

Complex Colorblindness in Police Processes and Practices

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ABSTRACT

Racial disparities in police-community encounters are well documented, with people of color experiencing higher levels of police scrutiny. Far less is known about how police officers perceive the racial dynamics at play in their work. As part of a 2016 study of traffic stops in San Diego, we conducted in-depth interviews with 52 city police officers. Despite evidence of racial disparities in SDPD practices related to post-stop outcomes, officers denied, minimized, or even condemned racial profiling during traffic stops; officers described operating under a neutral policy of “colorblindness.” Our analysis identifies cognitive and discursive mechanisms which explain this complex and contradictory picture. We find that officers’ accounts excuse, justify, or otherwise negate the role of race in routine police work, yet officers’ thoughts and actions are based on racialized and, at times, dehumanizing narratives about people and communities of color. These morally neutral accounts form a pattern of micro-racialized discourse, constituting a layering of racialized processes and practices that cumulatively produce racially disparate outcomes. We argue that rejection of explicit racism alone is insufficient to address the progressive micro-racial aggression that emerges at key points during police-community encounters. We discuss the implications for law enforcement policy and practice.

KEYWORDS: colorblindness; color-blind racism; moral disengagement; neutralization; policing

A vast canon of research details the scope of racial disparities throughout the criminal-legal system, and particularly in community members’ encounters with law enforcement. People of color – in the context of the United States, primarily black and Latinx – experience higher levels of police scrutiny compared to their white counterparts both as pedestrians (Fagan, Conyers, and Ayres 2014; Gelman, Fagan, and Kiss 2007) and as drivers (Chanin, Welsh, and Nurge 2018; Epp, Maynard-Moody, and Haider-Markel 2014; Fallik and Novak 2012).

Meanwhile, policing in the United States is experiencing a period of low morale among officers, who feel that their jobs have become more difficult and dangerous (Morin et al. 2017). Officers partially attribute this shift to negative coverage of recent fatal encounters between police and people of

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color by the media, political commentators, legal scholars, and researchers (Deuchar, Fallik, and Crichlow 2018). Simultaneously, officers feel that their work is poorly understood, furthering the divide. Indeed, recent national survey data indicate that police officers are far less likely (31 percent) than the general public (60 percent) to say that fatal police encounters are symptomatic of broader issues. While most officers report feeling respected (68 percent), far fewer feel they can trust the public (28 percent). A majority (56 percent) of officers say they have become more callous toward people since starting the job (Morin et al. 2017). Amid this rift between officers who may feel alienated from the communities they serve and community members of color who are frequently the targets of heightened police scrutiny, nuanced conversations about the persistence of racial disparities are obscured by dialogs of conflict and superficial colorblindness.

Recent critical race scholarship has attributed widening disparities in the criminal-legal system to our current era of “color-blind racism” (Bonilla-Silva 2018), an “epistemology of ignorance” (Mills 1997; see also Mueller 2017), and institutions espousing “racial innocence” (Murakawa and Beckett 2010). Unlike the overt racism of past generations, color-blind racial attitudes facilitate the denial of racism through subtle and seemingly non-racial justifications that serve to maintain existing racial disparities.

Few studies have captured police views on the role of race in officer decision-making. Even fewer studies have used qualitative methods, which can add depth and context to our understanding of police perceptions and practices (Deuchar, Fallik, and Crichlow 2018; Gaston and Brunson 2018; Glover 2007; Satzewich and Shaffir 2009). The current study contributes to this scholarship by examining how police officers talk about race and racism in the context of their work. We draw on an original dataset comprised of in-depth, semi-structured interviews with 52 active police officers in San Diego, California, which were conducted in 2016 as part of a larger study of traffic stop procedures and outcomes (Chanin et al. 2016).

Our theoretical framework integrates concepts from critical race theory with sociological theories of neutralization and psychological theories of moral disengagement. Our analysis identifies discursive and cognitive mechanisms through which a dehumanizing narrative about people and communities of color is sustained. These mechanisms allow officers to deny or dismiss the existence of, and responsibility for, racial disparities in law enforcement practices. Rather than reducing the causal nexus of racialized policing to individual officer bias, we argue that this indicates a more complex process is at work. Our data show that racial disparities reflect both institutional and societal cultures that justify, normalize, or explain away racially disparate treatment. These findings provide valuable insights into the persistence of racialized policing, its undermining effect on police reform efforts, and some ways it can be minimized.

“Racially Innocent” Policing

As an ideology, colorblindness gained traction in the late-1960s post-civil rights era. In contrast to the overt racism of the preceding Jim Crow era, which was built on assumptions of black inferiority and criminality, color-blind racism explains racial disparities “as the product of market dynamics, naturally occurring phenomena, and blacks’ imputed cultural limitations” (Bonilla-Silva 2018:2). Racism is easily dismissed through the “individualistic fallacy,” (Desmond and Emirbayer 2009), which simplistically divides actors into “racists” and “non-racists,” allowing people who have not deliberately acted in racist ways to claim innocence, fairness, and neutrality. The more complicated and uncomfortable reality is that racism “thrives in our unintentional thoughts and habits, as well as in the social institutions in which we are all embedded” (Desmond and Emirbayer 2009:343). Evidence on implicit bias (e.g., Eberhardt et al. 2004; Goff et al. 2014) shows that racial disparities endure through the frequent absence of explicitly racist individual actions and the presumption of “racially innocent” institutions (Murakawa and Beckett 2010).

Critical race scholars have argued that systemic color-blind racism can be made visible by listening to and situating actors' perspectives within, and as reflections of, the larger systems in which they operate. Bonilla-Silva (2018) offers a framework for analyzing the words we use and the stories we tell to identify how color-blind racism endures in discourse and cognition. For example, the *minimization of racism* frame suggests that discrimination is "better now than it used to be," and that while it still exists, racism is no longer a central factor affecting people's life chances. People who complain about racism are overly sensitive, using it as an excuse, or "playing the race card." When speakers articulate color-blind views, their discourse contains specific stylistic components, such as the avoidance of direct racial language, often in tandem with what Bonilla-Silva calls "semantic moves" to avoid uncomfortable discussions (see also Feagin and O'Brien 2003). The "anything but race" claim, for example, dismisses the notion that race might shape people's lives, explaining racialized situations by pointing to "nonracial" facts.

Colorblindness permeates the criminal-legal system, as it does U.S. society more broadly. Police officers are more likely than members of the general public to say that they are "blind" to racial differences (Hughes et al. 2016). Indeed, in an analysis of interviews with police officers, Glover (2007) notes a pattern of colorblindness in the framing of racial stereotyping in terms of space, noting that the doctrine of being "out of place" based on racial/ethnic notions is a pretext for profiling. Moreover, when it is a "White boy in a no White boy neighborhood," it "avoids the racial imagery common to contemporary racial profiling discourse" and diminishes "the minority experience with racial profiling" (Glover 2007:245–246).

