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Assessing Bias and Intolerance in Police and Public Safety Personnel

Lewis Z. Schlosser, PhD, ABPP, Institute for Forensic Psychology, Oakland, New Jersey

Jeni L. McCutcheon, PsyD, MSCP, ABPP, PLLC, Independent Practice, Phoenix, Arizona

Michael E. Bricker, PhD, Center of Police Psychological Services, Chicago, Illinois

Casey O. Stewart, PsyD, ABPP, Corey and Stewart, Portland, Oregon



Being a law enforcement officer in today's society is a challenging and complex task; it requires officers to be free from bias and intolerance in order to perform their duties well. At present, limited discussion has occurred around the issues of bias and intolerance among police and public safety personnel. This paper examines the current social climate in the United States as it relates to community-police relations, the #BlackLivesMatter movement, and bias and intolerance; the concept of multicultural competence is introduced as a dimension of suitability for law enforcement officers; and the assessment of bias and intolerance in public safety applicants.

Social Climate, #BlackLivesMatter, and Officer Bias

The Federal Bureau of Investigation's Director James Comey took the stage at the 2016 IACP Annual Conference and Exposition. His discussion, among other important topics, questioned the validity of whether an "epidemic of police violence against black people" exists.¹ Meanwhile, then-ICAP President Terrence M. Cunningham's speech at the conference reflected a slightly different tone, indicating a need for law enforcement to regain the trust of minorities, while simultaneously suggesting that today's law enforcement officers are "not to blame for the injustices of the past."² Reactions to these statements were mixed, with some in the law enforcement community feeling angry and unfairly characterized. Others from the #BlackLivesMatter movement and media alleged that the statements did not go far enough in addressing the continued concerns surrounding police bias believed to be disproportionately affecting communities of color.

Director Comey's comments shed light on the difficulties faced by law enforcement when attempting to serve in the social media age, where the "narrative is driven by video images of real misconduct, possible

misconduct, and perceived misconduct.”³ This creates a perception that might not necessarily be supported by hard evidence. Law enforcement professionals may be tempted to summarily dismiss these claims of bias as overblown—misrepresentations of the majority of ethical, tolerant police personnel. However, groups such as the #BlackLivesMatter movement make it apparent that law enforcement will continue to face scrutiny and must find ways to answer and respond to these claims to bridge the divides that exist between law enforcement officers and the communities they serve.

Aside from the media-driven images of clashes with law enforcement and allegations made about police corruption and brutality, members of the law enforcement community might have little understanding of the origins of the #BlackLivesMatter movement. The movement began in 2013 after the acquittal of George Zimmerman in the shooting of Trayvon Martin. Alicia Garza, in a Facebook post, decried a climate she believed existed that devalues black people, writing “Our lives matter. Black lives matter.”⁴ From this, the hashtag #BlackLivesMatter was born. Garza, along with Patrisse Cullors and Opal Tometi, subsequently organized a call to action, which has expanded to a national network of over 30 local chapters between 2014 and 2016. While chapters may speak to the media and make statements, the movement is decentralized with no formal hierarchy, which has drawn both praise and criticism.

Since its founding, the #BlackLivesMatter movement has organized over 1,000 protests, most of which have been reported as peaceful. Despite this, the movement has not come without its criticisms. Law enforcement has had to contend with serious disruptions of order, with the group staging “die-ins” and interrupting traffic. Misinformation has circulated among members of the group, leading protesters to unfairly characterize the details of a case and presenting officers on the ground with angry protesters who do not know the whole story. Concerns have also been voiced about the promotion of violence, looting, and anti-cop rhetoric. In addition, a term called the “Ferguson effect” has been coined, which suggests that officers may be less likely to enforce laws for fear of being charged themselves—leaving the potential for criminals to feel empowered.

