PSFSS Agenda: 01-24-13 Item: (d) (2)



Memorandum

# TO: PUBLIC SAFETY, FINANCE AND STRATEGIC SUPPORT COMMITTEE

FROM: Christopher M. Moore

**SUBJECT:** Consortium for Police Leadership in Equity (CPLE) Report

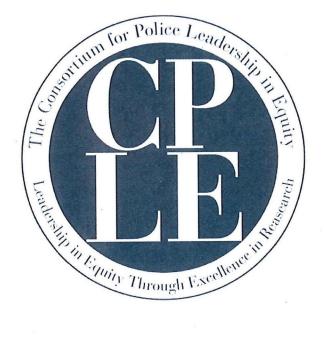
**DATE:** January 16, 2013

Date Approved 1-17-13 Isk (Junt

Attached is *The Consortium for Police Leadership in Equity (CPLE) Report*. At the Committee's meeting on January 24, 2013, the Police Department will review the report and will be available for questions.

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Christopher M. Moore Chief of Police



Protecting Equity: The Consortium for Police Leadership in Equity Report on the San Jose Police Department

A Report Issued by: The Consortium for Police Leadership in Equity

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The Consortium for Police Leadership in Equity Report on the San Jose Police Department

#### Executive Summary

Effective and constitutional policing require both that officers treat residents fairly and that residents perceive they are treated fairly. When either the perception or the reality of fair treatment is lacking, residents are more likely to be uncooperative and law enforcement is more likely to find it difficult to protect neighborhoods from violence and theft.<sup>1</sup> Unfortunately, the most prevalent negative belief about law enforcement (nationally) is that they are unfair—particularly with regards to race.<sup>1</sup> Therefore, a department may be faced with public perceptions that they are racist and/or unfair regardless of whether or not they engage in biased police behavior. Consequently, in addition to significant public relations initiatives, many progressive police departments have begun trying to obtain objective measures of whether or not their officers treat residents as fairly as they should. It was in this spirit that the San Jose Police Department (SJPD) contacted the Consortium for Police Leadership in Equity (CPLE) to begin an assessment of racial equity in the SJPD's treatment of its residents. We were tasked with identifying the role (if any) of individual officers in the production of any observed racial/ethnic disparities and with delivering a "readable" report on our findings as well as suggestions for policy innovations that could address any concerns we found. Consequently, we have attempted to write a *brief*, yet *comprehensive* report, focusing on significant findings and avoiding scientific jargon where possible.

This assessment broadly engages three areas of possible disparity: pedestrian stops, complaints against an officer, and officer use of force against residents. Using unprecedented access to police officers and records granted by the SJPD, the CPLE analyzed each of these police behaviors with regard to the race of the residents as well as to the psychological profile of officers who volunteered for the project. The goal of this project was to identify what role (if any) individual officers played in producing racial disparities across these three domains and provide the SJPD and the broader San Jose community with new tools with which to measure—and improve—racial equity in San Jose policing.

Our results reveal two major findings. First, individual officers play a significant role in producing a culture of equitable treatment at the SJPD. Second, our analyses reveal a novel way to use existing data to assess officer-level disparities.

Across each of the domains, individual psychological profiles significantly predicted behavior, a critical insight for the purposes of improving future police/community relations. Importantly, different psychological dimensions predict different policing outcomes. Specifically, consistent with preliminary research elsewhere,<sup>2</sup> explicit bias was a significant predictor of racial disparities in police stops. Also consistent with previous work, implicit bias was a significant predictor of racial disparities in who filed a complaint against an officer. Finally, concerns about one's self-image—specifically concerns with one's masculine self-image and one's image as a non-racist—predicted racial disparities in police use of force. Taken together, these findings have implications for future police training and selection processes.

Additionally, the present research is the first analysis of a major city police department to compare officer-initiated stops to stops that result from resident calls for service. This gave us an opportunity to account for the biases of residents in policing outcomes. The results of our analyses suggest that comparing racial disparities in officer-initiated stops to racial disparities in calls for service may provide the SJPD with a superior tool for identifying and managing problematic behaviors.

<sup>&</sup>lt;sup>1</sup> Tyler, T. R., & Huo, Y. J. (2002). Trust in the law: encouraging public cooperation with the police and courts. New York, NY: Russell Sage Foundation.

<sup>&</sup>lt;sup>2</sup> Goff, P.A., Jackson, M.C., & Khan, K. B. (In Preparation). Racism with, and without, racists: Boundary conditions on the predictive powers of self-threats and prejudice in intergroup conflict.

The Consortium for Police Leadership in Equity Report on the San Jose Police Department

#### A Note on Contemporary Bias

When laypersons use the term "racist" or "racially biased" they usually refer to one type of bias: traditionally explicit racial bias<sup>3</sup>. This type of bias can include an individual's tendency to use racial epithets, believe in the explicit inferiority of one group compared to his or her own, and to openly display animosity towards members of another group. A belief that members of different races should not marry and the endorsement of negative stereotypes (e.g., "Latinos are lazy") are common examples of this type of racial bias.<sup>4</sup> Explicit biases are conscious, deliberative, and subject to introspection. In other words, a person can tell you whether or not they are a "racist" in the traditional sense, and (unless they are lying) they tend to be fairly accurate. Consequently, one can simply ask "how much do you like people from X group" and receive a fairly accurate answer—again, provided the individual attempts to tell the truth. While we include a measure of this type of bias in our analyses, this is not the only form of racial bias that can predict an individual's behavior. In addition to "traditional" explicit racism, researchers have also begun to look at implicit bias and "racism without racists" as forms of contemporary bias that produce negative racial outcomes.

Implicit biases are not what most people think of when they imagine the term "racist".<sup>3</sup> An implicit bias is the automatic and non-conscious association between two things. For instance, it is not surprising that when we think of the word "doctor" we are more likely to think of the word "nurse." This is because, when we bring a given concept to mind, we also bring to mind the set of concepts that are highly associated with it. In the domain of healthcare, then, "doctor" may bring to mind "nurse" and vice versa. Implicit racial biases function similarly with "Black," "Asian," "White," or "Latino" calling to mind racial and ethnic stereotypes about that group.

Unlike explicit racial biases, implicit biases are non-conscious, spontaneous, difficult to see in one's self, and even more difficult to control.<sup>5</sup> That is, an individual may hold implicit biases without even knowing that they do.<sup>6</sup> Consequently, asking an individual whether or not they hold implicit biases is not the most reliable way to assess them. Rather, one must use computer tasks to assess implicit biases, by measuring how quickly one associates racial stereotypes with exemplars from that group.

