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KELSEY SPEYER

May 9, 2023

Councilmember Brooke Pinto, Chair
D.C. Council Committee on the Judiciary
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Re: District of Columbia Metropolitan Police Department Jump-Outs

Dear Chair Pinto:

The Metropolitan Police Department has engaged in and continues to engage in guerilla-style confrontations with District of Columbia citizens. This practice, colloquially referred to as “jump outs,” occurs when police officers jump out of their vehicles and stop individuals without legal justification, in violation of the Fourth Amendment. This discriminatory and abusive police tactic is used in predominantly Black communities, and has resulted in distrust of MPD within the District’s Black community, and disproportionate police intrusions, including stops and questioning, searches, citations, arrests, and use of force.

Given MPD’s unwillingness to end the use of this abusive and discriminatory practice, we call on the D.C. Council to use your oversight powers to call a public hearing. In light of current Chief of Police Robert Contee’s resignation, we request that a hearing be scheduled before June 3, 2023. Chief Contee’s retirement gives the Council an opportunity to consider police reforms and to question Chief of Police candidates with the goal of correcting long-standing police abuses within the District.

Residents, experts, and police offers have repeatedly called on the MPD and District officials to end the practice of jump outs. The “Stop Police Terror Project DC” has collected nearly [1,800 signatures](#) to end stop and frisk in D.C. The [D.C. Justice Lab](#) also published a report in 2020 calling for an end to these discriminatory practices. In April 2021, [the D.C. Police Reform Commission](#), composed of a diverse (in terms of expertise, ward residence, race, perspective, etc.) group of commissioners, chosen by this Council, also made the recommendation to prohibit the use of jump outs by the MPD. This recommendation was made

after months of research and listening tours throughout the District. Despite these repeated calls from the community, MPD continues to deploy discriminatory policing tactics to this day.

We are attorneys representing an 18-year MPD veteran police Sergeant who protested discriminatory police tactics targeted in D.C. Black communities, as well as members of the D.C. community who have been subjected to these discriminatory tactics. In the report of one of the country's foremost experts on police reform, Dr. Jack Glaser (Univ. of California, Berkeley) examined the evidence presented in Sergeant Charlotte Djossou's case and found that, according to the evidence he reviewed, the MPD targeted Black communities in D.C. for disproportionate policing, engaged in stereotyping of young Black men, and engaged in discriminatory police practices that harmed many of the communities the police should protect. *See Attachment A.*

U.S. District Judge Tanya Chutkan recently held that four young Black men who were subjected to alleged illegal jump outs, could move forward with their constitutional claims of police abuse. According to the lawsuit, the MPD's "stop and frisk" policy of searching young Black males for guns, without reasonable suspicion or probable cause, may have submitted the four young Black men to unconstitutional searches.

Andre Jackson also recently filed a complaint in the U.S. District Court in which he details being subject to a jump out on April 6, 2022. This illegal stop is alleged to lead to an MPD officer sexually and physically assaulting him, and subsequently jailing him without cause for over 24 hours.

MPD has refused to conduct any investigation of its use of jump outs, despite the documented evidence that it continues to employ the practice. Discovery in the case of Sergeant Djossou, who testified before the D.C. Council Committee on the Judiciary in January 2020, has demonstrated that MPD continues in these discriminatory and abusive practices, and that MPD Chief Contee refused to investigate these practices. Instead, he retaliated against the police veteran who reported the use of these illegal tactics. Chief Contee's sworn deposition testimony makes clear that MPD has never investigated jump outs and, therefore, does not know if they still occur. However, he continues to misrepresent publicly that jump outs no longer occur in the District, most recently in the *Washington Post* on March 13 and 14, 2023.

In 2020, then MPD Chief Newsham told the City Council that the MPD was investigating both the downgrading of crimes and jump outs. His statements were false. Since that time, the Council has not asked the MPD for the results of the investigations. We now know through sworn testimony of both Chief Contee and former Chief Newsham that MPD did not conduct any investigations of jump outs or the improper downgrading of serious felonies to make crime statistics look better. The MPD is clearly misleading the D.C. Council and the public about its efforts to stop these police abuses.

With concerns about crime in the District of Columbia increasing, it becomes especially important that the MPD form an alliance with the community in fighting crime. Currently, the community sees the MPD as a force that engages in unfair and discriminatory tactics. This situation is anathema to effective policing.

Aggressive and discriminatory policing tactics like jump outs create a barrier between the police and the community, and inhibit cooperation between the two to reduce crime. Illegal policing tactics also threaten prosecutions and add to dismissal of criminal cases in the District because police illegally obtained evidence necessary to prove these cases.

Throwing money at the MPD will not work. As major cities around the country come to grips with the need for police reform, the District of Columbia remains mired in inaction. D.C. cannot continue addressing crime with discriminatory and abusive policing.

The Council needs to exercise its oversight of the MPD to guarantee that it serves the entire District of Columbia community, including its Black and Latino neighborhoods, and hires a new Chief of Police who will work to eliminate its racially discriminatory practices. Given MPD's recalcitrance to reform itself, it falls on the Council to provide oversight of the MPD to ensure it investigates the use of jump outs and enacts reforms. Sergeant Djossou, Dr. Glaser, and Michael Bruckheim (attorney for those subjected to the illegal jump outs), would be available to testify at any hearing you hold.

Sincerely,

/s/ Lynne Bernabei

Lynne Bernabei
Attorney for Charlotte Djossou

/s/ Michael Bruckheim

Michael Bruckheim
Attorney for Dalonta Crudup, et al.

/s/ Patrice Sulton

Patrice Sulton, Executive Director
D.C. Justice Lab

/s/ Damon King

Ahoefa Ananouko
Damon King, Policy Director
ACLU of Washington, D.C.

Enc.

Attachment A

**IN THE SUPERIOR COURT
OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

CHARLOTTE DJOSSOU,

Plaintiff,

v.

DISTRICT OF COLUMBIA,

Defendant.

Civil Action No. 2020 CA 004292 B

Judge Maurice Ross

EXPERT REPORT OF JACK GLASER, PhD.

I, Jack Glaser, do hereby declare as follows:

1. Background and Qualifications

1.1. I am a Professor at the Goldman School of Public Policy at the University of California, Berkeley. I received my PhD in Psychology from Yale University in 1999. In my doctoral training I specialized in social psychology, and specifically in the psychology of stereotyping and prejudice. I held a postdoctoral fellowship in the Institute of Personality and Social Research in UC Berkeley's Psychology Department from 1999 to 2000, funded by a National Research Service Award from the National Institute of Mental Health. Since July 2000, I have been on the faculty of UC Berkeley's Goldman School of Public Policy. I teach graduate level courses in quantitative methods and advanced policy analysis, as well as electives on the psychological bases and policy implications of prejudice and discrimination. I have received multiple awards, including the Faculty Early Career Development Award from the National Science Foundation. I am one of four principal investigators on

the National Science Foundation-funded “National Justice Database,” a compendium of pedestrian and vehicle stop and use-of-force data from police and sheriff’s departments throughout North America. I work with multiple police departments and legal groups on issues surrounding racial disparities in criminal justice.

1.2. I have published research articles on implicit stereotyping and prejudice, hate crime, capital punishment, policing, racial profiling, and other topics in peer-reviewed journals. These journals include *Analyses of Social Issues & Public Policy*, *Group Processes and Intergroup Relations*, *Journal of Experimental Social Psychology*, *Journal of Personality & Social Psychology*, *Journal of Policy Analysis & Management*, *Journal of Quantitative Criminology*, *Journal of Social Issues*, *Law & Human Behavior*, *Psychological Bulletin*, *Review in Organizational Behavior*, *Social Cognition*, and *Social Justice Research*. In 2015, I published a book, “*Suspect Race: Causes and Consequences of Racial Profiling*,” with Oxford University Press. I have also lectured widely, both nationally and internationally, and participated in colloquia before such institutions and organizations as The American Bar Foundation, The American Psychological Association, School of Law at UC Berkeley, Duke University, Federal Law Enforcement Training Center, Harvard University, John Jay College of Criminal Justice, the National Academy of Sciences, Northwestern University, Princeton University, RAND Corporation, Stanford University, The University of Missouri, Society of Personality and Social Psychology, Society for the Psychological Study of Social Issues, American Psychological Society, the American Society of Criminology, and the Association of

Public Policy Analysis & Management. I have also served as a peer reviewer for more than twenty-five scholarly journals and grant-making organizations.

- 1.3. I serve on the Board of Directors of the Center for Policing Equity and on the Research Advisory Board of Georgetown University's Active Bystandership for Law Enforcement.
 - 1.4. I served as an instructor for California's Council for Judicial Education and Research's (CJER) Continuing Judicial Studies Program (CJSP). My instructional materials on the psychology of stereotyping, prejudice, and discrimination have been incorporated in CJER's training program for new judges joining the California bench, and in the California Judicial Conduct Handbook.¹
 - 1.5. I serve as a consultant to California's Department of Justice, advising on the analysis and interpretation of statewide police stop data that is collected under the Racial and Identity Profiling Act (AB953). I also have served as an advisor to the Office of the Governor of California to develop statewide reforms to police use of force policies.
 - 1.6. I have been serving as a substantive expert for the Floyd Plaintiffs in the remedy phase of the New York City Stop, Question, & Frisk action that resulted in a ruling for the Plaintiffs and the appointment of a Monitor by the Court (*Floyd, et al., v. City of New York, 08-CV-1034 (AT)*).
 - 1.7. My curriculum vitae is appended to provide more detail on my background.
2. *Purpose and Overview.* As a psychology and policy expert on stereotyping, prejudice, discrimination, and policing, I have been asked to issue an expert opinion about whether the reports made by Sergeant Charlotte Djossou about the

¹ Rothman, D. (2007). California Judicial Conduct Handbook, Third Edition. Thomson West. (See section 2.15, "Sources of Bias.")

Metropolitan Police Department demonstrated racial bias in the MPD. Based on the facts that I examined, which are identified below, my expert opinion, to a reasonable degree of professional certainty, is that certain MPD police practices reflected racial bias against Black residents of the District. The particular MPD practices that I examined included the use of “jump-outs”, the targeting of young Black men using multi-car “snake” formations, and the targeting of Black neighborhoods. I also reached the expert opinion that these MPD police practices caused real and disparate harm to individuals, communities, and the public.

3. The materials that I have examined to reach these expert opinions are itemized below in section 3.2.

- 3.1. Additionally, I provide descriptions of relevant social science research, including my own, that bears on the nature, prevalence, and impact of racially biased policing.

- 3.2. I examined the following documents and materials provided by counsel in preparing this report:

- 3.2.1. The Amended Complaint and Jury Demand in the present case;
 - 3.2.2. The transcript of the November 18, 2022 deposition of Charlotte Djossou;
 - 3.2.3. The transcript of the December 6, 2022 deposition of Jayme Kingsley;
 - 3.2.4. The transcript of the December 1, 2022 deposition of Robin Hoey;
 - 3.2.5. The June 4, 2021 declaration of retired MPD employee Andrea Latson;
 - 3.2.6. The transcript of the December 2, 2022 deposition of Andrea Latson;
 - 3.2.7. The February 2020 MPD Stop Data Report (covering stops from July 22, 2019 to December 31, 2019);

- 3.2.8.** Excerpts from the transcript of the November 30, 2022 deposition of Robert Contee (pages 56-67, 209-222, 231-239, 266-269, 403-404, 432-433);
 - 3.2.9.** Excerpts from the transcript of the October 3, 2022 deposition of Mustafa Haamid (pages 68-70);
 - 3.2.10.** Excerpts from the transcript of the October 26, 2022 deposition of John Haines (pages 183-185, 252-265);
 - 3.2.11.** Excerpts from the transcript of the November 14, 2022 deposition of Peter Newsham (pages 106-114, 206-209);
 - 3.2.12.** June 16, 2020 Memorandum from 32 DC Assistant US Attorneys to Acting US Attorney regarding “Proposals to Address Internal and Date: June 16, 2020 External Racial Disparities, and to Repair the Relationship Between USAO-DC and the Community.”;
 - 3.2.13.** December 30, 2017 memo from Lieutenant John Branch to Chief Contee regarding unmarked vehicles;
 - 3.2.14.** September 3, 2020 Washington Post article by Spencer Hsu and Keith Alexander, “D.C. crackdown on gun crime targeted Black wards, was not enforced citywide as announced.”;
 - 3.2.15.** Court rulings suppressing evidence obtained by MPD officers due to unconstitutional searches: U.S. v. Goldman; U.S. v. Mitchell; U.S. v. Smith;
 - 3.2.16.** Document titled “Dismissals and No Papers – May 1-31, 2018.”
- 4.** Focusing on Sergeant Djossou’s report that DC MPD was deploying officers to predominantly Black districts there are two considerations:

4.1. First, based on the prevalence of such practices nationally (i.e., hot spot policing), and my review of the materials listed above, it is my opinion that there is a high likelihood that MPD was engaged in racially discriminatory practices by focusing officer deployment and firearm possession enforcement in the three districts (5, 6, and 7) with the highest concentrations of Black residents, and using assertive, proactive policing tactics, including “jump-outs,” “snake” patrols, and conducting searches without probable cause.

