

NORTHWESTERN UNIVERSITY

CENTER FOR PUBLIC SAFETY

Supervising a Diverse Policing Environment

Tom Ross

07.26

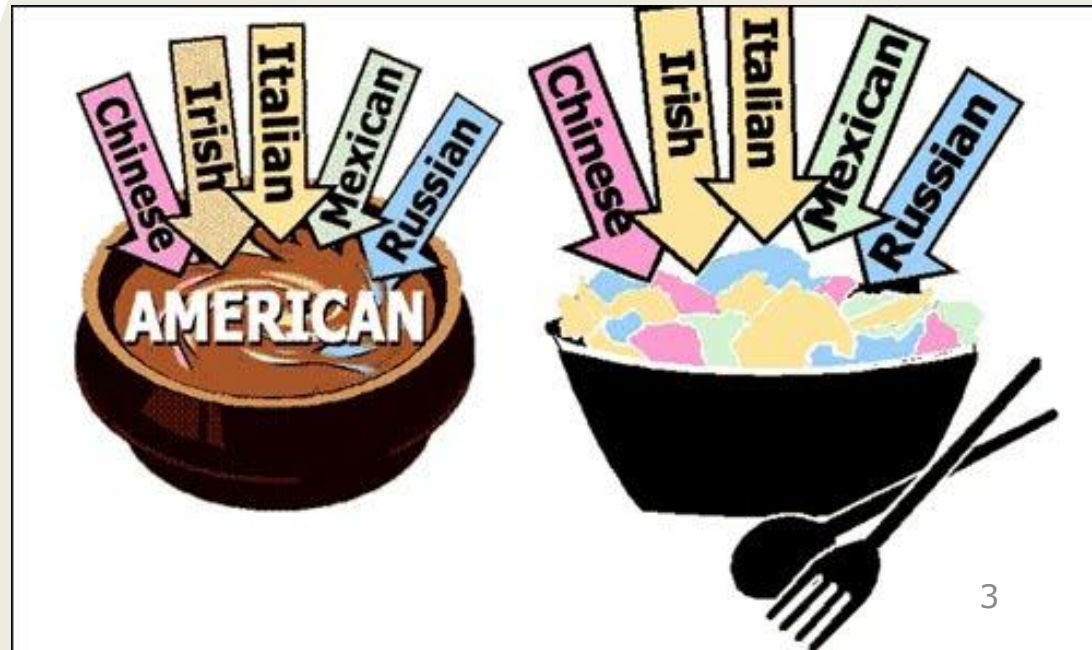


“Diversity is good. Pass it down.”

- ✓ Male
- ✓ White (Irish/Catholic)
- ✓ Over 60
- ✓ Straight
- ✓ Married
- ✓ Not disabled
- ✓ Not poor
- ✓ Conservative
- ✓ Suburban home owner
- ✓ Private (catholic) high school
- ✓ College educated (MA)
- ✓ 2 parent upbringing (middle class)



- Diversity is an important factor in American Society
- Criminal Justice Administrators are responsible for “insuring justice & domestic tranquility” for the American Society
- America is more a “salad bowl” than a “melting pot” -- Why?
- The Criminal Justice System has a responsibility for protecting diversity – meaning allowing for differences



That simple?

- The way it “should be” vs.
- The way it **IS**
- **Police** is the part of society who speak for those without a voice, to prevent “bullies” with position, wealth or power from taking over.
- **POLICE** = “the great equalizer” with the public we serve AND at work.

No Longer Tolerance/Acceptance Now Seek-Out & CELEBRATE

- Cookie cutter uniformity is not always so good!
- Different is not bad
- Diversity of opinions, experiences, backgrounds, and skills is VALUABLE

Bias & Groupthink

Bias can prevent the accurate identification, assessment, and mitigation of risk.

DIVERSITY is an antidote to bias and groupthink.

- General Stanly McChrystal (US Army, Retired)

Eyes OPEN!

You **HAVE TO** be aware of the past, and how that impacts today!



KEEP YOUR EYES OPEN

African Americans

***African Americans have a distinctly
DIFFERENT experience***

SLAVERY is America's
original sin.

Your month is.....every month



J U N E
LGBTQIA
PRIDE MONTH

Diversity Issues in Today's Multicultural Society

- **“Minority groups” could be more appropriately be called “Subordinate Groups”** and are those who have significantly less control over their lives than do dominant or majority groups
- Characteristics of **Subordinate Groups (disenfranchised,)**
 1. They experience unequal treatment and have less power over how they lives than the majority of people
 2. They share physical or cultural characteristics that distinguish them from the majority of people.
 3. Membership in their group is usually not voluntary and they are often born into their group.
 4. They usually have a strong sense of group solidarity and sometime form an “us versus them” approach to life.
 5. They generally marry others from the same group because of their solidarity.