Implicit biases, like explicit biases, can also influence behavior. However, while explicit bias tends to influence deliberative processes such as what one says and with whom one associates, implicit biases tend to influence automatic processes, such as non-verbal behaviors (e.g., eye contact, fidgeting, etc.). These processes can have a surprisingly large effect on interpersonal interactions while being difficult for individuals to monitor. Consequently, while someone may have virtually no signs of explicit bias, he or she still may behave in a way that causes objectionable racial inequalities. Worse, an individual may be unaware of the biases he or she holds or the behaviors that may result from these biases. The present research measures implicit biases as well as explicit ones, providing a fuller understanding of the various roles these forms of bias do and/or do not play in producing racial inequity in San Jose Police outcomes.

Finally, so-called "racism without racists" is a phrase that refers to psychological processes that require neither explicit nor implicit racial bias, yet produce objectionable racial inequality. For instance, majority group members' concerns with appearing racist often result in negative outcomes for minority group

<sup>3</sup> Dovidio, J. F. (2001). On the nature of contemporary prejudice: The third wave. *Journal of Social Issues*, 57, 829–849

<sup>4</sup> Duckitt, J. H. (1992). Psychology and prejudice: A historical analysis and integrative framework. *American Psychologist*, 47, 1182-1193.

<sup>5</sup> Devine, P.G. (1989). Stereotypes and prejudice: Their automatic and controlled components. *Journal of Personality* and Social Psychology, 56(1), 5-18.

<sup>6</sup> Greenwald, A.G., McGhee, D.E., & Schwartz, J. (1998). Measuring individual differences in implicit cognition: The implicit association test. *Journal of Personality and Social Psychology*, 74 (6), 1464-1480.

#### The Consortium for Police Leadership in Equity Report on the San Jose Police Department

members.<sup>7, 8, 9</sup> The anxiety one might feel about being stereotyped as racist ironically produces behaviors such as physical avoidance, avoidance of eye contact, and general nervous behaviors that provoke negative interactions. Importantly, one would not want to call someone a racist simply because they are concerned with appearing racist. Yet, in an interview, work, or law enforcement context, an individual's concern with appearing racist could result in disproportionately negative outcomes for non-Whites. Thus the term "racism without racists." These psychological factors are difficult for individuals and organizations to identify because they often seem irrelevant to issues of racial equity, making them even more difficult to remedy. We account for these factors in the form of stereotype threat, <sup>10</sup> which in this case is the concern with appearing racist,<sup>7</sup> and masculinity threat, the concern with being seen as insufficiently manly.<sup>11</sup>

Together, psychological factors, explicit racism, implicit racism, and racism without racists, form the primary conceptual frameworks for our assessment of officer-level bias in the SJPD. It is important to remember that only one form, explicit racism, is what a majority of individuals will understand as "racism", and that both implicit racism and "racism without racists" are not associated with the negative character elements commonly ascribed to explicit racism. That is, though we discuss racism and racial bias throughout this report, we distinguish between racial bigotry and other forms of bias. That said, any form of racial inequality predicted by any of these forms of bias is worthy of serious attention because it demonstrates that individual officer attitudes can create racially disparate policing outcomes—a result antithetical to the values of the SJPD and constitutional policing.

#### Background & Methodology

Again, the goal of the present research was to determine what role, if any, officer-level attitudes play in the equitable distribution of policing outcomes. In order to assess racial equity in policing outcomes, we adopted two approaches: 1) Analyses of how officer attitudes influence their behavior, and 2) Analyses of officer behavioral data relative to their peers.

Pursuant to the Memorandum of Understanding signed by the City of San Jose and the University of California, Los Angeles, officers were recruited via announcements at role call and through department-wide emails to participate in the project. Participating officers completed a computer survey and several measures of implicit attitudes on laptops provided by the CPLE in order to ensure confidentiality. Participation took between 30 and 75 minutes and officers were compensated \$50 for their time. Officers completed measures of explicit prejudice (a feeling thermometer); implicit bias (a sequential priming paradigm measuring the automatic association between target group members and both crime and weapons); stereotype threat (in this case, the concern with appearing racist); masculinity threat; and colorblindness. Each measure is explained in greater detail below.

The SJPD then supplied the CPLE with data on participating officer's records regarding self-initiated stops, calls for service (i.e., resident-initiated stops), complaints, and use of force. Data for all self-initiated stops spanned from January 1, 2007 to October 31, 2010. Calls for service data spanned from 11/1/2009 -

<sup>&</sup>lt;sup>7</sup> Goff, P. A., Steele, C. M., & Davies, P. G. (2008). The space between us: Stereotype threat and distance in interracial contexts. *Journal of Personality and Social Psychology*, *94*, 91-107.

<sup>&</sup>lt;sup>8</sup> Richeson, J. A., & Shelton, J. N. (2007). Negotiating interracial interactions: Costs, consequences, and possibilities. *Current Directions in Psychological Science*, *16*, 316–320.

<sup>&</sup>lt;sup>9</sup> Vorauer, J. D., Main, K. G., & O'Connell, G. B. (1998). How do individuals expect to be viewed by members of lower status groups: Content and implications of meta-stereotypes. *Journal of Personality and Social Psychology*, 75, 917–937.

<sup>&</sup>lt;sup>10</sup> Steele, C. M. (1997). A threat in the air: How stereotypes shape intellectual identity and performance. *American Psychologist, 52*(6), 613–629.

<sup>&</sup>lt;sup>11</sup> Eisler, R.M. & Skidmore, J.R. (1987). Masculine gender role stress: Scale development and component factors in the appraisal of stressful situations. *Behavior Modification*, *11*(2), 123-136.

The Consortium for Police Leadership in Equity Report on the San Jose Police Department

10/31/2010. Data for complaints spanned the career of the officer. Data for use of force spanned the two years prior to the officer completing the survey. Ninety- nine officers volunteered for the study, and their performance data appeared representative of the department.

During the course of the project, we spoke informally with community members and also conducted an in-person survey of San Jose residents. In November 2012, San Jose residents were approached in public venues (e.g., shopping malls, grocery stores, farmers markets, etc). Of the 335 people who were asked to complete the survey, 155 agreed. This 46% response rate far outpaces what contemporary online or telephone surveys generate.<sup>12</sup> Spanish speakers were provided with a Spanish version of the survey.

Tables 1.1 and 1.2 provide information about the demographics of survey respondents.

