Interactions Between African Americans and Police Officers: How Cultural Stereotypes Create a Wrongful Conviction Pipeline for African Americans

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Interactions between African Americans and Police Officers:

How Cultural Stereotypes Create a Wrongful Conviction Pipeline for African Americans

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**Introduction**

Erroneous convictions are not as rare as one might expect and when they occur, the wrongfully accused are more often African American than White: Of those who were wrongfully convicted and later exonerated in the last quarter century, 47% were African American (The National Registry of Exonerations, 2013), even though only 13% of the U.S. population is (Rastogi, Johnson, Höeffel, & Drewery, 2011). Yet Gould, Carrano, Leo, and Young’s (2013) recent analysis of miscarriages of justice indicated that race does not reliably differentiate between cases in which innocent defendants are wrongfully convicted as opposed to rightfully acquitted. They suggested that, rather than explaining what goes wrong at the plea or trial stage of the criminal justice process, race may be more important for understanding why innocent individuals erroneously enter the justice system in the first place. Indeed, every wrongful conviction can be traced back to the initial erroneous classification of an innocent person as guilty, the first of a series of mistakes made by the police and other criminal justice professionals (for review, see Leo & Drizin, 2010). The potential for race to lead to misclassification errors is demonstrated by the recent judgment in the class-action civil rights trial *Floyd v. City of New York* (2013). A federal judge determined that thousands of African Americans and Latinos had been illegally stopped, questioned, or frisked on the basis of discriminatory practices enacted by the New York Police Department (NYPD)—in fact, 90% of African Americans stopped by the NYPD in 2012 were innocent (New York Civil Liberties Union [NYCLU], 2013).

Disproportionate police contact with African Americans has been shown to result from socio-structural and institutional characteristics of communities and policing organizations (e.g., Beckett, Nyrop, Pfingst, & Bowen, 2005; Engel, Smith, & Cullen, 2012; Gelman, Fagan, & Kiss, 2005; Sampson & Raudenbush, 2004). The most common explanation for African Americans’
overrepresentation in stops, searches, and arrests rests on the assertion that the criminal justice system at large, police departments’ policies, and individual officers are racially biased (e.g., Coker, 2003). But racial disparities in criminal justice outcomes cannot be so easily explained, because, even absent any racial animus, a variety of social psychological processes contribute to an increased likelihood of misclassification errors and subsequent wrongful convictions for African Americans as compared to White Americans. In this chapter I examine how cultural stereotypes that depict African Americans as criminals affect both African Americans' reactions to police officers and police officers' perceptions and judgments of African Americans.¹ My focus is on these police encounters because this is the step that sets the remaining chain of events in motion. That is, there are many subsequent steps in the criminal justice continuum at which racial disparities might appear (e.g., in charging decisions, jury voir dire, and verdicts), but it is the initial police interaction that creates these opportunities. Finally, I discuss how knowledge about these social psychological processes might be used to inform research and practice in the criminal justice system to improve racial equity.

Stepping Back:

Understanding How Stereotypes of African Americans Influence Police-Citizen Encounters

There is an abundance of scientific research evidencing the many harmful consequences that negative beliefs about African Americans produce. Particularly relevant for understanding the origins of racial disparities in wrongful convictions is the widely documented stereotype that depicts African Americans as violent and prone to crime (see, e.g., Oliver, 2003; Rome, 2004; Welch, 2007). Duru (2004) traced the roots of this stereotype to the sixteenth century, when European explorers first encountered and enslaved African men. Yet, modern studies show that this stereotype continues to be a part of our culture. For instance, aggressiveness and a tendency
toward violence are identified as stereotypical attributes of African Americans by both White and African Americans (Kreuger, 1996; Madon et al., 2001) and criminality and hostility are among the features most commonly endorsed as stereotypic of African Americans by both high-prejudiced and low-prejudiced White Americans (Devine, 1989; Devine & Elliot, 1995). How does this stereotype bias African Americans’ and police officers’ expectations for their encounters with each other? What psychological processes explain how this stereotype puts African Americans at greater risk than White Americans of being misclassified as suspects and, ultimately, wrongfully convicted?