Cultural Diversity

- What is “*Cultural Diversity*”
 - A term intended to show recognition that differences within society go beyond skin color and physical attributes.
 - Influences in culture also include:

-Race	-Sexual Orientation
-Gender	-Culture
-Ethnicity	-Disabilities
-Religion	-Marital Status
-Income	-Education
-Nationality	-Politics
-Physical traits	-Language

NOT Political Parties

Including....but not limited to....

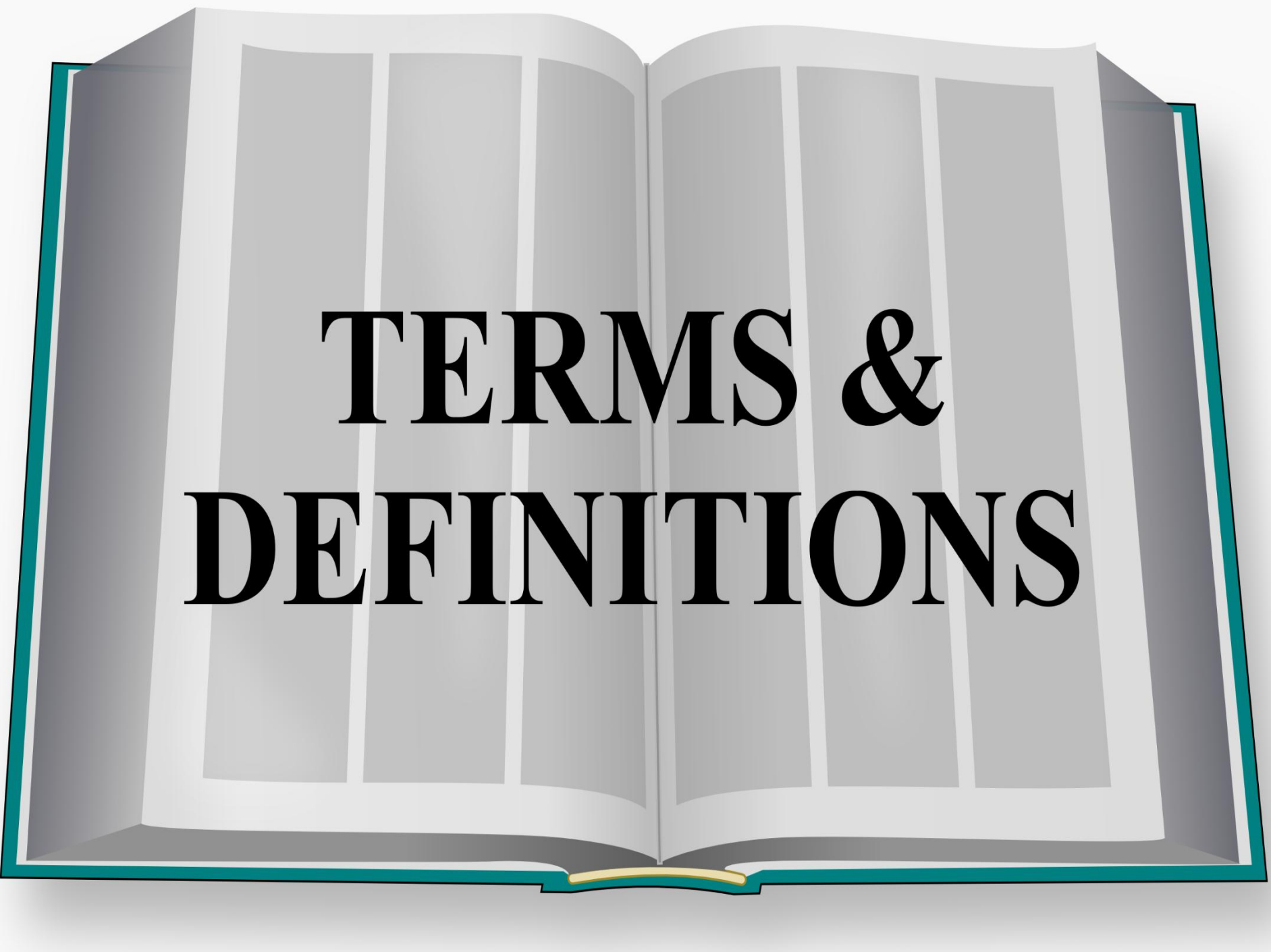
- African-American
- L.B.G.T.Q.I.A.+ rights
- Indigenous/Native/First Nations people & lands
- Latinx representation
- Xenophobia
- undocumented immigrants
- Indigent white communities (Appalachia)
- Antisemitism
- Anti-Asian

