

Making Black Lives Matter

Evidence-Based Policies for Reducing Police Bias in the Use of Deadly Force

Roger G. Dunham

Nick Petersen

University of Miami

In this essay, we respond to Justin Nix, Bradley Campbell, Edward Byers, and Geoffrey Alpert's (2017, this issue) study and offer several evidence-based policy recommendations for reducing police bias in the use of deadly force. We begin by referring to some historical facts concerning American policing as it pertains to race and police use of force, followed by a critical assessment of Nix et al.'s findings. Next, we offer several policy recommendations and close by delineating the next steps to achieving these policy objectives.

The Enduring Significance of Race in American Policing

A decade ago, in this journal, Jerome Skolnick (2007) encouraged us to situate discussions of modern policing within the broader socio-historical context of U.S. race relations. He reminded us that policing in the Jim Crow South often operated as a form of racialized social control, designed to keep "the Negro in his place" (p. 65). Moreover, Skolnick noted that in 1966 nearly 3 out of 4 police officers expressed "extreme" or "considerable" prejudice against African Americans. Not surprisingly, then, the "police were exceptionally biased" in their treatment of racial and ethnic minorities during this period (Skolnick, 2007: 65). And as a result, the 1960s and 1970s were characterized by severely strained police–community relations and massive protests stemming from concerns about racialized policing practices. In the 1980s and 1990s, the killing of Arthur McDuffie, the Rodney King beating, and related incidents led to protests and calls for policing reforms. Skolnick's assessment of this

Both authors contributed equally to this essay, and the names are listed alphabetically. Direct correspondence to Roger G. Dunham or Nick Petersen, Department of Sociology, University of Miami, P.O. Box 248162, Coral Gables, FL 33124 (e-mail: rgdunham@miami.edu; npetersen@miami.edu).

policing history reveals the constitutive relationship between policing practices and race relations in any given era.

Fast forward to 2017. Since the 1990s, U.S. policing has undergone significant change, yet fundamental questions remain about the equitability of policing. These concerns reached a boiling point in 2014 after several high-profile police killings of young Black suspects, giving birth to the Black Lives Matter movement. So, in many ways, the past is prologue. Once again, the deaths of Black men at the hands of police have sparked considerable debate and consternation about the state of American policing. As this exceedingly brief historical account reminds us, concerns about racial bias have been central to discussions about American policing, and will likely continue to be. Given the severity and complexity of this problem, quality research is essential for understanding and responding to it in a thoughtful and effective manner.

Nix and colleagues (2017) examine fatal officer-involved shootings across the United States in 2015. Their results indicate that officers are more likely to use deadly force against Latino and Black suspects than against White suspects, even after controlling for various situational factors that should influence police use of force. They reach these conclusions after analyzing fatal police shootings from *The Washington Post's* "Fatal Force" database, which was compiled from Web-based news articles, public records, Internet databases, and civilian reports. Although this data set is limited and possibly flawed in some respects, it is superior to what has been available previously. For instance, the data set does not represent all police shootings because it is limited to fatal incidents, and it may be biased toward including more newsworthy events. Furthermore, information on the dependent variables—whether the suspect was armed or attacked the officer—was in part obtained from news accounts, some of which are notorious for incorrectly reporting these facts (e.g., see U.S. Department of Justice [DOJ], 2015). Of course, these limitations cast some doubt on the strength of their findings and on the actual magnitude of racial bias present in the data. Despite these shortcomings, however, they advance the literature on police use of force by examining police shootings across a wide range of jurisdictions and controlling for important situational characteristics often neglected in prior studies. And although the results of additional research may yield relationships that are stronger or weaker than those found here, we doubt that the implications for social policy will significantly change given the racialization of policing throughout American history. As such, it is prudent to translate these findings into public policies aimed at reducing racial disparities in the use of force.