**How the Stereotype Influences African Americans’ Reactions to Police Officers**

Recent theory suggests that the negative cultural stereotype of African American criminality might actually cause African Americans to behave more suspiciously than White Americans when interacting with the police (Najdowski, 2011, 2012). The underlying premise of this work is that African Americans are concerned about being judged and treated unfairly by police due to the stereotype about their racial group—that is, African Americans experience stereotype threat in police encounters. This is consequential because stereotype threat has been shown to have unintended effects on psychological functioning that inadvertently increase the likelihood that an individual will be perceived as confirming a stereotype about the group to which he or she belongs. For example, when the stereotype that African Americans are low in intelligence is salient, African American students underperform relative to White American students on standardized tests (Steele & Aronson, 1995). In the context of police encounters, stereotype threat could have detrimental consequences because threat and its psychological correlates (i.e., anxiety and arousal, self-regulatory efforts, cognitive load; see Schmader, Johns, & Forbes, 2008) produce nonverbal behaviors that are, ironically, the same as those that police
commonly perceive as indicative of deception or guilt. For example, gay men who are primed to think of the stereotype that depicts them as child molesters and, thus, induced to feel stereotype threat, are perceived by observers as more anxious than non-primed, non-threatened gay men (Bosson, Haymovitz, & Pinel, 2004). And, in general, police believe that nonverbal cues to deception include social anxiety (Vrij & Winkel, 1992) and tense and nervous facial expressions and postures (Akehurst, Köhnken, Vrij, & Bull, 1996; Vrij, Akehurst, & Knight, 2006). In fact, there is considerable overlap between the nonverbal behaviors that are caused by stereotype threat and related psychological processes and those that the police associate with deception (for review, see Najdowski, 2011). Given that innocent African Americans might experience stereotype threat and, in turn, behave in ways that are associated with lying (e.g., appear nervous, have more speech disturbances), police officers' beliefs about the ability of nonverbal cues to reveal deception might be inaccurate. As a result, police officers might misclassify more innocent African than White Americans as guilty.²

Considering that this theoretical process could have such serious consequences, it is critical to understand whether African Americans do, in fact, experience stereotype threat in police encounters. Preliminary support for this hypothesis can be garnered from studies showing that most African Americans are aware that they are stereotypically depicted as criminals. As noted previously, African Americans perceive that the cultural stereotype characterizes their racial group as prone to violence (Kreuger, 1996). In addition, Sigelman and Tuch's (1997) research on meta-stereotypes revealed that 82% of African Americans think they are perceived as violent by White Americans. African Americans, compared to White Americans, are also more likely to think that they are treated unfairly by police officers (Hagan & Albanetti, 1982;
Hagan, Shedd, & Payne, 2005; Ludwig, 2003), and that racial profiling is widespread (Carlson, 2004; Ludwig, 2003).

More direct evidence that African Americans experience police-induced stereotype threat comes from two studies my colleagues and I conducted (Najdowski, Bottoms, & Goff, 2013). In the first study, we surveyed 49 African American and 184 White undergraduate students and found that African Americans were significantly more likely to agree with statements like, "I worry that police officers might stereotype me as a criminal because of my race." That is, as expected, African Americans were more likely to agree that they experience stereotype threat in police encounters than were White Americans. In the second study, we asked 38 African American and 96 White men to imagine what it would be like if, as they were walking down the street at night carrying a backpack, a police officer exited a store just ahead of them and then stopped and watched them as they approached. In response to an open-ended question about what they would think and feel in the imagined encounter, 33% of African American men, compared to only 2% of White men, spontaneously made statements that indicated they would experience stereotype threat (e.g., “I would think ‘typical’ cop. They always suspect the tall Black man”). African American men were also significantly more likely than White men to anticipate feeling both stereotype threat and concern that the police officer might accuse them of doing something wrong.

I extended these studies by conducting a third study in which 40 African American and 39 White men came face to face with a White security officer in an elaborate staged encounter (Najdowski, 2012). Each participant came to the laboratory individually. After completing a variety of control measures and demographics items, the participant read an article on a Kindle Fire. While he was reading, the experimenter made an excuse to leave the laboratory. The
confederate security officer then approached a water fountain next to the laboratory, pretended to receive a call and talked into his cell phone, acted as though he noticed the participant, ended the pretend call, and then approached the participant. The extent to which the stereotype about African Americans and crime was relevant in the encounter was varied to examine whether stereotype threat manifests in only certain conditions or in any encounter with a law enforcement figure. In the high-stereotype-relevance condition, the officer noted that a woman had “just reported having her wallet stolen, and a little computer just like that,” and asked several investigatory questions (e.g., “Is that tablet computer yours?”). In the low-stereotype-relevance condition, the officer asked for directions to a meeting. In both conditions, the officer next pretended to receive another call, said into his phone, “I think I’m just around the corner from there so I’ll go check it out,” and departed. The experimenter returned to the laboratory, and the participant completed more measures, including items assessing stereotype threat. Participants were surreptitiously videotaped during the encounter and their behavior was coded for a variety of nonverbal cues that police commonly associate with deception.

