

## The Grey Area: The Influence of Officer Background on Minority Criminal Treatment

Cameron R. Wiley

### Abstract

*Racially-based beliefs, motivations, and prejudices of arresting officers have an impact on the disproportionate targeting, arresting, and killing of minority groups. In particular, African Americans are unfairly viewed as more likely and deserving of harsh treatment by White officers in criminal situations (Tonry, 2011; Peffley and Hurwitz, 2013). While law enforcement officials are trained to use clear and unbiased judgment when performing their duties, ideological differences stemming from their personal upbringing influence their decision-making processes and subsequent treatment of criminal suspects.*

In recent years, members of law enforcement have come under increased scrutiny from communities, media outlets, and professional organizations regarding disparities in the treatment of White and non-White criminal suspects. Numerous studies have substantiated that members of minority groups (i.e. Blacks and Latinos) are targeted, arrested, and killed at a disproportionate rate compared to White suspects (Petersilia, 1985; Weitzer, 1996; Pettit & Western, 2004; Beckett, Nyrop, & Pflugst, 2006; Eberhardt, Davies, Purdie-Vaughns, & Johnson, 2006). This phenomenon has further strained the relationship between citizens and officers and has raised concerns about underlying factors that may be contributing to these disparities.

One possible consideration is the racial background of the arresting officers. Law enforcement officials are trained to use clear and unbiased judgment when performing their duties. However, latent beliefs, motivations, and prejudices stemming from their personal experiences and environments have the potential to influence their decision-making and subsequent treatment of minorities. Given the racial tensions between Blacks and White citizens and officers throughout history, the fact that the police force is mostly made up of White males may have an impact on racial disparities in arrests and incarcerations. The purpose of the following paper is to establish the negative and influential role that personal background plays in police interactions with minority suspects, highlight the detrimental effects of this phenomenon on minority communities and their perception of police, and suggest potential solutions to mitigate ethnic biases among officers and improve community relationships.

### Differences in Officer Attitudes and Backgrounds

It is well-documented that racial background plays a significant role in the relationship between police officers and citizens. Unfortunately, it has been a major source of conflict between officers and minority citizens, particularly Black Americans. Generally speaking, Black citizens are significantly more likely to hold negative views of police and report negative experiences with police compared to White citizens (Weitzer & Tuch, 1999; Tyler, 2005). Even as juveniles, Blacks are three times more likely to be arrested than Whites (Fite, Wynn, & Pardini, 2009). This issue is aggravated by Black adolescents' perceptions of police, as this group reports disproportionate rates of discrimination compared to their White counterparts (Hurst, Frank, & Browning, 2000).

Conversely, Whites are significantly less critical of police behavior and are much less likely to acknowledge that racial discrimination against minorities even exists (Kluegel & Bobo, 1993; Sigelman & Welch, 1991). These racial attitudes can be driven by the general lack of oppression Whites

experience, or their reliance on biased experiences stemming from specific or limited contact with Blacks (Sigelman & Welch, 1993). While this gap in perception has often been attributed to prejudice, the racial background of police officers must not be overlooked as an influential factor in this disparity. The disproportionate presence as well as the personal backgrounds, beliefs, and motivations of White officers can present a unique challenge to the perception and treatment of Black criminal suspects.

### **Officer Demographics**

Since the 1950s, the demographic makeup of U.S. police officers has largely been homogenous, with the profession being dominated by White males (Sklansky, 2005). However, with tensions growing between White officers and minority citizens over time, especially in neighborhoods that are predominantly Black, there have been concerted efforts to diversify law enforcement. As a result, ethnic minority representation among police officers has risen from 15% to more than 23% since 1987 (White, Cooper, Saunders, & Raganella, 2010). Additionally, there has been an increase in female law enforcement involvement, with roughly 13% of all sworn positions occupied by women (Lonsway, 2003). Nevertheless, these changes have not significantly impacted the discrepancies in treatment between White and minority criminal suspects nor have they decreased the racial homogeneity of police departments. In 2015, The New York Times reported that the racial makeup of police departments in major cities such as Dallas, Los Angeles, Miami, and New York City, on average, was still 27% more White than the racial makeup of their corresponding communities (Ashkenas & Park, 2015). Therefore, more attention must be given to the existing majority of white male officers and the unique views and motivations that influence their job performance and relationship with minority suspects.

