

## A Forensic Psychological Research Question of Whether or Not High Profile Cross-Racial Police Incidents Compromise Officer Safety: A Dissenting Voice on Bias Training

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### Editorial

Research to date has offered few insights when examining the forensic psychological impact that assessed bias (i.e., explicit-implicit) may have on police officer safety as a consequence of high profile cross-racial police incidents. This editorial reflects on 21st Century law enforcement complexities as noted by the stressful in-the-street policing work performed through using a multilayered public safety framework. From a forensic psychological perspective, by default, the lawful execution of police duties means that the calculated creation of a culture of safety is a critical psychosocial trust factor in diverse communities. Most informed police departments fully understand that public safety is an immediate product signaled by community markers like ethnoracial values, attitudes, perceptions, officer cross-cultural competencies, trust and historical patterns of procedural justice. However, high profile cross-racial police incidents are actually more known for reactivating unresolved residual affect that stems largely from the trans-generational communication of the perceptions from previous law enforcement offenses.

These perceived police misconduct incidents usually predate current technology. For example, today the explosive use of cell phone cameras, 24-7 news coverage and easy access to social media outlets allow the more pointed details of police conduct to be made immediately known to the public. In fact, departments struggle to stay ahead of an unwanted public safety narrative that can reflexively emerge following these incidents. As a result, departments are too often left having to play catch up succeeding another high profile cross-racial incident. Forensically relevant research questions must be posed that ask whether or not the gathering storm of community outrage seemingly emerging from these cross-racial police incidents truly result in a rise in the violence directed towards police officers? Still, in order to address this police reality, post-offer forensic psychological screenings of applicants, academy preparation experiences and subsequent field training efforts continue to struggle to remain ahead of these diverse officer safety challenges. Perceived officer racial mistreatment remains a major concern in policing. As a result of another racial quick fix assessment, it has been determined that cross-racial incidents may in fact be a direct consequence of a paucity of officer training about their potential biases (e.g., implicit or explicit).

There is some empirical basis that underscores a belief that Whites' unconscious or implicit racial biases can influence them to evaluate and then react more negatively towards some racial groups. Perhaps even more challenging, these unwanted ethnoracial behaviors can appear beyond their own level of awareness or are otherwise

unconscious. In terms of the explicit side of this policing issue, there is also an unfounded belief that perhaps officers can consciously escape coming across as racially motivated simply as a result of cognizant efforts to avoid seeming to be racist through some type of an assessment of themselves during these cross-racial situations. Missing from this debate is the misplaced belief that ethnoracial prejudice is ubiquitous amongst officers, and what is most needed for correction is anti-bias training of some sort. What some has hailed as an ethnoracially responsive corrective action has now mushroomed into a growing covert and overt resentment amongst officers who are mandated to attend these bias training sessions. Even the Department of Justice has mandated it. There is an implied assumption that a unique blend of scene management factors (e.g., officer-suspect race, mental illness, failure to comply with lawful commands and the situational assessment of a threat to safety, etc.) can now somehow be integrated into various bias training sessions and would theoretically result in an appreciable improvement in the cross-racial responses during an officer's life-death split second decision-making. This is an unfortunate line of reasoning that has failed to make a clear and convincing case to the targeted recipients of the training who are the sworn weapons carrying law enforcement personnel confronting these scene management situations on a daily basis. No matter how these bias assessments and trainings are packaged, they are largely viewed as carefully veiled corrective actions that boil down to an unspoken but unflinching charge that "you're all a bunch of racist bigots that can only be saved through these bias training sessions." Are there racially biased police? The fast answer is "yes! This cross-racial circumstance begs the question, why aren't these bias issues screened for during the pre-offer, academy and FTO phases?" Comparatively speaking, there are also individuals who hold radicalized extremist views but do not act on them or otherwise engage in terrorism. On the whole, high profile cross-racial police incidents are not bias training issues. Why? It is virtually impossible and impractical to try to make a defensible forensic psychological case that a particular officer's scene management actions, or lack thereof, are the direct result of explicit or implicit biases.

One of the many problems with the aforementioned bias line of reasoning is that predictable scene management situations must always include an assessment of the severity of the risks that police specifically encounter at the time. In addition, police experience these stressful exchanges under real time circumstances that are emotionally charged and coincide with split second life-death decisions that must be made. All of these decisions are executed with full consideration of the guidance provided from more qualified firearms and use of force trainers. For example, a black male suspect is confronted by two uniformed police officers for bizarre behavior observed in public.

During this encounter the officers on the scene are made aware that the suspect is a mental patient. As officers approached him, the suspect gave every indication of refusing to comply with several commands to show his hands. At the time, the suspect removed an object from his pocket and then assumed what was later described as a shooter's stance while pointing the object at one of the officers. From a purely public safety standpoint, there are at least five risk assessment questions here. First, since it only takes seconds or less to discharge a weapon, can or should an officer take the risk that this suspect is not actually pointing a gun at him or her? Second, can the same officers also take the risk of allowing this person to discharge what is thought to be a weapon in public with the unknown possibility of injuring others, much less himself? Third, can the officer having the object pointed at him assume that the bystander information received about the suspect's mental status is factual or even relevant under the circumstances of the scene? Fourth, does the extremely broad designation of mental illness exempt any officer from exercising deadly force, or is there a specific protocol for handling a Black mental health suspect that has assumed a shooter's stance while pointing an object at an officer on the scene which could be reasonably assessed as a gun of some type? Finally, if so, do the suspect's actions in and of themselves at the scene justify the use of lethal force under the guidance of departmental policy or based on their training? The use of lethal force because of a perceived threat in the case here unfortunately resulted in the death of this suspect who was later confirmed to have mental health issues. As a result, there were large scale community protests with accusations that the police killed another suspect because of his race and who was later determined to be unarmed at the time of the incident.