The results revealed that the stereotype threat effect found in my earlier studies generalized to a realistic encounter with a White security officer: Compared to White Americans, African Americans were significantly more concerned that the officer would be influenced by racial stereotypes and suspect participants of having committed a crime. Analyses revealed that race did not significantly influence the frequency with which participants averted their gaze, smiled, gestured, moved their heads, or shifted position. Compared to White Americans, however, African Americans used significantly fewer self-adaptors (movements involving touching and manipulating one’s own body) and appeared significantly more nervous overall. Although the former effect is inconsistent with my hypothesis—law enforcement officers
generally associate more self-adaptors with lying (Vrij & Semin, 1996)—the latter effect was predicted and in line with my hypothesis—as mentioned previously, police officers generally perceive tense and nervous expressions and postures as deceptive behaviors (e.g., Akehurst et al., 1996). As hypothesized, the main effect of race on nervous appearance was mediated by stereotype threat. Thus, expecting to be judged and treated unfairly due to the negative stereotype of African American criminality appears to cause African Americans to behave differently—more "suspiciously"—than White Americans in encounters with police-type figures.

Of importance, the main effects of race were not moderated by stereotype relevance (i.e., whether the officer was investigating a crime or asking for directions). It appears that situational factors that signal risk of being stereotyped might not influence African Americans' feelings and behavior above and beyond general beliefs about the extent to which the police are biased. Even so, high as opposed to low stereotype relevance did relate to significantly more stereotype threat as well as significantly more eye contact, less smiling, and more nervous appearance. Further, the last effect was also mediated by stereotype threat. That is, when the officer contact was investigatory versus not, participants were more likely to feel threat and, in turn, appear nervous. Thus, simply perceiving that one is being treated like a suspect increases the likelihood that one will indeed appear suspicious.

Taken together, these studies provide compelling evidence that African Americans do experience stereotype threat when they encounter police officers and that stereotype threat, in turn, translates into suspicious-looking nervous behavior. The significance of this finding cannot be understated because police often rely on suspect behavior when determining what actions to take, including whether to arrest or not (e.g., Stroshine, Alpert, & Dunham, 2008). Indeed, NYPD officers cited citizens’ “furtive movements” as the reason for 52% of street stops in 2012.
Further, my own analysis of the NYPD stop-and-frisk data for 2012 (NYPD, 2013) revealed that furtive movements were used to explain stops significantly more often when citizens were African American (54%) rather than White American (44%), $\chi^2 (1, n = 334,595) = 1,669.02, p < .001, \phi = .07$.

**How the Stereotype Influences Police Officers' Perceptions and Judgments of African Americans**

As it turns out, African Americans might be justified in their concerns about being perceived unfairly by police officers because of the African American criminal stereotype. A substantial body of social and social cognitive research has established that the cultural stereotype of African American criminality can have a subtle yet biasing influence on the way that people perceive individuals, process information, and form judgments, even absent any conscious bias on the part of the perceiver (e.g., Devine, 1989; Eberhardt, Goff, Purdie, & Davies, 2004). This means that the African American criminal stereotype can unconsciously and automatically influence what police officers see when they encounter African American citizens, how officers interpret what they see, and how they decide to act in response (for review, see Trope & Liberman, 1996). It does so by causing the concepts of race and crime to be inextricably and automatically linked, with thoughts of one leading to thoughts of the other, as illustrated in an elegant set of studies conducted by Eberhardt and colleagues (2004). In one study, the researchers subliminally primed participants with either African American or White faces by showing them pictures so quickly that they could not be consciously registered. Following the priming manipulation, participants were shown a series of initially degraded but increasingly clear images of crime-related objects (e.g., guns, badges) and non-crime-related objects (e.g., staplers, keys). Participants who had been primed with White faces identified objects just as
quickly regardless of whether they were related to crime or not, but those who had been primed to view African American faces identified the objects more quickly when they were related to crime than when they were not. As summarized by Richardson and Goff (2012), “the mere presence of Blackness made it easier to see crime than when Blackness was absent” (p. 303, emphasis as original).

