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Criminal Justice Bias : Fact or Fiction

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Objective Analysis

Research in progress for CRIJ 1301: Introduction to Criminal Justice

Faculty Mentor: Stefanie LeMaire

The following paper represents work produced by a student in an Introduction to Criminal Justice course at Collin College. The paper is an objective analysis of prominent research regarding potential police biases and how officers' decisions may be influenced by a suspect's race. The topic of racial bias within policing is quite controversial, as evidenced by the community protests, media coverage, and destruction that has ensued after officer-involved shootings. This assignment asks students to objectively review scholarly research on police bias and constructively criticize the limitations of the data, if any are found. Before this final assignment is due at the completion of the course, students are instructed to review two journal articles and independently summarize the literature to help them understand how to review scholarly research. Once the final assignment is completed, students are organized into small groups to discuss their research. This opportunity allows students to understand other students' perspectives and identify research they may not have reviewed or flaws they did not notice. It also allows for an informal critique of their work. This thorough review of scholarly research helps students analyze research themselves instead of relying on sources that disseminate potentially flawed results. It is important for students to understand how to analyze research and the authors' conclusions. It is equally important to recognize limitations of the data. The following paper demonstrates an objective review of literature and dissects the research to determine flaws in design that ultimately reveal the need for more research.

Criminal Justice Bias: Fact or Fiction

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Law enforcement encompasses the concept of enforcing the rules and

regulations of a specific region in order to ensure safety and security by reducing crimes

through the apprehension of criminals (Office of Justice Programs, n.d.). Humans tend

to act catastrophically when there are no set guidelines to be followed. If it were not for

these guidelines, there would be no distinction between the present and an apocalyptic

era. Haney, Banks, and Zimbardo (1973) conducted the Stanford Prison Experiment

where the researchers simulated a prison. The researchers instructed undergraduate

students to pretend to be either a correctional guard or prisoner. The students were to

role-play these identities for a one-week period. The scholars completed assessments

prior to the study, and no abnormalities were present. The research revealed that a third

of the students role-playing as the guards became more aggressive and dehumanizing.

Based on the results of the infamous Stanford Prison Experiment, humans may become

abusive and violent when put in a position of power and authority (Ramji, 2015).

Policing is a vital component of maintaining order. However, this honorable

career does not secure police officers from the fact that they are human, from the

possibility of feeling bias, and from potentially becoming corrupt. As early as the fourth

century B.C., corruption was present within societies that were inhabited by humans

(Bardhan, 1997). Therefore, it is clear that human beings have been battling this

dilemma for some time. Of the many factors contributing to the corruption of law enforcement, bias and stereotypes are significant contributors. Dehon et al. (2017) discussed implicit stereotypes and concluded that prejudices may not be a result of an unconscious cognitive bias, but rather a process of the predictive brain. This suggests that an individual learns stereotypes within their culture. Lai et al. (2016) suggested that people who are aware of their biases and make attempts to avoid such judgments are still subject to the biases due to the existence of apparent and underlying forms of general bias. These psychological processes need to be considered when determining appropriate diversity and ethical training for officers and during the selection of police officer candidates.

Despite all of the teachings and training, a person may still act under impulse and instinct when under pressure. The intention is always fogged over by the behavior since it is initiated by something much deeper than what the person intends to do. This is due to the power of the underlying bias that each individual is unaware of (Glossop, 1970). For this reason, trusting the criminal justice system becomes difficult for citizens, especially individuals belonging to a minority group. Wu, Sun, and Triplett (2009) completed a study that reviewed the impact of race, class, and neighborhood variables to determine what influences a person's satisfaction with the police. They analyzed 1,963 citizens within 66 neighborhoods and concluded that people who reside in impoverished neighborhoods, who exhibit high mobility, and who experience violent crime were less satisfied with the police. This was true for Whites and Blacks in those communities. An assumption of this finding is that the neighborhood characteristics are

most influential; however, Blacks who lived within areas of higher socioeconomic status were still less likely than Whites to be satisfied with the police when directly compared to Whites within the same community. This research indicates that Blacks, regardless of socioeconomic status, may be more dissatisfied with the police.

One of the most significant qualifications of a police officer is integrity, which is a vital component needed to resist corruption and bribery but is also required to fairly enforce the law (Rosenbaum, 2016). A group of researchers attempted to understand prejudices by conducting a bias-based examination within select Virginia police departments (Ioimo et al., 2007). The researchers utilized surveys, focus groups, and observations in more than 30 police departments within the region in order to efficiently retrieve results. The survey questions were targeted to collect information regarding the occurrence of bias-based policing in accordance with the study's definition. The authors defined bias-based policing as "practices by individual officers, supervisors, managerial practices, and departmental programs, both intentional and nonintentional, that incorporate prejudicial judgments based on sex, race, ethnicity, gender, sexual orientation, economic status, religious beliefs, or age that are inappropriately applied" (Iomo et al., 2007, p. 271). The results indicated that 12.9% of all survey respondents allege that their department supports bias-based policing, albeit unofficially. Furthermore, the analysis concluded that the majority of the police officers surveyed suggested that they received bias-based police training. This data helps law enforcement agencies and their respected management to understand that the concept of this type of policing may be learned within the academy, practiced in their

department, and potentially enforced by senior management through the process of police subculture.