Policies for Reducing Racial Bias in Officer-Involved Shootings

Developing a National Database of Police Shootings

Despite growing concern about officer-involved shootings, there is no comprehensive national database of officer-involved shootings. Recognizing that governmental data sets may underestimate officer-involved fatal shootings by as much as half (Williams, Bowman, and Jung, 2016), some researchers have turned to local police data (Klinger, Rosenfeld, Isom,

and Deckard, 2016) or data sets compiled by media outlets (Nix et al., 2017). Although these analyses offer useful insights about officer-involved shootings in certain jurisdictions or time periods, a national database of officer-involved shootings is necessary to understand fully the scope of police use of force in the United States (Nix et al., 2017).

But what would a national database look like? We argue that it should contain information on all incidents in which police officers discharge their firearms at citizens, regardless of whether the suspect is killed, so that researchers can compare fatal with nonfatal incidents to understand better the lethality of officer-involved shootings. For all officer-involved shootings, data should be collected on (a) officer/suspect characteristics, (b) social-ecological context, (c) situational circumstances, and (d) incident outcome. Data on basic officer/suspect demographics (e.g., sex, age, and race/ethnicity) and officer occupational characteristics (e.g., rank, number of prior shootings, and administrative complaints) are necessary for understanding the extent to which officer-involved shootings vary across different segments of the population and police force. Geographic identifiers (e.g., state, county, city, and jurisdiction) should also be collected so that researchers can better pinpoint social-ecological predictors. Moreover, the database should include information on whether the suspect possessed a weapon or resisted arrest. Finally, each injury sustained by the suspect(s)/officer(s) should be coded based on severity level.

Professionalizing the Police

Departments should implement formalized use-of-force policies and promote practices that improve residents' confidence in the police to help reduce these shootings. The results of research indicate that agencies with more restrictive deadly force policies and those that require supervisors to complete use-of-force forms have lower rates of deadly force (Fridell, 2015). Moreover, agencies should train officers to defuse situations quickly and effectively to prevent officer force from being used in the first place (Fridell, 2015). According to procedural justice theory, individuals are more likely to obey the law and cooperate with legal authorities (including police) when they view these institutions as fair and equitable (Tyler, Goff, and MacCoun, 2015). Indeed, high levels of legal cynicism in predominately minority areas have been linked to lower levels of arrest, crime reporting, and cooperation with the police. Procedural justice training not only decreases the likelihood that an officer will use force (Owens, Weisburd, Alpert, and Amendola, n.d.), but it can also help to improve police–resident interactions (Wheller, Quinton, Fildes, and Mills, 2013).

In addition, departments should implement policies to help reduce implicit racial biases among their officers. The findings from experimental analyses indicate that officers are more likely to shoot Black suspects, even if the suspect is unarmed, highlighting the role of implicit racial biases (Correll, Hudson, Guillermo, and Ma, 2014). Agencies should encourage officers to take an implicit bias test because awareness of implicit biases can help to mitigate their effects (Staats, Capatosto, Wright, and Contractor, 2015). Moreover, departments should employ various implicit bias reduction protocols. For example, shooting

simulations that involve a greater number of armed White targets versus armed Black targets can help to reduce racial disparities in officer-involved shootings (Park and Glaser, 2011; Plant and Peruche, 2005). More broadly, agencies should encourage perspective taking, stereotype replacement, and stereotype countering, all of which have been shown to reduce the use of stereotypes (Hall, Hall, and Perry, 2016).

Strengthening Early Intervention Systems

Scholars have long recognized that a few officers are responsible for most police misconduct. Early intervention systems, which seek to identify these problem officers and hold them accountable, should include performance indicators (e.g., complaints, use of force, etc.), identification and selection mechanisms, multiple intervention strategies, and post-intervention monitoring. Once problem officers are identified with the use of peer-to-peer officer comparisons, they should be subject to supervisory advisement, additional training, professional counseling, and post-intervention monitoring. Despite implementation concerns, early intervention systems remain a best practices approach, and when paired with other reforms, they can help to reduce officer use of force and citizen complaints (Walker, 2015).