### **Officer Motivations**

Personal motivations not only influence an individual's decision to join the police force, they can also impact their level of job performance and satisfaction. Interestingly, multiple studies have found that White and minority officers have shared prevailing motivations for joining law enforcement (Reiss, 1967; Westley, 1970; Lester, 1983). Westley (1970) found that nearly 35% of officers cited job security as a main motive for enlisting, while Harris (1973, p.16) states that "at least two thirds of recruits join law enforcement agencies as a result of materialistic or extrinsic considerations". While these findings may suggest that most officers are professionally driven (regardless of race), differences begin to appear when inquiries about intrinsic motivations are made.

A study by Lester (1983) of primarily White male recruits found that those with authoritarian traits (e.g., control, authority, and seeking power) were more attracted to law enforcement and more likely to cite having friends or relatives in the field as a reason for joining. The combination of these two factors creates a subculture of aggression and homogeneity within police departments, having adverse effects on the officers' behavior toward citizens and even fellow officers of different ethnic backgrounds. Conversely, Black recruits place more emphasis on the opportunity to help others and the possibility of internal advancement as reasons for joining (Raganella & White, 2004; Foley, Guarneri, & Kelly, 2008). Since Black recruits appear to be more motivated by professional factors rather than personal factors, these officers are less likely to exhibit negative police behavior and disregard proper protocol.

Exacerbating these differences is the likelihood of motivations changing over time, which can be the result of factors such as faulty memory and a lack of job fulfillment (White et al., 2010).

Motivations can also change because of the officers' integration into the police subculture, which can be defined by its largely homogenous personnel selection and the "We/Them" mentality between the public and police officers in general (Britz, 1997; Herbert, 1998). These shifts in motivation not only allow for deviation in the performance and interpretation of proper police protocol, they also create a systematic segregation of attitudes and views among officers of different racial backgrounds within law enforcement entities.

### **Officer Attitudes and Criminal Views**

While examining the demographics and motivations of police officers is important, attention must also be given to police officers' views of and attitudes toward the multifaceted population of citizens that they are sworn to protect and serve. Sun (2003) highlights two theories as potential explanations for the divergence in attitudes among Black and White officers.

The *Predisposition Theory* suggests that the work attitudes and behaviors of Black and White officers reflect their respective cultural backgrounds, beliefs, and values that are held prior to joining the force (Sun, 2003; Roberg, Crank, & Kuykendall, 2000). For instance, a commonly held belief by Black citizens is that they are unequally enforced and protected by the police. Therefore, a Black officer may be less likely to under enforce laws if patrolling in Black neighborhoods in order to better preserve their ethnic group (Kennedy, 1997; Sun, 2003). Similarly, if a White officer was raised in a more exclusive area and only saw Blacks living in poverty or being involved in crimes, they may be more susceptible to over-enforce this demographic.

The *Differential Socialization/Experience Theory* suggests that officer attitudes can be influenced by socialization experiences in the police academy, during field training, and through interactions with officers of the same ethnic group, which can shape their professional experiences and limit their perceptions (Haarr, 1997). Further, Black officers are more likely to be assigned to minority neighborhoods, which are often characterized by lower socioeconomic status and higher crime rates (Fyfe, 1981). These circumstances can influence their attitudes towards work and the citizens it involves, which likely differ from the attitudes of White officers that are assigned to middle class or affluent neighborhoods.

### **Negative Impact on Community Perceptions and Relationships**

Even more concerning than the unequal mistreatment of minority criminals is the debilitating effect it has on community relationships and citizens' perceptions of law enforcement officials. Albert Einstein once said, "90% of reality is perception," and in the case of community relationships, the nature of police contact may be dependent on the types of beliefs held by citizens. These beliefs can be influenced by personal factors (e.g., race) as well as contextual factors (e.g., neighborhood), resulting in varying police perceptions among certain demographics. While some may argue that perceptions are subjective and intangible, the losses of minority citizens and the damages to their families and communities at the hands of the criminal justice system are both emotionally and physically palpable. Children grow up without knowing their fathers, and mothers are robbed of the chance to see their children become parents. This trend of incarceration and death limits the success of future generations by trapping them in a vicious cycle of poverty and crime.

