

# Framing Document for the Study of Policing Practices

REACH Initiative at Salisbury University and Salisbury Police Department

## Prepared by

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## Abstract

The REACH initiative at Salisbury University received a request from the Salisbury Police Department (SPD) for a community-informed research framework to guide the analytic study of SPD data, establish an ethics framework against which this analysis can be tested, and a community-based methodology to provide policing analysis to the community and garner feedback on the results of the analysis and on the ethics framing.



## ■ I. ETHICS FRAMING

REACH engages in community listening sessions with a wide range of partners and seeks to facilitate greater interaction between Salisbury University and local leaders and decision makers. This initiative compliments the Salisbury Police Department's engagement in developing an analytic approach to bias in police-community interactions, the stated goal of which is to increase communication between SPD and the judiciary, local leadership, and the community at large. The following is a proposal of the ethical framework that would form the basis of community-based research to inform an analytic approach to bias testing and recommending remedies when bias is discovered. The analysis itself will be undertaken by Dr. Shawn M. Flower of Choice Research Associates.

Our initial framing is untested and open to addition or revision given community research results. These framings are adapted from Vicchio (1997) to identify key aspects of community policing ethics implicated in the study of bias in police practices. Each of these ethical values can be tested in terms of the way they are positively or negatively impacted by policing practices.

- a. Integrity: policing ethics principles are conceived and applied holistically and made part of every level of organization and interaction
- b. Trust: engendering loyalty and truthfulness in officer-community, officer-officer and officer-supervisor relationships

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- c. Service: ensuring that actions are taken for the sake of the community and that officers and supervisors act with prudence in diverse situations to meet this end
- d. Courage: the ability to do what is right despite difficulty, and with the appropriate awareness of risk
- e. Honesty: being truthful, especially when embracing humility in acknowledging when something is not clear, or where more knowledge of a situation is required
- f. Impartiality: citizens are understood to be vulnerable and exploitable, and police should act in a self-effacing manner to avoid prioritizing personal power, prestige or profit over service
- g. Responsibility: police act in a way that is transparent and with the understanding that they are accountable to the entire community in their actions, as well as the needs of particular individuals they are in direct contact with
- h. Justice: the ability to enforce the law with an understanding of what is owed to particular citizens and the community as a whole

REACH involves a cyclical method between community, research agencies, and SPD. For this reason, the ethical framework should be expected to change over time to reflect the outcomes of our community-based research. This means that the definitions of the above could be modified, ethical framings can be added or removed, and that all partners collaborate with the understanding that these standards are revisable with community feedback.

Bias (both intentionally and unconscious) in law enforcement, as defined below, runs contrary to all of the above policing principles. Therefore, the study of bias by SPD should be approached with the understanding of the ways that the presence of bias would require emphasis (via training, procedures, etc.) to re-establish or enforce one or all of the above policing principles. The justification for addressing bias should be tied to the strengthening of one, several, or all of the above.

## ■ II. BRIEF OVERVIEW OF RACIAL BIAS IN POLICING

Racial bias in policing and the disproportionate negative impact of policing practices on communities of Color, particularly Black communities, is an important societal concern that is receiving increased attention (Kahn & Martin, 2016). In this section, we will briefly describe some of the empirical research on racial bias in policing. This is not intended as a comprehensive review.

### A. Bias in policing versus perceptions of bias

It is important to differentiate between racial bias in policing, and perceptions of racial bias in policing. In some instances, perceptions of racial bias may not align with the objective presence of bias. People may either see racial bias when it is not occurring, and/or fail to see racial bias in policing when it is occurring (Kahn & Martin, 2016). Because there is a difference between presence of racial bias versus the perception of racial bias, it is important to build police-community relationships and mutual trust. Effective policies are those that both reduce racial bias and incorrect perceptions of racial bias in policing (Kahn & Martin, 2016).