TECHNIQUES OF NEUTRALIZATION AND MORAL DISENGAGEMENT LEADING TO COMPLEX MORAL BLINDNESS

Used in tandem with key concepts from critical race theory, theories of neutralization and moral disengagement can inform a critical analysis of the cognitive processes that sustain what police officers see positively as "colorblindness," but what is, in fact, color-blind racism. Satzewich and Shaffir's (2009) analysis of claims about racial profiling among Canadian police officers highlights how police subculture enables officers to see tactics that a civilian might view as racial profiling as legitimate "criminal profiling." As Satzewich and Shaffir observe, subculture "provides police with a powerful and convincing deflection rhetoric to neutralize claims that policing has failed to root out the racist practices of its officers" (2009:201). This is consistent with earlier research on police officers' "working personalities," which shows how socialization processes shape officers' cognitive schemas through which they interpret situations (e.g., Manning 1977; Skolnick 1967). Since these legitimating phrases are not exclusive to police subculture but are also part of mainstream culture, the role of subculture may be overstated.¹

Recent scholarship has sought to incorporate police officers' perspectives into examinations of structural racism, largely through analyses of police statements in the media, court documents, and other public records. Tobias and Joseph (2018), for example, show how the strategies one Canadian police department uses to address allegations of racial profiling include what they call "techniques of plausible deniability." These techniques serve to avoid claims of structural racism, deflect public outrage, and otherwise deny the lived experiences of people of color who have been subject to racialized police scrutiny. Tobias and Joseph (2018) argue that these tactics exemplify a form of psychological abuse known as "gaslighting," in which the abuser psychologically manipulates the abused into questioning their own judgment. Pipkins (2017) finds similar techniques deployed by officers to justify

1 However, as Conti and Doreian's (2014) research on police academy training shows, socialization into police culture may amplify existing tendencies toward racial framing of interactions with diverse communities and reinforce cultural prejudices. This occurs not least because of the elitist structure of police hierarchy, paramilitary training, and officer self-segregation by race/ethnicity, even in the face of academy training that attempts to offset these patterns through social network engineering (Conti and Doreian 2014:415). Conti and Doreian argue that "while recruits can be socialized into the role of a police officer and race differences can be addressed, deeply held attitudes and beliefs are not dispelled easily" (2010:43).

uses of lethal force that include the killing of unarmed black community members: officers' narratives elicit empathy and invoke legal justifications for the use of deadly force (e.g., "I feared for my life"). This serves multiple purposes of avoiding legal consequences of using lethal force, avoiding blame, and reinforcing the perception that black residents are dangerous and thus blameworthy.

Sykes and Matza (1957) delineated the morally liberating effect of such excuses and justifications in their theory of neutralization; C. Wright Mills (1940) earlier had called them "vocabularies of motive"; and Cressey ([1953] 1970) called them "verbalizations" that occur in "conversations with yourself." Each of these terms refers to a slightly different concept, but overall, "techniques of neutralization" comprise versions of "accounts" that are words and phrases that can excuse or justify a whole host of wrongdoing. In addition to minor criminal behavior (Sykes and Matza 1957) and serious violent behavior (Scully and Marolla 1984), these techniques are also used to explain behavior that is in some other way recognized as morally wrong, such as security guard violence against psychiatric patients (Johnston and Kilty 2016). This framework has also been applied to police misconduct, such as unlawful stops, falsifying reports, and planting evidence (Goldschmidt and Anonymous 2008; Kappelar, Sluder, and Alpert 1998).

Techniques of neutralization are applied to situations of moral questioning in order either to: 1) relieve us of culpability (rationalizations after the fact), also known as "remedial work" (Goffman 1971:139); 2) allow us to proceed with questionable behavior (verbalizations after contemplating the act; Cressey 1970); or 3) exploit the ambiguity created by moral contradictions embodied in society's laws and standards of behavior (Matza and Sykes 1961). Unlike verbalization, neutralization (Matza 1964) "is not an intentional or purposive act, but something that occurs to an individual as a result of the unwitting duplication, distortion, extension in customary beliefs" (Pfuhl and Henry 1993:63).

This last, more sophisticated, interpretation of the genesis of moral neutralization is based on an integrated analysis of cognitive learning. As we are socialized into conventional values and norms, we also learn society's "subterranean values," or "exceptions" – the circumstances under which these values can be subverted or otherwise rendered non-applicable (Matza and Sykes 1961). Thus, socialization into a separate subculture of society (such as policing) where we (in this case, officers) learn neutralization techniques can certainly amplify their effects, but it is not necessary as the society, and particularly the law, "contains the seeds of its own neutralization" (Matza 1964:60). Neutralization thus helps to explain how racial disparities – which are widely condemned as unjust – can at once be denied, talked around, or attributed elsewhere, as when criminal-legal practitioners working in one part of the system blame disparities on practitioners in another part (Barrett 2017; Van Cleve and Mayes 2015).

This understanding of neutralization also complicates the simplistic view that "police subculture" is a repository of rationalizations that justify racialized actions by police toward people of color. Instead of conspiratorially acting to harm people of color through intentionally biased decisions and practices, police may unwittingly act as agents of society, reflecting its subterranean contradictions. This is not to say that police officers are passive puppets of an overly controlling society of inequality; rather, they are more likely cognitively innovating in ways that produce and enhance the very structural conflicts they attempt to mediate and are genuinely indignant when challenged for bias. From their view, they are just doing their jobs.

Moral disengagement, the use of psychological maneuvers to disengage moral control, is often interwoven with neutralizing behavior (Bandura 2001; 2016). One of the most pernicious forms of moral disengagement is dehumanization, which Owusu-Bempah defines as "the process through which full 'humanness' is denied to individuals and collective groups. . . [in which] human qualities, such as higher order cognition, civility, and morality are withheld from the target group" (2017:27; see also Haslam 2006). This mechanism is deeply embedded in the historical relationship between race and policing (Muhammad 2010), as it is in societal inequality more broadly (e.g., Rothstein 2017). In policing, one well-known dehumanizing analogy is that of officers who view themselves as

“sheepdogs” acting as guardians to protect “sheep” (community) from predatory “wolves” (criminals) (Grossman and Christensen 2004).

Our analysis assesses the extent to which police officers employ dehumanizing discourses, color-blind frames, and mechanisms of neutralization and moral disengagement in talking about the role of race in policing practices. Again, this is not exclusive to police, and, indeed, permeates the culture of societies based on inequality, hierarchy, and exploitation. However, because the police in such societies are given significant authority to use protective force, the negative outcomes of their manifestation of subterranean values have the potential to create disparate harm to some members of the very communities they are empowered to protect.