Multiple studies have shown that while Black citizens generally hold positive views of police officers, they are noticeably less positive than those of White citizens (Huebner, Schafer, & Bynum,

2004; Broman, Mavaddat, & Hsu, 2000; Schafer, Huebner, & Bynum, 2003). Huang & Vaughn (1996) found that while 80% of the general public expressed positive attitudes toward police, roughly 55% of African-Americans in the sample shared this sentiment. Latino citizens have reported attitudes that fall between those of Blacks and Whites on a positive-negative spectrum (Carter, 1985). While race has often been shown to be a driving influence in this phenomenon, other contributing factors related to race can lead to discrepancies in police perceptions between demographic groups as well as within them (Huebner et al., 2004).

### **Contributing Factors**

**Class.** Among various factors that may impact police perceptions among citizens of different racial groups, there are a few that stand out. Social class and race are two concepts that often correlate with each other, with some researchers even suggesting that class plays the largest role in shaping police attitudes (Schafer et al., 2003). Since class often dictates education level, income, and police contact, not only can members of different racial groups share similar attitudes, members of the same racial group can have divergent attitudes. Indeed, Weitzer & Tuch (1999) polled White and Black Americans of various social classes on their experiences with and perceptions of police and found that not only did middle-class Black respondents have more in common with their White counterparts, they had less in common with disadvantaged or lower-class Black respondents. This phenomenon may occur for multiple reasons, including the advantages of middle-class status (i.e. more benign policing) and challenges associated with lower-class living (i.e. increased crime levels) (Reiss, 1971).

**Age & Gender.** Age and gender may also affect police perceptions among citizens, although findings on the impact of these variables have been inconsistent. Some research has suggested that there is an inverse relationship between age and positive perception, as younger citizens are more likely to have negative interactions with police and therefore hold more negative views of law enforcement (Schafer et al., 2003; Jesilow, Meyer, & Namazzi, 1995). Jesilow et al. (1995) even found that older citizens, regardless of their race, were more likely to say positive things about police and less likely to say negative things; despite their living in an era where racial tensions and conflicts were more prevalent in society.

However, there have been other studies that report an opposite (Cao, Frank, & Cullen, 1996) or inconsistent relationship. In terms of gender, men are more likely to commit crimes and have negative police contact (Decker, 1981). Therefore, it is possible that men may be more likely to have negative police perceptions compared to women. Visher (1983) goes as far as to suggest that women may be more likely to receive preferential treatment from officers, particularly those who fulfill gender roles. But again, findings in this area have been varied and inconclusive.

**Media.** Beyond personal and environmental considerations lies another potential factor hidden in plain sight: the media. The news and media outlets that people rely on for their current events and information are the same sources that inform their beliefs and decisions. This is particularly problematic for a couple of reasons. One is the sheer number of broadcast options available. Common choices include major companies such as FOX, CNN, and MSNBC, minor networks like Fusion and Free Speech TV, specialty networks including Bloomberg and ESPN, and various local news stations. Couple this with the growing number of media forms (i.e. smartphone apps), and it is easy to become overloaded with information and have changing opinions on various topics.

But more pressing than the quantity of this exposure is the quality of it. Regardless of prominence or viewership, the views and operations of news entities are guided by certain ideologies, particularly political leanings. It is these same beliefs that impact what and how they choose to report, which subsequently influences the opinions of their audience. For example, Wanta & Hu (1993) found that the political agendas of certain major news networks like FOX News aligned with how they framed the presentation of news topics such as international politics and trade, which was found to have a decreasing effect on the viewer's level of concern regarding issues related to those topics. With divisive subjects like racial injustice and police brutality being given increased media exposure in recent years, news outlets have had more opportunities to sway the views of their audience based on the perspectives they take. The result is the formation of contrasting movements that further divide racial groups (e.g., Black Lives Matter and All Lives Matter) and public incidents that further damage the relationship between citizens and police officers, such as the unrest in Ferguson, Missouri, that followed the shooting of Michael Brown in August of 2014.

## **Moving Forward**

Acknowledging the negative impact of an officer's background on the treatment of minority criminal suspects is important, but simply recognizing the problem is not enough. Despite continued damage to minority populations and officer-citizen relationships, there has been little progress toward effectively resolving these issues. To create changes of this magnitude, police departments across the country must hold themselves to a higher standard and balance preserving the integrity of the law with strengthening community relationships. Diversifying the demographic makeup of the police force, expanding the officer screening process, and redefining relevant police protocol are good steps toward mitigating racial biases among officers and improving community relationships.