Diversifying the Police Force

Increased representation of minority officers may help to reduce officer-involved shootings by bolstering the public's confidence in the law and reducing implicit racial biases among officers. Diverse police departments, especially those that match the racial composition of the communities they serve, have lower rates of fatal officer-involved shootings (Legewie and Fagan, 2016). In line with the notion of symbolic racial representation, a greater presence of minorities within law enforcement agencies increases minority citizens' confidence in the police by conveying a shared sense of values and experiences (Theobald and Haider-Markel, 2009). Moreover, departments with greater racial diversity are more successful at using community-policing techniques (Schuck, 2014) and will likely experience improved police–community relations because Black officers tend to exhibit less bias toward Black citizens (Fagan, Braga, Brunson, and Pattavina, 2015). Finally, increased contact between minority and White officers can help to reduce implicit racial biases among White officers because intergroup contact minimizes the use of stereotypes (Pettigrew and Tropp, 2006). Despite these benefits of diversity, many police departments remain largely White (Legewie and Fagan, 2016).

Empowering Civilian Review Boards

Since the 1970s, civilian review boards have become increasingly common. In 2005, nearly 80% of police agencies with 1,000 or more officers had a civilian complaint review process (McDevitt, Farrell, and Andresen, 2005). Police administrators often believe that civilian review boards help to improve police–community relations and hold officers accountable

(Finn, 2001). Moreover, consistent with procedural justice theory, both officers and citizens frequently feel “heard” and “validated” by civilian review boards, regardless of the eventual outcome (De Angelis and Kupchik, 2007; Finn, 2001). Given the need to maintain perceptions of procedural legitimacy, civilian review boards should be housed outside of police departments and should have the subpoena powers necessary to conduct their own investigations into both systemic problems and individual complaints of police misconduct (Walker and Archbold, 2013).

Expanding the Use of Body-Worn Cameras

Despite growing interest in body-worn cameras, only 25% of police agencies use them and few studies have been conducted to examine their efficacy (Miller and Toliver, 2014). The outcomes of the limited research to date suggest that body-worn cameras can reduce rates of police use of force, citizen complaints against officers, and stop and frisk (but see Ariel, Farrar, and Sutherland, 2015; Ariel et al., 2016; Jennings, Lynch, and Fridell, 2015; Katz, Choate, Ready, and Nuño, 2014; Ready and Young, 2015). In addition, body-worn cameras may have procedural justice benefits as some officers believe they improve their interactions with civilians (Jennings, Fridell, and Lynch, 2014; Jennings et al., 2015; Ready and Young, 2015). Notwithstanding these potential benefits, several legal, technological, financial, and administrative challenges are associated with their implementation (White, 2014). For instance, federal law prohibits videotaping citizens where there is a reasonable expectation of privacy and some states require a two-party consent agreement before recording private conversations. And even if these privacy concerns are addressed, departments will still need to train officers on how to use body-worn cameras, upload recorded videos onto a server, and download videos at a later point.

Implementing and Expanding Evidence-Based Policies

Racial inequality casts a long shadow on the history of American policing, underscoring the continued importance of research on police use of force. Although more research is needed on police bias in the use of deadly force, it would be prudent to accelerate evidence-based efforts to reduce officer-involved shootings currently. Given the racialized history of policing and the need for more equitable policing practices, we should continue to implement and expand policies we already know will help to reduce bias in policing.

Many police departments already have implemented some or all of these policies aimed at reducing racial bias in police shootings. We applaud these departments and encourage them to continue to implement and improve on these policies. Unfortunately, not all departments have embraced such policies, and many departments that have made these changes have done so half-heartedly or only in form. We realize that many smaller departments may not have the funds to initiate some of these changes, and that even when the funds exist, there are significant implementation barriers because police departments (like any organization) usually resent outsiders’ attempts to reduce their autonomy. Overcoming

these challenges will require new funding sources for smaller departments who cannot afford to implement them and cultural shifts in larger departments considering their usage. Despite these obstacles, we believe the stakes are too high to become apathetic. Departments should employ a broad spectrum of evidence-based policies aimed at reducing police bias in the use of deadly force in an effort not only to deal with the current racial climate but also to reconcile with the racialized history of policing in America. This means that policies and programs already present will need to be strengthened, while working toward full implementation. A lot of work remains to be done, yet it is encouraging that many police departments are implementing policies to reduce racial bias in officer-involved shootings and are establishing greater officer accountability.

