

THE POLICING OF BLACK AMERICA – A STUDY OF THE SUBJECTIVE REALITIES IN
THE LIVED EXPERIENCE OF BLACKS AND LAW ENFORCEMENT OFFICERS
THROUGH INTERPRETATIVE PHENOMENOLOGICAL ANALYSIS

A doctoral dissertation

By

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DEDICATION

This dissertation is dedicated to my family, without whom this would not have been possible. I'd like to start with my beautiful wife, Regina, who put up with the noise of me working almost every night while the rest of the house was trying to sleep, and the seemingly endless travel as I accrued nearly 200,000 frequent flyer miles traveling from coast to coast (and beyond) to complete course work, extra training, and interviews. She maintained the household while keeping up with our children and her own career during the times when I was physically or mentally absent. I love her and appreciate her support.

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ABSTRACT

Tensions between Blacks and law enforcement officers have been the source of continual struggle in the United States since the founding of our great nation. Increasingly, each generation has recognized the problem and sought to resolve it through tangible changes in policies, practices, and laws. These well-documented and well-intentioned efforts have failed to fix the actual problem. Today, phrases such as “hands up...don’t shoot” or “I can’t breathe,” have taken on a cultural significance that invokes a state of mind and set of emotions whose roots go far beyond the incident at hand. They stir deep seated emotions of previous injustices that remain unaddressed, unhealed, and in some cases, unacknowledged. This linkage of current incidents with historical injustices is based on rational thought patterns and results in a situational perspective, the importance of which can’t be overstated. Whether that perspective reflects a person of color who believes he or she has been mistreated, or a law enforcement officer who believes he or she has been unfairly characterized, the resulting apophenia is grounded in emotions or insights about previous, or even unrelated, incidents. Participants on both sides of the issue may have high levels of self-awareness but they have generally displayed skewed, or limited, understanding of the other side. This diminished level of understanding compromises reconciliatory efforts. The decompartmentalization of this existing knowledge base could unlock illusive answers and is possible with a deeper understanding of the underlying issues. This study uses Interpretative Phenomenological Analysis (IPA) to gain that deeper understanding of the subjective realities of the lived experience of both Blacks and law enforcement officers.

Keywords: police brutality, race and policing, unarmed, origins of policing, Ferguson

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CHAPTER 1

INTRODUCTION TO THE STUDY

Recent high-profile events have exposed the deep division and high level of conflict between members of the Black community and members of the law enforcement community. While Ferguson, MO and New York, NY became synonymous with phrases like “hands up, don’t shoot” and “I can’t breathe”, Dallas and Baton Rouge took center stage as frustrations resulted in ambush murders of people whose only *crime* was wearing a uniform. Just as the conflict wasn’t borne of tensions specifically in those cities, the conflict didn’t begin recently. Interwoven with the conflict, however, there have been periods of accord between the two groups. “The police force in Washington, D.C. started an after school program for Black youth.” And “In Baltimore, police delivered food and toys to African-American families” (Hinton, 2016, p. 13).

A long history of conflict between members of these two groups has been so prevalent that, in a case of art imitating life, these tensions went from subtle references to prominent themes in music and television. The culture of Blacks can be expressed externally (in terms of historical factors influencing the culture) or internally (in terms of members of the culture expressing their own culture). In the latter, music is a common medium for intra-group expression (i.e. Negro spirituals and songs of enslaved people) and commercially (i.e. blues or rap music). The themes commonly embedded in rap music are directly relevant to this study although the packaging of lyrical content is often misunderstood or offensive to non-group members. In 1988, a Southern California rap group released a song titled “Fuck the Police”

which chronicled a set of fictional encounters that embodied the conflict between these groups (Goldstein, 2014). In some ways it was expressing a long-standing frustration between Blacks and law enforcement. While mainstream critics judged it as a harsh depiction, it was written in a way that resonated with the same population of people who were most affected by the conflict. It also followed a sequence of events in which other anti-establishment voices were silenced.

The time period between the mid 1960s and the mid 1970s alone, produced several key incidents related to race and policing. President Johnson introduced his *War on Poverty* in 1964 which began the “statistical discourse” about race (Hinton, 2016, p. 6). Malcolm X was murdered in February of 1965. That same year produced the Civil Rights Act, Watts Riots, and Selma March. The next year, riots ensued after a White officer ran down and shot an unarmed Black teen.

Immediately after that, in Oakland, the Black Panther Party was then formed to provide some of the basic services that were not available to Blacks. These services included free legal aid and education, food assistance, free community healthcare, and screening for sickle cell anemia. Following Assistant Secretary of Labor Daniel Moynihan’s *The Negro Family: A Case For National Action*, President Johnson’s Administration acknowledged a link between poverty and crime, subsequently crafting national criminal justice policies targeting poor Black neighborhoods (Hinton, 2016). During this time, the federal government launched an initiative titled *Cointelpro* which was designed to disrupt the efforts of Black nationalist groups. 245 of the 290 operations targeted the Black Panthers. 14 FBI field offices were instructed to submit counterintelligence measures that included death threats, offensive cartoons, and forged letters. These letters were written to create anger between leaders and disrupt the movement. In 1969,

Fred Hampton said “You can jail the revolutionaries, but you can’t jail the revolution.” He was killed by police soon after (Haas, 2014).

The timeline in which lyrical references have described racial conditions or been used to communicate oppressive warnings shed light into the duration of the phenomenon. The use of music to support intra-class communication and expression is a theme that dates much further back than the 1950s because the concept is rooted in slavery with Negro spirituals (Brankley, 2012). The role of music is expressing or explaining this conflict continued to evolve during subsequent decades. In the 1970s, rap music was borne out of a post-White Flight environment of chaos and crisis in when New York was on the brink of bankruptcy, devalued buildings in red-lined neighborhoods were routinely burned down by financially strapped owners, and crime thrived in a somewhat lawless environment highlighted by a series of high profile incidents (Wood, 1999).

The early 1970s saw police ambushed, beaten, and killed including Officers Waverly Jones and Joseph Piagentini who were ambushed by Herman Bell and Anthony Bottom, members of the Black Liberation Army – a group whose members were simultaneously members of the Black Panther Party (Baker, 2018). The relationship between police officers and the Black community remained strained. Community members questioned the competence and integrity of New York police officers who, 1972 admitted to having lost 200 pounds of heroin from evidence lockers.

On April 28, 1973 Officer Thomas Shea was in an unmarked police car when he encountered 10-year old who feared the encounter was a robbery rather than a law enforcement stop. The officer, who is White, claimed he saw a gun, however evidence disputed that claim and also found that Officer Shea shot the boy, Clifford Glover, in the back. The killing of this

Black child inspired the opening verse of the Rolling Stone's song, Doo Doo Doo Doo Doo (Heartbreaker) in an example of lyrics reflecting the policing of Black America. A few years later, another White New York police Officer, Robert Torsney fatally shot an unarmed 15-year old Black child on November 25, 1976 in the Cypress Hills area of Brooklyn, New York.

Since being borne to reflect and explain the conditions in Black neighborhoods, rap evolved into a poetic illustration of the often-hidden conditions in poor Black neighborhoods. The alliterative phrasing, creative storytelling, and rhythmic description of complex social conditions, emotions, and thoughts, captures the lived experience in a way that traditional descriptions can't. By drawing on the harsh realities or emotions of an environment that outsiders rarely understand, however, the organic use of words and phrases is sometimes off-putting to outsiders who mistakenly believe the lyrics merely portray a gratuitous use of obscene language for the purpose of provocation. Rapper Treach from the group Naughty By Nature explains – “if you ain't never been to the ghetto, don't ever come to the ghetto, cause you wouldn't understand the ghetto, and stay the fuck out of the ghetto” (Naughty by Nature, 1991, online). Beyond the word choice is a helpful warning and an articulate description of how outsiders are understood to be unfamiliar and uncomfortable with the cultural and normative variants of poor Black neighborhoods. While the language may be uncomfortable or unfamiliar for outsiders, the lyric explains the phenomenon in a way that resonates with an audience for whom traditional academic nomenclature is less familiar (Dye, 2007). In a role similar to a local dialect, rap music's ability to describe social conflict as it relates to this phenomenon is applicable to several of the themes that emerged throughout the interview process. In addition, to music, television and film have played a growing role in the expression or portrayal of the lived experience of Blacks.

In the 1970s Norman Lear's popular television shows like *Archie Bunker*, *Sanford & Son*, and *the Jeffersons*, highlighted racial conflict with the use of racial epithets that are considered taboo for broadcast television by modern standards. Race riots, Jim Crow segregation laws, Black Codes, and lynchings (where police officers were often participants or in attendance for the purpose of keeping the proceedings civil), all dot the landscape of racial conflict in America over the last several decades.

It would be convenient to distinguish the profession from the person. Since Sir Robert Peel established the London Metropolitan Police Force in 1829, the profession as a whole has been complicit in countless race-based atrocities that formed the foundation for how the profession is viewed (Law Enforcement Action Partnership, n.d.). Generations of law enforcement officers are logically different people than today's police officers so it would make sense to treat them differently. This concept is complicated, however by the fact that the authority of today's police is derived from historical acts of the profession. Taking the convenient route of addressing the phenomenon of policing Black America requires one to impart the authoritarian benefits of being associated with a noble and powerful profession, while simultaneously distancing today's police officer from those who came before him.

More deaths of Black men occurred in conflicts with law enforcement officers during the year 2015 than were lynched in 1892, the peak of the Jim Crow era year (Merelli, 2016). Although this claim doesn't distinguish between who was at fault in those fatal encounters, doesn't consider population changes or rates, and doesn't provide a contextual comparison of other races, it does raise a concerning statistic.

The foundation for some segments of the conflict dates back even further with Constitutional prohibitions against counting Blacks as real people and a Supreme Court decision

affirming that “The Black man has no rights which the White man is bound to respect” (Article I, Section 2, of the U.S. Constitution of 1787; Dred Scott 60 US 393 (1857)). Since racial demonization was part of the most sacred founding document of our nation and was spewed by the most highly respected court in the land, it was a natural progression for the racial divide to continue and infiltrate the relationship between Blacks and law enforcement officers.

Slavery was about creating and preserving financial wealth of some people at the expense of others so the concept of ending the practice would result in financial losses for empowered people (Gerderman, 2017). Rather than willingly handover their wealth, those profiting from slavery fought to maintain the practice resulting, at first, in only an incremental movement to end the practice. As social pressures mounted, the fight to preserve the practice of slavery became a prominent theme of the Civil war, proving that empowered individuals who profited from the institution of slavery would rather go to war than end the practice (Rhea, 2011). At the conclusion of the war, the 13th Amendment was enacted, forcing an end to slavery with the notable exception of people convicted of a crime. The immediate and wide-spread freedom of formerly enslaved people left a labor gap that threatened the wealth of individuals who were accustomed to being wealthy.

In order to fill this gap, efforts were made to exploit the exception of the 13th amendment. With empowered Whites having complete control of the political system, there were few obstacles to writing laws intended to address the labor shortage. This resulted in Black Codes, a wide-ranging set of laws targeting Blacks either subtly or overtly allowing them to be imprisoned for such things as public assembly without the presence of a White person, being unemployed, or gaining literacy. Convict leasing was a practice of putting this new population of incarcerated formerly enslaved people to work in a manner not dissimilar from enslavement.

These laws were enforced by police, a group of people whose profession began prior to the adoption of the 13th Amendment when they were paid to serve as slave catchers.

Decades later, Jim Crow laws perpetuated social segregation and constrained advancement opportunities for Blacks, setting the stage for the Civil Rights movement of the 1960s – a bloody battle for dignity and equality fought against Blacks, in part by utilizing the enforcement authority of law enforcement officers. As Blacks began to make economic inroads and social strides, the federal government was complicit in the practice of Redlining, in which the racial segregation of neighborhoods was facilitated by race-based lending provisions of the Department of Housing and Urban Development. These policies created racially segregated ghettos with minimal investment and opportunity in which limited services and increased policing efforts were part of a systemic structure that formed the boundaries for lived experiences in those neighborhoods. This allowed the practice of racial segregation to continue to exist within the changing legal parameters of an evolving nation. While those rules later changed, many of the impacts remain today in the form of entire neighborhoods dedicated to a particular race. This did and does allow Blacks to be easily targeted by police because Blacks were so separated from the dominant White culture. Practices aimed at Blacks could target either skin tone or social status and still achieve the same objectives. Later, as Blacks became more empowered, those lines blurred, leaving some Whites as targets of the traps intended to catch Blacks. This integration of racial impacts has been mistaken for proof that Blacks are not targeted (Gilleland, 2017).

The multi-generational history of law enforcement officers taking part in discriminatory practices against Blacks and being a party to the harsh and selective enforcement of unjust laws laid a strong foundation of conflict and mistrust between members of each group (Dwyer, 2017).

As time passed, more and more unsuccessful efforts were made to mend this important relationship. This global and collective policy failure has not been due to a lack of effort toward finding solutions. Community members held meetings, activists marched, law makers passed laws and policies, all with the intention of resolving the multi-generational conflict between the groups. With minor exceptions, none of these efforts were successful enough to make a marked or lasting improvement on this strained relationship. If not a failure of effort, some other obstacle must be preventing the groups from reaching a harmonious, or even productive resolution. In fact, Blacks and law enforcement officers remain in a position of offering starkly different interpretations of the same fact pattern today. This raises questions about whether the solution is hiding in changes to the fact pattern or whether real progress will require changes to the underlying components of how each group interprets data.

After excluding ‘lack of effort’ as a possible obstacle to success, two themes emerged from the literature: failure to acknowledge and resolve the impacts of previous injustices, and a lack of empathy for *the other side*. The literature suggests that each group is self-aware with respect to reasoning behind their collective thoughts and actions, but less clear in the literature, is whether each group is equally aware of the reasoning behind the thoughts and actions of the other side. The answer informs the ability for group empathy and is one of the insights sought through this study.

Rather than attempting to debate the observations, interpretations, and belief systems of each group, the research focused on understanding the lived experience of Blacks and law enforcement officers through a series of semi-structured interviews. The data collection phase of this interpretative phenomenological analysis did not seek to reconcile these experiences;

however, the data analysis stage compared and contrasted these data in an attempt to make sense of the lived experience.

Chapter One presents the research issue with its legal and policy context. Chapter Two presents the empirical literature informing a direction for the research. Chapter Three presents the research design to accomplish the objectives of the study. Chapter Four presents the findings of this IPA study, while Chapter Five advances the conclusions and recommendations that come from the data.

Law and Policy Background

The conflicted relationship between Blacks and law enforcement officers is fueled by mixed intentions and built on a foundation of flawed laws and policies. That foundation simultaneously provides insights to explain the path to conflict and complicates potential solutions. Philosopher Immanuel Kant explains “...from such crooked wood as man is made of, nothing perfectly straight can be built” (Lezard, 2013, online).

As members of the same society, the policies upon which our actions are measured, rewarded, or punished are all based on, and compliant with, some sort of law. In the hierarchy of laws, local laws fit within the broader parameters of state laws which, in turn, have a similar relationship to federal laws. Even among the federal laws, the subordinate relationship continues, with Congressional laws falling in line with the Constitution. As the seminal legal document upon which our nation was founded, the Constitution sets the tone and parameters for laws and policies at every level of government. Some critics of the governmental process, as it relates to the lived experience of policing Black America, have argued flawed policies as an enabling factor in the perpetual conflict between the groups (Mitrani, 2014). These critics have sought to change those policies.

Another theory is that the ineffective policies are merely an extension of ineffective laws at various levels. Tracing that theory through the hierarchy leads all the way to the Constitution which is so flawed that it fails at the most basic level (Black, 2012). One of the motivating factors for our Founding Fathers to disentangle themselves from the British system was the tyranny and inequality that prevented them from prospering based on their station in life, and that the system unfairly perpetuated the prosperity of those already empowered, leaving the disempowered unprotected. It wasn't until 1921 when Corrado Gini's work provided a metric to objectively identify (primarily financial) inequality (Gini, 1921). In the absence of an objective social measure, pre-America British people suffering from inequality were able to identify the disparities even if the ruling party didn't acknowledge them. To cure this problem, they started a new nation that, ultimately, would be ruled by a Constitution. The Constitution, as originally written, insisted on the equality to which they were unable to benefit in the British system but specifically articulated an exemption for entire classes of people (U.S. Const. art. I, § 2, cl. 3). One glaring exception to inclusiveness at the time the Constitution was drafted was the (mis)treatment of enslaved people (Plouffe, 2008). Although particular attention was paid to equality, that equality was only intended to exist among White male land owners (McClanahan, 2013). All other classes of people were intended to be deprived of those benefits because they were never intended to prosper (Stevenson, 1996). The plain language of those disparities were addressed in later amendments, but the sentiment that appears to have been forgotten by the Founding Fathers when their station changed, has not been forgotten by Black America.

As the document upon which all laws and policies are based, the careful and purposeful exclusion of Blacks from the best parts of this nation set a precedent and set in motion a series of contradictions that continue today. Even as the Bill of Rights was added to protect the freedoms,

treatment, and opportunities for all citizens, Blacks remained carved out with a status somewhere between animal and White person (U.S. Const. amend. I, IV). Decades after considerable legal progress was made toward providing equality for Blacks under the law, the true inferiority of Blacks in American society was perpetuated by institutions like the United States Supreme Court which served as the pillar of modern juris prudence and alleged protector of Blacks against racist policies. The Court, in *Dred Scott v. Sanford* 60 U.S. 393 (1856) affirmed the subhuman status of Blacks in an opinion that read, in part, “The Black man has no rights which the White man is bound to respect.”

Upon this skewed legal foundation, rests the authority for government to exist. While government exists for a number of purposes, the key reasons are for the purpose of providing levels of collective service that individuals can’t reasonably provide on their own (e.g. building roads and providing public safety services like police and fire protection (Goldsmith, 2010). Policing services fall squarely within this government mandate and are not immune from the flaws of the underlying legal foundation.

The fact that our nation was founded upon a set of discriminatory and exclusionary laws (Hall, 1847; Kalantzis, 2001; Graebner, Burns, & Siracusa, 2011; Ratcliffe, 2013) was the basis for policies that extended far beyond the legal structure. Both the legal and policy framework for how our nation was established continue to be the source of consternation, anger, and frustration among those who were excluded or against whom discrimination was targeted. From the crooked roots of this relationship grew crooked branches. The memories of slavery remain real today. A practice originating with the Moravians that is now common among Black churches is to prayerfully celebrate annually on the night of December 31 in remembrance of *Watch Night*, when enslaved and formerly enslaved people waited on news of President Lincoln’s signing of

the Emancipation Proclamation in 1862 (Whelchel, 2014). Another current link to the history of official mistreatment of Blacks can be found in Charleston, South Carolina where the City adopted a proclamation on June 19, 2018 apologizing for the City's role in enabling the transactions of up to 40% of enslaved people in the United States (Darlington, 2018; City of Charleston, 2018).

In modern times, the Civil Rights movement of the 1950s and 60s provided substantial evidence of the continuation of this strained relationship in terms of the conflict that still existed and the organized responses to the conflict. The law enforcement profession retained a pivotal role in the escalation and perpetuation of the conflict by virtue of its decisions and obligations about what to enforce and what not to enforce.

Tipping points in the conflict were plentiful and included such events as: lunch counter sit-ins, bus boycotts, the March on Selma, Little Rock 9, March on Washington, and Bloody Sunday – 600 peaceful protestors attempting to cross the Edmund Pettus Bridge with several protestors being hospitalized after being abused by Alabama law enforcement officers (Anderson, 2011). In some cases, law enforcement officers also played critical but informal roles in other incidents by allowing or even encouraging attacks on Blacks who they were obligated to protect. Some examples included active discriminatory efforts to pair the access of their formal law enforcement duties with their personal Ku Klux Klan activities. More passive efforts were evident in investigatory procedures when Blacks were alleged to have been victimized by Whites. Prominent examples include Emmet Till who was rounded up by law enforcement representatives before being brutally killed after being accused of whistling at a White woman in 1955, the Little Rock nine at Central High School where White protestors and the Arkansas National Guard prevented Black Students from attending school with Whites in 1957, the

racially motivated bombing of the 16th St Baptist Church where 14 years passed before the legal system was applied and a conviction was reached in 1963, and, in the same year, Birmingham police under the command of a Eugene ‘Bull’ Connor, an “unapologetic racist”, named attacked Black protesters with fire hoses and police dogs (Callard, 2009; Mai, 2017; FBI, n.d; Siemaszko, 2012).

The Qualified Immunity Doctrine provides legal immunity to law enforcement officers and others who engage in a range of discretionary job-related actions with some exceptions (Carbado, 2015). This shields from liability, law enforcement officers who perform their duties in good faith even if they err. It also protects mal-intentioned officers whose conduct falls short of professional standards but not low enough to reach the threshold set forth in this doctrine. It interplays with 42 United States Code § 1983 cases in which allegations are made against officers accusing them of abusing their authority.

In the context of these broader racial triggers, the policing of Black America has been strongly influenced by the judicial system and, in particular the United States Supreme Court. Several cases addressed various aspects of policing and influenced the dynamic of the relationship between Blacks and the law enforcement officers who police them. Beyond the Court’s previous openly race-based rulings like *Brown v. Board of Education of Topeka* (347 U.S. 483 (1954) or *Loving v. Virginia* (388 U.S. 1 (1967)), many of the rulings that affect the relationship between Blacks and law enforcement officers were broader by nature.

The Supreme Court protected suspects in 1966 when it mandated a level of understanding among people subject to custodial detainment by requiring their advisement of basic facts (*Miranda v. Arizona* 384 U.S. 436 (1966)). Soon after, the Court protected officers by articulating a new and lower threshold for when officers can search suspects for weapons (*Terry*

v. Ohio 391 U.S. 1 (1968)). This was followed in 1973 with a determination that suspects do not have to be aware of their right to withhold consent (*Schneckloth v. Bustamonte* 412 U.S. 218 (1973)). This was later reaffirmed in *US v. Drayton* 536 U.S. 194 (2002). In 1977, the Court set the standard for when an officer can order a driver out of a vehicle and search the vehicle (*Pennsylvania v. Mimms* 434 U.S. 106 (1977)).

The corpus of legal precedents led to demonstrably different punishment outcomes according to race of victims. When presented with evidence of punishments that were 22 times higher based on race, the Court acknowledged the disparity but found it unpersuasive for determining discrimination (*McKlesky v. Kemp* 481 U.S. 279 (1987)). Arguably the most significant case for determining the limits of an officer's legal authority in shooting cases occurred in 1989 with the establishment of the objective reasonableness standard (*Graham v. Connor* 490 U.S. 386 (1989)). In a related case where an officer was alleged to have used excessive force, qualified immunity was attached because of the limitations of what the officer knew at the time (*Loch v City of Lichtfield* *Loch v. City of Litchfield* 689 F. 3d 961 (8th Cir. 2012)). Another case that favored officers permitted the use of pretextual stops in which traffic violations such as broken tail lights are the pretext used to initiate a sequence of more intrusive investigatory interventions (*Wren v. United States* 517 U.S. 806 (1996)). One of the more controversial decisions supported the ability for police to detain a person whose sole action of concern was exhibiting nervous behavior (*Illinois v. Wardlow* 528 U.S. 119 (2000)).

Subsequent cases continued to provide latitude to police officers in the course of performing their duties. In 2001, the court concluded that a person can be arrested and taken to jail in the course of processing even if the penalty for the alleged crime is not a jailable offense (*Atwater v. Lago Vista* 532 U.S. 318 (2001)). In this case, the suspect's offense was the failure

to secure two children riding in the back seat with a seatbelt. Ironically, the officer did not secure the suspect with a seatbelt en route to jail following the arrest.

Other than *Dred Scott vs Sandford* 60 U.S. 393 (1856), one of the most racially egregious actions is related to *Atkins v. Virginia* 536 U.S. 304 (2002). On its face the ruling outlawed the imposition of capital punishment for intellectually disabled individuals. It also, however, sanctioned the use of alternative measures to make adjustments to the score as determined by individual states. Standard of Error measurement, in part, asserts that Blacks don't perform as well on standardized tests. This paved the way for prosecutors to effectively add points to a suspect's IQ in order to make the defendant eligible for the death penalty (Guyer & Fluent, 2014). It represents a perversion of the research behind the Black IQ test or the Black Intelligence Test of Cultural Homogeneity (McGuire, 1977; Goleman, 1988).

A 2007 case affirmed and widened the ability of police to use deadly force in a case where a suspect was speeding at a rate of 73 mph in a 55 mph zone and failed to yield to officers. The officers subsequently rammed his vehicle causing it to crash and burst into flames. The Court ruled that the tactics were justified because of the continued threat to the public from the fleeing vehicle (*Scott v. Harris* 550 U.S. 372 (2007)). In 2017, the Court, in *Mendez v. Los Angeles County* 581 U.S. (2017), ruled that officers were not liable under the 9th Circuit's *provocation rule* which asserted that officers lose their immunity protections if they contribute to the imminent danger by committing a prior 4th amendment violation in the same sequence of actions. This list of highlighted legal parameters surrounding the policing of Black America represents only a small sampling of the applicable parameters but represents an accurate portrayal of the impacts of legal decisions and interpretations over an extended period of time.

Being Black in America in 2018 is certainly different than 1918 or 1818 (Harris, 2016; Honchar, 1971). The highest profile change in circumstance is the evolution from being considered property to becoming citizens and later gaining the right to vote – for a Black President. However, not every aspect of this experience has completely evolved. The most pronounced disparity is with opportunities and achievements between Blacks and Whites. From a law enforcement standpoint, Blacks are disproportionately punished when compared to their White counterparts resulting in or from a strained relationship between the two (Britton, 2000; Brunson, 2015; Eller, Abrams, Viki, & Imara, 2007; Johnson, 2004; Schmidt, 2015; Weitzer, Tuch, & Skogan, 2008). There is an ongoing philosophical debate about whether Blacks commit more crime than Whites, thus accounting for higher rates of incarceration. Substantial research disputes this theory, but an even more important aspect of the disparity rests with the treatment of Blacks (Raymond, 2007) who are suspected of having committed a crime (Gottsfeld, 2006; Jackson et al., 2012).

In the last several years since 2014, the U.S. has seen a long series of high profile shootings of Blacks by law enforcement (Nierengarten, 2016). The coverage by social media and mainstream news outlets of these incidents has raised awareness, anger, and frustration as people from both sides of the issue seek to make sense of what some would call a troublesome pattern. The shootings have been judged in legal settings, based on statutes, case law, verified witness statements, objective evidence, etc., and in social circles by intuition, personal experience, emotion, and through the lens of generations of mistreatment (James, 2015). Depending on which setting one chooses for the analysis of a particular event, the expected outcome can be different (Brill, 1999). When one group doesn't get the answer they believe is correct based on their own perspective, they often seek change in the policy forum (Whitson,

2014). This can result in policies that are driven by emotion or that apply a global cure to a legitimate, but narrow, issue. Bad policy does little to fix the actual issues at play (Ford, 1999). Instead, it serves only a political purpose that is unlikely to prevent future occurrences of the same type of incident (Phil's Stock World, 2016; Tribune News Services, 1999).

From one perspective, a policy may fall within the legal framework and promote the desired goal of being in the best interest of all law-abiding citizens as well as those who enforce it (Bradford, Quinton, Myhill, & Porter, 2014; Delmas, 2017; Hargreaves & Cape, 2013; Knoll, 2004; Selby, 2016)). From another perspective the same policies may be viewed as being discriminatory. Measuring Black men's police-based discrimination experiences is an important, but subjective measure of universality of the effectiveness of a law or policy. In the development and validation of the police and law enforcement, a policy can favor one side over another and perpetuate the divide between two groups who each see a particular policy as supporting the enemy (Myers, 2005; Woods, 2015).

Rather than focus on the tactical, legal, or policy solutions, one could argue that we must look backward before we can look forward. This theory suggests that we must acknowledge and address the lifetimes of pain and horrific treatment of Blacks by different people, but by the same institutions from which we draw the authority for law enforcement actions today (Bodri, 2011).

Legal frameworks vary by jurisdiction but the general concept remains static. We rely on suspect protections within the Fourth Amendment (McInnis, 2009). The Supreme Court has provided additional guidance with its standards of *Objective Reasonableness* in *Graham v. Connor* 490 U.S. 386 (1989) (Gold, 2015; Brown, 1991; Knoll, 2004). Even as lower Courts have sought to alter such standards, the Supreme Court has affirmed the legal framework (*County of Los Angeles, California, et al. v. Mendez et al.*, 2017).

The sordid legal history of inequity and purposeful malice toward Blacks has slowly evolved over time, but the policies borne from those laws are not always quick to evolve with their corresponding law. As a result, ill-conceived policies may remain on the books long after the law has been changed. The legal framework for use-of-force incidents involving Blacks has been well-documented (*Graham v. Connor* 490 U.S. 386, 1989). Until more comprehensive, consistent, and well-conceived policies are developed, one could argue that we will continue to see the results of a strained relationship between Blacks and law enforcement officers.

Problem and Purpose Statements

Cultural differences between Blacks and law enforcement officers have strained the inter-group dynamic and produced a cycle of low levels of trust along with high levels of violence (Blumenthal, 2016; Bonilla-Silva, 2014; Ratcliffe, 2015; Sides, 2013). Interpretations of this phenomenon are based on lived experiences that inform our culture. Acquiring a deeper understanding of another culture is the key to improving this conflict and requires an appreciation for the lived experience.

The purpose of this interpretative phenomenological analysis research was to explore the lived experience of the conflict that occurs between Blacks and Law Enforcement Officers in the policing of Blacks in America.

The Study

The gravity of the consequences for this relationship provides a compelling motivation for everyone to seek answers. Those answers remain elusive due, in part, to the complexity and sensitivity of the phenomenon of policing Blacks in America. In recognition of the inability of previous efforts to resolve the conflict, this study was designed to expose a deeper understanding

of the contributing factors as seen through the lens of each group. The ability to understand and make sense of the viewpoint of the other side is intended to play a role in the future successes when addressing this phenomenon.

Research Question

What is the lived experience of Blacks and Law enforcement officers in the conflict that occurs during the policing of Blacks in America?

Rationale and Significance

This general topic is one that has been studied at great length. Despite that effort, the research aim of this research has not been achieved by previous efforts. In recognition of that, the methodology selection was intended to develop a deeper, not more voluminous, set of insightful data to serve as the proper basis for future analysis. Qualitative research fulfills this objective because it avoids the limitations of quantitative data by allowing participants to propose solutions beyond the preselected options of a quantitative design study (Creswell & Creswell, 2017). Additionally, because the purpose of this study was not to verify the existence of the phenomenon, but rather delve deeper into the meaning of it, a qualitative study was better suited for this project.

The goal of this research was to bring additional meaning and comprehension to a phenomenon by interpreting the issue from two distinct perspectives. The chosen method of analysis was interpretive phenomenological analysis, or IPA (Smith & Osborn, 2008). Because the foundation of this method rests with a phenomenological base, the researcher was able to understand the issue at a deeper level. This method allowed each perspective to be considered in

isolation and without the influence of the other side. This provided a more credible account of each perspective as it really exists and that supported the research aim of uncovering useful analytical data that can later be applied to improved solutions. In order to capture and quantify the data and the meanings derived from the experiences of participants, an interpretive process allowed the capture of a subjective view of the participant's experience which aligned more closely with the research aim than an objective view. This method allowed for the accurate, but not sole, interpretation of participant data and, when combined with the alternate perspective, provided new insights into an old phenomenon.

When using the IPA process, the primary instrument for analysis is the researcher (Smith, Osborn, & Jarman, 1999). The researcher's assumptions "are not seen as biases to be eliminated but rather as being necessary for making sense of the experiences of other individuals" (Fade, 2004, p. 648). The ability to leverage the researcher's assumptions, rather than the need to mitigate them as intrusive biases diluting the data, is the primary benefit of IPA for this research. The nature of the topic is such that the sterilization of the researcher's background would do a disservice to the work and could serve as a barrier to eliciting the deep, meaningful, and accurate data required to achieve the research aim.

Definition of Key Terminology

Apophenia. A term coined by German neurologist and psychiatrist Klaus Conrad (1905-1961) to explain finding patterns where no pattern exists or to perceive a connection between unrelated or random things (Shermer, 2008).

Black Codes. A set of post-Civil War laws enacted in the South in an attempt to prevent Blacks from achieving freedom during the Reconstruction period despite the South losing the war and the enactment of the 13th Amendment to the Constitution (Bardolph, 1970).

Blacks. A reference to people either of non-White African descent or people who are aligned because of similarities in complexion or skin tone with non-White people of African descent (Harris, 2014).

Boiling Frog experiment. A reference to a 19th Century science experiment in which a frog placed in boiling water quickly jumps out but a frog placed in room temperature water that is heated at a slow continuous pace is boiled (Inam, 2013)

Butterfly Effect. A concept of having a minute occurrence produce a result with outsized significance to demonstrate the connectivity of seemingly unrelated events as captured by the question “Does a flap of a butterfly’s wings in Brazil set off a tornado in Texas?” (Vernon, 2017).

Civil Rights Movement. A reference to the efforts of, and on behalf of, Blacks during the time period anchored by the 1960s in search of equality of basic human rights and opportunities (Anderson, 2011).

Collective Obligation, Individual Obligation, and Individual Moral Responsibility. A framework for evaluating the interplay between individual and collective obligations (Isaacs, 2011).

Code Switching. Subtly or reflexively changing the way we express ourselves in different cultural or linguistic spaces and different parts of our own identities, sometimes within a single interaction (Johnson, 2013).

Confirmation Bias. The concept of limiting information to sources that provide the desired response; only looking at sources that affirm hypothesis; echo chamber (Heshmat, 2015)

Critical Race Theory. The study of how racism can exist in an environment that openly condemns it. (Stefancic, 2016)

Double Coincidence of Wants. A condition conducive to bartering in which both parties seek exactly what the other party has to offer (Jones, 1976).

Fill in the Blank. A theory suggesting that, in the absence of a data point, people will manufacture the missing data despite lacking evidence of what data is actually missing (Freeman, 1992).