Table 1.1 Demographics of Survey Respondents Based on Age and Gender

Variable	Officers	Residents	
Male	92%	28%	
Female	7%	27%	
Declined to answer gender	1%	45%	
Age (in years)	Mean 35.73, Med, 36	40.5	

Table 1.2 Race and Ethnicity of Survey Respondents

Race/ Ethnicity	Officers	Residents	
White	53%	14.1%	
Hispanic	28%	28.5%	
Black	6%	3.2%	
Asian	6%	9.6%	
Other	3%	6.1%	
Declined to answer	0%	38.5%	

#### Measures

To determine which implicit and explicit police officer attitudes are significant for determining policing behavior we used several different measures:

#### Sequential Priming Task

A sequential priming task uses the speed and accuracy of sorting items into categories across conditions as an indication of the strength of association between the items. It is a common measure of implicit bias.<sup>13</sup> For example, participants press a key on a keyboard to indicate whether a word on the screen is a "crime" word (e.g., warrant, arrest, criminal, etc.) or not (e.g., pickles, trash, pesticide). Immediately before categorizing these words, participants are shown a name that is stereotypically "Black," "Latino," or "White," for instance Jamal/Monique, Jose/Maria, or Chip/Janet. These names are presented subliminally (so quickly that an individual does not even know they have seen them). We are then able to compute the speed with which

<sup>12</sup> Curtin, R., Presser, S., & Singer, E. (2000). The effects of response rate changes on the Index of Consumer Sentiment. *Public Opinion Quarterly, 64*, 413-428.

<sup>13</sup> Dovidio, J. F., Kawakami, K., & Gaertner, S. L. (2002). Implicit and explicit prejudice and interracial interaction. *Journal of Personality and Social* Psychology, 82, 62-68.

The Consortium for Police Leadership in Equity Report on the San Jose Police Department

crime related words (as opposed to non-crime-related words) are categorized when they have been subliminally presented with Black or Latino names as opposed to White names. If an individual is faster to categorize crime-related words when presented with Latino names than with White names, then that represents an implicit bias against Latinos regarding crime. In the present research we measured crime-related implicit biases as well as weapon-related implicit biases (e.g., gun, knife, mace, etc).

#### Stereotype Threat

Stereotype Threat is the concern one feels of being evaluated in terms of, or conforming to, a negative stereotype about one's group.<sup>14</sup> For instance, a woman may feel concerned that if she does poorly on a math exam, someone may suspect that she has done poorly *because* she is a woman. Previous research demonstrates that stereotype threat often leads to performance decrements both in academic settings (e.g., depressed test/grade performance)<sup>15, 16</sup> and in intergroup interactions.<sup>7,8,9</sup> In the case of police officers, among the most salient negative characteristics that they are at risk of confirming is the stereotype of being racist. Stereotype threat was measured on a 7- point scale using five items that asked officers to indicate the degree to which they agreed with a series of statements, such as: "I worry that others may stereotype me as prejudiced because I am a police officer." The full set of items used is attached in the Appendix.

Officers demonstrated moderate amounts of stereotype threat (Mean = 4.08 out of 7). Stereotype threat varied by race/ethnicity, but not significantly, in part due to sample size. Though previous research on stereotype threat suggests that Whites tend to experience greater concern with appearing racist than do other groups, that was clearly not the case within this sample. This may have resulted from Whites' concerns with admitting a fear of appearing racist, from small sample sizes of non-White officers, or from a genuine tendency for officers to share concerns about appearing racist equally regardless of race/ethnicity. Our informal interviews with officers provide support for this final conclusion, with Black, Asian, and Latino officers frequently citing instances of same-race community members accusing them of racism.

Officer Ethnicity	Avg. Stereotype Threat (min=1; max=7)
White	4.158
Latino/Mexican	3.993
Black	4.433
Asian	3.690
<b>Overall Average</b>	4.078

Table 2.1 Average Stereotype Threat by Officer Ethnicity

#### Male Gender Role Stress (MGRS)

Male Gender Role Stress (MGRS) is a measure of an individuals' level of stress related to cognitive, behavioral, and environmental events associated with the male gender role.<sup>11</sup> MGRS was measured on a 7-

<sup>&</sup>lt;sup>14</sup> Steele, C. M. (1997). A threat in the air: How stereotypes shape intellectual identity and performance. *American Psychologist*, *52*(6), 613–629

<sup>&</sup>lt;sup>15</sup> Steele, C.M., & Aronson, J. (1995). Stereotype threat and the intellectual test-performance of African-Americans. *Journal of Personality and Social Psychology*, 69 (5), 797-811.

<sup>&</sup>lt;sup>16</sup> Steele, C.M., Spencer, S.J., Aronson, J. (2002), Contending with group image: The psychology of stereotype and social identity threat, *Advances in Experimental Social Psychology*, *34* (379), 439.

The Consortium for Police Leadership in Equity Report on the San Jose Police Department

point scale using fifteen items that asked officers to indicate the degree to which they found a series of statements, such as, "Letting a woman take control of the situation" stressful. The full set of items used is attached in the Appendix. Again, there were no significant racial/ethnic differences in MGRS scores and masculine self-concept. Table 3.1 shows the average MGRS scores by officer ethnicity. MGRS and Stereotype Threat functioned as our measures of "racism without racists." Both psychological factors have previously been linked to racially/ethnically disparate behavior.<sup>7,17</sup> and neither measures explicit or implicit racial/ethnic bias.

Officer Ethnicity	Male Gender Role Stress
White	3.146
Latino/Mexican	2.983
Black	3.022
Asian	2.953
<b>Overall Average</b>	3.071

Table 3.1 Average Male Gender Role Stress by Officer Ethnicity

#### **Race/Ethnic Feeling Thermometers**

Feelings about Whites, Blacks, Latinos, and "undocumented immigrants" were measured using a feeling thermometer, which asks officers to indicate how warmly they feel toward each group. Higher scores indicate more positive feelings toward a target group. Importantly, officers did not report significantly different attitudes towards any group with the exception of Latino/Mexican officers, who reported significantly more positive attitudes towards "undocumented immigrants" than did officers of any other groups, t's > 2.03, p's < .05. Figure 1.1 displays this pattern of responses.

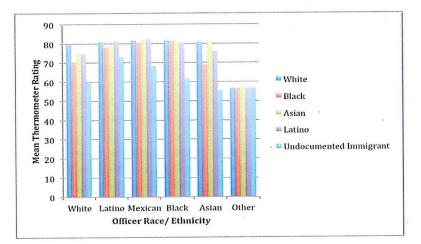


Figure 1.1 Average Feeling Thermometer Ratings toward Blacks, Latinos, and Undocumented Immigrants by Officer Ethnicity

<sup>17</sup> Goff, P.A., Di Leone, B.A.L., Kahn, K.B. (2012). Racism leads to pushups: How racial discrimination threatens subordinate men's masculinity. *Journal of Experimental Social Psychology*, 48 (5), 1111-1116.