### B. Evidence of racial bias in national data

Obtaining objective evidence of the presence or absence of racial bias in policing is difficult for a multitude of reasons. Police departments do not consistently collect nor publicly provide data for analysis, making national data on race in policing incomplete (Kahn & Martin, 2016; 2020). At the department level, police departments often do not collect data on race (Kahn & Martin, 2016). In many police-community interactions, such as traffic stops, there may be no objective record of the encounter (Kahn & Martin, 2016). Even when data are available, standard ways of assessing for the presence of bias are difficult to interpret. One commonly used statistical analysis, “benchmarking” (Ridgeway & McDonald, 2010), compares the number of people within racial categories who are stopped, arrested, or charged against their presence in the population. However, there are

many potential benchmarks, or points of comparison, that could be used: baseline racial diversity of people living in the community in which the data were collected, or within people visiting the community, or within drivers present in that community, and so-on (Ridgeway & McDonald, 2010). This problem, known as the “denominator problem,” makes the data difficult to interpret (Kahn & Martin, 2016).

Yet, the available empirical evidence indicates that people of Color have a pattern of interactions with the criminal justice system that are distinct and produce disparate outcomes, in comparison to white people (Kahn & Martin, 2016). Black and Latinx people, and particularly youth under 18, more frequently interact with police in both traffic and pedestrian stops (Center for Constitutional Rights, 2009; Gelman et al., 2007; Ridgeway, 2006), which translates into greater rates of arrest and incarceration (Mitchell, 2005; Pettit & Western, 2004). Black people are three times more likely to have their car searched during a traffic stop and are less likely to view traffic stops as legitimate (Langton & Durose, 2013), are more likely to experience excessive force during interactions with the police (Hyland et al., 2015), and are more likely to be fatally shot by police (Edwards et al., 2019) compared to people of other racial groups. Despite these increased rates of stopping and searching the vehicles of Black drivers, Black people are less likely to have contraband in comparison to white people (Gelman et al., 2007). This suggests that excessive stop and search of cars with Black drivers is indicative of racial bias and is not an effective use of policing resources.

### **C. Causes of racial bias in policing**

There is current debate over the predominant causes of racial bias in policing practices, and subsequent proposed solutions (Kahn & Martin, 2016). We will briefly review two broad sources of racial bias in policing: individual attitudes, and biased policies and procedures.

