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"Bias-Based Policing: Voices from Within"

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"Bias-Based Policing: Voices from Within"

Ralph Ioimo [α], Theresa Pelfrey [σ], Prit Kaur [ρ], Don Chon [ω], Furman Smith [¥], Barr Younker [§] & Lisa Zanglin [χ]

Abstract - The popularity of the terms racial profiling and bias-based policing over the past few decades has provoked a great interest and curiosity among researchers and practitioners. Initially, studies are conducted from subaltern perspective by analyzing disparity in traffic stops; recently scholars twisted towards police perspective and started striving to understand bias in broader aspects of police-public interactions. In our study on 411 police officers, 30% admitted the prevalence of bias in their department, 40 % acknowledged the prevalence in the greater state of Alabama and further analysis revealed a scarlet differences among black and white officers and officers holding non-management and management positions.

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I. Introduction

The Constitution of the United States, which is idealized throughout the world, aspires to promote equality, justice, and protection of human rights. Nothing appears to be more serious than learning that some of our fellow citizens feel they have been unfairly and inhumanly treated by people having a color of law on their bodies, in this country itself. Unfortunately, approximately 32 million Americans say they have experienced some form of bias in police treatment in their lifetime. These experiences are commonly shared by members of minority communites, and are assumed to be associated with traffic stops. In reality, these incidents are not limited to traffic stops and have been occuring in public spaces such as airports, on city streets and in shopping areas, etc. Many a times, minorities have also reported similar experineces in their homes and even the privacy of "temporary homes," hotel rooms, work-spaces, college/university residence halls and campus spaces, etc. Most of these cases, because of the senstivity involved in the issues and the negative impacts of such events on the police-public relations and fabric of social structure, become higly publized (Harris, 1997, 1999, 2002; Martin, 1999).

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Thus, the issue of bias-based policing captures the attention and becomes a cause of greater curiosity to researchers and practitioners.

The terms racial profiling and 'bias-based' policing are often confused in the public perceptions as well as used interchangeably in scholarly writings. Consequently, most of the scholars looked at and defined the term bias-based policing as per their research suitability. In our research, we found the most close and appropriate definition of bias-based policing for our research is used by Ioimo (2007). The definition is: 'practices by individual officers, supervisors, managerial practices, and department programs, both intentional and non-intentional, that incorporate prejudicial judgments based on sex, race, ethnicity, gender, sexual orientation, economic status, religious beliefs, or age that are inappropriately applied.' Although, current research is an extensive project , but in this article research limiting focus on in determining the extent officers are aware of the occurrence of bias-based policing practices in their own departments, in other department, and the extent to which bias-based policing is really an issue.

II. Literature Review

As mentioned previously, biased-based policing is an important issue that plagues the criminal justice system of the United States. It involves a number of aspects which must be taken in account to construct an informative view on the effects of such actions. Researchers have reviewed and studied an abundance of articles, data and works to explain the various elements related to this unethical practice.

All these studied can be clubbed into the two main categories:

I. Studies conducted from citizens perspective and
II. Studies conducted from police perspective

a) Studies conducted from citizens perspectives

Most of the studies on bias-based policing are written from citizen perspectives and at times related to highly published events. These studies can be further grouped as:

i. *Bias- based policing in vehicle stops*

Research concerning bias-based policing has primarily focused on the "Driving while Black phenomenon". Driving while Black refers to the effects of racial identity on law enforcement officers, making and conducting traffic stops, more on black drivers than white drivers(Harris, 1997, 1999, 2002; Martin, 1999). Taking this concern to the next level, scholars found that data related to traffic stops clearly proves disparity in stops even though this data information is based on underreporting.

According to Lundman (2010), police data on Driving while Black is not valid because it underestimates the frequency with which police stop drivers of color. Additionally, Lundman and Kaufman (2003) found that black drivers are less likely to report that police made legitimate stops or acted appropriately during traffic stops, resulting in disproportionate reporting of stops in which they believe police acted inappropriately. The study also finds that the size of place, time of day, and the race of the officer appeared to mediate the effect of Driving while Black, although black drivers still have lower odds of reporting that police act properly at a traffic stop, irrespective of the time of day. Tomaskovic-Davey, Wright, Czaja, and Miller (2006) found White and African-American drivers who were cited for speeding both underreport stops, but African-Americans underreport at a much higher rate. Therefore, survey data tends to underreport the impact of the Driving While Black phenomena.

ii. *Disparity in Searches*

Moon and Corely (2009) conclude that African-American male drivers are also more likely than Caucasian-American male drivers to be searched. However, according to Moon and Corely, they are less likely to receive a legal sanction resulting in a monetary fine and more likely to serve a jail sentence.

