cost-benefits will show that civil litigation and court settlements are more costly than implementing mandatory training. Civil suits such as that of Michael Brown of Ferguson, Missouri resulted in a 1.5-million-dollar award to Mr. Brown's family. Another civil suit involving LaQuan McDonald of Chicago, Illinois resulted in a 5-million-dollar settlement. The costs associated with civil litigation are not only hefty, but they are also most often at the expense of taxpayers (Corley, 2020).

Non-minority officers who undergo implicit bias training generally presume they will be labeled racist or be blamed for past inequalities. Thoughts and feelings of this nature breeds uneasiness among non-minority officers regarding attending this type of training. The apprehension surrounding implicit bias training may be attributed to negative experiences from prior racial profiling trainings that have focused mostly on race. There has been further indication that these feelings are not limited to the law enforcement profession. Similar sentiments are seen in training sessions such as those that require white males to acknowledge their white privilege to one another (President Trump's Executive Order Combating Race and Stereotypes, 2020). The potential for

negative experiences to result from implicit bias training suggests police agencies are within reason to vet trainings that best suit their needs.

Although there is potential for police officers to potentially feel uncomfortable with implicit bias training, it is imperative for police agencies to stay devoted to implementing mandatory training. It is not to say that agencies should disregard officer's concern regarding the training. Instead, they should take this into consideration when screening implicit bias training programs for their agencies. One of the most important distinctions concerning implicit bias training is that it is science based, and racial profiling is not. Agencies should become familiar with the research that shows biases can be reduced and managed with training. An analysis of theories of how to reduce prejudice and discrimination by Oskamp (2000) show there are multiple paths in which individuals can reduce their biases or limit the impacts on their behavior. An example of this is seen in contact theory. The premise of contact theory is that individual biases can be reduced through positive contacts with members of other groups (Aronson, 1954 ; Tausch & Hewston, 2010; Pettigrew & Tropp, 2006). The advantage of contact theory for officers is that it works both ways. Officers can change their views of others and can change the public views of them through positive interactions. Other bias reduction can be seen in the research pertaining to the "us-them" bias, defined as the propensity for an individual to favor their in-group (Perdue, 1990). Another tool for reducing or managing biases is blurring the lines, a method by which individuals can highlight their similarities, as opposed to differences (Woodcock & Monteith, 2012; Vescio et al., 2003). While there can be some uneasiness regarding implicit bias training, the available research suggests there are significant benefits for adopting a mandatory training requirement.

RECOMMENDATION

Although many agencies have implemented bias awareness training it is not mandated or held to any national training standard. Racial profiling has, for many years, shown up on police training calendars and is deeply ingrained in police training curriculum. It has historically been used as a mechanism to combat discriminatory behavior among police officers. Coupled with aspects of cultural diversity training, this was thought to be the antidote for addressing public concerns regarding police misconduct. A mandate for implicit bias training would help police officers and executive leaders understand how they are impacted by unconscious biases. Agencies can build further on the training by creating a culture of accountability for officer's and supervisors, while also framing policies to address biased policing. However, the ability to implement mandatory training may be hindered by budget constraints or negative feelings concerning the training. Police training topics continue to evolve, and the list of required training continue to grow. It can be especially difficult for agencies to prioritize one training topic over another. Therefore, training is sometimes selected based on budgets. An analysis of the cost and benefits for implementing an implicit bias training program would help prioritize the training.

To reduce negative feelings attributed to the training topic, it is recommended that agencies replace outdated racial profiling training with a modern bias awareness training program. Agencies are encouraged to seek out and vet available programs. Doing so will allow agencies to explore a variety of programs offered, compare costs, and determine which program aligns with their budget and training needs. There are numerous training curriculums for police agencies to choose from. Programs such as

the Fair and Impartial Policing (FIP) offer science-based training for federal, state, local, and campus police agencies of all sizes. The training is tailored for command level, to mid-level manager, line-officers, supervisors, and administrative personnel. The program is adaptable for all members of a police organization. The goal of FIP is to create a neutral, non-accusatory environment where officers can learn about the science of biases. The curriculum is supported by research and extensively details how bias can impact police organizations, police officers, and the communities they serve. Integrated into the curriculum is the history of policing and events that have impacted police relationships with communities. Officers learn about biases, how to reduce them, and how mitigating biases can produce fair and impartial policing. A final recommendation is for agencies to consider the benefits of training in comparison to the cost. As such, agencies should prioritize the training and seek funding to implement mandatory implicit bias training.

Lastly, Fridell (2016) asserts that when police officers learn about implicit biases, they are better able to do their job. It is also an avenue in which trust can be built with the community and perceptions of the police can be enhanced. When officers engage the community with respect and dignity it establishes legitimacy. The legitimacy that stems from engaging the community with dignity and respect helps police officers be seen as legitimate authorities and achieve compliance from the communities they serve (Fridell, 2016). Therefore, fairness and impartiality not only produces effective police practices, but they are also very important for sustaining our legitimacy and living up to the values of the profession (Fridell, 2016).

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