4.1.1. The February 2020 MPD Stop Data Report indicates rates of stops of Blacks (for both stops resulting in tickets and those not; see Figures 3, 4, & 5 of the MPD report) that are disproportionate to their presence in the population (and considering that the visiting, particularly commuting, population of DC is proportionately less Black than that of the City – see Figure 8 of MPD report, indicating that stops are heavily concentrated during commute hours).

4.1.1.1. DC is roughly 45% Black and 72% of stops are of Black people.

4.1.1.2. Protective pat-downs and/or search rates are highest in the districts with the highest proportion of Black residents (6 and 7) (see Table 3 of MPD report), even though these reflect pre-arrest pat-downs and searches, so are unlikely to be explained by differential crime reporting or offending rates.

4.1.2. One of the driving factors in these disparities is the targeting of largely Black districts under the Felon-in-Possession (FIP) program, as highlighted in a memorandum from 32 Assistant US Attorneys, wherein they state that,

“...it is undebatable that the FIP program targets poor, predominantly Black neighborhoods.”²

4.1.2.1. Officer Kingsley’s testimony corroborates that the US Attorney’s Office and MPD changed the prosecution of FIPs so that they were brought in District Court, whereas they had previously been brought in Superior Court.³

4.1.2.2. The memorandum from the AUSAs states that the FIP program targeted districts 5, 6, and 7, the districts with by far the highest proportion of Black residents.

4.1.3. Retired MPD employee, Andrea Latson, testified that, “...Commanders would always advise the GRU [Gun Offender Registry Unit] officers to focus on and target low-income Black neighborhood areas in Southeast and Northeast Washington, D.C.”⁴

4.1.4. Ms. Latson further testified that MPD targeted Black neighborhoods in the Summer Crime Initiative (SCI) in 2018-2020.⁵

4.1.5. These differential deployment and charging patterns are not disputed in the depositions of the Department leadership.

4.2. Second, whatever the motivation or rationale, deploying more officers to a given location will almost certainly result in more police activity in that location.⁶ In

² June 16, 2020 Memorandum from 32 DC Assistant US Attorneys to Acting US Attorney.

³ Transcript of December 6, 2022, deposition of Jayme Kingsley at 11: 5-25; 12:1-11.

⁴ Declaration of Andrea Latson. June 4, 2021, at 30: 12-15.

⁵ Transcript of December 2, 2022, deposition of Andrea Latson at 10: 20-22; 46: 20-22; 47: 1-19; 48: 7-22; 49: 1-15; 19-22; 50: 1-15; 72: 4-22; 73:1-15.

⁶ Glaser, J. (2006). The efficacy and effect of racial profiling: A mathematical simulation approach. *Journal of Policy Analysis and Management: The Journal of the Association for Public Policy Analysis and Management*, 25(2), 395-416. MacDonald, J., Fagan, J., & Geller, A. (2016). The effects of local police surges on crime and arrests in New York City. *PLoS one*, 11(6).

my own research,⁷ I have demonstrated, through a broad range of mathematical simulations, that irrespective of offending rate, increased enforcement to some populations will *cause* outcome (e.g., arrest) disparities.

5. Engaging civilians without probable cause is a common practice in contemporary policing.⁸ Legal analysis and empirical research demonstrates that across many jurisdictions studied, police stop, question, and search individuals without probable cause, and often without even reasonable suspicion, and these rates are consistently higher for Blacks and Hispanics than for Whites.

5.1. Furthermore, the rates at which such stops and searches yield contraband tend to be low, indicating that most are misguided. That these yield rates tend to be higher for Whites than Blacks and Hispanics indicates that Whites are stopped and searched at higher suspicion thresholds.⁹ (See section 8.2.2, below, for more in-depth discussion of racial distributions of stop, search, and search yield rates.)

5.2. With respect to Washington, D.C., specifically, evidence suppression rulings provide specific cases wherein unconstitutional searches of Black men were conducted.¹⁰

6. There are multiple layers of processes that can cause unfair racial disparities in policing behaviors and outcomes. And these processes can be mutually reinforcing – racial stereotypes cause disproportionate enforcement of minority communities,

⁷ Glaser (2006).

⁸ Friedman, B., & Stein, C. B. (2016). Redefining What's Reasonable: The Protections for Policing. *Geo. Wash. L. Rev.*, 84, 281.

⁹ Charbonneau, A., & Glaser, J. (2020). Suspicion and discretion in policing: How laws and policies contribute to inequity. *UC Irvine L. Rev.*, 11, 1327.

¹⁰ *U.S. v. Goodman* (D.D.C. Apr. 16, 2021); *U.S. v. Smith* (D.C. Super. Ct. March 28, 2019); *U.S. v. Mitchell* (D.C. Super. Ct. Aug. 1, 2013); see also document titled “Dismissals and No Papers – May 1-31, 2018.”

which distorts arrest statistics, reinforcing the stereotypes, for example. I will list these processes here and then provide a description of the relevant psychological science (Section 7) that speaks to the biases of individual actors. Finally, I will relate the science back to the specific conditions described in DC (Section 8).

6.1. When patrolling neighborhoods with large Black populations, particularly if acting proactively (i.e., looking for and investigating suspicious behavior, as opposed to responding to calls for service and crime reports), officers are “primed” to be thinking about crime. As the research described below will illustrate, when people (police officers, included) think about crime, they think about particular racial and ethnic groups that are stereotypically associated with crime, and vice versa. Deploying officers to predominantly Black neighborhoods with the purpose of interceding crime makes this race-crime stereotype particularly salient and active in officers’ thoughts.

6.2. Layered on top of the crime-priming effect of focusing on minority neighborhoods is the cognitive tendency to interpret behavior of individual people in a manner consistent with stereotypes of their groups. In the case of policing in America, the relevant stereotype is one linking Black people with crime, causing officers to regard Black individuals with disproportionate suspicion, likely resulting in stops and searches.

6.2.1. To this point, Andrea Latson, a retired employee of MPD, testified that she witnessed MPD officers harassing Black civilians, and that Gun Offender Registry Unit officers would use the N-word regularly.¹¹

¹¹ Transcript of December 2, 2022, deposition of Andrea Latson at 71: 5-22; 72: 1-22; 73: 1-6.

6.3. In the sections that follow, I review the relevant social science on stereotyping, how it gives rise to discrimination, and how this bears specifically on policing. The purpose of this section is to explain that individual officers or command staff need not have explicit motivations to discriminate, but that their operations will have discriminatory effect under common policing conditions, especially when officers have a lot of discretion and are proactively looking for criminal activity in minority neighborhoods.

7. Relevant Social Science

7.1. Decades of empirical social psychological research on the nature of stereotyping and prejudice have revealed that these biases influence people’s judgments of others, whether or not the individuals are aware that they possess the bias or consciously endorse it, or even if they attempt to suppress it. Related research on “biased assimilation” (and, relatedly, “confirmation bias”) has shown that people tend to seek, believe, and remember information that is consistent with their prior conceptions and attitudes. This extensive and rigorous scientific experimentation and survey research about stereotyping and information processing will be considered with respect to the likelihood of differential enforcement activities, including jump-outs, stops, searches, and use-of-force in DC neighborhoods as a function of their racial composition, and with individuals as a function of their perceived race.

7.1.1. In the present case, it is my expert opinion, to a reasonable degree of professional certainty, that MPD’s focus on Black areas for “proactive” policing deployments causes racially disparate outcomes and re-enforces

police officers' biases that Black neighborhoods are "criminal." For example, former MPD employee Andrea Latson testified that the Gun Recovery Unit would be deployed to areas of the city where the residents are almost exclusively Black.¹² MPD officers were concentrated in primarily Black areas of the city, such as the Seventh District, while ignoring areas of high crime where the White population was higher, such as Adams Morgan.¹³

7.2. Stereotyping.

7.2.1. It is my expert opinion that MPD's disparate deployment of police resources to predominantly Black neighborhoods, with the goal of investigating crime and finding guns, contributes to police officers being influenced by negative racial stereotypes of Black men. The disparate stop and search rates reported in the MPD stop data statistical reports are consistent with this.

7.2.2. While most people have a general understanding of what the concept of stereotyping means, I will provide a formal definition and describe the relevant research. A stereotype is a belief that a specific trait (e.g., nurturance, aggressiveness) occurs disproportionately in members of a particular social group (e.g., women, African Americans).¹⁴ Modern social psychology has built on research on human thought and memory from another branch of the field, cognitive psychology, to understand stereotypes

¹² Transcript of December 2, 2022 deposition of Andrea Latson, at 87-88.

¹³ *Id.* at 88.

¹⁴ McCauley, C., Stitt, C. L., & Segal, M. (1980). Stereotyping: From prejudice to prediction. *Psychological Bulletin*, 87(1), 195.

as mental associations between groups and traits. When we possess a stereotype (e.g., that women are nurturing), our mental association between that trait and that group is stronger than it is with respect to other groups.¹⁵

Psychologists have studied stereotyping for nearly a century, and have focused on the content, function, and the processes by which stereotypes influence judgments and behaviors. They have also studied the prevalence of stereotypes and the difficulties inherent in stereotype change and suppression.

7.2.3. *Stereotype Content.* The content of stereotypes refers to the specific traits associated with a specific group. Most people are fully aware of prevailing, or frequently held, stereotypes (e.g., men are more aggressive, African Americans are more athletic, etc.); the content of these stereotypes has been documented repeatedly.¹⁶ However, people vary considerably in whether or not they consciously *endorse* a given stereotype, meaning whether or not they themselves acknowledge their belief that a stereotype is accurate. Research has shown that merely being aware of a stereotype, even without endorsing it, tends to cause judgments of individuals in a manner consistent with the stereotype.¹⁷

¹⁵ Dovidio, J.F., Evans, N.E., & Tyler, R.B. (1986). Racial stereotypes: The contents of their cognitive representations. *Journal of Experimental Social Psychology, 22*, 22-37.

¹⁶ Devine, P.G., & Elliot, A.J. (1995). Are Racial Stereotypes Really Fading? The Princeton Trilogy Revisited. *Personality and Social Psychology Bulletin, 21*, 1139-1150.

¹⁷ Correll, J., Park, B., Judd, C. M., & Wittenbrink, B. (2002). The police officer's dilemma: using ethnicity to disambiguate potentially threatening individuals. *Journal of personality and social psychology, 83*, 1314-1329. Devine, P.G. (1989). Stereotypes and prejudice: Their automatic and controlled components. *Journal of Personality and Social Psychology, 56*, 5-18.

7.2.3.1. Like other beliefs, stereotypes can vary in their accuracy.

However, because most traits are present to varying degrees in members of all groups, the predictive power of stereotypes is limited. An inference about an individual based on an aggregate stereotype about a group he or she belongs to is bound to be unreliable.

