Fair and Impartial Policing and Procedural Justice

I. Introduction
   a. Housekeeping
      i. Be respectful of others' opinions
      ii. Have an open mind
      iii. Nothing we discuss is intended to diminish officer safety or the importance of your job
   b. Goals
      i. Recognize your own human biases
      ii. Understand how implicit biases can affect your perceptions and behavior
      iii. Understand how biased thinking impacts community members, other department members, and the department as a whole
      iv. Develop skills and tactics to reduce influence of bias, resulting in effectiveness & professionalism
   c. During this training
      i. Leave preconceived notions about "bias" training at the door
      ii. Think and reflect about what it means to be an effective citizen, co worker, employee, parent, person
      iii. Recognize personal life experiences and expertise
      iv. Participate
   d. Introduction to Fair and Impartial Policing
      i. All people have biases – yes even you
         1. Learn to recognize various biases
         2. Implicit bias – unconscious
      ii. Explicit bias – conscious animus towards a group
      iii. Explore what social-psychology has taught us
      iv. Explore what our families have taught us (Bias by proxy)
II. Understanding Human Bias
   a. Susan Boyle – Video
   b. Key Point
      i. Humans prejudging is reality
      ii. We automatically assign characteristics to people.
      iii. Example: Prejudging of Susan Boyle and conclusions about whether she could sing based on appearance
   c. Fundamental concepts of human bias
      i. Bias is a normal human attribute—even well-intentioned people have biases
      ii. Biases are often unconscious or "implicit"
         1. Can manifest in individuals who, at the conscious level, reject prejudices and stereotyping
         2. Understand how implicit bias can affect our perceptions and behavior
      iii. Understanding Implicit Bias
         1. Whom do we prejudge, or assign 'ambiguous stimuli'?
         2. What determines the characteristics we attribute to them?

        iv. What stereotypes might people attribute to the following individuals?

        v. Common identifiers for stereotypes and differential treatment

            1. Income

            2. English language abilities

            3. Gender

            4. Age

            5. Religious affiliation

            6. Profession

            7. Sexual orientation, identity

        vi. Small Group Discussion

            1. What is the primary label you select for yourself, what do you identify as most?

            2. Is there a difference in type of friends you have now from when you grew up?

            3. Is there something that played into that?

        vii. Malcolm Gladwell

            1. "Blink"

        viii. Money Train Video

    d. Stereotyping and Human Bias

        i. We prejudge people we don't know

            1. Did not know the lady

        ii. We assign a group characteristic to them

            1. She's not a criminal, not a risk

        iii. We do not always know when this is happening

            1. Outside of Woody's conscious awareness

        iv. Reactions to stereotypes

            1. How do people in our society react to the homeless?

            2. How might we treat the homeless versus persons of means?

            3. Does being homeless warrant less service?

        v. Key Points of "Blink" Response

            1. Recognize what your "blink" response" is

            2. Replace it with objective (bias free) judgment and response

III.   Race-Crime Association Studies

    a. Research documenting implicit biases

        i. Ethnicity and race (e.g., Nosek, Banaji and Greenwald, 2002)

        ii. Gender (e.g., Banaji and Hardin, 1996)

        iii. Sexual orientation (e.g., Dasgupta and Rivera, 2008)

        iv. Body shape (e.g., Bessenoff and Sherman, 2000)

        v. Age (e.g., Perdue and Gurtman, 1990), etc. etc.

    b. Relevant to Humans in all professions

        i. More current studies focus on:

            1. Doctors, nurses (e.g., Van Ryn & Saha, 2011)

               a. Biases regarding race, class, weight

            2. Lawyers, prosecutors and judges

      a. Gender (e.g., Levinson & Young, 2010)

      b. Race/ethnicity (e.g., Smith & Levinson, 2012)

     3. School teachers (e.g., Van den Bergh et al, 2010)

     4. Law Enforcement (e.g., Correll et al., 2007; Peruche & Plant, 2005)

  c. Shove Study

    i. Shove Study – Sager & Schofield 1980

    ii. Muslim-Headwear Effect – Unkelbach, Forgas & Denson 2008

    iii. Issues arise as an over response or even an under response

IV. Stereotypes are Based, in Part, on Fact

  a. Blink responses linked to crime:

    i. Which groups does society link to crime?