The #BlackLivesMatter movement’s founders aim to expose “privilege,” a concept that holds that one’s race and skin color, among other factors (including gender, sexual orientation, and other identities), directly and indirectly results in some individuals in society being treated differently. Said another way, individuals with privilege are afforded greater acceptance and resulting benefits from society, while those in the minority without privilege are placed at a disadvantage, whether it is through prejudice, less access to opportunity or perceived rights, or outright discrimination. While the #BlackLivesMatter movement is most visible in its protests following law enforcement use-of-force incidents, there are other goals in its platform, including drawing attention to what it calls a “legacy” in the United States of anti-black racism and heteropatriarchy that serve to inherently reinforce this system of privilege, resulting in economic disadvantage, hypercriminalization, and poor and failing schools for black students. Thus, the movement contends that, given the disproportionate adversities faced by black communities,

*A focus purely on Black-on-Black crime is a diversionary tactic that suggests Black people don’t have a right to be outraged at police violence in vulnerable Black communities, merely because those communities have a crime problem.*⁵

Dr. Roland G. Fryer Jr. set out to examine what the data show about law enforcement bias and use-of-force incidents. He and his students spent over 3,000 hours assembling data from police departments including those in Houston, Austin, and Dallas, Texas, as well as Orlando, Jacksonville, and four other counties in

Florida. When examining a total of 1,332 officer-involved shootings between 2000 and 2015, Dr. Fryer found that officers were more likely to have fired their weapon (without first being attacked) if the suspect was white. Upon even closer examination of more detailed records on arrests in Houston, the researchers found that officers were about 20 percent less likely to shoot if the subject was black.⁶ While firmer conclusions would require additional data, his overall findings suggest that officers tend to fire in equal amounts at black subjects and white subjects. These findings undercut the assertion commonly suggested that officers shoot black subjects at a disproportionately higher rate than they do white ones.

The findings from Dr. Fryer's research calls into question the #BlackLivesMatter movement's blanket contention of police bias in shootings. However, Dr. Fryer's remaining results offer a more problematic picture concerning less-lethal uses of force by law enforcement, finding that officers regularly used force at significantly higher rates with black people than they did white people. Similarly, a review of data from New York City's Stop and Frisk program from 2003 to 2013 returned similar findings, showing that officers were 17 percent to 25 percent more likely to use force with black subjects than they were for white ones—which held even in situations with “compliant” citizens.⁷ Moreover, recent U.S. Department of Justice investigations into the Ferguson, Mississippi, and Baltimore, Maryland, Police Departments found systemic deficiencies in training, policies, and accountability structures, also noting a pattern of excessive use of force with black people.

These findings suggest that substantial changes are needed in law enforcement agencies to reduce bias. But how is this also affecting the public's perception of law enforcement? A recent Pew Research Center study found that 84 percent of black citizens and 50 percent of white citizens believe that black people are treated less fairly by the police.⁸ Thus, the Department of Justice's report and recommendations appear timely, stressing that “recent events” underscore the importance of building mutual trust between law enforcement and the people they serve.

While anti-police backlash from such findings might encourage a type of “doubling-down” by police against criticism from the public and movements like #BlackLivesMatter, this approach is likely to further alienate law enforcement from many of the citizens with whom they come into contact. Alternatively, some law enforcement agencies have begun to partner with #BlackLivesMatter chapters and other similar groups to work collaboratively at finding ways to build trust between officers and minorities, educate police personnel, and reduce bias. Such relations with people of color can serve to improve perceptions of law enforcement within these communities and lead to increased support of officers. In addition, law enforcement agencies have a valuable tool at their disposal—their preemployment psychological screening process, which can serve to screen out candidates who display bias and intolerance.

Despite the criticisms levied against law enforcement personnel, it is widely accepted that the vast majority of law enforcement personnel carry out their duties ethically and display tolerant and inclusive attitudes toward the citizens they serve.⁹ In the current climate, however, law enforcement agencies are encouraged to consider how these public attitudes impact their personnel. Thus, education and peer support can be excellent tools for officers in buffering them from undue stress. In addition, partnering with the agency's psychological service provider may prove useful. For example, departments can benefit from consultation on internal changes that can increase accountability and reduce bias in carrying out policies and procedures. Operational support may also prove useful in providing on-the-ground assistance for law

enforcement when responding in difficult situations. Lastly, counseling and other intervention services can be helpful for officers who are experiencing problems adjusting to the current public climate.

While it may seem like an unlikely pairing, given some of the hard feelings that have existed between law enforcement and movements like #BlackLivesMatter, law enforcement agencies might benefit from finding common ground with these groups as a way to increase favorable public perception, build officer morale, and decrease biases among personnel. Furthermore, such a partnership may also reduce defensiveness among minority communities and bolster confidence in policing among citizens; it will also work against the misinformation and media sensationalism that unfairly attributes the actions of a few intolerant officers to the overwhelming majority of tolerant and ethical law enforcement officers who take great care and pride in their service to their communities. Law enforcement holds one of the most important roles in modern society and has the chance to demonstrate an example to the public and officers alike about the extraordinary level of integrity officers must possess in being charged with this critical role.