7.2.3.2. In the present case, the relevant stereotype would be that Black people are prone to crime. This is a stereotype that has been revealed consistently over many decades of empirical research with representative American samples.¹⁸ For example, Eberhardt and colleagues have shown that college undergraduates are faster to identify visually degraded objects as *crime-related* after being subliminally¹⁹ exposed to images of Black faces relative to White faces or racially neutral images. Complementarily, student samples *and police officer samples* were more likely to look at the side of a screen with a Black (vs. White) face on it after having been subliminally exposed to crime-related objects (e.g., firearms).²⁰ In other words, the merest activation of thoughts of Black people cause thoughts of crime, and vice versa. Eberhardt et al. also found that police officers, when asked to indicate which people among a

¹⁸ E.g., Hurwitz, J., & Peffley, M. (1997). Public perceptions of race and crime: The role of racial stereotypes. *American journal of political science*, 375-401.

¹⁹ In these and other experiments, these stimuli are considered subliminal because they are presented too briefly for research participants to consciously perceive.

²⁰ Eberhardt, J. L., Goff, P. A., Purdie, V. J., & Davies, P. G. (2004). Seeing Black: Race, crime, and visual processing. *Journal of personality and social psychology*, 87(6), 876. Numerous other research groups have shown similar results (e.g., Correll, J., Park, B., Judd, C. M., Wittenbrink, B., Sadler, M. S., & Keesee, T. (2007). Across the thin blue line: police officers and racial bias in the decision to shoot. *Journal of personality and social psychology*, 92(6), 1006; Fazio, R. H., Jackson, J. R., Dunton, B. C., & Williams, C. J. (1995). Variability in automatic activation as an unobtrusive measure of racial attitudes: A bona fide pipeline?. *Journal of personality and social psychology*, 69(6), 1013.)

set of photographs looked like criminals, tended to identify Black people, especially Black people with highly stereotypic physical features (e.g., darker skin). In addition to the specific race-crime association, more generally, Black people appear to pose physical and material threats, being stereotyped as dangerous, violent, and hostile.²¹ Additionally, there is compelling, empirical research indicating that a preponderant perception among Whites is that Black people suffer less pain,²² are more like animals²³ and subhuman²⁴, and specifically are more “deathworthy.”²⁵ Citing extensive archival research demonstrating a link between race and death sentencing, driven particularly by cases in which defendants are Black and victims are white,²⁶ Eberhardt and colleagues found that, among capital defendants with White victims, when

²¹ E.g., Bargh, J. A., Chen, M., & Burrows, L. (1996). Automaticity of social behavior: Direct effects of trait construct and stereotype activation on action. *Journal of personality and social psychology*, 71(2), 230; Devine, P. G. (1989). Stereotypes and prejudice: Their automatic and controlled components. *Journal of personality and social psychology*, 56(1), 5; Devine, P. G., & Baker, S. M. (1991). Measurement of racial stereotype subtyping. *Personality and Social Psychology Bulletin*, 17(1), 44-50; Jackson, L. A., Lewandowski, D. A., Ingram, J. M., & Hodge, C. N. (1997). Group stereotypes: Content, gender specificity, and affect associated with typical group members. *Journal of Social Behavior and Personality*, 12(2), 381; Schaller, M., Park, J. H., & Mueller, A. (2003). Fear of the dark: Interactive effects of beliefs about danger and ambient darkness on ethnic stereotypes. *Personality and Social Psychology Bulletin*, 29(5), 637-649.

²² Tait, R. C., & Chibnall, J. T. (2014). Racial/ethnic disparities in the assessment and treatment of pain: Psychosocial perspectives. *American Psychologist*, 69(2), 131; with neuroscience research supporting the notion that pain empathy is group-specific (Avenanti, A., Sirigu, A., & Aglioti, S. M. (2010). Racial bias reduces empathic sensorimotor resonance with other-race pain. *Current Biology*, 20(11), 1018-1022.)

²³ Goff, P. A., Eberhardt, J. L., Williams, M. J., & Jackson, M. C. (2008). Not yet human: implicit knowledge, historical dehumanization, and contemporary consequences. *Journal of personality and social psychology*, 94(2), 292.

²⁴ Haslam, N., & Loughnan, S. (2014). Dehumanization and infrahumanization. *Annual review of psychology*, 65, 399-423; Castano, E., & Giner-Sorolla, R. (2006). Not quite human: Infrahumanization in response to collective responsibility for intergroup killing. *Journal of personality and social psychology*, 90(5), 804.

²⁵ Eberhardt, J. L., Davies, P. G., Purdie-Vaughns, V. J., & Johnson, S. L. (2006). Looking deathworthy: Perceived stereotypicality of Black defendants predicts capital-sentencing outcomes. *Psychological Science*, 17(5), 383-386.

²⁶ U.S. General Accounting Office. (1990). Death penalty sentencing: Research indicates pattern of racial disparities. Washington, DC: Author.

statistically controlling for factors that typically influence sentencing (e.g., aggravating and mitigating circumstances, crime severity, socio-economic status), Black defendants were more likely to be assigned the death penalty, and the more stereotypically Black the facial features of the defendant, the more likely he was to be sentenced to death. The findings are consistent with a larger literature of experiments and archival studies showing that racial and ethnic minorities are more likely to be found guilty and given relatively harsh sentences, all else being equal.²⁷

7.2.3.2.1. During her December 6, 2022 deposition representing MPD, Detective Jayme Kingsley repeatedly referred to suspects in custody as “bodies and “human bodies.”²⁸ This is consistent with an objectification of these people, and, even with the reference to “human,” an “infrahumanization” (i.e., referring to them as though agnostic to whether they are dead or alive).

7.2.3.2.2. Retired MPD employee Andrea Latson testified that MPD commanders would refer to young men in Black neighborhoods as “savages.”²⁹

7.2.4. *Stereotype Function.* Why do otherwise well-meaning people behave in racially discriminatory ways, despite even having explicit goals to be fair and impartial? The psychological research on stereotyping provides useful insight to show how our biases are adaptive (and therefore almost reflexive)

²⁷ See e.g., Sommers, S. R. (2007). Race and the decision making of juries. *Legal and Criminological Psychology*, 12(2), 171-187.

²⁸ Transcript of December 6, 2022, deposition of Jayme Kingsley at 27: 15-21; 28: 18-25; 31: 2-12; 32: 2-5.

²⁹ Transcript of December 2, 2022 deposition of Andrea Latson at 36: 2-8.

in some respects, although they can have very damaging unintended consequences. The primary function stereotypes serve is a *heuristic* one. Specifically, stereotypes offer “cognitive shortcuts” that enable people to process massive amounts of information about others efficiently, though not necessarily accurately. This is generally adaptive, and has been demonstrated empirically by showing that when people’s cognitive resources are limited or depleted (e.g., when they are tired) they are more likely to make stereotype-consistent judgments of others; conversely, when people are given the opportunity to rely on stereotypes, their cognitive resources are subsequently less depleted.³⁰ In other words, stereotypes help us save time and mental energy. They enable us to make judgments and decisions about others under conditions of uncertainty or ambiguity (i.e., when we lack reliable and specific data). Additionally, stereotypes have been shown to serve the function of rationalizing inequities. Specifically, people will ascribe more negative traits to members of groups who are lower status or otherwise disadvantaged.³¹

7.2.5. Stereotyping Process. Central to the relevance of how racial stereotypes may affect decisions to surveil, stop, question, and search individuals is the question of how stereotypes operate – how they influence judgments. At

³⁰ Bodenhausen, G.V. (1990). Stereotypes as judgmental heuristics: Evidence of circadian variations in discrimination. *Psychological Science*, 1, 319-322; Macrae, C. N., Milne, A.B., & Bodenhausen, G.V. (1994). Stereotypes as energy-saving devices: A peek inside the cognitive toolbox. *Journal of Personality and Social Psychology*, 66, 37-47.

³¹ Jost, J. T., & Banaji, M. R. (1994). The role of stereotyping in system-justification and the production of false consciousness. *British journal of social psychology*, 33(1), 1-27; Hoffman, C., & Hurst, N. (1990). Gender stereotypes: Perception or rationalization?. *Journal of personality and social psychology*, 58(2), 197.

other times in history, the overt expression and application of stereotypes and prejudice may have been acceptable and commonplace. To be sure, there are some groups who are still openly stereotyped. However, much stereotyping occurs more subtly in contemporary society. Perceivers are generally discouraged from deliberately invoking or articulating stereotypes in the decision-making process. However, stereotypes still influence their judgments and behaviors by incrementally influencing the inferences they make about the causes of, or motivations behind, ambiguous behavior. In 1983, psychologists Darley and Gross published an influential paper reporting an experiment in which research participants were asked to evaluate a child taking a test, based on a video recording.³² *Everybody watched the same video*. Roughly half of the sample (randomly assigned) was led to believe that the child was from a low socio-economic background; the rest were led to believe she was from a high socio-economic background. After watching the same video, the first group rated the child's performance at a significantly lower grade level than did those in the other group. Their preconceptions about low and high socio-economic status children colored their interpretations of her actual test performance. The study participants lacked the data necessary to fully assess her testing level; instead, ambiguous aspects of her performance were "disambiguated" by the stereotype. The result was both inaccurate and discriminatory. Importantly, another set of study participants, who rated the child's academic competency

³² Darley, J.M., & Gross, P.H. (1983). A hypothesis-confirming bias in labeling effects. *Journal of Personality and Social Psychology*. 44, 20-33.

based solely on the background information and *did not see the video* of her test performance, rated her similarly regardless of ostensible socio-economic status. It was through the process of observing her ambiguous behavior that the stereotypes influenced the first set of participants' judgments. Similar results have been obtained across experiments examining many different stereotyped groups (e.g., racial and ethnic minorities).³³ This is the process by which stereotypes often influence behavior: We try to understand other people, and predict what they will do or think, but we have only partial information based on what we observe. Our observations often leave us without sufficient information, thereby leaving substantial room for interpretation. Stereotypes fill in the blanks.

7.2.6. *Implicit Stereotyping.* In recent decades, social psychologists have applied theories and methods of cognitive psychology regarding “implicit memory” to study stereotyping and prejudice. In the realm of human cognition, implicit processes are those that operate outside of conscious awareness, but which are nevertheless commonplace. Social psychologists have demonstrated that gender, racial, age, and other stereotypes are rapidly activated in the mere presence of a stimulus (face, name, word) related to the group.³⁴ As social psychological research on implicit stereotyping has repeatedly demonstrated over several decades, stereotypes can and do

³³ E.g., Duncan, B. L. (1976). Differential social perception and attribution of intergroup violence: Testing the lower limits of stereotyping of blacks. *Journal of personality and social psychology*, 34(4), 590. Sagar, H. A., & Schofield, J. W. (1980). Racial and behavioral cues in Black and White children's perceptions of ambiguously aggressive acts. *Journal of personality and social psychology*, 39(4), 590.

³⁴ Banaji, M.R., Hardin, C., & Rothman, A.J. (1993). Implicit stereotyping in person judgment. *Journal of Personality & Social Psychology*, 65, 272-281.

operate outside of conscious awareness and control, and can influence people's judgments and behaviors in very consequential ways.³⁵ These effects may be small in each instance, but they are real and cumulative.³⁶

7.2.6.1. These implicit stereotypes can lead to subtle discriminatory behaviors. In my own research, for example, my colleagues and I have shown that an implicit association between Blacks and weapons predicts how quickly people “shoot” armed Black men relative to armed White men in a computer-based simulation.³⁷ (I will expand on this idea and describe additional relevant research on police decisionmaking in section 8.1, below.) Implicit stereotypes are especially problematic because they can bias our judgments and behaviors despite our best conscious intentions.³⁸

³⁵ Fazio, R.H., Jackson, J.R., Dunton, B.C., Williams, C.J. (1995). Variability in automatic activation as an unobtrusive measure of racial attitudes: A bona fide pipeline? *Journal of Personality & Social Psychology*, 69, 1013-1027; Greenwald, A.G., McGhee, D.E., & Schwartz, J.L.K. (1998). Measuring individual differences in implicit cognition: The implicit association test. *Journal of Personality and Social Psychology*, 74, 1464-1480; Greenwald, A.G., Poehlman, T.A., Uhlmann, E., & Banaji, M.R. (2009). Understanding and using the Implicit Association Test: III. Meta-analysis of predictive validity. *Journal of Personality and Social Psychology*; Hofmann, W., Gawronski, B., Gschwendner, T., Le, H., & Schmitt, M. (2005). A meta-analysis on the correlation between the Implicit Association Test and explicit self-report measures. *Personality and Social Psychology Bulletin*, 31, 1369-1385. Jost, J. T., Rudman, L. A., Blair, I. V., Carney, D. R., Dasgupta, N., Glaser, J., & Hardin, C. D. (2009). The existence of implicit bias is beyond reasonable doubt: A refutation of ideological and methodological objections and executive summary of ten studies that no manager should ignore. *Research in organizational behavior*, 29, 39-69.