The “gots” and the “nots”

The HAVE & Have NOTs

- Privileged
 - Advantaged
 - Majority
 - Powerful
- Marginalized
 - Victim
 - Minority
 - Discriminated against
 - Power-less





TERMS & DEFINITIONS

Understanding Racism, Prejudice & Discrimination

Racism

= a **belief** that certain races are inherently superior to others

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= the natural tendency of humans to view their own culture and customs as right and superior, and to judge others as inferior.

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Criminal Justice System's Support of Discrimination--- the haves & have-nots, using "the system" to protect those in power or who have power?

Correction of Discrimination in Law

Recognition of unequal treatment of certain groups resulted in laws mandating protections for those groups. The Civil Rights Act of 1964 (CRA) prohibited discrimination against specific groups of people and created guidelines used to assess conformity to those prohibitions and improvement.

The Equal Employment Opportunity Commission was created to enforce FEDERAL anti-discrimination statutes involving employment matters.

Those Federal Laws - As a direct result of the desire to create a level playing field where citizens can be FAIRLY assessed

Affirmative Action: *Designed to increase the number of individuals in the workforce from underrepresented groups (as a % of their population in Society).*

Four steps to evaluate businesses and correct inequities using affirmative action strategies:

1. Analysis – determination of underrepresentation due to discrimination
2. Development of goals, timetables, and *actions* to correct deficiencies
3. Maintenance of databases
4. Monitoring to prevent reoccurrence



?QUESTION?

- Do Affirmative Action programs work in policing?
- Do they cause resentment?
- What about “Reverse Discrimination” issues?

Ancient History?

Are there people alive today who talked (first hand) to people who were slaves?



90 year old “Redoshi” (known as Sally Smith), in an instructional film released by the Department of Agriculture 1938 via The New York Times/Redu

<https://www.history.com/news/last-slave-ship-survivor-redoshi-clotilda>

- Slavery ends June 19, 1865 (Juneteenth)
- A woman born in 1848, would have been 17 years old, and worked as a slave up to 1865.
- That woman would be 92 years old in 1941 when WW II broke out
- A girl born in 1928 would have been 12 years old in 1941, listening to her 92-year-old great-grandmother who had been a slave
- That girl born in 1928 would be....98 today, in a nursing home – she personally talked to a slave

Thoughts

- An example of DISCRIMINATION:
 - A majority candidate is promoted over a more qualified minority candidate because the percentage of minority candidates exceeds the percentage of minorities in the population.
 - “We already are at 15% African Americans”
- Liability for behavior of PEERS as well as subordinates (“maybe” not superiors). So if you see/hear/know of another supervisor discriminating, you have a duty to act.

Fair $\neq$ Equal

Equality



Everyone gets the same support,
but outcomes are not equal.

Equity



Support is adjusted based on need,
so everyone can succeed.

Justice



Barriers are removed,
so everyone has equal opportunity.

Different Types of Discrimination

~ **Relative vs. Absolute**

~ **Total** Discrimination

Does one have to be prejudice to discriminate?

- **Inferior schools** – hard to get good teachers, time spent on remedial tasks, one size fits all, lowest “common” denominator before the class moves forward
- **Inferior health care** – drinking, drugs, nutrition, lack of exercise, diabetes, fast food, late hours, no sleep
- **Poor job record** – transportation issues, child care issues
- **No inherited wealth**
- **Inadequate counseling**, role leaders, examples, culture
- **Encumbrances** by need to care for elderly family & children of children
- **Criminal justice system involvement**, internet based background checks

Cultural Competency

The ability to competently interact with individuals from other cultures effectively; overcoming barriers to communication and distrust commonly present when members of two cultures interact in stressful situations.

Instruction in Cultural Competency can be formal or self-initiated—it is about gaining information:

- To be successful we need to understand the unique environments in our community and how to perform in them.
- Understanding leads to successful interactions, acceptance, appreciation, and ultimately a level of respect for (and from) other cultures within our communities.
- Mutual respect results in approval and legitimacy

Protected Classes Created (Civ. Rights Act 1964)

Designated for specific legal protections

(States added others)

Protected class is a term most commonly used to classify employees based on physical status. A Protected Class is a classification of people with specific characteristics or traits which previously resulted in unequal treatment, and for which discrimination and harassment is prohibited.

