BOOK:

ACHIEVING SOCIAL EQUITY: FROM PROBLEMS TO SOLUTIONS

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CHAPTER 7

RACE, ETHNICITY, AND SOCIAL EQUITY IN POLICING

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Policing represents the power of the state. As a policy domain, law enforcement

provides a prominent example for why public administrators need to care about

social equity. This chapter reviews dynamics in policing and shows that inequities

arise from factors that are both external to law enforcement as well as internal.

Persons from historically marginalized populations are stopped, searched,

arrested, and killed in police encounters more than those in majority groups. And,

within police departments, people of color are under-represented in hiring and

promotion. To overcome these problems, Headley offers strategies, such as

gaining access to jobs in policing, promoting equitable processes, and resolving

inequitable outcomes.

–Editors' Note

Policing is rife with social equity challenges, many of which relate to outcomes that

disproportionately burden those who are already disadvantaged socially and economically.

This chapter examines various types of inequities and then explores their causes, with a focus on the role that policies, processes, and institutions play. Discussion turns then to an overview of practices and strategies that can reduce inequitable outcomes. Finally, the chapter concludes by providing an outlook for the future of social equity and policing.

Race and Ethnicity as the Major Social Equity Dimension in Policing

Policing is one of the most important foci of social equity research because it represents the power of the state to intervene in the daily lives of citizens. Debates rage about the extent and causes of inequities in policing. Of greatest importance is the fact that there are persistent disparities in stop, search, and arrest rates. There is also imbalance in terms of hiring and promoting persons of color. The inequities of policing in the U.S. have deep historical roots despite constitutional norms to the contrary. This chapter first acknowledges historical influences and context and then moves to a discussion of the current state of social equity and policing.

A History of Inequity

Differential policing occurs when specific communities or groups are disadvantaged. These groups include youth, impoverished and under-resourced communities, immigrant communities, homeless populations, people with mental health challenges, people with substance use problems, and communities and persons of color. The equity question usually centers on issues of quantity (under- or over-policing) and quality (fair, just, and equal treatment by police). The distributional aspect of social equity in policing, more often than not, centers on race and

ethnicity. While inequities exist outside these two realms, such as gender, class/socioeconomic status, religion, citizenship, and age, racial and ethnic inequities have been the most perverse and long-standing. As such, attention is devoted mostly to them.

Historically, racial and ethnic tensions surround conversations around police brutality. Five of the ten most destructive riots in U.S. history prior to 2011 occurred in communities of color and were in response to perceived and actual police abuses.[1] The historical roots of policing date back to slave patrols and night watches of the late 1600s and early 1700s, the purpose of which was to keep people of color, especially Native Americans and African Americans, under control.[2] Due to this history as it pertains to slavery, conversations around race relations and policing frequently center on the experience and plight of African Americans. Relatively less attention has been devoted to other races and/or ethnicities, including but not limited to Hispanics, Native Americans, and Asian Americans.[3]

Constitutional Perspectives: Qualifying Police's Role

Social inequity in policing predates adoption of the U.S. Constitution in 1789. As the supreme law of the land, this document shapes what government can and cannot do. Its provisions establish a basic framework for policing in the U.S. To understand policing as a social equity issue, one must first understand Constitutional principles and the Supreme Court decisions that interpret them in the context of proper police procedure.

The Fourth Amendment, for instance, provides freedom from unreasonable searches and seizures of persons, houses, papers, and effects. Constitutional law on policing is complex, and federal courts have expanded, qualified, and at times limited, police powers to stop, search, and

arrest persons.[4] Expansive police powers are particularly evident in pedestrian and motorist

stops, and these powers arise from Supreme Court interpretations of the scope and meaning of

the Fourth Amendment. For instance, in the landmark case *Terry v. Ohio* (1968), the Supreme

Court established the legitimacy of so called "Terry Stops" and the reasonable suspicion

doctrine. This is an outgrowth of protections against unreasonable searches and seizures, which

give police the power to stop a person under the "reasonable suspicion" that a crime is in

progress or about to be in progress. A person stopped by police is "seized" from a Fourth

Amendment perspective, even though the person has not been arrested. If an officer suspects a

person of being armed and a danger to another and can articulate specific facts that reasonably

warrant such suspicions, then the courts have allowed officers to initiate a "Terry stop" and