Although most studies focus on African-Americans as the minority group, Moon and Corely also find that Asian-American drivers are less likely to be searched, but more likely to receive legal sanctions than Caucasian-American drivers. In a study by Debnam and Beck (2011), Black drivers perceived a greater likelihood of being stopped for driving under the influence (DUI), not wearing a seatbelt, and also for speeding. However, after controlling for demographic factors, they were not more likely to receive a ticket or citation. While the impact of race is inconclusive, the study indicates the factors of time, officer type, and type of traffic violation also influences enforcement actions.

iii. *Disparity in traffic stops for drug searches*

The belief that minorities commit more drug offenses, while factually untrue, established a basis for racial profiling and biased policing (Coker, 2003). Profiling Blacks and Hispanics has resulted in finding contraband more frequently among individuals from those groups (Coker, 2003). This resulted in more minority drivers bring stopped and subsequently searched (Coker, 2003; Harris, 1999; Harris, 2002). Harris (1999) reports that while Blacks constitute only 13% of the country's drug users, they represent 37% of those arrested, 55% of the individuals convicted, and 74% of drug offenders sentenced to prison.

The Supreme Court, beginning with United State v. Arvizu, 534 U.S. 266 (2002) has consistently held that the Fourth Amendment does not prohibit investigatory stops if the totality of the circumstances

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suggests a reasonable suspicion of criminal activity, and examination of the plausibility of each of the officer's reasons is not required. Some critics complain this standard of review invites racial profiling and an invitation to stop a vehicle for any reason (Harris, 1997). Others deny racial profiling is neither encouraged nor allowed in a reasonable suspicion analysis (Pelic, 2003). Traffic violations are common places, and many researchers believe that these too common occurrences have become a pretext for the opportunity to observe drivers and passengers for signs of drug use or possession (Harris, 2002;

Lundman & Kaufman, 2003; Meeks, 2000). As a result, minorities often leave stops with the impression that there was not legitimate reason for the stop, and that they were stopped because of their race or color (Lundman and Kaufman, 2003).

iv. *Disparity in implementing policy of 'zero tolerance' towards crime*

Community Oriented Policing supports proactive policing which encourages officers to engage in minor incidents of interest to the community, and which are normally considered outside the scope of policing (Ioimo, 2007). Davis (2001) argues police agency cultures that focus primarily on crime reduction are more likely to experience bias-based policing and increases in officer misconduct. The result is the attitude that crime must be reduced by any means necessary, and often results in targeting individuals based on race, biases, and stereotypes (Davis, 2001b). Davis (2001b) warns that concepts such as "War on Drugs, War on Crime, Scorched Earth, and Zero Tolerance" have contributed to a culture of community intolerance- a "we versus them" mentality - which contributes to poor community relations.

David Harris (1999) blames the "War on Drugs" for rampant abuses of power. However, Thomsen (2010) argues that using racial profiling reduces the effectiveness of profiling, because it increases costs and reinforces and prolongs unjustified police practices. These adverse police practices may cost more money because they could result in legal action and settlements. While the literature has not explained the justification for racial-biased policing, it does state it is not cost effective to engage in the practice.

Also, limited resources require funds allocated for corrective action plans that will assist in eliminating biased policing.

Gold (2003) cautions that researchers must carefully distinguish situations in which police are using race from situations in which they are finding race. Stopping a vehicle because the driver is Black or Hispanic is very different from stopping a person who meets the description of a suspect who happens to be Black or Hispanic (Ioimo, 2007). Police-stop statistics must exclude stops involving a search for a racially identified perpetrator (Gold, 2003; Walker, 2001). Moreover, when police activity is increased in response to community concerns regarding local drug pushers or local speeders and the community is economically disadvantaged and more heavily populated with visible minorities, the statistics will be skewed towards more police-minority interactions (Gold, 2003; Ioimo et al., 2007). Ioimo et al. (2007) observed in the Virginia study that the areas of highest demand for police service tended to be in minority communities. Higher demand for services in a minority community logically could be expected to result in a higher number of minority stops—more traffic stops, field interviews, and arrests (Ioimo et al., 2007).

