

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

**Utilization of Implicit Bias Training in Regards to Police Use of Non-
Lethal Force**

**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**

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September 2018**

ABSTRACT

Implicit biases are both pervasive and robust (Greenwald, McGhee, & Schwartz, 1998; Kang, 2012; Kang & Lane, 2010; Nosek et al., 2007). The truth and reality of implicit biases is that each of us possess implicit biases (Rachlinski et al., 2009). Implicit bias by the police causes long-term damage found in the form of reduced police legitimacy and a sharp decline in the public trust of the police. As public interest grows in how the police treat all people, especially people of color, each new negative incident furthers broadens the wedge between local law enforcement and the communities they are sworn to serve. Recognizing this type of bias, and then directly and purposefully working to eliminate it, is crucial for cultivating a truly neutral mindset from which the individual officer can then make reasoned decisions. Neutrality is an assumed position based on an individual's role and/or profession. Certain chosen careers fields, such as medical personnel, educators and law enforcement professionals, advertise a position of neutrality where each person is treated as an equal individual. While much of the discussion to this point has centered on the use of lethal force by the police in police/citizens interactions, the recently published Harvard study clearly illustrates the true area of concern lies in instances of non-lethal force not in instances of deadly force (Fryer, 2016). Effectively responding to these findings and the desires of all citizens for the police to be neutral in the execution of their duties is a mandatory step in the process of healing police relationships with all communities. Therefore, law enforcement agencies nationwide should implement an implicit bias training program.

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INTRODUCTION

In December 2016, a video emerged showing the arrest and subsequent alleged police brutality of a Ft. Worth mother and her two teenage daughters. The video was taken after the mother called police in response to a neighbor choking her 7-year-old son for throwing a piece of paper on the neighbor's lawn (Maccann, 2016). This incident, just one in what has become for many a disturbing trend that mimics historical policing of minority communities, serves to further illustrate the instability of community relationships found in local geographies across the nation. Coming on the heels of well publicized incidents in Ferguson, Baltimore, Tulsa and Chicago, the Fort Worth incident escalated tensions and further strained an already volatile reality that is the police/citizen relationship in communities of color.

While all these events work to grab public attention and further the popular rhetoric, the larger issue is the long-term damage found in the form of reduced police legitimacy and a sharp decline in the public trust of the police. As public interest grows, each new incident further broadens the wedge between local law enforcement and the communities they are sworn to serve. Many of these incidents were captured on video, a reality that has directly generated protests in Ferguson, New York City, Washington, Chicago, Oakland and several other cities while also spawning the national movement Black Lives Matter. These events also stimulated much needed discourse in terms of race, departmental policy and law enforcement as a whole (Fryer, 2016). Departments and agencies are reacting to the discourse with the implementation of enhanced technology, such as individual body cameras, to increase accountability at the individual

level, the implementation of extensive community policing endeavors and targeted efforts designed to eliminate bias from the decision making continuum.

At risk in this effort is the progression of community/police relationships either towards a more unified future or in the direction of the disturbing reality of the City of Chicago where crime rates are consistently rising largely due to the public mistrust of the Chicago Police Department, the significant reduction in activity of the Chicago Police Department's officers and widespread lack of communication ("Addressing a torn," 2016). Current research (Fryer, 2016; Kang, 2012) shows that implicit biases (also known as unconscious bias and unintentional bias) have a direct real-world effect on behavior. Implicit biases result in negative behaviors towards individuals based on demographic characteristics and is typically contrary to avowed or endorsed beliefs or principles (Krieger & Fiske, 2006). An individual officer may be unknowingly predisposed to a certain level of judgement or behavior based on a mixture of sub-cultural norms, teachings and personal experience. Recognizing this type of bias, and then directly and purposefully working to eliminate it, is crucial for cultivating a truly neutral mindset from which the individual officer can then make reasoned decisions.

To this point, much of the popular discourse has focused on instances of police use of force in regards to the use of deadly force. And, while these instances are significant and compelling, a recent Harvard study found no level of racial difference in instances of deadly force even when contextual factors were taken into account (Fryer, 2016). However, the same study did in fact uncover a marked increase in the utilization of non-lethal force. "On non-lethal uses of force, blacks and Hispanics are more than 50% more likely to experience some form of force interactions with police" (Fryer, 2016,

p.1). Based on this data, the more use of non-lethal force becomes a greater issues in terms of police interactions with citizens, especially in communities of color. In an effort to instill a new level of neutrality, police departments of all sizes should engage in implicit bias training specifically in regards to instances of non-lethal uses of force.

POSITION

Implicit biases are both pervasive and robust (Greenwald, McGhee, & Schwartz, 1998; Kang, 2012; J. Kang & Lane, 2010; Nosek et al., 2007). The truth and reality of these behaviors is that each of us possess them even those, such as judges or doctors, who are sworn to conducting themselves with a clear level of impartiality (Rachlinski et al., 2009). Implicit biases are formed through a mixture of life experiences, societal norms and popular discourse. Every individual carries this type of unintentional bias with them throughout their daily life, being directed by their implicit biases, yet many do not even realize they exist (Ross, 2014). Eliminating these hidden directors of the mind will result in neutrality of behavior which is critical to re-establishing the public's trust in the police.