Multicultural Competence – The 11th Dimension

The findings from several investigations of U.S. law enforcement agencies mirror what has been evidenced in many other areas in the United States—disparate treatment of minorities.¹⁰ Although organizational factors were identified as the primary determinant of bias-based policing, individual factors cannot be ignored. The world is increasingly a pluralistic society and progressive law enforcement organizations are adapting to the demographic changes and related needs of the communities they serve. The actions of law enforcement officers affect how community members respond to them and in turn the outcomes of citizen-police encounters.¹¹ Therefore, applicants selected to serve and protect communities must be right for the job. Law enforcement applicants come with diverse cultural identities that influence how they see the world and treat others.¹² Psychologists are well-situated to assist in addressing this critically important social justice issue.

It is now widely accepted that all people hold biases. What is relevant in the screening of law enforcement officers is the nature and degree of these biases. In his research on the effectiveness of international business managers, researcher Robert Hogan developed the concept of “global mind-set,” which he defined as open-mindedness, in contrast to narrow-mindedness and inflexibility.¹³ Similar findings from psychology reveal a continuum of cultural competence with important skills like empathy, tolerance, openness, flexibility, and self-monitoring. Other researchers in the field have proposed that multicultural competence has three components: attitudes and beliefs, knowledge, and skills.¹⁴ The importance of these factors are corroborated by the research on implicit bias indicating that automatic bias can be interrupted through awareness (e.g., self-reflection and self-monitoring), motivation (e.g., empathy), and ability (e.g., cognitive control).

Psychologists Casey Stewart, David Corey, and Sandra Jenkins have applied this body of knowledge to the psychological screening of law enforcement officers.¹⁵ The authors acknowledged that the existing California Peace Officer Standards and Training (POST) psychological screening dimensions address many of the elements linked to the cultural competence continuum (e.g., emotional stability, flexibility, and adaptability), especially the social competence dimension, which includes attributes like empathy and

tolerance.¹⁶ However, Stewart and his colleagues asserted that cultural competence was inadequately covered by the existing 10 dimensions. Hence, they proposed an 11th dimension: multiculturalism, defined as the recognition of how cultural factors (e.g., race, ethnicity, language, sexual orientation, gender, age, disability, class status, education, and religious or spiritual orientation) play out in individuals and society, as well as how applicants are influenced by their own unique identities.

The authors also proposed a number of methods to assess this dimension. These approaches are consistent with federal screening protocols for high-risk occupations.¹⁷ Although tests have not been validated for this purpose, a number of measures contain scales associated with the factors underlying cultural competence (e.g., openness, intellect, empathy, tolerance, flexibility, and cognitive control). These tests hold promise for future research. Personal histories developed through questionnaires, background investigations, and interviews of collateral informants provide information about patterns of behavior that reveal beliefs and attitudes indicative of where individuals might lie on the cultural competence continuum. Finally, the psychological interview has the potential for developing information about an individual's knowledge and understanding of diversity and of themselves and others. The psychological interview is also a behavior sample that can evidence an individual's level of openness, tolerance, mental flexibility, and cognitive control.

Screening for Bias and Intolerance in Preemployment Psychological Evaluations

Law enforcement officers are entrusted with tremendous power and responsibility and, as such, need to be free from bias and intolerance. To ensure that only those who are well-suited to such an important job get hired, applicants for public safety positions are vetted thoroughly; this vetting includes a preemployment psychological evaluation (PPE). Police psychologists who perform PPE rely on the POST dimensions of suitability in making a decision regarding candidates for police and public safety positions.

In thinking about bias and intolerance, the California POST dimensions of social competence, teamwork, and integrity are the most relevant to the decision. The authors contend that clear evidence of bias and intolerance equates with a lack of suitability for a public safety position. It is important to note that bias and intolerance comes in many forms—against people of color; women; lesbian, gay, bisexual, and transgender persons; religious minorities; and so forth—and none of these biases are acceptable for law enforcement personnel.