The Consortium for Police Leadership in Equity Report on the San Jose Police Department

#### Officer Attitudes & Behavior

#### **Officer Stops**

Among the primary concerns conveyed to the CPLE when we began our partnership with the SJPD was that some community members felt the department stopped Black and Latino residents unfairly—particularly for minor infractions. While a variety of factors contribute to an officer's decision to stop an individual, we were asked to look at the possibility that officer-level biases could play a role in police stops and to identify new ways in which the department could monitor stops decisions—both at the level of officer decisions and at the level of department-wide trends. To accomplish this task, we linked individual officer psychological information (described above) with information about officer stops. Importantly, for the first time in scholarship on this topic, we were given information about both officer self-initiated stops and resident calls for service. This allowed us to account for the possibility of resident racial/ethnic biases in testing for biases in stops. Our rationale was two-fold:

First, if an officer's psychological profile predicts racial/ethnic disparities in their stops behavior, then that constitutes strong evidence of officer bias (of the explicit, implicit, or "racism without racist" kind). Second, if there is a different relationship between psychological biases and officer-initiated stops than between psychological biases and resident calls for service, this might provide strong support for using these two types of stops information to construct a superior metric for tracking racial/ethnic disproportionality in stops. In other words, by using information on officer psychological biases, we might identify information that the SJPD already collects that track problem police behaviors.

To capture the difference between stops originating from a resident's call for service and those initiated by the officer, we calculate a "discretionary score." This is the difference between the proportion of Blacks or Latinos among officer-initiated stops and the proportion of Blacks or Latinos among residentinitiated stops.<sup>18</sup> The discretionary score indicates how well aligned the racial/ethnic composition of officers' stops is with that of stops originating from residents' calls—usually in the area officers are assigned to patrol. Specifically, a positive score means the proportion of Blacks among officer stops exceeds the proportion of Blacks among resident-originated stops. It is important to note that, across many situations, officers are required to conduct a street stop based on legal standards, and are not afforded significant discretion over whether or not they stop an individual. Consequently, it is not accurate to say that so-called "self-initiated" stops are purely a matter of individual officer discretion. In fact, in many situations, officer discretion does not enter into a decision to stop an individual. Still, officers' instincts, decision-making, and attentional resources are often more implicated in self-initiated stops than they are in resident calls for service. Though we did not have strong hypotheses about comparing self-initiated stops to calls for service before beginning this project, our results suggest it is likely a fruitful avenue for both researchers and practitioners to explore further, as we describe below.

Using this "discretionary score," we find that the more negatively an officer feels about Blacks, the greater the mismatch between the proportion of Blacks in his or her self-initiated stops compared to calls for service.<sup>19</sup> There is a similar relationship between the proportion of officer initiated stops that involve Black

An equivalent calculation is used for Latinos.

<sup>&</sup>lt;sup>18</sup> OFFICER DISCRETIONARY SCORE = <u>OFFICER-INITIATED STOPS OF BLACKS</u> - <u>RESIDENT-INITIATED STOPS OF BLACKS</u> ALL OFFICER-INITIATED STOPS ALL RESIDENT-INITIATED STOPS

<sup>&</sup>lt;sup>19</sup> Linear regression indicated a strong relationship between officers' discretionary score and officers' negative feelings about Blacks ( $\beta = -.189$ , p < .05). Regression equations for all disproportionality analyses (i.e., stops, complaints, and use of force) included centered variables accounting for officer age, ethnicity, length of time on the force, self-reported education level, and selfreported income. Additionally, regressions included officer-level stereotype threat scores, MGRS scores, implicit biases towards the target group and crime, implicit biases towards the target group and weapons, a measure of ideological "colorblindness," group feeling thermometer score(s), group resident stops ratios, and a composite score of group arrests and citation ratios (the number of arrests and citations of members of a group divided by the total number of arrests and citations for that officer).

# The Consortium for Police Leadership in Equity Report on the San Jose Police Department

residents. In this case, the more negative the officer's feelings about Blacks, the higher the proportion of Blacks among the officer's stops (without accounting for resident calls for service).<sup>20</sup> The relationship between the discretionary score and officer attitudes is somewhat different for Latinos. While there is a moderate relationship between positive feelings about Latinos and officers' discretionary score,<sup>21</sup> there is a significant relationship between negative feelings about undocumented immigrants and officers' discretionary score.<sup>22</sup> In essence, officers' stops of Latinos are better predicted by their attitudes towards undocumented immigrants than by their attitudes towards "Latinos" more generally. The same pattern is evident in officers' pedestrian stops of Latinos. There is a moderate relationship between negative feelings for resident calls for service;<sup>23</sup> however, there is a significant relationship between negative feelings about undocumented immigrants and officers' stops of Latinos and stops of Latinos, even without accounting for resident calls for service;<sup>24</sup> however, there is a significant relationship between negative feelings about undocumented immigrants and officers' stops of Latinos.<sup>24</sup> It is important to note that overall, officers stop a higher percentage of Blacks and Latinos (compared to resident calls for service) than they stop Whites.<sup>25</sup>

In general, the rate at which officers stop Blacks is roughly equivalent to that initiated by residents.<sup>26</sup> However, officers tend to initiate more stops of Latinos than residents,<sup>27</sup> and marginally fewer stops of Whites than residents.<sup>28</sup> This may result from demographic factors. Specifically, Latinos are more likely to live in concentrated areas than Whites.<sup>29</sup> Conversely, it is possible that arrests of Latinos are more likely to occur in areas that are more heavily policed and/or less residential. However, given the importance of accountability and transparency in the relationship between the SJPD and residents, the SJPD should attempt to account for and explain this tendency with some degree of regularity. Because the difference in the ratio of officer-initiated stops to calls for service was predicted by officer-level explicit prejudice, it is likely that some portion of the difference results from officer-level psychological biases, regardless of other factors that complicate this picture. This suggests that tracking individual officer discretionary ratios is a promising way for the department to measure and manage equity concerns. It is important to note that only six percent of participating officers would be considered "problem officers" in the distribution.<sup>30</sup> This suggests that tracking officer discretion would not lead to excessive disciplinary issues for the department. Additionally, the effect sizes (a measure of how large a role any given variable plays) observed in the present data were not significantly larger than those that tend to be observed in traditional laboratory studies of college undergraduates. That is, while these data provide strong evidence that officer-level biases can influence stops behaviors over and above any biases introduced into policing by residents, they do not provide evidence that officers are significantly more biased than residents. Average discretionary scores based on officer ethnicity are listed in Table 4.1.