Fundamental Attribution Error. Also termed correspondence bias or attribution effect, this theory explains how people judge the behavior of other people by their internal personality traits that are wrongly attributed (Harvey, Town & Yarkin, 1981)

Game Theory. Pioneered by Princeton mathematician John Von Neumann, this theory examines optimal outcomes in cooperative or zero-sum games (Varian, 2014).

Garbage Can Theory of Decision-Making. A mismatch of problems and solutions in which an uncontrolled environment produces meaningless results (Einsiedel Jr., 1983).

Group Polarization. A theory in which the collective opinion of the group is more extreme than the individual opinions of the members (Thibaut, 2017).

Group Think. A theory in which the thoughts or beliefs of individual members of the group align with the majority opinion (Thibaut, 2017).

History of Blacks in America. A collective reference to slavery, Black Codes, Jim Crow laws, segregation, civil rights injustices, and racial targeting by the criminal justice system (Anderson, 2011).

Homophily. An affinity for people whose characteristics mirror our own (Stefancic, 2016). (Thibaut, 2017).

Hyperbolic Discounting. A tendency for people to choose a lesser, more immediate reward than a greater reward that won't be available as quickly (Frederick, Loewenstein & O'Donoghue, 2002).

Implicit Bias. The automatic association people make between groups of people and stereotypes about those groups (Stefancic, 2016).

Ingroup / Outgroup Deviation. Based on the Black Sheep Effect literature, this concept evaluates differences in how groups perceive their own outliers compared to outlier members of external groups (Rullo, Presaghi & Livi, 2015)).

Interest Conversion Theory. A Derrick Bell concept that racial justice will only supported by Whites if a convergence exists that benefits Whites (Delgado & Stefancic, 2017).

Intersectionality – A term coined by Kimberlé Crenshaw to describe the impacts at the point where various forms of discrimination meet (Stefancic, 2016).

Law Enforcement Officers. Broad reference to peace officers which includes police officers, sheriff deputies, parole agents, probation officers, correctional officers, federal agents, etc. In some cases, this reference extends to legal professionals like prosecutors and judges (Bulletproof Vest Partnership, n.d.)

Monopsony. A market situation in which only one buyer exists but multiple sellers exist; opposite of monopoly (Varian, 2014).

Moral Hazard. A scenario in which one party takes an action with immunity from risk while the other party incurs the risk and cost (Varian, 2014).

Pareto Optimal Outcome / Efficiency. The point at which no alternative option is available in which one party is better off without another party being worse off (Varian, 2014).

Principled Policing. A term created by Stockton, CA Police Chief Eric Jones to describe a policing philosophy that acknowledges implicit bias and past injustices and seeks to reconcile with, and provide equal treatment for, historically disenfranchised groups (California Department of Justice, n.d.)

Prisoner's Dilemma. A hypothetical scenario in which players must choose between various outcomes that depend on their own decision as well as the secret decision of their accomplice (Varian, 2014)

Public Goods. An economic term for a good that is non-excludable and non-rival (Varian, 2014).

Punctuated Equilibrium Theory. A biological theory sometimes applied to politics or sociology in which a species or group maintains stasis with episodic radical departures from the incremental changes (Baumgartner, Jones & Mortensen, 2014).

Racial Threat Theory. A theory in which the dominant group perceives advances by the non-dominant group as threatening and reacts in a way to prevent advances by the non-dominant group (Dollar, 2014).

Reciprocal Causation. A situation in which two actions or events simultaneously impact one another (Blalock, 2017).

Reductio ad Absurdum. A method of legal argumentation that demonstrates the merits of a desired position by default and uses extreme examples to assert the undesirable option is absurd (Internet Encyclopedia of Philosophy, n.d.)

Res Ipsa Loquitor. A tort law concept in which the burden of proof is met by proving the accused party was in control of the environment and circumstance in such a way that the only plausible cause is related to actions of the defendant (Legal Information Institute (n.d.).

Retrospective Predictability. The tendency to, after the fact, concoct explanations that make something seem plausible (Haslett Jr., 2010).

Systems Thinking. A neuroscience theory that describes the differing pathways used when the brain processes different types of information such as logical or emotional (Arnold & Wade, 2015).

Uncompensated risk. An investment concept in which the downside risk grows with no corresponding upside benefit (Varian, 2014).

CHAPTER 2

EMPIRICAL LITERATURE REVIEW

The general topic of conflict between Blacks and Law Enforcement officers has been well-documented. The body of literature includes scholarly publications and formal quantitative/qualitative research but also includes less formal avenues. Newspaper articles, music and film, online blogs, and even less formal barber shop-type conversations add value to this discussion. For the purposes of clarity, the literature will be divided into three distinct streams: The Black perspective, law enforcement perspective, and psychosocial theories.

The relationship between Blacks and Law Enforcement officers is strained (Samples, 2015). The approach for this literature review is to acknowledge the existence of a problem as determined by the symptoms of conflict. Next, the issue is deconstructed to identify participants, or sides, in this binary conflict. Finally, with an emphasis on searching for potential points of conflicts between the identified groups, the literature identifies different conflict points for each group. The unaddressed racial undertones of this relationship provide a strong foundation for the mistrust and anger between these two interdependent and intertwined groups (Contreras, 2016; Dreher, 2015; Lowery, 2016). Social issues, and particularly those related to perceived injustice, have a long history of invoking passion, frustration, and even violence. These issues have the ability to raise levels of engagement and change behavior (Gibson, 2016; Higginbotham, 2013; Sperling, 2007). They drive headlines, defy logic, pull at heart strings, and test the mettle of those involved. The issues and resulting actions span such a wide range, that there may be little or nothing in common from one social justice issue to another. Rather than commonality of

source, the common thread lies with the process in which these issues unfold. They fall into one of three main categories: 1) isolated or one-time incidents, 2) predictable and recurring at regular intervals, and 3) seemingly isolated incidents that recur at random and unpredictable intervals but demonstrate a common and pervasive theme.

Regardless of category, similar patterns of behavior can be found. At the peak of the crisis, frustration and anger levels are the highest. This is also the point at which an outlet of some sort is the most critical to progress toward de-escalation. That outlet, or need to ‘do something’ may culminate in legislative changes (Miletich, 2016; White, 2015). In more extreme cases, the combination of high frustration levels and the need to do something can result in violence. Regardless of the outlet, reaching this peak is likely to cause some type of responsive action. When the peak has passed, calls for systemic change are drowned out by the silence of apathy.

Category 1 issues may include incidents like the Brock Turner case (Gagnon & Grinberg, 2016; King, 2017; Mershon, 2016) in which a person convicted of sexual assault was shielded from punishment because of legal technicalities and allegations of White privilege. At its peak, this resulted in a series of proposed legislative remedies (Jenkins, 2017; O'Sullivan, 2017). Interest and engagement levels were particularly high at the peak of the issue. Now that more time has passed, the issue appears to have been forgotten (Heinrichs, 2017). Sustained commitment to remedies can be elusive because of short attention spans and the fact that interests blow in and out with political winds at the mercy of the lens through which our favorite medium portrays the issue.

The 2016 U.S. Presidential election is an example of a Category 2 incident that invokes strong emotion, frustrates participants on one or more sides of the issue, and has the potential to

result in violence (BBC., 2016; Beauchamp, 2016; Eversley, Madhani, & Jervis, 2016). It occurred on a regular and predictable cycle and peaked in the time-period immediately preceding and following the election. We can reasonably predict similar issues to happen again based on the next election cycle. Similarly, we can safely assume that the next election cycle will bring strong emotions and high frustration levels, followed by period of apathy and apparent dementia as demonstrated by a collective inability to remember the events and promises of the recent past (Yan, Sgueglia & Walker, 2016).

Category 3 issues can be the most frustrating and politically charged of the categories (Wihbey & Kille, 2016). One reason is that victims identify a pattern that non-victims don't always acknowledge. If a person were the victim of a random sexual assault, there would be horrible life altering impacts for the victim (Kennedy, 2003; Piatak, 2015). If the same victim were assaulted several times, the impacts would be exponentially more severe, even if there were not predictable attributes (i.e. same day of week or same location). The lack of predictability wouldn't lessen the impacts and wouldn't mitigate the victim impacts. A series of assaults by different people on differing victims would be no less disturbing. In fact, even if the assaults were of different victims each time and happened in different places and different times, a theme of abuse would still exist. To further complicate things, a victim, whose fears are dismissed because the tragedy was simply an isolated event, is essentially re-victimized. The trivialization of the victim inflicts a new pain when the victim is able to identify a trend even if that trend doesn't fit nicely in a categorization box. This category is even more complicated because isolated events do, in fact occur. A person who has been wrongly accused of something may justifiably express feelings of anger or frustration.

In the case of the relationship between law enforcement and members of the Black community, this Category 3 scenario plays out daily. A person who has been unlawfully harmed by a law enforcement officer is likely to express a range of emotions, particularly if the harm was the result of the victim resembling a different person – fit the description. It's a process more readily recognized when a sexual assault victim is blamed for somehow being at fault for being victimized. Similarly, a law enforcement officer who is stereotyped because of the uniform he wears is just as likely to express the same range of emotions.

America has a sordid past with respect to race relations. From the forced entry into this country during slavery where Blacks were subjected to the most inhumane and unimaginable treatment by slave owners (Craven, 2016; Deberry, 2016; Lauer & Weissert, 2017; Levitt, 2015; Thrasher, 2015), the first several hundred years of interactions between Blacks and empowered Whites was adversarial. That post-slavery conflict was evidenced by Jim Crow laws, the Constitutional definition of Blacks, and even the court system where the highest authority in the last explained that the Black man had no rights which the White man was bound to respect (Andrews, 2017; Callahan, 2017; Dort, ; Holloway, Hodes, 1999; Magnusson, 2007). The Civil Rights era was a continuation of this disparity with the continued theme of Blacks being subject to the will of those in positions of power who were usually White.

Much has changed today, but the history upon which our actions and perceptions is based remains largely in a state of unawareness, void of atonement. If our mutual history is unknown and unresolved, yet defines our interpretation of events, we find ourselves in a difficult place. Improving or fixing the events of today will have only limited value in the state of the relationship because we each view and interpret today's events through the lens of yesterday.

While we can't change yesterday's events, perhaps, there's a way to resolve outstanding issues and alter that lens.

This review examines the work that has been done in related areas, evaluates that body of work, and identifies gaps in the literature. Through a literary and conversational examination of the history of the relationship between Blacks and law enforcement officers, a factual record can be established. The findings of this chronological record can form the basis against which behavioral attributes can be measured. A belief that a group of people has been mistreated, for example, would provide insights if the events preceding the belief were analyzed in search of a cause and effect linkage. The revelation of pertinent data, along with self and own-group reflection has the ability to begin a healing and reconciliation process that would influence the dynamics of the relationship between these groups. This reconciliatory process would address a gap in the literature.

Law Enforcement Perspective

Law enforcement officers are put in near impossible situations and asked to make split second life and death decisions under the most difficult of circumstances (Graham v. Connor (1989); Lerner, 2017; Law Officer, 2017; Mira, 2017). Court cases that occur years after the incident, and even video recording releases soon after the incident, provide a venue to 'Monday-morning quarterback' the incident. The officer on the scene, however, lacks the ability to thoroughly analyze the situation, research relevant case law, investigate intent, and know the ultimate outcome while he is in the middle of an incident. Instead, hesitation of even a half of one second could cost the officer his life. To mitigate this fact, officers are trained to take a safety-conscious and self-preservation approach to situations. This approach has been validated

by the courts in cases like *Graham v. Connor* 490 U.S. 386. This necessarily makes officers less trusting on the job. In fact, because their instinct is such an important tool for their own survival, they go to great lengths to hone it. That instinct is the result of analyzing large volumes of data. In essence, it is based on their experience (Klockars, 2004). If an officer has repeatedly been assaulted by people who run toward him yelling insults, the officer tends to be on the lookout for people running toward him yelling insults. It is absolutely true that not everyone who runs toward the officer yelling insults actually intends harm. The officer, however, drawing upon his own experiences and seeking to avoid injury of himself, his partner, and innocent bystanders, will naturally react (Klockars, 2004). That reaction is seen by some as stereotyping and by others as proactive policing (Gaye, 2002). One's own experiences and biases are likely to determine which way one interprets this (Freeman, 2015).

The Ferguson incident, in which a Black teen named Michael Brown was shot and killed on August 9, 2014 by a White Ferguson police officer named Darren Wilson was equally alarming to police officers (Santore, 2016). The public outrage was largely based on media accounts that Brown was shot in the back and had his hands up (Capehart, 2015) – sparking the movement “hands up...don’t shoot.” The facts, as presented in the media, were worthy of outrage and were believable depending on the lens through which the incident is evaluated (Freeman, 1992). Several months later, the investigation concluded that the media accounts were wildly fabricated (Capehart, 2017). Witness statements corroborating the media accounts were subsequently withdrawn and forensic evidence also contradicted the media account. Evidence supports Officer Wilson’s account of the incident which was determined to be legally justified. In this instance, an officer who was found by the criminal justice system to have acted appropriately, still ended up unemployed and targeted nationwide by angry people who made

him out to be a racist who shot a teenaged boy in the back (Graham v. Connor (1989); Lerner, 2017; Law Officer, 2017; Mira, 2017). The type of misinformation in this case could happen anywhere to anyone. This puts officers on edge and makes them less effective at their job (Capehart, 2015). The more reluctant they are to do the right thing, the more beneficial the environment becomes for criminals who seek to exploit the situation. From the officer's perspective, simply doing the right thing for the right reason is not sufficient to protect against false allegations, riots, and threats to the officer's family. This fear resulted in the 'Ferguson effect' in which police officers opted for the bare minimum effort to fight crime (Gorner & Dardick, 2016; Madhani, 2017). This resulted in minimally adequate responses to calls for service and little or no proactive policing efforts (Schallhorn, 2016).

Most communities seek to have law enforcement officers being reflective of the community they serve (Board, 2014). The concept of reflective law enforcement is rooted in the idea that the community identifies better with someone who looks like them or comes from a similar background (Board, 2014). Ironically this is also an acknowledgement that community members exhibit the same biases for which enforcement are criticized. From the officer's perspective, it is hypocritical for community members to react poorly to him because they judge him based on the actions of someone else who wore a similar uniform or was in a similar position of power. At the same time, he is being stereotyped, the same people doing the stereotyping are complaining that police officers stereotype community members (Karimi, 2016; Bruton, Smith, Chuck, & Helsel, 2016; Lavandera & Sanchez, 2016). Community members want to be judged by their own actions and merits rather than the color of their skin (uniform they wear) or by the actions of a similarly situated person.

The double standard can be even more frustrating when the officer agrees with the community members that excessive force by law enforcement officers is unacceptable (Jackman, 2016). The officer is put in a difficult situation of philosophically siding with the group that wrongly condemns him or siding with the officer whose actions were clearly wrong (Reilly, 2017). When the actions of the Black community are overly aggressive or stereotypical, it actually does a disservice to everyone and decreases the chances of moving forward (Morin, 2017; Van Horn, 2013). Similarly, Black police officers are put in delicate situations when either side expects loyalty or condemns the officer based on his demographic or occupation rather than his actions. In this regard, the community at large has a role in improving the relationship going forward (Kaleem, 2016).

The more difficult cases are those for which unanimous agreement isn't possible (Jaleem & Pearce, 2016; Kuriansky & Toriello, 2016; Nolan & Chokshi, 2016; Stassen-Berger, 2017). Even the assistance of video recordings doesn't remove all doubt about the merits of an incident. Part of the dispute is the result of facts – specifically how much information one side has access to versus the other. Even facts are disputed based on prejudice toward the person who collected, analyzed, or reported them. Additionally, observations by individuals who lack the tactical awareness to adequately interpret some aspect of the incident can lead to a false conclusion. Objective observers look to the 2015 shooting by a South Carolina police officer of Walter Scott as wrong by any measure and not requiring any additional analysis (Wamsley, 2017). However, the 2014 shooting death of Tamir Rice by Cleveland police, who was holding a toy gun, based on tactical considerations, requires deeper analysis (Etehad, 2017; Heisig, 2017).

After Ferguson, law enforcement officers may be inclined to be suspicious of how media portrays incidents and whether or not their reporting is factual. Another point often emphasized

by media is whether or not the suspect was armed. This implies that unarmed suspects pose no threat and should never be the subject of force. The reality for police officers is that, while they are equipped with a variety of safety equipment, there is nothing preventing that equipment from being used against them (PoliceOne.com, 2005). Police officers, like suspects, come in a wide range of sizes and abilities. Suspects are able to trick or overpower those well-equipped officers. If that happens, that unarmed suspect becomes an armed suspect in a matter of seconds. From the officer perspective, the unarmed status of a suspect is both unknown and temporary. It is unknown because the officer doesn't have the benefit of 20-20 hindsight during a confrontation. Even if the officer can't see a weapon, the officer has to consider the emergence of a concealed weapon. Until a suspect has been properly searched, the officer is forced to acknowledge at least the possibility that the suspect is armed. The temporary designation comes from the fact that, even if the suspect is unarmed at some point in the confrontation, by tricking or overpowering the officer, the suspect's unarmed status can change quickly. These reasons make the inference of whether or not a suspect was later deemed to have been armed, a less useful component of the story (Cases of Officers, 2005).

Violent crime is a sad fact of life in America and no act of excessive force by any officer can ever be tolerated. Officers are well aware of this fact and generally agree with it (Rosenthal, 2017). From the officer's perspective, however, there are real threats to be addressed and there are violent people throughout every city who could pose such a threat. Officer safety protocols mandate officers to be aware of, and protect against, any such threat. In California's capitol city, for example, 114 teens have died in the last 10 years because of violence (Madhani, 2017). Last year in Chicago, seven teens were shot in a 12-hour period (Madhani, 2017). The same violence aimed at fragile teenagers in just two American cities is aimed at law enforcement officers on a

daily basis (LEOKA Resources, 2016). Protecting against that threat while simultaneously protecting the rights of everyone can be a daunting, but necessary, task. Everyone has the right to go home at the end of the day (POST-approved patrol training programs, n.d.). That right doesn't diminish based on occupational designation or whether or not a person comes in contact with a law enforcement officer (Wilde, 2014).

Black Perspective

The nature and history of law enforcement in the U.S. is rooted in controversial enforcement actions (Olurunnipa, 2014). Some actions have been targeted toward members of the Black community (Johnson, 2016), while others have been interpreted to be the result of reckless disregard for the protection, safety, and rights of Blacks (Killed by police 2017.; Fleetwood, 2015; Bloom, 2014). This leads to many Blacks not trusting police. Among the most notable figures in this theory are Rodney King (Thomas, 2016), a Black motorist who's on-camera beating by Los Angeles police officers represented the most significant evidence at that time to document a pattern of abuse that had long been alleged by Blacks (Francois, 2017; McCleod, 2016). The sense of unfairness toward Blacks by the criminal justice system fueled the jubilant celebration following OJ Simpson's acquittal on murder charges. Blacks weren't celebrating the death of two people, but rather the rare instance where the 'system' worked in favor of a Black person (Maddox, n.d.; Monroe, 2016). Perceptions within the Black community are that a Black man accused of harming a White woman ranks at the top of the rankings of punishable crimes (Guardian, 2012.; Slavery in the U.S., n.d.; Moore, 2014). This dates back to the days of, and after, enslavement. Sexual relations between these two groups, for example, was such a taboo concept that it took until the late 1960s for the U.S. Supreme Court to outlaw

such prohibitions in *Loving v. Virginia*, 388 U.S. 1 (1967). Even cases like Trayvon Martin, a Black teenager who was shot and killed by civilian neighborhood watch captain George Zimmerman, reinforced outrage in the Black community. While Zimmerman wasn't a police officer, the facts of the case appeared eerily similar to many officer-involved-shootings in that a person in a position of relative authority is alleged to have unnecessarily killed a young Black man (The Guardian, 2011; CRARR, 2016; Liptak, K., & Jones, A., 2016; Braga & Brunson, 2015; Brunson, 2007; Cody T Ross, 2015; Fryer, 2016; Timothy Williams, 2016).

Ferguson Missouri became a national symbol after Officer Darren Wilson shot and killed Michael Brown (Whitewashing race, 2003). From the community perspective, the fact that an officer shot and killed 'another' young Black man was outrageous (Orphanies, 2015; Slaughter-Johnson, 2016). The incident represented more than Michael Brown. It represented every young Black man who is alleged to have wrongfully died at the hands of police. The further narrative of 'hands up...don't shoot' (Capehart, 2015) only added to the outrage (Sloan, 2016). Community members viewed this as a Hobson's choice (Capehart, 2017). If a Black person seeks to avoid conflict by running away, he risks the same fate as Walter Scott. But if he complies with his hands up, he may get shot, even shot in the back, as originally portrayed with Michael Brown. This decades-old concept heightens frustrations and reminds community members of so many other cases where that narrative appears to have been dismissed. After all, Brown was not the first Black man to have allegedly been gunned down while complying. Charles Kinsey was shot by North Miami police while on the ground and complying with police demands. This case was recorded and, while police did not claim this to have been justifiable, the fact remains that 'another' Black man was shot while complying just because he came into contact with law enforcement.

With a history of discrimination and second-class citizenship, the dehumanization of Blacks by anyone in any position of authority stings particularly hard because, for so long, Blacks were not permitted to hold such positions of authority (Anderson, 2011). (When the practice of slavery was outlawed, those in power sought to hold onto the benefits it gave them. The enforcement of Black Codes, discriminatory policing and sentencing policies that disproportionately affected people of color were mere extensions of the outlawed practices. To many, it appears that progress has been made despite best efforts by some in positions of authority to delay or prevent it. *Brown v. Board of Education* 387 U.S. 483 (1954) illustrates this with the decades of refusal, by some in power, to accept and comply with this landmark ruling (Dripps, 2015; Berlinger & McLaughlin, 2016; Lerner, 2015; Somervill, 2005). In 2017, the state of Mississippi still has active court cases challenging this ruling. In recognition of the refusal of some in power to tolerate advances on the part of Black people and brutality by the same profession that once attended lynchings for the sole purpose of ‘keeping them civil’ remains a relevant point of contention. Law enforcement officers also played a role in the hasty abductions of Blacks accused of improbable crimes against Whites as was the case in 1931 when the (nine) Sottsboro Boys were wrongly accused and convicted of sexually assaulting two White girls on a train (History.com, 2018).

While it is generally considered acceptable for those who are actively engaged in criminal activity to fear contact with law enforcement, it is generally considered unacceptable for law abiding citizens to live in such constant fear. Yet, that is the reality in 2017 for many Blacks. This fear is not unfounded but is rather based on lifetimes of experience. Given the history, it would arguably be illogical for a person of color to have no fear of law enforcement officers (Mistreatment of African-Americans, n.d.; Murambadoro, 2015). Even people of color

who are employed as peace officers have proven to be susceptible to brutality on the basis of their color (Agin, 2014). Living in fear of a group, even when justified, is unhealthy. Just as law abiding citizens shouldn't be forced to live in fear of street criminals, law abiding people of color shouldn't be forced to live in fear of the very people tasked with protecting them against the street criminals (Grinberg, 2015).

From January 1, 2017 to June 25, 2017 (at 12:00 pm), the website killedbypolice.net claims 580 people were shot by police officers. This number tracks closely with FBI data tracking roughly 500 deaths in the first half of 2016 and 2017 (Sullivan, 1997). The information clearly varies from case to case, but the sheer number is staggering, and legal intervention appears to be ineffective. The real-time information provided by this website has not been thoroughly vetted and doesn't provide information about the facts of the case nor the race of the suspects. It also omits fault. Despite that, if the majority of the reported incidents are real and if even a small fraction (half of one percent) were unjustified, that would equate to approximately three people who were unlawfully shot by law enforcement officers in less than six months. These assumptions don't provide an adequate basis for condemnation but, at a minimum, are enough to raise a flag of suspicion and warrant further evaluation.

Buzzfeed provides further reasons to be concerned with their compilation of unarmed Black people killed by police in a one-year span. From Daunte Hamilton, Milwaukee, on April 30, 2014 to Freddie Gray, Baltimore, on April 19, 2015, the media outlet chronicles 16 cases. Many of these cases are still being investigated so it's too early to draw conclusions, however, the sheer number of cases in the context of the history between Blacks and police is enough to raise awareness and concern (Blacks, Whites differ on police conduct: Poll finds Whites trust police despite brutality, 2000; Beeman, 2015; Blumenthal, 2016; Bonilla-Silva, 2014;

Cummings, 2001; Feagin, 1994; Gaye, 2002; Sides, 2013; Pattillo, 1999; Robson & Schwinn, 2015).

Psychosocial Theories

When contrasting the perspectives of these two groups, there are two glaring concepts that emerge. One is what the two groups have in common and the other is how applying similar and reasonable thought patterns to the history of each group yields different outcomes. The similarities include things like recognizing one's membership in a particular group, acknowledging that a small percentage of members of that group display unacceptable behaviors, wanting to be judged on one's own actions rather than the actions of other members of that group, and instinctively siding with one's own group while being instinctively mistrustful of the other (Burgman, 2014; Regan, 2014).

To this point, the process of attributing the best factors to one's own group while attributing the worst factors to the other group is called Fundamental Attribution Error. (Filling in the blanks: A theory of cognitive categories and the structure of social affiliation, 2011; Anand, Craig, & Von Peter, 2014; 2015; Freeman, 1992; Hooper, Moran, Jolly, & Mitchell, 2014; Maruna & Mann, 2006; Reeder, 2013; Sperry & Stoupas, 2016). The term is drawn from psychosocial literature but applies well in this situation.

With only partial data available for analyzing a situation, humans tend to draw upon our own experiences to complete the puzzle. This is an intuitive concept that allows us to recognize and anticipate data but also allows us to misinterpret the data we see. This cognitive theory is useful in reading words on a page and anticipating any missing or misplaced letters. It is less useful, however, in evaluating right and wrong in an officer-involved shooting of a person of

color. In this case, one's perceptions and personal experiences will form the opinion and cause a person to fill in the blanks in a way more consistent with their own beliefs and history than facts.

The data from this proposed research will determine the most appropriate lens through which the analysis yields the most insightful results. If appropriate, based on the data, a psychosocial lens for analysis would build upon a deep body of work that is typically focused on other areas. Two examples of similar group dynamics are sports and politics.

In sports, hard core fans tend to align themselves with every aspect of their favorite team. From memorizing trivial details about players, to promoting the team through fashion (jerseys) or even tattoos, true fans display an unwavering loyalty. That loyalty can also be blinding. It can be the cause of verbal or physical altercations with those who don't share their affinity. These same fans often espouse derogatory beliefs about the abilities or lineage of opposing players and fans. Each fan firmly believes that his or her team is superior in every way to everyone else, despite all evidence to the contrary.

Politically, heated campaigns at any level of government bring out a similar behavior. Democrats and Republicans are sometimes aligned with their respective political party with the same vigor as an avid sportsman. In the same way that a fan of one time has an easy time believing the worst about another team, Republicans and Democrats draw similarly illogical conclusions.

Both scenarios have been studied to a significant extent. The related literature could provide the key to unlock the insights into the conflicts surrounding policing Black America. To the extent the data leads to a similar group dynamic, the psychosocial theories applied to politics and sports can be used for a more meaningful analysis in this case.

Conclusion

The current literature paints a vivid picture of the existence of conflict between Blacks and law enforcement. Recent incidents related to this topic have been central themes in social media and popular culture media. Much of this data is raw and unfiltered. This candid information is readily available to represent the Black perspective in this conflict, but is rarely able to capture the law enforcement perspective. Historically, the law enforcement profession is closed to outsiders and very disciplined in its approach to sharing information. The primary source of law enforcement data is either sterile or difficult to release for public consumption because of anonymity protections afforded to law enforcement officers. Further, the current literature describes the issue from the perspective of each side individually, so even having the ability to include elusive data documenting the law enforcement perspective means that data is taken in isolation. The other gap in the literature is around how, other than the outcome, the issues of both groups come together. The interdependent relationship between both groups in the course of this conflict devalues the available data that treats the information separately and is heavily weighted toward the Black perspective, with minimal information available to include the law enforcement perspective. There is also a gap in tracing the collective history.

While ample literature exists to describe the Black experience in America, there is limited emphasis on how that is integrated to the law enforcement experience. In order to overcome the possibility of fundamental attribution error, one theory from the literature is that we will have to go backwards before we can go forward (Stephens, n.d.). First, according to this theory, we must acknowledge the wrongs of the past rather than ignore them. Second, the theory suggests that we must make purposeful efforts to understand both sides of the issue from a causal perspective in order to better understand why each side behaves in a certain way. Third, with the benefit of the

first two steps, we can objectively evaluate our own behaviors as well as the behaviors of others. This may result in assigning blame in some cases or innocence in others. If that guilt or innocence is based on the actions of the individual rather than the group to which that individual is assigned, the outcome is more likely to be just. With more just outcomes, trust between the two groups can increase. In that lengthy, but important, process lays the foundation for improved outcomes and relationships for both sides of this issue. Since the current literature doesn't adequately address that solution, this research aimed to fill that void by building upon the current body of work to create a possible solution to this important social crisis.

CHAPTER 3

METHODOLOGY

In an examination of the low levels of trust and cultural differences between Blacks and law enforcement officers, this Chapter describes the methodological approach that was used to collect data and prepare it for analysis (Blumenthal, 2016; Bonilla-Silva, 2014; Ratcliffe, 2015; Sides, 2013). Since interpretations of the phenomenon of policing Black America are based on lived experiences that inform our culture, individual experiences have the ability to change interpretation so maintaining the integrity of individual data was of primary importance throughout the data collection process as described below. This chapter will discuss the researcher's positionality and participant selection process, followed by an explanation of the data collection and analysis process, concluding with a discussion of the trustworthiness of the study.

Research Approach and Design

The goal of this research was to revisit a topic that has been studied before, but to do so in a different way than has previously been done. In an attempt to identify solutions that have eluded previous research, this research focused on the problem rather than the solution, although determinations were made about the effort and outcomes of previous solution-oriented attempts to explain or improve the phenomenon of policing Black America. By leveraging the researcher's positionality, the study sought to expose a deeper and more significant understanding of current and prospective conditions from the perspective of stakeholders around the conflict. In order to learn about a complicated human experience, it was necessary to

understand the texture and origins of the related emotions as well as the motivation for the related actions and interpretations through an evolving process that was open-ended in nature.

Qualitative research was well-suited for seeking new data because, unlike a quantitative approach, it didn't artificially constrain the range or span of the answers. This flexibility facilitated the search for deeper meaning. The findings of qualitative research were not the result of statistical procedures or other quantification (Strauss & Corbin, 1990). The conflict and issues related to the policing of Black America are well recognized but not well understood. By starting from a point of general awareness about the existence of conflict, the research was able to focus qualitatively rather than quantitatively on the issue at hand. By focusing less on the frequency of a particular response and, instead, focusing on the response from the participant's own words, qualitative research was well-suited for capturing the lived experience without the researcher's own biases restricting the data.

The current body of literature focuses on the flashpoint between two opposing groups rather than the factors leading to that conflict or separate perspectives of each side. The gap in the literature is the deeper understanding, from each side, of the lived experiences that influence the thoughts and actions leading up to that flashpoint. To be most useful, this data should be accurately collected and candidly portrayed. "Qualitative research is rich with detail and insights into participants' experiences within the world" (Mason, 2002, p. 221).

Phenomenology is a type of qualitative research with roots in grounded theory. Although transcendental phenomenology views the researcher's positionality as a liability to be mitigated (Husserl, 1965), hermeneutic phenomenology leverages the researcher's positionality to interpret the phenomenon (Finlay, 2009). The theory of interpretation, Hermeneutics (Smith, 2011), is valuable for this research area. However, the distinct perspectives of two separate groups

requires a double hermeneutic approach that acknowledges the researcher's dual role in demystifying the phenomenon. This approach describes Interpretative Phenomenological Analysis (IPA) (Smith, 2009) and was particularly relevant for this study given the researcher's positionality and proximity to both sides of the data.

By leveraging, rather than mitigating the researcher's positionality, the participant questions were designed to elicit valuable insights into the lived experience through a process of detailed examination. The semi-structured questions were designed around targeted themes to address gaps in the literature while bringing the data to life.

The IPA process was particularly useful for issues, like this, with higher degrees of complexity and sensitivity because it permitted the exploration of the issue. Rather than seeking to educate or correct participant's views, IPA focused on the double hermeneutic approach to see the issue from the eyes of the participant instead of concentrating on a predetermined hypothesis (Smith, 2007). The participant makes sense of his or her world while, simultaneously, the researcher makes sense of the participant making sense of his or her world (Smith, 2007). The omission of judgments about right or wrong were consistent with an emic approach of having an insider focus on sense making and proved to be helpful because it allowed the participant to focus on his or her own subjective reality rather than a more anthropological approach. Conversely, an etic approach would have been more practical for a researcher who was not a member of the participant groups but would have been more clinical and not been received well by skeptical participants (Kottak, 2006)

This focus on the mental process was similar to cognitive psychology and social cognitive approaches and served to elicit deeper meanings instead of the superficial understanding offered by quantitative processes (Smith, 2007).

Positionality / Reflexivity

I studied the conflict-laden interaction between members of the Black community and law enforcement officers. As a member of the Black community, I have had a lifetime of experience from which to draw. This allowed me to engage more deeply than I would otherwise be able if I had to rely solely on academic observations to inform my data collection. Relying on my personal experiences allowed me to appreciate the nuances of the relationship while simultaneously drawing on decades of data. As a Black man, I understand the pervasive, intimate, and long-lasting outcomes of negative contact with law enforcement officers. I've never needed to consult a history book or study criminal law textbooks to form an opinion or feel the weight of this phenomenon. Comedian Dave Chappelle once joked that "...every Black dude...is a qualified paralegal...", as a testament to the inescapable legal education thrust upon Blacks through repetitive personal experiences (Chappelle, 2009, online). I was also able to make subjective determinations about concepts that are of great importance to Black people even if objective measures don't independently validate those thoughts or beliefs. This weighting of factors has the potential to provide a more accurate lens for interpreting the actions and beliefs expressed by participants.

While this perspective worked well for my research area and approach, there are some potential pitfalls I had to use caution to avoid. There was a fine line between me conducting research based on objective factors and just using a research context to tell my own story. For my area, I wanted to avoid simply writing an autobiography, so it was important for me to acknowledge and address my own biases in this process.