References

- Ariel, Barak, William A. Farrar, and Alex Sutherland. 2015. The effect of police body-worn cameras on use of force and citizens' complaints against the police: A randomized controlled trial. *Journal of Quantitative Criminology*, 31: 509–535.
- Ariel, Barak, Alex Sutherland, Darren Henstock, Josh Young, Paul Drover, Jayne Sykes, Simon Megicks, and Ryan Henderson. 2016. Wearing body cameras increases assaults against officers and does not reduce police use of force: Results from a global multi-site experiment. *European Journal of Criminology*. epub ahead of print. doi: 1477370816643734.
- Correll, Joshua, Sean M. Hudson, Steffanie Guillermo, and Debbie S. Ma. 2014. The police officer's dilemma: A decade of research on racial bias in the decision to shoot. *Social & Personality Psychology Compass*, 8: 201–213.
- De Angelis, Joseph and Aaron Kupchik. 2007. Citizen oversight, procedural justice, and officer perceptions of the complaint investigation process. *Policing: An International Journal of Police Strategies & Management*, 30: 651–671.
- Fagan, Jeffrey, Anthony A. Braga, Rod K. Brunson, and April Pattavina. 2015. Stops and stares: Street stops, surveillance and race in the new policing. *Columbia Public Law Research Paper No. 14-479*. Retrieved from papers.ssrn.com/sol3/papers.cfm?abstract_id=2650154.
- Finn, Peter. 2001. *Citizen Review of Police: Approaches and Implementation*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.
- Fridell, Lorie A. 2015. Use of force policy, policy enforcement, and training. In (Roger G. Dunham and Geoffrey P. Alpert, eds.), *Critical Issues in Policing: Contemporary Readings*. Prospect Heights, IL: Waveland Press.
- Hall, Alison V., Erika V. Hall, and Jamie Perry. 2016. Black and blue: Exploring racial bias and law enforcement in the killings of unarmed Black male civilians. *American Psychologist*, 71: 175.
- Jennings, Wesley G., Lorie A. Fridell, and Matthew D. Lynch. 2014. Cops and cameras: Officer perceptions of the use of body-worn cameras in law enforcement. *Journal of Criminal Justice*, 22: 549–556.

- Jennings, Wesley G., Matthew D. Lynch, and Lorie A. Fridell. 2015. Evaluating the impact of police officer body-worn cameras (BWCs) on response-to-resistance and serious external complaints: Evidence from the Orlando police department (OPD) experience utilizing a randomized controlled experiment. *Journal of Criminal Justice*, 43: 480–486.
- Katz, Charles M., David E. Choate, Justin R. Ready, and Lidia Nuño. 2014. *Evaluating the Impact of Officer Body Worn Cameras in the Phoenix Police Department*. Phoenix: Center for Violence Prevention and Community Safety, Arizona State University. Retrieved from publicservice.asu.edu/sites/default/files/ppd_spi_feb_20_2015_final.pdf.
- Klinger, David, Richard Rosenfeld, Daniel Isom, and Michael Deckard. 2016. Race, crime, and the micro-ecology of deadly force. *Criminology & Public Policy*, 15: 193–222.
- Legewie, Joscha and Jeffrey Fagan. 2016. Group threat, police officer diversity and the deadly use of police force. *Columbia Public Law Research Paper No. 14-512*. Retrieved from ssrn.com/abstract=2778692.
- McDevitt, Dean Jack, Amy Farrell, and W. Carsten Andresen. 2005. *Enhancing Citizen Participation in the Review of Complaints and Use of Force in the Boston Police Department*. Boston, MA: Institute on Race and Justice, College of Criminal Justice, Northeastern University. Retrieved from nlg-npap.org/sites/default/files/Northeasternreport12-05.pdf.
- Miller, Lindsey, Jessica Toliver, and the Police Executive Research Forum. 2014. *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*. Washington, DC: Community Oriented Policing Service, U.S. Department of Justice.
- Nix, Justin, Bradley A. Campbell, Edward H. Byers, and Geoffrey P. Alpert. 2017. A bird's-eye view of civilians killed by police in 2015: Further evidence of implicit bias. *Criminology and Public Policy*, 16: 309–340.
- Owens, Emily, David Weisburd, Geoffrey P. Alpert, and Karen L. Amendola. 2016. Can You Build a Better Cop? Experimental Evidence on Supervision, Training, and Policing in the Community. Unpublished manuscript.
- Park, Sang Hee and Jack Glaser. 2011. Implicit motivation to control prejudice and exposure to counterstereotypic instances reduce spontaneous discriminatory behavior. *Korean Journal of Social and Personality Psychology*, 25: 107–120.
- Pettigrew, Thomas F. and Linda R. Tropp. 2006. A meta-analytic test of intergroup contact theory. *Journal of Personality and Social Psychology*, 90: 751–783.
- Plant, E. Ashby and B. Michelle Peruche. 2005. The consequences of race for police officers' responses to criminal suspects. *Psychological Science*, 16: 180–183.
- Ready, Justin T. and Jacob T. N. Young. 2015. The impact of on-officer video cameras on police–citizen contacts: Findings from a controlled experiment in Mesa, AZ. *Journal of Experimental Criminology*, 11: 445–458.
- Schuck, Amie M. 2014. Female representation in law enforcement: The influence of screening, unions, incentives, community policing, CALEA, and size. *Police Quarterly*, 17: 54–78.
- Skolnick, Jeremy H. 2007. Racial profiling—Then and now. *Criminology & Public Policy*, 6: 65–70.