³⁶ Greenwald, A. G., Banaji, M. R., & Nosek, B. A. (2015). Statistically small effects of the Implicit Association Test can have societally large effects. *Journal of Personality and Social Psychology*, 108(4), 553-561.

³⁷ Glaser, J. & Knowles, E.D. (2008). Implicit motivation to control prejudice. *Journal of Experimental Social Psychology*, 44, 164-172.

³⁸ Bargh, J.A. (1999). The cognitive monster: The case against the controllability of automatic stereotype effects. In S. Chaiken & Y. Trope (Eds.), *Dual-process theories in social psychology* (pp. 361-382). New York: Guilford Press; Dovidio, J.F., Kawakami, K., Johnson, C., Johnson, B., & Howard, A. (1997). On the nature of prejudice: Automatic and controlled processes. *Journal of Experimental Social Psychology*, 33, 510-540.

7.2.6.2. Unfortunately, the most common organizational response to concerns about implicit bias, training, has been shown to be ineffective in reducing racially disparate treatment in the field. Several large, rigorous, systematic evaluations of prominent police implicit bias training programs have shown that racial disparities in stop, search, and use of force persist after training.³⁹ Similarly, research in other industries indicates that “diversity trainings” (of which implicit bias trainings is a common variety) tend to have small or no effects on actual behaviors, although there is evidence of greater improvement if training is combined with significant organizational commitment.⁴⁰

7.2.7. *Stereotype Suppression.* Most people do not want to be influenced by stereotypes, at least under some circumstances, but stereotypes are prevalent, and they can operate implicitly. One does not need a conscious intent for stereotypes to bias one’s judgments. Therefore, one would have to attempt to actively suppress stereotypes to preclude their influence. However, stereotype suppression has been demonstrated to be difficult and

³⁹ Lai, C. K., & Lisnek, J. A. (2023). The Impact of Implicit-Bias-Oriented Diversity Training on Police Officers’ Beliefs, Motivations, and Actions. *Psychological Science*. Advance online publication. doi: 10.1177/09567976221150617. Worden, R. E., McLean, S. J., Engel, R. S., Cochran, H., Corsaro, N., Reynolds, D., Najdowski, C. J., & Isaza, G. T. (2020). *The impacts of implicit bias awareness training in the NYPD*. Albany, NY: The John F. Finn Institute for Public Safety, Inc.

⁴⁰ Bezrukova, K., Spell, C. S., Perry, J. L., & Jehn, K. A. (2016). A meta-analytical integration of over 40 years of research on diversity training evaluation. *Psychological bulletin*, 142(11), 1227. Kalev, A., Dobbin, F., & Kelly, E. (2006). Best practices or best guesses? Assessing the efficacy of corporate affirmative action and diversity policies. *American sociological review*, 71(4), 589-617. Kalinoski, Z. T., Steele-Johnson, D., Peyton, E. J., Leas, K. A., Steinke, J., & Bowling, N. A. (2013). A meta-analytic evaluation of diversity training outcomes. *Journal of Organizational Behavior*, 34(8), 1076-1104. Paluck, E. L., & Green, D. P. (2009). Prejudice reduction: What works? A review and assessment of research and practice. *Annual review of psychology*, 60, 339-367. Paluck, E. L., Porat, R., Clark, C. S., & Green, D. P. (2021). Prejudice reduction: Progress and challenges. *Annual review of psychology*, 72, 533-560.

problematic. Specifically, MacRae and colleagues (1994) found that, when instructed to avoid using stereotypes in describing an individual, research subjects were initially able to reduce stereotyping, but once the prohibition was no longer operative, they exhibited even *stronger* stereotyping than those given no suppression instruction.⁴¹ Stereotypes are prevalent and are difficult to suppress. As a result, their influence on our judgments of people is commonplace.

7.3. Biased Assimilation. The process by which stereotypes serve as preconceptions that bias interpretation of others' behaviors is part of a broader information-processing phenomenon called "biased assimilation." Psychologists Lord, Ross, and Lepper demonstrated that, when presented with identical information, people evaluated it very differently depending on their prior conceptions about the topic. In their words, "[people] are apt to accept 'confirming' evidence at face value while subjecting 'disconfirming' evidence to critical evaluation, and as a result to draw undue support for their initial positions from mixed or random empirical findings" (p. 2098).⁴² Stereotypes, as beliefs (about groups and traits), can serve as prior conceptions. Thus, stereotypes can cause an observer to assimilate an individual to their preconceived, biased assumptions about the groups to which they belong.

⁴¹ Macrae, C. N., Bodenhausen, G.V., Milne, A.B., & Jetten, J. (1994). Out of mind but back in sight: Stereotypes on the rebound. *Journal of Personality and Social Psychology*, 67, 808-817.

⁴² Lord, C.G., Ross, L., & Lepper, M.R. (1979). Biased assimilation and attitude polarization: The effects of prior theories on subsequently considered evidence. *Journal of Personality and Social Psychology*, 37, 2098-2109. Coincidentally, Lord, Ross, & Lepper's study involved opinions about the deterrent effect of the death penalty.

7.4. Race and space. Bonam and colleagues⁴³ have demonstrated through careful surveys and experiments that people have a tendency to stereotype presumably Black spaces (i.e., neighborhoods) as having a set of negative qualities (e.g., impoverished, crime-ridden). For example, one experiment found that people rated a neighborhood as less safe (among other negative characteristics) when a home sale advertisement included a photograph of a Black family as opposed to a characteristically matched White family. A companion study found the same pattern of results when race was manipulated merely by varying the stated percent of the neighborhood that was Black. Their research goes further to show that, because of these stereotypes, otherwise well-meaning individuals are more approving of imposing harms on these spaces, such as placing an environmentally hazardous facility. More directly relevant to policing, Crawford and Burns,⁴⁴ examining data from six large American law enforcement agencies, found that, all else being equal, officers were more likely to use deadly force in places considered to be “hazardous.”

8. Relevance of the social scientific findings to the Djossou case. In the following sections, I will relate the preceding review of the scientific literature to the present case. As I noted previously (Section 4.2), deploying more police personnel to a location will result in more police activity (e.g., stops) in that location. To the extent that MPD was deploying more officers to predominantly Black neighborhoods, this

⁴³ Bonam, C. M., Bergsieker, H. B., & Eberhardt, J. L. (2016). Polluting Black Space. *Journal of Experimental Psychology: General*, 145(11), 1561.

⁴⁴ Crawford, C., & Burns, R. (2008). Police use of force: Assessing the impact of time and space. *Policing & society*, 18(3), 322-335.

would increase the degree of disparity resulting from any actual differences in offending or other causes.⁴⁵

8.1. Police officer stereotypes can cause racially disparate enforcement. As past studies have shown, racial disparities in police activities, including use of force, cannot be explained away by statistically controlling for differential rates of offending.⁴⁶ The scientific research on stereotyping provides an explanation for how, even in the absence of willful discrimination, police officers, like others, will regard minorities, particularly African Americans, with relatively high criminal suspicion, and regard them as more threatening. In the context of a traffic stop or an attempt to make an arrest, officers are likely to perceive Black people's behaviors (e.g., hesitancy, evasion) as more suspicious and/or threatening to the officer or others, justifying the escalation of the event. For example, the research by Eberhardt and colleagues showing that police officers are more likely to look at an image of a Black person (next to an image of a White person) after being subliminally exposed to crime-related objects indicates that officers looking for criminal activity are more likely to spontaneously perceive criminality in the ambiguous behaviors of a Black person. Similarly,

⁴⁵ Glaser, J. (2006). The efficacy and effect of racial profiling: A mathematical simulation approach. *Journal of Policy Analysis and Management: The Journal of the Association for Public Policy Analysis and Management*, 25(2), 395-416. Harcourt, B. E. (2004). Rethinking racial profiling: A critique of the economics, civil liberties, and constitutional literature, and of criminal profiling more generally. *U. Chi. L. Rev.*, 71, 1275.

⁴⁶ E.g., Fryer Jr, R. G. (2019). An empirical analysis of racial differences in police use of force. *Journal of Political Economy*, 127(3), 1210-1261; Goff, P.A., Lloyd, T., Geller, A., Raphael, S., & Glaser, J. (2016). *The science of justice: Race, arrests, and police use of force*. New York: Center for Policing Equity; Pierson, E., Simoiu, C., Overgoor, J., Corbett-Davies, S., Jenson, D., Shoemaker, A., ... & Goel, S. (2020). A large-scale analysis of racial disparities in police stops across the United States. *Nature human behaviour*, 4(7), 736-745.

the research by Correll⁴⁷ and others⁴⁸ demonstrates the tendency that police officers (and community members) have to shoot armed Blacks faster than armed Whites in a simulation; this indicates how the prevalent stereotype associating Blacks with crime and danger translates into action, even among officers who, by all accounts, consciously wish to act in a fair and unbiased manner. Like the rest of us, police officers are often trying to disambiguate the actions of others, and stereotypes serve to skew the perceptions of the ambiguous behavior, especially when distracted or under time pressure. This helps to explain why, among Americans fatally shot by police, Black victims are roughly twice as likely as White victims to be unarmed, and, among off-duty police officers fatally shot by on-duty officers, 80% are Black in a country where roughly 10% of all officers are Black.⁴⁹

8.1.1. It is my expert opinion, to a reasonable degree of professional certainty, that when deployed to predominantly Black neighborhoods in DC, with the goal of investigating crime and finding guns, officers' judgments and actions were influenced by racial stereotypes. The disparate stop and search rates reported in the MPD stop data statistical reports are consistent with this.

⁴⁷ Correll, J., Park, B., Judd, C. M., Wittenbrink, B., Sadler, M. S., & Keesee, T. (2007). Across the thin blue line: police officers and racial bias in the decision to shoot. *Journal of personality and social psychology*, 92(6), 1006.

⁴⁸ Plant, E. A., & Peruche, B. M. (2005). The consequences of race for police officers' responses to criminal suspects. *Psychological Science*, 16(3), 180-183. In contrast, James and colleagues found a police officer sample to be slower to shoot Black than White suspects in a video simulation (James, L., James, S. M., & Vila, B. J. (2016). The reverse racism effect: Are cops more hesitant to shoot black than white suspects?. *Criminology & Public Policy*, 15(2), 457-479.). The James et al. study involved longer scenarios in which the suspect's race was evident early on and the decision to shoot occurred later, allowing time for research subjects to marshal and implement controlled responding.

⁴⁹ Charbonneau, A.K., Spencer, K.B., & Glaser, J. (2017). Understanding racial disparities in police use of lethal force: Lessons from fatal police-on-police shootings. *Journal of Social Issues*, 73, 744-767.

8.1.2. Context. All else being equal (e.g., in careful laboratory experiments and in carefully controlled multivariate statistical analyses of field performance alike), police officers are more likely to regard Black people with criminal suspicion, and, consequently, stop, question, search, and use force against them. In addition to this straightforward effect, these disparities can be exacerbated by contextual factors, including the racial composition and/or the presumed criminal activity of a neighborhood.⁵⁰ Wittenbrink and colleagues, for example, using careful experimental studies, found that the context in which a person is presented affects the racial attitudes that are activated toward that person. In these experiments, they measured variation in implicit attitudes (the respective associations between Black or White and good or bad) as a function of whether the objects of judgment were presented in contexts that might be associated with crime (a street corner) or not (a church), finding that more negative attitudes toward Blacks (but not Whites) were evident in the crime-associated contexts.