"frisk" the person in question. This is a lower standard than is required for a "traditional"

understanding of Fourth Amendment protections related to search and seizure.[5] A subsequent

case, *Florida v. Royer* (1983), qualified these provisions by noting that searches must be

temporary and questioning should be limited to reasons for the stop.[6] Perhaps the most infamous

ruling occurred in *Whren v. United States* (1996). In this case, the Supreme Court ruled that a

traffic offense committed by a driver constitutes a legitimate legal basis for a traffic stop. While

this ruling technically means that race by itself is not a legitimate basis for a stop[7] the likelihood

of racial profiling increases.[8]

In total, Fourth Amendment rulings have established exceptions to when a warrant is

required before a search can be conducted. Such exceptions include when consent is given or

when objects are in plain view. Other exceptions occur with exigent circumstances, such as when

something dangerous is likely to happen, and when searches are in conjunction with a lawful

arrest. Critics charge that these broad allowances make it easier, not harder, for police to profile

persons from marginalized populations. Still, the equal protection clause of the Fourteenth

Amendment requires that all persons be given equal protection of the law.[9]

Beyond protections that are supposed to be provided by the Fourth amendment, a second

factor is institutional. The criminal justice system is inherently about limiting or diminishing

individual freedoms to maintain order. The expectation is that such procedures, which are

allowed under the law, are equitable. Yet, when the state's actions are prejudiced and create

differential impacts, then fairness questions arise. Empirical studies document that persons from

historically marginalized populations face unfair treatment.[10] Members of groups who

persistently face inequity, prejudice, and discrimination, have legitimate cause to question

whether the justice system is fair for all.

Third, social equity scholars note how resolving inequities requires understanding not

only legal bases and requirements for fairness but also understanding the extent of inequities,

their causes, why they persist, and how fairness can be achieved. To those like Susan Gooden,

this means that inequities must be named, blamed, and claimed. By this she means they must be

identified, responsibility must be assigned to a person, groups, and/or practices, and the entity

responsible for addressing the inequity must be known. Given the inequities faced within

policing, the hill is a steep one to climb.[11]

External Inequities: Policing People of Color

Despite constitutional protections, racial inequities exist. "Seeing" them proceeds from the

constitutional roots of social equity and the definition of who is considered "We the People."[12]

When looking at racial and ethnic inequities, the statistics are daunting. Recent data from the U.S. Bureau of Justice Statistics reveal that Whites are slightly more likely to have contact with police than Blacks or Hispanics are. Yet, Blacks and Hispanics are more likely to experience negative police contacts – such as the threat or actual use of physical force by police – whereas Whites are more likely to report a crime or seek help from the police.[13] In other words, Whites are more likely to be beneficiaries of police action while Blacks and Hispanics are more likely to be targets of police action.

One of the most common types of police-initiated contacts is the traffic stop, where Blacks are more likely to be pulled over than are Whites and Hispanics. Further research has shown that, after encountering the police, both Blacks and Hispanics are more likely to feel that the police did not have a legitimate reason to stop them. Evidence suggests that these encounters do not end at the "stop." Rather, Blacks and Hispanics are also significantly *more likely* to be searched as a result of a traffic or pedestrian stop, despite being significantly *less likely* to be found with drugs, alcohol, or weapons.[14]

Apart from being stopped and searched, the punitive outcomes of police–civilian encounters for people of color are starkly different than outcomes for Whites. For example, the American Civil Liberties Union found that for traffic stops in Florida, Black motorists were more likely to be issued a seatbelt citation despite being nearly equally likely to wear seatbelts as White motorists.[15] According to the Bureau of Justice Statistics, in 2014, Blacks were arrested at rates more than twice that of Whites. Moreover, African Americans are more likely to experience police use of force.[16] According to data collected on police shootings from 2015 to 2018 by *The Washington Post*, Blacks comprised twenty-four percent of police shootings. This is almost double their representation in the population, which ranges from twelve to thirteen percent. Thus,

while Whites may account for the largest number of deaths by police shootings, when using per capita comparisons, the odds are almost twice as high for Blacks.[17] Following police-civilian encounters, Blacks are also less likely to have their civilian complaints against police officers upheld or sustained.[18]

The disproportionate frequency of contacts and negative experiences with law enforcement detrimentally influences how people of color perceive police actions.[19] Polls conducted by Gallup, the Pew Research Center, and the Cato Institute have all found sharp perceptual divides by race and ethnicity. While sixty-one percent of Whites report confidence in the police, forty-five percent of Hispanics report confidence and only thirty percent of Blacks report confidence.[20] Furthermore, almost eighty percent of Blacks think that highly publicized deaths of Blacks during police encounters are a sign of a broader problem compared to only fifty-four percent of Whites who express that view.[21] Public opinion data gathered in 2015 and 2016 also show that a substantially larger percentage of Whites (sixty-four percent), compared to Blacks (thirty-one percent) and Hispanics (forty-two percent), expressed belief that police treat racially groups equally.