A TELEMASP Bulletin (TELEMASP, 2007) author emphasizes that police should deploy officers to locations where they are needed by citizens. This will result in more traffic stops in these areas of high service demand (Ioimo et al., 2007). Moreover, ignoring crime rates and demands for service in favor of absolutely proportionate deployment across a jurisdiction could result in racial discrimination (TELEMASP, 2007).

b) Police Perspective

Lundman and Kaufman (2003) recommend that to understand the bias-based policing, it is important to have a triangulated data collection which includes police reported data, citizen self-reports, and trained observers. His stand-point was followed and used by many scholars in their studies afterwards, some of these are Singleton & Straits, 1999 and Weitzer, 1999. Not only this, many researchers argue that methodologically unsound research can lead to misrepresentations, which further divide police and the communities they serve (Ioimo et al., 2003; Gold, 2003). Thus a new phase in the bias-based policing started, and many studies including Brown and Frank, 2004; Ioimo, Becton, Meadows, Tears & Charles, 2007; Ioimo, Becton, Meadows, Tears, & Charles, M., 2011; Sun & Payne, 2004 are conducted to assess bias-based policing practices from the police officer's perspective. In these studies various demographics such as race, gender, education, rank and seniority allows for a greater perspective into the variables that factor into the acknowledgement of bias-based police actions.

First group of scholars believe that cultural diversity training is helpful in identifying the historical and contemporary plight of minorities and sensitizes officers to their own covert and overt prejudices and discriminatory acts, however some of the researchers argue that the focus on individual attitudes and behaviors ignores the underlying societal and occupational structural issues that produce racial profiling (Meehan & Ponder, 2002). Even the most racially sensitive officers engage in acts perceived as racial profiling (Meehan & Ponder, 2002). While it is unclear that prejudicial attitudes or intentions motivated

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officer behavior (Ioimo et al. 2007), it is clear that curtailment of racial profiling requires top management commitment (Coderoni, 2002).

Barnum and Perfetti (2010) employed a statistical estimator to identify race-sensitive choices by police officers during traffic stops. The results suggested the models effectively detect disproportionality in both a police organization and an individual officer's traffic stop activity. Although there is a significant amount of research reinforcing evidence of racial disparities during traffic stops, the question of whether race inappropriately influences traffic stop patterns is inconclusive.

Additionally, by Correll, Park, Judd, Charles, Wittenbrick, Salder, & Keese (2007) explores the impact of a police officer's ethnicity on his or her decision to use deadly force. The authors suggest that training may not affect the speed with which stereotype-incongruent targets are processed, but that it does affect the ultimate decision (particularly the placement of the decision criterion). In a latter study, Ma and Correll (2011) found the average responses to African-American and Caucasian-American officers and whether the target prototypically influenced the decision to shoot beyond the extent of race was minimal. Further, above and beyond race, in studying the impact of target photo typicality on a police participant's decision to shoot, Ma and Correll (2011) found that increased target photo typicality results in increased racial bias.

A study by Ioimo, Becton, Meadows, Tears, and Charles (2011) broadens the traditional scope beyond traffic stops and discovers that many officers believe racially-biased policing problems exist within their departments. Moreover, the study finds significant differences in perceptions between white and colored officers in both urban and rural police departments.

It can be inferred from the literature review that: (i). people of minority communities face differential treatment at stop-signs, variation in sanctions in their intentional or unintentional violations of law, and variation in benefits under community policing oriented practices, (ii) there is paucity of studies conducted from the police perspective to make recommendations for change in the law enforcement.

Thus, more quality research is necessary from police perspective to understand and to know the extent of the bias-based policing. Therefore, a detailed study was conducted in one of the four major cities in the state of Alabama. The study results are extensive, but through this article information will be shared relevant to these questions: (i) to what extent are officers aware of bias-based policing practices occurring in their department,(ii)to what extent officers are aware of bias-based policing practices occurring in other police department in the state of Alabama and (iii)Is the department's management aware of bias-based policing in their department. In assessing and answering these questions, the following hypotheses were explored:

- *Hypothesis 1:* Officers are aware of bias-based policing practices occurring in their jurisdiction.
- *Hypothesis 2:* Officers are aware of biased-based policing practices occurring in other Alabama jurisdictions.
- *Hypothesis 3:* Management is aware that bias-based policing practices are occurring in their department.

III. Research Methodology

This article focuses on the police views of the bias-based policing as learned from the larger research project of one of the major cities in the state of Alabama. The total number of sworn officers in the city police department was five hundred and thirty-five (535). The total number of available officers surveyed by using a convenient sampling technique was four hundred and five (N=411), which was 77% of the sworn officer complement. All sub-department organizational elements, to include Narcotics and Special Operations, Traffic Division, Patrol Division, Administration, Detective Division, Recruitment and Training, Community Policing, and Accident Investigations were contacted by the researchers at various times in order to administer the survey with the least operational impact to the department.

Prior to conducting each survey session, respondents were briefed that their participation in the survey was strictly voluntary and their anonymity was assured. In particular, all participants were told the researchers would safeguard the completed surveys, and they should not put any names or other marks on the survey that could identify them as the respondents. Also, the surveys were distributed and collected by the researchers to further safeguard the data and identities of the participants. Further, the respondents were briefed regarding the uses of the survey and told the academic product of the survey would be used by the department's command staff to review bias-based police training in the department and by the researchers for academic purposes, including publication in academic and practitioner journals.