8.1.3. It is my expert opinion, based on the evidence reviewed in this case, and to a reasonable degree of professional certainty, that the “jump out” tactics used to target, stop, question, search, and use force against young, Black men were discriminatory.

⁵⁰ Van Rijswijk, W., & Ellemers, N. (2002). Context effects on the application of stereotype content to multiple categorizable targets. *Personality and social psychology bulletin*, 28(1), 90-101; Casper, C., Rothermund, K., & Wentura, D. (2010). Automatic stereotype activation is context dependent. *Social psychology*, 41; Wittenbrink, B., Judd, C. M., & Park, B. (2001). Spontaneous prejudice in context: Variability in automatically activated attitudes. *Journal of personality and social psychology*, 81(5), 815.

- 8.1.4.** In conjunction with the research by Eberhardt and colleagues showing that police officers associate Black people with crime, the research on the effects of physical contexts indicates that officers deployed to predominantly Black neighborhoods based on the premise of high crime rates are likely to be prone to perceive the behaviors of Black people with inordinate levels of suspicion.
- 8.1.5.** In fact, the effect of context on “shooter bias” (the tendency to shoot armed Black people) has been studied experimentally, with the finding that shooter bias is exacerbated by contextual cues like clothing styles and neighborhood type, in addition to suspect race.⁵¹ This body of research suggests that deploying officers to locations known to be disproportionately Black and high in crime will magnify stereotype-driven disparities.
- 8.1.6.** Relatedly, the research on context, combined with research by Bonam and colleagues on how spaces can be racially stereotyped, indicates that both officer-level decisions about individuals, and administrative decisions about deployment may result in part from a relative indifference toward Black lives. Bonam’s studies show that people have lower regard for spaces (e.g., neighborhoods) that are presumed to have larger Black populations. One effect of this negative regard is a greater willingness to approve of the placement of dangerous facilities (e.g., chemical plants) in largely Black (relative to largely White) neighborhoods. Furthermore, there are the

⁵¹ Kahn, K. B., & Davies, P. G. (2017). What influences shooter bias? The effects of suspect race, neighborhood, and clothing on decisions to shoot. *Journal of Social Issues*, 73(4), 723-743.

tendencies to regard Black people as less human⁵² and more tolerant of pain.⁵³ Knowing that increased police presence has the potential to both promote safety and visit harms (e.g., the collateral effects of enforcement) upon communities, supervisors and individual officers alike may be relatively indifferent to the effects of those harms on Black people.

8.2. Discretion.

8.2.1. A major factor in determining when stereotypes are borne out as prejudicial behavior toward members of stereotyped groups is the amount of discretion that decisionmakers and actors have. If decisions are entirely dictated by readily observable, objective criteria (e.g., speed assessed by a radar gun applied to all vehicles), then group-based stereotypes have little or no opportunity to influence judgments. If, however, there is some ambiguity and the perceiver has the discretion to use his or her judgment to act, mental heuristics like stereotypes can be influential. Police officers have considerable discretion, and this is partly due to the vagueness of prevailing standards.

8.2.2. As Amanda Charbonneau of the RAND Corporation and I discuss in an article in the UC Irvine Law Review, the crucial policing standard of “reasonable suspicion” is inherently vague and therefore invites decisions under uncertainty and ambiguity.⁵⁴ Charbonneau and I review three law

⁵² Goff, P. A., Eberhardt, J. L., Williams, M. J., & Jackson, M. C. (2008). Not yet human: implicit knowledge, historical dehumanization, and contemporary consequences. *Journal of personality and social psychology*, *94*(2), 292.

⁵³ Tait, R. C., & Chibnall, J. T. (2014). Racial/ethnic disparities in the assessment and treatment of pain: Psychosocial perspectives. *American Psychologist*, *69*(2), 131.

⁵⁴ Charbonneau, A. & Glaser, J. (2021). Suspicion and Discretion in Policing: How Laws and Policies Contribute to Inequity. *UC Irvine Law Review*, *11*(5), 1327-1348; See also Alpert, G. P., & Smith, W. C.

enforcement case studies that reveal how discretion gives rise to racial disparities and how constraining discretion improves efficiency and reduces disparities.

8.2.2.1. The first case involves a 1999 procedural change at US Customs wherein the Director reduced the number of criteria for searches from a broad list of 43, including some very subjective criteria, to 6 criteria more instrumentally related to smuggling.⁵⁵ In the year following the policy change, the number of searches decreased by roughly 75%, but the rate at which searches yielded contraband quadrupled, indicating that, with the broad criteria, agents were carrying out a lot of unnecessary searches. With respect to disparities, searches of Blacks and Whites had been over 4 times as productive as searches of Hispanics (strongly suggesting that Hispanics were being searched at lower levels of suspicion – i.e., discriminatorily). In the year after the reduction in search criteria, Hispanic search yield rates became almost equal to Black and White rates.

8.2.2.2. The second case reflects the very large number of pedestrian stops by the New York Police Department under the Stop, Question & Frisk program. At the peak of the program in 2011, NYPD reported stopping nearly 700,000 pedestrians, about half of which were Black (in a city that is about 25% Black). Search yield rates of contraband and weapons were substantially higher for Whites than for Blacks and Hispanics, again

(1994). How reasonable is the reasonable man: Police and excessive force. *J. Crim. L. & Criminology*, 85, 481.

⁵⁵ See Ramirez, D. A., Hoopes, J., & Quinlan, T. L. (2003). Defining racial profiling in a post-September 11 world. *Am. Crim. L. Rev.*, 40, 1195.

indicating differential, and therefore discriminatory suspicion thresholds. After a dramatic decline in stop and frisk from 2011 to 2015 (resulting in part from a civil lawsuit⁵⁶), yield rates for contraband and weapons had increased, overall, and essentially equalized across the racial/ethnic groups.

8.2.2.3. Finally, recent data from the 15 largest law enforcement agencies in California (data reporting waves 1 and 2 of the Racial and Identity Profiling Act – AB953) show that searches of Blacks and Hispanics are less likely to yield contraband than searches of Whites, but that this is limited to relatively high discretion searches (e.g., consent searches), and that low discretion searches (e.g., incident to arrest) show little or no disparity in yield rates.⁵⁷

8.2.2.4. These three cases, representing a large federal agency, the largest police department in the U.S., and the largest agencies in the most populous state, reflect a pattern of results – that Whites are less likely to be stopped and searched – that is seen in many jurisdictions. The circumstances of these cases allow for comparisons of search results under conditions of relatively low versus high discretion, indicating that racial disparities are most pronounced, and least justified, when discretion is high.

8.2.3. It is my expert opinion, based on the evidence that I reviewed and to a reasonable degree of professional certainty, that the MPD’s discretionary use

⁵⁶ *Floyd v. City of New York*, 959 F. Supp. 2d 540, 562 (S.D.N.Y. 2013).

⁵⁷ See also California Department of Justice (2020). *Racial and Identity Profiling Act Advisory Board Annual Report*. Figure 12.

of the “reasonable suspicion” and “probable cause” standards leads to stereotyped and prejudicial policing practices.

8.2.3.1. For example, in the deposition testimony of Commander John Haines, he states that the members of the GRU can “instantly detect the person within the group who may be up to something.”⁵⁸ Belief by a member of MPD management that officers can detect criminal behavior without direct observation promotes an environment in which mental heuristics like stereotypes are likely to determine who is stopped by the police.

8.2.3.2. Further, an MPD memo, written in 2017, describes that stops and searches can be conducted if an individual is wearing weather-inappropriate clothing and demonstrates fear of the police.⁵⁹ This memorandum ignores the reality that Black men may have a justifiable reason for fearing the police, other than criminal history. In these instances, where indirect inferences based on vague criteria are encouraged, officer stereotypes of Black men will unduly influence judgments of suspicion and decisions about whom to stop and search.

8.2.4. In the present case, it is my expert opinion, based on the evidence that I have reviewed and to a reasonable degree of professional certainty, that MPD’s prioritization of deploying police resources to largely Black neighborhoods for proactive policing causes racially disparate outcomes for Black residents. Here, I distinguish between disparate and disproportionate,

⁵⁸ Transcript of October 26, 2022 deposition of John Haines, at 183-185.

⁵⁹ December 30, 2017 Memorandum from Lieutenant John Branch to Chief Robert Contee, Re: Unmarked Vehicles.

meaning that disparities may be due to racial bias, but also to differential offending (or differential prioritization by authorities of different offense categories). In the case of MPD, it is my expert opinion, to a reasonable degree of professional certainty, that MPD's deploying of greater police resources to largely Black neighborhoods has led to racially discriminatory outcomes for Black residents.

9. Conclusion.

9.1. The social psychological research described above (see section 7) explains how stereotypes, including those associating Black people with crime and violence, are pervasive, and how they influence our judgments and behaviors. Because these stereotypes also operate largely outside of conscious awareness and control, they can cause discriminatory behaviors, despite one's intentions to be fair and impartial (see section 7.2.6, above). This has been observed directly in studies with police officer samples, including simulations of use of lethal force (see section 8.1, above).

9.2. In addition to the pervasiveness and demonstrated influence of implicit race-crime stereotypes, it has been shown that the contexts of decisions can cause racially disparate outcomes in addition to those with respect to the racial category of individuals (see section 7.4, above). For example, ostensibly Black neighborhoods are viewed as more dangerous and as more appropriate for placement of harmful facilities.

9.3. Furthermore, research shows that, all else being equal, Black people tend to be perceived as less vulnerable to pain, less human, and more worthy of severe punishment (see section 7.2.3.2, above).

9.4. Analyses of large, administrative policing data sets reveal that police actions that involve relatively high degrees of discretion tend to yield more discriminatory results (i.e., higher stop and search rates, and lower search yield rates for non-Whites) (see section 8.2.2.2 – 8.2.2.4, above).

9.5. The MPD stop data reports indicate that MPD stops and searches of Black people are disproportionate to their representation in the general population. This is consistent with officers being disproportionately deployed and/or disproportionately conducting stops and searches in Black neighborhoods. Given the nature of policing and human information processing of race-crime stereotypes (i.e. that Blacks are associated with crime), my expert opinion, to a reasonable degree of professional certainty, is that MPD has subjected Black residents of DC to disproportionate police intrusion, including stops and questioning, searches, citations, arrests, and use of force.

10. I hereby certify that this report is a complete and accurate statement of all of my opinions, and the basis and reasons for them, to which I will testify under oath.



JACK GLASER

I hereby certify that, as of today, February 22, 2023, I have not been deposed in the last four years.

My expert consulting fee for this and other cases is \$400 per hour.

A handwritten signature in blue ink, appearing to read "John Glaser", with a stylized flourish at the end.

JACK GLASER

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Grants & Awards

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Interdisciplinary Behavioral and Social Science Research Grant, National Science Foundation, Co-PI (2016-2018), co-PI
Interdisciplinary Behavioral and Social Science Research Grant, National Science Foundation, Co-PI (2013-2016), co-PI
Faculty Research Bridging Grant, Committee on Research, UC Berkeley (2013-2015)
Faculty Early Career Development (CAREER) Award, National Science Foundation (2008-13)
Faculty Research Grant, UC Berkeley Committee on Research (2005-2006)
Honorable Mention, 2004 Society of Personality & Social Psychology Theoretical Innovation Prize (co-authored article, "Conservatism as Motivated Social Cognition," *Psych. Bulletin*)
Hellman Family Faculty Fund Award, UC Berkeley (2003-2004)
Faculty Research Grant, UC Berkeley Committee on Research (2001-2002)
National Research Service Award Postdoctoral Fellowship, NIMH (1999-2000)
Robert M. Leylan Fellowship, Yale University (1997-98)
Society for the Psychological Study of Social Issues Graduate Research Award (1997)
John F. Enders Research Grant, Yale University (1997)
Center for the Study of Race, Inequality & Politics Research Grant, Yale U. (1996)

Primary Research Interests

Prejudice, Stereotyping, and Discrimination; Racial Profiling; Criminal Justice Decision Making; Intergroup Conflict and Hate Crime; Nonconscious Affect and Cognition; Political Decision Making and Behavior.