- Staats, Cheryl, Kelly Capatosto, Robin A. Wright, and Danya Contractor. 2015. *State of the Science: Implicit Bias Review*, 2015. Columbus, OH: Kirwan Institute.
- Theobald, Nick A. and Donald P. Haider-Markel. 2009. Race, bureaucracy, and symbolic representation: Interactions between citizens and police. *Journal of Public Administration Research and Theory*, 19: 409–426.
- Tyler, Tom R., Phillip Atiba Goff, and Robert J. MacCoun. 2015. The impact of psychological science on policing in the United States: Procedural justice, legitimacy, and effective law enforcement. *Psychological Science in the Public Interest*, 16: 75–109.
- U.S. Department of Justice (DOJ). 2015. *Department of Justice Report Regarding the Criminal Investigation into the Shooting Death of Michael Brown By Ferguson, Missouri Police Officer Darren Wilson*. Washington, DC: U.S. Department of Justice.
- Walker, Samuel. 2015. Introduction to early intervention systems. In (Roger G. Dunham and Geoffrey P. Alpert, eds.), *Critical Issues in Policing: Contemporary Readings*. Prospect Heights, IL: Waveland Press.
- Walker, Samuel and Carol A. Archbold. 2013. *The New World of Police Accountability*. Thousand Oaks, CA: Sage.
- Wheller, Levin, Paul Quinton, Alistair Fildes, and P.C. Andy Mills. 2013. *The Greater Manchester Police Procedural Justice Training Experiment: Technical Report*. Coventry, U.K.: College of Policing.
- White, Michael D. 2014. *Police Officer Body-Worn Cameras: Assessing the Evidence*. Washington, DC: Office of Community Oriented Policing Services. Retrieved from ncjrs.gov/App/Publications/abstract.aspx?ID=270041.
- Williams, Howard E., Scott W. Bowman, and Jordan Taylor Jung. 2016. The limitations of government databases for analyzing fatal officer-involved shootings in the United States. *Criminal Justice Policy Review*, 1–22. Epub ahead of print. doi: 10.1177/0887403416650927.

Roger G. Dunham is a professor and chair of the Sociology Department at the University of Miami, Coral Gables. He has published extensively on policing issues, including several books, such as *Critical Issues in Policing* (2015) and *Policing: Continuity and Change* (2015), both with Geoffrey Alpert. His research focuses on police decision making during critical police–citizen interactions, including police pursuits, police use of force, use of deadly force, and racial profiling.

Nick Petersen is an assistant professor of sociology at the University of Miami, Coral Gables. He holds a Ph.D. from the University of California—Irvine in Criminology, Law & Society. His research focuses on racial stratification within criminal justice institutions.