The Questionnaire included instructions on completing the survey. Forty-three questions included in the research instrument were pretested using 50 participants. The research staff, in a meeting with officers and command personnel, reviewed the completed surveys. This meeting was conducted in order to discuss issues of survey content, question presentation, difficulties in completing the survey, survey instructions, method of distribution and collection of completed surveys, and various other survey process issues that could better facilitate collection of the data. Following this pilot test, the surveys were conducted.

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Findings

Police Department Composition

The following table depicts the composition of the sample of the study:

Figure 1 about here

The following are the hypotheses, specific questions and findings related to each question:

Hypothesis 1: In an effort to test Hypothesis 1, the researchers presented the following questions with the following results:

1. *Does your department **unofficially** support bias-based policing practices?*

The following graphs indicate officers' responses, in regard to Hypothesis 1:

Figure 1.1. about here

As the above graph shows, while 44% of the respondents reported that they did not know if their departments unofficially supported such practices, 42% of respondents reported that their departments did not and 14% reported that their departments did support bias-based policing practices. Responses to this question differed by race with 8% of Caucasian-American respondents and 22% of African- American respondents responding affirmatively. The differences between Caucasian and African- American respondents were significant ($p<.001$).

In addition, officers differed considerably from management in response to this question. Nearly 14.6% of officers answered yes to this question compared to 8.3% for mid and senior level management, respectively. While this was not statistically significant, it is of concern that nearly 60% of the officers and nearly 45% of the administration answered either "yes" or "unknown" to this questions (15% of the officers and 8% of the management answered "yes").

2. *Do you believe that your police department **officially** supports bias-based policing practice?*

Figure 1.2 about here

When asked the aforementioned question, 15% of responding officers answered "yes", 31% answered "no", and 54% indicated that they did not know. Of those responding to the question, 10.7% of Caucasian-American officers and 20.9% of African-American officers believed their police department officially supports bias-based policing. Significant differences between Caucasian and African-American officers were noted ($p<.001$). There was no statistical significance between the officer level and that of management in response to this question.

3. *Do you believe that bias-based policing is presently practiced by any officer(s) in your department?*

Figure 1.3 about here

In response to this question, 29% percent answered "yes", 30% answered "no", and 41% answered "unknown" to the question. In further analysis, 25% of Caucasian-American officers, and 33.5% of African-American officers answered affirmatively, and 38.3% of the Caucasian-American officers and 44.9% of the African-American officers responded as "unknown". The findings show that Caucasian- American officers are more likely to say "no" than African-American officers ($p<.001$). There was no statistical significance between the officer level and that of management in response to this question.

Hypotheses 2 and 3: In an effort to test these hypotheses and to determine if officers and management are aware of bias-based policing practices occurring in other Alabama jurisdictions, the researchers presented the following questions with the answers below:

4. *Do you believe that bias-based policing is practiced by individual police officers in other Alabama police departments?*

The following graphs indicated officers' responses, in regard to Hypotheses 2 and 3:

Figure 2.1 about here

In response to this question, 34.5% answered "yes", 9% answered "no", and 56.6% indicated that they did not know. Officers responded differently by race with 29.5% of Caucasian-American officers and 40.9% of African-American officers responding affirmatively to the question. However, the differences were not statistically significant.

5. *Have you witnessed bias-based policing activities by other officers in your department?*

Figure 2.2 about here

When asked this question, 29.6% of the respondents indicated that they had witnessed such behavior, and 70.3% indicated that they had not. These findings suggest that bias-based policing practices are present, as perceived by officers, to some degree in the Southern City Police department. Caucasian- American officers reported witnessing bias-based policing activities less often than minority officers with 21.7% of Caucasian-American officers answering affirmatively compared to 39.7% of African- American officers. The difference between Caucasian and African-American officers was significant ($p<.001$). By rank, there was no statistical difference between officers and managers.

6. *To what extent, if any, do you believe bias-based policing is an issue for your department?*

Figure 3.1 about here

In response to this question, the responses were split, 36% of officers reported that it is "somewhat of an issue" and 11.3% reported that it is "a serious issue." Therefore, a combined total 57.3% of respondents indicated that bias-based policing was at

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least somewhat of an issue for their department and 52.6% indicated that bias-based policing was not an issue for their department. By race, responses to this item differed significantly. Of those who indicated that bias-based policing was at least "somewhat of an issue" or a "serious issue" for their department, 34.9% of the Caucasian-American officers and 63.1% of the African-American officers believed bias-based policing was "somewhat of an issue" or a "serious issue" for their department. The difference between Caucasian and African- American officers indicating bias-based policing was "not an issue" and "somewhat an issue" was significant ($p<.001$). According to rank, responses to this question varied somewhat. Management is more likely to say that bias-based policing was not an issue than officers ($p<.05$).