STUDY CONTEXT

The data we present here were collected as part of a study of police traffic stops and their effects on police-community relations. The study began with a quantitative analysis of police stops and post-stop outcomes using data recorded by the initiating officer on the 259,569 traffic stops conducted by the SDPD for the two years of 2014 and 2015 (Chanin et al. 2016). Through statistical analyses of these data, we did not find consistent patterns of racial disparities in who gets stopped citywide and across the two years of analysis.² However, we did find significant disparities in several post-stop outcomes. Black and Latinx drivers were more likely than white drivers to be searched following a traffic stop, and despite facing higher search rates, were less likely to be found with contraband. Black drivers were subject to field interviews (the verbal questioning of a community member during a stop) at more than double the rate of white drivers, but significantly less likely to receive a citation than white drivers stopped under similar circumstances. Notably, we found no significant differences in arrest rates by driver race/ethnicity. We attribute this to a common police practice in which black and Latinx drivers are stopped pretextually, disproportionately scrutinized, and then, if no evidence of criminality emerges, allowed to go free without formal sanction (Chanin et al. 2018).

METHOD

Most studies of police officers’ perceptions of and opinions about race have relied on survey research, which, while useful for capturing broad, generalizable trends, is inadequate for identifying the discursive and cognitive processes that facilitate the social construction of plausible rationalizations for disparate police behavior. In the post-civil rights era, the expression of overtly racist opinions is largely forbidden (Desmond and Emirbayer 2009). Thus, surveys are prone to social desirability bias as respondents will try to select the normatively “correct,” non-racist answers (Bonilla-Silva 2018). Further, the length of research engagement in surveys is too short to fully capture participants’ views on complex issues. For example, Goldschmidt and Anonymous found that as their participants “loosened up” during their conversations, they expanded upon their initial blanket denials of police “dishonesty and extra-legal means in furtherance of their law enforcement function” (2008:113). However, there is an important distinction between what people say when asked to account for their actions and what they actually do in practice. Interviews involving post-hoc accounts of behavior are unable to “disentangle the sequential relationship of neutralizations and deviance,” nor determine whether neutralizations precede deviant behavior “or are merely after-the-fact rationalizations” (Maruna and Copes 2005:265).

In June 2016, the research team conducted one-on-one, semi-structured interviews with 52 police officers drawn from each of the city’s nine patrol divisions. All three interviewers identify as white, and two as female. A purely convenience sampling approach was used: an email describing the study and asking for volunteers was sent to all active officers. An administrator at each division was

2. Disparities in stop rates between black and white drivers were found in 2014 but not 2015. We were unable to explain this finding, and our analysis was further complicated by missing data suggestive of substantial under-reporting of traffic stops by officers across this two-year period (Chanin et al. 2016).

responsible for scheduling volunteers, with the vast majority of interviews taking place during the shift change between the day and overnight shifts to maximize participation. The sample of officers was majority male (87 percent) and white (55 percent). Non-white officers most frequently identified as Latinx (20 percent), black (10 percent), Asian/Pacific Islander (2 percent), or mixed ethnicity (10 percent).³ Experience on the force averaged 9.5 years, ranging from minimal, with some officers still in their post-academy training period, to extensive, including veteran officers with over a quarter-century of service.

The interview guide asked questions about: 1) officers' perceptions of community safety and trust in the police, and the role race plays in these factors; 2) the procedures followed during traffic stops, including how officers collect data on the stops they conduct⁴; and 3) how race/ethnicity is used in patrol activities, including what training officers receive on these issues. Interviews ranged from 30 to 90 minutes in length. All but two interviews were audio-recorded and transcribed; detailed notes were recorded by hand for the remaining two.

Analysis took place in multiple phases. Ten interview transcripts, purposively selected to maximize variation by geography as well as officer experience, were initially coded following an inductive thematic approach (Braun and Clarke 2006). Based on patterns we were seeing in the data, we generated specific codes pertaining to instances of colorblindness, neutralization, and moral disengagement. The remaining transcripts were then coded deductively using these theoretically-driven codes. The first two authors coded the transcripts using Excel. We monitored inter-coder reliability throughout the analysis process by meeting frequently to discuss the coding process and by coding the same transcripts to ensure consistency in applying codes.

FINDINGS

Our analysis of interview data reveals that SDPD officers nearly universally denied the existence of racialized policing and defaulted to neutralizing language when describing traffic stops and investigative techniques used therein. The officers we interviewed attributed much of “the blame” for frayed police-community relations to “the media’s” lopsided treatment of policing issues. Officers also accounted for inequities revealed by objective data analysis as reflective of the behaviors of individuals who attract police scrutiny, rather than resulting from police practices. Officers consistently expressed a belief that systemic racism is not an issue in the department. Instead, most officers believed that, on the rare occasions where bias existed, it was because of rogue individual officers (“bad apples”) or officer laziness in defaulting to racial stereotypes. Officers viewed such individual racism as a major threat to police legitimacy and believed that these rogue officers should be identified and disciplined or removed from the force. They denied the need for a broader antiracism intervention to change current practice, departmental policy, or officer training, believing instead that current training adequately sensitizes them to racial issues and is sufficient to prevent racial disparities. Last, while most officers denied that racial profiling happens, and claimed that they cannot see, or do not notice, the race of a car’s occupants before initiating a traffic stop, officers consistently articulated a set of “criminal profiling” practices predicated on racialized assumptions about who lives or otherwise “belongs” in a given neighborhood. As such, race-based understandings of place relocate racial stereotyping to segments of the community, which is consistent with prior research (Carroll and Gonzalez 2014; Glover 2007; Novak and Chamlin 2012).

Negating Race: Officer Accounts of Racial Disparities in Policing

Referencing disparities found in police practices in other U.S. cities in recent years, we asked officers whether they thought we would find racial disparities in our statistical analysis of the SDPD’s traffic

3 This is roughly consistent with the overall department, which in 2015 was 84 percent male, 63.5 percent white 21.2 percent Latinx, 9.1 percent Asian/Pacific Islander, and 6.3 percent black (Chanin et al. 2016).

4 This aspect of the research is not developed here, but see Chanin et al. 2016 and Chanin and Welsh, n.d.).

stop data. Almost universally, our interviewees said that we would not find disparities; officers repeatedly stated that racial profiling is illegal and morally wrong:

I mean it is pretty simple. You cannot stop someone because they are black, white, brown. . . . All that stuff is so obvious.

Race is never a factor in my stops.