My own professional background as a law enforcement officer afforded me insights into the training, culture, and mindset of law enforcement officers in the context of dealing with

members of the Black community. The realities of being on the front lines of law enforcement activities are not captured well by the news and entertainment industries that provide much of the context by which non-law enforcement personnel judge the action of law enforcement officers. The stark contradictions between perception and reality are notable. Similarly, the onus of taking immediate action without the benefit of hindsight, further analysis, and predictability places significant restrictions on the thoughts, beliefs, and actions of law enforcement officers. While often considered subtle concepts, the reality is that these beliefs form the underpinnings of a closed law enforcement community.

An external researcher would have had the additional hurdles of gaining access to the thought and behavior patterns of these closed groups while needing insider assistance to interpret any observations. My background eliminated both hurdles and positioned me well to appreciate the perspectives of Blacks and law enforcement officers in this complex relationship. This included both the motivating factors behind specific behaviors and the internalization of being vilified based on those actions – even if they were taken by someone else.

Both groups have unique cultures that tend to be relatively closed to outsiders. If I had attempted this research from an etic perspective, I would have an additional layer of difficulty as I would first have had to be accepted by the group in order to gain enough trust to be able to observe meaningful and unfiltered data. The appropriation of Black culture by non-Blacks remains a source of internal division within the Black community but, for some, it indicates a sign of disrespect and fuels an affinity for homophily. Simultaneously, and similar to Blacks, law enforcement officers display their own homophily because outsiders generally lack the experiences to fully appreciate the lived experience on a deeper level than a media portrayal or

anecdotal evidence. My own positionality as a member of both communities positioned me for unique and valuable insights that the IPA methodology allowed me to leverage.

By separating the lenses of each group, I was able to focus more comprehensively on the views of Blacks and the views of law enforcement officers independently as if in a vacuum. This allowed me to enter the psychological world of participants while seeking only to understand and not to fix or correct any concepts with which I personally disagreed. Alternatively, if I were to have attempted to consolidate the perspectives into one data set, I would have run the risk of diluting each view or filtering data into something less informative. My purpose was to find answers that had not been revealed with previous methods, so it was important for this process to take a more methodical approach in order to gain the level of understanding necessary for achieving the goals of the research. The sensitive nature of the topic and closed culture of the groups, required me to remove data collection barriers and get the most unfiltered observations and answers possible. This was largely accomplished by leveraging the researcher's positionality as a member of each group. Maintaining a balanced, objective, and professional demeanor with careful attention to the language and tone of questions while being cognizant of researcher reactions to answers also facilitated this process.

Participant Selection

The generalizability of this phenomenon plays an important role in participant selection. The phenomenon itself can be illustrated by the frustration and civil unrest that often follows use-of-force incidents between law enforcement and Blacks (Sides, 2013). The frustration is that another incident of this type happened. The reference to other incidents does not refer to the same individuals, similar time frames, or even similar geography. Protests in Ferguson,

Missouri, were largely the result of people who had to travel great distances to that location. Once there, references were made to incidents from New York, for example (Marotta, 2015; Wheeler, 2015). Similarly, 2017 protests in Charlottesville, Virginia (Davich, 2017) and Boston, Massachusetts (Wootson Jr, 2017) were sparked by actions dating back to the Civil War. The underlying theme for the conflict that defines this phenomenon is that the issues transcend time and place. Consequently, there was no added value in limiting participants to a specific geography or age. Instead, the selection for this study was based on expertise from a particular perspective.

According to IPA protocols, the limited number of anticipated participants for the study is small. The quantity of participants for this study was larger than most IPA studies because the design included separate analysis of two different groups of participants. This resulted in approximately double the traditionally accepted number of participants for doctoral level IPA studies. Rather than increasing the quantity even more, it was important to focus the selection process on quality. This purposive sampling process was similar to ethnographic research conducted by social anthropologists (Smith, 2007). Each participant was selected based on his or her anticipated contributions to the study, accessibility to the researcher, and willingness to participate in a candid and valuable way. The data analysis process for this study required a complicated set of processes to elicit deeper meanings and connections between data from participants. The large data set from even one participant is an acceptable data set for an IPA methodology because of the large number of potential connections to be identified within the data set. While this study opted for more than a single participant, the exponentially expanding combination of data connections that come with each additional participant, it was important to limit the number of participants.

Specifically, one participant group was intended to embody lived experience of Blacks while the other brought to life the law enforcement perspective to life. A third group included people, like journalists and activists, whose proximity to the issue gave them a valuable perspective whether or not they represented one of the two primary demographics. Given the absence of geographic or chronological boundaries, participants came from various parts of the country. No international interviews were conducted.

Black Americans have a near universal familiarity with this phenomenon so participant selection focused on the level of articulation, passion, and accessibility of potential participants. For the law enforcement perspective, members of police union leadership tended to have greater latitude with respect to speech than typical front-line officers. Special care was taken to avoid the inclusion of participants for whom a real or perceived conflict of interest with the researcher existed.

The third group of participants consisted of people who did not fit the demographic of the primary groups, but still had a close proximity to the issue and were able to bring value to the process. This included journalists and providers of legal or social services to one of the groups engaged in the conflict.

Once identified, the researcher determined whether and to what extent the person was accessible to the researcher. The researcher attempted email or telephone contact with each prospective participant. Other electronic means were employed in order to schedule and facilitate the introductory calls. During the preliminary call, the researcher summarized the background of the researcher, problem (from the view of the researcher), and proposed study. In some cases, this included sharing the abstract of the research proposal for additional context.

Any participant who elected not to continue in the process was thanked and dismissed from the applicant pool. Prospective applicants who agreed to participate in the study were provided additional logistical information and were scheduled for the formal interview. In several cases, intermediaries or participants' staff facilitated the process of securing participation and scheduling interviews. Prior to beginning the actual interview, the researcher presented the prospective participant with the IRB-approved consent form, answered any questions, and received the signed consent (including options for levels of confidentiality of responses). Every participant consented to audio recording, deemed their responses non-confidential, and authorized the researchers' unrestricted use of the data, including naming the participants. While the naming of participants is not consistent with traditional research practices, it is justified in special circumstances. In this study, the participants represent groups of people (Blacks and law enforcement officers) who are traditionally closed to outsiders. The value of studying the policing of Black America is to improve the level of conflict between the two groups. That will require actions on the part of one or both of those groups. This study has the potential to influence some level of action on the part of participants or readers of this study. As skeptical and sometimes cynical groups of people, anonymous participants lack the credibility to influence meaningful change. The participants for this study all have high levels of credibility with one or more groups of people involved in this conflict. Adding their information strengthens the usefulness of this study by increasing the likelihood of sparking actual change by leveraging the credibility of people involved in the study.

Data Collection and Analysis

The goal of the data collection process was to permit a detailed analysis of the participants' lived experience with the phenomenology of policing Black America (Smith, 1996). The data collection process occurred with semi-structured interviews of 19 participants. Particular attention was paid to the preparation, physical space, questions, and response capture methods of the interviews.

In advance of the interview, where practical, the researcher and participant developed a rapport in order to support the comfort level of the participant and glean the most useful data (Smith, 2006). This included meeting for coffee or a meal prior to the interview and was done with the purpose of establishing a productive tone for the interview.

The location was mutually agreed upon by the researcher and participant. Most participants lived or worked in a different geographic area than the researcher. Consequently, most interviews occurred in the home or office of the participant. In other cases, the interviews took place in vehicles, hotel common areas, rented offices, or other nearby locations. The room itself was temperature controlled with appropriate acoustics to avoid excessive external noise and maximize the ability to hear clearly for transcription accuracy. Seating included office-style settings and water and/or snacks were provided as needed.

Questions were asked directly by the researcher through an idiographic form of inquiry that focused on the individual rather than the group or broad generalizations at that stage of the study (Smith, 1997). The wording of questions was adaptive and aligned with the expertise or responses of the participant. Each participant was asked general questions about their experience with policing Black America, for example, but questions about incarceration were only asked of people who work or were formerly housed in custodial institutions unless the participant lead the

conversation to that topic. The sequence of questions was not an important focus. The questions probed interesting or important topics through an iterative process. Questions revolved around a set of core themes designed to elicit meaningful insights to the phenomenon but varied according to the expertise and responses of each participant. Consequently, the actual questions, prompts, and clarifying questions were not the same between participants. Specific topics started broad and narrowed throughout the interview. The researcher took care to ask only one question at a time, provide ample opportunity for uncoached responses, and minimize prompts that may have interfere with responses. The pace of the interview was largely dictated by the participant and the researcher documented the prosody.

The responses were captured via audio recording, a method consistent with the informed consent of the participant (Clarke, 2009). Confidentiality was provided for, and to the level requested by, each participant, however, every participant in this study voluntarily waived confidentiality of identity, responses, and data storage. Participants had the ability to seek full confidentiality, no confidentiality, or any level in between. Questions and responses were transcribed by a contracted professional and respondents had the ability to review and correct any inaccuracies or misstatements.

No data was determined by the researcher, or requested by the participant(s), to be confidential, so traditional methods of protecting data confidentiality did not apply to this study (Smith, 1996; 2006).

In order to analyze the data, the researcher engaged in a painstaking analysis process (Smith, 2007). The initial analysis focused on individual participants to determine internal consistency such as whether or not the participant provided contradictory statements. The researcher reviewed and coded the individual transcripts in search of abstract patterns.

Transcripts created from consensual audio recordings of interviews formed the basis for interpretation. After verifying its accuracy against the audio recording, the first transcript was read to highlight any internal inconsistencies. The same transcript was re-read by the researcher several additional times to increase familiarity with the document and contextualize comments within the data set. In order to align the analysis with the participant's perception rather than a more objective analysis of the event, the transcript was then inserted into a columnar template. The far-left column included raw transcript data. The second column from the left was for verbatim excerpts. The next column allowed for the inclusion of contextual clues to inform the true meaning of the verbatim words. The last column included the researcher's interpretation of the data considering, not only the word usage but, cadence, body language and other physical cues, and any other observable data that could provide insights into the deeper meaning of the psychological world of the participant.

The sustained qualitative inquiry and engagement of text facilitated the in-depth qualitative analysis to expose the central meanings which were not transparently available. The researcher then re-read the transcript while employing a technique similar to a free textual analysis, notating emerging themes while maintaining the connectivity of the associated data from each of the four columns in the template. This process was then repeated for each transcript and produced a total of 83 emerging themes for further analysis.

The emerging themes were then physically written on color coded 3x5 cards for manual sorting by the researcher. The large size of the data set complicated the coding process, resulting in 9 coding rounds identifying duplicate data and similar themes, the data was sorted into 17 clusters. Those clusters were then evaluated for frequency so that clustered themes that were introduced by less than half of participants from either bifurcated group (Blacks and law

enforcement officers) was excluded from further evaluation. The remaining clusters were re-ordered into four superordinate and 17 subordinate themes. The product of this multi-staged process formed the findings listed below. The findings are written up with a short narrative description of the superordinate theme followed by a short narrative of, and a small number of excerpts in support of, each subordinate theme.

TRANSCRIPT	EXCERPT	CONTEXT	INTERPRETATION
Well, it was very unusual, and I also like to call it the perfect storm. Um, you have an officer coming from a sick case call, knew there had been a robbery on West Florissant, wasn't sure who he was looking for , and happens to come down Canfield, and unknowingly drives directly toward the two suspects who had just committed a robbery at the convenience mart. Uh, Darren Wilson, the officer, sees them, and they're walking in the middle of the street in front of his police car, and he says, "Hey, guys, would you mind moving over to the sidewalks?" And the one younger guy, the smaller guy, said, "Yeah, no problem, Officer." And the big guy, Michael Brown, says, "Fuck you." He's like, "What?" When the officer turns to look at them, they're walking past his vehicle, he sees the cigarillos, and now it clicks in his mind, they did the robbery. So he thinks he put it out on the air that he's making the stop, long story short, he ends up in a shooting situation, and Michael Brown dies.	knew there had been a robbery on West Florissant, wasn't sure who he was looking for "Hey, guys, would you mind moving over to the sidewalks?" Michael Brown, says, "Fuck you." He's like, "What?" When the officer turns to look at them, they're walking past his vehicle, he sees the cigarillos, and now it clicks in his mind, they did the robbery. long story short, he ends up in a shooting situation, and Michael Brown dies.	Ferguson police officer responded with minimal info Initial interaction between Michael Brown and Officer Wilson. Initial response from Brown confrontational Sequence of events leading up to the shooting	Officer was trying to solve a crime, find a robbery suspect Officer description intended to portray good intentions by officer It was Michael Brown who initiated confrontation as officer was initially unaware Brown was robbery suspect Implies that no confrontation would have occurred if not initiated by Brown
I was off duty when I got the call. My assignment was to head to the station and get hold of my officer that had assaulted and make sure he was okay , while everybody went to the scene to handle the disturbance. And when I say perfect storm, it was a warm day, low-income housing apartment	get hold of my officer that had assaulted and make sure he was okay perfect storm, it was a warm day, low-income housing apartment complex, with a lot of people outside. You got a shooting.	Immediately after incident, protocols were put in place Setting scene to describe environment	Didn't immediately know status of either party, separate people assigned to scene and officer assessment/care Long history of warning signs,

<p>complex, with a lot of people outside. You got a shooting. You got officers arriving, and you had an angry mob. And they kept calling more officers, more officers. They were upset because Michael Brown's body hasn't been moved, but he'd already been pronounced dead by the-the ambulance, and we had a crime scene. So you're trying to protect the crime scene so you can figure out exactly what happened, but the people in the apartment complex saw this as an insult because you're leaving a young black male laying on the sidewalk. And that's what started the fever with everybody.</p>	<p>angry mob. And they kept calling more officers, more officers</p> <p>upset because Michael Brown's body hasn't been moved</p> <p>already been pronounced dead by the-the ambulance, and we had a crime scene. So you're trying to protect the crime scene so you can figure out exactly what happened</p> <p>saw this as an insult because you're leaving a young black male laying on the sidewalk. And that's what started the fever with everybody</p>	<p>Community response was strong and quick</p> <p>Body remained in street because of delay with coroner after ambulance pronounced death</p> <p>Perceived by community as disrespect</p>	<p>enforcement, and attempts to improve environment at that housing complex</p> <p>Police describe reasons for delay in moving body from street but community views as disrespectful display of authority</p>
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These themes were the basis of further analysis and included generalized language along with annotated verbatim excerpts from the transcripts. A series of psychosocial themes were tested against the data in search of any theories that help to may explain the phenomenon. The clustered themes were translated into narrative form with an emphasis on describing the phenomenon from the vantage point of each group (Smith, 2007).

To further explore and validate the themes that emerged from the data, the researcher sought additional opportunities to discuss each theme in a deeper way. This included searching for insights from other disciplines that could be applied to the themes. Various psychosocial, neuropsychological, and behavioral economic theories each described particular themes from a different context. These theories were applied to the data themes. Additionally, the researcher recognized the social basis for the behaviors studied in this research as well as the phenomenon of art imitating life (<https://www.psychologytoday.com/us/blog/the-psychology-fiction/201104/does-art-imitate-life>). Consequently, the researcher looked to entertainment to supplement data themes. This resulted in the inclusion of contextual additions in the form of

lyrics and performance excerpts as they relate to the phenomenon of policing Black America. The phenomenon involves the interactions of two groups of people whose boundary lines are drawn by cultural differences.

Supreme Court Justice Clarence Thomas referred to the increasing burden placed on police officers by analogizing that we used to drive cars on roads with no painted lines and we knew how to drive. Over time we added a center lane and shoulder markings. Now, in the absence of those markings, it's like we don't know how to drive. Several law enforcement-related participants agreed with this expanding set of expectations and lamented that the officer is wrong no matter what he or she does.

Trustworthiness of the Study

As a qualitative study, trustworthiness was an important consideration. This study utilized specific safeguarding methods. The first involved participant selection. Rather than interviewing random people or those for whom making contact was the easiest, this study selected individuals based solely on their qualifications. Having highly qualified and reputable participants supported the necessary trustworthiness of the study. Well-respected participants were in a better position to represent each perspective in a way that was reflective of the true issues and reasonably generalizable for the entire population.

One of the potential challenges to purposive sampling was the loss of anonymity. With a sensitive topic, a risk existed that participants would not be candid. If, out of fear or embarrassment, a participant chose to embellish or withhold information in their responses, there would have been negative impact on the data and, subsequently, on the trustworthiness of the study. Fortunately, that did not appear to be a concern with this particular set.

Given the research method (IPA), the leveraging of the researcher's personal experiences to interpret the lived experience placed a high level of reliance on the researcher. This provided the opportunity for richer data, but came at the expense of speed and control of the interview process. From a trustworthiness standpoint, even if reputable participants were truthful and fully engaged, the researcher could theoretically have undermined trustworthiness by purposefully or inadvertently misinterpreting the subject data. If not addressed, this potential for misinterpretation could have reduced the reliability, validity, and trustworthiness of the study. While no method can completely guarantee against that happening, the choice to record the interviews provided an option for the equivalent of an audit of the data. The researcher maintained a position of significant discretion because of the subjective nature of IPA. While the potential misinterpretation of the emotional state of a participant's story, for example, was subject to the interpretation of the researcher, the verbatim responses are more objective. One common method for mitigating the potential for misinterpretation is to suspend presuppositions and judgments until after the data has been evaluated on its own merits in an attempt to gain its intended value (Husserl, 1999). This process allowed the researcher to avoid tainting the data by initially avoiding the temptation of engaging with personal experiences (Spinelli, 2005). Caution was required, however, because the double hermeneutic nature of IPA could be considered a barrier to fully implementing the bracketing approach (Smith, 2008). This would be an issue if instead of simultaneously having the participant make sense of his or her reality while the researcher made sense of the participant making sense of the participant's world, the researcher solely focused on the first component by merely reciting or paraphrasing participant responses.

At the conclusion of each interview the participant responses were transcribed and the participant had an opportunity to review and correct any inaccuracies. The researcher emailed draft

copies of the transcript and had the opportunity to propose corrections of any items that were transcribed improperly. This internal control was embedded within the research design and was the second safeguard to maintain trustworthiness.

Summary and Conclusion

By selecting the IPA methodology for this study, the researcher's own experiences and positionality were able to provide unique interpretations and sensemaking of the lived experience of both sides of the conflict in this phenomenon. The resulting data provided new and valuable insights into the issue. By providing a greater understanding to each side of where the other side was coming from, the study may initiate further work in this area and, ultimately, an improved relationship between the two groups.

Chapter 4 describes the findings that were identified using the methods described above. The format of Chapter 4 relies on narrative explanations of each of four primary themes that were mentioned by participants. The data is clustered with explanation and supplemented with a series of excerpted quotes compiled from participant data.

CHAPTER 4

RESULTS/RESEARCH FINDINGS

The purpose of this Interpretative Phenomenological study was to explore the lived experiences of Blacks and law enforcement officers in the policing of Black America. Specifically, the study sought to understand how Blacks perceive and make sense of being policed and, separately, how law enforcement officers perceive and make sense of performing policing duties within the Black community. Through a series of recorded semi-structured interviews, participants provided their own detailed experiential accounts describing their perceptions, interpretations, and reactions to the phenomenon of policing Black America. Additionally, most participants provided insights into the factors that influenced their own interpretations and expectations as they made sense of the phenomenon. Data was collected by transcribing audio recordings of each interview. The data was then analyzed using an Interpretative Phenomenological Analysis (IPA) methodology in which the researcher made sense of the lived experience of the phenomenon by leveraging the researcher's positionality and employing a multi-level analysis to identify the deeper meaning of participant responses.

Description of the Data Collection

The data collection was comprised of transcripts of 19 semi-structured participant interviews. Participants included individuals with expertise in one or more aspects of the phenomenon of policing Black America. While traditional IPA research revolves around a single frame of study, this study introduced an added layer of complexity by studying the (phenomenon at the) confluence of two separate, but related, frames. Consequently, in some

ways, it is akin to two separate IPA studies plus an added layer of analysis to make sense of how these two participant groups interact. For the purposes of assigning categories to each participant, the categorization of each group is a binary description (law enforcement or not law enforcement, and Black or not Black). One thread of the study focused on the lived experience of law enforcement officers. The other thread focused on the lived experience of Blacks. Participants represented non-binary demographic and professional categories but, for the purposes of this study, the relevant categorization is whether or not each participant fell into one or both of the binary categories. It is the intersection of those categories upon which the central theme of this study rests. The phenomenon of the policing of Black America is the intersection of subjective realities of the binary groups. People being policed have a different experience than those doing the policing as they are experiencing the same phenomenon from differing sides. The natural points of delineation between the two sides are whether or not a participant is Black and whether or not a participant has a law enforcement background. While each of these factors can have multiple answers (i.e. other races or professions), the categorization around the phenomenon of policing Black America is predicated only on binary choices for each group in order to determine the reality from which the participant experiences the phenomenon of policing or being policed. Each interview focused primarily on the overarching topic and specifically on each participant's area of expertise. All data reported on in this chapter was the result of interview responses.

The study included 19 participants with a mix of membership. The law enforcement participant group was represented by 10 of the 19 participants. The Black participant group was represented by 13 of the 19 participants. Five participants were Black law enforcement officers. Three law enforcement officers were non-Black. Nine Black participants were law enforcement

officers. Three participants were neither Black nor law enforcement officers. These participants offered unique and insightful perspectives about the phenomenon by virtue of their personal or professional proximity to the primary participant groups, despite not being a formal member of either group.

For the purposes of this study, biracial participants were documented as Black if their dominant physical features were determined by the researcher to be Black or if they identified as being Black. Because the intent of the study is to focus specifically on the experience of policing Black America, no distinction was made to categorize racial identity beyond whether or not the participant is Black. White, Asian, Latino, for example, are all listed as non-Black. The designation of law enforcement was reserved for current or prior sworn law enforcement officers. As Black law enforcement officers, five participants were simultaneously members of both participant groups being studied. Figure 1 illustrates the comparative composition of Black participants and Law Enforcement participants including the overlap of Black law enforcement participants.

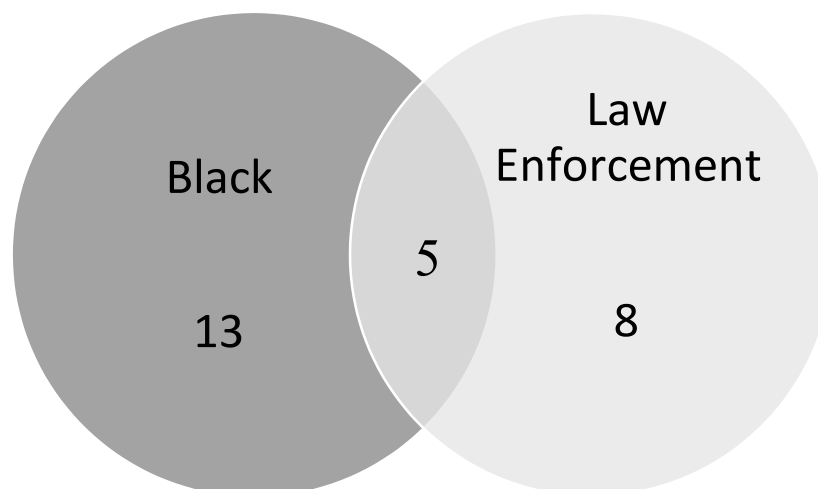


Figure 1: Composition of Black participants and Law Enforcement participants









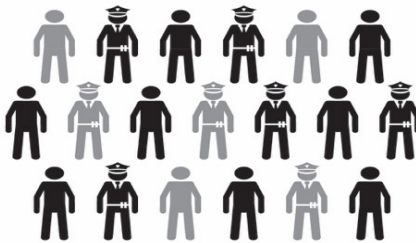
	Law Enforcement	Non-Law Enforcement	Total
Black			
Non-Black			
Total			

Figure 2: Participant composition of two participant groups: Blacks and Law Enforcement Officers

(Note: Columns: categories are labeled at top; sub-categories on left; Rows: categories are labeled on left; sub-categories on top; Quantities and categorization designations are differentiated in shape and shade.)

Participant Profiles

The participants in the study were categorized into two groups: Blacks and Law Enforcement Officers, as noted. The following is a list of the participants in alphabetical order. Each listing includes biographical information and assignment to one of the binary participant groups.

Walter Allen (Black, law enforcement). Walt is the commander of the Rio Hondo police academy in Los Angeles, CA. His previous roles include: Special Agent in Charge and Assistant Chief, California Department of Justice - Bureau of Narcotic Enforcement;

Director, California Youth Authority; Undersecretary, California Department of Corrections, Office of Correctional Safety for Adult and Juvenile Corrections; Officer, Chino police department; and Deputy Commissioner, California parole board.

Obie Anthony (Black, non-law enforcement). Obie grew up in Los Angeles, CA where he was convicted in 1995 of murder, attempted murder, and additional enhancements. He grew up blocks away from the epicenter of the crack cocaine epidemic. Having grown up in a crack house with his sisters and their addicted mother, he had little resources for basic needs resulting in instances of theft of food for survival. After escaping a capitol sentence upon conviction, he was sentenced to a sentence of life without the possibility of parole plus 50 years. He maintained his innocence and, after serving 19 years in state prison, a set of random events enabled him to prove his innocence. His case was so exceptional that the public agencies that were complicit in his wrongful incarceration agreed to multi-million-dollar settlements upon his release and the state of California enacted ‘Obie’s Law’ to establish parameters for the treatment of wrongfully convicted individuals.

Dr. Michael Bell (Black, non-law enforcement). Dr. Bell pastors a church in Fort Worth, Texas. He has been a vocal advocate for his congregation and Blacks in the Dallas/Fort Worth areas. His criticisms of the Fort Worth police department have been pointed and frequent. At various points in the last decade, he has engaged in dialogue with city officials to produce the changes he seeks in the way police interact with Blacks. His insights and frustrations are evident from his interview.

Dr. Lonnie Bunch (Black, non-law enforcement). Lonnie is the creator and curator of the Smithsonian National Museum of African-American History and Culture in Washington, D.C. He is a prominent national figure within the Black community and, as a historian, has studied components of the interaction of law enforcement and Blacks for most of his career.

Paul Cappitelli (non-Black, law enforcement). Paul is a law enforcement consultant who, among other things, provides expert court testimony involving use-of-force by law enforcement officers. He previously served as the Executive Director of the California Commission on Peace Officer Standards and Training (POST) where he oversaw statewide training standards for frontline law enforcement officers in California. Previously, he served in a variety of capacities within the San Bernardino County, CA Sheriff's Office including conducting internal affairs investigations of peace officers, serving as a police chief, and commanding a sheriff's training academy.

Mildred Clines (Black, non-law enforcement). Mildred is a long-time activist in Ferguson, Missouri. She has been arrested for protesting as recently as a few months prior to participating in the interview. She has strong opinions about the interactions between Blacks and police in Ferguson and is actively tracking the implementation and results of the consent decree entered between Ferguson and the federal government.

Warden Ron Davis (non-Black, law enforcement). Ron Davis is the Warden of San Quentin State Prison. San Quentin is one of the oldest and most well-known prisons in the world. Along with various levels of inmates, San Quentin houses California inmates who have been sentenced to death on condemned (Death) row. Despite the pre-incarceration behavior of some inmates, San Quentin has a reputation among insiders as being a preferred location among inmates because of the collegial environment, access to rehabilitative programming, and professional relationships between inmates and correctional officers.

Lieutenant Harry Dilworth (Black, law enforcement). Lt. Dilworth is a 25-year veteran of the Ferguson, Missouri police department. He is the second Black officer to ever serve there and the first with a public-facing assignment. He has experienced the dynamics of interacting with the Black community from his professional role and simultaneously experienced changes in intra-departmental relations.

Lieutenant Colonel (Assistant Chief) Alan Eickhoff (non-Black, law enforcement). Chief Eickhoff joined the Ferguson, Missouri police department five (5) days before the infamous shooting of Michael Brown by Ferguson police officer Darren Wilson. He was in command during the civil unrest (riots) that followed the incident and served as the interim police chief shortly after the incident.

Chief Joel Fitzgerald, Ph.D. (Black, law enforcement). Chief Fitzgerald commands the Fort Worth, Texas police department. Most of his policing career was with other

departments in other areas of the country and he brings the lessons from those other departments to Fort Worth. Under his command, there have been several racially inflammatory incidents between his officers and Blacks in the Fort Worth community. Some of these incidents have resulted in sharp criticism from community members and/or the Fort Worth police union and have included well-documented and controversial disciplinary actions taken against Black and non-Black officers.

Carla Fletcher (non-Black, non-law enforcement). Mrs. Fletcher is a long-time resident of Ferguson, Missouri. She is a prominent member of the community and is a prior First Lady, as her husband previously served as Mayor of Ferguson. She served as a lawyer handling primarily traffic offenses. She saw a disproportionate number of Black clients but admits she was largely unaware of disparate treatment of Blacks in Ferguson until being forced to look at it based on personal relationships following the Michael Brown shooting.

Assistant Chief Lamar Green (Black, law enforcement). Chief Green commands the patrol division for the Metropolitan police department in Washington, D.C. In that capacity, he serves on the front lines of assessing and improving relationships between Blacks and police in the District.

Norm Hile (non-Black, non-law enforcement). Norm is a prominent trial attorney with a national reputation. He has retired from practice with a few exceptions, including the representation of Kevin Cooper. Kevin was convicted of the brutal murder of a Southern

California family following his escape (walk away) from a local prison where he was serving a short sentence for a non-violent offence. The irregularities in this case, along with concerns about the quality of legal representation afforded Kevin at trial, caused Norm to take the case pro bono despite not being a criminal defense attorney. Kevin remains on condemned (Death) row following decades of unsuccessful appeals. The irregularities in this case are so stark that requests have been made from law school deans, prominent activists, and even a former member of the California Supreme Court, to reevaluate this case based on what they describe as a racially motivated effort to convict a man who could not have possibly committed these crimes. Kevin is Black.

Matt Johnson (Black, non-law enforcement). Matt is a prominent Los Angeles entertainment lawyer with a notable list of A-list clients. Separate from his professional role, he serves as the Vice President (termed out President) of the Los Angeles Police Commission. The Commission, appointed by the Mayor, serves as the Board of Directors for the Los Angeles police department and is responsible for disciplinary and non-operational issues within the department.

Sergeant Dominica Morrow (Black, law enforcement). Sgt. Morrow is the first Black female member of the Ferguson, Missouri police department. She has a 19-year tenure with the department and has witnessed changes in her interactions with peer officers as well as with community members. She served in a supervisory capacity during the high-profile events following the shooting of Michael Brown by Ferguson officer Darren Wilson.

Virtual Murrell (Black, non-law enforcement). Virtual was the National Director of Distribution for the Black Panther Party in the 1960s. In that capacity, he published the weekly newspaper for the Panthers. His relationships with Black Panther co-founders Huey Newton and Bobby Seale predate the formation of the Panther party and continue today with Seale. He is now a registered federal lobbyist in Washington, D.C. and has developed a comprehensive set of insights to explain his thoughts on the causes and results of the relationship between Blacks and law enforcement officers during the Civil Rights movement as well as today.

Richard Salmon (Black, non-law enforcement). Richard is a long-time resident of Washington, D.C. who was housed in federal prison following a conviction for non-federal gun and drug offenses (Washington, D.C. doesn't operate prisons so they contract with the federal prison system to house offenders). He has since taken responsibility for his actions and worked to continue improving his life. As a single father, he has chosen to be a model father, even joining peers to offer a mentoring program at a local elementary school. He is employed by the District.

Joe Saltzman (non-Black, non-law enforcement). Joe is a journalism professor affiliated with the USC Annenberg School for Communication and Journalism as well as the Norman Lear Center named after the television producer who produced prominent race-based television programs of the 1970s such as *All in the Family*, *The Jeffersons*, *Sanford and Son*, *Good Times*, etc. Joe produced the landmark film 'Black on Black' in the

1960s which was acclaimed as the first ever video account of Black life in Los Angeles ghettos. It exposed racial feelings and tensions between Blacks and law enforcement in an unprecedented way.

Lata Wilson (Black, non-law enforcement). Lata is a Southern California-based entertainer and producer of music, reality television shows, and film. His personal experiences with law enforcement and incarcerations frame much of his professional work. He grew up in an impoverished neighborhood and is able to contract the interactions between Blacks and law enforcement in different neighborhoods.

Description of Data Analysis Process

In accordance with traditional IPA, data were analyzed with the intention of decoding personal experiences to gain a deeper understanding of how participants made sense of particular events and experiences. Through a detailed and repetitive examination of the data, the researcher employed an analysis process whose philosophical underpinnings included phenomenology to focus on the structures of consciousness and experience, idiography to glean meanings derived from the individual instead of a more generalizable nomothetic approach, and a double-hermeneutic approach for simultaneously cogitating the participant making sense of his or her world and the researcher making sense of the participant making sense of his or her world.

Transcripts created from consensual audio recordings of interviews formed the basis for interpretation. After verifying its accuracy against the audio recording, the first transcript was read to highlight any internal inconsistencies. The same transcript was re-read by the researcher several additional times to increase familiarity with the document and contextualize comments

within the data set. In order to align the analysis with the participant's perception rather than a more objective analysis of the event, the transcript was then inserted into a columnar template. The far-left column included raw transcript data. The second column from the left was for verbatim excerpts. The next column allowed for the inclusion of contextual clues to inform the true meaning of the verbatim words. The last column included the researcher's interpretation of the data considering, not only the word usage but, cadence, body language and other physical cues, and any other observable data that could provide insights into the deeper meaning of the psychological world of the participant (Smith, 2008). Table 1 shows how this technique was used in this Interpretative Phenomenological Analysis.

