A Journey Through the System: Police Discretion in the Criminal Justice Process

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Introduction

Racial disparities *do* exist in policing (Kahn & Martin, 2016)
- These biased procedures lead to racial disparities in outcomes such as rate of incarceration or the likelihood that a suspect will be shot by police (Correll et al., 2014)

In 1995, when Black Americans constituted only 15% of drug criminals, 95% of surveyed participants pictured a drug criminal as being Black (Alexander, 2012)
- According to the former director of the FBI, police officers' focus on Black men is a "mental shortcut" that is "almost irresistible and maybe even rational" (Butler, 2017)
- Therefore, despite similar rates of drug use and crime among racial groups, 1 out of every 14 Black men was in prison compared to only 1 out of every 106 White men in 2006 (Alexander, 2012)

Black Americans are more likely to be brutalized or die while in police custody than any other demographic (Kahn & Martin, 2016)
- Police officers are roughly five times more likely to shoot a Black person than a white person in the United States (Correll et al., 2014)

There exists a disparity such that police officers use greater force (both lethal and non-lethal) when the suspect is Black rather than white (Jacobs & O'Brien, 1998)
- Many of these racially disparate outcomes can be traced back to the implicit biases of police officers (Nadal et al., 2017)

Police officers are the gatekeepers of the Criminal Justice System – they decide who to stop, search, and arrest.

The Black Lives Matter Movement

How a seventeen-year-old's trip to a convenience store sparked a nationwide movement against police brutality in 2012

- February 26, 2012: George Zimmerman (a neighborhood watch volunteer) shoots **Trayvon Martin** in Florida but is later acquitted
- July 14, 2013: The hashtag 'BlackLivesMatter' is used for the first time by three Black community organizers after Zimmerman's acquittal
- July 17, 2014: **Eric Garner** is murdered by police in New York and his death is declared a homicide → his murder is recorded on video but there is no indictment
- August 5: **John Crawford** is shot by police in a Walmart for picking up a toy gun
- August 9: **Michael Brown**, an unarmed teenager, is shot by officer Wilson in Ferguson; however, a grand jury chooses not to indict officer Wilson
- November 22: 12-year-old **Tamir Rice** is shot by an officer while holding a toy gun in Ohio, but there is no indictment
- December 24: **Antonio Martin** is killed by St. Louis police
- April 18, 2015: **Freddie Gray** is killed while in police custody in Baltimore
- July 19: **Sandra Bland** dies in police custody in Texas
- July 5, 2016: **Alton Sterling** is shot by police in Louisiana
- March 13, 2020: **Breonna Taylor** is shot and killed while asleep in her apartment
- May 25: **George Floyd** is killed by Minneapolis PD as he repeatedly stated he could not breathe
- May 27: Anti-police brutality protests begin in over 140 U.S. cities (at least one protest in each of the 50 states)
- May 29: Officer Derek Chauvin is charged with third-degree murder for the death of George Floyd
- June: Daily protests continue throughout the United States calling for the defunding and abolishment of police departments
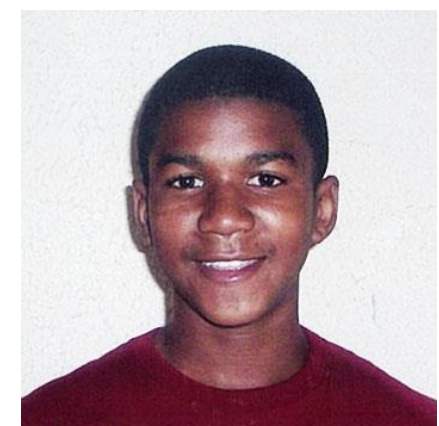
Methods

Phase 1: Analyze pre- and post-questionnaires completed by Chicago police officers and Chicago community members after experiencing a virtual community-police interaction

Recruit Chicago PD Officers & Citizens → Pre-Questionnaires → Virtual Reality Intervention → Post-Questionnaires

Participants:
Total of 100 participants (58 police officers, 42 community members)
For the police officers:
- Majority male (73.2%) with race evenly distributed between White (38.2%), Latinx (30.9%), and Black (23.6%)

For the community members:
- Majority female (69.0%), majority Black (83.3%) with the remaining identifying as Latinx (11.9%) or Biracial (4.8%)

