



## **Psychological Contributions to Reducing Disparities in the Use of Excessive Force by Law Enforcement Due to Systemic Racism**

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Disparities in the use of excessive force by police has recently been at the forefront of global attention since the murder of George Floyd on 25 May 2020 in the United States. This event served as a catalyst for renewed national and global protests against systemic racism, arising from a long history of worldwide police brutality towards minoritized racial, ethnic, religious, and other vulnerable groups. The 8<sup>th</sup> UN Congress on the Prevention of Crime and the Treatment of Offenders emphasizes government's development of non-lethal incapacitating weapons for law enforcement that minimize injury or death. When it is necessary for law officials to use force this body strongly advocated for methods that minimized damage or injury and respects and preserves human life. Incidents of continuing police brutality clearly violate these basic principles on the use of force and firearms and are a violation of human rights standards, and still countries around the world have not addressed them with the urgency they require.

Aligned with Goal 16 of the UN Sustainable Development Agenda, this statement offers findings from psychology that provides valuable insights for strategies to reduce these disparities and improve relations between law enforcement and targeted vulnerable communities.

### **Systemic Disparities in Excessive Force**

The United Nations Office on Drugs and Crime (UNODC) outlined boundaries for appropriate use of force and firearms by law enforcement officials. They define excessive or arbitrary use of force as presenting an element of injustice, unreasonableness, abuse of power, or exercise of unwarranted discretion (UNODC, 2015). Findings documenting law enforcement use

of force in the United Kingdom, United States, and Brazil, indicate that people of African descent are more likely to be stopped, arrested, and treated with force (Hargreaves, et al., 2017; Hehman, et al., 2018; Kahn, et al., 2016; Langton & Durose, 2013), with Black Brazilians being three times more likely to be killed by law enforcement compared to White Brazilians (Cano, 2010). Although the underlying issues that are present prior to such use of force may differ across countries, these findings mirror the unequal treatment of other minoritized ethnic and religious groups in divided societies, such as Arabs in Israel and Catholics in Northern Ireland (Hasisi & Weitzer, 2007; Weitzer, 1990).

Excessive force also impacts women and gender minorities. Although underrecognized, women from minoritized gender, racial, and ethnic groups are disproportionately impacted by sexual violence at the hands of law enforcement. For example, in Serbia, transgender Roma sex workers report routinely being subjected to physical and sexual assaults by officers in exchange for freedom from detainment, arrest, or fines (Rhodes et al., 2008).

### **Mitigating Bias & Enhancing Non-enforcement Interactions**

The UNODC (2015) notes that law enforcement agencies tend to share the values, attitudes, and stereotypes of their society. Psychological research confirms these observations in Western countries (e.g., France, United States) as well as developing countries (e.g., India, South Africa; Blaisdell et al., 2015; Body-Gendrot & de Wenden, 2003; Hakeem et al., 2012; Jacobs, 2017). When an officer's values are rooted in society's values, they influence quick decision making, especially in ambiguous situations (Dovidio et al., 2009; Greenwald et al., 2009). While agencies should educate their members about bias, efforts to identify and suppress bias as a means of changing behavior is likely to be met with little success in the long-term given the deep connections between one's views and society's beliefs, as well as the tacit and persistent reinforcement of these connections (Lai et al., 2016).

Psychological research suggests that a more productive way to address excessive force and community relations is through increasing positive contact between law enforcement and minoritized community members. Studies show that positive intergroup contact between groups reduces bias and builds empathy between groups (Pettigrew & Tropp, 2006). Positive contact can be achieved through community policing principles whereby partnerships with community organizations facilitate a variety of non-enforcement interactions. Studies on community policing found that non-enforcement positive contact improved citizens' beliefs that police would treat them fairly and with respect (Gill et al., 2014; Peyton et al., 2019). When positive contact is present, but unconscious associations persist, policy changes can require officers to slow down and reflect on whether the evidence connects a suspect to a crime in order to reduce reliance on negative stereotypes (Tyler et al., 2020).

Law enforcement can also work with fellow officers to mitigate biases in excessive force. Peer intervention programs provide practical tools on how to intervene without negative consequences when a fellow officer demonstrates bias in force. While these programs have yet to be formally evaluated, initial anecdotal reports indicate an increase in bystander intervention and reduction in excessive force (Staub, 2018).

