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Oversight Hearing on Policing Practices and Law Enforcement Accountability

Our nation is in the midst of a racism pandemic. Racism is a public health crisis that requires the full attention of our nation now. The consequences of this pandemic are dire, particularly for African American citizens and other communities of color, who disproportionately suffer directly from the structural racism embedded within our society, from our criminal justice system to our schools, from workplaces to our health care system. The public health consequences of ongoing, structural racism include both physical and mental illness. It is past time to fix these inequities.

The American Psychological Association (APA) is the largest scientific and professional organization representing psychology in the U.S., numbering over 121,000 researchers, educators, clinicians, consultants and students. Since the 1940's, psychologists have made fundamental scientific contributions to our understanding of the nature of prejudice, stereotypes and their impact on shaping human actions, emotions, and judgments. As experts in human behavior, the contributions of psychologists are critical to addressing societal concerns about crime, justice, policing, and race.

APA remains committed to the complex and difficult work of change. As an organization, it is our longstanding belief that change starts with our willingness to engage in open and honest dialogues on difficult topics. These issues of systemic and personal racism are complex and multifaceted and accordingly will require multifaceted and evidence-based approaches. We thank the Committee for the opportunity to engage in this dialogue and look forward to working with you to advance policies to reduce racial disparities within the criminal justice system.

Race and the Criminal Justice System

Racial disparities in the criminal justice system are well documented and widespread, particularly in the areas of policing, prison populations, and participation in juries. Research indicates that African Americans are more likely than their White counterparts to report stress as a result of encounters with police officers, and there is a robust body of research demonstrating the physiological and psychological impact of racism and discrimination as it relates to stress (Gellar, Fagan, Tyler & Link, 2014; Utsey et. al, 2008). Although the chronic condition of stress can have negative side effects for all individuals, the unique psychosocial and contextual factors, specifically the common and pervasive exposure to racism and discrimination, creates an



additional daily stressor for African Americans. This stress is associated with a host of psychological consequences, including depression, anxiety and other serious, sometimes debilitating conditions, including post-traumatic stress disorder (PTSD), and substance use disorders. Moreover, the stress caused by racism can contribute to the development of cardiovascular and other physical diseases (Calvin, et. al., 2003).

Social dominance theory postulates that societies minimize group conflict by creating consensus on ideologies that promote the superiority of one group over others (Pratto, Sidanius, Stallworth & Malle 1994). The theory states that stable inequality among groups is maintained, in part, through the use of disproportionate force against subordinate groups. People who are relatively high in social dominance orientation tend to be attracted to careers in law enforcement (Sidanius, Pratto, Sinclair, & Van Laar, 1996).

Inappropriate stops by law enforcement, in particular, are just one form of psychological violence that has severe consequences for individuals of color. Racial profiling—the use of race, ethnicity, or national origin by law enforcement officials in deciding whom to stop, search, or detain—has been well documented throughout the criminal justice system. Such incidents are not only more frequent for African Americans than for White Americans, but research shows police officers speak significantly less respectfully to Black than to White community members in everyday traffic stops, even after controlling for officer race, infraction severity, stop location, and stop outcome (Voight et al., 2017). Studies have revealed that neighborhood-level frisks and use of force were linked to higher levels of psychological distress among men living in these neighborhoods (Sewell, Jefferson, & Lee, 2016). Research investigating suspected illegal behavior ranging in severity from relatively minor (e.g., traffic infractions) to more severe (e.g., threatened or actual violence) indicate that police officers are more likely to be lenient and to use less force with White than with Black suspects (Kovera, 2019). Finally, even in the absence of physical violence, several studies have shown that stops by law enforcement perceived as unwarranted, discriminatory, or invasive were still associated with adverse mental health outcomes, including anxiety, depression, and PTSD (DeVylder, et. al., 2017; Gellar, Fagan, Tyler & Link, 2014).

Research suggests that some of these disparities may be the result of implicit or explicit racial bias, or attitudes that affect our understanding, actions, and decisions in an unconscious manner. Implicit biases are beliefs (stereotypes) and feelings (prejudice) that are activated without intent and control and are often outside of conscious awareness with limited conscious control. There is substantial psychological research demonstrating that even well-intentioned and non-prejudiced people have biases that are unconscious, and these are considered to be a human attribute (Dovidio, Hewstone, Glick & Esses, 2010). Under conditions of threat and physical and cognitive challenge, these biases can predispose people to more aggressive responses and thus could facilitate police officers' use of excessive force against African Americans.