Measures of Bias:
1. Brief Implicit Association Task (BIAT)
2. Symbolic Racism 2000 Scale (SRS)
3. Toronto Empathy Scale (TEQ)
4. Self-Reported Empathy (VAS)

VR Community-Police Scenario:
The police are called for a mental health crisis. Antwaun, a Black community member, is threatening self-harm while at home with his family. Antwaun first speaks with Tony, a police officer who has his gun aimed at Antwaun. After a tense conversation, Tony is unable to de-escalate the situation, and Tony's partner is unable to soothe or remove Antwaun's wife, Santana.
Towards the middle of the scenario, Danny, another police officer, arrives at the scene. It is understood that he has had previous positive interactions with Antwaun, and he is able to de-escalate the situation using their previous rapport and empathic concern.

Phase 2: Interview various CJS workers regarding their opinions of police officers and the role police officers serve in the CJS

Contact Participants → Conduct Virtual Interviews → Transcribe Interviews → Analyze Findings

30-60-minute in-depth interviews were conducted via Microsoft Teams
Participants were recruited from staff at the Federal Probation Office in the Milwaukee Federal Courthouse
- Positions held by participants: Supervising US Probation Officer, Probation and Pre-Trial Officer, US Magistrate Judge, First Assistant US Attorney, US Attorney
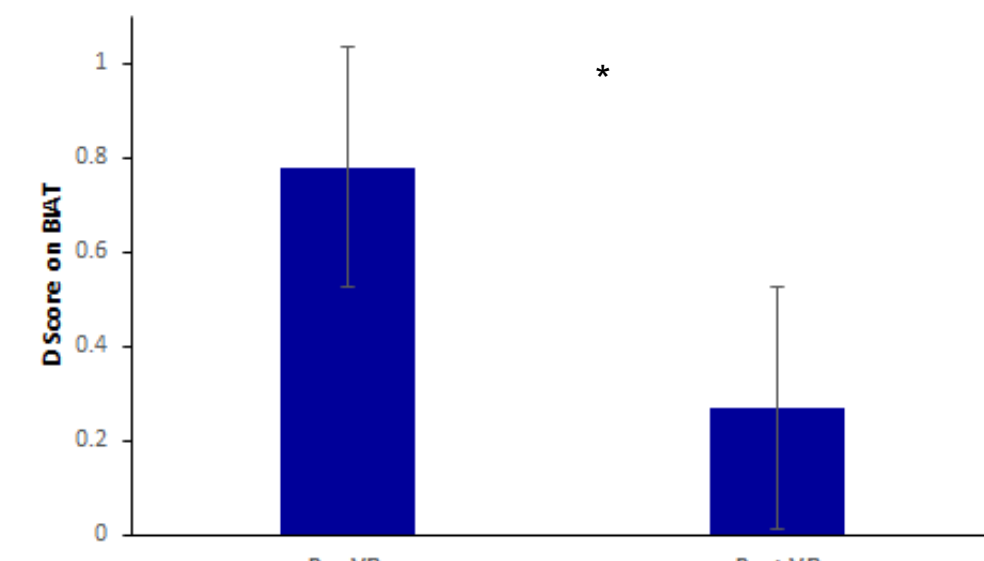
Example Interview Questions:
- What, if any, personal biases did you have to confront in order to successfully do your job?
- In your professional opinion, how much influence do police officers have on individuals' passage through the criminal justice system?
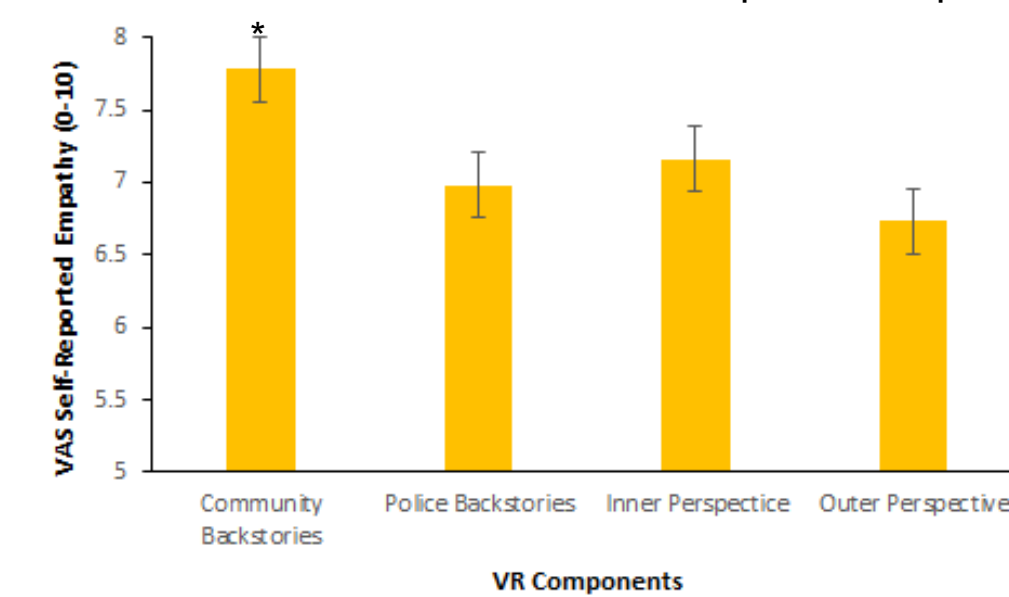
Phase 1 (Quantitative) Results