Well, race only plays a part if it is a specific descriptor involved in a crime. . . . That is it, no exceptions.

“Oh, he stopped me because we’re black.” No, you were the only car in this area, and they just had a robbery that happened two blocks away, and you’re the only car that just left that area. I’m doing my job. And that’s how we catch crooks, you know? So I don’t think we go out there to racially profile people. I really don’t. It’s just police work . . . the community wants us to put crooks in jail, but they don’t want to give us the tools to do it.

These excerpts capture the range of denials of explicit racial profiling, from declaring that racial profiling is “obviously” wrong (and therefore not done), to blanket statements that race “never” plays a role in police behavior – that officers are “just doing their jobs” of “catching crooks.”

A smaller number of officers denied the existence of racial bias but claimed that on the rare occasions that it occurs, it is either unintentional, attributable to a few “bad apple” officers, or due to differential criminal involvement by certain segments of the population. Officers aligning with one of the first two views explained racial bias as symptomatic of laziness or poor decision-making on the part of individual officers:

Do I think police officers go out there intentionally to violate people’s civil rights for their skin color or for whatever reason? No, absolutely not. Maybe 100 years ago. And maybe once in a while, you have a bad apple, but I don’t think his intentions are to go out there. He just makes poor decisions, and he’s just on the wrong team, you know?

So, a lot of people get confused thinking it is racism and I am not going to say it is never racism, but I will go as far to say, having known individuals that fell into that trap, that in their heart of hearts that is not their motivation. It is bias, but their motivation is not malicious. They think that it is good police work, when, in fact, it is lazy police work because they are not identifying behaviors. [That] takes a little more effort.

Such officer accounts again deny explicit racism, but acknowledge inadvertent racism, mitigating this with the minimizing framing that any racial bias remaining in policing is relatively less serious than the explicit, proactive racist practices of “100 years ago.” This claim of relative acceptability (Pfohl and Henry 1993) serves to neutralize the negative interpretation of racially differentiated outcomes, suggesting that this does not indicate a systemic pattern as existed in the past, but rather is attributable to a few “bad” or “lazy” individual officers.

The vast majority of officers expressed confidence that racists are “weeded out” during the application process. As one officer put it, “You go through a psych exam. We go through a polygraph and all that. . . . So I think a lot of that’s nipped in the bud from the beginning.” Officers also pointed out that the changing demographics of police agencies has had an impact on explicit racism: “There’s plenty of black sergeants. There’s plenty of black lieutenants. I’m pretty sure they would call you out on that shit quickly.” This again accomplishes a discursive function of diminishing the problem from

a potential systemic threat to the behavior of an individual bad actor. It also denies that there is a pattern of racial bias, pointing to evidence of less serious, “lazy” policing, while also denying that racism can exist when people of color are in leadership positions. Only a handful of officers admitted that race *explicitly* shapes interactions, but the fact that some admitted it highlights that police subculture is not a monolithic social force shaping police actions. These instances were closely tied to either a) the perceived level of danger and being on “high alert” in the traffic stop context; or b) racialized assumptions of place.

While traffic stops are a routine part of police work, each stop feels anything but routine. As one officer put it, “Every time I stop a car, I am stopping them for a violation. I have no clue what they have just done, what they were going to go do, or what they might have. . . . It is your most dangerous [part of the job] – you are rolling the dice every time.” Officers consistently described traffic stops as unpredictable, high-pressure situations. This intensity is borne out in one officer’s discussion of why he leaves his fingerprints on the trunk of every car he stops: “so you touch it, and you think to yourself, the reason why I’m doing this is I might get killed.” This same officer candidly described how race shapes his perception of danger:

If I walk up to a six-foot tall white guy, yoked out with tattoos, I probably won’t be as afraid of him as if he were black. And not to say it would really change my decision making, but it would definitely put me on a higher level of alert. . . . It’s not so much that I have this racial bias. But I just keep seeing the same thing happen over and over and over again. So, I just automatically . . . I’m really watching this guy. I’m way up here [raises hand to indicate level above head], and when I’m way up here, I can’t be me, and I come off as an asshole, and I probably rub them the wrong way. It just can’t be avoided sometimes. Now, I wish it wasn’t that way. But the other thing I see is they do the same thing to me. They’ll start calling me the names, as if to try to egg me on. Okay, I get it. I think what I’m trying to say is, I don’t really make a decision based on what race they are. I may change my level of alertness maybe. Not so much because of the color of their skin, but more of the type of person I’m encountering, which around here, there’s a lot of black and Hispanic gang members. Not saying there’s not any white guys either, but there’s more of them.

In this narrative, the officer recognizes race is a factor that affects police demeanor because of repeated exposure (Smith, Makarios, and Alpert 2006) to behavior that, even if an illusory correlation (Smith and Alpert 2007), mirrors particular gang- or drug-related stereotypes.⁵ The combination of social attributes of this subset of drivers – and the places they frequent – aligns with a negative stereotype, heightening awareness of potential danger. Being on “high alert” can itself facilitate the very outcome that produces the stereotype in the first place – and sustains it, with sometimes lethal consequences when the officer resorts to deadly force (Fridell 2016).⁶

Further, it is notable that this officer, who worked in the Southeastern division, states that there are “a lot” of black and Hispanic gang members there. This reflects a consistent pattern in our interviews of officers explaining traffic stop rates – and any disparities found therein – as merely a reflection of who lives in a given area. As another officer put it, “It all depends where you’re at. If I go to

5 As an amplification of exposure theory (Smith and Alpert 2007), some citizens, particularly citizens of color, may themselves be operating under a heightened negative stereotype of police officers, due to their own traumatic experiences with police (Gau and Brunson 2015; Geller et al. 2014), the vicarious experiences of loved ones (Brunson 2007), and/or media exposure to police misconduct (Dowler and Zawilski 2007) – regardless of whether this too is an illusory correlation. In any given encounter, this may result in both officer and citizen being fearful of each other and engaging in a range of self-protective actions.

6 As Fridell (2016) notes, however, whether such bias produces what she calls “overvigilance,” “undervigilance,” or “appropriate vigilance” in terms of a use of force response, is an unsettled point in scholarship on policing behavior.