Most striking of all is research which shows that public perceptions have remained steady from 1970 to 2016. This is a time period extending over forty-five years! In 1970, sixty-seven percent of Whites and forty-three percent of Blacks had a favorable view of police. In 2016, the results were remarkably similar, with sixty-eight percent of Whites and forty percent of Blacks holding favorable views.[22]

These outcome disparities are compounded and exacerbated as people process through various stages of the criminal justice system, from arrest to jail to courts to incarceration to

probation and parole. Inequities also exist within the law enforcement workforce and discussion

turns now to this.

Internal Inequities: Hiring and Promoting People of Color

Understanding the extent and causes of social inequity in policing necessitates a look at police

departments themselves. Similar to public agencies in other policy domains, police departments

are the "black boxes" of the criminal justice system. They are where policies and procedures are

established that ultimately produce the outputs, in this case policing. Mission, leadership,

management, traditions, workforce, and capacity interact in this black box to produce inequity.

In terms of policing, the lack of representativeness among the workforce is a characteristic that

appears to be directly related to inequitable outcomes and is an inequity in its own right.

Calls for increasing the representation of people of color on the nation's police forces can

be traced back decades. In 1968, the Kerner Commission recommended that police departments

look like the citizens they serve, particularly in predominantly Black communities. Progress

toward this goal has been extraordinarily slow. In the early 1970s, Blacks comprised

approximately six percent of sworn officers across hundreds of the largest police departments in

the U.S.[23] By 1987, Blacks accounted for nine percent of sworn officers and Hispanics accounted

for slightly less than five percent. As of 2013, Blacks accounted for slightly over twelve percent

of local police officers and Hispanics accounted for close to twelve percent.[24]

What increase there has been in uniformed officers of color is largely attributable to

affirmative action, particularly court-ordered hiring quotas.[25] Nevertheless, current data show

that White officers are still largely overrepresented in a large portion of police departments

across the U.S. It also means that people of color continue to be under-represented in police

departments, even in cities where they are the majority of the population. Data by the U.S. Bureau of Justice Statistics provide potent examples of an un-representative bureaucracy: As of 2013, seventy percent of the population in the city of Irving, Texas was non-white. However, people of color comprised only seventeen percent of the city's uniformed police.[26]

Some police departments fare better than others in mirroring the racial and ethnic composition of the cities they police. Take, for instance, the Atlanta, Georgia Police Department. This is one of the few departments where Black officers are over-represented. In 2013, fifty-eight percent of the police force was Black, while fifty-four percent of Atlanta's residents were Black. However, departments like Atlanta's are few and far between.

Apart from representation on the police force in regard to street-level officers, there is a lack of diversity in positions of leadership from Sergeant all the way up to Chief of Police. Unfortunately, data documenting the racial and/or ethnic proportions of officers in supervisory or leadership positions does not exist. However, qualitative data reveal differential experiences for officers of color particularly pertaining to barriers in hiring and promotion. Once hired, Black and Hispanic officers often experience more negative workplace environments, including, but not limited to, feeling discriminated against, less supported, isolated, and/or more closely scrutinized and more often criticized in their agency.[27]

While there is still progress to be made for people of color in regard to their access and incorporation in police departments, the benefits of diverse representation extend beyond providing equal employment opportunity. Having diverse police departments can lead to enhanced community trust and increased police legitimacy. This, in turn, facilitates cooperation in crime solving and in lessening tensions between citizens and police. Moreover, it reduces fear of the citizen – state encounter.

Locating Sources of Inequity

Consideration of the extent of inequity invites questions about why it persists.[28] While the section above may implicate the lack of representativeness, other factors that create, perpetuate, and/or sustain such disparities are present. The body of research that identifies causes is smaller than that which examines its overt presence, but until causes are identified and remedied, incidents will continue. Empirical descriptions abound for racial and ethnic disparities, yet it is most critical to understand how and why the current system allows this to continue.

Causes of Disparities

There are a number of explanations offered to explain the source of inequities in policing, among these are economic factors, individual-level behaviors, and organizational-level dynamics.