Table 1: Sample IPA analysis template

TRANSCRIPT	EXCERPT	CONTEXT	INTERPRETATION
Well, it was very unusual, and I also like to call it the perfect storm. Um, you have an officer coming from a sick case call, knew there had been a robbery on West Florissant, wasn't sure who he was looking for , and happens to come down Canfield, and unknowingly drives directly toward the two suspects who had just committed a robbery at the convenience mart. Uh, Darren Wilson, the officer, sees them, and they're walking in the middle of the street in front of his police car, and he says, "Hey, guys, would you mind moving over to the sidewalks?" And the one younger guy, the smaller guy, said, "Yeah, no problem, Officer." And the big guy, Michael Brown, says, "Fuck you." He's like, "What?" When the officer turns to look at them, they're walking past his vehicle, he sees the cigarillos, and now it clicks in his mind, they did the robbery. So he thinks he put it out on the air that he's making the stop, long story short, he ends up in a shooting situation, and Michael Brown dies.	knew there had been a robbery on West Florissant, wasn't sure who he was looking for "Hey, guys, would you mind moving over to the sidewalks?" Michael Brown, says, "Fuck you." He's like, "What?" When the officer turns to look at them, they're walking past his vehicle, he sees the cigarillos, and now it clicks in his mind, they did the robbery. long story short, he ends up in a shooting situation, and Michael Brown dies.	Ferguson police officer responded with minimal info Initial interaction between Michael Brown and Officer Wilson. Initial response from Brown confrontational Sequence of events leading up to the shooting	Officer was trying to solve a crime, find a robbery suspect Officer description intended to portray good intentions by officer It was Michael Brown who initiated confrontation as officer was initially unaware Brown was robbery suspect Implies that no confrontation would have occurred if not initiated by Brown
I was off duty when I got the call. My assignment was to head to the station and get hold of my officer that had assaulted and make sure he was okay , while everybody went to the scene to handle the	get hold of my officer that had assaulted and make sure he was okay perfect storm, it was a warm day, low-income housing	Immediately after incident, protocols were put in place Setting scene	Didn't immediately know status of either party, separate people assigned to scene and officer assessment/care

The sustained qualitative inquiry and engagement of text facilitated the in-depth analysis of the transcript. The perfect storm, it was a warm day, low-income housing apartment shooting, warning signs. The qualitative analysis to expose the central meanings which were not transparently available: The complex, with a lot of people outside. You got a shooting. You angry mob. And they kept calling more officers, more officers, more officers. They were upset because Michael Brown's body hasn't been moved, but he'd already been pronounced dead by the ambulance, and the transcript and produced a total of 83 emerging themes for further analysis.

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researcher then re-read the transcript while employing a technique similar to a free textual analysis, noting emerging themes while maintaining the connectivity of the associated data were upset because Michael Brown's body hasn't been moved, but he'd already been pronounced dead by the ambulance, and the transcript and produced a total of 83 emerging themes for further analysis.

from each of the four columns in the template. This process was then repeated for each transcript and produced a total of 83 emerging themes for further analysis.

reasons for delay in moving body from street but community views as disrespectful

trying to protect the crime scene so you can figure out exactly what happened, but the people in the apartment complex **saw this as an insult because you're leaving a young Black male laying on the**

had a crime scene. So you're trying to protect the crime scene so you can figure out exactly what happened

saw this as an insult because

ambulance
pronounced
death

Perceived by

display of authority

The emerging themes were then physically written on color coded 3x5 cards for manual sorting by the researcher. The large size of the data set complicated the coding process, resulting in nine coding rounds identifying duplicate data and similar themes. Then the data was sorted into 17 clusters. Those clusters were then evaluated for frequency so that clustered themes that were introduced by less than half of participants from either bifurcated group (Blacks and law enforcement officers) were excluded from further evaluation. The remaining clusters were re-ordered into four superordinate and 17 subordinate themes. The product of this multi-staged process formed the findings presented below. The findings are written up with a short narrative description of the superordinate theme followed by a short narrative of, and short excerpts in support of, each subordinate theme.

Description of Findings

Data collected from the semi-structured interviews included a wide range of topics with participants emphasizing areas of particular personal interest or expertise. The large sample size resulted in a large amount of data that was of interest but fell short of the threshold of being identified as an emerging theme. The findings presented below only include those themes that were referenced by at least half of the associated participant group. For example, having half of the Black participants speak about fear of police was sufficient for inclusion even if law enforcement participants did not identify this as an issue.

The clustering of individual emerging themes yielded a high volume of untethered data that was difficult to analyze in the context of the research question. Through additional levels of coding, those individual emerging themes from each participant group were compared and contrasted to emerging themes from the opposing group. This process identified four

superordinate themes where the subordinate themes and individual data were all aligned with the superordinate theme but not necessarily from the same participant group (Meriam, 2009). For example, a majority of participants from each group identified fear as a prominent issue, but Black participants experienced fear very differently, and for different reasons than law enforcement officers. The varied perspectives within each superordinate theme resulted in the identification of 17 subordinate themes. The superordinate and subordinate themes shown below formed the basis for the research findings.

Superordinate Themes

Four superordinate themes were identified in the process of nine rounds of coding the data. They include: *Fear Influences Actions and Interpretations*, *Different Experiences and Culture*, *Responding to the Threat*, and *A Clear Path Forward*.

Superordinate Theme #1: Fear influences actions and interpretations. Participants representing both Black and law enforcement groups described fear as being a seminal concept in describing their lived experience. Although the term fear was used by every participant, there were stark differences in the way in which the term applied to each participant group. The differing manifestations of that fear shaped the lens through which participants described the way people behave and the way they interpreted the behaviors and actions of others. Fear of and by Blacks and law enforcement officers was discussed as a source of frustration and mistrust.

Fear was the underlying descriptor for stories that reflected rage, frustration, anger, and disbelief. Several participants framed the role of fear through story telling. Blacks were afraid to have police called on them but were also afraid to call police when they needed help, for fear

that, instead of being treated like victims, the police would not believe them, abuse them, or side with the White person who was actually causing the problem.

Jackie called police because her neighbor choked her eight-year-old son who was alleged to have littered on the neighbor's property. 'and the police came and escalated the situation.' Officer said 'why don't you teach your son not to litter.' 'even if he did it doesn't give him the right to put his hands on my son.' 'why not?' Jackie and two daughters arrested. (Bell - Black/non-law enforcement)

Body worn camera footage of the incident confirmed the facts and demonstrated the level and impact of fear in this interaction. Similarly, body worn camera footage displayed fear in other incidents.

She, she called the police, the police came and they tasered her. The chief finally did the right thing and fired the sergeant...but the bottom line, the other officer was given uh, a slap on the wrist. A 10-day suspension....and so the, the bottom line is this is that now people in our ... In my community say, 'Do I risk it by calling the police? if I call the police am I gonna end up being arrested?' Just like on the Latino side if I call the police uh, am, am, am I going ... Is, is somebody in my family, is ICE gonna come? Are they gonna call ICE? You see? On, on, on, on the African American side, if I call the police am I gonna end up being arrested, the one arrested? (Bell - Black/non-law enforcement)

We're watching how RaRa Thomas was treated and shot with his children in the car. We're watching how Michael Jacobs, who was mentally challenged, was tasered to death. We're watching all of this stuff, how people have been shot. Cortney Johnson was at his parent's apartment BBQ-ing. He walked away with a BBQ fork in his hand. The police came and apparently, he looked like somebody they were looking for. They got him on his knees. They shot him while he was on his knees saying 'Jesus, Jesus, Jesus help me. And this was all on tape! (Bell - Black/non-law enforcement)

Participants spoke of fear as a recurring superordinate theme in order to distinguish it from a new or temporary affliction. Some examples dated back several decades.

We used to have a jail at City Hall and they would take Black men and put them under what was called 'the clock'. The older heads in the community, older heads meaning they're in their early twenties, they would say 'hey man you don't want to get stopped by the police, and if you do, and if they take you up under the clock, they're going to whip your butt.' That's what it was like. Ten, eleven, twelve, years old. (Murrell - Black/non-law enforcement)

And so there's this hesitancy which what continues to, to, what? To increase the chasm, you see. In, in, in distrust. Between the, the, the uh, the racial minority communities,

particularly the African American and Latino communities that I'm familiar with and, and, and nothing has been done to bridge to try to, try to, try to bridge that chasm or lessen the rift of of the divide. (Bell - Black/non-law enforcement)

Fear by police. The high stakes of performing law enforcement duties in an environment in which officers are targeted performing their duties made law enforcement officers fearful of bodily harm. Law enforcement officers described the unpredictability of when they would be called on to defend themselves as even seemingly serene situations with docile people could turn quickly. They expressed fear that, when things turned ugly, they wouldn't be able to react quickly enough to save themselves and that they had no guarantee of winning any fight they got into.

We're taught how to fight. We're taught how to defend ourselves and utilize our weapons on our belt. But we always go up a notch. I've had my hand broke. I've had my jaw broke. And I fought. (Morrow – Black. Law enforcement)

Law enforcement officers described the threat of physical assault as being pervasive and unpredictable. Rather than following a traditional path of clear warning signs and a well-defined escalation of risk, the threat of physical harm often came with no warning. In some cases, even people who would appear to pose no threat at all turned out to be very threatening. Officers who were caught off guard became victims and officers who overestimated the threat posed by a suspect were fearful and too quick to use force.

One time, there was a chance I could've used deadly force but luckily, at the time, I had two other officers that were also injured, and we were able to pin him down. But what if they wasn't there? What if they didn't get there? He was gonna kill me or I would've had to stop the threat. He was a threat. (Morrow – Black. Law enforcement)

We call that the combat color code. Where you move from one, one condition to another. Uh, and from my perspective, uh, if you don't have that kind of mindset, you're setting yourself up for a problem. Being in condition yellow, relaxed state of readiness, that officer's always keyed on looking for those cues. But if the officer is not in that condition of relaxed readiness, then what? He's in condition White. And condition White is when you're at home with your family watching TV, eating a bag of popcorn. But as a police

officer, you always have to be in condition yellow because any innocent looking scenario can turn deadly. Such as giving a little old lady a traffic ticket. As a friend of mine did at Chino PD, and she pulled a firearm out (laughs) on him. Police officers, uh, have to have that relaxed state of readiness at all times. They always have to be ready to move up the chain. You know, if they have to move up to condition red, but the officers have to be always ready for the worst-case scenario. (Allen – Black. Law enforcement)

I'm saying if even the fender bender can result in deadly circumstances, as was the case with Keith Boyer from Whittier PD. Essentially rolling up on a traffic accident, a rear end, that traffic accident, and the, the suspect that rear ended this couple, jumps out and shoots and kills the one Whittier Police Officer. That officer was in what? Condition White. He walked up on the car, unexpected ... un- unexpectedly, the suspect jumps out with a firearm and shoots him. And wounds his partner. An officer can't respond quickly enough to save his life if he's in condition White (Allen – Black. Law enforcement)

So, naturally, if you're gonna go into that part of the community, you're gonna be ready for a fight because that's the nature of that particular community within the city. So, I think most police officers would say that they're gonna be in condition yellow or orange. (Allen – Black. Law enforcement)

If a suspect is unarmed, but able to gain control of the officer's weapon, the suspect is no longer unarmed. If the suspect pulls the weapon out of the officer's holster, the officer's gonna struggle with that suspect over the gun and try to get it back. And if the suspect won't let go of that gun, I'm gonna turn the barrel around, and most officers will tell you, and shoot the suspect to save the officer's life. I actually had this ... I had the personal experience of having a suspect grab hold of my gun as I'm twisting to the ground to arrest him. He turned around and grabbed my gun. And we fought. We rolled on the ground. My concern was that he was gonna take my gun and shoot me with it. As a matter of fact, as he tried to take the gun out of my hand, um, I, uh, tried to press the trigger, but it ... I had a revolver, so what he did, is he, he, uh, was a parolee. He locked up the cylinder so it wouldn't turn. So I couldn't, I couldn't shoot him. I pistol whipped him because I had to protect myself. Eventually I had help from one of the other special agents. It was scary because he tried to take my gun. (Allen – Black. Law enforcement)

Fear of police. Black participants, regardless of social status or background, universally described a sense of fear and anxiety when encountering police. Personal experiences and lessons that have been passed down from elders provided the factual basis for fearing police. Every Black participant was able to readily recall, from memory, several incidents of excessive force inflicted on Blacks by law enforcement officers. These deeply emotional experiences colored the fear described by participants.

Yes, Black people are afraid of the police. Just the other day a 92-year old female said to me, 'I just stopped talking to the police'...hardly a week goes by that somebody does not come to...tell me about some kind of interaction they had with the police. So yes, they are afraid of the police. (Bell – Black/non-law enforcement)

I was driving through Potomac, Maryland the other day, late at night coming back from an event. I was having a cop follow me until I got out of Potomac. Now, maybe he was just on his regular route, but there was a part of me that said I don't know. It's not always fear but there's an awareness that this could be the moment. (Bunch - Black/non-law enforcement)

The act of being pulled over was described as an emotional experience for every Black participant. In addition to sweating and having an elevated heart rate just from coming into contact with law enforcement officers, Black participants described an unexplainably powerless feeling of helplessness, doubt, anger, frustration, and desperation. It was described as a very vulnerable position in which law abiding Black participants felt frustrated for having to endure this powerlessness. In some ways it was reminiscent of historical interactions between Blacks and people in positions of power. Having gone through generations of progress, it was frustrating to have not been able to escape the power imbalance that tormented Blacks for so long. No matter how old or successful Black participants were, they couldn't escape the fear.

When I'm pulled over by the police, number one, first of all, I'm very nervous. (Clines - Black/non-law enforcement)

I must admit, when I'm going through certain neighborhoods and a cop is behind me, I still feel like I'm 17 years old. (Bunch - Black/non-law enforcement)

That tingling feeling, it's not a comfortable feeling, it's not a secure feeling. (Murrell - Black/non-law enforcement)

Black law enforcement officers acknowledged the existence of the fearful feeling and admitted to still feeling it when they're off duty.

Fitzgerald – from a law enforcement perspective, yes, there's a fear of police in the Black community. (Fitzgerald – Black, law enforcement)

You know, um, this could be the moment. (Bunch – Black/non-law enforcement)

There's a deep-seeded animosity of the police in some of our African-American communities across the country. (Allen – Black, law enforcement)

Many of them come from having been a military police person in the military. Many of them come from the south and they bring their atti- their southern attitudes to their profession. I didn't get a chance to lynch 'em, but by God I'm a ... I'm a kick him. (Murrell - Black/non-law enforcement)

Approximately half of the Black participants identified fear of Blacks as being a contributing factor in the treatment they experience. They described it as a determining factor when women clutch their purses as a Black enters the room and as a contributing factor to what they described as higher rates of having police called on them.

When you look at the studies, they suggest that all kids are cute until they get to third grade, then suddenly, Black kids become surly, challenged, and something you're afraid of. (Bunch – Black/non-law enforcement)

Part of that is based on real experiences and part of that is based on historical trauma that's gone on for generations. (Bunch – Black/non-law enforcement)

It's hard to get many, especially our young brothers, to engage with police. Murrell – Black/non-law enforcement)

It's based on the history of the relationship with the police. (Clines – Black/non-law enforcement)

Once these ideas are planted, you just wait for the opportunity to act on them. (Wilson – Black/non-law enforcement)

Several Black participants described unethical behavior on the part of law enforcement officers. Most allegations went unreported because victims were confident that no one would believe their word over that of police officers. Obie Anthony affirmed this by spending 17 years in prison for a crime he didn't commit because no one would believe his word over that of a police officer. He, and others, described a common practice by Los Angeles police officers in the 1980's in which officers would resort to tactics like kidnapping to exploit the dangers of being located in rival gang territory.

The cops used to come into our neighborhood all of the time. Pick us up. Oh, you're just a tough guy huh? And take us from off the west side take us all the way over to the Nickerson Gardens, and drop us off and tell them this is a Crip. And leave. (Anthony – Black/non-law enforcement)

Once you draw a conclusion, and I hate that. It happened to me as a young child, because I still suffer today from the decisions I made, I didn't wanna make. But because my conclusion was the police was the bad people, you know, I made certain decisions that's irreversible. (Wilson – Black/non-law enforcement)

Beyond first-hand experiences, participants' fear was drawn from storytelling or lessons passed down from elders. Law enforcement officers' formal training incorporated formal lessons that incorporated lessons from previous experiences. While less formal, Black participants explained similar intergenerational exchanges of lessons. Elders and peers within the Black community, in an effort to protect loved ones from the trauma of their own experiences, provided instructive lessons about how to avoid or mitigate contact with law enforcement officers. These lessons conveyed fear, mistrust, and apprehension toward dealing with law enforcement officers and fueled the self-protective avoidance by Blacks of law enforcement officers.

Because a lot of the stories that my family members have told me that they've experienced. I got a older man who's like 70, he lives on my street, 30 years, too. He tells me how the Ferguson police has treated him. It's almost like they treat our Black men even more different than they treat Black women. Our Black men are really afraid. My neighbor got pulled over. He had just come from the dentist. He had his mouth packed with that pack and he said he wasn't speeding or anything byut the police pulled him over. They asked him for his information, they saw his mouth and they thought he was hiding drugs in his mouth. And he said they reached in and pulled out all of that out of there because they thought it was drugs, and it wasn't. So he is terrified of police. (Clines – Black/non-law enforcement)

You can't find a Black man that hasn't had some story about dealing with the criminal justice system. Police officers pulling you aside for no reason or being followed in the store. (Bunch – Black/non-law enforcement)

It doesn't matter whether you're rich or poor (Murrell – Black/non-law enforcement)

The reality is it doesn't matter who you are, especially when it comes to policing, you're always a little concerned that the color of your skin may be the reason you're stopped or may be the reason you're treated in a different way. (Bunch – Black/non-law enforcement)

Judged by unqualified people. Law enforcement officers expressed frustration that, after acting professionally based on their training, experience, and assessment of the situation, they are criticized by people who have access to information that was unavailable to the officer at the time and is being evaluated by someone who lacks the training and experience to accurately make the assessment. Black participants explained a similar frustration of being judged by people who lack familiarity with the realities of the environment in which decisions are made and actions are taken. Law enforcement participants described an unpredictable environment in which their lives are in constant danger while non-law enforcement critics remained unaware of the danger. Those who were unaware couldn't understand why law enforcement officers behaved the way they did because they couldn't conceive of the threat. Law enforcement participants were clear that the danger was real and unpredictable.

Black participants expressed similar frustrations and explained the stark contrast between poor Black neighborhoods and those of policy-makers who make judgments about the behavior of Blacks. They explained having a narrower range of options to handle everyday situations while also experiences a heightened safety risk coupled with decreased opportunities. These participants expressed frustration with being judged by people whose solutions demonstrate a lack of familiarity with the true obstacles in Black environments.

It's real easy for somebody sitting in a warm environment with a cup of coffee and leaning back in their armchair watching a video or reading something and saying, 'Yeah. This officer clearly did something wrong,' as opposed to the person is actually there and knows all the facts and circumstances and sees the threat, identifies the threat, looks at all the surrounding environment and determines whether or not there's a threat to other people other than the officers themselves and makes a determination whether or not to use a certain level of force. (Cappitelli - non-Black/law enforcement)

The threat is real. When the officers were busy celebrating the Chief's retirement, he hangs his hand out with a gun and fires five shots at the officers, and hits two of the officers, one in the shoulder and one in the face. (Eickhoff - non-Black/law enforcement)

We didn't know whether to prepare for crowds of 25 or 250. The night of the verdict, when the Governor left us hanging with no National Guard, [protestors] strategically blocked the streets with cars, and abandoned the cars in the streets so the fire department couldn't get down to put out the fires in the businesses. That's how well they were coordinated. This was not just some run-of-the-mill people. (Eickhoff - non-Black/law enforcement)

When I worked for Chino Police Department in the '70s, they had one of the highest homicide rates per capita in the state. In our police units, we had a quarter inch thick steel plate behind the driver and the passenger seat of the unit, because gang bangers used to shoot out the back of our windows, and shoot our light bars, and actually shoot at our police cars. When there was a fire in the community, we had to escort the firefighters, the fire engines, into the downtown area of Chino because they would get shot at. (Allen – Black/law enforcement)

The amount of time that it takes for somebody who's armed to go from being a visual threat to being an actual personal threat is a matter of milliseconds. A person armed with a knife can attack an officer. As a general rule you could close a gap of about 21 feet fast enough that an officer would not have enough time to protect themselves if an armed person with a knife is coming at them...If [a suspect] has the mindset that they're going to confront an on-duty peace officer and they're going to threaten that peace officer's life, more than likely they have already accepted the consequence in their mind that they probably could end up getting shot or killed as a result. That causes the officer to have to react immediately. (Cappitelli - non-Black/law enforcement)

The majority of the officers out there will take a bullet for a citizen. (Allen – Black/law enforcement)

These other people who are not in that life, they would say no, because they are not in....so they don't understand it. They can't resonate with it. There's no sympathy, no empathy, whatsoever, because they are just oblivious to those situations. (Salmon - Black/non-law enforcement)

Causes and impacts of trust and mistrust. The existence of trust was described favorably as a worthwhile objective for the relationship between the participant groups and was identified as generally existing only in the absence of fear. The absence of trust, conversely, was found to have negative impacts on the relationship and the overall outcomes of policing strategies. Both

participant groups described an environment lacking trust, but Black participants experiences a more pronounced trust deficit.

There is a direct correlation between fear and lack of trust. (Johnson - Black/non-law enforcement)

And when you have distrust and fear it's a fire waiting to burn everybody. (Bunch - Black/non-law enforcement)

It's not that they're being nice. It's a hidden agenda. They're gonna let you go right now so they could catch you doing something that they'll really take you to jail for. (Wilson - Black/non-law enforcement)

Blacks experienced a continued frustration with the relationship in terms of the vulnerability and inevitability.

We already know that some police officer is gonna do something that' gonna make things worse. (Bell – Black/non-law enforcement)

The ability of someone else to control your destiny, abuse that privilege, and be rewarded for that behavior. (Anthony – Black/non-law enforcement)

Summary. In summary, the causes of fear varied between participant groups, but participants universally described fear as a prominent and influential factor in the behavioral responses of both participant groups. In addition to influencing behavior, fear was described as having the ability to influence participants interpreted the behavior of others. Participants from both groups expressed fear of physical harm during interactions between Blacks and law enforcement along with fear of having their own behavior misinterpreted or judged by someone who lacks the competence to make an accurate judgment.

Law enforcement participants expressed fear of making a wrong decision, exposing their family to their own occupational hazards, and being wrongly labeled as racist. Black participants were fearful of being wrongly or unfairly targeted, accused, convicted, or sentenced. Figure 3

shows which participant group(s) identified each of the four subordinate themes. Table 2 summarizes superordinate theme #1 with excerpted quotes attributed to each subordinate theme.

	FEAR INFLUENCES ACTIONS AND INTERPRETATIONS			
	Fear by Police	Fear of Police	Judge by Unqualified People	Causes & Impacts of Trust & Mistrust
Black		✓	✓	✓
Law Enforcement	✓	✓	✓	✓

Figure 3: Superordinate Theme #1: Subordinate Theme Attributes

Note: The grid indicates which subordinate themes emerged for each participant group for superordinate theme #1.

Table 2: Superordinate Theme #1: Subordinate Theme Excerpts

SUPERORDINATE THEME #1: FEAR INFLUENCES ACTIONS AND INTERPRETATION			
Fear by police	Fear of police	Judge by Unqualified People	Causes & Impacts of Trust and Mistrust
<p><i>If a suspect is unarmed, but able to gain control of the officer's weapon, the suspect is no longer unarmed.</i></p> <p><i>He was gonna kill me or I would've had to stop the threat. He was a threat.</i></p> <p><i>I've had my hand broke. I've had my jaw broke. And I fought.</i></p> <p><i>He walked up on the car. Unexpectedly, the suspect jumps out with a firearm and shoots him.</i></p> <p><i>As he tried to take the gun out of my hand, um, I, uh, tried to press the trigger.</i></p>	<p><i>I just stopped talking to police.</i></p> <p><i>When I'm pulled over by the police, number one, first of all, I'm very nervous.</i></p> <p><i>...and a cop is behind me, I still feel like I'm 17 years old.</i></p> <p><i>That tingling feeling, it's not a comfortable feeling, it's not a secure feeling.</i></p> <p><i>You know, um, this could be the moment.</i></p> <p><i>Just by coming in contact with the police, this could be your last day, your last moments on Earth.</i></p>	<p><i>The threat is real</i></p> <p><i>It's easy for somebody sitting in a warm environment with a cup of coffee and leaning back in their armchair watching a video</i></p> <p><i>... from being a visual threat to being an actual personal threat is a matter of milliseconds</i></p> <p><i>Those other people who are not in that life, they would say no, because they're not in. So they don't understand it.</i></p> <p><i>They can't resonate with it.</i></p> <p><i>They're just oblivious to those situations.</i></p>	<p><i>Black folks operate from a hermeneutic of suspicion.</i></p> <p><i>We know it to be the FBI. We always say it's 'the man'</i></p> <p><i>It really created ghettos.</i></p> <p><i>Basically they have the right to kill you.</i></p> <p><i>That's why, as Black kids, we're taught to run. No matter what. No matter what.</i></p> <p><i>If you can't be better than a nigger, who can you be better than?</i></p> <p><i>We can't solve every crime by ourselves.</i></p>

Superordinate Theme #2: Different Experiences and Cultures. Several differences in environments, opportunities, obstacles, treatment, and threats were noted by participants. Law enforcement officers spoke in terms of the demands of their profession, the toll of those demands

on their decision-making, health, and families. They expressed frustration with the scenario in which they act appropriately but are vilified based on the actions of someone else.

Black participants spoke of the differences between participant groups from the position of considering historical and global impacts. They described an unfair disadvantage based on skin color and the associated life experiences that inform their perspectives and opportunities. Blacks experienced being targeted for inequities and criminal prosecutions. This resulted in further differences in both neighborhoods and family structures as well as the existence of basic necessities. Black participants described a level of desperation stemming from not having access to bare necessities which was starkly different than the environments of the people who created or enforced the same laws that targeted Blacks.

They, us, Johnny, um, uh, uh, I see you, you...I see you, hey let me go talk to your father. Jump in this car, we're gonna go talk to your dad. Because they...were fishing buddies or uh, uh, you know they were golfing buddies or something. Anglo Americans would do something wrong and the police officer would say, they've rooted for the same football team or what have you. So they grow up with this comfortability, this level of confidence with police. And for them police officers are to protect and serve. African Americans did not and do not have that kind of relationship with police. Police, for African Americans ... they don't protect and serve. They harass and brutalize. (Bell – Black/non-law enforcement)

We don't see middle class kids getting killed, do we? No, we see the working-class kid getting killed. The middle-class parents have greater opportunities and the ability to keep their kids away from some types of danger. They've had the talk with their kids. It's an indoctrination. (Murrell – Black/non-law enforcement)

Crack cocaine was seen as a game changing substance that rapidly degraded the family structure of entire neighborhoods with availability capturing the souls and attention of entire populations and criminal sentencing removing other family members, thereby destroying the family structure. A common belief, among people from the area, was that a man called Freeway Rick Ross was responsible for the introduction of crack cocaine into South Central Los Angeles.

I mean crack hit all of South Central. Crack hit every spot in South Central. So when they gave it to Freeway Rick, he stayed right there on Century. From Century and over. And 96th street was the street I stayed on, it's 4 blocks over. I mean, so when, when it hit, it just exploded out. All directions. All the way. So it went from the East Side over to the West Side, over to South Central and down there. All the way downtown. I mean like. It just boom. (Anthony – Black/non-law enforcement)

Once the parent get addicted or get on crack, parent is out. The freebase or glazing that somebody put that flame to that pipe, that kills parenting off the top. There was a sizzle. After that, that initial whoop, it's over. The thought of all parenting is no more there. The only thing they could think about is getting high. And so the kids, most of the time it falls on the older, the older child having to face the responsibility to take care of all the other kids cause they realize what momma's doing. The kids just see momma being some kind of way and gone and them always aware and just taking care of the house. That was me. (Anthony – Black/non-law enforcement)

And there was a fig tree in the front. And there was never nothing there to eat. So I used to go out and go pick the figs off the tree. And you know man we, me and my sisters, we, you know, it was sweet. So we used to wolf them down and got a little bit of nourishment 'cause we didn't, the sugar made us feel like we was full. And so uh, but we was like we got so tired of figs, it was crazy, 'cause then it wasn't always fig season. When they was green, couldn't eat it. I went out to steal food. My sister Darlene was just so excited because we had something to eat. I got caught but that was part of the cycle though. The result of that is kids don't have, uh, no one to give them guidance. They don't have the disciplinary hand there as the dad. Because or the mom. Because they on drugs. They can't be disciplinary 'cause kids see the parent cracked out, they don't got no respect for them. (Anthony – Black/non-law enforcement)

Similar to guns that were said to have been brought to the neighborhood by trains with open doors, the supplier of crack cocaine was described by some participants as being representative of the same governmental structure from whom law enforcement officers gain their authority.

We know it to be the FBI. We know it to be. You know. We always say it's the man. (Anthony – Black/non-law enforcement)

These differences also manifested themselves in enforcement practices. Law enforcement participants described modern enforcement practices aimed at making communities safer. This tactic focuses attention on people suspected of committing crimes. Black participants described this practice as 'being targeted' or 'profiling'. The phenomenon of

enhanced enforcement techniques was viewed very differently by the two participant groups depending upon which side of the enforcement practice they viewed the phenomenon – policing or being policed. Officers acknowledge the disproportionality and attribute it to objective factors related to the pursuit of criminals.

Yeah, it was probably taken more against Blacks because we spent most of the time there. We had this thing, it was called a city sticker. You had to have a city sticker if you live in the city. So, we pick Windhurst enforcement, you know, people who drive to the check point, check your city sticker. Do you have your city sticker? Check driver's license, insurance card. It's like you got a ticket, you got arrested because of the inability to pay your registration fee for your vehicle or the registration fee for your city sticker. That caught a lot of, made a lot of arrests up there. In that point in time it was customary to do that type of enforcement. (Dilworth – Black/law enforcement)

It's hard because you have a vehicle driving down the street blasting the music and we have an ordinance, and you pull it over, and you find out the plates are bad, they're stolen ... he's suspended, he has no insurance. So he brought the attention to himself. But in his eyes, we're wrong. Then you have a White guy, same situation. We would never know because they won't blast their music or use their turn signal. I pay attention and I actually watch. When I'm running plates and I see a plate, and I say, oh wow, from Creve Coeur or from Ladue, or Washington Missouri. And they're in a neighborhood that they shouldn't be. If they don't do a traffic violation I'm not gonna stop them. There's nothing suspicious about being from Washington, Missouri, regardless of the myth. But once they do a traffic violation then I'm able to pull you over and, further my investigation, I tell these young men, you know, you draw the attention to yourself. When you're speeding and you're blasting your music and you know your car isn't properly registered, but we're now profiling you? No, we're not. You're giving us the tools we need to pull you over which is probable cause. (Morrow - Black/law enforcement)

Conversely, Black participants viewed the disproportionality of negative law enforcement contact as racially motivated and purposeful. Systemic actions like redlining, where acceptable housing locations for Blacks were determined by the federal government through a process of exclusion and exclusion, were said to have had an impact on the frequency in which aggressive enforcement was used. The redlining resulted in homogeneous neighborhoods of concentrated poverty.

Studies have shown that now when you have built these low-income housing areas it doesn't really help from a financial perspective or ideology. It really creates ghettos. So what they do now is try to mix it, because in a sense it's all like me and you are neighbors but my family have never gone to college but everyone in your family has traditionally gone to college. When I see you doing it I'm like he lives next to me. Mr. Wilson and if Kurt is doing it then sure I can do it...I'm breaking generational curses and my kids are going to college now. (Salmon - Black/non-law enforcement)

What happens is, remember, all the immigrants that come to the US, part of the reason they are now seen as White is because they are against Black. So in essence, if you're a new immigrant and you want to become Americanized, the easiest way to do it is to be like the other Americans and fight the lowest group, that group being African-Americans. When the KKK was established in 1867, part of their motto was that as long as there are White men in America, you'll need the KKK to protect Whiteness. I really do think that race will always matter. Will always matter in profound ways. It doesn't mean that it's always going to be as negative as it is from time to time, but it's always going to matter, no matter what. (Bunch - Black/non-law enforcement)

The absence of a father figure has detrimental effects on the environment and opportunities for children who grow up in the absence of a paternal presence. Participants referred to the high-volume incarceration of young Black males as having negative impacts on the structure of the Black family.

There's a National Geographic film where young elephants were going around tearing up villages. Bull (male) elephants were introduced into the environment. Their presence curbed the undesirable behavior of the juvenile elephants. They flapped their ears and kicked up dust as if they were chastising the younger elephant and it calmed it down. Those elephants were no longer disruptive, and they showed that with any species it is important for males to be involved. Even for dads that work outside the home that are gone for months at a time, it's not so much that my dad works all the time but what we do on the days off. (Salmon - Black/non-law enforcement)

Growing up, I thought of jail and death as the same thing. Both meant that I would never see that person again so it was like the same thing (Wilson - Black/non-law enforcement)

Children understand death better than they understand absence – have witnessed death of pets. (Salmon - Black/non-law enforcement)

Vehicle stops were another common point at which these differences were described. The disparity wasn't limited to race. Being affiliated with a geographic location with a

reputation for having a concentration of a particular race or criminal tendency also heightened the risk of being exposed to different enforcement levels and tactics.

At one time guys didn't go out of town with DC tags. Because you were already suspect. You were already, you know, going to be pulled over. (Salmon - Black/non-law enforcement)

We have a disproportionate number of Black kids getting killed as opposed to White kids. I don't know of 50...no, I don't know of 10 White kids from the United States of America in the last 10 years that have been killed [by police] that come from the right side of the tracks. (Murrell - Black/non-law enforcement)

White people join carpools to save money on gas. In the ghetto, that wouldn't work...it's considered rollin' four deep. Four Black Black people in a car and they're gonna get pulled over because the police assume they're gonna do a drive by. (Wilson - Black/non-law enforcement)

If the speed limit is 40, you're gonna go 35 because you do not want to get stopped in Joshua, a reference to predominantly White community outside of Fort Worth. That's that kind of place...get here before sundown (laughter) you know, get out of Joshua and those kinds of place where you're stopped for no reason. (Bell - Black/non-law enforcement)

The ability to participate in basic social activities without drawing the attention of law enforcement officers was described as White privilege by participants.