<sup>24</sup> Linear regression indicated a moderate relationship between officers' pedestrian stops of Latinos and officers' positive feelings about Latinos ( $\beta = -.361$ , p < .05).

<sup>25</sup> For Black/White comparison, t(91), = 2.63, p < .05. For Latino/White comparison, t(91), = 2.17, p < .05.

 $^{26} t (91), = 1.53, p = .13$ 

 $^{27}$  t (91) = 2.03, p < .05

 $^{28}$  t (91) = -1.91, p = .06

<sup>30</sup> As defined by the standard criteria, twice the standard deviation above the mean.

<sup>&</sup>lt;sup>20</sup> Linear regression indicated a moderate relationship between officers' pedestrian stops of Blacks and officers' negative feelings about Blacks ( $\beta = -.276, p < .05$ ).

<sup>&</sup>lt;sup>21</sup> Linear regression indicated a moderate relationship between officers' discretionary score and officers' positive feelings about Latinos ( $\beta = .136$ , p < .10).

<sup>&</sup>lt;sup>22</sup> Linear regression indicated a strong relationship between officers' discretionary score and officers' negative feelings about illegal immigrants ( $\beta = -.206, p < .05$ ).

<sup>&</sup>lt;sup>23</sup> Linear regression indicated a moderate relationship between officers' pedestrian stops of Latinos and officers' positive feelings about Latinos ( $\beta = .238, p < .10$ ).

<sup>&</sup>lt;sup>29</sup> Pew Hispanic Center (2005). The new Latino south: The context and consequences of rapid population growth. Washington, D.C.: Kochhar, R., Suro, R., & Tafoya, S.

#### The Consortium for Police Leadership in Equity Report on the San Jose Police Department

Officer Ethnicity	White	Black	Latino
Mean	0348	.0116	.0419

Table 4.1 Average Discretionary Scores Based on Officer Ethnicity

#### Officer Decisions to Arrest and Cite

To improve our understanding of the effects of officer attitudes on interactions with the public, we also examined what occurs after a stop is made. We used citations and arrests as measures of outcome severity. Again, it is important to note that officers are frequently not given a choice as to whether they arrest a suspect or give them a citation, and many categories of crime do not provide for the possibility of one outcome or the other. Still, officers are afforded some manner of discretion in arresting or citing an individual. Accordingly, evidence that individual level biases predict racial/ethnic differences in who is arrested as opposed to written up for citation could be further evidence of the need to address individual level biases. Consequently, we calculated the ratio of arrests of Whites, Blacks, or Latinos relative to all arrests and the ratio of citations issued to Whites, Blacks, or Latinos relative to all citations. Table 4.1 shows average ratios on the basis of resident and officer ethnicity. In general, Blacks are disproportionately represented among arrests as opposed to citations.<sup>31</sup> For insight into how officer attitudes and characteristics relate to severity of treatment, we calculate a "severity score," which is the difference between the proportion of Blacks or Latinos who receive a citation and the proportion of Blacks or Latinos who are arrested.<sup>32</sup> A positive score means greater severity, i.e., that Blacks (or Latinos) are more likely to be arrested than cited. For Blacks, younger officers and the proportion of stops initiated by residents predict more severity. For Latinos, older officers predict more severity. There was no significant relationship between officer attitudes and severity on the basis of race/ethnicity. Importantly, while these analyses do reveal disproportionality in post-arrest outcomes, there is no evidence of psychological racial/ethnic bias on the part of officers in this dimension, and that is an encouraging sign.

	Arrests/Citation Ratio by Resident Ethnicity		
Officer Ethnicity	White	Black	Latino
White	.2200	.1001	.5348
Latino/Mexican	.2259	.0943	.5479
Black	.1859	.0955	.5403
Asian	.1804	.1057	.5202
Average	.2147	.0990	.5368

Table 5.1 Arrest/Citation Ratio by Resident and Officer Ethnicity

<sup>32</sup> OFFICER SEVERITY SCORE = <u>ARRESTS OF BLACKS</u> <u>CITATIONS TO BLACKS</u>

ALL ARRESTS - ALL CITATIONS

An equivalent calculation is used for Latinos.

<sup>&</sup>lt;sup>31</sup> Paired sample t-tests indicated a statistically significant difference between the rates at which Blacks (Mdiff = .05, SD = .02; t(91) = 2.36, p = .02) and Latinos (Mdiff = .08, SD = .34; t(91) = 2.17, p = .03) are stopped relative to Whites.

The Consortium for Police Leadership in Equity Report on the San Jose Police Department

#### **Complaints Against Officers**

Given the influence of officer attitudes on stops, our next charge was to understand the effect of officer attitudes on complaints against an officer. Figure 2.1 shows the average number of complaints on the basis of officer and resident ethnicity (i.e., the ethnicity of the resident filing a complaint). On average, officers of all ethnicities received approximately one complaint during the period data was provided to CPLE. Latino residents are the source of most complaints. This is an initial indication of the need to focus on the concerns of this particular population. There were not enough complaints by Asian residents to conduct appropriate inferential analyses and there was no statistical evidence of racially/ethnically differential complaints across race/ethnicity of SJPD officers.

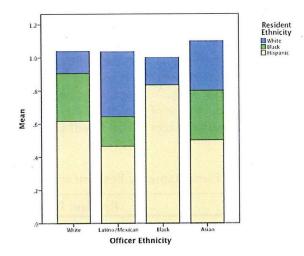


Figure 2.1 Average Number of Complaints by Resident and Officer Ethnicity

To assess the potential for racial/ethnic disproportionality in complaints, we calculated the ratio of complaints made by Whites, Blacks, or Latinos against a particular officer divided by the total number of complaints against that officer. Larger numbers indicate that Whites, Blacks, or Latinos represent a higher proportion of an officer's complaints. Figure 2.1 shows the distribution of complaints. An examination of officers' attitudes shows that, unlike with stops, an officer's explicit prejudice does not predict racial disparities in complaints against an officer. However, an officer's implicit biases towards that group do. Specifically, the more officers implicitly associate Blacks with crime (but not weapons), the greater the proportion of the complaints made against them are by Blacks.<sup>33</sup> The same is true for Latinos.<sup>34</sup> Additionally, the more concerned officers are with being stereotyped as racist, the greater the proportion of the complaints. <sup>35</sup> Again, effect sizes of these analyses are comparable to those observed in studies of non-law enforcement populations, and few individuals (between 3% - 10%, depending on the type of implicit biases predictive power suggests the need to address implicit bias in any attempts to reduce racial disparities in complaints against officers.