Psychologists have conducted research on how stereotypes affect our assumptions about other people, particularly how members of majority groups perceive members of minority groups. The roots of implicit racial bias against African Americans are complex, and largely grounded in a shameful history of dehumanization in the U.S. For example, although historical representations explicitly depicting Blacks as apelike have largely disappeared in the U.S., research

demonstrates that U.S. citizens still implicitly associate Blacks and apes. In the context of law enforcement, this association alters visual perception and attention, and increases endorsement of violence against Black suspects (Goff, Eberhardt, Williams & Jackson, 2008). Psychological research has shown that some policing decisions are impacted by racial bias (Glaser, Spencer, Charbonneau, 2014). On the topic of wrongful shootings of unarmed Black men, studies have demonstrated that simply viewing an African American man's face made people (including police officers) more likely to "perceive" a gun that wasn't there (Eberhardt, Goff, Purdie & Davies, 2004). In addition, research has found that people are faster to shoot Black men holding guns than White men holding guns and more likely to erroneously "shoot" unarmed Black than White men in a simulation (Correll, Park, Judd & Wittenbrink, 2002). This shooter-bias is related to the strength of one's implicit associations between Blacks versus White individuals, and weapons (Glaser & Knowles, 2008).

Policing Operations and Strategies

Psychological research can provide direction for law enforcement efforts to reduce crime and increase community trust. For the last several decades, there have been repeated instances of violent conflicts between police and civilians, particularly police officers and individuals of color. The recent death of George Floyd in Minneapolis, MN reinforces a longstanding relationship between citizens of color and law enforcement characterized by mutual mistrust. The police are suspicious of the members of the community, while members of the community have low levels of trust in the motives of the police. Public distrust of the police is important because research shows that low trust leads to high conflict. In addition, research demonstrates an association between deaths among Black individuals due to legal intervention and subsequent poor mental health among Black adults living in the same state (Bor, Venkataramani, Williams, & Tsai, 2018). This illustrates the negative repercussions violent conflict between African Americans and law enforcement can have for the broader public.

Psychological research shows that a key factor shaping whether people obey the law is whether they trust the law and legal authorities. Studies of the police indicate that whether people break the law and commit crimes is more strongly shaped by whether people trust the police than by whether people believe that they are likely to be caught and punished if they break the law. Distrust also makes controlling crime increasingly difficult because it lowers the willingness of community members to help the police solve crimes or identify criminals. In the absence of trust, events of this type too often escalate to violence. Lacking faith in the intentions of the authorities, people give in to expressions of frustration and anger.

Studies have consistently shown that the most important factors related to public evaluations of the police are whether they believe that the police are exercising their authority fairly (Tyler, 2001). To address this, research by industrial organizational (I-O) psychologists in particular have shed light on various issues relevant to policing, such as personnel selection, training, performance evaluation, leadership and organizational culture. On the topic of personnel selection in particular, I-O psychologists working with law enforcement agencies can draw from literature about racial biases to inform personnel selection procedures that help identify applicants' beliefs toward minorities, prejudices, and potential to display differential behavior toward minority versus nonminority citizens (Ruggs, et. al., 2016). These researchers specifically address the problem of police brutality against Black citizens and offers several directions for

future research and practice. Furthermore, researchers (McCluney et al., 2017) describe how racially traumatic events can impact Black employees who are not direct victims of racism but witness it within an organization or within general society. Clearly, racism is evident in work contexts and it has negative consequences for those who are victims of racism, as well as those who witness it. APA supports policies that promote the application of law consistently and without prejudice; constrain law enforcement from making decisions about who to stop based on race; and ensure officers are willing to listen to individuals when they stop them, including an explanation from officers for the reasons for their actions. One potential solution to negative perceptions of police is community policing, which seeks to improve relationships between law enforcement and the community. Community policing also gives police a greater sense of community service and provides more interaction between law enforcement and the communities they serve (Greene, 2000).

Most importantly, law enforcement needs to treat people in the community with dignity and respect. This includes individuals with mental illness. In 2018, approximately 1,000 people in the U.S. were fatally shot by police officers, and individuals with mental illness were involved in approximately 25 percent of those fatalities (Saleh, et. al., 2018). Several studies have demonstrated the effectiveness of crisis intervention teams (CITs) in training police officers to safely and effectively handle situations involving individuals with serious mental illness, including improvements in attitudes a reduction of stigma in police officers (Godschalx, 1984; Compton, et. al., 2006).

Recommendations

- **Promote Community Policing.** APA calls on Congress to implement community-based policing nationwide. We strongly endorse methods of procedural justice in which the central aim of the criminal justice system is to increase cooperation, partnership and trust between communities and their law enforcement agencies. Policies that encourage voluntary compliance through the advancement of trust and authenticity, as opposed to those that emphasize compliance through concerns of punishment
- **Ban Chokeholds and Strangleholds.** APA encourages Congress to work in a bipartisan manner to find solutions in the criminal civil rights statute to prohibit the use of law enforcement tactics that apply pressure to a person's throat or windpipe which may prevent or hinder breathing or reduce intake of air (e.g., a chokehold). These tactics can be deadly or have neurocognitive impacts. These solutions should account for the safety of the officer in dangerous situations as well the safety of individuals interacting with law enforcement.
- **Invest in Crisis Intervention Teams.** Psychologists play a key role in community-based, crisis intervention teams (CITs) that train police officers to safely and effectively deal with situations involving individuals with serious mental illness. Tailored by each community to fit local needs, these teams unite the efforts of police officers, mental health educators and community advocates to resolve potentially violent situations in positive ways. The teams promote de-escalation practices to achieve better outcomes.