Publications

- Glaser, J. (forthcoming). Disrupting the effects of implicit bias: To train or constrain. *Daedalus: Journal of the American Academy of Arts & Sciences*.
- Oxholm, P., & Glaser, J. (in press). Goals and outcomes of police officer communication: Evidence from in-depth interviews. *Group Processes & Intergroup Relations*.
- Connor, P., Weeks, M., Glaser, J., Chen, S., & Keltner, D. (2023). Intersectional implicit bias: Evidence for asymmetrically compounding bias and the predominance of target gender. *Journal of Personality & Social Psychology*, 124(1), 22–48.
- Charbonneau, A., & Glaser, J. (2020). Suspicion and Discretion in Policing: How Laws and Policies Contribute to Inequity. *UC Irvine Law Review*, 11(5), 1327.
- Geller, A., Goff, P.A., Lloyd, T., Haviland, A., Obermark, D., & Glaser, J. (2020). Measuring racial disparities in police use of force: Methods matter. *Journal of Quantitative Criminology*, 1-31.
- Glaser, J., & Charbonneau, A. (2018). Working with law enforcement: Finding common purpose. In L. Tropp (Ed.), *Making Research Matter: A Psychologist's Guide to Public Engagement*. Washington, DC: American Psychological Association.
- Charbonneau, A.K., Spencer, K.B., & Glaser, J. (2017). Understanding racial disparities in police use of lethal force: Lessons from fatal police-on-police shootings. *Journal of Social Issues*, 73, 744-767.
- Sah, S., Tannenbaum, D., Cleary, H., Feldman, Y., Glaser, J., Lerman, A., MacCoun, R., Maguire, E., Slovic, P., Spellman, B. and Spohn, C., (2016). Combating biased decisionmaking & promoting justice & equal treatment. *Behavioral Science & Policy*, 2, 78-87.
- Kahn, K.B., Goff, P.A., & Glaser, J. (2016). Research and training to mitigate the effects of implicit stereotypes and masculinity threat on authority figures' interactions with adolescents and non-Whites. In R. Skiba, K. Mediratta, & M.K. Rausch (Eds.), *Inequality in School Discipline: Research and Practice to Reduce Disparities*. New York: Palgrave Macmillan.
- Spencer, K.B., Charbonneau, A.K., & Glaser, J. (2016). Implicit bias and policing. *Personality & Social Psychology Compass*, 10, 50-63.
- Blair, I.V., Dasgupta, N., & Glaser, J. (2015). Implicit attitudes. M. Mikulincer, P.R. Shaver, E. Borgida, & J.A. Bargh (Eds). *APA handbook of personality and social psychology, Volume 1: Attitudes and social cognition* (pp. 665-691). Washington, DC: American Psychological Association.
- Glaser, J., Martin, K.D, & Kahn, K.B. (2015). Possibility of death sentence has divergent effect on verdicts for Black and White defendants. *Law & Human Behavior*, 39, 539-546.
- Glaser, J. (2015). *Suspect Race: Causes and Consequences of Racial Profiling*. New York: Oxford University Press.
- Glaser, J., Spencer, K.B., & Charbonneau, A. (2014). Racial bias and public policy. *Policy Insights from Behavioral and Brain Sciences*, 1, 88-94.
- Hackney, A., & Glaser, J. (2013). Reverse deterrence in racial profiling: Increased transgressions by non-profiled Whites. *Law & Human Behavior*, 37, 348-353.

- Glaser, J., & Finn, C. (2013). How and why implicit attitudes should affect voting. *PS: Political Science and Politics*, 46, 537-544.
- Kahn, K.B., Spencer, K., & Glaser, J. (2013). Prejudice and the Internet: From dating to hating. Y. Amichai-Hamburger (Ed.), *The Social Net, 2nd edition*. Oxford: Oxford University Press.
- Martin, K.D., & Glaser, J. (2012). The indefensible problems with racial profiling. In J. Gans (Ed.), *Society and Culture: Debates on Immigration*. Thousand Oaks, CA: Sage.
- Park, S.H., & Glaser, J. (2011). Implicit motivation to control prejudice and exposure to counterstereotypic instances reduce spontaneous discriminatory behavior. *Korean Journal of Social and Personality Psychology*, 25, 107-120.
- Finn, C., & Glaser, J. (2010). Voter affect and the 2008 U.S. presidential election: Hope and race mattered. *Analyses of Social Issues and Public Policy*, 10, 262-275.
- Jost, J.T., Rudman, L., Blair, I.V., Carney, D.R., Dasgupta, N., Glaser, J., & Hardin, C. (2009). The existence of implicit bias is beyond reasonable doubt: A refutation of ideological and methodological objections and executive summary of ten studies that no manager should ignore. *Research in Organizational Behavior*, 29, 39-69.
- Jost, J.T., Rudman, L., Blair, I.V., Carney, D.R., Dasgupta, N., Glaser, J., & Hardin, C. (2009). An invitation to Tetlock and Mitchell to conduct empirical research on implicit bias with friends, "adversaries," or whomever they please. *Research in Organizational Behavior*, 29, 73-75.
- Park, S.H., Glaser, J., & Knowles, E.D. (2008). Implicit motivation to control prejudice moderates the effect of cognitive depletion on unintended discrimination. *Social Cognition*, 26, 379-398.
- Glaser, J., & Knowles, E.D. (2008). Implicit motivation to control prejudice. *Journal of Experimental Social Psychology*, 44, 164-172.
- Glaser, J. (2007). Contrast effects in automatic affect, cognition, and behavior. In D. Stapel & J. Suls (Eds.), *Assimilation and Contrast in Social Psychology*. New York: Psychology Press.
- Tapias, M.P., Glaser, J., Vasquez, K., Keltner, D., & Wickens, T. (2007). Emotion and prejudice: Specific emotions toward outgroups. *Group Processes & Intergroup Relations*, 10, 27-39.
- Stroud, L.R., Glaser, J., & Salovey, P. (2006). The effects of partisanship and candidate emotionality on voter preference. *Imagination, Cognition, and Personality*, 25, 25-44.
- Glaser, J. (2006). The efficacy and effect of racial profiling: A mathematical simulation approach. *Journal of Policy Analysis and Management*, 25, 395-416.
- Glaser, J. (2005). Intergroup Bias and Inequity: Legitimizing Beliefs and Policy Attitudes. *Social Justice Research*, 18, 257-282.
- Glaser, J., & Kahn, K. B. (2005). Prejudice, discrimination, and the Internet. In Y. Amichai-Hamburger (Ed.) *The Social Psychology of the Internet*. Oxford: Oxford University Press.
- Glaser, J., & Kihlstrom, J. F. (2005). Compensatory automaticity: Unconscious volition is not an oxymoron (pp. 171-195). In R. Hassin, J. S. Uleman, & J. A. Bargh (Eds.), *The New Unconscious*. New York: Oxford University Press.
- Jost, J.T., Glaser, J., Kruglanski, A.W., & Sulloway, F. (2003). Exceptions that prove the rule: Using a theory of motivated social cognition to account for ideological incongruities and political anomalies (reply to Greenberg & Jonas). *Psychological Bulletin*, 129, 383-393.
- Jost, J.T., Glaser, J., Kruglanski, A.W., & Sulloway, F. (2003). Political conservatism as motivated social cognition. *Psychological Bulletin*, 129, 339-375. (Honorable Mention, Society of Personality & Social Psychology Theoretical Innovation Prize, 2004)

- Glaser, J. (2002). Reverse priming: Implications for the (un)conditionality of automatic evaluation. In J. Musch & K. C. Klauer (Eds.), *The Psychology of Evaluation: Affective Processes in Cognition and Emotion*. Mahwah, NJ: Erlbaum.
- Glaser, J., Dixit, S., & Green, D. P. (2002). Studying hate crime with the Internet: What makes racists advocate racial violence. *Journal of Social Issues*, 58, 177-193. (Re-printed in C.K. Weaver & C. Carter (Eds.), *Critical Readings: Violence and the Media*. New York: Open University Press. 2006.)
- Glaser, J. & Banaji, M.R. (1999). When fair is foul and foul is fair: Reverse priming in automatic evaluation. *Journal of Personality and Social Psychology*, 77, 669-687.
- Glaser, J. & Salovey, P. (1998). Affect in electoral politics. *Personality and Social Psychology Review*, 2, 156-172.
- Green, D.P., Glaser, J., & Rich, A. (1998). From lynching to gay-bashing: The elusive connection between economic conditions and hate crime. *Journal of Personality and Social Psychology*, 75, 82-92.
- Banaji, M.R., Blair, I.V., & Glaser, J. (1997). Environments and unconscious processes. In R.S. Wyer (Ed.), *Advances in Social Cognition*, Vol. 10. Mahwah, New Jersey: Erlbaum.
- Zimmerberg-Glick, B., Tomlinson, T.M., Glaser, J., & Beckstead, J.W. (1993). Effects of prenatal alcohol exposure on the developmental pattern of temperature preference in a thermocline. *Alcohol*, 10, 403-408.

Other Publications

- Feigenberg, B., Glaser, J., & Packis, E. (2021). *Implicit bias training for police*. Report for the Council on Criminal Justice Task Force on Policing. Chicago: CCJ.
- Glaser, J., & Lim, M. (2020). *Review of research on policing demonstrations*. Report to the Office of the Governor of California.
- Broadus, J., Charbonneau, A., Saron, R., Goff, PA, & Glaser, J. (2019). Policy Reviews for the Birmingham, Fort Worth, Gary, Minneapolis, and Stockton Police Departments, and the Pittsburgh Bureau of Police. Products of the Center for Policing Equity's National Justice Database, submitted to the National Initiative for Building Community Trust & Justice. Six reports, available upon request and forthcoming on CPE and NIBCTJ websites.
- Goff, P.A., Lloyd, T., Geller, A., Raphael, S., & Glaser, J. (2016). *The science of justice: Race, arrests, and police use of force*. New York: Center for Policing Equity.
- Goff, P.A., Lloyd, T., Geller, A., Raphael, S., & Glaser, J. (2016). *The science of justice: City report*. New York: Center for Policing Equity.
- Glaser, J. (2015). How to reduce racial profiling. *Greater Good Magazine*. Berkeley, CA: Greater Good Science Center, May 28, 2015.
- Glaser, J. (2014). Biased policing is real – and fixable. *San Francisco Chronicle*, December 19, 2014.
- Glaser, J. (2014). Why Gov. Nixon has to remove prosecutor (op-ed on shooting of unarmed Black man in Ferguson, Missouri). *St. Louis Post-Dispatch*, August 27, 2014.
- Glaser, J. (2013). Racial profiling: What psychology has to offer law enforcement... and vice versa. *Forward (Newsletter of the Society for the Psych. Study of Social Issues)*, 247, 15-17.
- Crawford, C., & Glaser, J. (2011). Drivers of racial disproportions in police stops and searches. Paper presented at the *Roundtable on Current Debates, Research Agendas and Strategies to Address Racial Disparities in Police-initiated Stops in the UK and USA*. New York: John Jay College of Criminal Justice.