- **Race**
- **Color**
- **Religion**
- **National origin**
- **Age** (40 and over)
- **Sex**

Group exercise:

Title VII of the Civil Rights Act of 1964

prohibits employers or unions from discriminating against members of a protected class in 15 ways.

List as many as you can.

In United States federal anti-discrimination law, a protected class is a group of people with a common characteristic who are legally protected from discrimination on the basis of that characteristic. The following characteristics are "protected" by federal law:

1. Race (physical characteristics, common history) – Civil Rights Act of 1964
2. Color (of skin) – Civil Rights Act of 1964
3. National Origin – Civil Rights Act of 1964
4. Ethnic Background (language, culture, ancestry, social characteristics)
5. Religion (superhuman or higher power/or not) – Civil Rights Act of 1964
6. Creed (political, social, or religious)
7. Age (40 and over) – Age Discrimination in Employment Act of 1967
8. Sex (gender) – Equal Pay Act of 1963 and Civil Rights Act of 1964
9. The Equal Employment Opportunity Commission interprets 'sex' to include discrimination based on **sexual orientation** and **gender identity**
10. Pregnancy – Pregnancy Discrimination Act
11. Citizenship – Immigration Reform and Control Act
12. Familial status – Civil Rights Act of 1968 Title VIII: Housing cannot discriminate for having children, with an exception for senior housing
13. Disability status – Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990
14. Veteran status – Vietnam Era Veterans' Readjustment Assistance Act of 1974 and Uniformed Services Employment and Reemployment Rights Act
15. Genetic information – Genetic Information Nondiscrimination Act

Individual states can and do create other classes for protection under state law.

Primary & Secondary Diversity

“Primary”

- Characteristics that we are born with or cannot change.
 - Race, sex, disability, origin, orientation

“Secondary”

- Factors that are seen as changeable or that result from different backgrounds.
 - Income, marital status, religion

- Diversity - Inclusion - Tolerance - Acceptance - Pride - Diversity - Inclusion - Tolerance -

- Pride - Diversity - Inclusion - Tolerance - Acceptance - Pride - Diversity - Inclusion -

Race	Culture	Socio-economics	Gender Identity
Sex	Ethnicity	Religion	Physical Distinctions
National Origin	Age	Physical or Academic Ability	Sexual Orientation
Learning Style	Family Makeup	Genetic Information	Status as a Veteran

- Acceptance - Pride - Diversity - Inclusion - Tolerance - Acceptance - Pride - Diversity

- Inclusion - Tolerance - Acceptance - Pride - Diversity - Inclusion - Tolerance - Acceptance



**Would you like
a lawsuit with
that?**

15 Specific Employment Protections

Title VII of the Civil Rights Act of 1964 prohibits employers or unions from discriminating against members of a protected class in hiring, compensating, terms of employment, conditions of employment, privileges of employment, classifications, assignments, promotions, discipline, demoting, providing facilities, assigning facilities, training, retraining, and providing apprenticeships (where applicable).

Protections created by the CRA of 1964 included criteria upon which employment actions could be evaluated

Example:

TESTS USED FOR HIRING OF PROMOTION MUST BE:

- 1. VALID:** They must be able to measure what they are intended to measure;
- 2. RELIABLE:** They measure accurately what they are intended to measure consistently;
- 3. JOB RELATED:** Knowledge tested is relate to the job duties;
- 4. BONA FIDE OCCUPATIONAL QUALIFICATION:** Skills or attributes are actually needed to do the job.

Negative outcomes if we fail to ensure fair and equitable community policing and supervision (“Procedural Justice”)?

INTERNALLY:

- Victimization of employees
- Reduced performance
- Internal Conflict
- Reduction in Morale
- Loss of job or job status
- Lack of efficiency and effectiveness
- Loss of employees
- Loss of respect for supervision and agency
- Negative public perception
- AND MORE

EXTERNALLY:

- Victimization of citizens (discrimination)
- Lack of police effectiveness
- Lack of police legitimacy
- Lack of public cooperation
- Poor police-community relations
- Poor communication
- Negative views of officers and the agency
- Higher crime and victimization rates
- AND MORE

Importance of Adverse Impact

- Disparate treatment: obvious legal, ethical, and moral issues
- Disparate impact: murky
 - Bias vs. true differences
 - Perceived tradeoff between diversity & utility
- Adverse impact could result in an investigation and/or litigation regardless of intent to discriminate
- If adverse impact exists, assumed to be discriminatory unless there is validity evidence to support procedure