#### *Individual Attitudes.*

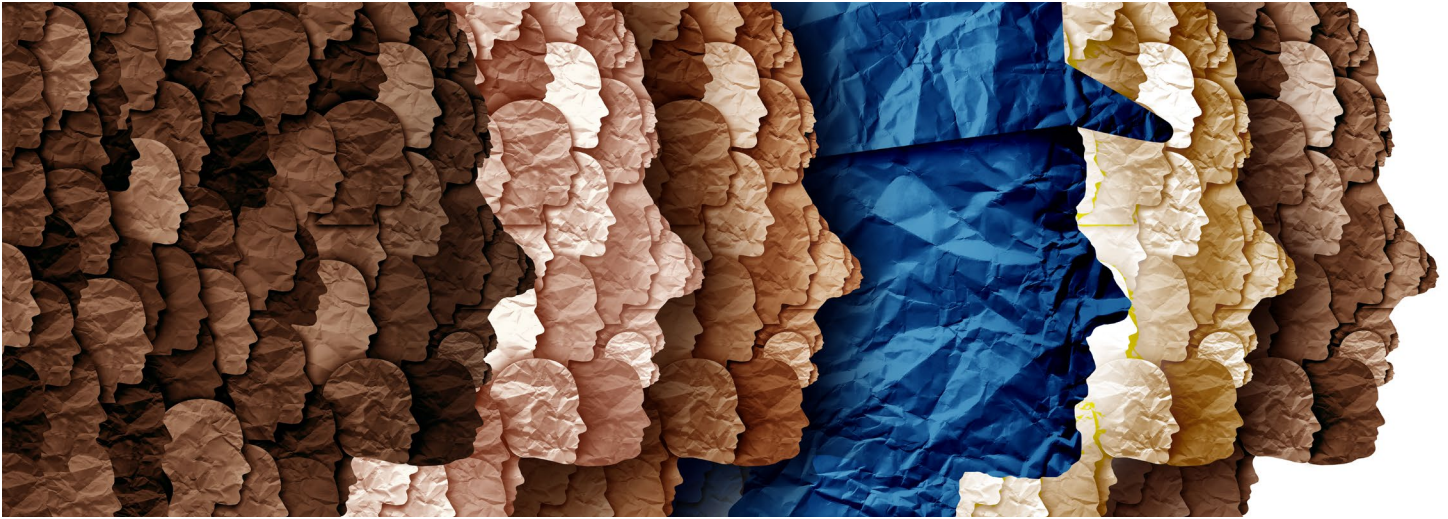
Research suggests that racial biases in policing may stem from implicit attitudes (also called implicit associations or unconscious biases) police officers might hold toward Black and Latinx people (Kahn & Martin, 2020; Spencer et al., 2016). Although much of the research on implicit biases has not been conducted with police officers directly (Kahn & Martin, 2016), the robust literature on implicit biases, coupled with existing research with police officers, strongly suggests that implicit biases can and do influence policing decisions. People can hold implicit biases against people of certain racial groups even when having consciously recognized and outwardly expressed egalitarian and even anti-racist attitudes (Greenwald & Banaji, 1995). Anti-bias or implicit bias training is ineffective: interventions either do not reduce implicit biases, or only reduce it in the short-term (Forscher et al., 2019; Lai et al., 2014, 2016). Thus, implicit bias training is unlikely to eradicate racial bias in policing. This is because implicit biases are automatic, unconscious processes that are difficult to control, particularly when in

the types of situations police officers encounter – situations in which decisions must be made quickly, while under considerable stress (Greenwald & Banaji, 1995). Other individual attitudes, such as the presence of dehumanizing stereotypes, beliefs in the benefits of social stratification or hierarchies, desire to avoid being perceived as racist, attitudes about masculinity and masculinity threat, and other attitudes, all may influence interactions between police and community members in racially biased ways (see Goff & Rau, 2020 and Kahn & Martin, 2016; 2020 for an overview).

#### *Policies and Practices.*

Even when biased attitudes could be reduced or corrected, policies which disproportionately increase police presence in or target Black and Latinx communities, such as stop and frisk policies, could result in continued racially biased policing practices (Kahn & Martin, 2016). For instance, research finds that Black people are disproportionately targeted in stop and frisk policies, despite the fact that white people are more often found with weapons (Rudovsky & Harris, 2018). Routine activities which pervade policing might perpetuate racial biases (Goff & Rau, 2020). Particularly when there are no or few rules or regulations around people’s behaviors (e.g., when to pursue a suspect on foot; what to do once a suspect in pursuit stops; etc.), police officers are likely to fall back on the types of routine patterns of behavior which might lead to racial bias (Goff & Rau, 2020). This is predicted by a robust psychological literature, which finds that people are more likely to discriminate against others when there is a dearth of clear formal (such as policies) or informal rules (such as social norms) to guide people’s behavior (Dovidio, 2001).

Thus, some of the most promising work to reduce racial biases in police departments has centered on creation of policies and guidelines for the types of routine, everyday policing behaviors that officers experience. For instance, creation of policies for policing behavior, such as policies and guidelines on how to make an arrest once catching up to someone in a foot pursuit, may help reduce racial biases (Goff & Rau, 2020). Similarly, creation of policies or procedures for public accountability can have similar effects (Goff & Rau, 2020). Alternatively, automating mundane police work when such automation is possible and can be administered in a race-neutral, objective manner (such as using Automated License Plate Readers to administer citations for moving violations) eliminates racial bias (Kahn & Martin, 2020). While the use of officer-worn body cameras has gained popularity as a method of addressing racial bias in policing (Miller & Toliver, 2014), the actual impact of body cameras on reduction in racial bias in policing is uncertain, with one randomized control trial—the strongest methodology available to assess the impact of body cameras – finding that officer-worn body cameras did not impact officer use of force or civilian complaints (Yokum et al., 2017).