Southeastern, the majority of people that I'm going to contact there is black people. Up here [in the Northeast], it's white people. . . . That's just the nature of the beast."⁷

Indeed, the other context in which a few officers openly acknowledged using race was in describing a "race out-of-place" (Carroll and Gonzalez 2014; Glover 2007; Novak and Chamlin 2012) approach in which officers apply extra scrutiny to residents whose race doesn't comport with officers' expectation of who lives or otherwise "belongs" in a given neighborhood. These narratives reference a local labeling process by police of people of color that makes the outcome (disparate treatment) a self-fulfilling prophecy. For example, communities of color were frequently described as either "supportive" and "strong" (Latinx) or "hostile" (black):

[The] Southern Division. . . is a Hispanic population so we are not dealing with [the issues of other divisions] where most of the community is of African-American descent. The Hispanic population here is supportive. I mean you do get that there are little pockets of different either black gangs or black communities in Southern Division and when we go to those areas, if we have to do something, people come out and sometimes they will say "eff the police," "why did you do that or this?" But mostly it is not like that down here.

In a noteworthy contradiction, the officers who described a race out-of-place approach were comfortable making race-based assumptions about the divisions they police (notably, officers primarily described examples of where white people do or do not "belong"), while also stating that this doesn't impact their decision-making at the individual level. The following exchange, with another officer in the Southern division, which borders Mexico and where Latinx people account for 72.6 percent of the population (U.S. Census 2015), illustrates this contradiction:

Interviewer: In a lot of other big cities, it's been shown that there is a disparity by race and ethnicity in terms of who gets stopped . . . That people of color are stopped more, controlling for a lot of other variables, than white people. Is that true, in your experience in San Diego?

Respondent: I mean, to be honest, down here in Southern, if I saw two white people walking down the street, I'd probably stop them.

Interviewer: So it's kind of that out-of-place thing?

Respondent: Yeah, it's more of an out-of-place thing. I mean, honestly, especially at night, I can't tell race in a vehicle. I'm stopping you because of what you did. I come up, you're black, Hispanic, white, whatever, it doesn't matter. But . . . I think after all these years, you kind of have that feeling of . . . they're kind of new to the area or there's just something different, or you just get that hair on your back and something's not right, yeah I'm gonna stop them. Yeah, they don't fit in place.

Interviewer: Are there other things, other than race and ethnicity, that you feel like you kind of cue into?

Respondent: I mean, if I saw a Ferrari driving right down San Ysidro Boulevard, granted we have the nice mall down there and stuff, or you know, driving in like more of like a "hood" area, you'd be like, "Okay. . . are they lost? Am I gonna stop it?" It just depends. I don't know. I think you get to know your area, and when you feel that something's not right or that's kind

7 It is important to note that this reasoning reflects a broader set of conflicting assumptions about criminality that many officers stated they rely on, which are often tied to the racial and socioeconomic composition of place rather than crime rates. For example, the Southeastern division has the fourth-highest violent crime rate and the third-lowest property crime rate of San Diego's nine police divisions. The Southeastern is home to the highest proportion of black residents (though at 17.3 percent of the population, black residents are hardly "the majority") and the second highest proportion of Latinx residents (46.5 percent) relative to the rest of the city (U.S. Census 2015). In their analysis of pedestrian stops in New York City, Fagan and Geller (2015) similarly found that the stop justification pertaining to "high crime area" had nearly the same probability of being used in all police precincts, regardless of actual crime rates (see pp. 79–80).

of different, I think you want to know what's going on or why that person is there. and maybe race does you hope that you're not racist.

This reflects the contradiction many officers expressed of simultaneously not being able to see the race of the driver before initiating a stop (some officers stated that this is “always” the case, while others stated that they “often” or “usually” cannot see race), while also using racialized assumptions about who and what belongs in a certain location to assess when “something's not right” and in need of additional scrutiny. Officers described applying this lens toward both white people in predominantly non-white neighborhoods and people of color in predominately white neighborhoods. As one officer who patrolled the affluent, majority-white Northeastern division told us, “we check for vehicles that might look suspicious, vehicles with multiple passengers that do not look like they live in the area . . . we have to be careful [because] we get a lot of workers gardeners that go and work in that area.” At the same time, many officers expressed a base level of discomfort with this tactic – “you hope that you're not racist.”

Neutralizing Race through Claims of Hostile Media, Politicized Communities, and Exonerating Comparisons

We asked officers about police-community relations in the divisions in which they work. Nearly every officer we spoke with articulated ways in which news media and social media magnify, exaggerate, and distort negative police behavior. In particular, many officers noted the media's focus on racialized incidents, which they see as fueling community hostility:

The media, I think, misconstrues things. And they sensationalize things, that is for their benefit, off of our backs. Because it does make our job harder.

That is all you see on TV. You never see the good things officers do. You always see the negative.

I think that [the media is] our biggest enemy, even though we try to work with them. They don't put out all the facts. Sometimes they put out information too quick, before they have the facts, because they want to fill in that 15-minute segment that their boss asked them to do. And you're not putting all the facts out there, so you're not giving us any credit. You're making us look bad, which, in the long run, hurts everybody. Because you're not just hurting the police department. You're hurting the community, because that bridge that we're building, you just tore that bridge down.

Consistent with the sheepdog parable mentioned at the outset of this paper, in these narratives, community members are portrayed as either sheep or political activists/police “haters”; criminals are characterized as wolves preying on the sheep; and police are sheepdogs or bad apples who have to occasionally use racially disparate practices – including physical force – to overcome the predators and keep the sheep safe. In this narrative, officers are “well-intended” public servants “just doing their job.” The police are “victims” of one-sided media portrayals; the media is comprised of reporters who are only interested in a dramatic story that hits the headlines and is typically negative toward police. The only exception is in the wake of a major disaster, when police first responders are portrayed as heroes. Officers blame this distorted coverage for the community's reluctance to contact police and for their unwillingness to acknowledge officers in daily encounters and credit them for the good work they do. Officers also suggested that because of this dynamic, people of color play the “race card” when they come under police scrutiny.

This initially appears to be a “denial of responsibility” (Sykes and Matza 1957) or “displacement of responsibility” (Bandura 2016). However, denial of responsibility would involve officers admitting

that they committed the problematic behavior (acting out of racist motives) but claiming they were not in control of their actions. Displacement of responsibility would involve officers' admission of responsibility but denial of having "agency" because they were controlled by a higher power (they were "only following orders"). In this case, officers admit that they engage in the behavior, but its significance is exaggerated by external forces. This is consistent with Bandura's moral disengagement by "minimization of effects," which involves "minimizing, disregarding, or disputing the harmful effects of one's actions. . . . If minimization doesn't work, the evidence of harm can be discredited" (Bandura 2016:64). Thus, in some cases, officers acknowledge that race is a problem, but place sole blame on community misunderstandings, ignorance, or political forces which distort reality and add fuel to an already charged situation. As a result, officers believed that departmental image issues should be addressed through correcting the politicized view of policing by increasing community participation in police activities that are open to the public, such as police "ride-alongs" and use of force trainings, which would help members of the public to better understand police work.

