

President's Task Force on 21st Century Policing
First Public Hearing: Building Trust and Legitimacy

Washington, DC

Testimony of Jennifer L. Eberhardt

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Good morning. It is a pleasure to be here with you and to testify before this Task Force, charged with examining one of the most pressing issues in our society, that of the fraught relationship between law enforcement agencies and many of the communities they serve. I am Jennifer Eberhardt, a social psychologist and faculty member at Stanford University. For two decades, my research has focused on issues of racial bias and stereotyping, especially in the context of criminal justice. I have used social scientific methods to examine the sorts of problems that arise at the intersection of race, crime and policing. I have convened conferences and other meetings to bridge the gap between academic researchers and law enforcement agencies. Currently, I am assisting the Oakland Police Department as a subject matter expert in connection with their reform efforts. I am a member of the monitoring team charged with overseeing the reform of the New York City Police Department. I also serve on the Advisory Board of the National Initiative for Building Community Trust and Justice.

In my brief testimony today, I will describe the problem of racial bias and offer some thoughts about how we might use technology, in particular body cameras, to move beyond bias.

The Problem of Bias

Many people think racial bias must be deliberate or intentional. However, contemporary social psychological research suggests that bias can be implicit as well as explicit. People can act on biases that they don't even know they have. People can be affected by bias despite their best intentions and desires. Bias is not limited to so-called "bad people." And it certainly is not limited to police officers. The problem is a widespread one that arises from history, from culture, and from racial inequalities that still pervade our society and are especially salient in the context of criminal justice.

There is a growing body of research aimed at examining implicit racial bias in criminal justice contexts. Much of this research focuses on the association of blacks with crime. In studies in my own lab, for example, we have found that simply prompting people to think of crime leads them to shift their gaze toward black faces. Both college students and police officers exhibit this same pattern of results. In other studies, we have shown that simply exposing people to black faces leads them to attend more closely to crime-related imagery. For example, people who are exposed to black faces more quickly

identify a blurry image as a gun than those who are exposed to white faces or to no faces at all. In shoot – don’t shoot computer simulations, other researchers have found that people—undergraduates, community members, and police officers alike-- are faster to shoot black people with guns than they are to shoot white people with guns.

The race-crime association extends beyond the laboratory and computer simulations. Using an actual database of criminal defendants convicted of a capital crime, my collaborators and I have shown that among defendants convicted of murdering a white victim, defendants whose appearance was more stereotypically black (e.g. darker skinned, with a broader nose and thicker lips) were sentenced more harshly – and, in particular, were more likely to be sentenced to death – than if their features were less stereotypically black. This finding held even though we controlled for the many non-racial factors (e.g. the severity of the crime, aggravators, mitigators, the defendant’s attractiveness, etc.) that might account for the results.

We have examined the race-crime association among registered voters as well. Here, we find that highlighting extreme racial disparities in incarceration makes people more, not less, supportive of the punitive policies that produce such disparities. In fact, the blacker the prison population is perceived to be, the more people fear crime, which, in turn, inclines them to favor punitive criminal justice policies. As these and other studies indicate, racial bias can operate at different levels of the criminal justice system and with different actors—from police officers, to community members, to juries, to voters.

As pervasive as racial bias is, however, it is not insurmountable. Racial bias is more likely to be triggered in certain situations than in others. In police departments, repetitive training can suppress the expression of bias. Policies and practices may either encourage officers to act on the basis of bias or discourage them from doing so.

My first recommendation, then, is to address racial bias directly: *I recommend training on racial bias in law enforcement agencies.* Not only would this training raise officers’ awareness about how race can influence their perceptions and actions, it could increase their understanding of police-community tensions. Law enforcement officers need to better understand the sources of the tensions that undermine their relationship with the communities they serve. Too, officers need to acknowledge that in a society in which racial inequality is so pervasive, virtually no one can be blind to race.

Training on racial bias is a necessary but probably insufficient means of addressing the problems with which this Task Force is concerned. We need to do more. One way to do more is for law enforcement agencies to make better use of the tools and technology already at their disposal.

Moving Beyond Bias

Prominent among the new technology is body cameras. Community members want the police to wear cameras to increase transparency and accountability. Police officers want to wear them to protect themselves from unfair accusations and lawsuits.

Indeed, there is evidence that body cameras may shape police-community interactions in a positive way. In a handful of studies, researchers have already found that citizen complaints plummet when police officers turn their cameras on. Moreover, when cameras are present, officers are less likely to use force in their interactions with citizens.