IV. Conclusions, Impact and Dissemination of the Information

Based on the findings of the study, it can be concluded that significant differences emerged in the perceptions of black police officers, as compared to white police officers, in three areas indicative of racially biased police practices: unofficial departmental support, witnessed bias-based policing incidents, and the extent of bias-based police practices.

First, the perceptions of black police officers differ significantly from those of white police officers in the area of unofficial departmental support of racially biased policing. Second, the difference between white and black officers who reported witnessing bias-based policing is statistically significant.

However, no significant difference when comparing officers and managers was noted in the answers of the respondents.

Third, when identifying the extent to which bias-based policing is an issue for the department, 57.3% of the combined respondents indicate that bias-based policing is at least "somewhat of an issue" in the department, as compared to 52.6% who believe it is not an issue. However, the differences between white and black respondents was significant with 63.1% black officers identifying bias-based policing as at least "somewhat of an issue." Moreover, the difference between white and black officers indicating "not an issue" and "somewhat an issue" was significant. Surprisingly, the management level is less likely than officer level to identify bias-based policing as a department issue.

While perceptional differences in all three areas are troubling and suggest corrective action and further training, the more disturbing issues are those which indicate a disparity in the perceptions of officers regarding support for racially biased policing, either management or departmental. Significant challenges result from these perceptions. Additional research is required to discern the origins of these perceptions to better enable department eradication of racially biased policing activities and perceptions.

The issue of racially biased policing continues to be a complex and divisive issue; however, identifying the differences between the various groups within the department will allow supervisors, managers, and officers to focus their training and mitigate the negative impact of racially-biased policing, both within the police department and to the community they protect and serve.

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Survey Characteristics of the Study

Sample Size	411 Officers
Race	White=50% Black=40% Other=10%
Age	18-39 yrs=70% 40-59 yrs=20%
Gender	Male=90% Female=10%
Education Level	BA/BS=20% AA=10% Some College Education=50%
Rank	Officers=80% Misc. Ranks=20%
Longevity	0-3 years=30% 7-10 years=20% 11-15 years=10% > 16 years=20%

Figure 1 : Survey Characteristics of the Study

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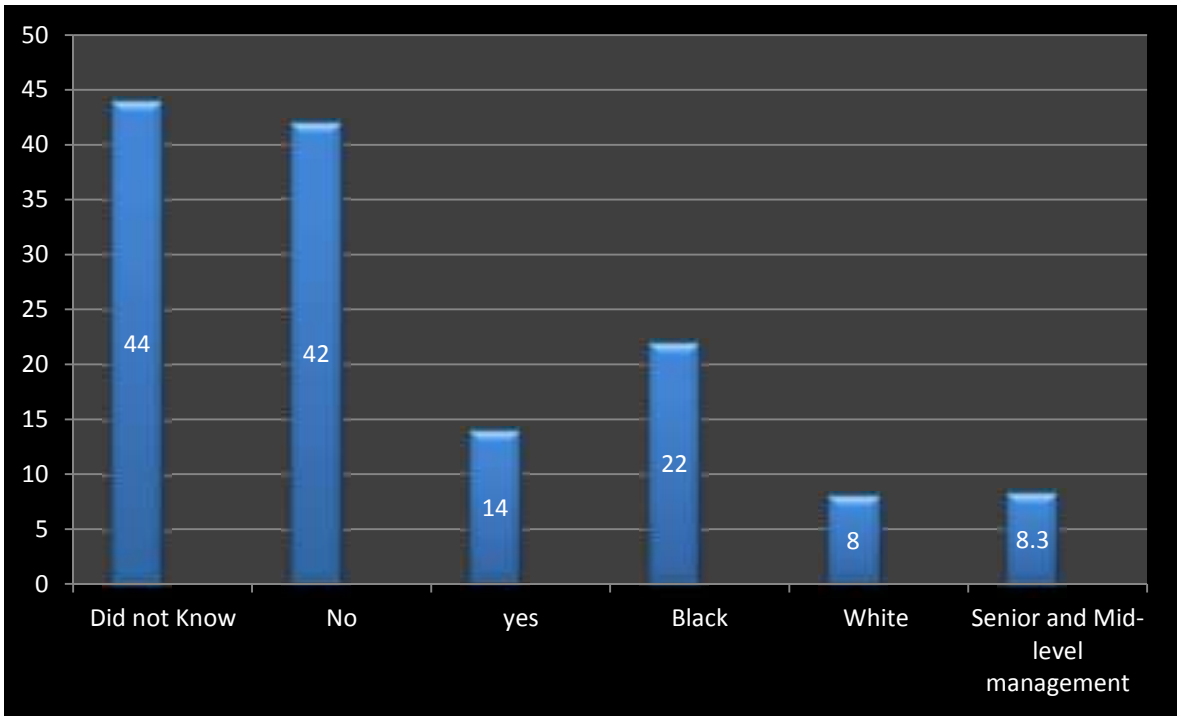


Figure 1.1 : Does your department unofficially support bias-based policing practices?