Eberhardt and colleagues (2004) showed that the effect is reciprocal, too. In another study, police-officer participants were either subliminally presented with either crime-relevant words (e.g., violent, arrest) or not. Police officers then completed a dot-probe task, in which African American and White faces were presented on a screen simultaneously for less than one second, followed by a dot where one of the faces had been. Those who had been primed with crime-relevant words were able to find the dot more quickly when it was positioned behind an African American face than when it was positioned behind a White face. This result suggests that police officers who had been induced unconsciously to think about crime paid more visual attention to African American faces than White faces.

These stereotypic associations have the potential to disadvantage African Americans in police encounters in a variety of ways. To begin with, it can bias the way individuals are perceived in the first place. In yet another study by Eberhardt and colleagues (2004), police officers rated African American faces as looking more criminal than White faces. Hurwitz and Peffley (1997) found that White participants who reported more negative stereotypes were more likely to think that a hypothetical African American suspect accused of crime was guilty, prone to commit crime again in the future, unamenable to rehabilitation, and deserving of punitive outcomes. Graham and Lowery (2004) found similar results after experimentally manipulating the accessibility of stereotypes about African Americans prior to having police- and probation-
officer participants read vignettes describing juvenile offenders accused of crimes. The race of the juvenile was never stated, but officers who were primed to think of stereotypes about African Americans via subliminal exposure to words such as “homeboy” and “ghetto” perceived the juvenile as more mature, violent, culpable, and deserving of punishment compared to officers who were primed with race-neutral words (e.g., toothache, summer).

In addition, the African American criminal stereotype might lead police officers to interpret the same actions differently based on whether the individual who carries them out is African American or White. For example, Duncan (1976) found that White participants characterized an ambiguous shove as more violent when the confederate actor was African American rather than White. Devine (1989) extended from this finding by showing that White participants who were primed with African American racial labels or racially stereotypic words considered a race-unidentified actor’s ambiguous behaviors to be more hostile than did participants who were not primed. Therefore, even if stereotype threat does not influence African Americans to appear more suspicious-looking than White Americans in police encounters (Najdowski, 2012), it is likely that police will be biased to perceive African Americans’ behaviors as more deceptive and criminal than White Americans’ regardless.

Finally, the cultural stereotype can also influence police officers’ decisions about how to act in encounters with African American citizens, including actions that have deadly consequences. Specifically, Payne (2001) found that subliminal exposure to an African American face caused non-African American undergraduates to mistakenly identify objects as weapons more quickly and more often than did exposure to a White American face. Further, using a videogame to simulate encounters with citizens who are holding either guns or other objects, Correll and colleagues have demonstrated repeatedly that participants who are instructed
to shoot armed targets are quicker and more accurate in deciding to shoot armed targets who are African American rather than White American, and slower and less accurate in deciding to not shoot unarmed targets who are African American rather than White American (Correll, Park, Judd, & Wittenbrink, 2002; Correll, Park, Judd, & Wittenbrink, 2007; Correll, Park, Judd, Wittenbrink, Sadler, & Keesee, 2007; Correll, Urland, & Ito, 2006). Correll et al.’s (2006) research indicated that the racial bias in shooting decisions results from both perceiving African American targets as more threatening than White American targets and the tendency to shoot being inhibited more by White American targets than African American targets. Thus, simply encountering an African American citizen rather than a White American citizen may increase the likelihood that police officers will see guns where there are none and decide to shoot in response. Studies such as these have been used to explain the 1999 wrongful shooting of Amadou Diallo, a 23-year-old African immigrant who was shot nineteen times by four New York Police Department officers who mistook his wallet for a gun. Even so, Correll, Park, Judd, Wittenbrink, Sadler, and Keesee (2007) found that, although police were just as likely as community members to exhibit racial bias in the time it took to decide whether to shoot a target, police were less likely to exhibit racial bias in the accuracy of their shooting decisions (i.e., they were less likely to mistakenly shoot an unarmed African American man or to not shoot an armed White American man), probably due to their training and expertise.