1978 EEOC Uniform Guidelines

- A selection rate for any race, sex, or ethnic group which is less than four-fifths ($4/5$) (or eighty percent) of the rate for the group with the highest rate will generally be regarded by the Federal enforcement agencies as evidence of adverse impact, while a greater than four-fifths rate will generally not be regarded by Federal enforcement agencies as evidence of adverse impact. Smaller differences in selection rate may nevertheless constitute adverse impact, where they are significant in both statistical and practical terms or where a user's actions have discouraged applicants disproportionately on grounds of race, sex, or ethnic group. Greater differences in selection rate may not constitute adverse impact where the differences are based on small numbers and are not statistically significant, or where special recruiting or other programs cause the pool of minority or female candidates to be atypical of the normal pool of applicants from that group...

4/5ths (80%) Rule

- 1) Calculate the selection rate for each group
 - Each group that makes up $> 2\%$ of applicant pool
- 2) Observe which group has the highest selection rate
 - This is not always the white, male, or “majority” group
- 3) Calculate impact ratios by dividing the selection rate of each group by that of the highest group
- 4) Determine if the selection rates are substantially different (i.e., impact ratio $< .80$)

4/5ths (80%) Rule

	Applicants	Hires	Selection Rate
White	80	48	$48/80 = .6$ (60%)
Black	40	12	$12/40 = .3$ (30%)
Impact Ratio			$.3/.6 = .5$ (50%)

The impact ratio (.5) is less than .8 which is evidence that, based on the 4/5ths rule, there is adverse impact.



$$\frac{4}{5} = 80\%$$

IF:  = 90%

THEN:  = 72%
(80% of 90%)

***If women are selected for the same position at a rate lower than 72% this would be evidence of adverse impact.**

WHAT IS EXPECTED FROM SUPERVISORS?

We have a duty prevent discriminatory or illegal conduct and refute (manage) false perceptions of it through leadership

- ***We must ensure equal treatment is the current standard***; aggressively correct discriminatory or unfair practices or inappropriate conduct through direct, professional, and formal action.
- ***We must engage false perceptions of unequal treatment*** with clear and forthright communication, make decision-making as transparent as possible, and confront inaccurate or idle speculation regarding unfair working conditions or policing practices.
- ***We must strive to be culturally competent***; to understand different cultures in the communities we serve and in the employees we hire; we need to better understand the best way to engage them for the purposes of mutual understanding, and cooperation.

The #1 Workplace Complaint: Harassment and Gender Based Discrimination

Females experiencing harassment:

- Quit 9 times more often than reporting men
- Transfer 3 times more often than reporting men
- 3 times more likely to lose job due to reporting

(disproportionate impact)

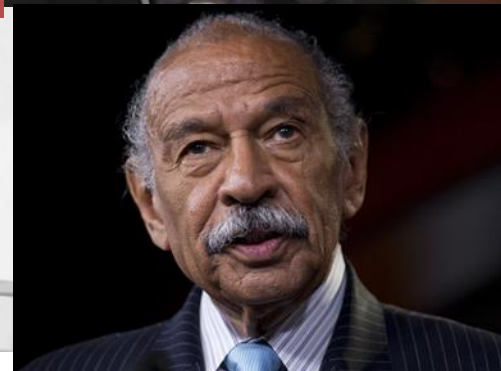
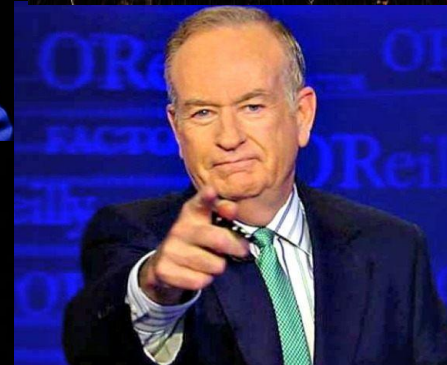
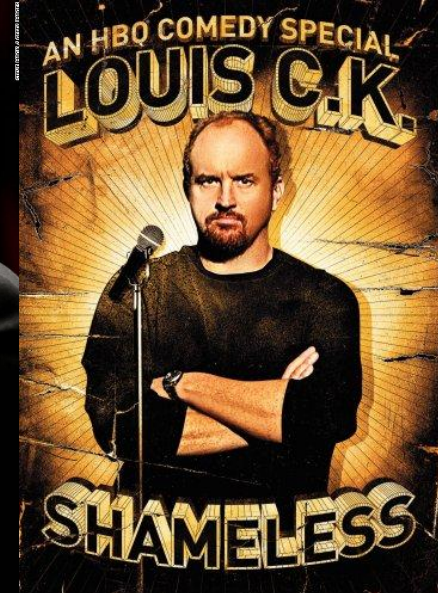
Women in the Work Place:

- Currently over 12% of all police officers (2025)
- Along with all other protected classes, women are 51% of the workforce.
- Only about 12% of the corporate officers in the top 500 companies are women—the “Glass Ceiling”.