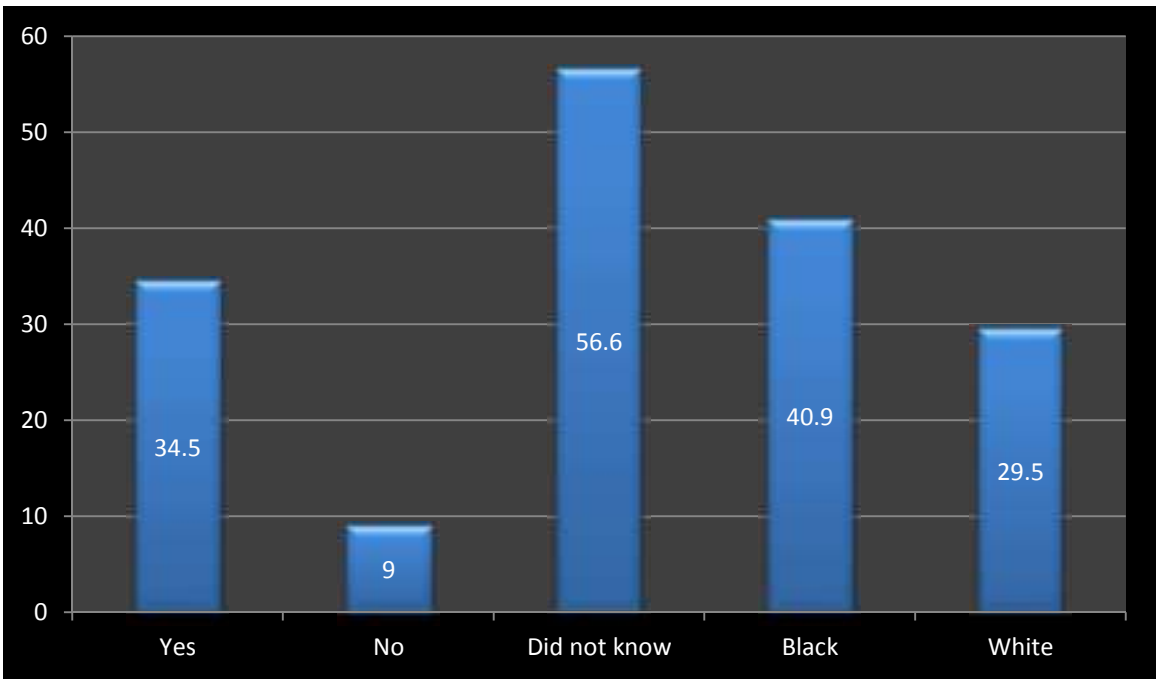


Figure 1.2 : Do you believe that your police department officially supports bias-based policing practice?

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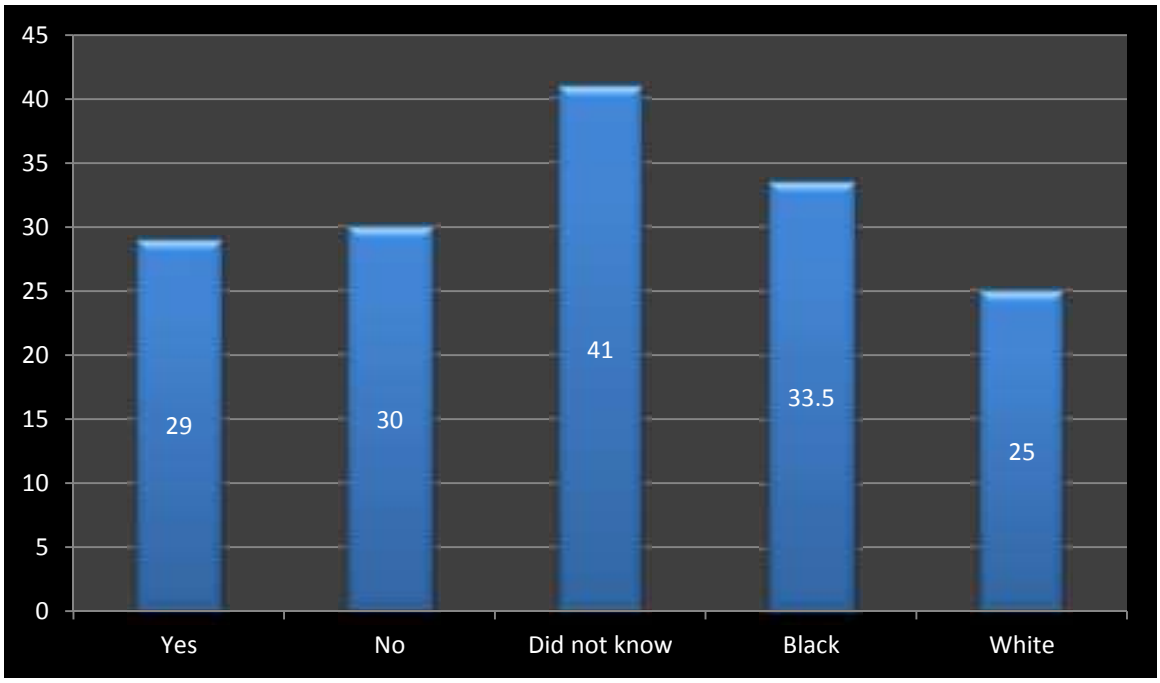