<sup>&</sup>lt;sup>33</sup> Linear regression indicated a strong relationship between Black/crime IAT and the proportion of complaints about an officer that are made by Blacks ( $\beta = .394, p < .05$ ).

<sup>&</sup>lt;sup>34</sup> Linear regression indicated a moderate relationship between Latino/crime IAT and the proportion of complaints about an officer that are made by Latinos ( $\beta = -.266, p < .10$ ).

<sup>&</sup>lt;sup>35</sup> Linear regression indicated a moderate relationship between officer stereotype threat and the proportion of complaints about an officer that are made by Latinos ( $\beta = .384, p < .05$ ).

The Consortium for Police Leadership in Equity Report on the San Jose Police Department

# Use of Force

The most difficult and consequential decision for an officer is often whether or not to use coercive or deadly force against a suspect in self-defense or in defense of the common good. Using data about each officer's on-duty behavior, we assessed the attitudinal predictors of racial/ethnic disparities in the use of force against Blacks and Latinos. Importantly, there are two kinds of disparities one might be interested in assessing. The first is sheer incidence, whether force is used more often against some groups than others (and whether or not psychological biases predict these disparities). The second is severity of force, whether more severe force is used against one group or another. In an attempt to assess both, we calculated a weighted use of force score for each officer, with lower levels of force (e.g., wrist lock, scored at a 1) scored lower than more dangerous levels of force (e.g., discharging a firearm, scored at an 8). We then computed ratios of an officer's weighted scores for Latinos, divided by the weighted scores for all use of force incidents. This constituted an officer's use of force racial/ethnic disparity score for Latinos.

Using the same regression equation as all other disparities analyses, our analyses revealed that use of greater force against Blacks, relative to other groups, is associated with an officer reporting greater stereotype threat and more male gender role stress.<sup>36</sup> Conversely, use of greater force against Latinos is associated with less stereotype threat and less male gender role stress.<sup>37</sup> Importantly, no other forms of bias (i.e., not explicit nor implicit) predicted racial/ethnic disparities in use of force. Similar to complaint ratios, ratios for use of force are strongly related to officer attitudes and beliefs related to self-threat. Therefore, tracking these ratios for officers is strongly recommended.

	Resident Ethnicity		
Officer Ethnicity	White	Black	Latino
White	.2113	.1169	.3965
Latino/Mexican	.2109	.0826	.6318
Black	.0000	.0000	.9231
Asian	.1678	.2685	.5330
Average	.1998	.1202	.4940

Table 6.1 Use of Force Ratios by Resident and Officer Ethnicity

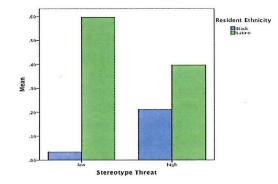


Figure 3.1 Average Use of Force Against Blacks and Latinos by Level of Stereotype Threat

<sup>&</sup>lt;sup>36</sup> Linear regression indicated a strong relationship between stereotype threat and use of force against Blacks ( $\beta = .280, p$  < .05) and between use of force and gender role stress ( $\beta = .253, p = .054$ ).

<sup>&</sup>lt;sup>37</sup> Linear regression indicated a moderate negative relationship between use of force against Latinos and stereotype threat ( $\beta = -.323, p < .05$ ) and between use of force and male gender role stress ( $\beta = -.229, p < .10$ ).

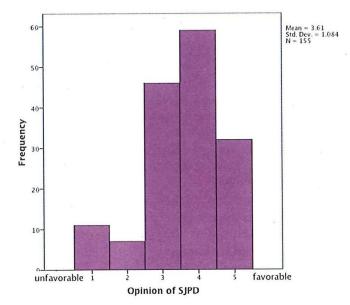
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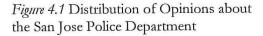
#### Community Survey

In our attempt to frame our findings in terms of community concerns, and provide recommendations to the SJPD regarding improving the perception and reality of racial/ethnic equity in the department, we spoke with numerous community members and stakeholders during the span of this project. The goal of these conversations was to provide CPLE researchers with the necessary context for addressing community concerns and framing recommendations. These efforts, however, were hampered significantly by community mistrust of the research process. Due to concerns about the circumstances under which the CPLE was brought in to conduct research, several of the most vocal critics either refused to speak with the CPLE representatives during the course of this project or provided limited comments. However, the CPLE did find residents of San Jose generally willing to speak about the department, and found city officials and the majority of community stakeholders eager to contribute time to improve the quality of San Jose Police Services.

In addition to our confidential interviews, the CPLE conducted an in-person resident survey of attitudes towards SJPD. According to this survey data, San Jose residents' opinions of the SJPD are more favorable than unfavorable. On a scale of one to five, with higher numbers representing a more favorable opinion, the average opinion of the SJPD is 3.60. Blacks have a slightly less favorable opinion (3.13) and Asians have a slightly more favorable opinion (3.75) than the sample mean. Importantly, all groups felt at least as favorably about the SJPD as they did unfavorably. Figure 5.1 shows the distribution of opinions about SJPD.

This relatively positive perspective of the SJPD is tempered by a concern about fairness and a lack of information about the SJPD's efforts to improve. Only 30% of survey respondents indicated they had heard of the SJPD's efforts to improve customer service. Having a friend who has had contact with SJPD<sup>38</sup> and being older<sup>39</sup> are both positively correlated with knowing about these efforts. However, having heard about the SJPD's efforts to improve is actually associated





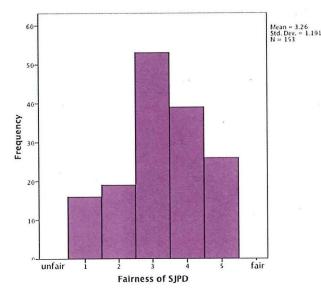


Figure 5.1 Distribution of Opinions about the Fairness of the San Jose Police Department

 $^{38} r (152) = .27, p = .001$  $^{39} r (145) = .39, p < .001$ 

# The Consortium for Police Leadership in Equity Report on the San Jose Police Department

with believing things are getting *worse*.<sup>40</sup> In fact, the more highly people think of the SJPD, the more they feel things are getting worse.<sup>41</sup> This could be related to media coverage, as people believe that the coverage the media is giving the SJPD is more negative than it deserves. Individuals indicated higher levels of positivity towards the SJPD<sup>42</sup> than they felt the press afforded them.<sup>43</sup> This was true of Whites,<sup>44</sup> Blacks,<sup>45</sup> and Latinos<sup>46</sup> in our sample.