Neutrality is an assumed position based on an individual's role and/or profession. Certain chosen careers fields, such as medical personnel, educators and law enforcement professionals, advertise a position of neutrality where each person is treated as an equal individual. This position is portrayed in the conscious mind and, in many cases, is what the individual in question truly believes to be true. However, despite the level of will or meaning behind it, believing a stance of neutrality often does not take the unconscious mind into account. In addition, it is important to realize that these implicit associations can take hold outside of our conscious thoughts. Meaning

that our choices may not align with our declared belief system and we would not realize the discrepancy without careful introspection and observation (Beattie et al., 2013; Graham & Lowery, 2004; Greenwald & Krieger & Fiske, 2006; Kang, 2012). Implicit bias forms and resides in the subconscious of each person. As stated previously, these deeply held beliefs or instincts are so subtle and ingrained that the individual is not often aware of their very existence. A person will act a certain way, make a specific decision or choose a response due to their own habits, experiences, cultures and history without even realizing they are showing preference for one choice over another or one person over another. For example, a right handed person is significantly more likely to prefer right side spatially over their left side. Many researchers believe this recorded behavior is due to the individual having increased control over their dominant hand. Since they tend to use that hand more, their mind subconsciously associates their dominate side with positive outcomes ("Right-handers tend," 2011).

If left in the subconscious realm, these implicit biases continue to guide the choices and actions of the individual without their knowledge. Implicit biases guiding the choices of individuals is how and why implicit biases have a real-world and measurable effect on behavior (Dasgupta, 2004; Kang, 2012; Rooth, 2007). This is why implicit bias training initiatives are so vitally important to law enforcement professionals. By bringing behaviors guided by implicit biases into the conscious mind the individual police officer can come to recognize their actions, set their minds to neutral and work to remove bias from their decision making paradigm. A truly neutral mindset does not happen by accident or by chance, it is developed through the application of purposeful awareness tactics and guided self-reflection in a training environment grounded in the adult

learning model where officers are involved in the planning and evaluation of instruction, all experiences (good and bad) provide the basis for instruction, subjects have immediate relevance to professional and personal life, and learning is problem-centered and not content-centered (Pappas, 2017) . Implicit biases are so ingrained and so deeply rooted in the subconscious psyche, it becomes inherently difficult for a single individual to recognize unconscious bias within themselves without training. Implicit bias training initiatives will not only uncover the existence and sources of unintentional bias, they will also provide applicable skills designed to allow the implicit bias training participants to replace bias influenced behaviors with a more neutral, purposeful and balanced approach.

COUNTER POSITION

There is a distinct lack of robust empirical evidence to show implicit bias training works (Son Hing, Li, & Zanna, 2002). This lack of evidence leads critics to claim that any training and development effort put forth in terms of reducing or eliminating bias is in vain. Further, many community leaders and community based organizations feel that the implementation of implicit bias training measures is an appropriate first step, but also that these initiatives have not shown a level of effectiveness appropriate for a stand along measure (Storey, n.d.). Meaning that while training provides an acceptable starting point, it is not viewed as having the ability to change long-held beliefs and mind sets.

Further complicating this type of implementation, highly vocal critics are quick to point to the idea that if not developed appropriately, bias training has been shown to have an adverse effect on participants (Zayra, 2015). Recent data illustrates that

building awareness may be one of the key aspects of unconscious bias because awareness of one's bias may actually increase one's bias (Duguid & Thomas-Hunt, 2015). In this vein, the fear is that bringing awareness to unconscious bias works to give the beliefs strength rather than to eradicate them. In conjunction, some experts believe that when participants are forced to attend this type of training it is highly difficult to gain buy-in at the managerial level. Alexandra Kalev, a sociology professor from Tel Aviv University, explains that to be effective, anti-bias training must cautiously and purposefully avoid specific factors while allowing participants to choose their individual level of involvement; "When training is related to business goals and it's voluntary there is more internalization of motives. When training is about pointing fingers and it's mandatory, managers just don't buy into it" (Zayra, 2015, para.16).

A significant additional concern is the proven reality that once formed, implicit biases are extremely difficult to eliminate or even shift. Our minds are able to defend these biases by recalling specific events, experiences and situations that validate their existence and dismisses the need to change (Thussu, 2007). Additionally the busier we are, the more prone we are to stereotyping. Our mind uses this behavior as a type of shortcut that allows us to make faster decisions when the need arises and to make many unconscious decisions that we make daily without noticing them at all (Dijker & Koomen, 1996). The human brain develops shortcuts in an effort to save time. As individuals move through their day, their mind is constantly judging each situation they encounter in order to provide an appropriate yet unconscious action or reaction. This includes simple tasks such as opening a door or waiting for a car to stop before exiting and extends to the more complex tasks of appraising each new situation or person in

terms of their likelihood to provide a threat. At the basic level the human mind is programmed to first gauge every encounter in terms of its likelihood to provide a threat before it determines if an individual or situation has the potential to result in a positive outcome (Ross, 2014).