A variant on this relativizing displacement effect is Bandura's "exonerating comparison," which compares the questioned behavior to more harmful behavior such that "the more flagrant the inhumanities against which one's destructive conduct is contrasted, the more likely it will lose its repugnancy or even appear benevolent" (2001:178). For example, several officers talked about the propensity for both those involved in criminal activity and politicized members of the community to exploit the media to their benefit. One officer stated:

We know that the criminal element will use the media to their advantage to believe that they're going to get away with their criminal activity. Because now, with all these videos and all this stuff, they're going to say that they didn't do anything wrong, and police this, police that; you still . . . have to enforce the law. And I still have to protect myself, because I know your propensity for violence.

In this narrative, the police are presented at the bottom of a stacked series of more serious exploiters: police are exploited by the sensation-seeking media; the media are exploited by the manipulative criminal and by the politicized community; and the police view themselves at the bottom of the seriousness hierarchy, just doing their jobs, acting in self-defense, and struggling under adverse circumstances. Further, several officers discounted local activists who bring attention to police misconduct incidents in San Diego as jumping on the "bandwagon" of media coverage of other departments (e.g., Ferguson; Baltimore; Chicago) with "real" problems:

Unfortunately, the people that are speaking against us right now, you are not going to change those people. They are on the bandwagon from back East. We do not have problems. We do not have Rodney King uses of force. We do not have all these crazy things that you have heard. We just do not. This is a great city, great officers here. We are such a step ahead of a lot of agencies that it is easy just to turn on the TV and see. Media does not help. Everything media says about us is negative.

Here, there is an even higher level of stacking, as the local media are seen as fanning the flames of racial animosity, manipulated by external political forces, while the local communities are relative roses in a sea of weeds. This stacking moves the focus of evil manipulation to "outside" alien political forces found in communities of political conflict "back East" that are contaminating what is otherwise "America's Finest City." Negative media coverage is seen as pressuring the police to address (individual) racial bias, but also "serves to discredit the claims of systemic racism advanced by community members" (Tobias and Joseph 2018:19). At the same time, accepting even a narrow definition of police action as racist causes officers to identify patterns of individual officers' racist behavior that are

unacceptable. In this sense, the contested truth claims in the construction of race in policing is not monolithic, but nuanced.

Fishing for “Bad Guys”: The Racialized Practices of “Criminal Profiling”

Officers consistently described traffic stops as an essential tool (the “bread and butter”) of crime prevention and investigation, and routinely articulated a practice of “fishing” for drivers with criminal histories. In describing these fishing expeditions, officers were emphatic that they were trained not to racially profile, but to *criminally profile* (see [Satzewich and Shaffir 2009](#)). Officers consistently denied, excused, and justified the racial implications of these practices. Largely, these neutralizations stemmed from an appeal to a higher moral purpose or higher loyalties ([Maruna and Copes 2005](#); [Sykes and Matza 1957](#)) due to a belief in the utility of traffic stops leading to finding and preventing more serious crimes: officers consistently stated that they were looking for “bigger fish” when conducting traffic stops. As one officer put it, “You’re looking for violations. You’re looking for things that are going to turn into something bigger. You’re trying to look at the big picture. That’s basically what they teach you.”⁸ In this way, officers are following a higher calling, such as removing a known felon from the streets ([Fitch 2011](#)). This is also known as a “defense of necessity” ([Minor 1981](#)) and is used when the officer believes the act is necessary to prevent an even greater crime. Simultaneously, such a claim to higher calling or purpose serves to minimize the racial impact of their action.

The officers we interviewed consistently emphasized that they are not required to meet any quotas for stops or follow a pre-determined enforcement protocol. Thus, for SDPD officers at least, traffic stops are a high-discretion activity. Officers repeatedly told us, as one officer put it, “you can get so technical you could almost stop any car you wanted.” Another officer told us that the traffic code book is “four inches thick . . . [full] of ways I can, or the State of California [can], find that your vehicle is in violation.” At the same time, officers expressed a deep mistrust of the data they were asked to collect on traffic stops, and how these data could be (mis)interpreted. As one officer put it, “if someone pulled out my journal . . . [they would say] ‘wow, you are a racist son of a bitch. All you do is pull over black people.’” A few officers expressing such concerns described conducting more pedestrian stops, for which race did not need to be recorded.⁹ These officers justified changing their practices to avoid recording certain data, an activity which they viewed as distracting from the “real” crime-fighting work of policing. This again highlights the contradiction that officers deny the existence of racial disparities, while also describing practices that evade and erase evidence of racialized policing.

In part because vehicle code violations are so readily visible, officers described highly individualized stop practices. This “case-specific” approach allows officers to dismiss claims that the practices targeting who to stop, how to proceed during stops, and the racial disparities of stop outcomes are a systemic problem. The contradiction here is that while officers consistently described an individualized approach, they also claimed to treat all drivers equally. This “golden rule” of equal treatment (referred to by officers as “colorblindness”) presents as a rational-legal equality frame of due process justice to “treat like cases equally,” while ignoring the racialized practices that make “equal” treatment unequal in its application.

A few officers we spoke with took pride in conducting routine stops and described engaging in a practice of targeted or “selective enforcement” based on residents’ safety complaints (e.g., speeding near a school). More often, however, officers described a stop protocol of “fishing” or “hunting” for “bad guys.” Going fishing, under the tenets of “criminal profiling,” means looking for moving violations or vehicle or driver non-compliance (e.g., faulty equipment, tinted windows, expired

8 While our focus here is on understanding the internal logic of officers’ practices and the processes that lead to them, it is important to note that officers expressed these beliefs despite scant evidence that traffic stops prevent or solve crimes ([Baumgartner, Epp, and Shoub 2018](#)).

9 This has since changed in California with the passage of The Racial and Identity Profiling Act of 2015 (AB 953), which requires state law enforcement agencies to collect and disseminate data on traffic and pedestrian stops.

registration) in a local context in which more serious criminal behavior is expected, in the hopes of finding evidence of a more serious crime. The following four narratives, reflective of what the vast majority of officers told us, illustrate what we argue is a false distinction between criminal profiling and racial profiling:

If it is a bunch of people in the car, I have been doing this job long enough. I have quite a bit of training and experience. You watch movies. Have you even seen when a gangster is represented in a movie or how they look and dress? Yeah, okay. And the same thing with that drug user . . . there is no difference. I think life imitates movies, music, and stuff like that. So if I see something things . . . I might not see it visually as in clothing. But there are things you learn, especially in Southeastern – tattoos.