The perception of fairness is important to views of the department as well. How fairly residents believe the SJPD behaves is negatively correlated with believing things are getting better.<sup>47</sup> Fairness was also a consistent theme in the responses to the open-ended question: "If there was one thing you could tell the Chief of Police, what would you want him to know?" Of those who responded to this question (64 out of 155), 25% mentioned issues of fairness and race/ethnicity. Some specifically mentioned "racial profiling," "discrimination," or "stereotyping," while others expressed concern with being treated politely and with respect. Typical comments included: "Stop racial profiling. Brown color does not mean you are illegal" and "… treat all individuals with respect." Those mentioning fairness or race/ethnicity were primarily Hispanic, with half as many Asians or Whites mentioning related issues.

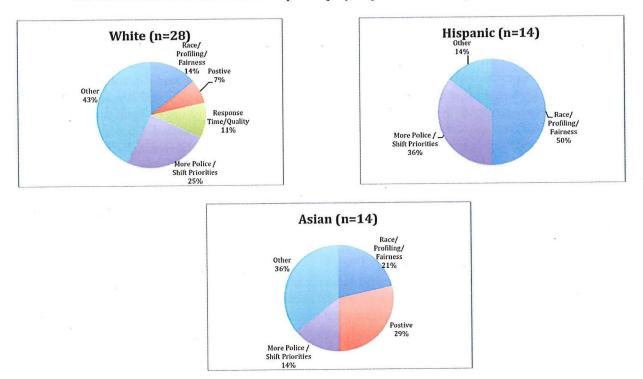
Many respondents (30%) also expressed a desire for more policing and/or a shift in police priorities. Some called for more police in general (e.g. "We need more police out there to keep the neighborhood safe.") and others expressed a need for more police in specific locations like parks, Southside communities, and "high risk" communities.

A common theme is a need to shift the policing focus from minor crimes to serious crimes. Several respondents made comments such as, "Concentrate on real crime! Stop giving tickets for minor issues" or "Don't stop and search for unnecessary reasons." Respondents making comments about the need for more policing or shifting police focus were decidedly racially and ethnically diverse: almost equal numbers of Whites and Hispanics, with slightly fewer Asians, American Indians, and Blacks.

Response time and quality was also a common theme. Several mentioned the importance of reducing response time (e.g. "Shorten wait time when calling for help would make people feel more safe") and others mentioned dissatisfaction with a failure of the SJPD to follow through on some calls at all. All those who mentioned response time were White.

Some respondents also complimented the SJPD, with comments such as "Keep up the good work" and "Thanks for protecting us." Asians and Whites were the source of the positive comments. Figures 6.1-6.3 provide a breakdown of comment type by race and ethnicity.

Protecting Equity: The Consortium for Police Leadership in Equity Report on the San Jose Police Department



Figures 6.1-6.3 Comment Types by Race/Ethnicity of Community Members.

Only two Blacks and two American Indians responded to this question – all four answered with a version of "more police/shift priorities." Examples of comments in the "other" category include, "more training in non-violent handling of mentally disturbed individuals" and "Please set a good example, don't let officers TALK on their phones while driving."

In addition to these answers, a number of individuals who reached out to the CPLE mentioned the practice of curb- sitting. While this is often framed in terms of an officer safety concern, the consequences of the practice may be psychologically distressing for those forced to sit—handcuffed or not—and wait for officer instructions. Curb- sitting represents a public display of submission to law enforcement for some individuals. Therefore, it has the potential to represent a fundamental breach of trust in the minds of those who are subjected to the practice – despite being innocent of any significant wrong- doing. The same can occur with those who witness the practice, believing it represents disrespect towards residents. In April 2012, the SJPD's Independent Auditor submitted a report that provides a more detailed account of curb- sitting's prevalence and effect than is possible in the scope of the current report. We recommend careful consideration of the issues and recommendations provided in that report.

#### Conclusion

Again, there are two major findings from this analysis. One is that individual officers play a significant role in producing a culture of equitable treatment at the SJPD. This did not have to be the case. That is, it is entirely possible that, given the rigorous regulations and legal requirements that govern officer behavior, the strong departmental culture of the SJPD, and the influence of widely shared training on behavior, it is possible that individual difference in attitudes towards certain groups would not predict behavior towards them. However, across the domain of resident stops, complaints against officers, and police use of force,

# The Consortium for Police Leadership in Equity Report on the San Jose Police Department

individual officer psychological dimensions significantly and robustly predicted racial disparities in equity outcomes, suggesting the need for further attention to the role of officers in producing equitable policing.

Importantly this report should not be taken to suggest that the SJPD or SJPD officers are racist. Rather, our analyses suggest that officers demonstrate levels of racial bias (explicit, implicit, and "racism without racists) similar to those found the general population. However, because law enforcement wield tremendous powers over residents' lives and liberties and normal levels of bias can have significant and troubling consequences., it is not unfair to suggest we hold officers to a higher standard. Consequently, this report demonstrates that there is room for improvement with regards to the degree to which officer psychological biases influence their behaviors.

Based on the above findings, we make 5 specific recommendations for improving equity in law enforcement. Though we would have preferred even broader input from critics of the SJPD, and we do not intend this list to be exhaustive, we believe these recommendations are both reasonable steps forward and address imperative issues revealed by the research conducted. Our five recommendations are listed below and spelled out in more detail thereafter.

- 1. Track discretion indices as metrics of problematic individual and departmental behaviors.
- 2. Set up randomized checkpoints as an additional means to ensure fairness.
- 3. Focus training to reduce specific psychological factors associated with problematic behavior.
- 4. Adjust human resource practices consistent with SJPD principles.
- 5. Conduct a review of curb-sitting.

#### Action Items

#### Track Discretion

Though our metric of racial "discretion" in police stops is not a perfect measure of racial bias, there are significant merits to the department adopting a policy of tracking department-wide "discretion" as we have calculated it, as well as discretion for individual officers. At present, no major city's law enforcement department compares officer- initiated stops with resident calls for service in analyzing racial/ethnic equity. However, our analyses indicate that this metric is predicted by explicit racial prejudice, suggesting that it serves as a useful metric for early warning systems designed to identify problem officers as well as a means of measuring department-wide fairness in stops practices. A straightforward algorithm could be written to account further for location and crime type that would permit the SJPD to become a leader in tracking fairness in police/community contacts.

We understand that this kind of innovation would likely not only cost significant work hours to set up (though not to maintain), but would also require significant additional funding to support the technology necessary to facilitate this process. Consequently, the CPLE strongly encourages the SJPD and the City of San Jose to apply for federal grant monies to implement these software upgrades. Again, this would allow the SJPD to become the first police department in the nation to use existing data in this way, and would likely invite imitation from other progressive police departments committed to principles of excellence in community service.