    ii. What does your typical 'suspect' look like?

    iii. Is there a typical suspect for type of crime?

  b. Blink responses can be harmful

  c. Economic Status, Race and Crime

    i. A = Lower income people are disproportionately represented among people who commit street crimes.

    ii. B = People of color are disproportionately represented in lower income levels.

    iii. A+B=C So then people of color are disproportionately represented among people who commit street crimes.

  d. Stereotypes are based, in part, on fact

    i. Can you justify making decisions based on those stereotypes alone?

     1. Sometimes… it can be true.

     2. But it can be ineffective and unjust

    ii. Crash Video

  e. Key Points

    i. The stereotype by Sandra's character held true

    ii. Sometimes your "blink response" is right

    iii. Sometimes "blink response" is wrong

    iv. Do not rely on "blink response"

    v. Overall: Stereotyping based on biases is ineffective and unjust

  f. Hurry Up and Buy Video

V. Do Non-Prejudiced People have Implicit Biases

  a. Yes! Implicit bias manifests even in non-prejudiced people

  b. Exists even in individuals who consciously hold non-prejudice ideals/attitudes

  c. Exists among those of the same race

    i. Example: Many minorities have a race-crime/danger implicit bias (shove study)

  d. Avoid thinking

    i. Biased policing is "someone else's issue"

    ii. Progressive attitudes towards other groups are justified and therefore the person considers self as bias free

  e. Biased Actions Negatively Impact

    i. Community members

    ii. Our Department

           iii.   Your work unit
           iv.   You
            v.   Discussion
1. What are some perceptions from the community about the San Jose Police Department?
2. What are the factors affecting perception?
- f. Immigrant Communities
    - i. May come from nation in which police are tyrannical and abusive
        1. May be hesitant to trust police
        2. May be difficult to build trust in such communities
    - ii. Cau Bich Tran Case
- g. Does the media play a role in implicit biases?
- h. Susan Boyle
    - i. Why do we feel she can't sing?
    - ii. We prejudge people who have "ambiguous stimuli"
    - iii. Are we ingrained to do so on some level?
    - iv. Do we always know this is happening?
- i. Avoid "Profiling by Proxy"
    - i. Beware of others' implicit biases
        1. Don't let their biases impact your behavior
- j. Group Discussion – Scenario
- k. Key Points of Discussion
    - i. Not one right answer
    - ii. Think about options analytically, weighing consequences
- l. Analyze your options with a "Fair and Impartial" Lens
    - i. Challenge what you think you see
    - ii. Recognize your own biases
    - iii. Recognize others' biases
    - iv. Consider bias-free options
    - v. Minimize negative impacts with strong communication skills

VI. Addressing Our Implicit Biases
- a. Two remedies for our implicit bias "affliction"
    - i. Reduce our implicit biases
        1. How do we reduce implicit bias
            a. Contact theory
            b. Exposure to counter-stereotypes
            c. Slow it down
    - ii. Recognize our biases and thwart their impact on our behavior
        1. Implement Controlled Behavior
    - iii. Examples
- b. Key Point
    - i. Very normal human interactions can help us reduce our biases.
    - ii. If we recognize our biases, we can implement "controlled behaviors" that override our (natural) implicit biases.