Economics and Differential Crime Rates

There is no doubt that there are racial and ethnic disparities in crime statistics and crime reporting more generally. Official government crime statistics portray Blacks as criminal offenders at higher per capita rates than their White counterparts. One underlying cause may be economic. For instance, communities that are economically unstable and have higher concentrations of poverty and unemployment rates often have higher proportions of people of color and also experience higher crime rates. However, this alone does not fully explain

propensity to commit crime. Even if socioeconomic factors impact differential police–public

contacts, these factors cannot fully explain differential treatment by police after contact has been

initiated. For instance, studies show that Black youth are less likely to possess weapons, yet they

are still more likely to be arrested when compared to White youth.[29] Similarly, while Blacks and

Whites have similar involvement with drugs, Blacks are still more likely to be arrested for drug-

related offenses.[30]

Second, scholarship documents the historically discriminatory policies and practices in

housing that have exacerbated residential segregation and served to create pockets of poverty,

such as redlining and housing loan discrimination.[31] Thus, even when looking at racial and ethnic

differences in socioeconomic status and related crime measures, one must acknowledge the

historical role of interconnected policies that perpetuate segregation, unemployment, lack of

transportation, and other problems that make impoverishment worse rather than better. Thus,

differences in crime rates are indicators of faultlines in the social infrastructure of communities.

Evidence suggests that other influencing factors also shape inequitable outcomes.

Individual Level Factors

Another explanation of the causes of disparities are at the level of individual behavior.

Individual-level factors focus on explaining individual mental processes, affective responses, and

decisions and actions of police officers. Social psychological research has documented that

people hold nonconscious biases toward racial and ethnic groups. These create implicit

preferences that result in skewed treatment toward people of color and other marginalized

groups.[32] Examples of implicit biases are stereotypes that associate people of color (namely

Blacks) with aggression, criminality, and weapon-possession, all of which have implications for police officer decision-making. For instance, one study found that police officers and college students were both more likely to detect crime-relevant objects after seeing Black faces compared to White faces.[33]

Stereotypes influence racial profiling in policing and act as cognitive shortcuts that influence judgments and decision-making.[34] For instance, research with police officers in a shooting simulation found that officers were more likely to incorrectly shoot unarmed Black suspects as compared to unarmed White suspects,[35] particularly when those officers hold negative beliefs about Black people and their criminal engagement.[36] Contrarily, more recent research found that although police officers held implicit biases toward Blacks, their shooting response times were slower for armed Black suspects and they were less likely to shoot unarmed Blacks when compared to Whites.[37] However, even when taking this study into account, the research suggests that stereotypes and implicit biases can, but do not always, influence police officer perceptions and behaviors.

Organizational Level Factors

There are also explanations at the organizational level where policies, structures, organizational culture, and rules serve as fuel for perpetuating racial and ethnic disparities. Organizational-level factors focus on institutional practices, internal policies, and the organizational culture of police departments. In an analysis of police killings of civilians, Menifield, Shin and Strother found that officers of all races (Whites and Blacks alike) disproportionately kill Black civilians. They conclude that individual-level racism is not a sufficient explanation of the disparities seen in the

killing of Blacks.[38] Instead, they argue that institutional and organizational factors that embed racism throughout the entire department are to blame. This suggests that high-level policy and organizational changes are required in order to remedy the differential impacts of policing. Similarly, other scholars have found that certain types of policing, such as investigatory police stops, act as primary drivers of racialized policing. Epp, Maynard-Moody, and Haider-Markel demonstrate how formal, department-level policies and practices activate and reproduce negative cultural stereotypes and implicit biases that influence police judgment and behavior.[39]

The chain of command in policing makes police officers extremely sensitive and responsive to police managers and directives. Thus, procedures and policies that govern police behavior signal to line officers what is expected of them. In an examination of police stops in New York, Mummolo found that a procedural change requiring officers to record their reasons for stopping someone and to submit all documentation to their supervisors led to a substantial reduction in unnecessary and unwarranted police stops.[40] Mummolo argued that the procedural change resulted in a new level of supervisory scrutiny. This opened the door for potential sanctioning when officers made wrongful stops. This suggests that, despite individual-level officer proclivities, organizational and managerial reforms also impact officer behavior. Mummolo's analysis was not explicitly focused on race, yet one can see the relationship because people of color comprise a large number of police stops. Thus, discriminatory outcomes can be reduced by reducing the total number of stops where people experience unfair treatment.[41]