APA urges Congress to make additional resources available for communities to invest in CITs for law enforcement.

- **Increase the Number of Mental and Behavioral Health Professionals in Law Enforcement Agencies.** APA recommends that law enforcement agencies increase the number of mental health professionals on staff. Mental and behavioral health professionals can provide training and resources to help identify and diffuse potential conflicts between law enforcement and the community. They are also skilled in identifying and addressing issues affecting police officers and staff including stress, trauma, family support and education. Recognizing the challenges of 21st Century policing for law enforcement personnel can reduce the stress of policing and improve the ability of police to respond to community challenges.
- **Involve Psychologists in Multidisciplinary Teams to Implement Police Reforms.** Congress should include specific language in legislation encouraging law enforcement agencies to involve highly knowledgeable and skilled police and public safety psychologists (and other mental and occupational health professionals) as part of multidisciplinary teams to address the needs of implementing constitutional policing through police reform. Whether hiring the right people, training them appropriately, providing wellness services, or engaging in a range of organizational transformations that increase transparency and accountability to the community, psychologists' professional expertise and research evidence may prove particularly valuable to those agencies mandated to make change in accordance with a DOJ Consent Decree or Memorandum of Agreement. These professionals need to be empowered to do imperative work as it pertains to ongoing psychological monitoring of police officers' stress levels, mental health, burn-out, and attitudes toward the public. Police psychologists are needed to help optimize police department cultures, develop leaders, and institute a "preservation of life" policing orientation.
- **Encourage Private/Public Partnerships between Mental Health Organizations and Local Law Enforcement.** Congress should be at the forefront of advancing and incentivizing law enforcement agencies to form private/public partnerships between mental health organizations in the public and private sector, especially those that offer culturally competent expertise and services to diverse populations. These partnerships can develop best practices for addressing community and police relations that can be disseminated widely across the nation to police departments and mental health facilities. Police-community partnerships encouraged by the Community Oriented Policing Office (COPS) of the Department of Justice (e.g., athletic leagues) can decrease stereotypes and increase citizen engagement.
- **Discourage Police Management Policies and Practices That Can Trigger Implicit and Explicit Biases.** Policies and practices that incentive law enforcement officers to meet certain thresholds can prompt responses rooted in implicit and explicit biases. Instead police at the management level should promote policies designed to constrain the operation of implicit and/or explicit bias or that eliminate (or at a minimum reduce) problematic outcomes for all communities. Evidence shows that types of proactive

policies may be more effective at reducing racial disparities than are interventions designed to eliminate implicit bias.

- **Strengthen Data Collection.** Created following recommendations in the Task Force on 21st Century Policing, the Police Data Initiative (PDI) supports local police department efforts to leverage data to increase transparency and accountability and build trust with their communities. Different from data on crime, these datasets may include data on stops and searches, uses of force, officer involved shootings, or other police actions. To date, these law enforcement agencies have released more than 200 datasets. APA urges Congress to provide increased resources for the PDI, which opens data to the public and allows law enforcement and community members to have honest conversations about what is happening in their communities. Moreover, DOJ needs to establish a national mandatory database on officer-involved shootings and use of force that includes situational factors and demographics. The current patchwork of voluntary data systems dispersed throughout the nation is inadequate in understanding the scope of these incidences as well as identifying patterns. Additionally, there needs to be a national investment in the standardization and research of the use of force continuum.
- **Bolster Research.** The knowledge gained from psychological research can be used to address community concerns about the police while providing support and training to law enforcement. APA strongly supports the inclusion of *Justice through Science Act* (S. 2286/ H.R. 3989) in the Committee's work to address racial disparities in policing. This legislation, introduced by Senator Brian Schatz and Representative Madeleine Dean, will re-establish a Science Advisory Board (SAB) at the Department of Justice to help bridge the divide between research and practice in criminal justice fields. Through regular interactions with the Office of Justice Programs leadership and staff, members of the SAB would gain a deeper appreciation of the complexities of implementing and evaluating innovative approaches to the administration of criminal and juvenile justice. The SAB could then share their knowledge about the perspectives and needs of policymakers and practitioners with the research community and help shape research to be relevant to our nation's communities and police agencies. Moreover, Congress needs to invest in psychological research on operational matters in law enforcement with an eye towards de-escalation, perception of force by the community, and nonlethal techniques as well as policing strategy.

Thank you for your commitment to addressing racial disparities in our criminal justice system. APA and the psychological community stand ready to work with the Congress and the administration on these important issues.

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