### **Communicating Just and Fair Enforcement**

Disparities in force damages law enforcement's credibility and legitimacy leading to the loss of public trust, and impairing officers' ability to enforce the law (Kumssa, 2015; Williams, 2002). Research has found that officers who expect to be met with disrespect will use more force

when interacting with minoritized groups (Kahn & Martin, 2016). Likewise, when officers are concerned with being stereotyped as prejudiced, their confidence in their power to enforce the law decreases and they are more likely to employ excessive force (Trinkner et al., 2019).

Training officers to practice procedural justice, promoting fairness and transparency during enforcement related interactions, is one way to restore legitimacy, trust, and compliance with law enforcement (Sah, et. al. 2016; Tyler, 2006). Areas of procedural justice include communicating: (1) respect and human dignity for suspects; (2) that suspects have a right to be heard; (3) how police decisions are made; and (4) that police are interested in the personal situation of suspects as allowed by law (Tyler, 1990). These trainings have been found to be effective in reducing force and complaints against officers over a 2-year period (Owens et al. 2008; Wood et al. 2020). Additionally, officers working in a procedurally fair department report greater endorsement of democratic policing, organizational efficiency, and officer well-being (Trinkner et al., 2016).

### **Increasing Collaboration and Reconciliation**

Mutual mistrust and misunderstandings between law enforcement and communities prevent police-community collaboration to facilitate humane responses, such as engaging in discussions to address grievances and misconceptions. The restorative justice approach, based on the Truth and Reconciliation Commission in South Africa, brings parties together in discussions, to repair a country torn by racial/ethnic strife and war, with the goal of achieving restitution. Key features of this approach are making amends by acknowledging one's actions, apologizing, recognizing injustice, changing behavior, and building relationships between communities. This approach increases solidarity between groups and the perceived sincerity of offenders' apologies, while reducing desire for revenge by those harmed (Sherman et al. 2005).

### **Recommendations**

We urge governments, United Nations agencies and departments, NGOs and CSOs, and other stakeholders to:

#### **Establish a Human Rights Culture to Support a Just Use of Force by Law Enforcement**

1. Review the functioning of all law enforcement institutions regularly to ensure adherence of their policies and practices to a culture respecting the human dignity and rights of everyone, without distinctions based on race, color, sex, or other status (Universal Declaration of Human Rights UDHR, 1948).
2. Require all law enforcement personnel to refrain from subjecting anyone to cruel, inhuman or degrading treatment or punishment, including excessive use of force that is not justifiable as needed to protect public safety or the life of an arresting officer.
3. Acknowledge the history of systemic racism and other forms of bias in law enforcement.

#### **Mitigate Bias & Enhance Non-enforcement Interactions**

4. Provide equal training in use of firearms and self-defense skills as well as training in emotional self-regulation, de-escalation, and conflict management.
5. Initiate partnerships with academic institutions to develop and evaluate the effectiveness of policies and practices, such as opportunities for non-enforcement contact to improve citizens' beliefs that police would treat them fairly and with respect.

6. Develop practical intervention skills by training law enforcement bystanders to actively intervene when a fellow officer takes an excessive action toward a member of the community.

### **Communicate Procedural Justice During Enforcement Related Interactions**

7. Increase accountability for disparities in force by repealing laws that provide “qualified immunity,” impunity from judicial review, and potential punishment.
8. Reduce law enforcements’ use of force by training them to use communication principles of procedural justice, including (1) respect and human dignity for suspects; (2) that suspects have a right to be heard; (3) how police decisions are made; and (4) that police are interested in the personal situation of suspects as allowed by law.
9. Require the collection of valid and reliable data on police officers’ and suspects’ race, gender, and religious affiliation in order to identify and address disparities in use of force.

### **Increase collaboration and reconciliation**

10. Use a restorative justice approach to bring together law enforcement personnel and members of minoritized communities to share their experiences of police enforcement procedures, aiming for recognition, restitution and apologies for disparate treatment.
11. Increase collaboration between law enforcement and local communities to develop policing strategies, policies, and practices that provide for community-focused policing consistent with community expectations.