White privilege. Both participant groups referenced disparities in terms of disadvantages for Blacks or advantages for Whites. Additionally, they distinction was described as evolving, with current versions of White privilege sometimes excluding poor Whites and the privilege being extended to wealthy Blacks in cases where the origin of the discrimination was class-based.

And I saw what kind of things happened to teenagers. I think one of the privileges of being White is you don't have to think about it. I think that's a change in my own thinking, the realization. It's, it's always been there. (Fletcher – non-Black/non-law enforcement)

It's hard to understand White privilege when it's all you know. Many of the freedoms Whites enjoy are rooted in White privilege. White people don't understand White

privilege, because they do it every day. They do the same thing repeatedly. So for them, White privilege is their daily life. (Murrell - Black/non-law enforcement)

It was actually an African female who done this. I say yes because she was, she only did it because she enjoyed and exercised White privilege. Which was the privilege that was handed down to her. And when people say, well what is White privilege? White privilege is the one percentiles. Those individuals who dictate to everyone else, this is the way things gonna be. To say that they are better than us. To say that, this is, or that they're, you know, to have this dictatorial sort of way over us. (Anthony - Black/non-law enforcement)

A White person that's economically struggling has been told all of this life that I'm his problem. He begins to visualize and recognize that I'm the one he has to leap frog over. So when he sees someone like Kurt, who becomes a city manager, he says how can this Black person be better than me? How is that possible? Well, sir, you didn't accept your White privilege and go to school and get your education... White people suffer from gentrification just like Black people but they don't see it. They don't wanna live next door to you but they can't afford anything else... Whites at that lower economic scale see Black people as their problem because they can't get anybody else to define as a problem. So there's an old saying, 'if you can't be better than a nigger who can you be better than?' So their only goal right now is to be better than you. That's success to them. But what everybody's passing 'em by, including Black people, they're very very angry. But their problems are no different than poor Blacks. We need help here. We need better jobs. We need better housing. But we're fighting each other. Under Obamacare, poor Whites said they didn't want to be on it because a Black man came up with it. (Murrell - Black/non-law enforcement)

Participant descriptions varied in the timeline in which they were portrayed. The further back in time the stories originate, the less of a distinction that exists between being Black and being poor. The more modern stories describe a shifting of the alignment from completely overlapping, to achieving a slight variance.

I think that if you look at White poverty you will see some of the same assumptions, some of the same treatment. But I think not the extent. I think that the poor White folks go to prison but not in the same numbers of poor people of color. So I do think that in some ways you would think that poverty would be one of the things that people would have in common that would allow them to cross racial barriers. But as you know, historically, no matter how poor you are, it is also the race that separates you. So that you may be poor White but you're not poor Black ... And that leads to the kind of fractionalism that we see in this country today. (Bunch - Black/non-law enforcement)

I think poor people's rights are violated more because they don't know their rights. And I think the officers know that a lot of people don't know their rights. (Clines - - Black/non-law enforcement)

Richard Salmon, who was housed as an inmate in federal correctional institutions, discussed the level of surprise of he and other inmates when they crossed paths with a White person who was incarcerated for drug crimes. The near disbelief he described was confusion about how a White person got caught up in a trap designed for Black people. Participants lamented the criminalization of crack cocaine compared to the treatment and therapeutic approach shown to addicts of opiates.

Crack was a Black man's drug and opiates is a White man's drug. Heroin is a White man's drug. (Anthony - - Black/non-law enforcement)

What happens is if you're White there's fears you don't have to have, right? There are burdens you don't carry. When you're Black, regardless of who you are, you carry that burden. And even if nothing happens, you're still carrying the burden. And it's tiring and it's frightening, and it weighs on your mental and physical health. I'm always struck, always struck, that the minute you forget, something will tap you on the shoulder, and remind you that in the minds of some people you're very, very different. (Bunch - - Black/non-law enforcement)

Some law enforcement participants pointed to the success of some Blacks to substantiate the counterargument that race is less of an issue today. The theory is that the decline in racism is what made it possible for some extraordinary achievements by some Blacks. Black participants strongly refuted this conjecture, noting that a small number of high achieving Blacks does not signal the end of racism.

I really do believe that the Oprah's, the Obama's...first of all look at the response right? Trump is a response to the Obamas. Look at the way they go after Oprah just even hinting at running for office. The vicious way people are attacked. That's tied to racism. (Bunch - Black/non-law enforcement)

Progress is not linear (Bunch - Black/non-law enforcement)

Differences between the groups were also identified in terms of how participants were received within their own peer group. Blacks described being embraced by other Blacks who could relate to impacts of having negative contact with law enforcement. It was non-Blacks who they described as having a negative reaction to learning that a Black person has had negative contact with police.

Law enforcement officers, on the other hand, described an isolating experience if they have negative contact with a Black suspect. Frustration was the prominent expression to describe how Blacks tend to believe the officer had some racial motivation for interacting with the Black person. Further, non-law enforcement officers in high-profile instances have quickly vilified officers in the media. The personal attacks extended to the family of officers in terms of embarrassment and even vile or violent threats. For an officer who has acted appropriately, they explained, there is still no guarantee of a favorable outcome. It was described as a helpless feeling to know that an officer has done the right thing yet still ostracized. This isolating experience tended to draw law enforcement officers toward people who could relate with the situation and away from those who could not empathize with the situation. This was evidenced in homophily where officers were drawn to other officers and avoided civilians.

Black participants observed scenarios in which it appeared as if Blacks didn't matter. They pointed to the governmental acceptance of substandard conditions and described both the impacts and motives of those decisions.

Wouldn't permit the same dangerous conditions in White neighborhoods. (Wilson - Black/non-law enforcement)

Talking about accidents in a particular area or on a city corner or block. Wherever it may be. Intersection with no stop signs. Inevitably what happens is that, you know, accidents continue to happen. The government steps in, and they make things happen, Right. So either they put a yield sign up there, they make, you know, lights, or they create some sort of diversion so they get it where that won't happen. But when it comes to

wrongful conditions, there's nothing happening. So no one's put up a yield sign, no one's put up a stop sign. There is no study, right? And so, in order for them to correct the intersection situation, they first did a study to figure out what's the best direction. But the US has wrongfully incarcerated and convicted over 2,000 people. The state of California has acknowledged wrongfully convicting at least 193 people. Yet they have made no provisions to put up a yield sign, a stop sign, or even conduct a study, in other words, to do that. (Anthony - Black/non-law enforcement)

And if that's all it's about, I was just a win for you? You know, I mean, I lost 17 years of my life. I went in when I was 19. I didn't get out until I was 34 years old. They took that. I can't never get that back. I suffer from Prison Traumatic Stress Disorder. They. I don't even have kids. They did a lot of stuff to me. See? And, both of 'em. Retired, got pensions. All of that. Like how is that possible? How is it possible for her to take my life, Susan Miller's life, Reggie Cole's life, that other young lady's life? She's wronged every person she's got her hands on and you give her a pension. (Anthony - Black/non-law enforcement)

Prison is a business, you know. People of color are the product, and at this point the police are basically, are the workers. In order for that institution to work, for that to facilitate and bring in the monies that it does, the officers need to get out in the field and do their job. Which means that sometimes that they need to do, that all of the stuff is not there for them to do so you need to go the extra mile. And they always say you gotta go the extra mile. But what does that really mean? When you do go the extra mile? Are you saying you're putting something extra. You're taking things away? What does that mean? Uh, why not just do your job? Nobody can kinda get past that, but. Recidivism and tax commerce. (Anthony - Black/non-law enforcement)

Behavioral adaptations for survival or prosperity. Whites hold a place in American culture that allows them to expect everyone else to conform to their norms according to the study participant groups. Blacks, as a socially less dominant culture, are expected to be fluent in both cultures while the dominant White culture experienced no such burden. Blacks who were unable to display bi-cultural fluency were targeted and subjected to unfair treatment. This resulted in changes to behavior and beliefs.

I think that Black folks have to understand White America in order to survive. So what you find is if you had a test and asking Black people about White culture and White people about Black culture, Black people get As because they need to figure out how to survive. (Bunch - Black/non-law enforcement)

This behavioral adaptation, it was described, is also demonstrated in the ways in which Blacks seek to avoid contact with law enforcement officers. Similar to the examples noted previously of avoiding neighborhoods or driving more slowly than White counterparts.

Even law-abiding Blacks often alter their living habits in order to avoid contact with police in a way that Whites don't have to. Most White people don't live in the ghetto where negative contact is more likely. (Wilson - Black/non-law enforcement)

There's a lot of people that, that worked 9 to 5 in that area, my grandpa include. My grandpa, they're included, that, uh, would fell victim to, uh, what, what I know today as harassment. (Wilson - Black/non-law enforcement)

The unwritten requirement for Blacks to be twice as good placed a higher burden on Blacks. The differences continued in other aspects of the criminal justice system. The affordability of quality legal representation for Blacks accused of crimes is a function of personal wealth but has a disproportionate impact on the outcome of criminal charges.

Effective counsel dictates whether this person is gone for two years or 20 years or for life, you know. (Wilson - Black/non-law enforcement)

These differences have helped to shape the way participant groups described their interpretation of actions by the other participant groups within this phenomenon.

You have a cultural belief within White community that the police are there to help you. You have very different cultures. In the Black communities, you have a culture of distrust and fear. (Bunch - Black/non-law enforcement)

Long ago when Blacks migrated to the Bay Area, all you had to do was be Black and the police would be very aggressive with you because you were different. They knew you were not a desirable element they wanted here so they made sure that whenever you crossed the boundaries of where you lived into a White neighborhood that you would be stopped and harassed. (Murrell - Black/non-law enforcement)

It's like your rival sports team. You instinctively hate them. It's even more reinforced because, if you don't hate them, you can't express to your peers that you don't. You're supposed to hate them. Just like if you run, everybody should run. Nobody should not run. Even if you didn't do anything you're going to run because you can't you can't afford for the enemy to catch you because they're going to penalize you for not catching everybody else. It's like you're playing basketball or you're playing football against each other, like you're really trying to score or if he's really trying to score, you're really

trying to tackle him to stop him from scoring. As children, especially children in the ghetto we grow up real competitive, so once something is the enemy, you don't care if that person is authority or not. So I think that's where the disconnect is, I think that's what's causing the conflict between both sides. (Wilson - Black/non-law enforcement)

Now when you're away from home, and you're coming back, avoid certain things. And if you get lost, don't ask the police. They'll want to know why you're asking them.' And in the White community they're taught to 'ask the police if you get lost', and 'the police is your friend.' Well, we know intuitively, and we know from a generation, that they're not our friends. They are the embodiment of... well let's just say they are the enforcers of a greater community that we don't even understand what's going on. (Murrell - Black/non-law enforcement)

Summary. In summary, personal behavior and the interpretation of the behavior of others varied based, in part, on one's training and experiences. Participants described very different histories and experiences between the two participant groups. Those stark differences were noted in terms of opportunities related to housing, education, employment, proximity to the criminal justice system, and treatment in and by the criminal justice system. The concept of White Privilege was used to underscore how different the culture of each participant group can be.

The differing experiences of participants resulted in differing cultures because cultural adaptation occurred in response to environmental factors. In order to thrive, or even survive, both participant groups described behavioral adaptations that became ingrained traits of their culture.

Figure 4 shows which participant group(s) identified each subordinate theme. Table 3 summarizes superordinate theme #2 with excerpted quotes attributed to each subordinate theme.

DIFFERENT EXPERIENCES AND CULTURE		The grid indicates which subordinate themes emerged for each participant group for superordinate theme #2.
	WhitePrivilege	
	Behavioral Adaptations for Survival or Prosperity	
Black	✓	✓
Law Enforcement		✓

Figure 4: Superordinate theme #2: Subordinate theme attributes

Table 2: Superordinate Theme #2: Subordinate theme excerpts

SUPERORDINATE THEME #2: RESPONDING TO THE THREAT	
White Privilege	Behavioral adaptations for survival or prosperity
<p><i>White people call it carpooling. For us, it's rolling four deep.</i></p> <p><i>One of the privileges of being White is you don't have to think about it. Crack was a Black man's drug and opiates is a White man's drug. Heroin is a White man's drug.</i></p> <p><i>When you're Black, regardless of who you are, you carry that burden. Black folks have to understand White America in order to survive.</i></p>	<p><i>What you see here is the desire for this culture to find ways to illuminate power and find ways to survive a relationship of unequals.</i></p> <p><i>Poverty shapes your interactive with power.</i></p> <p><i>White folks use argument to vent anger, but we also use argument in discussion...to persuade people. White folks use argument in anger.</i></p> <p><i>You have to be able to pass the attitude test.</i></p> <p><i>As a law enforcement officer, you just have to sit back and take it.</i></p>

Superordinate Theme #3 Responding to the Threat. Blacks and law enforcement officers both felt threatened. In both cases, the threat was physical, but it went beyond that. Officers also described fears of making a wrong decision, having their motives or intentions misinterpreted, and being wrongly accused or labeled as racist. Beyond physical safety, Blacks explained a fear that accompanies the threat of wrongful conviction or entry into the criminal justice system on an irrevocable path even when they haven't done anything wrong. Both participant groups

described how the desire for self-preservation influenced their reaction to these threats. This included preemptive tactical responses from police officers and conflict avoidance measures like running from police. The reactions of members within each participant group, in turn, were sometimes interpreted by the other participant group as a threat to personal safety or self-preservation.

Overreaction vs. hypervigilance. The lived experiences of both participant groups produced a range of emotions as part of their sense-making process that prompted self-preservation actions intended to prevent or mitigate the negative impacts of interactions between the groups. These experiences also prompted their mutual desire to improve the relationship between the two participant groups. Black participants generally condemned the practice of law enforcement officers entering conflicts in a state of hypervigilance during which they anticipated and sought physical confrontations. A frequent response among the Black participant group identified the need for faster and greater numbers of prosecutions of law enforcement officers who were involved in use-of-force incidents. The irony of depriving officers of their due process rights because of unproven allegations in which the officers are alleged to have deprived someone of their due process rights was met with strong opposition from law enforcement participants. They saw this tactic as an overreaction and believed that officers should be afforded the same due process rights as community members who are able to exhaust their due process rights in order to prove their innocence before being punished.

I have seen a disturbing trend over the last few years that in high-profile situations and oftentimes it does involve members of the minority community, that overzealous prosecutors will want to file criminal charges against police officers in situations where they shouldn't file criminal charges because there was no criminal intent. But they get a lot of pressure from the public to file those charges. Are there police officers who do things wrong in the course of their job and commit crimes and are ended up prosecuted and incarcerated, absolutely. I think there was one just today or yesterday I read about,

just this morning I think, given 10 years for killing somebody on duty. (Cappitelli – non-Black/law enforcement)

Similarly, Black participants described the high stakes of being abused by law enforcement officers. Confrontations had a continually narrowing range of options as time progressed. Early in the confrontation, or before the confrontation began, Blacks felt the pressure to end the conflict quickly to avoid negative outcomes. Similar to the description of why young Black men run from police, Black participants recognized the importance of anticipating or responding quickly to potential threats. They acknowledged the importance of timing in response to these threats and have adapted their behaviors in response to potential threats.

What that does is it makes you hypervigilant. And sometimes that might make you defensive. You don't have the luxury to let your guard down then you don't have the luxury just to be a person. You are always a Black person and so you're trying to figure out what does that mean when it comes to policing? (Bunch – Black/non-law enforcement)

This ultra-tense environment is stressful for both participant groups and was described as not being conducive to yielding good outcomes for anyone. Dr. Bunch said it results in overreactions such as storekeepers calling police for no good reason. Once they've been called, police are the enforcers. The range of options is more limited that it was before they were called and before the conflict was created.

Self-preservation. Walt Allen described this awareness in terms of a colored level system in which higher threat levels received greater attention at the expense of other interactive behaviors. When in the heightened mode, for example, he explained that the officer is not well-suited to have a casual conversation with a civilian. This tradeoff increases officer safety even

though it may send an unwanted message to the public. These participants generally attributed their training as the source for the knowledge intended to keep them safe.

This term de-escalation is very troubling to me. It has been adopted clearly by anti-police activists. It was touted as an offshoot of the new 21st century policing paradigm. The term and the ideology somehow suggest that police officers in the course and scope of their job are not de-escalating, are not trained to do deescalate, and that this is somehow new. I absolutely reject that notion, I've been in and around the business for over four decades and I've spent a lot of time at police training. I was actually on the frontline of training peace officers right from day one when they went into the academy, all the way up through the officers who were experienced. So, police training is something that I know very, very well. I believe that de-escalation is leading to confusion and de-escalation is leading to officers being injured and or killed. (Cappitelli – non-Black/law enforcement)

The police officer goes to work to do the best job he can and make it home to see his family. (Wilson – Black/non-law enforcement)

Black people operate from a hermeneutic of suspicion as a learned behavior intended to ensure 'self-preservation' and protection. (Bell – Black/non-law enforcement)

(The Black) panthers started, in part, to follow police to ensure safety of those being arrested. When police saw BPs following them in unnerved them. But they couldn't do anything about it because the law states you can observe if you are an appreciable distance away. Politically you can set up a framework and run people for office to facilitate change. (Murrell – Black/non-law enforcement)

When a police officer stops you, young man? And you're both there. And I'm talking about to the ... I'm not talking about to the young middle-class Whites. They know how to act. They know, when they get pulled over for a stop, 'yes sir', 'no sir'. You have to be able to pass the attitude test. Why is that important? Because this man has a badge and a gun, which gives him the authority and the ability to carry out the authority. (Murrell – Black/non-law enforcement)

The response extends beyond characterizations of hypervigilance and over reaction.

Unlike reactionary impacts, the protective behaviors can also instigate interactions. Law enforcement participants described this as a type of sixth sense in which officers are able to sniff out crime even before unnecessary victimization occurs. This sometimes involved focusing attention in a particular area or on a particular person. Additionally, it sometimes involved the

pre-allocation of resources to geographic areas where that sixth sense or available evidence led the attention. Black participants described policing tactics based on something other than objective evidence as being prejudicial by stereotyping Blacks. Both sides agreed that this practice, regardless of nomenclature, exposed a balancing act that either captures innocent people en route to implementing highly effective crime suppression strategies, or allows some guilty people to go free in order to avoid criminalizing innocent people.

Well, I think what you look at is police call it intuition, right? Black folks call it profiling. (Bunch – Black/non-law enforcement)

99.9% of people are law abiding citizens, so enforcement resources focus on the .1%. Years ago, when we started, a section 8 housing complex ... it was called Windhurst, and we spent 90% of our time up there. Because that was the problem. Low-income subsidized housing, a lot of drug trafficking and lot of disturbances, shooting, a lot of violence went on there. And we knew where all the criminal elements went to. So we did spend a lot of time there us trying to police it. We set up substation there. We did walking patrols, had a neighborhood watch program. You had that criminal element that infiltrated that group of people and they took refuge there. You know a cousin move in with a grandmother. Grandmother don't want to say no, or grandmother's old, older, and he starts brining his friends and pretty soon, they're setting up a drug house. So yes, we did spend most of our time doing that. (Dilworth – Black/law enforcement)

Through the lens in which law enforcement participants responded, they identified the practical benefits of preemptive action. Some law enforcement participants explained that people who have never experienced vigilant policing mistake it for racial profiling.

Focus on the wrong target. Participants from both groups often agreed with the same general principles but often disagreed with how those principles were applied to their own group compared to the other group. For example, participants from both groups disliked being stereotyped, but participated in some level of stereotyping of the other group. This led to a belief by members of each group that the other group focused on the wrong thing in search of solutions or remedies.

The issue wasn't Ferguson, okay? The issue was the people that came to Ferguson after the event that took place. When you have a young Black male and you don't really know his history and what happened, and all you hear is about a White officer that killed a young man and left him in the street to bleed out and die, first thing you're gonna think is racism, you're gonna think of hate. They don't know us and that fear is there. A lot of these kids know their history of police officers, how originally came about because it was slave catchers. You know, they prevented slaves from running away. Mentally where they are. So it's deeper than just an unarmed Black man being shot and killed by a White officer. Its, it's a lot deeper and people don't understand that. And when we start talking of history that what it boils down to. (Morrow – Black/law enforcement)

People at the lower level of the economic scale are constantly threatened, trying to climb out of it. And in that effort, they run into each other. They don't like each other because they see each other as their enemy. And it's confusing because on the one hand it's class space, and on the other hand it's the pigmentation. So if a poor White and a poor Black want to fight, what are you fighting about? And, but our antagonists tend to be poor White because they can't get to the powerful Whites no more than we can get to them. But they still see us as the problem. (Murrell – Black/non-law enforcement)

A White person that's economically struggling has been told all of his life that I'm his problem. He begins to visualize and recognize that I'm the one he has to leap frog over. So when he sees someone like [the interviewer], who becomes a city manager, he says how can this Black person be better than me? How is that possible? Well, sir, you didn't accept your White privilege and go to school and get your education. And when, and when [the interviewer] went to school, got his education, prepared himself to become a city manager, you couldn't handle that, you couldn't deal with that. White people suffer from gentrification just like Black people but don't see it. They don't wanna live next door to you, but they can't afford to move to a more expensive neighborhood. (Murrell – Black/non-law enforcement)

Whites at that lower economic scale see Black people as their problem because they can't get to anybody else to define as a problem. So there's an old saying, 'if you can't be better than a nigger, who can you be better than?' So their only goal right now is to be better than you. That's success to them. But what everybody's passing 'em by, including Black people, they're very, very angry. But their problems are no different than poor Blacks. We need help here. We need better jobs. We need better housing. But we're fighting each other. Under 'Obamacare', poor Whites said they didn't want to be on it because a Black man came up with it. (Murrell – Black/non-law enforcement)

Multi-generational institutional knowledge. In an extension of self-preservation, participants from both participant groups described efforts to pass on the institutional memory to the next generation. Law enforcement officers described this process as occurring through both formal training and anecdotal lessons taught in the course of performing the duties of a law

enforcement officer. Black participants described it in terms of an inter-generational effort to share and acquire life lessons that would allow the Black person to either avoid a confrontation with police or at least survive it. Dr. Bunch described the role that music has played in the sharing of lessons and venting about conditions.

Go back and look in early, late 19th century, early 20th century blues songs. You see a lot about power of the police. Um, that becomes translated into the man, right, in the '50s and the '60s. (Bunch – Black/non-law enforcement)

Lata Wilson's lessons were described in terms of what he received from his grandfather and also the lessons he passes on to his own children. He was taught the times to stay home, places to avoid, and tools for interacting with law enforcement. Virtual Murrell, a veteran of the Civil Rights movement, shared similar lessons with his own children. He referred to it as having 'the talk', a term that was universally understood among Black participants.

Don't ever be out after 12:00 midnight. Not because of a Black person or just something bad happening, but because of police. And that's how he was raised in the south. Basically, they have the right to kill you. (Wilson – Black/non-law enforcement)

And my grandmother drilled that in me. I used to always say. The truth will come out. (Anthony – Black/non-law enforcement)

These lessons change behavior of those being taught. Paul Cappitelli described these lessons as necessary for officer survival as they perform their duties in an increasingly dangerous environment. Dr. Bell explained the lessons as one of the reasons that 'Black people operate from a hermeneutic of suspicion.' Mr. Murrell described adapting his behavior and mannerisms to fit this context. He taught his children that, even if the police are wrong, respond respectfully with 'yes sir or no sir', complying with every demand.

I remember once I got stopped and the officer asked me for my registration. I said, 'Sir, my registration is in the back, it's on the passenger side back seat in the pouch.' And I told him that because I wasn't reaching back there. And he said ... but it was also during the daylight ... I said, 'may I get...?' No, I said, 'would you like to get it?' He said, 'No you can get it.' You have to help him help you. (Murrell – Black/non-law enforcement)

Dr. Bell and Mr. Murrell acknowledged that not everyone has received that lesson and that younger Blacks sometimes take a less refined approach. Murrell said those younger people may respond with comments like “Why did you stop me? I didn't do anything.” He further explained that even though he may have felt that way, the wisdom of experience has provided him a safer option to achieve his goal of self-preservation.

I'm not trying to get killed out here by these crazy people. (Murrell – Black/non-law enforcement)

Mannerisms can be misinterpreted. While law enforcement officers were cautious to avoid pointing out differences between racial groups, Black participants were quick to point out how Black people are different. Adaptations to history and environment have produced differences in how Blacks interact.

Black folk use argument to vent anger, but we also use argument in discussion...to persuade people. White folk use argument in anger. They use discussion to persuade. We use argument to argue, we even say we're gonna argue our point. White folks use conversational tone when they're trying to persuade you. We had teachers suspending kids because they [mistakenly] thought kids were arguing at them or fussing at them. All the kid was doing was trying to persuade the teacher. (Bell – Black/non-law enforcement)

I don't speak like your traditional Texan but I also move my hands when I speak to you. That doesn't mean that's a furtive gesture. That doesn't mean I'm threatening you. It's just that I'm animated and that may be because of how I was raised and the community I come from or what I'm used to seeing or doing, a set of social learned behaviors. (Fitzgerald – Black/law enforcement)

The way you're talking to me right now, and you're using your hands and your hands are in sync with the way you're speaking, it's in harmony. A White person would say 'can you stop waving your hands? It's too much body movement.' Well, with us, we understand each other. (Murrell – Black/non-law enforcement)

The topic of hands also came up during Richard Salmon's interview. He referenced Philando Castille who was shot while he is alleged to have been reaching for his identification to

show a police officer to whom he had confessed that he was legally carrying a firearm. Salmon, served prison time for a firearm offense, saw this as problematic.

When the police pull you over you know you have something or whatever, I've seen guys just put their hands up. Let the police find the gun when they search you, or you tell them you have it. Say, 'Hey, I have a gun'. But don't move, never reach. Never reach. (Salmon – Black/non-law enforcement)

The most frequently cited mannerism displayed by young Black men who come into contact with law enforcement officers is to run. Participants explained that peers teach this lesson to younger peers as a method of survival. Regardless of whether or not a young Black man has committed an offense, he is counseled to run in order to avoid the consequences of corrupt police.

This is why as, as Black kids, we're taught to run. No matter what. No matter what, if the police come and you got a chance to run, just run. (Wilson – Black/non-law enforcement)

What happens when a Black boy sees the police? He runs. (Bell – Black/non-law enforcement)

These kids have seen things so early. They've seen how police have done. (Bell – Black/non-law enforcement)

Self-protection was described as a learned behavior in response to negative outcomes associated with police interactions. Failure to successfully evade an officer was described as being a reason to expect harsh street justice from the apprehending officer.

Just by coming in contact with the police, this could be your last day, your last moments on Earth. This is why, as Black kids, we're taught to run. No matter what. No matter what. If the police come and you have a chance to run, you run. If one person in the group runs, everybody should run. 'Cause whoever gets caught is gonna get it worse 'cause now the cop's mad. (Wilson – Black/non-law enforcement)

Why'd you run from me? And guess what happens? The officer's gonna do something cray. We've always said in our community, they're gonna do something crazy. It's a matter of time. (Bell – Black/non-law enforcement)

Law enforcement officers, citing their need for hypervigilance, experienced running as a sign of guilt. Law enforcement officers, who view their primary role as catching offenders, described instinctively giving chase to anyone who runs away from law enforcement officers because they believe they are chasing someone who is guilty of a crime. They also took personal safety precautions because an evading suspect may also be willing to assault an officer in order to avoid capture.

I think logically if you're a police officer and you're coming up on a group and someone runs, there's a higher likelihood that they're running for a reason. That they either have a weapon on them or they have drugs on them or are engaged in some other illegal activity. The officer will engage the situation. (Johnson – Black/non-law enforcement)

Combating structural impediments. While law enforcement officers experienced this interaction as one between good and evil, Black participants viewed it as a struggle between the powerful and the powerless. Black participants viewed their actions as an attempt to mitigate the mismatch.

What you see here is the desire for this culture to find ways to illuminate power and find ways to survive a relationship of unequals. (Bunch – Black/non-law enforcement)

To be able to recognize that you don't have a lot of power so what are the ways you can ameliorate your weakness. So what you find is that African-Americans really find ways to gain power and part of that is being able to find ways to protect yourself from the police. You're forced to be twice as good when you're Black, regardless of who you are, you carry that burden. And even if nothing happens, you're still carrying the burden. (Bunch – Black/non-law enforcement)

I think that there's no doubt that poverty shapes your interactive with power. Economics shape how often you're involved with police. Whether it's with state, with police, et cetera. And because you are, you are chained by poverty, there are limited expectations of you. There are limited opportunities. And also poverty tends to be the place where you do a lot of your policing. (Bunch – Black/non-law enforcement)

Summary. In summary, both participant groups felt threatened during tense encounters between Blacks and law enforcement officers. How that threat was perceived in terms of

cause and solution, influenced how participants from both groups responded to that threat. The Participants analyzed their own responses to threats as well as those of the other participant group. The subordinate themes related to this superordinate theme were overreaction vs. hypervigilance, self-preservation, focus on wrong target, multi-generational institutional knowledge, mannerisms can be interpreted, and combating structural impediments. Figure 4 shows which participant group(s) identified each of the six subordinate themes. Table 4 summarizes superordinate theme #2 with excerpted quotes attributed to each subordinate theme.



Figure 5: Superordinate theme #3: Subordinate theme attributes

Table 3: Superordinate Theme #3: Subordinate Theme Excerpts

SUPERORDINATE THEME #3: RESPONDING TO THE THREAT	
Overreaction vs. hyper vigilance	<i>What that does is make you hypervigilant. And sometimes that might make you defensive.</i> <i>De-escalation is leading to confusion de-escalation is leading to officers being injured and/or killed.</i>
Self- preservation	<i>Make it home to see his family.</i> <i>That's why Black kids, we're taught to run.</i> <i>Black Panthers started to ensure the safety of those being arrested.</i>
Focus on wrong target	<i>The issue wasn't Ferguson, okay?</i> <i>But they still see us as the problem.</i>
Multi- generational institutional knowledge	<i>Don't ever be out after 12:00 midnight. Not because of a Black person or just something bad happening, but because of police.</i> <i>And my grandmother drilled that in me.</i> <i>We're taught how to fight.</i>
Mannerisms can be misinterpreted	<i>We had teachers suspending kids because they [mistakenly] thought kids were arguing at them or fussing at them. All the kid was doing was trying to persuade the teacher.</i> <i>But don't move, never reach. Never reach.</i>
Combating structural impediments	<i>recognize that you don't have a lot of power so what are the ways you can ameliorate your weakness.</i> <i>because you are, you are chained by poverty, there are limited expectations of you.</i>

Superordinate Theme #4: A Clear Path Forward. As a culmination of interviews, participants summed up their thoughts on the policing of Black America and provided relatively consistent thoughts about the current status of the phenomenon and recommendations for going forward. Participants all agreed that the current status of the policing of Black America is fraught with peril as the tensions continue to mount. They were divided about what level of

progress, if any, has been made in recent decades. Approximately half of Black participants and most non-Black participants believed progress has been made but that progress doesn't necessarily translate into the diminishing of the divide between the two participant groups.

Progress is not linear...A chasm doesn't have to be wide to be deep. (Bunch – Black/non-law enforcement)

Given the high stakes of the phenomenon for both participant groups, participants unanimously agreed that progress should be sought and that time is of the essence. That haste, some participants warned, could also create other problems and can be as frustrating for those on the losing end of that haste as it is vindicating for those on the winning side.

The State's Attorney Marilyn Mosby prematurely charged six (3 Black) Baltimore officers after Freddy Gray for political reasons. It was a political statement and every one of the officers got off. That did a lot of damage. I talked to 60-something officers when I was up there for a law enforcement memorial. They got injured during those riots because they were told to stand down and not respond. You can't tell officers to stand down and keep getting hit with rocks, and pellets, and boulders, and Molotov cocktails. But on the other hand, don't overcharge your officers, 'cause then you look worse when they're exonerated. Do your investigation. Most of us have body cameras. I love body cameras. They exonerate my officers. (Eickhoff – non-Black/law enforcement)

In Ferguson, once the DOJ got involved and tagged us in a negative manner, you see how crime has started to really progress and gotten out of hand. You've opened up Pandora's box saying they can do what they want to do and as a law enforcement officer you have to sit back and watch and take it. (Morrow – Black/law enforcement)

We need to make sure that we're not standing up for the wrong people. Any good police officer out there, any god chief, is going to stand up for the 99.9% that do things the right way. Hold your brother accountable or your sister accountable for wearing the badge with integrity and treating people with decency and respect. (Fitzgerald – Black/law enforcement)

Racism is neither new nor non-existent. Racism, intentional and unintentional or institutional, was a frequent topic among participants. Several participants emotionally recalled personal experiences with race either recently or from their childhoods. Regardless of time

period, the stories were similar and the emotional stain appeared as real today as it did when the wounds were fresh.