- Finn, C., & Glaser, J. (2010). Nonsignificance. Entry in *Encyclopedia of Research Design*. Thousand Oaks, CA: Sage.
- Park, S.H., & Glaser, J. (2010). Error rates. Entry in *Encyclopedia of Research Design*. Thousand Oaks, CA: Sage.
- Glaser, J. (2007). Attitude Formation and Change. Entry in D. S. Clark (Ed.), *Encyclopedia of Law and Society: American and Global Perspectives*. Thousand Oaks, CA: Sage.
- Glaser, J. (2006). Candidate Emotionality. *Political Communication Report, Fall 2006*.
- Glaser, J. (2005). Understanding “Understanding Prejudice and Discrimination.” Book review of “Understanding Prejudice and Discrimination,” S. Plous (Ed.), in *Analyses of Social Issues and Public Policy, 5*, 277-279.
- Glaser, J. (2004). Lying with Statistics: Campaign Contributions and Iraq Reconstruction Contracts. *PolicyMatters, 1*, 53-55.
- Glaser, J. (2003). Colorblind or just blind. *AlterNet.org, October 4, 2003*.
- Kruglanski, A., Jost, J.T., Glaser, J., & Sulloway, F. (2003). Political Opinion, Not Pathology. *Op-ed, Washington Post, August 28, 2003*.
- Glaser, J. (2003). A bogus ban on racial profiling. *AlterNet.org, July 23, 2003*.
- Glaser, J. (2002). The fallacy inherent in racial profiling. In D. Hazen, T. Hausman, T. Straus, & M. Chihara (Eds.), *After 9/11: Solutions for a Saner World* (pp. 65-67). San Francisco, CA: Alternet.org. (Adapted from an Op-Ed essay originally published in the San Francisco Chronicle, December 5, 2001.)

Selected Presentations

- Glaser, J. (2022, June 27). *Mitigating Disparities: Implicit Bias & Discretion*. Center for Evidence-based Crime Policy Annual Symposium. Arlington, VA.
- Glaser, J. (2021, April 18). *Racial and Ethnic Bias in Policing*. Cialdini Leap Forward Colloquium at Arizona State University (Virtual).
- Glaser, J. (2021, March 23). *Implicit Bias & Policing: To Train or Constrain?* National Academies of Science, Engineering, and Medicine Science of Implicit Bias Workshop (Virtual).
- Glaser, J. (2020, Aug. 6). *Discretion & Discrimination in Law Enforcement*. Invited Address, American Psychological Association (Virtual).
- Glaser, J. (2020, Jan. 15). *Discretion and Disparities in Policing*. University of Washington Evans School of Public Policy & Governance departmental colloquium. Seattle, WA.
- Glaser, J. (2019, Nov. 13). *Causes & Consequences of Racial Profiling*. Utrecht University Series on Security in Open Societies. Utrecht, The Netherlands.
- Glaser, J. (2019, Feb. 13). *Implicit Bias & Policing: Science & Implications*. Oregon Justice Reinvestment Summit. Salem, OR.
- Glaser, J. (2018, Nov. 1). *What We Mean When We Talk About Disparities*. NYPD Racial Disparities in Policing Summit. New York, NY.
- Glaser, J. (2018, Aug. 8). *Biased Policing and the Future of Law Enforcement*. Federal Law Enforcement Training Center 2018 Psychology Colloquium. Glancing, GA.
- Glaser, J. (2018, June 19). “*Racial Profiling*” in 2018: *Psychological Causes & Data Challenges*. Presentation to the meeting of the California Racial & Identity Profiling Act Advisory Board. San Jose, CA.

- Glaser, J. (2018, June 4). *Psychological, Mathematical, and Collateral Problems with High-Discretion Policing*. Understanding Implicit Bias and Policing Symposium. Sheffield, England.
- Glaser, J. (2018, April 3). *Implicit Bias: The Science & the Implications*. Federal Southern District of California Judicial Conference. San Diego, CA.
- Glaser, J. (2018, Jan. 3). *Implicit Bias & Policing: The Science & the Implications*. Presentation to the Office of the Inspector General, Los Angeles County, CA.
- Glaser, J., Broadus, J., & Charbonneau, A. (2017, Nov. 15). *An Intra-industry, Inter-agency Policy Review Framework for Law Enforcement*. American Society of Criminology. Philadelphia, PA.
- Glaser, J. (2017, June 24). *Racially Disparate Use of Force: Analytical, Policy, & Operational Implications*. Society for the Psychological Study of Social Issues. Albuquerque, NM.
- Glaser, J. (2017, May 17). *Implicit Bias & Policing: The Science & the Implications*. Presentation to Behavioral Science Services, Los Angeles Police Department.
- Glaser, J. (2017, Apr. 20). *Racially Biased Policing: Causes, Consequences, & Considerations*. Distinguished Lecture Series in Psychology. University of Missouri, Columbia, MO.
- Glaser, J. (2017, Apr. 10). *Psychological, Mathematical, & Collateral Problems with High-Discretion Policing*. RAND Corporation Diversity & Inclusion Seminar Series. Santa Monica, CA.
- Glaser, J. (2016, Dec. 11). *Implicit Bias: Implications for Criminal Justice*. Meeting of the Bay Area Rapid Transit Police Citizen Review Board. Oakland, CA.
- Glaser, J. (2016, Dec. 8). *Implicit Bias: Implications for Criminal Justice*. Annual meeting of the U.S. Attorney's Office for the Northern California District. Oakland, CA.
- Glaser, J. (2016, Nov. 30). *We're Talking About Stop & Frisk Again? Psychological, Mathematical, & Collateral Problems with High-Discretion Policing*. Justice Nerds Lecture Series. John Jay College of Criminal Justice. New York, NY.
- Glaser, J. (2016, Oct. 27). *Race & Perception of Crime: The Psychological Science*. Santa Clara County Police Chiefs and Prosecutors. Monterey, CA.
- Glaser, J. (2016, Oct. 7). *The Psychological Science on Race & Criminal Suspicion; and What Variation in Discretion Can Tell Us About Suspicion*. Race and Policing: Defining the Problem and Developing Solutions. Irvine, CA.
- Glaser, J. (2016, Sep. 16). *Racially Biased Policing: Causes, Consequences, & Considerations*. Rutgers University, Newark Psychology Colloquium. Newark, NJ.
- Glaser, J. (2016, June 25). *Conceptualizing, Conducting, & Sharing Policy-Relevant Psychological Science*. Society for the Psychological Study of Social Issues annual meeting. Minneapolis, MN.
- Glaser, J. (2016, Mar. 4). *Understanding Implicit Bias*. 21st Annual National Conference of CJA Panel Attorney District Representatives. San Francisco, CA.
- Glaser, J. (2016, Feb. 10). *The Causes and Consequences of Racial Bias in Law Enforcement*. Princeton University Inequality Science Series. Princeton, NJ.
- Glaser, J., Spencer, K., & Charbonneau, A. (2016, Jan. 30). *Race, Stereotypes, Perception, & Discretion: Causes of Disparate Policing*. Society of Personality and Social Psychology annual convention. San Diego, CA.
- Glaser, J. (2016, Jan. 28). *The Role of Departmental- and Officer-level Discretion in Racially Disparate Policing*. Social Psychology & Law Preconference at the Society of Personality and Social Psychology annual convention. San Diego, CA.

- Glaser, J. (2015, Oct. 2). *Suspect Race: Causes and Consequences of Biased Policing*. UC Berkeley Homecoming Cal Day. Berkeley, CA.
- Glaser, J. (2015, Sept. 25). *Why, How, and When to Assert Your Expertise*. Society of Experimental Social Psychology Annual Conference. Denver, CO.
- Glaser, J. (2015, Sept. 20). *Racial Bias in Policing: Psychological Causes and Policy Implications*. Keynote Address. New York State Psychological Association Forensic Division Conference. New York, NY.
- Glaser, J. (2015, Sept. 18). *Implicit and Explicit Racial Bias and Legal Decisionmaking*. Perspectives on Race & Ethnicity for Capital and non-Capital Defense Lawyers. New York, NY.
- Glaser, J. (2015, September 2). *Policy Implications of the Psychological Causes of Biased Policing*. Political Psychology Preconference, American Political Science Association Conference. San Francisco, CA.
- Glaser, J. (2015, June 2). *Psychological Causes of Racial Bias in Use of Force*. Mind Science Conference. Oakland, CA.
- Glaser, J. (2015, April 7). *Biased Policing: Causes and Consequences*. Seminar for congressional staff. U.S. Congress, Washington, DC.
- Glaser, J. (2015, Feb. 26). *Biased Policing: Causes and Consequences*. Keynote address for 21st Century Policing panel at California Lutheran University, Thousand Oaks, CA.
- Glaser, J. (2015, Feb. 10). *Implicit Bias and Policing*. Informational Hearing on Law Enforcement and Community Trust in California. California Assembly and Senate Public Safety Committees. Sacramento, CA.
- Glaser, J. (2014, Dec. 12). *On Discretion*. New Directions in Law & Psychology. Honolulu, HI.
- Glaser, J. (2014, June 29). *We Shouldn't Be Surprised: Implicit Bias and Law Enforcement*. Society for the Psychological Study of Social Issues, Portland, OR.
- Glaser, J. (2014, June 27). *SPSSI's Policy Committee: Effecting Action on Priorities*. Society for the Psychological Study of Social Issues, Portland, OR.
- Spencer, K.B., Kariyawasam, P., & Glaser, J. (2014, June 27). *Implicit Motivation to Control Prejudice and Use of Force*. Society for the Psychological Study of Social Issues, Portland, OR.
- Glaser, J. (2014, May 8). *How Implicit Bias Influences Judgments and Decisions*. Panel on Subliminal Influences on Decisionmaking. Third U.S. Judicial Circuit Annual Conference. Hershey, PA.
- Glaser, J. (2013, March 8). *Suspect Race: Causes and Consequences of Racial Profiling*. Tufts University Diversity Science Colloquium Series, Medford, MA.
- Glaser, J. (2013, January 17). *Racial Profiling*. Law & Social Psychology Preconference: Society of Personality & Social Psychology, New Orleans, LA.
- Glaser, J. (2012, July 12). *Implicit Motivation to Control Prejudice: Implications for Standards of Intent*. Conference on Implicit Bias and Philosophy. Sheffield, England.
- Glaser, J. (2012, June 22). Keynote address: *Racial Profiling: A Case Study in Connecting Psychology and Public Policy*. Society for the Psychological Study of Social Issues, Charlotte, NC.
- Glaser, J. (2012, June 14). *Motivation to Control Prejudice: No Intent to Discriminate vs. Intent to Not Discriminate*. Conference on "Implicit Bias Across the Law," Harvard University, Cambridge, MA.

- Spencer, K., Sehovic, S., Park, S.H., & Glaser, J. (2012, January 26). *Effectiveness of stereotype extinction training on spontaneous discriminatory behavior*. Poster presented at the Society of Personality & Social Psychology, San Diego, CA.
- Martin, K.D., Kahn, K.B., & Glaser, J. (2010, January 30). *Sentence Severity, Defendant Race and Concerns Over Wrongful Convictions and Acquittals*. Poster presented at the Society of Personality & Social Psychology, Las Vegas, NV.
- Horner, E., Glaser, J., & Park, S.H. (2010, January 28). *Implicit and Explicit Motivation to Control Prejudice and their Relations to Self-Esteem*. Poster presented at the Society of Personality & Social Psychology, Las Vegas, NV.
- Glaser, J. (2009, November 5). *Counterproductive Effects of Stereotyping and Prejudice on Crime Mitigation: Experimental Evidence*. Association of Public Policy Analysis and Management, Washington, DC.
- Glaser, J. (2008, October 22). *Implicit Motivation to Control Prejudice and Discrimination*. Person Memory Interest Group, Petaluma, CA.
- Finn, C., & Glaser, J. (2008, April). *Spillover Effects of Felon Disenfranchisement and Racial Profiling*. Midwest Political Science Association, Chicago, IL.
- Glaser, J. (2008, February). *Implicit Motivation to Control Prejudice and Discrimination*. Society for Personality and Social Psychology, Albuquerque, NM.
- Glaser, J. (2007, November 10). *Considering Unintentional Thoughts, Attitudes, & Behaviors in Policy Choices*. Association of Public Policy Analysis & Management, Washington, DC.
- Glaser, J. (2007, September 6). *Implicit Stereotyping, Prejudice, and Egalitarian Motives: Social Psychology's Emphasis on the Intent to Not Discriminate*. Constructing Inequality: The Relevance of Social Science for Anti-discrimination Law, Institute for the Study of Social Change & Boalt Hall School of Law, Berkeley, CA.
- Glaser, J. (2007, August 17). *Democracy and Disenfranchisement*, discussant for symposium. American Psychological Association, San Francisco, CA.
- Kahn, K.B., & Glaser, J. (2007, June 8). *The Effect of the Death Penalty on Jurors' Judgments of Guilt*. American Society for Trial Consultants, Long Beach, CA.
- Glaser, J. (2007, May 8). *Implicit Motivation to Control Prejudice and Discrimination*. Psychology Colloquium, Northwestern University, Evanston, IL.
- Glaser, J. (2007, May 7). *The Efficacy of Racial Profiling: A Mathematical, Logical, and Psychological Analysis*. Research Seminar of the American Bar Foundation. Chicago, IL.
- Glaser, J. (2007, April 12). *This Is Your Brain on Bias: Perception, Memory, and Unintended Discrimination*. Symposium on Fairness and Equity Issues in Child Welfare Training and Education. University of California, Berkeley.
- Glaser, J. (2007, February 26). *Implicit Motivation to Control Prejudice and Discrimination*. Social Psychology Colloquium, University of California, Davis.
- Glaser, J. (2007, February 21). *Implicit Motivation to Control Prejudice and Discrimination*. Institute of Personality and Social Research Colloquium, University of California, Berkeley.
- Glaser, J. (2006, October 27). *Implicit Motivation to Control Prejudice and Discrimination*. Social Psychology Colloquium, Simon Fraser University, Vancouver, BC.
- Glaser, J. (2006, October 20). *Candidate Emotionality*. American National Elections Studies/American Psychological Association Conference on the Psychology of Voting, Duke University, NC.
- Glaser, J., & Kahn, K.B. (2006, June 24). *Effect of Possibility of Death Sentence on Conviction Rates*. Society for the Psychological Study of Social Issues, Long Beach, CA.