PPE are an ideal vehicle for screening out police and public safety applicants who evidence bias and intolerance. It is significantly more cost-effective to identify biased and intolerant individuals and decide not to hire them, than it is to deal with the problems they might cause to law enforcement agencies if hired. Additionally, PPE are typically much less expensive than the financial and other consequences associated with having a biased, intolerant employee acting out his or her biases on the job. The actions of such an employee can result in civil suits and associated legal fees, crisis management needs, repair efforts with the wounded and targeted community, a need to ameliorate disrepute to the department, and increased financial costs related to obtaining fitness-for-duty evaluation services. Terminating an employee when an agency has already invested thousands of dollars in hiring and training costs is also unfortunate.

Assessing applicants for bias and intolerance is an important component of a PPE. This can be accomplished through a detailed background investigation (which is completed prior to the PPE), psychological testing, and a careful interview. A good background investigation can yield fruit with regard to an applicant's attitudes toward and relationships with different people. In terms of psychological testing, at least two measures exist that tap into bias and tolerance. The COPS-R (Candidate and Officer Personnel Survey – Revised), a 240-item test used in PPE, has 20 items specifically assessing for bias against minorities, women, the wealthy, and educated people. Although these items are infrequently endorsed due to social desirability, a sufficient number of applicants are willing to endorse a number of bias items during their evaluations. It is important for the examiner to query any “hits” with the applicant to determine if bias is truly present or if another reasonable explanation for the endorsement exists. Another test that can be used to measure tolerance is the CPI (California Psychological Inventory). The CPI has a Tolerance Scale, which is intended to identify permissive, accepting, and nonjudgmental social beliefs and attitudes. The CPI Tolerance scale grew out of research conducted in the 1950s on social intolerance toward Jews by Harrison Gough, who later created the CPI. Low scores on the Tolerance Scale reflect judgmental, nonacceptance of others' beliefs. It is important to note that several psychological tests have norms for public safety personnel, which improves the reliability and validity of the decision being reached. A detailed and thorough interview is also helpful in making an assessment of potential bias and intolerance. Ideally, the psychologist conducting the PPE will utilize all of the data sources to determine the presence or absence of bias and intolerance in an applicant.

There are many ways that bias and intolerance may present themselves in a PPE. As noted above, psychological test questions and follow-up interview questions can tease out bias and intolerance in applicants; presented below are several examples. Consider an applicant that endorses on psychological testing that they are aware of biases they hold against individuals or particular groups. Sometimes applicants endorse this on testing and the interview inquiry leads them to remark something along the line of “I hate hate groups.” The applicant then goes on to explain they detest the Ku Klux Klan or a particular individual that they perceive as espousing hatred toward others. The inquiry reveals an acknowledged bias, but one that upon further inquiry is found to be benign.

However, sometimes a question such as this reveals a bias that is deeply held and might impact an officer's ability to successfully complete essential job functions. Bias is the antithesis of practicing community-oriented policing and interacting objectively and fairly with people from different groups. As an example, sometimes applicants reveal bias against a particular group; most commonly, this is against people of color. Applicants might reveal biases against diverse religious groups, like Jews or Muslims. Similarly, asking about recognized biases has uncovered bias against gay, lesbian, bisexual, and transgender persons. One particular applicant, when asked how this bias might play out on the job, commented openly that if he or she responded to a domestic call involving two gay men, the applicant would be “sure not to try to get overly involved because I don't agree with their behavior anyway.”

Other inquiries reveal bias and intolerance toward others. For example, questions about telling or tolerating jokes in the workplace aimed at minorities are often revealing. Most applicants do not answer affirmatively to these questions, either because they do not harbor such biases or because they are aware that the behavior is inappropriate. When applicants endorse telling such jokes, however, following up and asking for examples of these jokes can be illustrative. It would be highly problematic to recommend an applicant for hire who reels off several jokes about women, people of color, or other protected groups.

One can only imagine the continued inappropriate banter that such individuals will bring to the workplace when they see nothing wrong with their actions. The duration of time, frequency, and particularly the reasons that they tell these jokes can also be informative. Often, the reasons for telling these jokes or “going along” with them in the workplace reveals problems along several POST dimensions, including decision-making and judgment, social competence, teamwork, and assertiveness. Combined with psychological test results that assess intolerance, responses acknowledging bias show how problematic these behaviors could be if the applicant is hired and continues these behaviors while employed in a law enforcement agency.