There's a couple houses around town that are known as dope houses where narcotics funnel through. So typically you drive around those neighborhoods and just see [a] real obvious sign that I can stop someone if . . . they have a brake light out, registration expired, or license plate light out, or they make an illegal turn. So just driving through the neighborhood – because there's a higher chance of maybe there's a bad guy just driving around the neighborhood; so see what probable cause I can find to stop somebody.

Yeah, I mean, you see your low rider with certain set of stickers on the back or decals or stuff like that, you're going to want to stop the car.

If the car is older or beat up, what I find is that people that are on narcotics that's the biggest most important thing in their life so when they get money they spend it on narcotics; they don't spend it on a nice car, fixing up their car, washing their car; so the car is usually in a state of disrepair; so that's one of the things I look for.

These narratives reflect the neutralizing techniques of denial of responsibility (“we’re just responding to the behavior”) and denial of victim (of racism by the police), because the driver is responsible for the offending behavior and self-selects to be subject to police scrutiny through bad choices. As such, police see themselves as merely responding to individuals’ behavior.

In developing these practices, officers are not solely drawing from a common stock of criminal profiles shared by a police subculture. Rather, they are building locally-specific profiles based on their experience and reflecting particular neighborhood and community characteristics. They are comparing local “gangsters” to popular cultural stereotypes, but the ones they use, and the expertise they develop, is their own. In this sense, officers’ actions are consistent with Bandura’s (2001) agentic view of human action: they are not passive appliers of pre-formed stereotypes, but creative innovators, constructing their own nuanced profiles situated within societal understandings of criminality.

The consistency with which officers described community members through euphemistic language is notable. Officers frequently spoke about “good” versus “bad” people, distinguishing the “soccer moms” from the “criminal element,” which is comprised of “thugs,” “crooks,” “bad guys,” “shitbags,” and “gangbangers.” In particular, talk of gangs was consistently framed in racialized and gendered terms. The reference of race made not only to neighborhoods but also to gangs is a way that racial profiling is rationalized and taken as an acceptable course of duty:

So, it's not just race alone. I mean, because they hang out in certain groups, like certain races themselves. So you'd have that, but you'd also have their clothing, the location, stuff like that. Or the group they're hanging out with. But it wouldn't be race alone. For example, in Clairemont we don't have a lot of gang members so when you see a gang member you're like, “That looks like a gang member. I think I remember that from the academy.” He has his

mannerisms, he's doing certain things, and there's a lot of drug users, or we call them tweakers in Clairemont. So just looking at the guy and the way he's moving around, his mannerisms, the way his skin is, just that overall look or just the overall look of the car. The car is dirty, just everything about that and you just get that feeling and get the tingle in the back of your neck like, "This guy, I need to talk to."

These narratives highlight how "criminal profiling" is ideologically effective in concealing the racialized elements of police practice: race is not used alone to determine suspicious behavior; rather, it is inextricably linked with other elements, such as a person's clothing, demeanor, mannerisms, and the upkeep of their car. These narratives also reflect how understandings of race and place relocate direct racial stereotyping to segments of the community. As [Neely and Samura \(2011\)](#) observe, racialized space is contested, fluid and historical, interactional and relational, and defined by inequality and difference – all elements at play in police-community encounters. [Delaney \(2002\)](#) asserts that spaces may be produced in accordance with the ideology of "colorblindness" and, as such, are mutually constitutive of race, as race is of the space. This would suggest that officers are accounting for their practices as structured by space, while also making distinctions that sustain space as racialized ([Fagan and Geller 2015](#); [Glover 2007](#)).

DISCUSSION AND CONCLUSION

The analysis presented here highlights important aspects of police officers' discourse that indicates how they think and claim to act. These findings point to cognitive processes that may lead officers to the decisions and actions they take, which constitute what they see as good police work. Officers are aware – even hyperaware – of racial dynamics in policing, but they are also convinced that this is the product of externalities: the media, activists, the disproportionate commission of crime by different racial/ethnic groups, and the needs of the community.

There are a few limitations to our study that are important to note. First, for several reasons, our findings are likely conservative. The convenience sampling approach used, along with the role police administrators played in scheduling the interviews for us, likely meant that certain types of officers were more likely to participate in our study than others. Indeed, one of the few officers we interviewed who explicitly stated that racial profiling happens in the SDPD told us that because of the way that we were granted access, our sample of interviewees would be biased with "boot lickers, yes men, and people that desire to move up within the department . . . so take it for what it's worth." Relatedly, the demographics of the interview team may have muted what was shared with us: nearly 90 percent of interviewees were men, and two of the three interviewers were women. All three interviewers are white. This raises serious questions about how candid officers would be with us across racial/ethnic and gender lines. Our sample also does not allow us to make solid claims about differences in accounts by officer race – an important dimension that necessitates more research. [Morin et al. \(2017\)](#) found sizeable differences by race in how officers view police-community relations: white (72 percent) and Latinx (72 percent) police officers were more likely to believe that police-involved civilian deaths are isolated incidents, while a majority of black officers (57 percent) believe that these incidents are symptomatic of a larger problem. These limitations notwithstanding, our findings shed light on the processes through which racial disparities in policing are sustained.

The officers we interviewed varied in the degree to which they saw racialized policing as a problem in the SDPD; most viewed it as not a problem, believing in the efficacy of the department's training and policies around race. With few exceptions, those who acknowledged the racialization of police practices saw these as rare occurrences rather than routine practice. In the exceptional case where racialization occurs, it derives from individual rogue officers who are "lazy" in their police work – here, we see [Bonilla-Silva's \(2018\)](#) minimization of racism frame in action. Good police work is difficult, dangerous, and detail-oriented, in ways that are much more nuanced than offered via the

temptation of stereotypical labels and race-based recipes for crime investigation or prevention. Moreover, the officers believed that those who were guilty of expedient, if ineffective, short-cuts to police work afforded by racial profiling should either be removed from the force or, preferably, screened out during the hiring process.

Our analysis found that this denial of racialized policing was underpinned by a commitment to fairness and equality of treatment regardless of race. This is what we refer to as “color-blind policing.” As a result, disparities revealed by analysis of traffic stop data were seen as reflecting differential behavior rather than police practices. At the same time, officers admitted to proactively using traffic stops as a means of “fishing for bad guys” who are viewed as more prevalent among some racial/ethnic groups. Here, the disproportionate scrutiny through post-stop questioning and searches aligns more with the stereotype of who commits crime through illusory correlation (Smith and Alpert 2007), given that white drivers are less likely to be searched but more likely to be found with contraband when searched. Yet the officers we interviewed claimed an overall “colorblindness” in their treatment of drivers. This contradiction must be explained.

