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

Kate Gustafson, Erin Cook, Dr. Ed de St. Aubin, & Dr. Nakia Gordon
Marquette University, Milwaukee, WI

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, 1996)
- 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 25, 2014: 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

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 Bracal (4.8%)

Measures of Bias:
1. Brief Implicit Association Task (BIAT)
2. Symbolic Racism 2000 Scale (SRIS)
3. Toronto Empathy Scale (TEG)
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.

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:

Preliminary Findings:
Police officers had significantly greater Police Officers’ D Scores Pre- and Post- Intervention
VR Community-Police Scenario

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 the individuals’ passage through the criminal justice system?

Phase 1 (Quantitative) Results

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

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

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