(Statistically underrepresented)



Charlie Rose suspended by CBS



Person *of the* Year TIME

THE SILENCE BREAKERS

THE VOICES
THAT LAUNCHED
A MOVEMENT

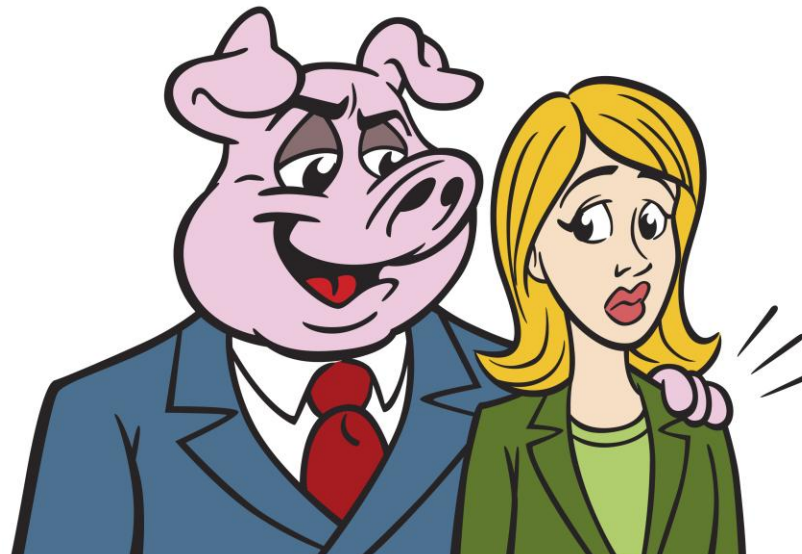


It's all about CULTURE

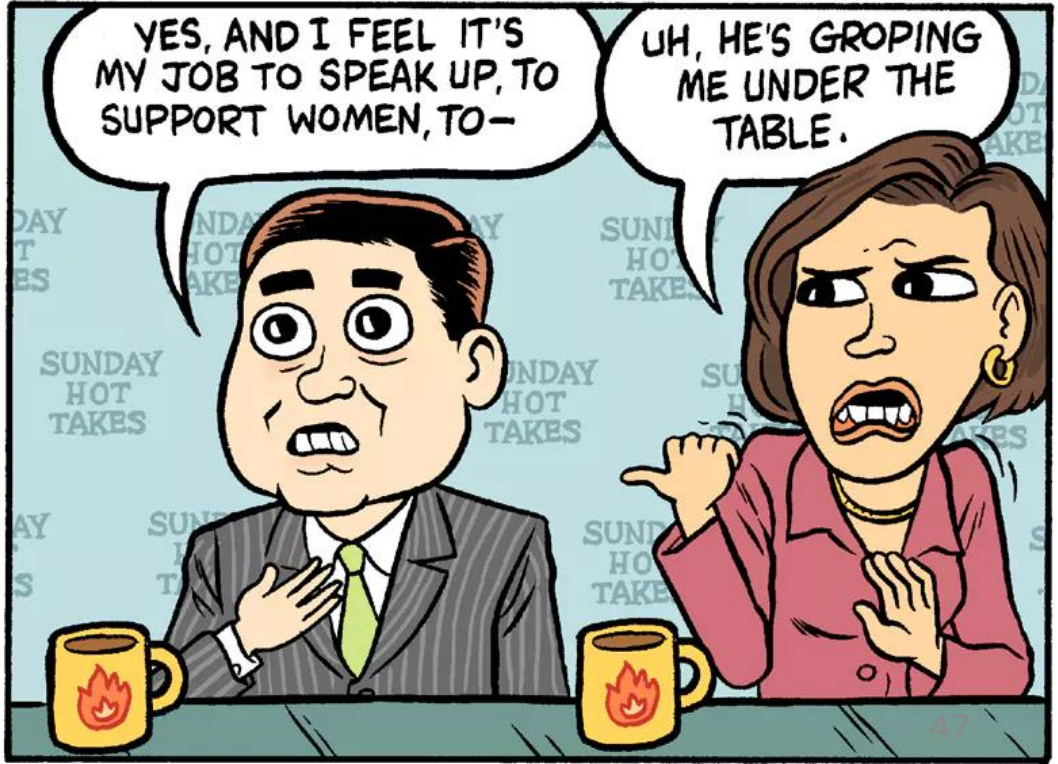
Sacrificial figures

OR

Transformative ones?