## **Increasing Officer Diversity**

The first step in employing a more effective police force is to incorporate more diversity (in terms of race and gender) that is reflective of the population served. This is especially pertinent to neighborhoods with predominantly minority populations. Enforcing these neighborhoods with officers who are reflective of the community can diminish the role of race in police interactions and ultimately foster a sense of unity between members of the community and law enforcement. As previously stated, ethnic minority representation among police departments has risen by over 50% since 1987 (White et al., 2010), and women now occupy more than 13% of all law enforcement positions (Lonsway, 2003). However, while these efforts have offered new and unique perspectives for police departments and shown promise for a more diverse police force, the process goes beyond statistics. Therefore, when police departments are attempting to diversify their workforce, it is important to consider personal and organizational factors that may affect the success of such changes.

Increasing diversity among officers also means increasing the size of police populations in general, which can present several challenges for police departments. Budgets would have to be changed to account for the influx of new hires. Entry standards (i.e. education requirements) may need to be relaxed to ensure the successful hire of minority officers, which compromises the integrity of the department and the safety of the community. Furthermore, since officers tend to work with recruits of the same racial background during academy training (Haarr,1997), the divergence in racial backgrounds between the training officers and officer recruits may be a source of conflict, producing weaker officer relationships and limiting the effectiveness of the training. To combat these organizational effects, departments should limit the amount of minority officers they hire at a time

based on their ability to accurately assess the viability of potential recruits and to secure the financial support and personnel necessary to properly integrate them into the force. The result is a slow but effective hiring process that increases racial diversity without sacrificing professional integrity or financial resources.

With this paper highlighting the importance of officer background in job performance, it would be unfair not to hold incoming minority officers to the same level of scrutiny. As such, departments should also consider the potential impact that a minority's unique background and experiences may have on their behavior as an officer. Research has suggested that Black officers interact with Black suspects in a manner that is culturally appropriate, as the shared racial or cultural component may allow for better communication and understanding between both parties (Bolton & Feagin, 2004; Corsaro, Brunson, Gau, & Oldham, 2011). However, these same components may guide an officer's behavior when dealing with non-minority suspects. Cultural beliefs and experiences unique to Black or Latino officers (i.e. racial discrimination) may negatively influence how they interact with White suspects, further damaging citizen-officer dynamics. For this reason, simply diversifying the police force is not an all-inclusive solution to improving police-community relationships, and additional steps should be taken when selecting officers for duty.

### **Improving Officer Screening**

Another step toward creating an improved police force is to expand the pre-employment process to more effectively eliminate the possibility of hiring biased and underqualified candidates. While pre-screening methods for officers have often included a range of tests measuring aptitude and physical ability, psychiatric measures have been less common and were often not even considered (Janik, 1994). It was not until 1967 that the President's Commission on Law Enforcement and Administration of Justice recommended some form of psychological assessment to be a part of the police pre-employment screening process. Since 2010, 26 states require pre-employment screening in their police departments, and police agencies serving communities of over 25,000 people use some form of psychological evaluation, such as the Minnesota Multiphasic Personality Inventory (MMPI), to help assess candidate viability (Reaves, 2010; Dantzker, 2011).

Unfortunately, there is no consensus on the types of psychological testing that should be used during screening processes (Dantzker, 2011). While the MMPI is a useful and popular method for gauging emotional stability, it is not comprehensive and fails to account for deficits in cognitive abilities and biases. The Mini-Mental State Exam (MMSE) is a 30-point questionnaire that assesses and documents cognitive stability and change by measuring various areas of cognitive function (Tombaugh & McIntyre, 1992). While this test is not designed to diagnose specific impairments or determine mental status, it examines several key domains essential to policing that may not be covered in standard screening, including orientation to time, attention and calculation, and recall. Verifying proficiency in these areas helps ensure that candidates have the awareness and decision-making skills necessary to be effective officers. Since administering the examination takes only 5-10 minutes, the general length of the screening process should not be affected. Furthermore, the MMSE's short duration allows for it to be repeated over time to monitor changes in test scores and reassess officer viability if necessary.