There is some evidence that the racial bias found in the studies reviewed herein might be stronger in those who have stronger automatic associations between race and crime. For instance, Donders, Correll, and Wittenbrink (2008) found that, the more participants automatically associated African Americans with the concepts of danger, crime, violence, and murder, the more quickly and longer they visually attended to African American versus White American
faces in a dot-probe task. Also, Correll and colleagues (2002, 2006) found that the more participants reported that cultural stereotypes depict African Americans as violent, the more biased they were in their responses on the shooter task. Finally, Correll, Park, Judd, and Wittenbrink (2007) demonstrated that experimentally increasing the accessibility of the African American criminal stereotype (by having participants read newspaper stories about a African American versus White American criminal or exposing participants to more African American versus White American targets with guns) exacerbated racial bias in shooting decisions.

But it is important to note that one may be well aware of the ways that African Americans are negatively stereotyped without personally accepting or endorsing such beliefs (i.e., without being racially prejudiced; see Allport, 1954). For example, although Devine and Elliot (1995) found that 84% of high-prejudiced and 78% of low-prejudiced White Americans identified “criminal” as part of the cultural stereotype of African Americans, only 44% of high-prejudiced and 0% of low-prejudiced White Americans personally characterized African Americans as criminals (see also Kreuger, 1996). Indeed, many researchers have included measures of explicit racial prejudice in their studies to determine whether it leads to more negative responses to African Americans as compared to White Americans. The consensus seems to be that conscious or explicit racial prejudice does not explain bias beyond the effects of automatic stereotypic associations between race and crime (see Devine 1989; Donders et al., 2008; Correll et al., 2002, 2006; Eberhardt et al., 2004; Graham & Lowery, 2004). Correll et al. (2002) even showed that African American community-member participants were just as likely as White Americans to be racially biased in their response times and decisions on the shooter task.
Thus, it appears that police officers who are primed with the African American criminal stereotype, via either racial or crime-related cues, are probably automatically inclined to make stereotype-consistent inferences of criminality when they encounter African American citizens, whether officers are prejudiced or not. Considering the social psychological literature on confirmation bias in hypothesis testing, it is likely that the stereotype of African American criminality becomes the hypothesis that police officers unwittingly try to prove. This process involves increasing the likelihood that the hypothesis will be confirmed by assuming it is true, focusing attention on evidence that confirms the stereotype, and ignoring alternative explanations for such evidence. (For reviews, see Gilovich, 1993; Nickerson, 1998; Nisbett & Ross, 1980; Snyder & Stukas, 1999; Trope & Liberman, 1996.) As Nickerson (1998) stated, “once a person is convinced that members of a specific group behave in certain ways, he or she is more likely to seek and find evidence to support the belief than evidence to oppose it, somewhat independently of the facts” (p. 183). Indeed, police officers who are generally biased to presume guilt have been shown to engage in biased hypothesis testing in ways that are likely to lead to wrongful convictions (see, e.g., Ask & Granhag, 2005, 2007; Findley & Scott, 2006; Kerstholt & Eikelboom, 2007; Martin, 2001; Meissner & Kassin, 2002; O’Brien, 2009).

Confirmatory hypothesis testing could explain why African Americans are perceived as more “criminal” than White Americans (Eberhardt et al., 2004), and why the same behaviors are interpreted as more violent and more hostile when the actor is African American rather than White American (Duncan, 1976; Devine, 1989). That is, those who more strongly associate African American race with crime may attend more readily to features and characteristics that lead African Americans to be seen as stereotypical, including, for example, suspicious-looking nonverbal behavior. Stereotypic associations could lead police officers to focus on citizens’
nonverbal behaviors in an effort to find evidence that they are behaving suspiciously. Considering that stereotype threat leads African Americans to appear nervous in police encounters, it is likely that police officers will see innocent African Americans as suspicious without considering alternative explanations for why they might be nervous. Because stereotype threat can produce the same nonverbal behaviors police associate with deception, police officers might make inaccurate suspicion judgments on the basis of evidence that has limited diagnostic value. Further, people require less evidence to judge that an individual has a trait when it is stereotype-consistent than when it is not (Biernat, Ma, & Nario-Redmond, 2008), so it may be easier for police to see African Americans as stereotypical criminals rather than innocent. Thus, the stereotype that depicts African Americans as prone to crime can directly influence police officers' and other law enforcement officials’ perceptions in ways that lead them to mistakenly target innocent African Americans as criminal suspects and to make more misclassification errors and wrongful convictions of African Americans than White Americans.