I was working at a store and a kid came and purchased something. He went home and told his mom that I didn't give him his change back and that he had given me \$20.00. Across the street they started gathering, I can't make this stuff up. I had to close the store, my wife pulled around in my car on the other side. I had to leave the store and close the store. I called the manager, who was a Black guy, and he came and he did the check and so forth and said, 'Hey, he hadn't done anything.' It was the boy. But they believed the boy. (Bell – Black/non-law enforcement)

I remember 15 years ago hiring a woman that worked for me, a White woman who was brilliant. At one point she said to me, 'I never expected or never realized how often race comes into everything. How often people play a race card against you.' It reminded me that maybe the greatest thing I can do as a scholar, as a museum director, is help audiences who don't know this culture, don't know this history, to know it. And because obviously we believe that through education, things are made better. (Bunch – Black/non-law enforcement)

Some confuse racism with prejudice. They're not the same. It can be. Often times they're not because if they were you could never get along with a White person or a White person could never get along with you. A White person gets along with you after they get to know you. They been in a subordinate role with you, some have been in...you know been on a parallel with each other, and so then they say, this guy's alright. That's not racism, that was a prejudicial comment that he had made prior to this. (Murrell – Black/non-law enforcement)

That's a good question. No. it's racism because basically it's almost as if you're saying the lens through which you look at everything is through this, is through color. And so therefore it is racist that there are certain assumptions and certain expectations. (Bunch – Black/non-law enforcement)

Now that's plain ol' racism because you haven't even thought about it. And Whites had racism when you've never been in contact with them before. That's the part where it's a blend of racism and prejudice because it's based on ignorance. (Murrell – Black/non-law enforcement)

I remember very clearly my high school graduation. I grew up in a town where we were one of very few Black families. I remember going with a friend of mine to a graduation party. This friend of mine had long hair. You know, hippy days. I remember after about half an hour a woman comes in and she's pointing, and I think of my friend, right? I said to him, OK, here comes trouble. Well, the woman comes over and asks me to leave, saying that she had been mugged by somebody Black and therefore she can't trust Blacks. (Bunch – Black/non-law enforcement)

I remember as a kid I was at a place downtown in line. A place called Monnig's Department Store. I'll never forget it, here in Fort Worth, in line like everyone else I was in high school, had a job throwing papers and I had a little Monnig's Card. And so, I was about to pay my bill in line and um, a guy...a White guy, came and stepped in front of me and I said ...I was, I was always taught to be courteous. 'Excuse me, uh, sir I'm in, I'm in line.' You know what he did? He called the police and the police kicked me out of the store. Not because I did anything. I didn't argue. I was, 'Excuse, excuse me sir, I'm in line.' That's the only thing I said to him. He felt that 'I'm gonna call the police and get the police to kick him out.' And the police kicked me out. (Bell – Black/non-law enforcement)

Just the other day I was walking down the street and this guy bumped into me and I said, excuse me, and he said, 'watch it, nigger'. And I'm like, are you kidding me? So I pushed the guy and the police come and the police act like I'm causing the trouble. And I'm sort of like, wait a minute. Wait, wait, wait. I'm just walking the streets of Georgetown. (Bunch – Black/non-law enforcement)

That's just the burden you carry. But the moment you think you're not subject (to discriminatory action) all it takes is driving in a fancy neighborhood. (Bunch – Black/non-law enforcement)

Mostly good. High profile incidents capture the hearts and minds of participants from both groups of the phenomenon of policing Black America. The prevalence of media attention or emotional responses, participants explained, distorts the frequency at which Blacks pose a risk to police and, simultaneously, the frequency at which police officers use inappropriate force on Black suspects. Being stereotyped was a source of frustration for the majority of participants from both groups. Participants from each side acknowledged some bad behavior from members of their own group but adamantly proclaimed those bad actors to be the exception rather than the rule.

Those bad apples are the exception and not the rule, and that in my humble opinion the people that serve in this profession approach it from an unbiased perspective and training agencies go to great lengths to try to make sure that officer are kept in check about their bias so that the bias doesn't influence their job if they have any. Prejudice is never allowed and never accepted and should never be tolerated. But we need to draw a distinction between perceived bias and actual prejudice. I think that sometimes the lines are blurred on those two things. I think there's more work that needs to be done on that. (Capitelli – non-Black/law enforcement)

Assumptions are one of the biggest challenges because that often comes from ignorance. Or it comes from the experience you generalize through it all. (Bunch – Black/non-law enforcement)

A single officer or act doesn't represent the entire profession. (Eickhoff – non-Black/law enforcement)

All participants agreed that examples in which a person acts inappropriately and outside the norms of his or her group, the damage is felt by the rest of that group. In the case of law enforcement officers behaving inappropriately, community members felt a loss of trust which translated into a loss of cooperation and decline in the successful ability to solve crime and keep communities safe. Law enforcements acknowledged the value and opportunities for learning and relational improvements of behaving in a way that builds trust.

Building good will and cashing in when you absolutely need it. It's important for younger officers to understand why a Black man in his 60's, for example, doesn't trust officers. (Fitzgerald – Black/law enforcement)

Rather than risk the deterioration of the trust that is so important to everyone, participants recommended an approach of objectively and rapidly addressing potential issues in an apolitical way that protects the right people and punish those who deserve to be punished.

We need to hold our brother or sister accountable for wearing the badge with integrity and treating people with decency and respect. (Fitzgerald – Black/law enforcement)

Need to support innocent officers. (Fitzgerald – Black/law enforcement)

To change the physicality of our community it has to be done through the electoral process. The electoral process is our only recourse. Now we- we can't outshoot 'em. We can't outspend them. So the electoral process gives us that option. (Murrell – Black/non-law enforcement)

Officers appreciate the support and it makes a difference in their career including future interactions with community members. (Allen – Black/law enforcement)

If they don't address the officer and continue to let him poison the pool, it can do a lot of damage. (Clines – Black/non-law enforcement)

I will tell you this, as a command level person, as a person in the profession, my tolerance and the profession's tolerance for racism, the profession is intolerant of racism by and large. How cops who are racists continue to work is beyond me and I believe it's a bad thing that they are continuing to work. I think that leaders need to do everything they can to flush that out, they don't have any business in law enforcement. (Cappitelli – non-Black/law enforcement)

He got up on that podium and he told about the changes and what he will not tolerate and what he will. And I think one great thing that he said is no officer under his command will break the law and not be prosecuted to the full extent. I think that opened a lot of eyes. (Morrow – Black/law enforcement)

It does a lot of damage when an officer does something wrong but what does more damage is when I try to cover it up. I support my officers 100% but when you see some of the videos where the officers intentionally did something wrong they have to be held accountable and it has to be immediate. (Eickhoff – non-Black/law enforcement)

Shooting people that are no longer posing a threat, shooting somebody punitively. There's nothing you can say that is going to make that situation any different. But the notion that every officer who goes out there is subject to criminal prosecution just because the situation doesn't have the outcome that the community wants, I reject that. I don't think that's fair to the police, I don't think that's right, and I think that's an abuse of power. (Cappitelli – non-Black/law enforcement)

When people say good and bad...when the good officers see the bad officer's behavior and don't say anything they're complicit. I can't call them good officers. (Clines – Black/non-law enforcement)

That (South Carolina) that officer's dead wrong. He shot the man running away. What's right is right and wrong is wrong. That's wrong all day long. I don't care what color you are, what creed you are. That's clear cut. It gave us a bad rap, like all police officers are like this. Like we stop you for no reason, we're racist, we use brutality. We all stick together. It's a bad concept and a bad connotation when something like that does happen. You have to sit down and talk to the officers and say look, this is what happened, do not take this at heart. People are going to have their own views of you no matter what you do. (Dilworth – Black/law enforcement)

Sometimes give me a little hint of what I'm looking at and that officer might need some redirection. Hey, I looked at that last night. I didn't like what you said. Tone it down a little bit. I thought you came off high. If you're tired, then back away from it. Go back, regroup, and come back. I can fix an accident but I will not fix an intentional act. And if you're going to do something stupid then don't look at me to try to cover you up. I will not do it. (Eickhoff – non-Black/law enforcement)

In a reference to the 2014 shooting of Laquan McDonald by Chicago police officer Jason Van Dyke where the unfavorable video footage was withheld from public view for 13 months until a court ordered its release, multiple participants were critical of the decisions by the leadership of the department.

Not just Chicago, every damn police department. When it happened, and they did it because they didn't want the Ferguson riots going to Chicago, and that was wrong. I got that straight from some officers when I was in Chicago. We're not perfect. We're not. And if it's a bad accident, get with the family, figure out how to make it right. But if you're going to go out and do something intentional, and especially shot someone that doesn't need to be shot, you must be held accountable. (Eickhoff – non-Black/law enforcement)

To a lesser extent than bad news, good news does travel throughout communities. Participants from both groups told stories of officers who did the right thing in the face of pressure to do otherwise. Black participants often expressed surprise when treated respectfully by police officers. Chief Fitzgerald spoke about a previous department in which some of his colleagues were convicted of mistreating suspects. This presented an opportunity to show respect and build trust just by doing the right thing.

They was the nicest police I ever met! (Wilson – Black/non-law enforcement)

Some of those same people they had arrested in the street, I had arrested and my partner had arrested. And some of those same folks would come back to us and say you know Fitzgerald when you arrested us at least you didn't beat us. At least you didn't steal from us. (Fitzgerald – Black/law enforcement)

Respect Matters. In an emotional confrontation between a Black suspect and a law enforcement officer, respect is strong enough to influence the interpretation of what the other person in the conflict does or intends to do. Showing respect decreases fear. Alternatively, the lack of respect raises several emotions including fear.

If it's a White person, he isn't in fear. White man respects authority. (Wilson – Black/non-law enforcement)

Even if the White person is verbally combative, 'Oh, what the fuck you're pulling me over for?' He still is going to get his license and registration. He's still, he's going to be mad or upset about what's going on, but he knows the police. No matter he says to the police, no matter how much he cusses the police out, that police is not going to kill him. But a Black person don't know, like this, this could be ... just by coming in contact with the police, this could be your last day, your last moments on earth. (Wilson – Black/non-law enforcement)

It's different. (Wilson – Black/non-law enforcement)

If the officer is wrong, we'll fight him in court, but we can't win a fight on the street with an officer. (Murrell – Black/non-law enforcement)

If you treat people decently and they treat you respectfully, you'd say that was a positive interaction...I mean, we're responsible for depriving people of their rights, ultimately. (Fitzgerald – Black/law enforcement)

We've experienced a very high closure rate for homicides and violence crime compared to other cities our size. (Greene – Black/law enforcement)

Cooperation is huge. We can't solve every crime by ourselves. (Dilworth – Black/law enforcement)

As people have felt more respected, we've been able to close some difficult gang cases. More than comparable cities. (Johnson – Black/non-law enforcement)

Go to the park and have lunch; eat lunch with the kids at school' a lot of people see the uniform, they don't realize we're human. (Morrow – Black/law enforcement)

Lack of familiarity breeds contempt. The majority of participants spoke of familiarity as an important factor to determine how well an encounter will end when policing Black America. They cited a lack of familiarity as one of the most common reasons for incidents to escalate beyond what is needed. In terms of fear of Black people, Black participants attributed the disparity to a lack of familiarity with the mannerisms, customs, and beliefs of Blacks.

A White officer who hasn't grown up around Blacks is likely to fear Black people. There's a link between fear and how to use discretion. (Wilson – Black/non-law enforcement)

Lack of familiarity breeds fear, breeds overreaction. So I think what you have is Blacks not just dealing with the police but dealing with a society that, and sometimes rightly so, is afraid of Black men. (Bunch – Black/non-law enforcement)

An officer's fear is directly correlated to the officer's familiarity with Black culture regardless of whether the officer was Black or White. Knowing a Black person or growing up around Black people, knows the mannerism like how a person walks. When you address them in a conversation, you know what a person is saying. All that stuff makes a huge difference, like, excuse me, sir. Like hey, what's up, homie? They could be, they could be street people, or they might not be street people. But to a White person that doesn't know the culture, him just hearing what's up, homie? He would automatically identify that as somebody that's a thug. (Wilson – Black/non-law enforcement)

He may see it as disrespect too. He might, he might say, 'I'm not your fucking homeboy.' Just because of the dynamics, because he was White versus that same incident with a Black officer. The Black officer may turn up the same way that the White officer would just to show that we're on different sides. Depending on how understanding you are of the culture. You know, that's just some Black people's response. Depending on where they grew up at or where they're at. He also described how an officer who is familiar with Black culture is able to distinguish who actually poses a threat. For the officer, this is important to achieve his or her goal of making it home safely. For the Black person who doesn't pose a threat, it avoids having the officer escalate the situation unnecessarily. (Wilson – Black/non-law enforcement)

Black officers can't solve everything. The search for familiarity led several Black participants to seek the addition of more Black police officers in order for the police force to mirror the community it serves. Some law enforcement participants noted a potential flaw in this reasoning by pointing out the existence of racial issues in departments with large percentages of Black officers and even conflicts between Black community members and Black officers.

Black participants added a caveat to the call for Black officers, recognizing their value unless they are prone to identify more in their role as an officer than a Black person or mistreat Black suspects in order to demonstrate their loyalty to their police officer colleagues.

It's helpful to have a police that look like you so long as the person that looks like you is not seeking promotions by beating you up. (Murrell – Black/non-law enforcement)

A Black officer may turn up the same way a White officer would, just to show that, hey, we're on different sides. It just shows the police are the same no matter where you go. (Wilson – Black/non-law enforcement)

Depending on how understanding you are of the culture, that's just how some Black people act. It depends on where you grew up at. (Wilson – Black/non-law enforcement)

...Black police officers often are worse than the White police officers 'cause they want to prove that they're just as good, just as tough. (Bunch – Black/non-law enforcement)

The potential for mistreatment goes both ways. While law enforcement described routinely having objects thrown at them and being subjected to verbal abuse, Black officers were universally described as receiving the worst treatment from protestors. Participants identified the irony that a common theme among police protestors is to call for more Black police officers.

During conflicts, though, it is Black officers who are targeted the most severely. In Ferguson, Chief Eickhoff described having to quickly pull Black officers off the line because of the level of abuse. They were called “Uncle Toms” and criticized for being on the wrong side. Sgt. Morrow received threats of videotaped rapes of her daughter as an example. Non-Black officers were not immune, however. A neighboring high-ranking official was sent a video showing him lying on his couch at home in an effort to demonstrate the level of hacking and control they possessed.

Summary. In summary, despite clear challenges and deep history between the groups, neither side saw perpetual conflict as inevitable. They also didn't identify any quick or easy solutions for repairing the broken relationship between the groups. Instead, they focused on identifying options for restarting the race toward progress and clarifying why some proposed solutions are inadequate. The subordinate themes identified by participants include: racism is neither new nor non-existent, mostly good, respect matters, lack of familiarity breeds contempt, and more Black officers can't solve everything.

Figure 6 shows which participant group(s) identified each of the five subordinate themes. Table 4 summarizes superordinate theme #4 with excerpted quotes attributed to each subordinate theme.

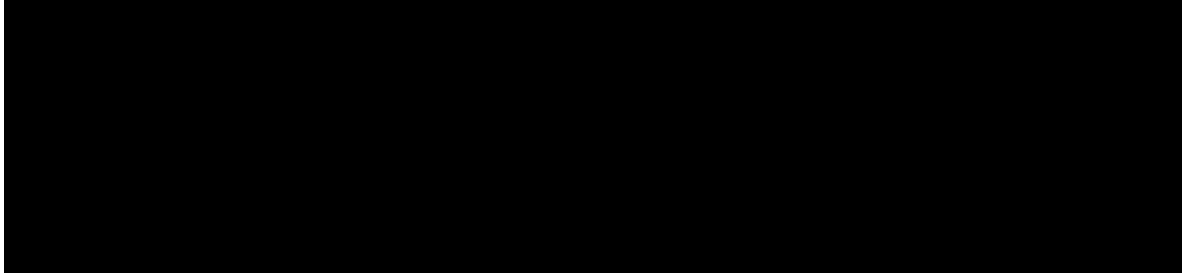


Figure 6: Superordinate theme #4: Subordinate theme attributes

Table 4: Superordinate theme #4: Subordinate theme attributes

A CLEAR PATH FORWARD	
Racism is neither new nor non-existent	<p><i>I had to leave the store and close the store.</i></p> <p><i>I never expected or never realized how often race comes into everything. How often people play a race card against you.</i></p> <p><i>this guy bumped into me and I said, excuse me, and he said, watch it, nigger.</i></p> <p><i>that's just the burden you carry.</i></p> <p><i>she had been mugged by somebody Black and therefore she can't trust Blacks.</i></p> <p><i>a White guy, came and stepped in front of me. 'Excuse me, uh, sir I'm in line. He called the police and the police kicked me out of the store.</i></p>
Mostly good	<p><i>Those bad apples are the exception and not the rule.</i></p> <p><i>we need to draw a distinction between perceived bias and actual prejudice.</i></p> <p><i>Prejudice is never allowed and never accepted and should never be tolerated.</i></p> <p><i>We need to hold our brother or sister accountable for wearing the badge with integrity and treating people with decency and respect.</i></p>
Respect matters	<p><i>Building good will and cashing in when you absolutely need it.</i></p> <p><i>Not just Chicago, every damn police department. When it happened, and they did it because they didn't want the Ferguson riots going to Chicago, and that was wrong.</i></p>
Lack of familiarity breeds contempt	<p><i>It's important for younger officers to understand why a Black man in his 60's, for example, doesn't trust officers.</i></p> <p><i>Lack of familiarity breeds fear, breeds overreaction.</i></p> <p><i>White person that doesn't know the culture</i></p>
More Black officers can't solve everything	<p><i>It's helpful to have a police that look like you so long as the person that looks like you is not seeking promotions by beating you up.</i></p> <p><i>A Black officer may turn up the same way a White officer would, just to show that, hey, we're on different sides. It just shows the police are the same no matter where you go.</i></p> <p><i>Black police officers often are worse than the White police officers 'cause they want to prove that they're just as good, just as tough.</i></p>

Findings

The data analysis and coding processes yielded emerging themes which produced seven findings as shown in Table 7 and described below. These findings represent high level summaries of the superordinate and subordinate themes which were derived from the data through a coding process. They demonstrate the live experiences of sensemaking of the phenomenon of policing Black America. The following seven themes were identified through this process: similar wants but different views, fear inhibits optimal performance, trust plays a strong role in interpretation of intent, white privilege is masked by evolving alignment of wealth and race, perceptions limit viable options for officer engagement, communication: limits on, or variations to, available information, and cognitive processing pathways inconsistent with proposed solutions.

Table 5: Superordinate and Subordinate themes

Superordinate and Subordinate Themes	
Fear Influences Actions and Interpretations	
	<i>Fear by police</i>
	<i>Fear of police</i>
	<i>Judged by unqualified people</i>
	<i>Causes and impacts of trust and mistrust</i>
Different Experiences and Culture	
	<i>White Privilege</i>
	<i>Behavioral adaptations for survival or prosperity</i>
Responding to the Threat	
	<i>Overreaction vs. hypervigilance</i>
	<i>Self-preservation</i>
	<i>Focus on wrong target</i>
	<i>Multi-generational institutional knowledge</i>
	<i>Mannerisms can be misinterpreted</i>
	<i>Combating structural impediments</i>
A Clear Path Forward	
	<i>Racism is neither new nor non-existent</i>
	<i>Mostly good</i>
	<i>Respect matters</i>
	<i>Lack of familiarity breeds contempt</i>
	<i>More Black officers can't solve everything</i>

Table 6: Summary of findings

Finding #1: Similar Wants but Different Views

Despite wanting many of the same things, participant groups view incidents and inter-group relationships differently.

Finding #2: Fear inhibits optimal performance

It is present in both participant groups, manifests in different ways and induces suboptimal performance

Finding #3: Trust Plays a Strong Role in Interpretation of Intent

Experiences affect the ability and willingness to trust. The absence of trust forecloses on my relationship-based positive interactions between the groups.

Finding #4: White Privilege is Masked by Evolving Alignment of Wealth and Race

Traditional evidence of White privilege has declined because of the evolving alignment between race and wealth rather than a decline in the existence or usage of the privilege.

Finding #5: Perceptions Limit Viable Options for Officer Engagement

The full range of officer actions narrows during a process of preparatory filtering when an officer interprets available information based on internal factors (training and bias) and external factors (observable or environmental factors and information relayed from dispatch).

Finding #6: Communication: Limits on, or Variations to, Available Information

Opinions are formed immediately after a critical incident when the greatest discrepancy of data availability exists. Anchoring effect increases the difficulty of reversing an opinion later as new facts emerge. Even when operating from the same fact pattern, differences in perception produce differing interpretations of the same event.

Finding #7: Cognitive Processing Pathways Inconsistent With Proposed Solutions

Legal solutions are based on logical objective analysis that assumes systematic and rational patterns of thoughts and behaviors. That cognitive pathway processing happens slower than emotive processing. For an emotional event, solutions require addressing underlying issues even when the cause is beyond one's control.

Finding #1: Similar Wants but Different Views

Despite wanting many of the same things, participant groups view incidents and inter-group relationships differently.

In terms of critical incidents, the primary goal of both participant groups was to survive the encounter unscathed. Wilson just wanted to make it home and acknowledged that police officers just want to make it home. Murrell described the urgency of surviving the encounter even if justice was delayed by going through the court system later. Allen and Morrow each

described the thought process of an officer who is involved in a life and death struggle during a critical incident who just wants to make it out safe.

Participants from both groups expressed frustration with not being acknowledged for doing things right while simultaneously being targeted or punished for something they didn't do. They wanted to avoid misplaced blame and judgments by people who lack credibility to interpret their actions. Salmon described the impacts of stereotyping when innocent Black men are disproportionately targeted by law enforcement officers. Wilson lamented being unable to travel in a vehicle with other young Black men for fear of being pulled over. Dilworth expressed frustration that his profession was judged by the unlawful actions of one officer in another state. Morrow lamented about how outsiders passed judgment on her department and ignited protests based on false stereotypical depictions.

Even in the same incident, interpretive variations between participant groups reflected experiential differences. Dilworth described preemptive enforcement techniques in a high crime area that targeted a high crime area in order to catch more criminals. Bunch said police call it intuition, but Blacks call it profiling. Racism was identified as a real and current issue by Black participants while non-Black participants were sometimes dismissive of the idea that racism is an issue today. Clines recanted personal stories of racism she encountered and more stories that have been told to her. Bell, Bunch, and Murrell each provided first-hand accounts of racism they have endured. Fletcher acknowledged being unaware of racism for most of her life despite now understanding that it was always prevalent. Eickhoff described some claims of racial conflicts as inflated. Non-Black participants felt that compliance with the law provided a buffer against negative law enforcement contact. Black participants felt endangered even when innocent.

Finding #2: Fear inhibits optimal performance

It is present in both participant groups, manifests in different ways and induces suboptimal performance

Both participant groups expressed some level of fear. Law enforcement officers fear making wrong decisions, being labeled as racist, igniting protests, family exposure to public ridicule and being injured/killed. Eickhoff expressed frustration with the ability of social media to quickly spread false narratives. Allen and Morrow each described personal experiences where they were in fear for their lives. Morrow endured threats of videotaped rape of her and her daughter. Eickhoff told of computer hackers sending video of a high-ranking law enforcement officer asleep on his home couch in order to display their abilities and intimidate officials. Allen said when a suspect attempted to get his gun he was in fear for his life and he tried to pull the trigger. Morrow said she fought for her life and was fortunate that other officers arrived to assist because she would have had to stop the threat and he was a threat.

Blacks feared being targeted, wrongly accuses/convicted, irrevocably enrolled in the criminal justice system. Anthony described how disempowered Blacks are at the mercy of people in power. Wilson talked about how law enforcement officers had the right to kill Blacks. He said just coming into contact with police could be your last day on Earth. Fletcher's neighbor was driving home with medical gauze in his mouth following a dental procedure. He was pulled over by local police who thought he was hiding drugs and reached into his mouth to pull out the gauze, causing pain and embarrassment. He is now so afraid of police that he won't have any voluntary contact.

Self-preservation tactics caused law enforcement officers to take aggressive tactical action in response to perceived threats or concentrated criminal activity. Dilworth said police

blanketed an area known for a high concentration of crime and targeted innocent people for heightened scrutiny in pursuit of guilty ones. Allen spoke of being on patrol and having to escort fire department personnel into certain areas for safety and reinforcing back windows of police cars because gang members were ambushing police, shooting out the back windows when aiming at unsuspecting officers from behind.

For Blacks, self-preservation often involved avoiding contact. Intergenerational lessons induced street lessons from peers where young Blacks are taught to run from police if given the chance. Wilson said if you have a chance to run, you run no matter what. No matter what. Bell said young Blacks are taught to run immediately regardless of whether or not they've done anything wrong.

Fear by both participant groups was often justified. Higher rates of negative outcomes for Blacks who come into contact with law enforcement foreshadowed compelling reasons to avoid contact. Officers' personal experiences demonstrated the dangers of the job. Allen explained the combat color code as a way to establish a particular level of readiness. Overestimating the threat leads to overreactions a higher than necessary use of force. Underestimating the threat poses a risk to officer safety. Allen spoke of a Whittier, California police officer who entered a situation not realizing how high the risk was and being shot dead. Even unarmed subjects pose a risk to armed law enforcement officers because a subject who can incapacitate an officer or otherwise gain control of the officer's weapon is no longer armed.

Finding #3: Trust plays a strong role in interpretation of intent

Experiences affect the ability and willingness to trust. The absence of trust forecloses on my relationship-based positive interactions between the groups.

Bell said Black people operate from a hermeneutic of suspicion. Wilson warned that police who are nice are just setting you up to catch doing something bigger. Bunch said he had a White woman ask him to leave an event because she was once mugged by a Black person and therefore she can't trust Blacks. Clines said that police who fail to hold fellow officers accountable when they're wrong, she can't call them good officers.

Johnson and Greene credited increases in community trust of the police department with increases in community relations and rates of solving gang crimes. Fitzgerald said it was important to build up trust before a crisis begins so there is a credit in the bank of trust that can be cashed in when needed. Fitzgerald said that in order to retain and improve trust, police need to hold their brothers and sisters accountable when they do something wrong rather than protecting them just because they are fellow law enforcement officers. Cappitelli said law enforcement leaders need to do everything they can to flush out racist cops. Morrow said that, in an effort to regain trust following a high-profile shooting, the newly appointed Ferguson police chief told the officers what he will and will not tolerate. He explained that unlawful behavior by officers would be fully prosecuted.

The failure to hold an officer accountable results in a rapid deterioration of trust. Eickhoff said it does a lot of damage when a person wearing a law enforcement uniform does something wrong and that it does even more damage if officials try to cover it up. When other departments appear to hide evidence or cover up wrong doings, it undermines trust in the entire profession.

Finding #4: White Privilege is masked by evolving alignment of wealth and race

Traditional evidence of White privilege has declined because of the evolving alignment between race and wealth rather than a decline in the existence or usage of the privilege.

White Privilege allows holders of the privilege to access special treatment or conveniences. People who don't hold the privilege resent that holders receive preference because of something that never had to be earned. Anthony was frustrated that one's own fate could be controlled by another person because that person holds the privilege.

Benefiting from the privilege doesn't require an affirmative action to invoke it. Beneficiaries need not even be aware that they benefitted from it. Fletcher said one of the privileges of being White is that you don't have to think about it. Bunch said that when you're White there are fears you don't have to have.

Despite beneficiaries today not needing to specifically invoke the privilege, the concept is rooted in discrimination. Murrell talked about an unnecessary competition between poor Whites and poor Blacks because poor Whites seeking to invoke the privilege are frustrated to have to compete with someone who lacks the privilege. He recited an old saying that if you can't be better than a nigger, who can you be better than.

Historically, discriminatory policies or practices could be used to target skin color or pocket depth in terms of poverty. These were interchangeable targets because virtually all Blacks were poor. The discrimination that targeted skin color remains as effective today as ever even if the targeting is coded. Policies that targeted a lack of wealth now has an unpredictable result. As some percentage of Blacks have gained wealth, they have become immune to poverty-centric discriminatory practices. Further, their positions were filled by poor Whites. This list of exceptions is sometimes used as justification for why the privilege is a thing of the past but the

discriminatory intentions remain unchanged. The evolving alignment of wealth and color masks the discrimination now. Anthony explain how a Black officer who was in a position of power exerted the privilege to wrongfully convict him. This adds further confusion in masking the existence of the privilege because empowered non-Whites an also exert the privilege despite the counterintuitive nature of the nomenclature.

Finding #5: Perceptions limit viable options for officer engagement

The full range of officer actions narrows during a process of preparatory filtering when an officer interprets available information based on internal factors (training and bias) and external factors (observable or environmental factors and information relayed from dispatch).

Law enforcement officers are trained and equipped to handle a wide range of needs. This includes things like offering assistance to stranded motorists or using intermediate force to maintain order or effect an arrest, all the way up to using lethal force to protect defenseless people who are under attack. Each of these options requires a specific mindset at the outset of an engagement. Walt Allen described this as the combat color code, a set of markers to identify the level of readiness an officer has for danger.

In the color code, White represents a totally relaxed state where the officer is unprepared to identify danger and is vulnerable to attack. Yellow, then Orange, and Red represent escalating states of readiness where the officer is anticipated danger. Black is the final stage in which an officer has lost control of a situation, usually because of gaps in training or experience.

Clines explained that when officers come to a situation looking for trouble, they will find or create it. In the context of Allen's combat color code, this happens when an officer comes with an orange mindset to a yellow situation. Morrow described being ready for a fight.

Conversely, an officer can underestimate a threat by entering a situation in code White or Yellow when the true threat is Orange or Red. Fitzgerald used this example to describe the ambush killings of Dallas police officers. Allen described it with a Whittier, California police officer who was killed after the threat level was higher than anticipated based on known or observable factors.

Cappitelli spoke to the level and types of training provided to law enforcement officers in response to all types of anticipated scenarios. Highly trained officers are well-prepared to handle the full range of calls-for-service when their filtering process accurately matches the officer's anticipated threat with the actual threat. When the results of this filtering process are mismatched with the actual threat, negative outcomes are likely.

Filtering is an underestimated process that steers the alignment of anticipated and actual threat levels. It is the primary factor that guides an officer's response to a situation. Errors in the filtering process can be internal or external. Internally, gaps in training or experience, misinterpretation of behavior due to an unfamiliarity of cultural norms, and personal biases (including racism) can all cause filtering errors. Externally, faulty information relayed from dispatch to the officer can produce the same result. When a person calls 911 and fabricates or misrepresents facts, the responding officer has no way of instantly vetting that information to know that it is wrong. Instead, the officer must respond believing a suspect is armed or combative, for example, because of the misperceptions or malice of the person who initiated the law enforcement response.

Finding #6: Communication: Limits on, or variations to, available information

Opinions are formed immediately after a critical incident when the greatest discrepancy of data availability exists. Anchoring effect increases the difficulty of reversing an opinion later as new facts emerge. Even when operating from the same fact pattern, differences in perception produce differing interpretations of the same event.

Morrow described how an outside agency formed and communicated an opinion about a high profile critical incident in the absence of a wealth of emotion but a dearth of evidence. In the case of Ferguson's shooting of Michael Brown, the initial narrative told a story of a blatant execution of a helpless boy. Opinions were formed and later, when the evidence revealed a very different fact pattern, those initial opinions were too entrenched to be changed. This underscores the significance of early opinions and the benefits of making factual information available as early as possible.

In the absence of the availability of formal information, information gaps will be filled by subjective realities of uninformed narrators. Eickhoff explained this is what happened in Ferguson with the use of social media. He said that lies were spread so fast and far that the police department was unable to keep up. The accurate message about the true account of the incident was rarely received. Angry recipients of the false narrative then protested against what they perceived to be injustice. This fueled a continually escalating cycle of events that ended with very poor outcomes for everyone.

Even when communication is optimal and objective information is accurately conveyed, differences in interpretation are common. Bell's comment that Black people operate from a hermeneutic of suspicion illustrates this concept. Even when people see the same thing, the

interpretative lens skews the perceived result. That lens is comprised of personal experiences, beliefs, and levels of (mis)trust. Hile described the default position of guilt often endured by Black defendants in courtrooms presided over by judges who used to be prosecutors, in front of juries who believe the word of police over the word of Black defendants.

Finding #7: Cognitive processing pathways inconsistent with proposed solutions

Legal solutions are based on logical objective analysis that assumes systematic and rational patterns of thoughts and behaviors. That cognitive pathway processing happens slower than emotive processing. For an emotional event, solutions require addressing underlying issues even when the cause is beyond one's control.

System 1 vs. System 2 thinking present valuable insights into how we process critical incidents. When emotion and urgency are involved, we trade the slower, more certain cognitive pathway for the faster self-preservation inspired emotive pathway. Writing laws and expecting compliance based on the slower pathway ignores the reality that it is the faster pathway that occurs first. Conflicts between Blacks and law enforcement officers are highly emotional events for Blacks. Murrell, Salmon, Bell, Bunch, Wilson, and Clines all spoke of the strong and overpowering emotions that control perceptions and behaviors of Blacks during contact with law enforcement officers. Bunch, Murrell, and Morrow spoke to the reasoning for this emotion as it relates to the history between the two groups.

Supreme Court decisions like *Graham v. Conner* establish legal parameters that consider fear in the context of objective reasonableness. This places the judgment of officer actions in a place to acknowledge emotion from a legal perspective but does little to acknowledge the existence of emotions from the Black perspective. Laws typically speak to requiring or

forbidding certain behaviors in certain circumstances. These are logical in terms of slower and more cognitive processing but are less realistic when survival instincts of the faster processing take place. Murrell spoke of the need to simply comply with officer demands even when they are inappropriate. He taught his kids that they can take the officer to court and win the case within the slower more cognitive framework. At the moment of the incident, though, he taught his children that, as Blacks, they can't win the incident in that faster self-protective framework.

Knowing that emotions take over and effectively circumvent the brain's ability to process through traditional pathways, solutions can't ignore the emotional component of the conflict. The roots of those emotions often come from historical interactions for which today's participants have no control. Morrow and Bunch spoke to the slave catching history of policing as the foundation from which all policing evolutions have occurred. Acknowledging injustices from the past, even when they were committed by someone else, is important because police derive their authority, in part, from some of the history and tradition of their predecessors. If authority can be drawn from predecessors, so can blame.

Summary of Chapter 4

The data revealed significant insights into the lived experience of Blacks and law enforcement officers. The logic behind behaviors of each group became clear, as did the reasons why actions or intentions are misinterpreted and why conflict elevates so quickly. An extraordinary reliance on historical factors outside the control of current actors in the conflict, increase the difficulty of repairing the relationship. Traditional problem-solving methods run counter to well-documented neuroscience theories and underscore the benefits of counter-intuitive conflict resolution techniques in order to improve the relationship.

Chapter five will summarize the study and present the findings within the construct of the literature review and applicable theories. It concludes with recommendations and implications for future practice and research.

CHAPTER 5

RECOMMENDATIONS AND CONCLUSIONS

Just by coming in contact with the police, this could be your last day, your last moments on Earth.

--Lata Wilson, civilian participant

As he tried to take the gun out of my hand, um, I, uh, tried to press the trigger.

--Walter Allen, law enforcement participant

Today, the policing of Black America is widely viewed as one of the most controversial and frustratingly persistent flashpoints of race and power throughout the United States (Blumenthal, 2016; Bonilla-Silva, 2014; Ratcliffe, 2015; Sides, 2013). As a result of perpetual conflict between Blacks and law enforcement officers, accusations have been made, tempers have flared, and lives have been lost, yet progress has remained elusive throughout hundreds of years of the conflict. More deaths of Black men occurred in conflicts with law enforcement officers nationwide during the year 2015 than were lynched in 1892, the peak year of Jim Crow era attacks (Merrilli, 2016).