As beneficial as the mere presence of the cameras may be, *I recommend that we leverage this technology more effectively.* Despite the growing support for body cameras, no researchers or law enforcement agencies, as far as I know, have systematically analyzed the footage produced from these cameras. Yet the camera footage could provide unparalleled insight into police officers' interactions with community members. The footage could be used for at least four purposes, all of which are fundamental to improving police-community relations: training, training evaluation, policy evaluation, and the development of early warning systems.

Training. By analyzing large numbers of routine police-community encounters, we could test whether the interactions that police officers have with black citizens, for example, are more negative than those with white citizens. We could gain insight into crucial questions: What leads interactions to escalate? Why do interactions go wrong? What are effective strategies police officers can use to de-escalate when things get heated? Although it takes extraordinary skill on the part of officers to avoid escalating a delicate situation, typically we don't give much attention to those instances in which things go right. Body cameras can allow us to do so. They can enable law enforcement agencies to "bottle" best practices, which they can then use for both new recruits and in-service training.

Training Evaluation. Video footage could be used to evaluate training. We could examine footage before and after training to assess the degree to which it affected police-community interactions. For example, the footage could offer new metrics for evaluating implicit bias training. Rather than relying on self-reported changes in attitudes, we could examine directly the interactions that the training is designed to influence. Many law enforcement agencies are beginning to adopt procedural justice training in an effort to increase police legitimacy. Body camera footage could be used to compare the interactions of those police officers who have gone through procedural justice training with those who have not. Are there aspects of the training that are harder to translate into actual street encounters than others? And if this is the case, the information could be fed back to researchers to fine-tune the training. In addition, analyzing the footage over time would provide law enforcement agencies with information on how long the effects of the training last. From this they could make better decisions about how often the training is needed, insuring that they continue to get the benefits of the training and use funds for additional training only when necessary, potentially saving tens of thousands of dollars per agency.

Policy Evaluation. The video footage could be used to evaluate changes in policy. If officers are required to explicitly inform members of the public of their right to refuse a search, for example, analysis of the footage may determine how often officers are in compliance with this change as well as the effect that the change seems to have on the number of searches, the outcome of the search, the quality of the interaction, and police-

community relations more generally. This information could be fed back to command staff so that they could make adjustments to the rollout of the policy changes. Once these changes are in place, analysis of body camera footage would allow supervisors to determine if procedures continue to be followed.

Early Warning Systems. Finally, agencies could use the footage to develop early warning systems. Certain types of footage could be flagged routinely for additional inspection. And when events happen that shake the nation, like those in Ferguson or New York, they could look to these early warning systems to get an immediate read, or pulse, on how those events might reverberate in the day-to-day encounters police officers have in other cities, like Oakland, Chicago, or Philadelphia. With access to this information in real time, law enforcement agencies could implement strategies designed to reduce police-community tension and they could immediately assess the impact of those strategies. An agency could even begin to share those strategies with other agencies as tensions rise in their communities. Analysis of camera footage would allow agencies to respond proactively, rather than in hindsight.

Conclusions

The problems we are discussing here today are serious, but they are not intractable. Both science and technology could be leveraged to strengthen police-community relations. Social scientific research on implicit bias can inform training. Systematic analysis of body camera footage could suggest strategies for building trust and police legitimacy. Just as agencies commonly use CompStat systems to make predictions about crime patterns and to determine strategies for arrests, so too could they use body camera footage to develop what I would call “VideoStat,” a system which could be used to build community relations. Spurred by the innovation that is the hallmark of Silicon Valley, I have already begun to combine social psychological insights with technology in an effort to improve outcomes in the criminal justice context and elsewhere. I sit before the Task Force today, extremely hopeful, ready to push forward.

Suggested reading

Hetey, R. C., & Eberhardt, J. L. (2014). Racial disparities in incarceration increase acceptance of punitive policies. *Psychological Science*, 25, 1949-1954.

Correll, J., Park, B., Judd, C. M., & Wittenbrink, B. W. (2002). The police officer’s dilemma: Using ethnicity to disambiguate potentially threatening individuals. *Journal of Personality and Social Psychology*, 83, 1314 –1329.

Eberhardt, J. L., Davies, P. G., Purdie-Vaughns, V. J., & Johnson, S. L. (2006). Looking deathworthy: Perceived stereotypicality of Black defendants predicts capital-sentencing outcomes. *Psychological Science*, 17, 383- 386.

Eberhardt, J. L., Goff, P. A., Purdie, V., & Davies, P. G. (2004). Seeing Black: Race, crime, and visual processing. *Journal of Personality and Social Psychology*, 87, 876-893.