**Moving Forward:**

**Understanding How Stereotypes of African Americans Contribute to Wrongful Convictions**

The social psychological science reviewed herein shows that African Americans are concerned that police officers will stereotype them as criminals, and this stereotype threat leads African Americans to be more likely than White Americans to behave in ways that could appear suspicious to police officers (Najdowski, 2012). And, indeed, simply by virtue of living in a culture in which African Americans are stereotyped as criminals, police officers are biased to see criminality more when they encounter African Americans as compared to White Americans (e.g., Eberhardt et al., 2004). Yet the source of racial disparities in criminal justice outcomes, including
wrongful convictions, cannot be pinpointed to only African Americans’ concerns and behavior in police encounters or police officers’ unconscious but biased predispositions. Both African Americans and police officers approach their encounters with each other with biased expectations based at the broadest level of the cultural stereotype of African American criminality. Thus, these separate areas of research should be integrated in a dynamic process approach to understand how police-citizen encounters unfold and how the stereotype contributes to racial disparities in wrongful convictions.

For example, to understand more fully the impact that African Americans’ stereotype threat has on police officers’ perceptions and judgments, I will have police officers view videos of participants from the Najdowski (2012) study. In that study, as described above, African American participants in a staged encounter with a security officer reported experiencing more stereotype threat and behaved more nervously than did White participants. I propose that the degree to which participants experience stereotype threat will predict police officers’ ratings of how suspicious the participants look and how likely the officers would be to initiate investigatory contact with the participants. I will also test whether the spontaneous cognitive accessibility of the African American criminal stereotype, priming of stereotype-related concepts, or personal endorsement of the stereotype increases the likelihood that police officers will perceive behavior as suspicious, engage in biased hypothesis testing, and/or initiate investigatory contact in response to videos of African American versus White participants. This future research will clarify the roles that stereotype threat, implicit race-crime associations, and explicit prejudice have in leading African Americans to be disproportionally more likely than White Americans to be targeted by the police as suspects. This is critical to understanding whether African Americans’ stereotype-threat-induced nervous behaviors are misinterpreted by police officers as
“furtive movements,” and whether this initial erroneous classification of innocent African Americans as guilty sets the stage for wrongful convictions.

The threat of being accused of a crime not committed might lead African Americans to engage in nonverbal behavior that makes them appear nervous or suspicious before a police encounter even begins, but it is also important to understand how biased expectations influence African Americans and police officers after contact has been initiated. According to theories on self-fulfilling prophecies and behavioral confirmation (Gilovich, 1993; Nickerson, 1998; Snyder & Stukas, 1999), based on the hypothesis that the African American criminal stereotype is true, a police officer might approach African American citizens with the presumption of guilt. An innocent African American citizen might perceive that the officer believes he or she is guilty, and, inadvertently, respond by behaving in ways that the officer perceives as deceptive or suspicious. Research bears this out. For example, Hill, Memon, and McGeorge, (2008) found that observers rated mock suspects as more nervous and defensive and their denials as less plausible when suspects were paired with an interviewer who asked guilt-presumptive questions versus neutral questions, and these effects tended to be stronger for suspects who were innocent than those who were guilty. Observers also rated Kassin, Goldstein, and Savitsky’s (2003) mock suspects as more defensive when they were interviewed by an investigator who expected suspects to be guilty rather than innocent, regardless of suspects’ actual guilt status. Further, when suspects are paired with a guilt-presumptive interviewer, they are more likely than other suspects to be judged guilty by not only third-party observers but also by the guilt-presumptive interviewers (Kassin et al., 2003; Hill et al., 2008). In addition, Kassin and colleagues found that interviewers who had high guilt expectations rather than low guilt expectations were perceived by others and also saw themselves as exerting more pressure on suspects and trying harder to get
a confession, particularly when suspects were innocent rather than guilty. In fact, interviewers used more coercive techniques when questioning innocent suspects than guilty suspects. These kinds of effects are probably amplified for African American citizens compared to White citizens because African Americans are already concerned about being misperceived as criminals and prone to exhibiting the kinds of behaviors that police officers interpret as evidence of guilt. Thus, self-fulfilling prophecies and behavioral confirmation might create a vicious cycle whereby police officers search for information in biased ways that confirm their presumptions of African Americans’ criminality, African Americans then react in ways that officers perceive as confirming their presumptions, and officers, increasingly convinced of African American suspects’ guilt, engage in increasingly adversarial tactics. All of this could serve to escalate tension between African Americans and police officers during their encounters. Taken together, these processes might increase the likelihood that innocent African Americans will enter the criminal justice system. Indeed, 3% of African Americans who were stopped by the NYPD in 2012 on the basis of furtive movements were arrested, even though they were not found to be carrying any contraband or weapons (NYPD, 2013). Although some of these individuals were certainly guilty of the crimes for which they were arrested, others may not have been.