Summary of the Study

The purpose of this interpretative phenomenological analysis research was to explore conflict and answer the question: *What is the lived experience of Blacks and Law enforcement officers in the conflict that occurs during the policing of Blacks in America?*

Multi-generational patterns of abusive behavior by law enforcement officers that were once the accepted norm are now widely and publicly denounced by law enforcement. In 2017,

the President of the International Association of Chiefs of Police acknowledged and apologized for the historic role of law enforcement officers being a party to the harsh and selective enforcement of unjust laws (Dwyer, 2017). Training and recruitment standards for law enforcement officers are now higher than ever with a demonstrated intent to exclude candidates who don't subscribe to the concept of equality or lack the tools to operate fairly and professionally in a modern policing environment. Despite the best efforts and intentions, regular examples of unacceptable behavior by police officers can be found with little effort.

This frustrates Blacks who fear the abuses of a pattern of behavior that plagued every generation of their family that they've ever met. It also frustrates good officers who are judged based upon the actions of bad officers. Those same good officers fear being punished for a pattern of behavior where the bulk of the pattern is based on different officers' actions. Low trust levels impair the ability of both groups to agree on the fact pattern of a particular incident because they don't trust what they're being told. Little progress has been made despite strenuous efforts and, even today, the groups disagree on how to interpret an incident even when they're able to agree on the fact pattern.

This raises questions about whether the solution is hiding in changes to the underlying fact pattern or whether real progress requires changes to the components of how each group interprets data. The ability to understand and make sense of the viewpoint of the other side has the potential to play a role in the future successes when addressing this phenomenon. This study was designed to expose a deeper understanding of the sensemaking process of participants from each group. Specifically, it sought to identify points of similarity or difference in both perceptions.

Until now, the ugly origins of the policing profession, as it relates to Blacks, has proven to be an insurmountable hurdle in the pursuit of progress. The *slave catcher* origins of policing predate more modern and more ethically aligned principles of Sir Robert Peel which now form what Stockton Police Chief Eric Jones coined *Principled Policing* - a comprehensive practice that acknowledges errors of the past and seeks to strengthen the foundations of legitimacy and mutual respect within the policing profession by addressing bias and earning trust. The gravity of overcoming this undeniable history is captured by Immanuel Kant, "...from such crooked wood as a human is made can nothing quite straight ever be fashioned" (Kant, 1784, as cited in Horton, 2009, online)

Although the task is daunting, it is finally achievable with the right motivation because we have access to better tools for understanding the conflict by borrowing from theories grounded in behavioral economics, neuroscience, and psychosocial sciences. In addition to an improved ability to study the conflict, we also now have access to the best communication tools ever invented. If we are willing to engage in self-reflection that is respectful of, but untethered to, social inertia, we can leverage our modern tools to finally resolve this important long-standing problem.

Methodology

This study was conducted using Interpretative Phenomenological Analysis (IPA) which enabled the researcher to leverage positionality to reveal the deep meaning behind the phenomenon of policing Black America through a series of semi-structured interviews. As a double-hermeneutic methodology, 19 participants made sense of their worlds as it relates to the phenomenon while the researcher simultaneously made sense of participants making sense of

their world. Using purposive sampling, each participant was selected based on professional or demographic data that provided them with valuable insights into the lived experience of Blacks and/or law enforcement officers. Transcripts from the recorded interviews were coded using traditional IPA data analysis procedures including identifying verbatim text pertinent to the study along with the accompanying context and interpreted meaning. Relevant data from each participant was then coded into emerging themes and clusters individually and collectively. Those clustered themes were then sorted manually and electronically nine separate times to reduce 83 themes down to four superordinate themes and 17 subordinate themes. The findings were evaluated through psychosocial and neuroscientific lenses to identify alternative methods of explaining findings.

Limitations of the Research and Impact on the Results

The strengths of the IPA methodology also provided several limitations to the study. Specifically, the methodological approach is dependent on the selection of participants, results of data reduction, and positionality of the researcher who interprets the data set. Each of these are subjective factors whose value is dependent upon the abilities of the researcher. Additionally, the researcher was unable to include several key participants who may have been able to contribute to the study due to potential conflict of interest. Most notably, a Chief of Police whose efforts are on the cutting edge of this work and stakeholders in a community that experienced the trauma of this relationship following a high-profile deadly shooting by police of an unarmed Black man. Professional conflicts involving the researcher prevented the inclusion of these participants.

Summary of the Findings

Interpretative Phenomenological Analysis of interviews of two participant groups yielded data to inform four superordinate themes and 17 subordinate themes as shown in Table 6. The themes summarized only the concepts for which they were identified by substantial number of participants. The superordinate themes included: *Fear influences actions and interpretations, different experiences and culture, responding to the threat, and a clear path forward*. Each represents a distinct concept of significance to the majority of at least one of the two participant groups.

Fear was described as a potentially paralyzing emotion that disrupts normal brain function including decision-making and interpretations of other people's actions. Participants from both groups identified seminal differences in culture as an adaptive response to differing histories, experiences, training, expectations, and opportunities. Just as both participant groups explained their group's variations of the experience of fear, they also discussed similar variations in how each participant group responded to perceived threats when conflict arises between Blacks and law enforcement officers. Despite the differences, participants from both groups identified many similarities such as wanting to make it home safe after a confrontation, wanting to be judged on one's own merits rather than the actions of someone who appears similar because of skin color or uniform type, not wanted to be stereotyped, and acknowledging a self-protective instinct that extended to their own demographic group.

Further evaluation of the themes, coupled with leveraging the researcher's positionality to understand and compile the deeper meaning of participant data, produced seven findings derived from the themes. The findings are listed in Table 7 and include: similar wants but different views, fear inhibits optimal performance, trust plays a strong role in interpretation of intent,

white privilege is masked by evolving alignment of wealth and race, perceptions limit viable options for officer engagement, communication: limits on, or variations to, available information, and cognitive processing pathways inconsistent with proposed solutions.

Table 7: Superordinate and Subordinate Themes

Superordinate and Subordinate Themes	
Fear Influences Actions and Interpretations	
	<i>Fear by police</i>
	<i>Fear of police</i>
	<i>Judged by unqualified people</i>
	<i>Causes and impacts of trust and mistrust</i>
Different Experiences and Culture	
	<i>White Privilege</i>
	<i>Behavioral adaptations for survival or prosperity</i>
Responding to the Threat	
	<i>Overreaction vs. hypervigilance</i>
	<i>Self-preservation</i>
	<i>Focus on wrong target</i>
	<i>Multi-generational institutional knowledge</i>
	<i>Mannerisms can be misinterpreted</i>
	<i>Combating structural impediments</i>
A Clear Path Forward	
	<i>Racism is neither new nor non-existent</i>
	<i>Mostly good</i>
	<i>Respect matters</i>
	<i>Lack of familiarity breeds contempt</i>
	<i>More Black officers can't solve everything</i>

Table 8: Summary of Findings

Finding #1: Similar Wants but Different Views

Despite wanting many of the same things, participant groups view incidents and inter-group relationships differently.

Finding #2: Fear inhibits optimal performance

It is present in both participant groups, manifests in different ways and induces suboptimal performance

Finding #3: Trust Plays a Strong Role in Interpretation of Intent

Experiences affect the ability and willingness to trust. The absence of trust forecloses on my relationship-based positive interactions between the groups.

Finding #4: White Privilege is Masked by Evolving Alignment of Wealth and Race

Traditional evidence of White privilege has declined because of the evolving alignment between race and wealth rather than a decline in the existence or usage of the privilege.

Finding #5: Perceptions Limit Viable Options for Officer Engagement

The full range of officer actions narrows during a process of *preparatory filtering* when an officer interprets available information based on internal factors (training and bias) and external factors (observable or environmental factors and information relayed from dispatch).

Finding #6: Communication: Limits on, or Variations to, Available Information

Opinions are formed immediately after a critical incident when the greatest discrepancy of data availability exists. Anchoring effect increases the difficulty of reversing an opinion later as new facts emerge. Even when operating from the same fact pattern, differences in perception produce differing interpretations of the same event.

Finding #7: Cognitive Processing Pathways Inconsistent with Proposed Solutions

Legal solutions are based on logical objective analysis that assumes systematic and rational patterns of thoughts and behaviors. That cognitive pathway processing happens slower than emotive processing. For an emotional event, solutions require addressing underlying issues even when the cause is beyond one's control.

Finding #1: Similar wants but different views. Despite wanting many of the same things, such as to be judged by one's own actions rather than being stereotyped based on color of skin or uniform. They also share a desire for self-preservation. Interpretations and judgments are, to an extent, a product of one's own personal experiences. The culture, backgrounds, and experience of each participant group as so different that the groups each interpret their observations very differently. Black you, for example, are taught to exercise their self-preservation techniques through the avoidance of contact with people who are likely to harm them. Consequently, young

Black men run when they see police. Officers, on the other hand, have learned through their experiences that people evade police because of guilt.

Finding #2: Fear inhibits optimal performance. During a confrontation where fear is present, physiologic adaptations occur in the human body in order to invoke a self-preservation posture. This occurs at the expense of traditional thought processes that are designed for methodical planning. This shift decreased the chances of reaching a successful outcome that relies on a more thoughtful approach.

Finding #3: Trust plays an important role in interpretation of intent. Humans receive and interpret large volumes of information including data sets with gaps. Human nature causes people to fill those gaps with information that supports their own beliefs. Trusting a messenger makes it more likely to fill in those blanks with favorable data while mistrust tends to lead to increased skepticism.

Finding #4: White privilege is masked by evolving alignment of wealth and race. Historical discrimination could target either Blacks or poor people and still reach the same person because of the homogeneity of the two demographics. Over time, an alignment shift has occurred between those two variables, leaving a situation where the results of discriminatory efforts can vary. This sometimes provides a false negative in which false interpretations are made that conclude more progress has been made than actually has.

Finding #5: Perceptions limit viable options for officer engagement. Responses to situations can vary with the situation. More specifically, they vary with the interpretation of a situation. The range of responses to those perceptions narrows when perceptions dictate few options.

Finding #6: Communication: Limits on, or variation to, available information. Relationships, including the relationship between the two participant groups, relies on an iterative process among participants. Limits to communication deprive people of their ability to engage in that interactive process.

Finding #7: Cognitive processing pathways inconsistent with proposed solutions. Policy solutions are based on rational behavior. Rational behavior is not how humans process information in the midst of a fearful or emotional event in which self-protective instincts are engaged. Consequently, a mismatch exists between the way humans react to critical incidents and the way they're expected to act to comply with policy frameworks and expectations.

Discussion of the Research Results

The findings of this IPA study of the lived experience of Blacks and law enforcement officers in the policy of Black America can be situated within the body of literature presented in the literature review, and within the theoretical framework of psychosocial theories.

Discussion of the Findings in Relation to the Literature Review. As an issue of national prominence, this phenomenon of policing in Black America has developed a robust body of literature that includes an exhaustive set of studies and related experiences that addressed portions of the phenomenon. The primary literary streams revealed deep conflicts between the

groups. Separate streams addressed the issue from the perspectives of each participant group separately but will minimal evaluation of the confluence of these two separate streams.

Consistent with expectations for any well-studied topic, this doctoral study did not reveal new streams of data. However, the depth of the study did provide greater detail and more vivid descriptions of the lived experience of the two participant groups: Blacks and law enforcement officers. Interview participants were particularly forthcoming in their description of the issue. The unfiltered responses raised the quality of the data and produced more substantial descriptive data than was readily available through the literature review process. This openness may have resulted from the positionality of the researcher as a member of both participant groups, enabling a trust and rapport that may not have existed in other interview scenarios.

This deeper data was evident in the exploration of racial undertones, mistrust, and anger between participant groups (Contreras, 2016; Dreher, 2015; Lowery, 2016). The depth of the emotions experienced by both participant groups emerged more clearly through the face-to-face interview process than they would in a survey or focus group, or as they are revealed in the literature found pertaining to the phenomenon. The IPA methodology added value to the study and the body of work because it exposed a pivotal and integral contributor to the sensemaking process.

Specifically, the identification of fear as a prominent driver of actions and interpretation allowed the researcher to further explore and make sense of the role of fear in decision-making. This led to new discoveries of how to analyze the phenomenon. The introduction of theories from behavioral economics and neuroscience added a new layer to the analysis process including links to this phenomenon that were previously unidentified in the literature.

The linking of non-traditional evaluative tools also provided insights into the identification and impacts of patterns of behavior. Even concepts like familiarity or the prevalence of Black police officers policing Black neighborhoods became clearer through the analysis of the data collected for this study. This doctoral study exposed gaps in the existing literature in terms of finding different ways to link data, quantify the depth of emotions associated with the phenomenon, and borrowing from non-traditional academic schools of thought. Additionally, the study design allowed for comparisons between participant groups and revealed a higher level of similarities between the two groups than was identified in the existing literature.

In conclusion, while the literature review revealed the existence of two separate experiences, this doctoral study revealed the dynamics of how those separate streams interacted. Within those interactions, the deep meaning of the conflict was revealed.

Discussion of the Findings in Relation to Theoretical Frameworks. Generations of capable people have sought to solve the race-based problems of the policing profession. Despite these efforts, limited progress has been made, in part because of the complexity of the issue. When considering the phenomenon of policing Black America in its component parts, however, there are some similarities to other disciplines. Some of those disciplines have developed theories for addressing their own problems. Economics, for example, studies concepts like competition for scarce resources while this phenomenon is based on equitable allocation of resources and comparative advantage among social groups. Based on optimal outcomes for rational actors, economic theories have a level of applicability to the phenomenon of policing Black America. Behavioral economics addresses the neuroscience and sociological

underpinnings of decision-making by people with an investment in the outcome. As applied to this phenomenon, the distinction of how and when humans use a particular neurological pathway is relevant because it helps to explain why the optimal results have not been achieved through previous efforts. Theoretically, there may be value in examining the phenomenon of policing Black America through the lens of theories based in economics, biology, political science, psychology, neuroscience, and sociology. The applicability of psychosocial theories like fundamental attribution error was clear during the design phase of this study as outlined in Chapter 1. During the data analysis phase of this study, as themes emerged, the applicability of theories from other disciplines became clear.

The relationship between Blacks and law enforcement officers today is fraught with mistrust, fear and conflict that dates back to the origins of policing. Because the components of trust are identified as empathy, authenticity, and logic, a logical starting point for rebuilding (or building) trust is to examine weaknesses within those core components (Fei, 2018).

The authenticity component of developing trust aligns with the modern policing concept of police legitimacy. This is deeper than being politically correct or unctuous and requires a genuine display of behavior to achieve authenticity. In the absence of this factor, trust may never be achieved. The logic of why Blacks fear police or run from them did not appear to be well-understood among non-Black participants. Unless it becomes more clear that there are documented reasons for these behaviors, it will be difficult to achieve trust since questions about the strength of the logic position will persist.

While the intentions, competence, and scope of modern professional policing have evolved over time, the crooked roots of this relationship continue to bear rotten fruit. Punctuated Equilibrium Theory (CITE) implies that the historical actions of both participant groups will

largely remain the same, with only periodic or punctuated changes. In relation to this phenomenon, it explains why it appears that very little has changed within this phenomenon despite periodic spikes. If this premise is acknowledged, it could change the strategy for resolving the conflict and reduce frustrations when expectations of overnight progress go unmet.

The traditionally one-sided power structure between these two groups has led to frustration. The lack of perceived progress has led to a desire for hasty action. These frustrations, along with a lack of inter-group information sharing, fosters apophenia, defined as groups seeing patterns of behavior even where patterns don't actually exist. It becomes a problem of perception. Similarly, disempowered Blacks have often identified empowered law enforcement officers as the source of problems and inequity in a social application of the legal principle of *res ipsa loquitur*, where the entity generally in control of the situation is deemed to be at fault even if no specific evidence links to causal actions (Legal Information Institute (n.d.).

Critical Race Theory (Stefancic, 2016) examines the modern breadth of the intertwined impacts of the origins of this relationship, primarily through a legal lens. The findings are uncomfortable because they expose old relational wounds and highlight the contradiction between who we are individually today and who we have been collectively as larger social groups from which we gain our individual authority and privileges. There appears to be an expectation that something that is wrong must be unlawful and, consequently, if a person acts within the appropriate legal confines, the actions of that person must be correct. As illustrated in Figure 7 not every lawful action is right because that term doesn't rely solely on legal standards.

Not everything that is legal is right.

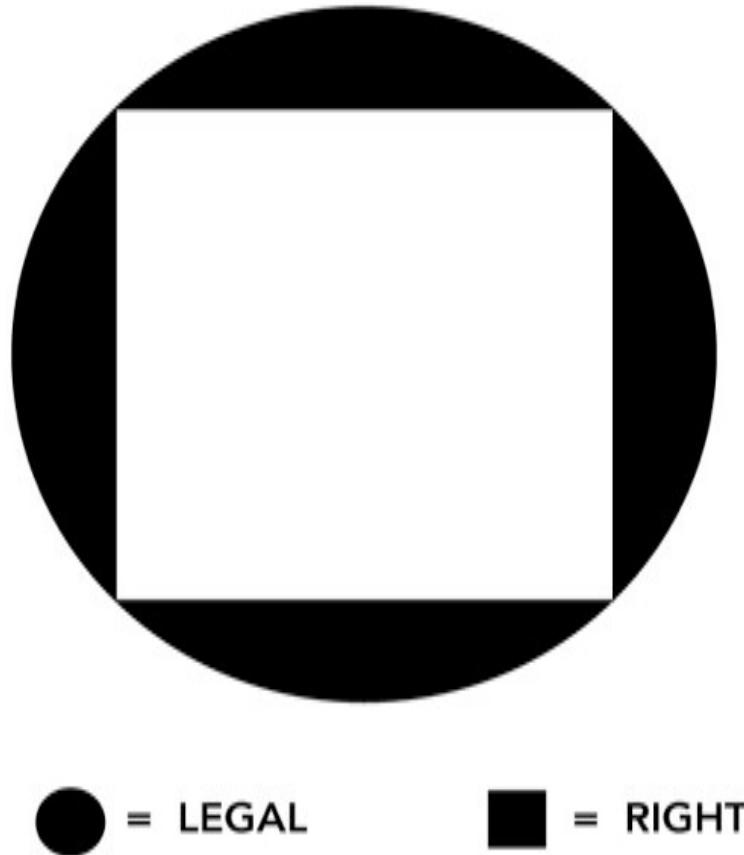


Figure 7: The relationship between legality and morality

Note: Actions that falls within the square are legal. Actions within the circle are right. The gaps represent

Differing histories and experiences often result in differing interpretations of the same face pattern because of our inherent ability to fill-in-the-blanks to reach a desired outcome. As shown in Figure 8, the distinctions between reality and perception are largely driven by our own implicit biases which, in turn, influence our interpretations of events (Thibaut, 2017). How we initially learn of an incident begins to form our opinion of the events in a way that is more difficult to adjust later if we learn new facts – what’s referred to as anchoring bias (Thibaut,

2017). Repetition of patterns, or even interpretations of events, keeps those items in a front of mind position. Consequently, it's easier for us to draw upon those most recent events and we can overweight them in our analysis. This recency or primacy effect is compounded by our practices of homophily in which we tend to surround ourselves with people like us (Thibaut, 2017). This concept is consistent with the benefits of familiarity. Exposing people to cultural and behavioral patterns of another group of people – beyond the familiar – allows them to imagine characteristics about other groups beyond media-driven stereotypes. The illustration in Figure 8 shows the cycle of perception > interpretation > outcome, that is characteristic of behavior patterns when faced with differences in histories and experiences that form the anchoring bias.

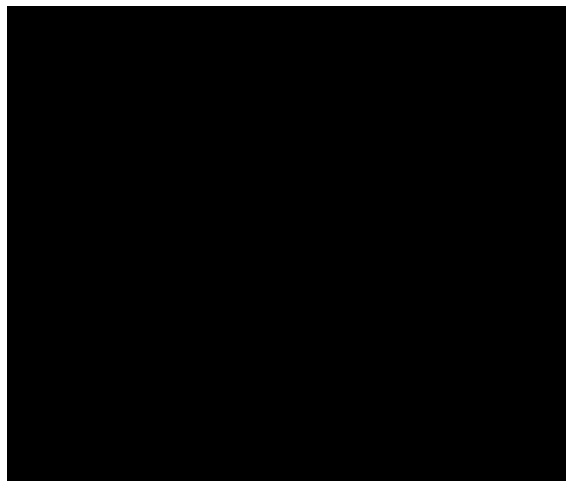


Figure 8: Intent does not equal outcome

Note: Well-intentioned people believe good intentions = good outcomes. A more practical assessment values the role of perceptions.

The true causes of conflicts are complicated by a myriad of factors. Racial Threat Theory (Dollar, 2014) espouses the view that the expansion and enhancements within the Black population threatened empowered Whites who then took action to mitigate Black growth. The theory of Reciprocal Causation on the other hand, concludes that a person's behavior has the ability to provide and receive influence from both person and social positions (Blalock, 2017). It's easy for a person from either participant group to focus solely on the actions of a person from the other group. The findings of this research, however, imply the situation is more like reciprocal causation in which each side plays a role in both the good and bad parts of the relationship between Blacks and law enforcement officers (Blalock, 2017).

Ingroup and outgroup dynamics capitalize on this concept and drive different behaviors among the two participant groups (Rullo et al, 2015). Just as these provide different expectation, obligations can differ collectively versus individually. A prominent subordinate theme from the participant data was the often abusive behaviors displayed by Black police officers toward Black suspects. Several participants theorized this was related to ingroup bias where the officers sought to prove their loyalty (Rullo et al, 2015).

Collective obligations are related to the lack of cognitive engagement and can default to group think. Group dynamics also manifest in terms of group polarization where the collective group position is more extreme than the individuals within that group. These concepts increase the difficulty of finding solutions in mass post-incident demonstrations. As the illustration in Figure 12 shows, the level of emotion and available information dictate the way in which critical events are evaluated. Specifically, the urgency, level of information, and general anxiety immediately post-incident is very different than levels of those same factors after a period of

time has passed. It indicates that the timing of when judgments or evaluations are made can influence conclusions.

The group dynamic often runs counter to individual interests in the same way that the interests of law enforcement officers can differ from the interests of Blacks. In a sort of Prisoner's Dilemma where one's own outcome is simultaneously based on one's own decision and the secret decision of a related party, factors in each role of this conflict must decide between optimal and rational decisions to impact their own well-being (Varian, 2014). Having a dependence on other people makes the choices more difficult. Law enforcement officers view their own options as being dependent upon the behaviors of the person with whom they come into contact, while Blacks feel dependent upon the whims of law enforcement officers involved in detainment. The theory of Pareto Optimality, where no party can achieve a better outcome without harming the other party, suggests that the empowerment of Blacks can only occur with the disempowerment of law enforcement officers (Varian, 2014). This rivalrous position in which only one entity can access or possess something, and the perceived inability of Blacks to attain the same freedoms as Whites, calls into question the true public benefit of policing. Public services such as policing are generally viewed as a benefit to the entire community. Public goods, as an economics term, must be non-excludable and non-rivalrous. In the case of marginalized populations who don't feel as if they have the same level of access to quality policing, a question is raised about whether or not policing is an excludable good. If it is excludable, the economic term prevents policing from being considered a public good. Along those lines, if policing is a function of limited resources in which one neighborhood receiving services means that another neighborhood can't receive the same services at the same time, policing is rivalrous. That appears to be the case in terms of policing even if the consumers of

the service do not self-select to receive that service. When combined, there is a strong argument that policing, the standard bearer for public services, is not actually a public good but rather is a private or club good.

In this context, rational actors are unlikely to take uncompensated risks in which they have much to lose and nothing to gain. Conversely, when a Moral Hazard exists, one party is able to take action with immunity from risk because the other party assumes both the risk and the cost. In relation to this phenomenon, law enforcement officers are willing to take greater risks because their actions are insured by protections of immunity (Varian, 2014). Under this theory, officers would reduce the risk level of their actions if they were more likely to incur the costs of their behavior. This paradigm shift could be viewed either positively or negatively depending on the lens through which it is analyzed.

Moment-in-time analysis determines real time actions and remains difficult. Critiques of real time incidents, however, are much simpler. The concept of retrospective predictability, is the act of looking backward to concoct a version of facts that indicates the outcome could have been foreseen, provides an additional lens that is useful in evaluating causes and future implications of events but was not accessible to participants in the moment and are, therefore, not useful in critiquing individual behavior (Haslett Jr., 2010).

The study revealed that the participants believed that positive changes are possible. If one considers citizens to be the purchaser of services that are provided by law enforcement officers, a monopoly exists. Alternatively, when considering law enforcement officers to be the purchaser of services in terms of the service being the ability to provide assistance and perform policing duties, a monopsony exists. Economists have conducted robust research into both monopolies and monopsonies and it is realistic to look to their findings to uncover new avenues

for addressing the issues related to the policing of Black America. The determination of applicability rests on how one views law enforcement officers. They can be viewed as the authoritarian provider of services that citizens involuntarily consume. Alternatively, citizens can be viewed as the empowered ones who allow police to perform policing duties. From this lens, it is the police officers who effectively work for, and are hired by, the community.

The selection of options for improving this phenomenon should also include an evaluation of timing. Blacks who are frustrated by a perceived lack of progress in race relations are seeking quick resolutions. Law enforcement officers in the middle of a crisis view timing in terms of how long it takes for a situation to turn ugly. The trade-off of different timing options is influenced by hyperbolic discounting where both participant groups tend to accept inferior results as long as they are quick. Quick resolutions have a clear short-term impact on this issue, however, as a long-term issue, there is value in holding out for long-term solutions to thoroughly address the problems. As the illustration in Figure 12 shows, timing also impacts which factors are important immediately following a critical incident compared to a later date. There are clear values in implementing bold and rapid solutions, but those options are not always available. The other option is to seek slow and steady progress.

Negative experiences and outcomes related to the phenomenon can be affected as much by the timing of implementing changes as the composition of those same changes. Even when small, those changes can have a significant impact. That impact can benefit one or more participant groups but requires an incentive for the group that loses competitive advantage. The group losing an advantage must see, and seek, some greater value by empowering the other group. The way in which each group values or assess the other group plays a role in the determination.

The Boiling Frog concept, applied here, explains that persistent action can still reach the intended outcome, but that a deviation from the course results in the loss of energy with no actual results to show for the effort (Inam, 2013). The Butterfly Effect, connects the dots to demonstrate how seemingly insignificant and unrelated actions can actually have a measurable impact on an issue or phenomenon (Vernon, 2017). When applied to the phenomenon of policing Black America, the Butterfly Effect highlights the interdependence on the variables involved in community safety. It supports the concept of incremental progress but also warns against the consequences of having a single member or participant group do something that re-agitates the relationship. Post-critical incident protests generally express frustration with perceived patterns of behavior or systemic injustices. They happen at the height of emotions and seek immediate results. Systemic improvements are often necessary but rarely quick. The lack of immediate demonstrable progress increases frustration levels of angry protesters who feel as if they have no voice.

Interest Convergence Theory asserts that empowered Whites will only tolerate advancements of Blacks to the extent that there is a corresponding benefit to Whites (Delgado & Stefancic, 2017). This theory would identify that the only starting point for the progress in this phenomenon is one in which empowered law enforcement officers gain something too. In the context of this phenomenon, this represents a somewhat cynical viewpoint that may stem from high levels of frustration. Even if this view were true, however, systemic improvements remain possible because, as this study reveals, even empowered decision-makers and officers want many of the same things as disenfranchised Blacks. The research suggests that finding the right solution is best accomplished with cooperative efforts from people who understand each other. The lack of understanding, combined with the historical context, must be overcome in order to

avoid Fundamental Attribution Error in which positive or negative attributes are misapplied to opposing groups (Hooper et al, 2015). Otherwise, the lack of familiarity results in solutions described by the Garbage Can Theory of Decision-Making in which the disconnect of decision-makers from the true problems creates well-intended solutions that are useless (garbage) (Einsiedel Jr., 1983).

Each of these theories provides a potential new lens for the examination of issues and conflicts related to the policing of Black America. The value of different lenses is that not one lens alone can provide the solutions focus to a complex problem that this phenomenon of policy Black America presents. The gravity of the issue and the lack of progress using more traditionally aligned methods, justifies using these non-traditional frameworks to examine this phenomenon more closely in search of meaningful progress.

Implications of the Findings

The value of a qualitative IPA study is the deeper meaning that can be learned from an analysis of the data using the double hermeneutic approach. While the outcomes of this study cannot be generalizable, they can serve to illuminate a complex issue that has implications for both practice and further research as discussed here.

Implications for Practice

The path toward resolving these issues is unclear, but the direction can be discerned. When stakeholders collectively prioritize the improvement of this relationship, there will be access to the guideposts to begin the journey. Doing so will save lives and careers while preventing grieving mothers and lost potential when negative outcomes take away opportunities.

The findings of this study suggest that by increasing awareness of alternate lenses through which this phenomenon can be evaluated, practitioners have the ability to change policy objectives to focus more on process rather than exclusively on outcomes. As law enforcement officers become more aware of why Blacks react in a certain way, it is safe to assume that better outcomes are possible. As Blacks gain a greater understanding of the reasons for certain law enforcement behaviors, greater opportunities are revealed for improved outcomes. As discussed by participants, when civilian bystanders recognize the important role they play in the conflict between Blacks and law enforcement officers, they are able to consider and evaluate the importance of how and when they engage police officers to intervene in conflicts. Mitigating civilian biases can also have a positive impact on outcomes. While several examples were identified by participants to explain the potentially negative impacts of civilian actions, there were also several examples of those same civilians wanting good outcomes or at least not wanting to be part of creating negative ones. Having identified the desire for most people to do the right thing, or at least not do the wrong thing, the process of educating civilians on the full impact of their involvement may be fruitful.

Implications for Future Research

The range and qualifications of participants in this study provided a balanced and authentic data set characterized by a unique candor that will facilitate future research in this area. The research design of compartmentalizing the experiences of each group separately provided an option for future research to either follow a similar path or focus specifically on the experience through a single lens.

The complexity of the topic creates fertile ground for further research. Three specific areas worthy of consideration for further study. The first is the lived experiences of Black police officers to explain their motivations, how they are received by non-Black officers, how they are received by community members, and how expectations placed on them compare to expectations of non-Black officers. The second recommended area for further study relates to hip hop music. Borne of a need for an outlet to both vent about, and articulate, the struggle of being part of the same demographic as many of the participants for this study, music lyrics contain many of the same data that was collected through participant interviews for this study. While the core data is similar, the data for this study was packaged using a more traditional academic structures and nomenclature. Future research that enabled greater access and tolerance for the lessons hidden within hip hop music may unlock a new level of understanding and familiarity. Additionally, an examination of how, and to what extent, there is causation and/or correlation between those lyrics and the environment described within. The third recommended topic for additional discussion is communication and comprehension. It would be instructive to compare and contrast intra-group communication styles and methods. Of value would be an exploration of how information is received and to what extent inaccurate information is transmitted in such a way as to affect behavior, and consequently affect the relationships between stakeholders in the phenomenon.

Summary and Conclusions

The policing of Black America is a remarkably complicated phenomenon that can't be adequately addressed with a single study. This study intended to provide insights into how people representing opposing demographic groups make sense of the phenomenon. This was accomplished by reframing the issue to build upon previous research with an eye toward candor

and unfiltered observations, and sensemaking through the IPA methodology which relies on the positionality of the researcher. While the study itself was unfiltered, some level of filtering in the conclusion will help to focus attention on the more narrow and important aspects of the data. As Figure 9 shows, there is a range of potential actions that could be taken by either participant group in this phenomenon. No further space will be devoted to either end of the figure because a consensus already exists.

The actions on the right side of the figure should be swiftly addressed in order to hold people accountable and avoid undermining the integrity of the system by causing other similarly situated people to suffer attributional stereotyping.

Equally, consensus exists that actions on the left of the figure should be encouraged and supported. Even if unpopular, people from either participant group who acted appropriately should be supported and protected even if the decision is unpopular.



Figure: 9: Range of Appropriateness

Note A wide range of interactions exist between Blacks and law enforcement officers. The far left and right sides reflect actions that are either clearly right or clearly wrong. The middle of the figure indicates debatable actions that are worthy of scrutiny and have the greatest potential for improvement of the phenomenon.

The four conclusions presented were derived from the findings in Chapter 4. They focus solely on the most difficult candidate for inquiry – the middle of the figure. These are issues for

which no consensus exists about whether or not an action was appropriate and often come with contentious or emotional stakeholder engagement.

Conclusion #1: Experiences shape our reality. The best of intentions can't guarantee a certain outcome. As previously shown in Figure 9 outcomes rely on perception and interpretation more than intent. As a result, having good intentions among the parties involved in a conflict between Blacks and law enforcement, while necessary, is only a starting point toward reaching a favorable resolution.

The way an incident is perceived and interpreted plays a significant role in the outcome. Figure 10 explains this mathematically in the form of an equation where $A \times B = C$. Here, A = the actions taken (intent), B = the interpretative filter as applied by a stakeholder or observer, and C = the outcome of the incident.

$$A \times B = C$$

This formula portrays how critical incidents are interpreted. A = known objective actions leading up to the conflict. This is a controllable variable. C = outcome or interpretation. B = the set of training and/or experiences that vary between participant groups and even participants. These experiences color the lens through which critical incidents are evaluated. As a multiplying effect, B may be out of the control of the parties involved in a particular critical incident. The multiplier effect of B is so strong that it can dwarf A and produce a very different C. If one or more parties enters the conflict with a negative B, it is nearly impossible to achieve a positive C even with a positive A (the only controllable variable).