Lastly, and most hard to conceptualize, is police organizational culture. Police are embedded in a bureaucracy with numerous rules and regulations, yet they still maintain an enormous amount of discretion. As such, police are tasked with operating in an environment based on both written and unwritten rules governing their behavior. Studies show that officers

who align with traditional police culture behave differently compared to those officers who are not in alignment, particularly pertaining to the use of coercive actions in police-civilian interactions.[42] Further, scholars have argued that police subculture fuels racialized policing outcomes irrespective of individual officer prejudices or proclivities.[43]

Toward Equitable Policing: Improving Access, Outcomes, and Processes

Questions about the cause and extent of inequities must lead to questions of improvement, namely how to make administrators more accountable to the communities they serve.[44] Broadly speaking, the starting point is for departments to first admit that they could be responsible for multiple types of inequities, from discriminatory policing to hiring practices. The second step is to proceed to take fairness more seriously, chart progress, reach out to historically marginalized groups, and give everyone a place at the table.[45] The third step is to practice constant vigilance, just as any learning organization takes stock of its outputs to assess whether the desired outcome is being achieved.

There has yet to be a substantial body of research on the evaluation of programs, interventions, tactics, and legal interventions aimed at reducing disparities in policing, so the ability to speak on effectiveness is limited. This section delves into a few of the most commonly touted and/or promising strategies in policing as they pertain to: (a) access to the police department, (b) inequitable policing outcomes, and (c) processes governing policing. These all have the potential to improve the overall quality of policing.

Gaining Access to the Police Department

To improve access to a majority-white, male-dominated workforce, the solution seems simple: diversify the officer corps by hiring more recruits of color, including those from diverse cultural and linguistic backgrounds. Calls to diversify police departments are made in the context of serving communities of color, especially because these communities experience some of the largest inequities. Three main explanations have been given for the lack of diversity and representation seen in today's police departments.

The first argument is that people of color are not applying for officer positions and this results in an insufficient candidate pool. This argument blames (a) a lack of interest and motivation on behalf of potential applicants of color; and (b) an attraction problem on behalf of the police department.[46] To address this, police departments can develop proactive recruitment strategies. Empirical evidence shows that targeted, intentional recruitment strategies can lead to a diverse applicant pool and improved hiring patterns. Such strategies include, but are not limited to:

1. strategic marketing that uses social media, as well as targeted flyers, posters and brochures that feature officers of color;

2. involving the community in the recruitment process;

3. dedicating budgetary and personnel resources to focus specifically on recruitment;

4. piquing the interest of people of color by using creative framing and messaging strategies; and

5. creating accountability systems for recruitment.[47]

Contrary to there being a lack of applicants, an analysis in Chicago found more than 8,000 Black applicants over a five period. However, almost half of those applicants phased out of

the process during the written entrance exam, which is one of the initial steps in recruitment after

the application.[48] Such a finding raises questions about whether exams are sufficiently job-

related rather than including discriminatory items designed to derail a disproportionate number

of candidates of color. Thus, the second argument is that there is a lack of a qualified candidate

pool that meets the hiring standards and requirements set forth by police departments. This

argument suggests that candidates of color may struggle to meet the hiring standards, which

include credit checks, drug tests, criminal history checks, psychological screenings, reading and

writing assessments, medical exams, physical fitness tests, and polygraph tests. It is important

that all applicants are held to the same standards and that extra obstacles are not placed before

candidates of color.

Relatedly, the third argument is that discriminatory practices and policies are embedded

in police hiring processes that disadvantage applicants who would bring diversity to the

department. A recent review by the U.S. Equal Employment Opportunity Commission (EEOC)

identified one of the barriers to diversity as police departments that rely on screening and

selection criteria that disproportionately impact candidates of color. Such elements include the

design and administration of written tests, psychological exams, and fitness assessments, as well

as the mere length and complexity of the hiring process.[49]

In order to remedy these latter two explanations, police departments can begin by naming

the sources of inequity. They can first locate where stumbling blocks arise in the cycle of

recruitment, hiring, promotion, and retention by conducting a barrier analysis. Identifying the

stage at which problems occur provides the insight departments can then use to develop targeted

strategies. For instance, the Richmond Police Department conducted diversity assessments to

identify areas for improvement. Several other police departments have already adjusted hiring

standards that negatively impact applicants of color. For example, in St. Paul, Minnesota, the written test requirements and design of the test was changed after it was found to disproportionately disadvantage people of color. Likewise, in Colorado and Vermont, some police departments no longer require U.S. citizenship, and have made exceptions for people who have legal residency and work authorizations.[50] Looking anew at long-standing rules that no longer serve a useful purpose is a fruitful approach to diversifying a police force. And it sends a signal to the community that the department is responsive to the community it serves.

