

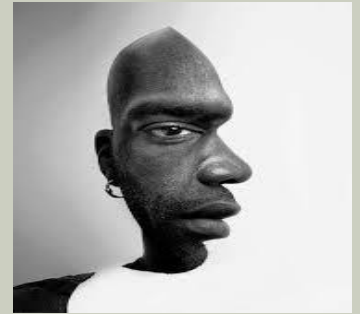
Officers facing criminal charges; Faulty Decision Making?

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An increasing number of law enforcement officers face criminal charges because the decisions they made during high-stakes incidents resulted in unexpected and often tragic outcomes. The gravity of the charges, ranging from aggravated assault to murder, are concerning when applied under the Graham Standard, which allows officers to determine force reasonableness at the scene. The perspective of the officer is a key component of this standard, but the science behind the cognitive processes that make up an officer's determination of reasonableness is rarely considered within the courts or in law enforcement training.

Training and experience allow officers to develop their ability to perceive and process information during unfolding incidents. These experiences create unconscious patterns, called schema, that allow for quick assessments and generally accurate judgments. However, judgments that rely heavily on previous experience can sometimes steer officers wrong, particularly when under time pressure. When humans rely on schema without taking into account new or unusual information, they are prone to making biased decisions. Unfortunately, the quick and efficient assessments officers make using schema can also lead them to disregard atypical information in unfolding events, judge the situation as a match to their existing schema, and make inappropriate decisions. This bias can result in tragic errors.

Consider the potential for biased decision making in the context of a criminal encounter when a suspect moves his hand toward his waistband. The threat schemas officers likely develop are based on experiencing incidents in which they have found handguns in suspects' waistbands or have been assaulted by suspects who pull a weapon from that area. This schema likely produces a similar threat assessment and response across similar incidents and often, an officer's often unconscious and



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immediate response is necessary for self-preservation. However, in some situations, unique indicators may signal that the typical response is not appropriate. If the officer misses these schema-inconsistent indicators, they may react to a gun threat when no gun is present.

While the bias described above provides a reasonable officer perspective under Graham, officers are increasingly being disciplined or criminally charged because they relied on a schema that may also save their lives. This increasing trend toward punitive action highlights the necessity to educate officers on how schema develops and how unconscious bias can influence decision making. Included in this education should be training to identify and overcome bias when making decisions.

Schema; your unconscious judgment

Schemas are mental maps people rely on to classify incoming information almost effortlessly and make quick interpretations; sometimes without conscious thought. Consider this situation: You and your significant other walk into a coffee shop. Your attention is immediately drawn to a heavily tattooed male wearing all red sitting at a table. After you exit the shop, you say to your mate, "I wouldn't expect to see a gang member in this place?" Your mate replies, "What gang member?" You wonder why you are so incredibly perceptive to the surrounding environment while your mate seems so clueless. The difference is that you have an internal mental model or schemata for a gang member that allows you to effectively match internal patterns of gang member physical characteristics and behaviors to what you see as you move through your environment. This perception allows you to make a rapid judgment of the individual and assessment of his threat level.

However, when making these assessments, it is important to consider that these quick, often unconscious, judgments could be wrong. The supposed gang member might have been a tourist who is unfamiliar with the city's gang culture, or just a guy who likes to wear red. All humans, not just officers, develop schema to reduce the effort it takes to assess their environments and navigate the countless decisions they face each day. Everyone views the world with some bias, mainly because biases are extremely difficult to recognize and mitigate. Police officers develop biases based on the amount and type of crime they see every day and who they see committing the crimes. The challenge is in not letting bias override assessment of the unique characteristics of each individual event.

Decision Making Exercises – Correcting for bias.

While difficult, it is not impossible to identify and reduce the influence of biases. To do this, officers can question assumptions and look for evidence that disconfirms their current beliefs. In practice and training, it is useful for officers to practice considering

“A low-cost way to correct for bias in training is to use decision-making exercises or tabletop discussions to present short scenarios to officers and have them make decisions about how they would handle the situations. These scenarios should be typical, so officers could rely on schema to make quick decisions; however, embedded in these scenarios should be information”

other possibilities, formulating multiple interpretations of situations, playing devil’s advocate, and taking a third person perspective by imagining how bystanders viewing the scene might interpret the situation.

Consider this tabletop discussion in your next briefing:

Dispatch reports a gang member who the caller “thinks might be armed with a handgun” is in the parking lot of a popular strip mall. The caller believes the reported gang member has a handgun because she saw the “gang member” keep adjusting a bulge at the front left of his shirt. He is with a group the caller describes as, “boisterous”. The call comes in around noon and the lunch crowd is in full swing indicating that the parking lot will be full of cars and patrons. The male in question is wearing baggy shorts and a loose blue t-shirt and has headphones over his ears. The primary officer arrives on scene and spots the male matching the description. Additionally, the responding officer notes the, “gang-member” is heavily tattooed, has dread locks, and is wearing baggy pants; what do you do?

To open the door to bias, the scenario should present ambiguous cues, novel cues, or cues contrary to the prior information. For instance, a facilitator might add the “gang member” is carrying a skateboard (conflict?), or is in the area of an airsoft venue. Officers might assess the situation through the lens of previous experiences and existing beliefs while disregarding current incoming information. Facilitators should provide officers with only one to two minutes to decide how they would handle each situation and then ask officers present their decisions and their reasoning for their choices.

A critical part of these exercises is the facilitated discussion. Facilitators should ask questions that require officers to think critically about their decision processes, including the information they used to assess the situation and how they arrived at their conclusions. A key objective is to identify where biased thinking can occur and discuss ways to overcome it. Discussing the variety of officer perceptions, judgments and decisions in a given situation slows down the assessment and decision and provides all officers with alternative assessments they can access later and use to mitigate potentially biased responses.

Some critical thinking questions a facilitator might ask about the above scenario include: As the primary officer, how would you respond to this scene? Why did you choose that course of action? What specific indicators lead to your decision? How else might you interpret those indicators? Does this situation fit a standard situation? If not, how is it different? What outcome do you expect by taking your chosen action? What do you think might have happened if you chose a different course of action? What mistakes might an officer make in this situation?

Facilitators should ask questions about the specific decisions and the indicators officers focus on. After officers describe their assessments and decisions, facilitators should ask questions related to potential biases. Actively discussing potential bias in training will help officers notice unique indicators and spot biases during actual time-pressured incidents, adjust their assessments, and make unbiased decisions.

Conclusion

Law enforcement is under the lens of a microscope in ways never before experienced. The decisions officers make may very well be the difference between life and death. For these reasons, the time has come to take a look at our current training methodologies and begin considering others. Decision making can be trained and it is now more vital than ever for a long and successful career. Be Vigilant. Be Safe.

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