Once in the criminal justice system, a series of checks and balances should prevent such innocent individuals from being erroneously convicted, but the cultural stereotype of African American criminality can also contribute to system failures. For instance, individuals who are thought to “fit a relevant description” might be presented to witnesses in lineups or photo spreads, a significant issue not only because mistaken identifications are one of the leading causes of wrongful convictions, but also because they occur most commonly in cases involving White American witnesses and African American suspects (The National Registry of Exonerations,
This could be a particular concern for highly stereotypical African Americans (e.g., those with dark skin, broad noses) given that research has shown that highly stereotypical African American faces are perceived as more criminal than not only White faces but also less stereotypical African American faces (Eberhardt et al., 2004; see also Eberhardt, Davies, Purdie-Vaughns, & Johnson, 2006).

The stereotype of African American criminality could also increase the likelihood of wrongful convictions after innocent African Americans enter the system because of stereotype threat and related behavioral manifestations in evaluative contexts. For example, to the extent that stereotype threat leads African Americans to appear nervous, investigating officers, prosecutors, judges, and jurors might doubt their credibility when they assert their innocence (see Najdowski, 2011, 2012). In addition, the stereotype might provide a hypothesis that becomes the basis of confirmation bias and tunnel vision. That is, police and other legal decision makers might become so sure of an African American individual’s guilt, because it is consistent with the stereotype, that they do not search for or believe facts that suggest the individual is innocent. In some cases, criminal justice players have even been found to withhold such exculpatory evidence (e.g., in Glen Edward Chapman’s case, Chapman & Curry, 2010). Such tunnel vision has been linked to an increased likelihood for innocent individuals to be wrongfully convicted rather than have their charges dismissed or be acquitted (Gould et al., 2013).

It is easy to imagine how all of the dynamic psychological processes reviewed herein have the potential to increase the likelihood that innocent African Americans will erroneously enter the criminal justice system and, ultimately, be wrongfully convicted. But understanding these processes is key to being able to interrupt them. To the extent that African Americans’ encounters with police officers create a gateway to wrongful convictions, it is important to find
ways to close this gateway. In particular, it is necessary to ensure that African Americans do not have to live in fear that police officers will perceive them through the lens of the cultural stereotype, which fundamentally alters African Americans’ experiences of police encounters, and also to prevent police officers from being biased by the stereotype, consciously or unconsciously, which fundamentally alters their perceptions of African Americans.

Interventions aimed at increasing police legitimacy may be one strategy for achieving this goal, given that beliefs about the degree to which the police are perceived as procedurally just influence the extent to which citizens attribute police decisions and actions to racial bias (Tyler & Wakslak, 2004). For example, police officers could make a point to communicate dignity, respect, and neutrality in their interactions with African Americans and perhaps, in turn, alleviate African Americans’ concerns about being stereotyped as criminals. Evidence that such a strategy might be effective comes from Mazerolle, Antrobus, Bennett, and Tyler’s (2012) recent study. Results showed that actual traffic stops in which police officers used a script that highlighted citizen participation, dignity and respect, neutrality, and trustworthy motives were perceived as more procedurally just than were “business-as-usual” stops. Further, receiving the script led individuals to perceive the police as more just in general. Surely some police officers do not require a script to achieve this goal, but other officers may benefit from having these interaction components routinized into customary procedure. Ultimately, this could create trust that police officers will be fair and equal in their treatment of African and White Americans.

Another way to increase fair and just contacts between African Americans and police is to implement community policing programs, which emphasize building trust and relationships with members of the public (see, e.g., Skogan & Hartnett, 1997). In fact, increasing non-investigatory police contacts with African Americans might have the added benefit of changing
police officers’ expectations about encounters, too. That is, increasing police officers’ non-
stereotypic contacts with African Americans may, over time, reduce the strength of officers’
automatic associations between the concepts of race and crime, and in turn, officers’ tendency to
see African Americans’ skin color as evidence of criminality (see Allport, 1954; Turner,
Hewstone, & Voci, 2007; but see Henry & Hardin, 2006). Although the central aim of
community policing programs is to reduce crime and disorder, research should test whether
giving voice to African Americans in the community and increasing non-investigatory police
contacts also reduce stereotype threat and the resulting racial differences in behavior in police
encounters, police officers’ tendency to unconsciously associate race and crime, and, ultimately,
disparities in the misclassification of innocent African Americans as criminals. Evidence is
needed to determine whether police departments should prioritize programs that bolster
perceptions of police legitimacy and community trust in their agendas and budgets.