- Park, S.H., Glaser, J., & Knowles, E.D. (2006, Jan. 28). *Implicit Motivation to Control Prejudice (IMCP) as a Moderator of Resource Depletion on Automatic Discrimination*. Poster presented at the Society of Personality and Social Psychology, Palm Springs, CA.
- Glaser, J. (2005, June 16). *Racial Profiling: Mathematical, Logical, Psychological, and Political Considerations*. Psychology Colloquium Series, Rand Corporation, Santa Monica, CA.
- Glaser, J., Knowles, E.D., & Park, S.H. (2005, May 27). *Implicit Motivation to Control Prejudice and Discrimination*. American Psychological Society, Los Angeles, CA.
- Knowles, E. D., Glaser, J., & Park, S.H. (2005, January 22). *Implicit Motivation to Control Prejudice and Unintended Discrimination*. Society of Personality and Social Psychology, New Orleans, LA. (Glaser, J., symposium chair.)
- Glaser, J. (2004, November 10). *Intergroup bias and inequity: Psychological sources, policy attitudes, and legitimizing beliefs*. Departmental colloquium, Stanford University Department of Psychology, Stanford, CA.
- Glaser, J. (2004, September 24). *The Efficacy of Racial Profiling: A Mathematical, Logical, and Psychological Analysis*. Policing Racial Bias Conference, Stanford University, Stanford, CA.
- Glaser, J., Kahn, K. B., & Durant, S. (June 27, 2004). *Possibility of Death Sentence, Defendant Race, and Jurors' Judgments*. Poster presented at the Society for the Psychology Study of Social Issues. Washington, DC.
- Tapias, M. P., & Glaser, J. (June 27, 2004). *Implicit Stigma Attitudes as Predictors of Psychological Well-Being*. Poster presentation at the Society for Psychological Study of Social Issues, Washington, DC.
- Tapias, M. P., Glaser, J., & Keltner, D. (2004, January 30). *Discrete Emotion Responses to Subliminal Priming of Outgroups*. Poster presented at the Society of Personality and Social Psychology. Austin, TX.
- Glaser, J. (2003, September 10). *Racial Profiling: Psychological, Logical, and Mathematical Concerns*. Institute of Personality and Social Psychology Colloquium Series. Berkeley, CA.
- Glaser, J. (2003, September 9). Expert testimony at Amnesty International USA national hearings on racial profiling. Oakland, CA.
- Glaser, J. (2003, June 13). *Racial Profiling and Counter-terrorism*. City Commons Club. Berkeley, CA.
- Glaser, J. (2003, May 28). *Profiling and the Question of Intent*. Implicit Social Cognition and the Law: An Exploratory Seminar. Radcliffe Institute for Advanced Study, Harvard University. Cambridge, MA.
- Glaser, J. (2003, May 14). *The Efficacy and Effect of Racial Profiling*. UC Santa Cruz Social Psychology Speakers Series. Santa Cruz, CA.
- Glaser, J. (2003, May 13). *Psychological Errors and Logical Pitfalls in Racial Profiling*. Paper presented at National Academy of Sciences meeting on Screening for Terrorists. Washington, DC.
- Kahn, K. B., Thein, S., Glaser, J., & Kwan, V. (2003, Feb. 7). *Implicit Learning of Group Membership*. Poster presented at the Society of Personality and Social Psychology, Los Angeles, CA.
- Glaser, J. (2002, June 29). *Stereotype-based Discrimination in the New Millenium: Racial Profiling Before and After September 11*. Paper presented at the Society for the Psychological Study of Social Issues, Toronto, Canada.

- Glaser, J. (2002, Apr. 20). *Racial Profiling Before and After September 11: Psychological and Logical Considerations*. Invited paper presented at the Northern District of California Judicial Conference, Santa Cruz, CA.
- Tapias, M.P., & Glaser, J. (2002, April 13). *Implicit and Explicit Attitudes about Stigma, Identity, and Rejection*. Poster presented at the Western Psychological Association, Irvine, CA.
- Glaser, J. (2002, Mar. 15). *Current Topics in Social Cognition: Nonconscious Attitudes, Stereotypes, Prejudice, and Motivation*. Invited colloquium at the Institute for Cognitive and Brain Sciences, Berkeley, CA.
- Glaser, J. (2002, Feb. 19). *Stereotype-Based Discrimination in the New Millenium: Racial Profiling Before and After September 11*. Invited colloquium at the Center for the Study of Law and Society, Berkeley, CA.
- Tapias, M. P., Glaser, J., & Keltner, D. (2002, Feb. 1). *Emotions and prejudice: Beyond a unidimensional, evaluative model of intergroup affect*. Poster presented at the Society of Personality and Social Psychology, Savannah, GA.
- Glaser, J. (2001, November 2). *Racial profiling: Psychological antecedents and social consequences*. Paper presented at the Association of Public Policy and Management, Washington, DC.
- Glaser, J. (2001, May 15). *On the conditionality of automatic evaluation: Evidence from "reverse priming" findings*. Paper presented at a Special Interest Meeting on Affective Priming and Implicit Stereotyping, Lignely, Belgium.
- Glaser, J. (2000, June 16). *Racial profiling: A self-fulfilling process*. Paper presented at the Society for the Psychological Study of Social Issues convention, Minneapolis, MN.
- Glaser, J., & Banaji, M.R. (2000, Feb. 5). *Strange currents: Reversals in automatic evaluation*. Paper presented in symposium: *The ebb and flow of automatic evaluation: Its nature and consequences*, Chair: Jack Glaser, Co-chair: Mahzarin R. Banaji, at the Society of Personality and Social Psychology convention, Nashville, TN.
- Glaser, J., & Banaji, M.R. (1999, June 6). *Reverse priming in automatic evaluation: Evidence for unconscious correction for bias*. Paper presented at the American Psychological Society convention, Denver, CO.
- Glaser, J., & Banaji, M.R. (1998, June 19). *Contrast Effects in Evaluative Priming: Evidence for Unconscious Motivation to Control Prejudice?* Poster presented at the Society for the Psychological Study of Social Issues convention, Ann Arbor, MI.
- Glaser, J., & Green, D.P. (1998, Feb. 16). *Hovland & Sears Revisited: An Overextension of the Frustration-Aggression Hypothesis*. Paper presented in the Yale Social Psychology Speakers Series, New Haven, CT.
- Stroud, L., Glaser, J., & Salovey, P. (1997, May 24). *The effects of partisanship and candidate emotionality on political judgment*. Poster presented at the American Psychological Society convention, Washington, DC.
- Glaser, J. & Banaji, M.R. (1997, May 9). *Unconscious Prejudice: Subliminal Activation of Race Bias*. Paper presented at the Midwestern Psychological Association convention, Chicago, IL.
- Glaser, J. (1997, April 29). *Implicit Stereotyping and Prejudice*. Paper presented in the Yale Center for the Study of Race, Inequality, & Politics Speakers Series, New Haven, CT.

- Banaji, M.R., Blair, I.V., & Glaser, J. (1996, August 13). *Stereotypes, Prejudice, and Discrimination: Automatic and Controlled Processes*. Symposium paper scheduled, but not presented, American Psychological Association convention, San Francisco, CA.
- Glaser, J., Banaji, M.R., & Greenwald, A.G. (1996, July 1). *Automatic Prejudice: Evaluative Priming of Race Categories*. Poster presented at the American Psychological Society convention, New York, NY.
- Green, D.P., Abelson, R.P., Garnett, M., Glaser, J., Rich, A., & Richmond, A. (1996). *Cultural encroachment and hate crime: An ecological analysis of crossburnings in North Carolina*. Paper presented at Annual Meeting of the American Criminal Justice Society, Boston, MA.
- Glaser, J. (1995, April 10). *Automatic Activation of Racial Attitudes*. Paper presented in the Yale Social Psychology Speakers Series, New Haven, CT.

Organizational Activities

- Research Advisory Board, Active Bystandership for Law Enforcement (2020-)
Research Advisor, Perception Institute (2016-)
Board of Directors, Center for Policing Equity (2013-)
Governing Council, Society for the Psychological Study of Social Issues (2013-2016)
Chair, Policy Committee, Society for the Psychological Study of Social Issues (2012-2016)
Committee for the Protection of Human Subjects, UC Berkeley (2012-2016)
Faculty Board, The Greater Good Science Center, UC Berkeley (2011-2016)
Ad Hoc Reviewer: American Psychologist; American Journal of Political Science; American Political Science Review; Analyses of Social Issues and Public Policy; Basic & Applied Social Psychology; Behavioral Science & Policy; Cognition; Cognition & Emotion; Crime & Delinquency; Criminology & Public Policy; Critical Criminology; Emotion; European Journal of Social Psychology; Experimental Psychology; Group Processes & Intergroup Relations; Journal of Experimental Social Psychology; Journal of Personality; Journal of Personality & Social Psychology; Journal of Policy Analysis and Management; Journal of Race, Ethnicity, & Politics; Law & Human Behavior; Law & Policy; National Science Foundation; Personality and Social Psychology Bulletin; Perspectives on Psychological Science; PLOS ONE; Police Quarterly; Policy Studies Journal; Psychological Science; Review of General Psychology; Russell Sage Foundation; Social Cognition; Social Justice Research; Social Problems; Social and Personality Psychology Compass; Social Psychological and Personality Science; Time-sharing Experiments for the Social Sciences
Editorial Boards: Basic & Applied Social Psychology (2009-2013); Social Issues & Policy Review (2015-present); Journal of Social Issues (2018-2022)
Advisory Committee, Survey Research Center, UC Berkeley (2008-2010)
Advisory Committee, *PolicyMatters Journal* (2003-2013)
Faculty Member, Institute of Personality & Social Research, UC Berkeley
Faculty Affiliate, Berkeley Institute for Data Science, UC Berkeley
Faculty Affiliate, Department of Psychology, UC Berkeley
Faculty Affiliate, Center for the Study of Law & Society, UC Berkeley
Teaching Faculty, California Judicial Education & Research's Continuing Education Program
Student Diversity & Academic Development Committee, UC Berkeley (2006-2008)
Junior Scholars Committee, Society for the Psychological Study of Social Issues, 2004-2007
Executive Committee, Yale Graduate School of Arts & Sciences, Spring 1998
Steering Committee (Acting Chair, Spring 1997), Yale Graduate Student Assembly, 1997-98