In sum, the psychologist’s task is to determine (a) what biases exist, (b) whether insight is present, (c) how the individual exercises or ideally refrains from exerting this bias, and (d) to what extent this bias might interfere with the individual’s ability to successfully work in the position sought. Patterns of bias or problematic behavior based on bias in previous jobs are important to screen for as well. While it may seem ideal to screen for specific biases against people of color, women, and other protected groups and bias may be problematic in and of itself, bias can be representative of a more global intolerance toward others on the part of the applicant. Hence, applicants with exhibited or revealed bias and intolerance should be thoroughly assessed, primarily screened out, and not recommended for hire.

Being a law enforcement officer in today’s society in the United States is a challenging and complex task, and officers need to be free from bias and intolerance in order to perform their duties well. Law enforcement leaders are strongly encouraged to consider the issues of bias and intolerance in their hiring practices. Screening out potentially problematic personnel is good risk management practice, and it will assist to improve the overall quality of the relationships between law enforcement personnel and the constituent community members they serve.

Notes:

¹ James B. Comey, “The True Heart of American Law Enforcement” (speech, 123rd IACP Annual Conference, San Diego, CA, October 16, 2016).

² Tom Jackman, “U.S. Police Chiefs Group Apologizes for ‘Historical Mistreatment’ of Minorities,” *The Washington Post*, October 17, 2016.

³ Comey, “The True Heart of American Law Enforcement.”

⁴ Alicia Garza, Patrisse Cullors, and Opal Tometi, interview by Sabrina Schmidt Gordon #Emergingus September 26, 2016

⁵ Black Lives Matter, “11 Major Misconceptions About the Black Lives Matter Movement”.

⁶ Roland G. Fryer Jr., *An Empirical Analysis of Racial Differences in Police Use of Force*, NBER Working Paper Series (Cambridge, MA: National Bureau of Economic Research, July 2016).

⁷ Ibid.

⁸ Pew Research Center, *On Views of Race and Inequality, Blacks and Whites Are Worlds Apart*.

⁹ U.S. Department of Justice, “Addressing Police Misconduct Laws Enforced by the Department of Justice.”

¹⁰ Rebecca M. Blank, "An Overview of Trends in Social and Economic Well-Being, by Race," in *America Becoming: Racial Trends and Their Consequences*, , vol. 1, chap. 2.; Pew Research Center, *King's Dream Remains an Elusive Goal: Many Americans See Racial Disparities*, Social & Democratic Trends Project (Washington, DC: 2013); Victoria Stanhope et al., "Evaluating Cultural Competence among Behavioral Health Professionals," *Psychiatric Rehabilitation Journal* 28, no. 3 (2005): 225–233.

¹¹ Jason Sunshine and Tom R. Tyler, "The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing," *Law & Society Review* 37, no. 3 (2003): 513–548; Tom R. Tyler and Cheryl J. Wakslak, "Profiling and Police Legitimacy: Procedural Justice, Attributions of Motive, and Acceptance of Police Authority," *Criminology* 42, no. 2 (2004): 253–282.

¹² Patricia D. Lopez and Nurcan Ensari, "Fostering Multiculturally and Internationally Competent Individuals and Teams," in *Internationalizing Multiculturalism: Expanding Professional Competencies in a Global World*, ed. Rodney L. Lowman (Washington, DC: American Psychological Association, 2013), 173–198.

¹³ Robert Hogan, "Rethinking Global Leadership: Cultural Adaptability and Business Success" (Presentation at the Developing Leaders for Global Roles Summit, Glendale, AZ, March 15–16, 2012)

¹⁴ Derald W. Sue, Patricia Arredondo, P., and Roderick J. McDavis, "Multicultural Competencies and Standards: A Call to the Profession," *Journal of Counseling and Development* 70, no. 4 (March–April 1992): 477–486.

¹⁵ Casey O. Stewart, David M. Corey, and Sandra Y. Jenkins, "Assessing Cultural Competence in Police Applicants" (presentation, 121st IACP Annual Conference, Orlando, FL, October 26, 2014).

¹⁶ Shelley Weiss Spielberg and David M. Corey, *Peace Officer Psychological Screening Manual* (California Commission on Peace Officer Standards and Training. Sacramento, CA, 2014).

¹⁷ Kathryn Keeton et al., "I/O Psychology and Astronauts—Work on Behavioral Health and Performance at NASA: High-Risk/Extreme Environments" (presentation, 122nd APA Annual Convention, Washington, D.C., August 7–10, 2014).

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