Preliminary Findings:

Police officers had significantly greater self-reported empathy after viewing the community backstories as compared to all other VR components.

Police Officers' Levels of Self-Reported Empathy

Police Officers' D Scores Pre- & Post-Intervention

Police officers' D scores on the BIAT significantly decreased following the virtual reality intervention.

These results found in Timmer & Gordon (2020) are promising since the VR intervention appeared to increase self-reported outgroup empathy and subsequently decrease implicit bias; however, the community members' results should be analyzed and can serve as a baseline to gauge how positive these preliminary results are. $P < 0.05$

Phase 2 (Qualitative) Results

The perception of the police varies greatly in our interviews of various law enforcement officers. Even those who share the same job responsibilities hold differing opinions on the police, their roles in society, and what reform means to them.

Participants differ on their personal perception of the police:
- "I feel safer with [police] around especially when I'm out in the community."
- "I call the police because I feel safe, and I call them to protect me right? And that's what their role for me is. But if I was a person of color my experience with, based on my own exposure, my feelings toward police could be very, very different."

Participants differ on their perceived role and responsibilities of the police:
- "Why are people attacking the police for doing their job?"
- "Over the years in our society we've asked for more of our police officers, and they certainly need training in those areas. I think it's maybe a good idea to evaluate what we actually expect our police officers to do."
- "Are [they] protecting or are [they] controlling?"

Participants differ on their opinion of police reform:
- "If they defund Milwaukee Police Department, heaven help us, I don't want to enter the North side of Milwaukee."
- "You'd have to reform a lot of the community's opinion of the police before any police reform would actually work. So taking the police off the streets is not going to help reform."
- "Are we really protecting each community? Or are we attempting to exert a type of control over some communities to better protect others?"

Conclusions & Implications

The statistics are clear: racial disparities do exist in policing
- Black Americans are more likely to be racially-profiled, arrested, or victimized by police officers than their white counterparts
- This summer has explicitly shown that there exists a need for police reform, but there is not a consensus within the criminal justice system about what that should look like

One immediate strategy urban police departments could utilize is an intervention similar to the VR scenario used in Phase 1
- The intervention should work to induce empathy and perspective-taking as a way of decreasing implicit racial biases in police officers

Drawing upon the results from Phases 1 & 2, repairing and strengthening the relationships between community members and their police departments should be a top priority
- Community-oriented policing has positive effects on community satisfaction, community perceptions of neighborhood disorder, and police legitimacy (Gill et al., 2014)

Future Directions

Kate is analyzing the nuances within the community member data set for her senior thesis in the Honors in Psychology program
- She plans to compare the community members' levels of empathy, implicit racial bias, and both positive/negative emotions to those of the police officers
- She will be presenting her results at the end of the spring semester 2021

Erin is using this research experience to prepare for her independent study project for her Capstone in Criminology and Law Studies major
- In her Capstone, she plans to explore further injustices within the CJS
- She plans to continue her studies in the field of Social Work

Acknowledgments