Figure 1.3 : Do you believe that bias-based policing is presently practiced by any officer(s) in your department?

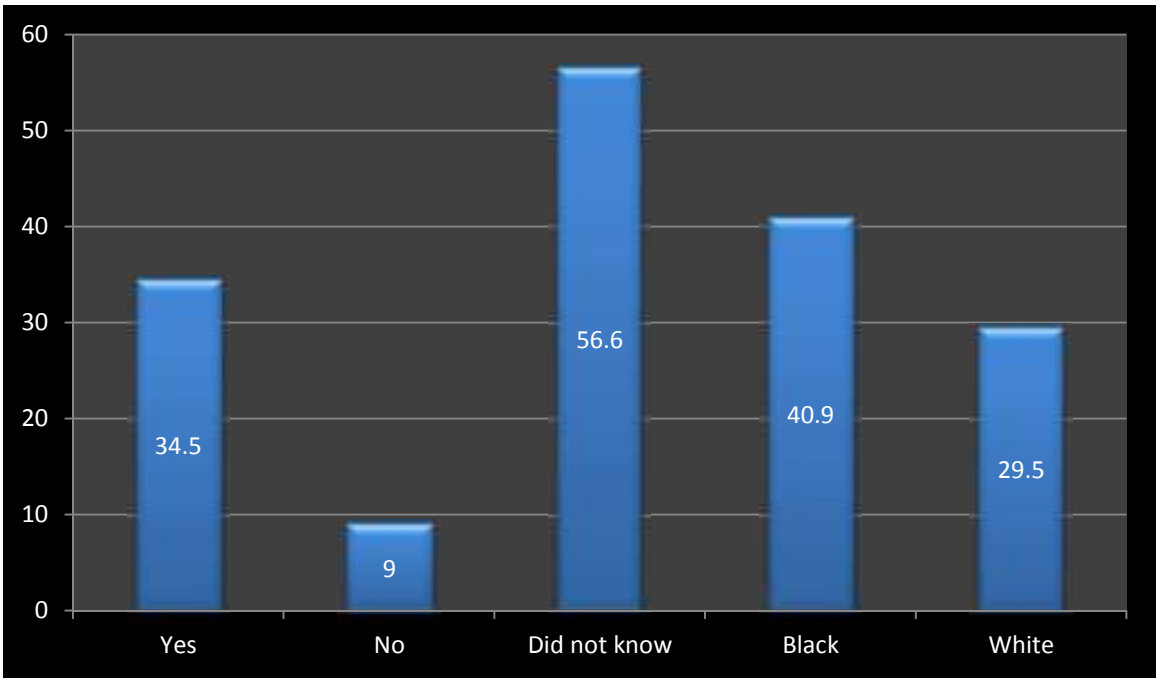


Figure 2.1 : Do you believe that bias-based policing is practiced by individual officers in other Alabama police departments?