VII.   Strengthening Police Legitimacy through Procedural Justice
- a. Impact of Biased Policing on the Department
    - i. We will not gain Police Legitimacy
    - ii. The public view that the police are entitled to exercise authority.
    - iii. Reflects trust and confidence in police
- b. Legitimacy Promotes
    - i. Acceptance of police decisions
    - ii. Cooperation with the police
    - iii. Compliance with the law
- c. Threats to Police Legitimacy
    - i. History of police in the US
        1. Tumultuous relationships with particular groups (Civil Rights Protest – Alabama, 1963 and Stonewall, 1969)
        2. Police misconduct
    - ii. Disrespectful, abusive and/or biased interactions with community members
- d. Understanding our history
    - i. You personally did not create the history of SJPD but you have to constantly work to keep it legitimate
    - ii. With certain individuals, it is harder to produce police legitimacy
- e. Procedural Justice
    - i. Procedures used by police officers where community members are treated with respect, dignity and fairness.
    - ii. Procedures used by management
    - iii. Procedures used by co workers
- f. Procedural Justice Leads to Legitimacy
    - i. When you give someone a voice, are objective and respectful you gain trust.
    - ii. The procedural justice process of fairness and respect leads citizens to view the department as legitimate and trustworthy.
- g. What does that get me?
    - i. Lowered stress **
    - ii. Increased officer safety
    - iii. Fewer complaints
    - iv. Greater cooperation from citizens and co workers
    - v. More pleasant work environment
- h. Law enforcement stressors
    - i. The Department
    - ii. The Public
    - iii. Our Family
- i. Cynicism
    - i. A cynic expects nothing but the worst in human behavior.
        1. Can you think of anyone like this?
    - ii. As a public servant is this how we see the world, how about officers?
- j. Us vs. Them
- k. The Golden Rule

    i. Asking the question, "How would I like to be treated in this situation?" is an integrity guideline for any situation.

    ii. The Golden Rule divides cultural and religious boundaries and is accepted by most people throughout the world.

    iii. It can be used to create common ground with any reasonable person.

  l. Procedural Justice – Voice

    i. Allowing the participant to voice their point of view or offer an explanation

      1. Active listening

      2. Allow them to talk

    ii. Having a voice makes people feel that they are a part of the process and that they have input in the decision, even if it does not impact the decision.

    iii. Communication

      1. Verbal communication accounts for 7% of information communicated.

      2. Tone and volume account for 38% of information communicated.

      3. Body language accounts for 55% of information communicated

  m. Procedural Justice – Neutrality

    i. Employ decision making that is 'neutral'

      1. Exhibits neutral feelings toward the person. Ask yourself what message am I sending.

      2. Follow unbiased decision-making

      3. Apply the decision equally and to all

    ii. Explain why you are taking the steps you are, asking the questions you ask, explain the process.

    iii. Cop with No Complaints

  n. Procedural Justice – Respect and Dignity

    i. Respect for the person; respect for one's rights

    ii. Treating a person with dignity validates him/her them as a human being.

    iii. Showing empathy to the importance they he/she places on the issue involving the police shows respect.

  o. Procedural Justice – Trustworthiness

    i. Listen to people.

    ii. Consider their side of the argument.

    iii. Take their needs and concerns into account (benevolence).

    iv. Explain the decision/action.

    v. This demonstrates that you have listened to them and considered their needs and concerns.

    vi. In doing so, you gain legitimacy for yourself and the Department.

  p. Key Points

    i. Biased policing can have negative impacts on both community members and the department

    ii. You and your colleagues cannot be effective without legitimacy

    iii. Procedural justice can produce legitimacy

    iv. Fair and impartial policing is central to police legitimacy

VIII. Recap

a. Recall: Goals of the Training
    i. Recognize your own human biases
    ii. Understand how implicit biases can affect your perceptions and behavior
    iii. Understand how bias impacts community members and the department
    iv. Develop skills and tactics to reduce the influence of bias on SJPD and ones that allow you to be effective, and just professionals
b. Community Bank Account
    i. Every encounter is either a deposit or a withdrawal.
    ii. Every contact is an opportunity to increase our legitimacy.
    iii. Are you making a deposit or withdrawal with the way you interact in your relationships personal and professional?
    iv. How many deposits does it take to make up for a withdrawal?
    v. Does one encounter affect how future generations view the police?
c. San Jose Police Department Vision Statement
    i. The San Jose Police Department is dynamic, progressive, and professional organization dedicated to maintaining community partnerships which promote a high quality of life for the city's diverse population. The Department is committed to treating all people with dignity, fairness and respect, protecting their rights and providing equal protection under the law.