Either a community or police cultural prism may be used to assess the aforementioned public safety issues involved in this incident. However, such an assessment cannot make a clear and convincing argument that the actions taken by the officers on the scene were purely motivated by some implicit or explicit bias. Rather, public safety actions taken or not taken under similar circumstances must be executed in full accordance with department policy and training. Is this a breach of procedural justice? Mistakes can occur in the line of duty; but there are no existing police policies or training that suggests any officer in a similar situation must dangerously delay in taking appropriate action when there is a perceived imminent threat to safety as there clearly was in this case. Not everyone would agree with this last point regarding public safety judgments by police in the aforementioned case, but advancing a counterpoint flows seamlessly into a cross-racial narrative that is punctuated by the triggered aftermath of violent community protests usually before all the facts are known and forensically validated. Would having more diverse officer's help substantially reduce subsequent bias assertions and/or result in greater perceptions of police safety? The short answer is "no!"

The Bureau of Justice Statistics reveals a sizable increase in the presence of diverse police officers (e.g., by race, gender and LGBTQIA status) nationwide. At the same time, the comparative comprehensiveness of the extensive police applicant screening, selection and training ostensibly points to a better qualified group of officers for working with diverse community challenges. Another interesting forensic question to consider is does actually having a more diverse agency help mitigate prosecutable cross-racial police incidents or misconduct? The short answer appears to be no, as police misconduct is embedded in several departments nationwide and race is a statistically irrelevant factor. For example, there are police agencies (e.g., Newark, New Jersey) that are fairly diverse. Yet, as in the case of Newark PD, there was systemic police misconduct (i.e., arrests, illegal

stops and excessive force incidents), according to a Justice Department report from 2014. An equally relevant forensic question is whether there is a nexus between officer safety, fatal encounters and the use of force with diverse citizens? An examination of a potential causal comparative or linear relationship between high profile cross-racial police incidents along with future officer safety is a worthy forensic research pursuit.

There are several high profile cross-racial police incidents like Rodney King, Baltimore-Freddy Gray, Michael Brown-Ferguson and the Jamir Rice case in Cleveland. These incidents share in common some video evidence that at least initially raised questions about potential officer racially motivated misconduct. However, each of the cases did not result in the conviction for the officers involved. For example, in the Freddy Gray case there was a Black prosecutor, video, and a fairly diverse jury. Yet, the verdict failed to convict any of the officer's tried. The reactions from the diverse communities highlight the limited agreement about what actually transpired, much less the validation of police racial bias motive. The police as part of the authorized legal process ostensibly work to achieve justice. The discrepancies found in the perceptions of these high profile cases have led to actions (i.e., universal bias trainings) that may have greatly complicated the translation of these unfortunate incidents into practices that do not substantially result in the desired public safety. This editorial highlights a disagreement that an officer's perceived paucity of bias training functions as an all-encompassing explanation or root contributing factor to what some have offered up as a national antidote for these cross-racial cases. For example, completing bias assessments and trainings will not immunize any officer from subsequent charges of race conscious behavior. That is, what happens when an officer completes these departments sanctioned bias trainings and then later goes on to become involved in a high profile cross-racial incident? Of greater concern, there is little evidence that these bias trainings will result in substantial increases in diverse citizens or officers with respect to ethnoracial trust. However, one thing that can be said is that there is little to no agreement on both sides of this issue. Despite this circumstance, it is hoped that the observations offered here may prompt the formulation of hypotheses that motivates subsequent forensic research to further explicate a fuller understanding (e.g., officer and diverse civilians) of just what is required to address these public safety matters. Since it may be impossible to completely eliminate every aspect of unconscious bias, research strongly suggests that police training must lead to more accurate threat identifications that by default, would correct for a potential racial bias that officers may not theoretically even be aware of in themselves.

The work of a police officer has many stressful contours that are probably the most exacting and tense during high risk scene management situations. Admittedly, simply knowing about implicit bias and its potential harmful effects on judgment and behavior may prompt individuals to voluntarily pursue a more intrinsically motivated corrective action. However, a much larger question must be raised, and that is does any of this result in significantly improved safety for all stakeholders? Particularly since these bias trainings are largely based on an assessment that would also have to potentially withstand the withering cross examination during any subsequent litigation. That is, the legal actions taken about the degree to which a bias measure either psychometrically overestimates or underestimates the extent of a police officer's implicit prejudice that lead to race conscious police behavior. Another pressing police practice question is do these result in a substantial increase in public safety given the

amount of costs and time devoted to it by many department? One forensic research-based way of approaching these matters is to compare and contrast in the line of duty deaths caused by all officers (e.g., black, Latino and white) as a starter for better informing the discussions on these police practices. If a police department seeks to achieve the trust in public safety from ethno racially diverse citizens,

then agencies must do so by relying more heavily on day-to-day and contact-to-contact experiences, which result in substantial behavioral evidence that fuels police officer legitimacy. This approach seems to be a more ethnoracially responsive public safety objective as opposed to a feel good false sense of assurance from a certificate indicating the successful completion of a bias training.