In an effort to reduce processing time for the overwhelming amount of information taken in by the mind, the brain develops shortcuts. These innate, immediate reactions are largely held in the subconscious and they serve to guide the actions of the individual, often without their knowledge. These are the implicit biases that form the basis of the decision making paradigm and that guide the actions and choices of the individual without their knowledge. The habits are so subtle and do deeply ingrained into the mind, that the individual remains unaware they exist. Therefore, there is a highly prevalent belief that once formed, it becomes highly difficult, if not impossible to change these perceptions. However, due to the nature of the animalistic human mind, it is also impossible to prevent bias from forming in the first place.

In rebuttal, the current reality shows the impact of unconscious bias not only in law enforcement, but even in the business sector. These behaviors exist and they can be recognized and uncovered through the use of training and awareness exercises. While the long term implications of training that specifically relates to bias remains unknown, what is known and well documented are the consistent positive outcomes derived from well developed and implemented training initiatives (Pepitone, 1995). In short, training works. It is possible to drive effective behavioral changes and outcomes across a wide variety of topics through the implementation of a professional training and

development program. Logic and research would suggest the topic of bias to reflect a similar outcome regardless of the lack of specifically related empirical evidence.

While bias may be deeply ingrained and fiercely protected by the subconscious, that fact is not mutually exclusive from developing a more neutral mindset. The goal of training is not to eradicate bias from the unconscious mind, such a goal would be farfetched and ineffective. Instead, the goal is to drive purposeful awareness and behavior change (Pepitone, 1995). If an individual becomes aware of their inherent biases and learns how to recognize the behaviors, then in hand they become able to purposefully retrain their minds and their habits. Habit training is well researched and, again, proven effective (Carnes et al., 2015). With the application of both time and dedication it is possible for an individual to form and adhere to new habits, norms and behaviors in their daily lives. Research verifying this truth is found extensively in the medical field and can be seen in the form of recovered addicts, patients who achieve and maintain significant weight loss and even in individuals who are able to successfully eliminate tobacco use (Garland, Froeliger, & Howard, 2014).

With each of these examples the individual involved is required to dedicate themselves to continued, purposefully daily choices throughout the rest of their lives. The addict must choose not to relapse, the obese patient must choose to continue embracing a healthy life style and the lifelong smoker must repeatedly choose to remove tobacco products from their life. Each of these habits are deeply ingrained and have been shown to actually change the chemistry and physiology of the brain. Therefore, if it is possible to eliminate these habits and purposefully embrace a different

daily reality, then it stands to reason the pursuit of a neutral mindset could achieve the same level of continued success with the application of long term dedication.

Turning again to the medical field shows that the wrong type of training or intervention can in fact cause harm rather than provide assistance. This is a well-documented and valid concern that should always be taken into account in relation to any training and development initiative. To be effective training must be appropriate, timely and well delivered by a proven professional. This is not something to be taken lightly to or be approached in a halfhearted manner. Training for the sake of training does not offer any type of return on investment and can in fact create a barrier to success as it creates negative associations in the minds of individual participants.

However, effective training can promote long-term change as it heightens awareness, provides enhanced skill sets and offers support for those who truly seek to move towards an alternate skill set. By providing that support now, when the popular rhetoric is calling for real and targeted change, officers and other law enforcement professionals will be provided with the tools they need to effectively shift their mindsets and as they learn to move towards true neutrality.

RECOMMENDATION

In the current tumultuous political and social climate, the topic of implicit bias in policing is being thrust into the spotlight as the discussion focuses on racial tensions and the reality of police use of force in terms of race. Legal scholars posit that the very existence of implicit biases challenges the notion that human actors are guided by their avowed (explicit) beliefs, attitudes and intentions which serves as the very basis for legal theory and practice (Krieger & Fiske, 2006). While much of the discussion to this

point has centered on the use of lethal force, the recently published Harvard study (Fryer, 2016) clearly illustrates the true area of concern lies in instances of non-lethal force not in instances of deadly force. According to Fryer's research, blacks and Hispanics have a 50% greater chance of an encounter with law enforcement ending with use of force than do whites. Effectively responding to these findings and the desires of all citizens for the police to be neutral in the execution of their duties is a mandatory step in the process of healing police relationships with all communities. Therefore, law enforcement agencies nationwide should implement a well-designed, adult learning model based implicit bias training program necessary to facilitate the restoration of the public's trust in the police.

This type of training should only be undertaken by a highly-experienced facilitator due to the importance of the content and the potential for high level discussion that could form a marked distraction if not guided well. Further, the instructor for this topic should be skilled at reading their participants and knowing when to push further with the current discussion rather than moving forward with the topic as a whole. This topic will require careful attention to detail from the facilitator at all times and should be presented with enough time to not only introduce the idea of unintentional bias but also provide strategies to pursue a neutral mindset.

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