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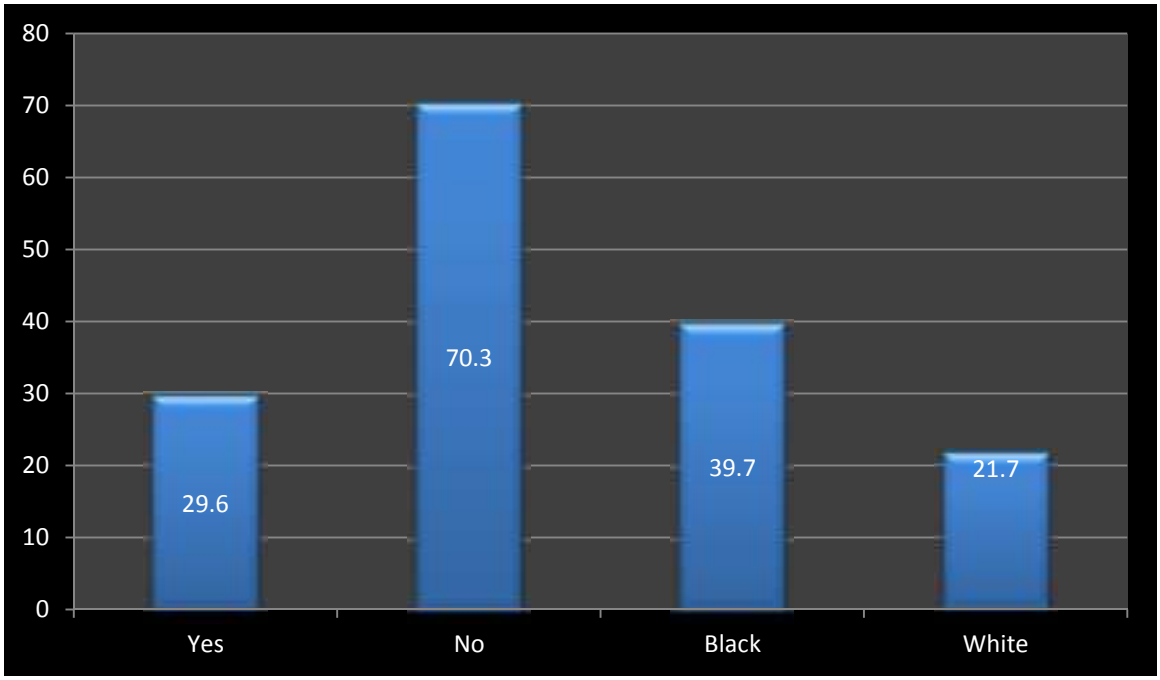


Figure 2.2 : Have you witnessed bias-based policing activities by other officers in your department?

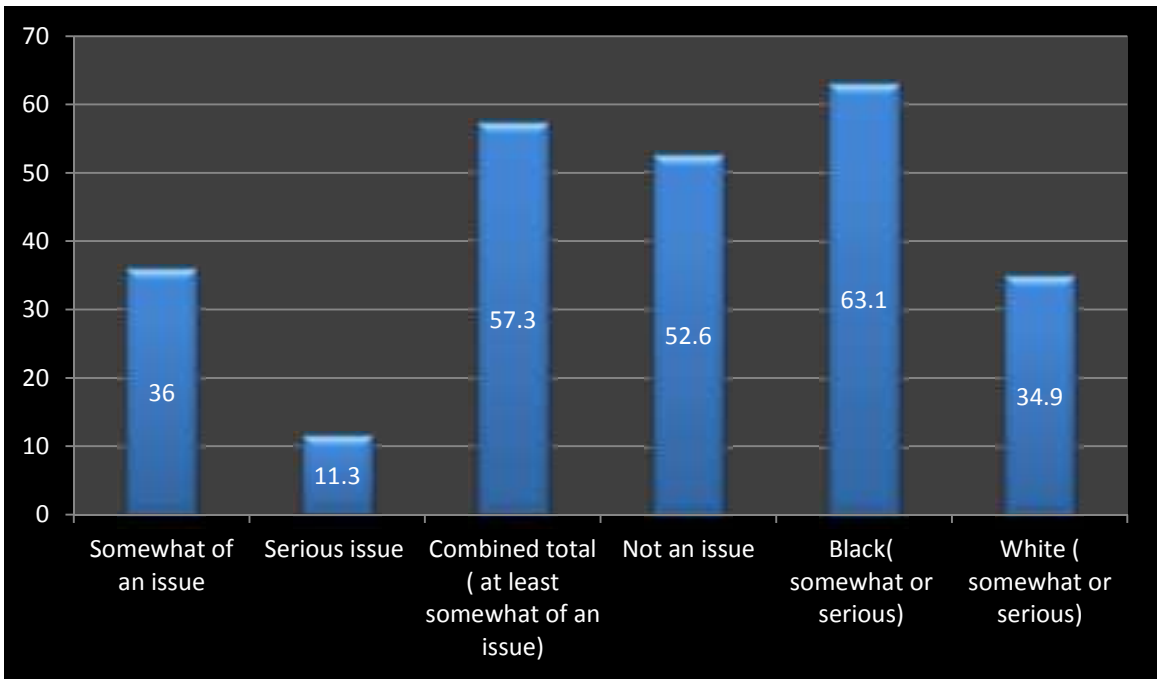


Figure 3.1 : To what extent, if any, do you believe bias-based policing is an issue for your department?

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