Color-blind policing, which claims to be strongly opposed to explicitly racialized practices, masks subtle and complex practices of color-blind racism that form the underbelly of everyday policing. Moreover, the “colorblindness” claim is not a fixed construct but rather one that may start off blind (e.g., not being able to see the driver’s race when initiating a traffic stop) but becomes more racialized through the course of the stop. Future research should establish what kinds of face-to-face incidents trigger this escalation to racialization. It almost certainly has something to do with an individual’s demeanor, as our interview data suggest, in line with prior research (Engel, Sobol, and Worden 2000; Johnson 2017), as well as social and spatial context (Fagan and Geller 2015). More research is needed on how perceptions of demeanor are racialized. Holding a standard of authoritative dominance with the expectation of total submission during encounters disregards how these actions may be cross-culturally read as aggressive, disrespectful, and/or hostile (e.g., see Brunson 2007; Gau and Brunson 2015).

Further, this posture demonstrates 1) a disregard for historical context and the experiences of community members who are often racially stereotyped, 2) how they view the police, and 3) the long-term effects of this dynamic on health and well-being (e.g., Geller et al. 2014). That officers refer to hostile encounters as the result of media hype of officer-perpetrated community member killings, particularly of black males, fails to address the seriousness of what may be seen as police disregard for the humanity of the individual and their community. When officers fail to recognize differences in cultural practices, such as “a group of young males in a car” and “being in the wrong neighborhood” or “out of place,” these are codes for racialized actions that result in people of color being disproportionately subject to police scrutiny. These narratives have roots in both the Jim Crow era (Muhammad 2010; Williams 2015) and a parallel Juan Crow era of policing of Latinx people (Carrigan and Webb 2013). Moreover, our analysis revealed that officers are unaware of how superficially neutral practices can be racialized, such as tactics that target specific neighborhoods which are predominantly populated by people of color. Thus, the interplay of individual community member demeanor and place/context of police-community encounters needs further research.

Finally, our analysis reveals how a range of excuses and justifications negate the question of race affecting officer decision-making. In order to produce a racialized system of law enforcement, these accounts do not have to be the actions, words, or thoughts of any one officer. Rather, these accounts accumulate to form a pattern of micro-racialized fragments that constitute a racialized system of law enforcement cloaked in the morality of neutrality. In other words, the explicit anti-racism of departments focused on direct racist actions by its officers succumbs to, and harbors, a diffused systemic racialization at the meso- and macro-levels, exhibited over the “life course” of the traffic stop from relatively less to relatively more racialized scrutiny. No one officer need be racist, when each officer contributes their own cluster of racial insensitivities, fears, and/or ignorance, that together comprise a

uniform fog of color-blind racism for which no single officer is accountable, and no amount of officer training is going to change.

How does a police agency prevent its officers, acting under the haze of cumulative racialization, from perpetuating racism? It would seem that three measures could be taken to prevent this process from escalating or to reduce its dynamic racialization: 1) reducing racial subjugation submerged below the surface of routine police practice; 2) using evidence-based practices to minimize unnecessary face-to-face encounters; and 3) reimagining the purpose of traffic stops – and more broadly, other forms of “routine” police practices – toward de-escalation, education, and enlightened engagement with diverse communities.

The first of the three measures outlined above requires a genuinely open dialog among police departments, with community residents, and among police officers that goes beyond superficial denials of explicit racism and recognizes that racialization is a process that operates at different levels of complexity that change over the course of police-community interactions. In doing so, officers and department leaders must hear and acknowledge the lived experiences of people who have been subject to disproportionate police scrutiny. Rejection of explicit racism alone is insufficient to address the progressive micro-racial aggression that emerges at key points during these encounters and that is enabled by meso- and macro-level factors.

Police leaders must play a central role in this shift by considering how institutional forces, such as “tough on crime” discourses and lack of departmental accountability for racial disparities, contribute to the continued polarization both of media coverage of policing and of police-community relations overall. We argue that this cannot be accomplished through implicit bias training alone. For example, the SDPD chief at the time publicly “neutralized” the traffic stop report by stating that SDPD officers go through implicit bias training but that “every human being has bias” (Moran 2016; Rice 2017). This highlights the important question of how seriously officers understand the substance of implicit bias training or whether they simply see it as a necessary strategy to defend their department against criticism by outsiders. Rather than acknowledging that racial disparities exist and are a product of the more subtle social processes that produce racialized policing, the SDPD chief stated:

Our department’s training far exceeds all of the elements of the [programs referred to in the SDSU study]” . . . adding that the programs officers complete go beyond requirements laid out by the state’s POST (Peace Officer Standards and Training) Commission . . . “The feedback has been overwhelmingly positive . . . to existing programming. Some of the comments we’re getting on the training we’ve been doing over the last couple of years — emotion intelligence, effective interaction, procedural injustice, implicit and explicit bias — this training involves things officers can use every day. (Rice 2017)

The problem with this response from police leadership is that it does not seek to understand the implications of the findings of such research, but rather counters it with a list of checked boxes to claim that they are already dealing with the problem. Instead, a more constructive response would be to take these kinds of studies as a starting point to enhance or restructure training – and even to eliminate aspects of training that are found to indirectly facilitate racialized practices around police interactions with communities of color. In other words, such research should be a catalyst to produce ongoing, dynamic training that actively engages officers in deeper reflection on the contexts in which they operate. This would provide an avenue to hold officers and departments accountable to changing their training and practices in ways that are respectful of others’ humanity.

The second measure urges police agencies to eliminate unnecessary police-community contact involving traffic stops. The benefits of traffic stops as an investigative tool are modest at best, with substantial costs in terms of potential negative – and even deadly – outcomes (Baumgartner, Epp, and Shoub 2018; Epp et al. 2014). Instead, departments should maximize their use of evidence-based practices, both for road safety (e.g., aggressive enforcement where data show the risk of accidents is

higher) and crime control (e.g., by assessing how stops affect crime control and by concretely defining crime control “success,” such as a threshold for contraband “hit rate” beyond which stops are considered effective practice). This ties enforcement to data and reduces officer discretion, which is the conduit of much of the racialized decision-making noted here. Of course, this will also disrupt the racially-charged post-stop search and its “fishing” element.

Finally, there is a fundamental need for police departments to reimagine the purpose of traffic stops toward de-escalation, education, and engagement, and to ground this in evidence-based practices, which to-date have not been extensively implemented (Todak 2017). Rather than have formal policies around “equal treatment,” when cultures and subcultures are so different, we suggest moving from a model of formal rationality to one of substantive justice framed around cultural relativism, which adapts to the cultural needs of the context and is especially necessary in communities that are deeply racially divided (Hasisi 2008). Immersion in the norms and values of various cultures and an engagement in their discourse would cultivate the kind of cross-cultural sensibilities necessary to reshape police-community encounters.

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