These efforts have not come without criticism. Change never does. Some law enforcement officials believe that relaxing prior standards diminishes the overall quality of the workforce and can lead to long-term problems pertaining to police misconduct.[51] However, empirical research has shown inconsistent evidence linking hiring standards and screening requirements to subsequent officer performance and behavior.[52] Increasing representation of people of color in policing is important on the grounds of fairness and inclusion.

Retention is as important as recruitment. Research demonstrates that officers of color often feel isolated or discouraged and fare worse when promotions are made.[53] Thus, once officers are hired onto the police force, the internal climate of the department must be accepting, supportive, and encouraging, in order for them to develop to their fullest, just as it already is for White officers.

Resolving Inequitable Police Enforcement Outcomes

The benefits of a representative police force extend beyond opportunities for individual officers and inclusion of diverse points of view. They also bring greater recognition of individual and

organizational level factors that produce inequitable outcomes. At the individual level, prejudice

reduction strategies are important. Based on evidence thus far, the most promising strategies

from field and laboratory studies include cooperative learning, entertainment from media and

readings that shape attitudes, and peer influence. Some laboratory experiments indicate that

contact with those who are different from oneself and cross-cultural/intercultural training both

reduce prejudice.[54] However, Lae et al. found that most interventions impact short-term changes

but these reductions last no more than a few days.[55] Thus, while social psychological research

provides insight into the myriad of causes leading to racially biased policing, much more remains

to be learned about what straightforward and effective intervention programs for police would

look like.[56]

At the organizational level, strategies employed in policing to improve inequitable

outcomes are numerous. They include increasing the number of officers of color, effective

training, community policing, and policy changes.

First, hiring officers of color is an initial step in reducing racially biased policing and

racial profiling, increasing community trust and perceived legitimacy, improving how police

understand the community, and enhancing the relatability of officers, all of which work to reduce

tensions and promote positive police-community relations.[57] For the most part, research has

found that community perceptions are influenced by the racial or ethnic composition of the

police force. Specifically, Black civilians have more favorable perceptions of officer job

performance, trustworthiness, and fairness with the presence of Black officers.[58] Similarly,

officers of color often express confidence in their ability to police communities of color more

effectively than their White counterparts and show increased interest in engaging and interacting

with the community.[59] But numbers alone are not enough. In regard to outcomes, evidence is

mixed as to how more representative police forces affect policing outcomes. Some research

shows that the racial composition of the police department as a whole is not correlated with

police-involved homicides.[60] Similarly, officers of color can be harsher on people of color when

they conduct vehicle stops and make arrests.[61] On the contrary, other research shows that the

presence of officers of color is associated with decreases in crime, complaints, police-involved

killings, and negative traffic stop outcomes for drivers of color.[62]

Second, training serves as a way to equip officers with the tools, strategies, and

techniques needed to effectively fulfill their job responsibilities. Training may also serve as a

means to socialize police, teach preferred behaviors, and discourage unwanted behaviors.

Common police trainings designed to improve relationships with communities of color include

sessions on cultural sensitivity and diversity, implicit biases, and procedural justice.

Unfortunately, the empirical evidence on the effects of police training is scant. To date, there is

no evaluation that documents whether implicit bias training or cultural sensitivity and diversity

training has an effect on police performance. However, recent evaluations of procedural justice

trainings show improvements in police attitudes in their respect and empathy and improved

police-civilian interactions.[63]

Third, community policing gained prominence in the 1970s and 1980s due to disconnects

between police and communities of color. The goal of community policing was to improve

public satisfaction with policing services, restore public trust in the police, and improve police

attitudes toward the citizens they serve as well as citizens' attitudes toward police. Scholars

argue that while community policing brought positive changes in policing communities of color,

such as increased representation on the police force, open complaint procedures, and

administrative policies that limit officer abuse of force, problems remain between police and

communities of color.[64] In a systematic review of the effectiveness of community-oriented policing, studies show that such strategies positively impacted civilian satisfaction, perceptions of disorder, and police legitimacy. However, community policing strategies also has a limited effect on crime prevention and on reducing fear of crime.[65] And little is known regarding the impact of community policing on inequitable behavior at the individual officer level.