#### Randomization

The SJPD may benefit from increased use of randomized checkpoints for public drunkenness and driving while intoxicated, as San Diego, and several other "peer" cities already do, There are two clear benefits to this practice. The first is that it is a way of simultaneously increasing enforcement of laws regarding alcohol consumption in locations that are most vulnerable to dangerous alcohol-related accidents. The second is that it can serve as a check on the effectiveness of police decision-making in non-randomized areas. That is, if the randomized checks for alcohol are more effective (in terms of percent yield from stops) than officers using their judgment on the issue, this suggests the need to increase officer training in identifying

# The Consortium for Police Leadership in Equity Report on the San Jose Police Department

public intoxication and/or drunk driving. If, on the other hand, officers are more effective than randomized checkpoints, this provides the community and SJPD with a strong indication that officers are using their training and judgment to the benefit of the community.

#### Focused Training

Though the above results reveal a robust relationship between individual psychological dimensions and racially/ethnically disparate treatment, there is no single type of bias that predicts behavior across domains. This suggests, simply, that diversity training—or, better, operational training—must target the forms of psychological bias most likely to contribute to equitable policing *within a given domain*. Importantly, trainings that either assume that officers are "racists" or lead officers to believe this is assumed are likely to backfire, as concerns with appearing prejudiced were strongly associated with the worst kind of disparate outcomes—use of force.

#### Adjust Hiring and Promotion

It is often controversial for an organization to adjust hiring or promotion in line with diversity-related concerns. However, we do not recommend an approach that focuses on hiring or promoting individuals of a particular background nor of particular beliefs. Rather, we suggest including components in hiring practices that ensure that individuals brought onto the SJPD understand that they will be asked to police in an equitable fashion, and that allows them to understand that psychological biases are more diverse than they may believe. Similarly, we recommend that the promotion process include a component that encourages individuals to perform their duties in an equitable way, regardless of their assignment. The SJPD might also consider adopting paths for recognizing outstanding leadership in equity for officers across assignments. These public displays of values often help to create and/or maintain a culture conducive to equitable delivery of services.<sup>48</sup>

#### Investigate Curb-Sitting

The practice of curb-sitting has become controversial in San Jose, and for some residents has become synonymous with police disrespect of the community. Again, the Independent Police Auditor's office has already conducted a far more thorough review than could be achieved within the scope of CPLE's project. However, consistent with the Independent Police Auditor's report, we encourage the city to conduct a thorough review of the practice in light of both officer safety and community perception concerns.

#### **Concluding Remarks**

There is no "silver bullet" for measuring racial and ethnic bias, nor for curing it where it is found. Moreover, because biases are a seemingly human universal, it is difficult to find any contexts that are free from the influences of these biases. However, consistent with the principles of equality articulated in the United States Constitution and sworn by the men and women of the San Jose Police Department, it is possible to make strides towards reducing the myriad biases that spoil our efforts at fairness. The goal of the CPLE's collaboration with the SJPD has been to identify areas ripe for improvement and mechanisms by which improvements can be made. Though this project, like all human attempts to eliminate bias, is necessarily incomplete, we believe we have identified concrete steps that can move the SJPD forward in its efforts to excel in delivering equitable policing to the San Jose community. CPLE looks forward to future opportunities to help the SJPD and San Jose community as they continue that journey together.

<sup>&</sup>lt;sup>48</sup> Trower, C.A., & Chait, R.P. (2002). Faculty diversity: Too little for too long. Harvard Magazine, 104 (33). Retrieved from http://barvardmagazine.com/2002/03/faculty-diversity.html

The Consortium for Police Leadership in Equity Report on the San Jose Police Department

# Appendix

# Stereotype Threat Scale

**Instructions:** Please indicate your level of agreement with each of the following statements by circling your response on the scale below.

12	945	7
Not at All	Somewhat	Extremely
Stressful	Stressful	Stressful

1. I worry that others may stereotype me as prejudiced because I am a police officer.

2. I worry that something I may say might be misinterpreted as prejudiced because I am a police officer.

3. I never worry that someone will suspect me of being prejudiced just because I am a police officer.

4. I worry that evaluations of me might be negatively affected by the fact that I am a police officer.

5. I worry that, because I know the racial stereotype about police officers and prejudice, my anxiety about confirming that stereotype will negatively influence my interactions.

# The Consortium for Police Leadership in Equity Report on the San Jose Police Department

# Male Gender Role Stress Scale

Instructions: Please rate each item below on how stressful it would be for you (as though you were in the situation) by circling your response on the scale below.

122	35	7
Not at All	Somewhat	Extremely
Stressful	Stressful	Stressful

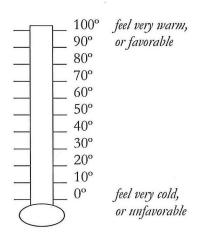
1. Feeling that you are not in good physical condition

- 2. Not being able to find a sexual partner
- 3. Having your lover say that she/he is not satisfied
- 4. Telling your spouse that you love her/him
- 5. Telling someone that you feel hurt by what she/he said
- 6. Admitting that you are afraid of something
- 7. Being outperformed at work by a woman
- 8. Having a female boss
- 9. Letting a woman take control of the situation
- 10. Having to ask for directions when you are lost
- 11. Working with people who seem more ambitious than you
- 12. Talking with a "feminist"
- 13. Being unemployed
- 14. Not making enough money
- 15. Finding you lack the occupational skills to succeed

The Consortium for Police Leadership in Equity Report on the San Jose Police Department

#### Feeling Thermometer Scale

Now we are interested in your feelings toward various groups. The following questions use a "thermometer scale", pictured below. On this scale, a number between 0-10 would mean you feel NO WARMTH towards the group, while a number between 91-100 would mean you feel EXTREME WARMTH towards the group.



1. How favorable do you feel toward the following groups? (Please specify a number between 1-100 corresponding to the thermometer scale pictured above.)

1. How favorable do you feel toward WHITES?

2. How favorable do you feel toward BLACKS?

3. How favorable do you feel toward ASIANS

4. How favorable do you feel toward LATINOS?

5. How favorable do you feel toward UNDOCUMENTED IMMIGRANTS?

2. How favorable do you think the following groups feel towards POLICE OFFICERS? (*Please specify a number between 1-100 corresponding to the thermometer scale pictured above.*)

- 1. How favorable do WHITES feel towards police officers?
- 2. How favorable do BLACKS feel towards police officers?
- 3. How favorable do ASIANS feel towards police officers?
- 4. How favorable do LATINOS feel towards police officers?
- 5. How favorable do UNDOCUMENTED IMMIGRANTS feel towards police officers?

The Consortium for Police Leadership in Equity Report on the San Jose Police Department

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