Other studies could focus on testing the effectiveness of training aimed at teaching police
officers to suppress stereotypes and instead inform their judgments with appropriate situational
and behavioral cues (see Lee, Bumgarner, Widner, & Luo, 2007). Indeed, education in prejudice
and conflict has been shown to be effective at reducing negative implicit racial associations
(Rudman, Ashmore, & Gary, 2001). Thus, it could be useful to train police officers about the
ways that automatic racial bias can influence their perceptions and decisions, and that, regardless
of how egalitarianly motivated they may be, nonbiased responses require the intentional
inhibition of automatically activated stereotypes (Devine, 1989). It could also prove fruitful to
train officers about how African Americans are affected by the cultural stereotype depicting
them as criminals. Such training could remind officers to check and control unconscious
processes and to consider alternative explanations for suspicious-looking nonverbal behavior throughout the course of their encounters with African American citizens.

**Conclusion**

The automatic biasing effects of the cultural stereotype of African American criminality on African Americans’ and police officers’ experiences with each other are pervasive and serious. As outlined in this chapter, the stereotype affects social psychological processes that, in turn, increase the likelihood that innocent African Americans will enter the criminal justice system. To summarize, the stereotype affects police-citizen encounters in ways that create a pipeline for the wrongful conviction of innocent African Americans. Yet there is evidence that minor procedural changes can lead police to be perceived more positively by citizens (Mazerolle et al., 2012), and training may inoculate police officers against biased perceptions and judgments (Correll, Park, Judd, Wittenbrink, Sadler, & Keesee, 2007). Such interventions could affect African Americans’ and police officers’ expectations in ways that enhance the fairness and justness of their interactions, as well as the outcomes thereof. To be certain, progress will be slow, because citizens’ preexisting attitudes shape the way that both personal and vicarious police encounters are perceived, and have more persistent effects than intervening experiences on future attitudes (Rosenbaum et al., 2005). But there is ample opportunity for research to shed light on ways to overcome the African American criminal stereotype and, and to make novel contributions to understanding racial issues related to actual innocence. As Nelson Mandela once noted, “It always seems impossible until it’s done.”
References


https://www.law.umich.edu/special/exoneration/Documents/NRE2012UPDATE4_1_13_FINAL.pdf


Footnotes

1 I focus here on the impact of cultural stereotypes on police officers’ encounters with African Americans as opposed to all or other minorities because most research to date has focused on African Americans. I expect, however, that the social psychological processes discussed herein generalize to other groups who are also stereotyped as criminals (e.g., Hispanics, Muslims).

2 It is worth noting that, although the racial discrepancy in wrongful conviction and exoneration rates has been found in cases involving rape, attempted murder, robbery, and drug crimes, the discrepancy is greatest in rape cases (The National Registry of Exonerations, 2013). Yet, one might argue that rape suspects comprise a minority of individuals affected by police-citizen encounters as described herein. However, many stops are initiated by police because a violent crime is suspected to have occurred and/or an individual “fits a relevant description”—these reasons, respectively, accounted for 11% and 17% of stops made by the NYPD in 2012 (NYCLU, 2013). Thus, it may be the case that, on occasion, African Americans are approached by police who are searching for suspected rapists, and that social psychological processes unfold in those cases as in any other. In fact, 60 stops made by the NYPD in 2012 resulted in arrests for rape and sexual offenses (NYPD, 2013). Although this constituted less than 1% of all arrests resulting from stops in that year and the actual guilt or innocence of the arrestees is unknown, it is also important to note that wrongful convictions, and racial disparities in rates, have likely been uncovered more often in cases involving rape as compared to other crimes. That is, rape exoneration primarily involve DNA identifications and no similar technique exists for proving innocence for other crimes that do not typically involve biological evidence (Gross, Jacoby, Matheson, Montgomery, & Patil, 2005).