Fourth, policy changes also serve as a means to reduce racial and ethnic inequity. Historically, some policies were implemented along racial lines, such as racial profiling and investigatory stops. From an administrative policy perspective, Glaser argues that it is more effective to change targeted procedures that produce disparate impacts rather than broadly banning racial profiling, which is relatively commonplace. For instance, in 2001, the California Highway Patrol prohibited the use of consent searches after realizing officers used their discretion during drug interdictions in ways that disproportionately targeted people of color. Thus, policy levers can be used to reduce inequitable enforcement outcomes once identifying the source.

Another beneficial policy change is in how data are presented. It is a fact that merely displaying racial disparities by showing numbers can inaccurately confirm differential proportions of crime and deviance by racial and ethnic groups. Rather than simply presenting inequity statistics alone, a more informative means for garnering support for policy changes involves providing context as to how disparities came to be. By challenging implicit biases and associations about race and crime and by highlighting the institutions and systems that sustain and/or reproduce inequities, a more accurate message is transmitted.[66]

Promoting Equitable Processes Governing Policing

The processes that govern policing determine whether there is a racially and ethnically diverse police department and whether policing outcomes are equitable. Systematic data collection, analysis, and reporting ensures that people have access to information. Transparent grievance processes ensure that complaints are systematically considered. Both court and citizen oversight mechanisms detect and address inequity. Thus, transparency, accountability, and fairness are at the core of social equity in policing and all are dependent on information.

Standardized reporting requirements regarding police behavior do not exist. Current data have been collected by the Federal Bureau of Investigation via the Uniform Crime Report and the Law Enforcement Officers Killed and Assaulted program, or the Bureau of Justice Statistics via the Law Enforcement Management and Administrative Survey and the Police-Public Contact Survey. Data from these sources provide statistics in the aggregate, yet they are generally void of individual-level racial and/or ethnic data that would allow for a thorough equity assessment.

Media organizations and investigative journalism have contributed substantially to making policing data available to the public. News outlets such as *The Washington Post* and *The Guardian* have publicized data on who has been killed by the police. The Invisible Institute, a journalism company on Chicago's southside whose mission is to enhance the capacity of citizens to hold public institutions accountable, spearheaded a project that resulted in making the public aware of civilian complaints against Chicago police. Police departments have also participated in "open data initiatives," which provide data online. Two examples are the Open Data Policing website of the Southern Coalition for Social Justice[67] and the Police Data Initiative[68] spearheaded by the Police Foundation and the International Association of Chiefs of Police. Open data offers multiple benefits. It promotes transparency and accountability, provides

insights and understanding of policing, and it provides a tool to identify and improve problem areas.

Civilian oversight of policing expanded during the Civil Rights Era as a solution to address police misconduct.[69] Civilian oversight has been shown to be effective for reducing racial disparities in discretionary disorderly conduct arrests and police homicides of civilians.[70] Most, if not all, police departments allow for individuals to file complaints against officers for wrongdoing, mistreatment, and/or misconduct. This type of grievance mechanism not only serves as an accountability mechanism for police departments to monitor officers and assess compliance, but these complaint systems also serve to foster responsiveness and empower civilians. Over 140 jurisdictions across the country have civilian review and oversight boards comprised of civilians who are not in law enforcement and who are tasked to review complaints. Unfortunately, there is a lack of consistency in the processes and procedures that govern the filing, handling, and redress of allegations made against police. A lack of responsiveness to, or thorough investigation of, civilian complaints can undermine these benefits and masquerade prejudices.

Relatedly, legal and regulatory oversight also address police misconduct allegations, especially pertaining to civil rights violations. The U.S. Department of Justice's Civil Rights Division has conducted pattern-or-practice investigations of law enforcement agencies that exhibit excessive use of force, biased policing, or unconstitutional policing. The most common resolutions following a substantiated investigation are consent decrees or memoranda of agreement to remedy wrongs. The consent decree is usually overseen and enforced by a federal court and an independent monitor to ensure adherence to the stipulations.