The Daily Beast  @thedailybeast · 4h

"To all the men who didn't ask—to all of you, I've got your number. We all do."

[#metoo](#) thebea.st/2gsqufl



5



33



57





Treat them like your.....

- Wife
- Sister
- Mother
- Daughter
- Co-Worker
- Boss

Relationships (Power Dynamic)

- Supervisor
- OIC
- FTO
- Sworn – Non
 - Power over
- Interns
- Volunteers
- Explorer Scouts



“The Talk”

The vets tell the rookies who to watch out for



Harassment and Gender-Based Discrimination

You've been approached by your supervisor and he/she wants you to explain why all the negative evaluations in your unit were for women, what do you do?

Would you be able to *ask yourself*...

- Am I being harder on women than the men?
- Do I have negative view of female officers?
- Did I evaluate everyone the same?
- Did I evaluate everyone on core job functions/responsibilities?

If the evaluations are fair and accurate—no revisions should be made despite the apparent trend or pattern; a personal review or notes should be documented for future reference

Harassment and Gender Based Discrimination

Knowledge is Power: **Prevention is key**

- Know yourself, and thereby restrain yourself
- Know the environment (reality)
- Know the employees' perception of the environment (suspicions of unequal treatment and discriminatory practices)
- Make an effort to understand the cultural differences of others

THEN

- Maintain positive self discipline (restraint).
- Lead by example.
- Communicate professionally; make decisions transparent
- Show respect for all individuals without regard to your position on their culture, ethnicity, or language.
- Create an environment of intolerance to unprofessional conduct

Harassment and Gender Based Discrimination

The LAW: Discrimination based on sex is illegal.

1964 Civil rights Act

Title VII of the Act (42 United States Code A 2000e-2[a][1])

- Provides the Equal Employment Opportunity Commission (EEOC) enforcement authority.
- Makes it illegal, “[T]o fail or refuse to hire, or discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, condition, or privileges of employment because of such individual’s...**sex**...” (quoted in part)

2 Kinds

- Quid Pro Quo (ECONOMIC)
- Hostile Work Environment (ENVIRONMENTAL)

Sexual Harassment

Federal Law: Definition of Sexual Harassment / Quid Pro Quo Sexual Harassment:

“Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of sexual nature when...

- Submission to such conduct is made (either explicitly or implicitly) as a term or ***condition of employment***;
- Submission to or rejection of such conduct by an individual is used as the **basis for employment decisions** affecting such behavior; or
- Such conduct has the purpose or effect of **unreasonably interfering** with an individual’s work performance or **creating an intimidating, hostile, or offensive working environment”**

No Romance?

- You get to ask her out **ONCE**
- Grow up – Take the hint – Steer clear
- You do **NOT** get to “pester” or “loiter” (Stalk)
 - Hanging out at her desk
 - Calling her to meet door to door
 - Showing up on her calls
 - Volunteering to back her on calls
 - Special or extra 1 on 1 training
 - Waiting for her in the parking lot
 - It’s NOT a coincidence

Sexual Harassment

- Member of a protected class, and file complaint within 180 days. (Federal requirement)
- *Employer has constructive knowledge (knew or **should have known**) and takes no prompt or remedial action.*

Note: Most States have more flexible reporting requirements than the Federal requirements.

Sexual Harassment

The simple approach to **avoiding** an allegation of Quid Pro Quo sexual harassment:

- Keep business and private relationships separate
- Make objective and rational personnel decisions
- Consider cost versus the benefit
- Avoid compromising situations
- **Lead by example (model appropriate behavior)**

To prevent: Create an environment of intolerance to unprofessional conduct

Hostile Work Environment

A hostile work environment occurs when -----

Unwelcome behaviors (direct or indirect) unreasonably interfere with an individual's job performance or creates a hostile, intimidating or offensive work environment **even though the harassment may not result in tangible or economic consequences** (loss of promotion or pay, etc.). The elements needed to prove an allegation are otherwise equivalent to sexual harassment.