Another potential addition to the pre-employment process is the Implicit-association test (IAT), which measures implicit attitudes and biases using tasks that detect the strength of association of two concepts with an attribute (Greenwald, McGhee, & Schwartz, 1998). The test uses a computer screen that begins with the options "White or Good" and "Black or Bad". The screen then flashes

either a white or black face or a positive or negative word, and participants are asked to quickly hit a designated key on the left of the keyboard when presented with “White/Good” stimuli and on the right of the keyboard for “Black/Bad” stimuli. Then the pairings are switched, becoming “White or Bad” and “Black or Good”, and the participants are then asked to hit the left key for White faces or negative words and the right key for Black faces or positive words.

Since the first set of pairings are considered to be stereotype-consistent and the second set are stereotype-inconsistent (Greenwald et al., 1998), looking at the differences in response accuracy and latency between the first and second tasks may help in gauging the existence or extent of racial biases in candidates. While some suggest that the IAT is more reflective of explicit attitudes or social expectations, Rachlinski, Johnson, Wistrich, & Guthrie (2009) highlight the existence of “white preference” and “black preference” among participants; meaning that White participants tend to complete the first part of the test quicker than the second part, while Black participants complete the second part of the test quicker than they did the first. When applied to law enforcement, this pattern suggests that implicit racial biases among officers may influence their perceptions of citizens and criminals. While more research is needed to better interpret the meaning of IAT results as they relate to police attitudes and performance, its use as a general measure of bias may help with the placement of officers in certain communities to help reduce the chances of racial conflict.

### **Regulating Officer Conduct**

Lastly, monitoring police activity and developing concrete behavioral guidelines for police departments can reduce the occurrence of negative police interactions and inconsistencies in criminal treatment. Specifically, redefining the distinction between necessary and excessive force is critical to protecting all suspects from unnecessary harm. State and federal legislature provide some boundaries and clarification, but it ultimately falls on the shoulders of the officers to maintain their resolve and integrity when performing their duties.

A national survey of police officers conducted by Weisburd et al. (2000) regarding opinions on excessive force produced some interesting findings. A clear majority of the officers deemed the use of excessive force unacceptable, even in instances where they are assaulted by the criminal. However, many officers also believed that regulations that dictate their use of force are inadequate for the amount of force typically needed for criminal encounters. More than 30% believed they were not allowed to use as much force as necessary when on duty, while over 40% believed that following the rules was incompatible with getting their job done. Furthermore, 22% of the sample indicated that they knew officers in their department that used excessive force, while 17% of officers even said they knew officers that tend to respond to verbal abuse with physical force when on the job. These troubling and conflicting responses highlight the need for clarification regarding the use of force, starting with law enforcement entities at the local level. Reforming protocols for using excessive force must include input from officers themselves, as they can provide the most accurate feedback on the behavioral tendencies of suspects that they encounter. This also means increased accountability for their actions, as they would be abiding by regulations they helped establish.

Another way to hold officers accountable for their treatment of suspects is using body cameras. Within the last few years, major police shootings and subsequent public outcry have prompted law enforcement agencies across the country to take measures to more closely monitor officer activity. Thus, certain police departments began mandating the use of body cameras among their officers to record interactions for police evidence and public safety purposes, and early results of this

implementation have been promising (Wasserman, 2015; Ariel, Farrar, & Sutherland, 2015). A yearlong study by Ariel et al. (2015) collected data on the impact that body cameras had on the frequency of excessive force occurrences (defined as the use of a police weapon) among officers from a California police department. Results showed that officers without body cameras were over two times more likely to report use of force compared to officers who had their activity recorded, with the former group having 17 incidents compared to the latter group's eight. While this sample is small and isolated, the glaring differences in force usage merit further consideration of body cameras as a requirement for officers. Granted, while the constant recording of one's behavior may raise ethical questions, its capacity to increase public safety outweigh these costs.

## **Conclusion**

All members of law enforcement are an integral part to public safety. This is why the racial disparities in criminal treatment are so troubling. Due to the influence of police officers' beliefs, motivations, and prejudices, minority criminals (especially Blacks) are targeted, arrested, and killed at a disproportionate rate. The fallout from this phenomenon continues to tear at the fabric of our society, aggravating tensions between officers and citizens and further damaging minority populations. Therefore, it is critical that law enforcement agencies across the country hold themselves more accountable for creating and employing police forces that are better equipped to protect and serve all citizens.



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