Consent decrees incorporate a variety of police reform mechanisms including, but not limited to:

- enforcing officer monitoring systems, such as body-worn cameras;

- implementing accountability mechanisms, such civilian oversight boards;

- enhancing transparency and data collection;

- requiring new recruitment, hiring, and retention practices;

- enforcing community and problem-oriented policing;

- changing policies regarding the use of force or related disciplinary actions;

- implementing new training, such as de-escalation techniques; and

- encouraging bias-free policing in regard to gender, race, and ethnicity.

Program evaluations and empirical assessments of the short-term efficacy of consent decrees show substantial reductions in police misconduct and unconstitutional policing. This is evidence of successful police reform and improved police-community relations. However, longer-term evaluations of consent decrees remain to be done.[71]

Envisioning a Future of Undoing Inequity: Responsibilities of Future Practitioners

Law enforcement practices have the power to diminish or promote social equity and it is important that social equity is included in every decision calculus. Policy makers, elected and appointed officials, police leaders, and front-line officers must be willing to name, blame, and claim inequity in order to move forward.[72] In the context of policing, naming encompasses identifying and recognizing policing practices, policies, or outcomes that are racially and ethnically inequitable. Blaming involves departments identifying the root cause of the inequity

and defining responsibility in order to appropriately target solutions. Lastly, claiming is about fostering public ownership and action such that departments take steps to address the source of the inequity and achieve equitable outcomes.

Much more needs to be done in order to eliminate inequitable policing. The deleterious effects of sustained inequity extend beyond police departments and encompass public administration more broadly. Local governments and police departments need to conduct ongoing racial and ethnic impact assessments to evaluate the effectiveness of strategies implemented to reduce unfairness. Further, a necessary precondition to advancing equity is to diversify police forces across the nation. Public service professionals must reckon with hard "how to" questions about access, process, and outcomes. The American Society for Public Administration's Code of Ethics explicitly states that social equity is an imperative that encompasses fairness, justice, equality, and respect. It encourages affirmative action and other initiatives to reduce unfairness, injustice, and inequality in society.[73]

Summary of Key Points

This chapter highlights seven important points. First, racial and ethnic inequity is one of the most predominant and longstanding inequities in law enforcement, stemming from the racialized history of policing in the United States. Second, vast racial and ethnic disparities exist in two key domains: (a) equal opportunity and access to the law enforcement workplace; and (b) outcomes that result from police actions. People of color face numerous challenges in becoming police officers. They also fare worse than Whites in terms of arrests, use of force, and negative police contact. As a result, they hold more negative perceptions of the police than do Whites. Third,

there are both micro- and macro-level sources of inequity. At an individual-level, inequities are due to implicit biases and stereotypes; at a macro-level, policies, practices, and organizational culture, serve to maintain and perpetuate inequities.

Fourth, in order to improve employment opportunity and access, police departments have started changing their practices by revising tests that demonstrated disparate impact, implementing targeted recruitment practices, and assisting applicants of color in preparing for and navigating the hiring process. Fifth, practices that have been employed to improve inequitable enforcement outcomes include hiring officers of color, retraining officers, engaging in community policing, and implementing training. Sixth, processes that can substantially impact equitable outcomes include transparent data, fair and responsive complaint processes, and civilian oversight. Finally, all of these practices need to be rigorously evaluated in order to identify their causal effect in reducing inequity. There is much to learn in regard to what works, why it works, for whom, and for how long?

Discussion Questions

1. Discuss the implications of racial and ethnic inequity in policing for communities of color. (Hint: think about implications in terms of labor and wealth inequalities, educational opportunities, stereotype threat, health outcomes, and others).

2. How are administrative and managerial practices related to individual-level officer behaviors in producing, sustaining, or eliminating inequities in policing?

3. Assume you are tasked with reforming your local police department. First, identify the top three questions you would ask in order to understand the problem. Second, pick one

of the equity challenges discussed in this chapter and identify the top three things you

would do in order to address the challenge and promote more equitable outcomes for

people of color.

    a. Why are the three questions you asked to understand the problem important?

    b. What equity challenge did you choose to address and why?

    c. Defend your choice of strategies to address your specific inequity of concern.

    d. What are the implications for these three strategies for the police department, for

       city or state government, and for the community? (Hint: think monetarily,

       politically, time constraints, human resources, and so forth)

Additional Resources

1) The National Institute of Justice's pages on race, trust, and police legitimacy:

    https://www.nij.gov/topics/law-enforcement/legitimacy/Pages/welcome.aspx

2) *Vanity Fair* summary of important studies on racial bias in policing:

    https://www.vanityfair.com/news/2016/07/data-police-racial-bias.

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