Arguably, race might not be the predominant factor when it comes to the power of discretion. Briggs and Keimig (2016) discussed the deployment hypothesis that suggests officers are more likely to routinely patrol hot spots, which are areas that experience stable crime rates in relation to the existing community. Most forms of police strategies, such as traffic stops, stops and frisks, and discretionary searches, are clustered in this hot spot. These concentrated efforts may further exacerbate the problem of racial disparities. Therefore, the racial disparities are explained because the officer's goals are directed toward arrests rather than bias, but the neighborhood demographics unintentionally create a disparity. Scholars attempted to compare the police-community relations in a city of Black majority and a city of White majority. Weitzer, Tuch, and Skogan (2008) studied perceptions of the police in Washington, District of Columbia (D.C.). Blacks who lived in neighborhoods that experienced crime or disorder were more likely to have negative perceptions of the police. The authors also commented on the social class of the persons and determined that the lower a social class someone possesses, the greater the likelihood that they believe police are engaging in wrongdoings. In all, this research suggests that the issue is not only a matter of negative police relations within the community, but it is rather heavily influenced by the neighborhood and the associated neighborhood crime rate. Police officers' discretions are significantly influenced when patrolling in a certain area that is a

hot spot. These methods of patrol may give police officers the thought and anticipation of heavy occurrence of violence and crime.

Fryer (2019) stated that among compliant citizens, Blacks are approximately 21% more likely than Whites to experience some form of excessive force when encountering an officer after controlling for civilian, encounter officer, and location variables. However, the data signifies that Blacks are not more likely to have lethal force used against them merely because of their race. While there are racial disparities regarding non-lethal use of force that could potentially be explained because of racial bias, there are no racial differences regarding the use of lethal force. Fryer's data also accounted for situational factors during the encounter between the suspect and police. Overall, the data suggests that the officers' decision to use lethal force is not impacted by the suspect's race. But the data did not conclude if there were racial disparities that began the initial encounter (Fryer, 2019).

Another interesting factor concerning bias includes research from Finneran and Stephenson (2013), who concluded that gay and bisexual men have negative perceptions of the police helpfulness in response to intimate partner violence. These perceptions can have unintended consequences, such as the underreporting of such crimes. It can be argued that when departments employ the crime control model, which focuses on preventing crime and efficiently processing defendants, the operational styles may contribute to the negative perceptions of police that have subsequently resulted in this image of the police. Contrary to this finding, Briones-Robinson, Powers, and Socia (2016) reviewed crime reports from minority victims, specifically lesbian, gay,

bisexual, and transgender (LGBT) victims. They aimed to unravel the differences in reporting from LGBT persons who identified as victims of a hate crime. They concluded that there were no significant differences between LGBT bias victims and other crime victims. They continued their research to determine if the insignificant relationship was due to the inclusiveness of minority groups. The analysis did not indicate such relationship between reporting and inclusiveness. Therefore, it appears that the victims may still perceive the police as biased, which may contribute to the underreporting of such crimes.

A significant factor within the criminal justice system is fairness and a protection of the suspect's constitutional rights. However, biases could also be displayed within our court systems. The decision of whether or not an individual will be incarcerated is based on the court's findings. Court decisions may be influenced by the defendant's race when a jury is deliberating the judgment or by a judge during a bench trial. An analysis of felony trials took place in order to test the bias present in the criminal justice courts (Anwar, Bayer, and Hjalmarsson, 2012). The researchers examined ten years of felony trial outcomes in Florida. The results indicated that Blacks are significantly more likely to be convicted when there are only Whites on the jury. Defendants did fare better when the majority of the jury were the same race as the defendant. The authors conclude that Blacks will typically have worse outcomes because there are fewer Blacks in the jury pool.

While the evidence of bias is mixed, organizations and programs exist that specialize in reducing bias in the criminal justice system. For example, the Community

Relations Service (CRS) is a special component of the United States Department of Justice (Community Relations Services, n.d.). CRS seeks to resolve tensions arising from actions believed to be discriminatory based on race, color, gender, or national origin. CRS has been effective for the past 25 years and has resolved the bias-based policing by providing services such as conciliation, meditation, and technical assistance to all those in need. Another factor contributing to the betterment of a bias-infused nation is The Sentencing Project (About The Sentencing Project, 2019). This project is conducted by a nonprofit organization that attempts to hold every individual responsible for the biased sentencing they have processed throughout the duration of their career. It also promotes organization and enforces reform and adequate treatment to guarantee the rights and security of every individual. Not only does this program focus on the justice system, but it also promotes reform through events to make citizens understand the role of the United States criminal justice system in ensuring peace, justice, and security. These programs are merely a couple of many others that have been behind solving conflicts that could have potentially further affected the disruption of society and violation of the police-community relationship.

The United States' mixture of different races, religions, national origins, and genders living together may result in many disagreements. The combination of different cultures brings a new diverse way of thinking and ensures creativity amongst the nation. Also, an important matter to be discussed is that racism is an ongoing issue within society as a whole and not only within the criminal justice system. As the world evolves

and different generations dominate, more and more organizations are built to resolve

the issue of racism and bias engrained within our nation.

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