### ■ III. METHODOLOGICAL APPROACH

Given that racial biases in policing are due to a combination of *public perceptions, individual attitudes, and policies and procedures*, and given that adoption of policies and procedures to reduce bias has the most promise, REACH recommends taking a **systems-change approach** (Foster-Fishman et al., 2007) to develop guidance regarding policing practices. Systems-change entails improving services delivery via changes to interconnected and interdependent, yet distinct, activities (modes of interaction) and actors (people) involved in services delivery. In the context of the current problem of policing, this may entail, for instance, changes in policies, procedures, training, or informal ways of interacting with groups and individuals in the broader community. A systems-change approach entails understanding and engaging with the various activities and actors involved in services delivery throughout the entirety of the change process.

Systems are complex and include many different stakeholder groups. For the current project, a **stakeholder** is any person (such as a decision-maker, personnel, or member of the community) that is impacted by City of Salisbury policing practices in some way. Different stakeholders might have different understandings of the core problems, might perceive and value different aspects of a problem, and might have different perceptions of the problem's solutions (Foster-Fishman et al., 2007). Thus, the REACH team will solicit information from the various stakeholders throughout the process, and work to establish a comprehensive understanding of City of Salisbury policing practices and whether, and in what ways, racial bias in policing is seen as a concern.

#### A. Community Partnerships

The REACH team will work closely with the City of Salisbury Police Department to identify stakeholder groups for development of community partnerships. The following stakeholder groups have been pre-identified by the REACH team:

- a. City of Salisbury law enforcement officers
- b. Representatives of for-profit enterprises in Salisbury City limits
- c. Residents of neighborhoods located within Salisbury City limits and served by the City of Salisbury Police Department. These include, but are not limited to, the following neighborhoods. Additional neighborhoods and service areas will be identified in collaboration with the City of Salisbury Police Department:
  - Camden
  - Church Street
  - Newton
  - Prince Street
  - Westside
- d. Representatives of non-profit organizations and civil rights groups that serve primarily Black or Latinx Salisbury residents, and/or residents involved in the criminal justice system. These include, but are not limited to, the following organizations and groups. Additional organizations and groups will be identified in collaboration with the City of Salisbury Police Department:
  - Fenix Youth Project
  - Maryland Legal Aid- Lower Eastern Shore Office
  - Wicomico County NAACP

Community methodology that is comprehensive, democratic, and participatory will be used to solicit feedback and guidance for the project. Qualitative methodology is particularly well suited to obtaining this type of feedback (Checkland, 1981). **Listening sessions**, or confidential discussion groups in which stakeholders will have opportunity to voice their concerns, will be conducted with each of the above-identified stakeholder groups. As power differentials and competing interests might exist across stakeholder groups, separate listening sessions will be conducted within each stakeholder group. Separate

listening sessions will provide opportunity for input in a confidential and supportive setting. As the above-identified stakeholder groups have distinct needs and barriers to participating in sessions of this nature, slightly different methodology will be used with each stakeholder group.

Listening sessions for stakeholder groups A (City of Salisbury law enforcement officers), B (representatives of for-profit businesses in Salisbury City limits), and D (representatives of non-profit organizations and civil rights groups, etc.) will be conducted by REACH staff and occur at a place accessible to stakeholder groups, either situated in the City of Salisbury or on the campus of Salisbury University.

Listening sessions for stakeholder group C (residents of Salisbury neighborhoods) will be conducted in partnership with community resident leaders, identified by REACH staff, from each participating neighborhood. Listening sessions will be held within the geographical neighborhood to ensure ease of access and encourage participation. Community resident leaders will assist REACH staff with scheduling and recruitment of listening session participants. As residents might not be fluent English speakers, sessions may be held in Creole or Spanish, upon guidance and input from the recruited community resident leaders.