To Prevent: Create an environment of intolerance to unprofessional conduct

Hostile Work Environment

Elements recognized by the EEOC

Verbal

- Terms of affection (honey)
- Sexual teasing or jokes
- Sexual innuendoes
- Demands for performance
 - “Hey flash me a smile”
- Directed grunts and moans
- Spreading rumor
- Others

Non-Verbal

- Staring (13 seconds rule)
- Looking up and down
 - “elevator eyes”
- Sexually suggestive looks or gestures
- Licking lips
- Winking
- Others

Note: It is often the way something is said rather than exactly what was said

Hostile Work Environment

Elements recognized by the EEOC

Physical

- Invasion of personal space
- Uninvited neck massage or touching
- Pressing or rubbing against the person
- Constant presence without official purpose or job related need

Visual

- Posters, cartoons, drawings, calendars depicting inappropriate material
- Misuse of electronic bulletin boards, screen savers, etc.
- Knick knacks and other objects of a sexual nature

Employer and Employee Duties

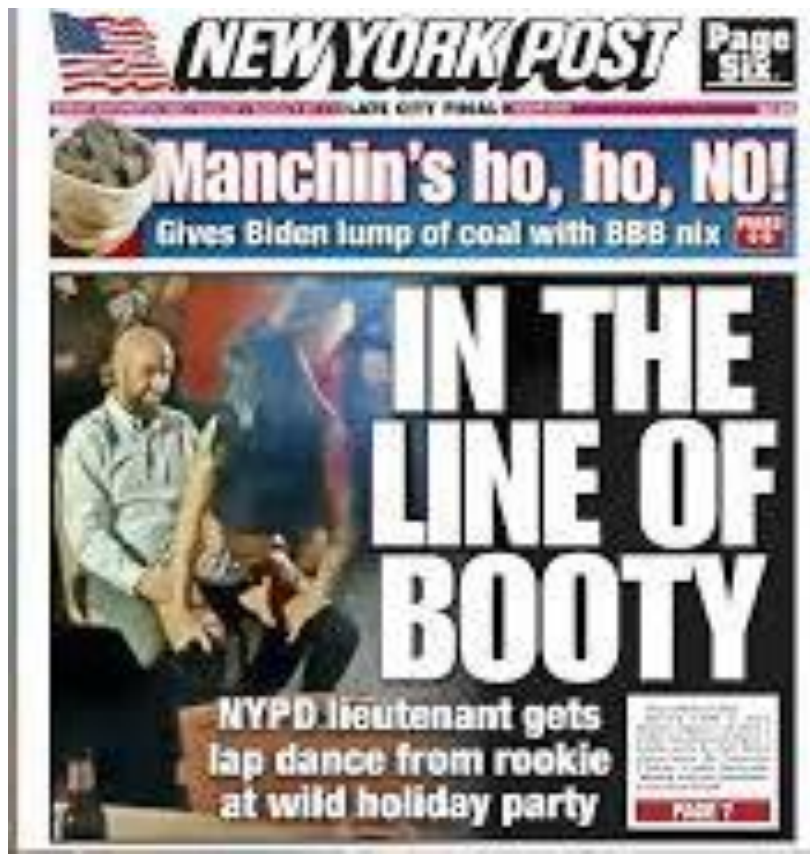
A directive every supervisor should give to subordinates at least once per year:

“If a co-worker conduct is inappropriate or offensive, directly and clearly request the offender to stop. If the behavior does not stop, notify a supervisor. Inappropriate or offensive conduct will not be tolerated.”

Off-Duty disclosures: Are you ever off duty?

Are You EVER “Off-Duty” Boss?

December 25, 2021 NYPD Lieutenant and Rookie Officer at Precinct Christmas Party – Lap Dance



Unconscious Bias

- Although most of us recognize we have biases, some are buried so deep and have been part of us for so long, we don't even realize they are there. As leaders, when we are influenced by a bias we don't even know we have, we can make the wrong decisions.
- We have to be alert & aware!

- **Affinity bias**: We like people who are most like us. A Sergeant may take time to chat with an Officer who went to the same High School and then talk about upcoming departmental challenges. But someone who attended a different school might not get this informal — yet important — one-on-one “face time”.
- **Performance bias**: We judge the “in group” on potential, but judge the “out group” on performance. A male candidate, for example, may be considered for a new job because he has potential. But if a female candidate wanted to be considered, she’d have to demonstrate she’s performed a similar job already.
- **Confirmation bias**: We readily accept information that already matches our current belief. A leader who is deciding whether to promote someone, or move them to a desirable assignment, will highlight a performance review that support the inclination while dismissing negative information.