We have developed two proposed options for the City of Salisbury Police Department.

### **Option 1: Basic Assessment**

In option 1, stakeholder groups will discuss in their listening sessions (1) perceptions of crime in Salisbury City limits; (2) perceptions of community-police relationships; (3) descriptions of the context under which community-policing relationships typically occur; (4) perceptions about racial bias in policing, and the best ways to address racial bias in policing. Specific questions for each stakeholder group are as follows:

**Stakeholder Group A** (City of Salisbury law enforcement officers) will be asked to discuss questions pertaining to: (1) perceptions of community-police relationships; (2) perceptions of the existence of racial biases in policing practices and the extent to which racial biases are a concern; (3) thoughts on what types of policing practices members of law enforcement are most interested in receiving feedback on from the data analyst.

**Stakeholder Group B** (representatives of for-profit businesses) will be asked to discuss questions pertaining to: (1) perceptions of crime in Salisbury City limits, specifically what types of crime impact their business; (2) whether their business calls law enforcement for assistance with crime, and what types of activities they are likely to call/not call to report; (3) what types of communications, if any, occur within their business settings regarding crime and how to respond to suspicious activities.

**Stakeholder Group C** (Residents) will be asked to discuss questions such as: (1) perceptions of policing in their community and community-police relationships; (2) concerns about racial bias in policing practices; (3)

suggestions for the data analyst on what types of policing practices are of interest and concern to community residents.

**Stakeholder Group D** (representatives of non-profit organizations and civil rights groups) would be asked questions pertaining to: (1) perceptions of community-police relationships; (2) any concerns about racial bias in policing practices; (3) suggestions for the data analyst on what types of policing practices are of interest and concern.

The Basic Assessment deliverable will be a report summarizing what types of practices stakeholder groups believe are the source of racially biased policing, and a review of stakeholder perceptions on improving community-policing relationships.

### **Option 2: Advanced Assessment**

The advanced assessment will entail deeper engagement with stakeholders during the listening sessions. In addition to the above questions, the listening session will also seek to answer the following questions, all of which will further facilitate systems-change (these questions may be asked of stakeholders directly, or be inferred from conversations captured during the listening sessions:

**Questions pertaining to social norms:** (1) What are the values that guide community-police interactions? (2) What assumptions exist about community-police interactions? (3) What values and assumptions would improve community-police interactions?

**Questions pertaining to system resources:** (1) Who in the community is responsible for improving community-police interactions, and do they have the ability to make improvements? (2) What relationships will need to shift in order to improve policing? (3) How are needs prioritized? How are resources allocated?

**Questions pertaining to systems operation and system interdependencies:** (1) Who are the “movers and shakers” in the stakeholder group? Do they support addressing racial bias in policing? (2) Who has authority over how decisions are made, and do those people support addressing racial bias in policing? (3) How do current mechanisms, including feedback mechanisms, support addressing racial bias in policing? (4) How do policies, attitudes, and relationships currently interact with each other, and how can these interactions be improved?

The Advanced Assessment deliverable will include the Basic Assessment, plus a systems-change analysis that identifies leverage points to address racial bias in policing, as well as potential barriers to policy implementation, guidelines for developing accountability metrics, and development of training resources and community engagement for City of Salisbury Police Officers. In particular, this would involve the development of a comprehensive ethics framework to play the role of a policing compact between law enforcement, the judiciary and community. This would be implemented via recommendations and facilitation of ethics-based officer training, revise internal police reporting practices



and oversight recommendations, establish a focus on mission-driven organizational development out of these core values, and increase communication between police and stakeholders for the sake of mutual accountability. This accountability is not merely internal to SPD, but it has the goal of identifying accountability for community partners as well.

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