Figure 10: Experience Shape Outcomes

The controllable variable in this equation is A. Consequently, it is common for people to over rely on variable A to determine the outcome since it's the most controllable component and could produce the most reliable result. The outcome (C) is simply the product of A and B so it is dependent upon those other two. This reinforces the role of variable A as the most controllable component of the equation. Variable B represents the filter of trust, experiences, biases, etc. that is applied to the initial action to determine the outcome. Variable B changes from person to person and also at different points in time. When a lifetime of inputs have created variable B, one outlier action isn't enough to change the character of the variable. In terms of this conflict, a law enforcement officer acting appropriately during a critical incident is not sufficient to overshadow decades of negative filtering or interpretations of officer behavior. Instead, it will result in a situation where, even if all parties agree on the basics of what happened (variable A), the influence of personal experiences (variable B) will still cause people to reach different conclusions about what happened (variable C). Experiences shape reality so changing outcomes of conflicts within this phenomenon requires changes to personal experiences over a period of time. Doing everything right during one critical incident is not sufficient to recolor personal experiences or change interpretations of outcomes.

Conclusion #2: People see things differently. Reasonable people often disagree in part, because of experiential or perceptual variances that inform their interpretation. The focus of this conclusion is external, focusing on the physical environment and how incidents are initially viewed through experiential filters rather than interpreted as in Conclusion #3. These variances are intensified with the absence of trust. Frances Frei's trust triangle reduces the concept of trust into three component parts: authenticity, empathy, and logic. Trust is lost when a deficiency occurs in one of more of these three areas (Frei, 2018)

In an adaptation of Frei's (2010) trust triangle, when applied to the policing of Black America, it is argued here that there is a three-legged stool of trust that applies. Trust is often absent between Blacks and law enforcement officers where authenticity is questioned by, and of, both participant groups and is related to the concept of police legitimacy in which measures the extent to which the group being policed finds credibility or legitimacy among the group doing the policing. Empathy requires an ability to understand the position of the other person and low levels of inter-group familiarity impede the ability to relate to cultural or environmental conditions in a way that allows for empathy. Logic failures between these groups have occurred in terms of both quality and communication. Quality has been questioned because of the purposeful and inhumane targeting that of Blacks by law enforcement officers that comprised the inception of the policing profession and has continued to exist, albeit at decreasing levels. In terms of communication, the closed nature of the social groups for each participant group decreases the level and quality of inter-group communication, resulting in gaps, misunderstandings, and unnecessary conflict. Members of the two groups often experience and interpret the same event in different ways. Operating off of the set of information often leads to reasonable people reaching similar conclusions. In the case of the two groups, however, aligning the experiences and information is more difficult because this conflict began in the nascent days of our nation's history and has been continually fueled with an ever-growing corpus of contention.

Despite having misaligned experiential interpretations, there are several interest alignments between the groups that provide both the motivation and the means to embark on a healing path. Members of both groups dislike the conflict that exists, are fearful (for different reasons) of the outcome of critical incidents, employ self-preservation tactics in order to be able

to go home at the conclusion of a critical incident, want to be judged by their own actions and not those of someone who shares the same skin tone or uniform type, and acknowledge that some small percentage of their peers poorly represent their group by exhibiting behaviors inconsistent with the ingroup values (Rullo et al, 2015). Following a critical incident, there is a sense of urgency, from both groups, to begin the sensemaking process. In addition to being filtered through an experiential lens, that sensemaking process depends on the information that is available at the time. Mistrust between the groups diminishes the free exchange of information. Victims and witnesses are reluctant to *snitch* or jeopardize their own well-being by being exposed to retaliation. This impairs the ability of law enforcement officers to bring offenders to justice and permits unsafe conditions to continue within a neighborhood. In the absence of complete witness information, law enforcement officers rely on whatever evidence they can acquire and form their opinions based on that limited data. Law enforcement officers generally protect evidence in order to preserve the integrity of investigations. This combination leaves both groups looking to make sense of the same incident by using different information. This results in different conclusions of the same incident.

The illustration in the following Figure 11 demonstrates how the two sides use available information to reach conclusions. Direct of first-hand information is preferable to indirect of anecdotal information but conclusions are drawn but whichever is available. For Black community members who often initially rely primarily on indirect information, the void is filled by expanding the time horizon. This leaves law enforcement officers judging a critical incident by the period of time from when this particular encounter began to when it ended. Blacks evaluate the same event through a historic lens and include patterns of behavior in their conclusions.

Story Version A	Reliance on Interpretative Data	Story Version B
↑	DIRECT	↓
↓	INDIRECT	↑
↓	TIME SPAN	↑
A ≠ B		

Figure 11: Reliance on Interpretative Data

Figure 12 shows how timing impacts factors of evaluating an incident with changes to what is important.

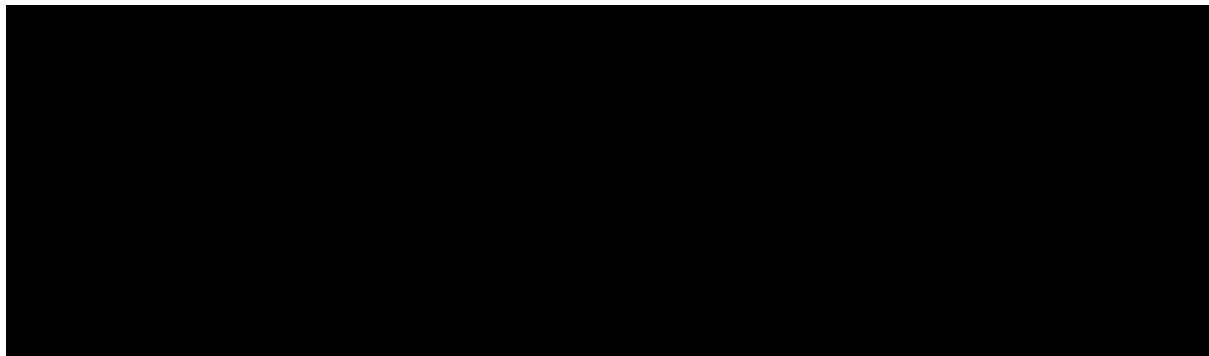
Judging Factors. Factors by which critical incidents are judged tend to change over time. The middle column identifies the factors and the arrows quantify the comparative extent to which each factor exists (immediately after an incident in the left column and after a period of time in the right column).

Immediately After Incident	Factor	Long After Incident
↑	URGENCY	↓
↑	EMOTION	↑
↑	ANXIETY	↑
↑	UNCERTAINTY	↑
↓	INFORMATION	↑
↓	FINDINGS	↑
↓	OBJECTIVITY	↑

Immediately after a critical incident, different narratives emerge. One is based on access to early factual information and evaluates the discrete time period of the incident. The other has limited access to early facts and encompasses a contextual timeframe that seeks to identify inter-generational patterns of behavior.

Figure 12: Changing Importance Based on Time

The illustration in Figure 13 shows how this is applied in situations where force is used in an incident that begins with a minor offense. The perspective determines whether or not intervening actions are included in the evaluation of the incident. Perspective A is the likely interpretation in the context of limited access to information and low levels of trust. It fuels anger and frustration because it implies that a person who committed a minor offense was met with an immediate use of force that is not typically warranted in response to a minor offense. Perspective B, which is only possible with greater access to information, demonstrates that the use of force was in response to the resistance and not because of the minor offense that began the sequence. Perspective B analyzes incidents based on the focused time frame of the two adjacent circles while Perspective A analyzes the same scenario from the far boxes and, consequently come back with different results.



Note: Perception A = community perspective that a minor offense resulted in use-of-force. Perspective B focuses on the preceding action to justify actions and only uses force in response to resistance. The analyses vary by perspective, contributing factors, and span of time being analyzed.

Figure 13: Perceptual Differences

A frequent example of this behavior occurs in the evaluation of whether or not an unarmed suspect poses a threat. Blacks and media sources often highlight the armed status of suspects with the notion that only deadly threats should be met with deadly force. Several examples are available to support this claim. Law enforcement officers approach the same scenario differently. Whether or not the suspect brings the weapon, a weapon is present in an encounter with a law enforcement officer. If the suspect is able to distract or incapacitate the officer, the suspect has ready access to the law enforcement officer's weapon and they also point to documented examples to support their position. Consequently, law enforcement officers don't discount the potential threat of an unarmed person. Similarly, a person experiencing mental illness who also maintains the physical ability to do harm presents a complicated situation but not an automatically safe one.

White privilege is a term with which Blacks and law enforcement officers appears to be familiar even though there appears to be no universal definition of the term (Jensen, 2005). The most common interpretations are that White Privilege is either the ability to attain or obtain something with a level of ease that is not available to similarly situated non-Whites, the ability to avoid unpleasant or undesirable situations (like being routinely pulled over by the police), or holding a level of power or authority over someone else. It is the last definition that creates the most confusion because, when considered in terms of the variance between wealth and color, it is applied to non-Whites which means White privilege is no longer reserved exclusively for Whites.

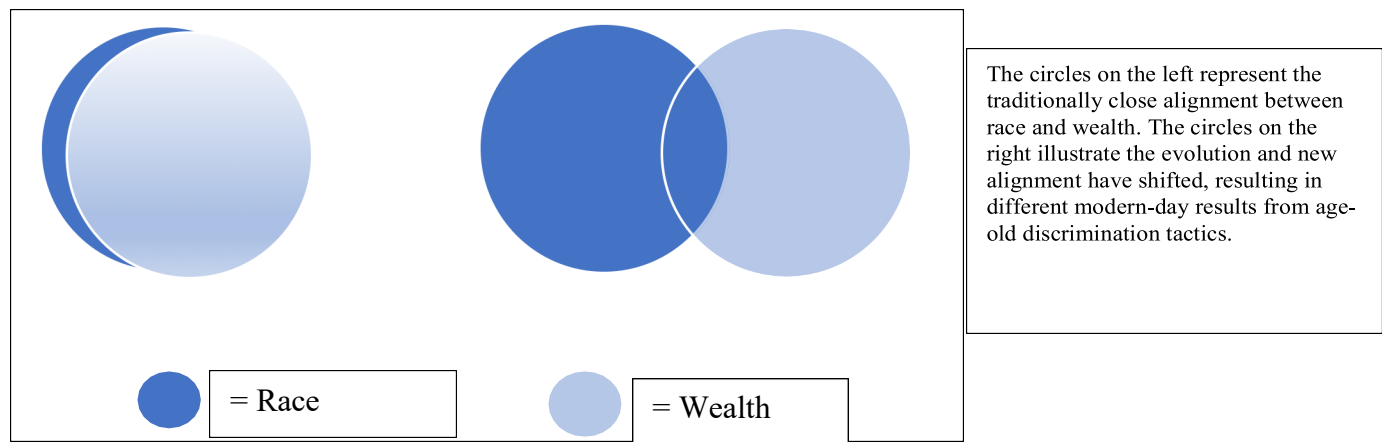


Figure 14: Changing Alignment of Race and Wealth

As Figure 14 shows, wealth and race were historically overlapping concepts because the people who were Black were also poor. For people seeking to discriminate against this population, they could either do it based on color or based on wealth and still achieve the same objective as a result of the homogeneity of the group. Today, these demographics are less aligned and include radical outliers (i.e. Barack Obama, Oprah Winfrey, etc.) who remain subject to race-based targeting but are now excluded from wealth-based targeting. Instead, they have been replaced by poor Whites. Seeing the success of some individuals confuses the issue of whether or not racism or White privilege exist but Figure 14 demonstrates how the change in alignment altered some outcomes even as motivations remain unchanged.

These differences culminate in Figure 15 which demonstrates the crisis life cycle. Traditional crises follow a steady and predictable path toward crisis. This allows time for applying intervention and avoidance techniques and is the basis upon which laws and policies are often made. Sometimes, the crisis cycle deviates from the traditional path. Law enforcement officer prepare for a rapid escalation in which the change from baseline to crisis occurs too quickly for intermediate responses. Disenfranchised Blacks began the escalation earlier than

acknowledged by others. When this happens chronically, there is a baseline shift that leaves Blacks operating closer to crisis levels on a daily basis. The conclusion of a crisis can follow a traditional path, be delayed, or even escalate depending on how the crisis was addressed.

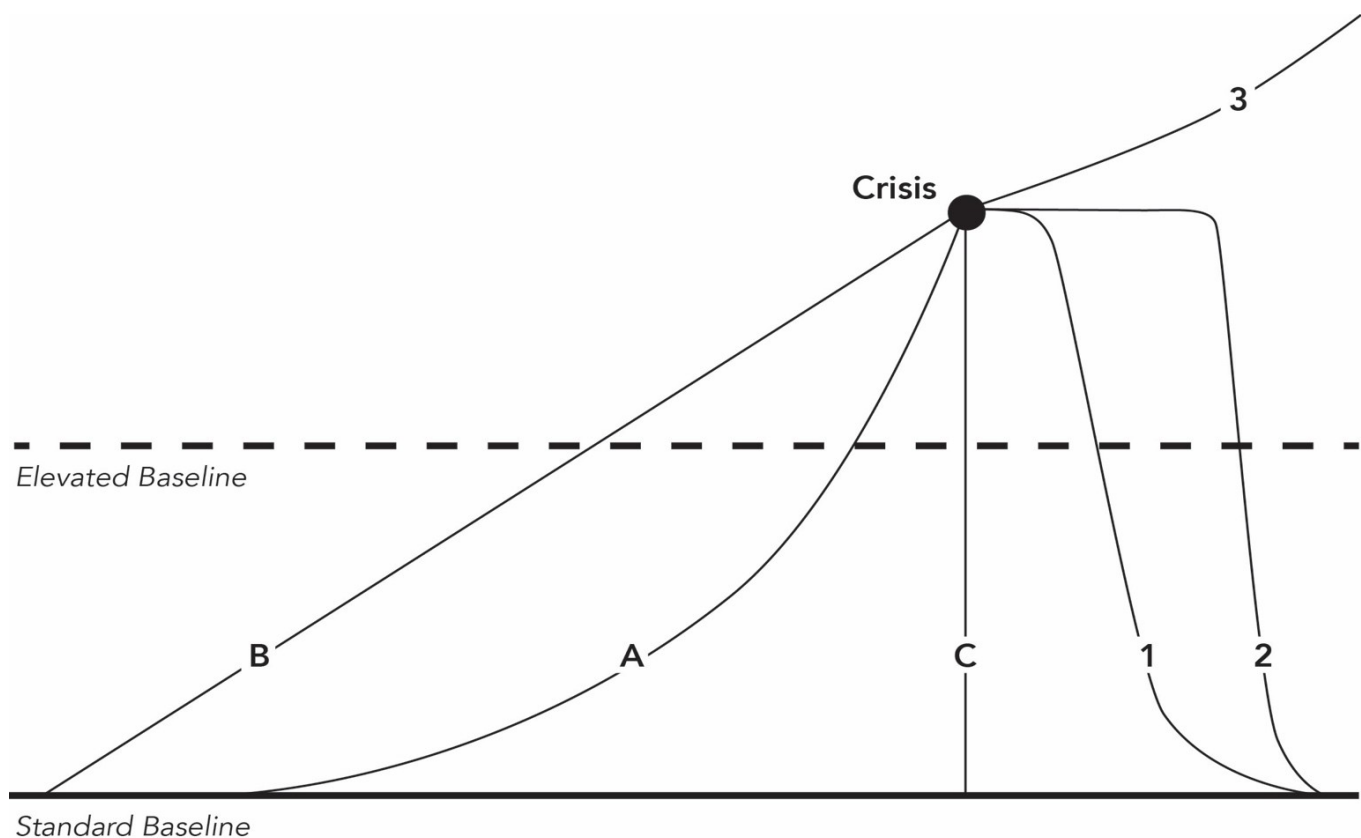


Figure 15: Crisis Life Cycle

Note: The point of *crisis*, labeled here, is the focal point for interactions between Blacks and law enforcement officers. To the left of the *crisis* point is the lead up to the *crisis*. Line A is the traditional *crisis* escalation path which also represents the frame by which actions are judged and legislation is made. Line B indicates that, for Blacks, the *crisis* began earlier in time than acknowledged by Line A. Line C represents a law enforcement perspective in which escalation is immediate with no warning before a *crisis* appears. To the right of the *crisis* point, Line 1 indicates a traditional return to baseline status. Line 2 indicates a prolonged period of *crisis*. Line 3 indicates no return to normal and instead shows a continued escalation. The dashed line represents the elevated baseline that is common in Black communities with contentious law enforcement relationships.

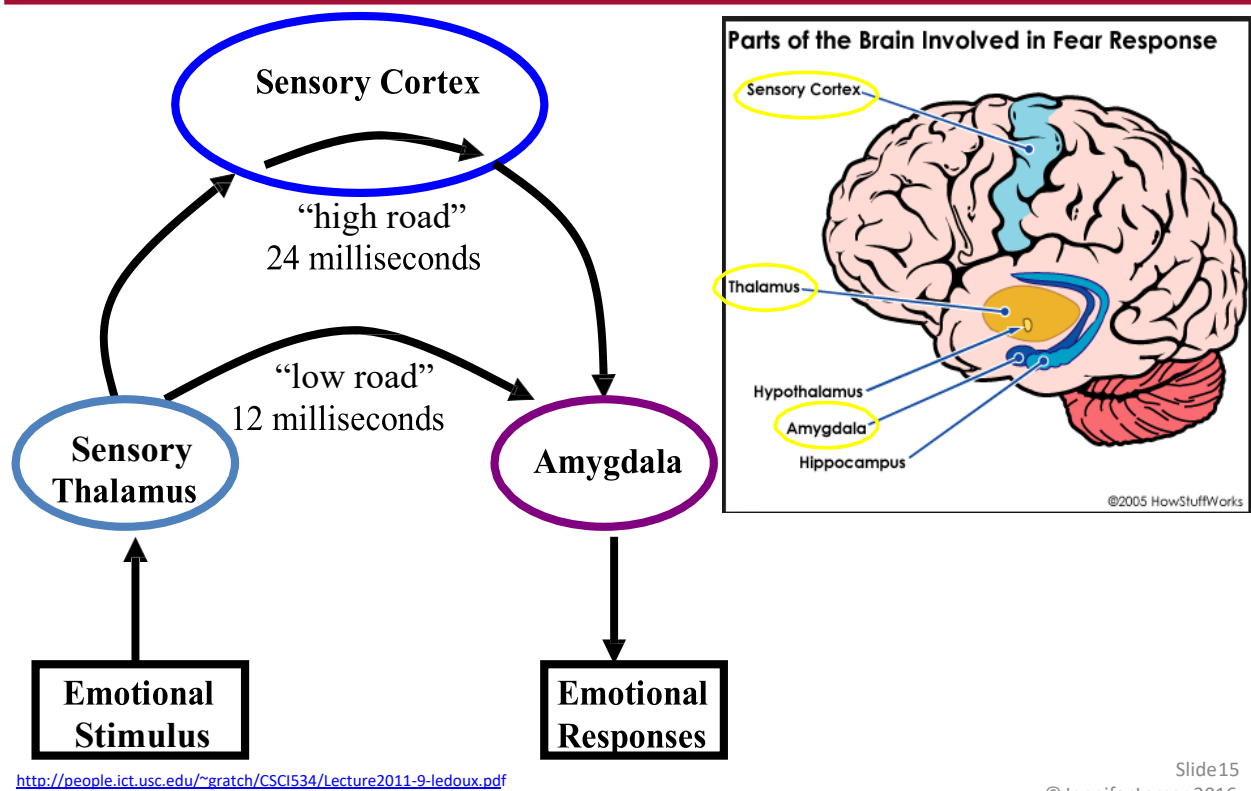
Conclusion #3: People process information differently. Separate from the externally-driven filtered factors of Conclusion #2, this represents an internal process that occurs after the information has been received and in order to affect the response to that stimuli. Instead of being filtered before the processing begins, this represents the emotion-influenced process of responding to stimuli. The human brain has more than one option for how thinking occurs. It has seemingly limitless possibilities in terms of what it can accomplish but it also has clear limitations. Information is received from multiple sources at the same time in a serial fashion, but the brain processes this information in serial. This means that each datum is processed either before or after each other datum rather than at the same time. This is important in the midst of a critical incident because a myriad of data is available, yet human interpretation of the data depends largely on which data is processed first. The human brain has a selection process for determining which of two pathways is used for processing a particular piece of information.

In the context of the critical incidents in the policing of Black America, Blacks who experience a high level of fear during the confrontation use a System 1 approach. Law enforcement officers are trained to use a System 2 approach, although they sometimes revert to using System 1. System 1 thinking occurs much faster than System 2 thinking and System 1 doesn't require purposeful cognition. It is automatic and often unconscious. The absence of intention makes this method prone to bias and systematic errors. System 2 thinking is cognitive, slow, and requires effort. In the heat of a critical incident, effortless processing of emotion happens twice as fast as intentional cognition. Figure 16, reprinted with permission from the author, shows how emotional cognition effectively takes over during a critical incident.

The human brain has multiple pathways available for interpreting data and initiating a response. This data exists in parallel forms where information is available simultaneously from

multiple sources. The brain, however, processes this information in serial, meaning there is a clear prioritized sequence in which the information is processed. In addition to the sequencing, the pathway difference is significant. The traditional path for processing information is comprehensive, thoughtful and objective. Consequently, it is also slower. During times of strong emotions, including fear, the brain opts for a quicker self-preservation-oriented result. It has an option for a quicker pathway that travels at twice the speed of the slower analytical one. This comes at the expense of accuracy. Instinctual thoughts drive the decision and overshadow logical thought. This means that any emotional baggage brought to a conflict will influence the interaction if strong emotions are present. Following logical procedures and instructions is a logical expectation of people involved in a conflict, but it is less likely to occur in the presence of fear and anxiety. Improving outcomes of critical incidents requires addressing these contributing factors before the critical incident begins.

Two routes for emotion



Slide15

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Figure 16: Two routes for emotion

Note: reprinted with permission of author. The high road represents traditional cognitive System 1 processing (24ms). The low road represents the faster, emotion-based, System 2 processing (12ms). Law enforcement training prepares officers to take rational cognitive approaches to critical incidents. History invokes strong emotions among Blacks when interacting with law enforcement officers. Emotive responses are processed (in rats) twice as fast and are, therefore, can't be ignored or replaced with traditional processing. Better outcomes require addressing the fear and other emotions encountered by Blacks who come in contact with law enforcement officers.

Source: Lerner (2018)

This problem-solving approach presents a mismatch because proposed solutions for remedying this conflict revolve around the slower System 2 thinking. As long as strong emotions are involved, they will prompt more rapid responses than their slower counterpart. We can't change the speed of cognition or the fact that our own biases have greater influence in System 1 thinking. Alternatively, we can address the root cause of those emotions and identify or mitigate the biases.

Conclusion #4: Outcomes of fear and racism can be indistinguishable.

The improper alignment of the threat that is anticipated and the threat that is encountered increases the chances of negative outcomes in use-of-force incidents. Law enforcement officers are trained and equipped to handle a wide range of situations from assisting stranded motorists all the way to using lethal force to stop a perceived threat. The range is too wide for an officer to reliably and quickly transition from one end of the range all the way to the other. Instead, using the combat color code, officers enter a situation with a narrowed set of options. If an officer responds with a low threat level to a high threat call, the officer's safety is endangered. Conversely, if an officer responds with a high readiness level to a low-level call, the officer is at risk of overreacting either by perceiving a non-existent threat or responding with too much force.

With proper alignment of threat and anticipation, well-trained officers respond appropriately virtually every time, resulting in the successful resolution of a call-for-service. When a misalignment exists, however, the chances of a successful outcome decrease. Tremendous scrutiny is placed on the actions of officers and suspects during incidents involving force, but the combat color code alignment of anticipated threat and real threat goes unnoticed.

The research demonstrates that this is an underestimated factor in determining the outcome of a critical incident.

Figure 17 shows the way the combat color code is implemented with an emphasis on the filtering process that informs an officer's decision about choosing a state of readiness. Most importantly, the figure shows how the interpretative process in which information is filtered to make a readiness decision. That filter is the most important takeaway from this study because that filtering or funneling process determines whether or not an alignment exists between the anticipated threat and the encountered threat. The mismatch can occur for a number of reasons but, regardless of the reason, the outcome is the same. Thus, the outcomes of those scenarios are indistinguishable from one another and form an unreliable basis upon which to evaluate an officer's intent during an incident.

Racism is a common assertion made against law enforcement officers who are perceived to have responded with force to Black suspects. If true, simply describes a misalignment of actual and perceived threat that occurred during the filtering process. In this example it would mean an officer anticipated a higher threat than was justified based on implicit bias against the suspect that created fear. It is notable that the existence of fear is a pivotal finding in the legal analysis of critical incidents. The legal standard does not differentiate between the factors upon which the fear is based, only that it was reasonable under the circumstances.

A finding from this study identified the benefits of familiarity by law enforcement officers of the cultural and environmental differences of the population being policed. It specifically linked the lack of familiarity to the existence of fear. It also noted the existence of fear as a contributing factor to bad decision-making in the heat of a crisis. One way that the presence of fear facilitates bad outcomes is by exaggerating the perceived threat level of a

situation. In other words, this is another example of the filtering process of Figure 17 misaligning the actual and perceived threat. This can be demonstrated with several factors such as implicit bias, poor training, and even officer fatigue.

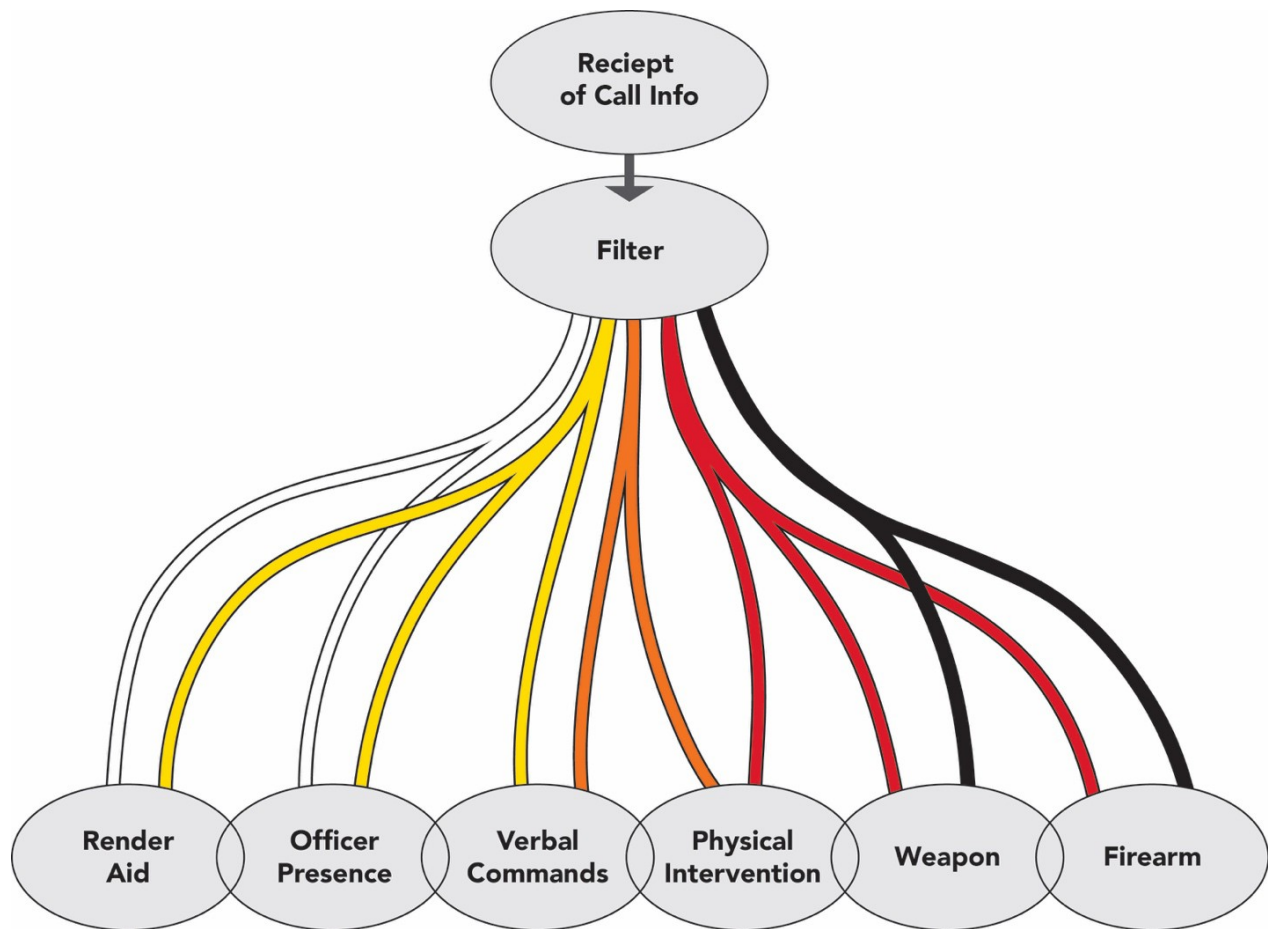


Figure 17: Filtering of Information Determines Outcomes

Note: The bottom of the graph represents (from left to right) the range or scope of law enforcement responses – from assisting a stranded motorist to using lethal force. It is impractical for an officer to quickly move from one end to the other in time to take appropriate action. In order to be available to the officer, the range is narrowed during an incident. The combat color code represents this narrowing. If an officer's combat color code selection is too high, the results can include anything from poor customer service to unnecessary use of force and overestimating a threat. Conversely, entering a situation too low on the scale puts the officer in danger of not

quickly recognizing a threat which can be a fatal error. The vertical colored columns represent the combat color code and demonstrate that entering a situation with the wrong combat color decreases the chances of a favorable encounter. The selection process is largely informed by the information received by the officer en route to the incident. This information often comes from the person who called 911 and provided information to a dispatcher. A flaw in the system is that a misinformed or malicious caller sets in motion a set of events that influences the outcome. Neither the officer nor the suspect has control over the path even though they are the ones at risk in a high stakes encounter. Meanwhile, malicious callers are generally provided *defacto* immunity for their role in initiating a sequence of conflict.

While errors in the filtering process can skew results, the quality of the information being filtered is also significant. When a patrol officer receives a call-for-service, the officer doesn't have the luxury of having access to all of the pertinent information, nor does the officer have the ability to engage a potential suspect prior to making a determination about the readiness level to choose. Instead, the officer must make an initial assessment even before encountering a potential suspect. This process relies on the only available information at the time of the call. This may include personal knowledge of the person or area in question but is primarily based on the information received from dispatch. The dispatcher is only able to relay information received from the person who initiated the call-for-service in the first place.

There have been countless instances in which information provided by the caller is inaccurate. It could be because of a misperception on the part of the caller but could also be because of the caller's own biases or racist tendencies. Whether or not the information is malicious, inaccurate information is dangerous. If it causes the responding officer to underestimate a threat, the officer's safety could be jeopardized. Alternatively, if the caller exaggerates the threat by saying the suspect has a gun, for example, that misinformation starts in motion, a potentially deadly chain of events. An officer responding to a call with information

that causes the officer to believe a suspect is armed forces the officer to respond with a high threat level response. If it turns out that the suspect was not armed, the suspect may not fully appreciate the gravity of the situation, resulting in misunderstandings, overestimations, and sometimes the unnecessary use of force. When this occurs, common practice is to evaluate the officer's intentions, training, and experience while simultaneously exploring the background of the suspect. What's missing from this evaluation is the person who called 911 in the first place to initiate this sequence.

What should absolutely be scrutinized is the work of people charged with protecting our communities. We should absolutely work tirelessly to reduce the harm that comes from negative interactions between Blacks and law enforcement officers. The stakes are too high for everyone for us not to make this a high priority. In the interest of addressing true causal factors, though, we should not limit our inquiries to the people who were physically engaged in the confrontation. We should be willing to examine the role and motives of ancillary parties to the conflict. Reviewing the outcomes alone does not provide sufficient insights into an officer's intent because the filtering process shown in Figure 17 demonstrates the same outcome whether the filtering error was the result of racism, training, or bad information provided by a third party. Blaming the victim harms the relationship between the groups and is unfair to the victim. It's worth being committed to identifying the parties who are actually at fault, so they can be brought to justice.

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APPENDICES

Appendix 1 Approved Informed Consent Form

Request to Participate in Research - Northeastern University, College of Professional Studies
Name of Investigator: Principal Investigator, Dr. Jean-Daniel LaRock, Student Researcher, Kurt O. Wilson

Black and Blue: Revealing the harsh realities, impacts, and opportunities of policing Black America through interpretative phenomenological analysis of the lived experience

INFORMED CONSENT EXPLANATION

We would like to invite you to take part in a research project. The purpose of this student research is to explore the lived experience of policing Blacks in America. You must be at least 18 years old to participate.

The interview will take about 60 - 90 minutes. If you decide to take part in this study, you will be asked a series of questions about your experiences and perceptions about policing Blacks in America. This includes your views on the current and historical relationships between Blacks and police, the reasons for any conflict, and what should or shouldn't happen in the future to improve the situation.

There are no foreseeable risks or discomforts to you for taking part in this study with the exception that the topic may be sensitive and may invoke emotional responses from either you or in response to your comments. You have the option of selecting whether or not, and to what level, you would like your responses to be treated as confidential. With your permission, the interview(s) will be recorded. If you choose to waive confidentiality and provide any responses that are untrue or provocative, there is a risk of offending, or having the truth exposed by, anyone who views your responses. If confidentiality is waived, data will not have limits on accessibility by interested parties. If, however, you express a concern about, or desire for, confidentiality or anonymity, your data will be protected. Specifically, data access will be limited to people who require access for purposes of academic supervision (e.g. researcher and Primary Investigator) or transcription. In the case of transcription, the sensitive data will only be transcribed by person(s) trained in the handling of sensitive data.

There are no direct benefits to you for participating in the study. You will not be paid for your participation in this study. However, your answers may help us to learn more about this important issue and shape policy solutions. If you choose to waive confidentiality, you may be recognized for your contributions.

You were selected for participation based on your background or expertise in this area. The project will benefit, not only from your insights, but from the ability to align those insights to your expertise in a way that lends credibility and enhances the chance of improving the relationship between Blacks and police. As a result, unless you request anonymity, no efforts will be made to shield your participation or responses.

The decision to participate in this research project is up to you. You do not have to participate and you can refuse to answer any question. Even if you begin the study, you may withdraw at any time.

If you have any questions about this study, please feel free to contact Kurt Wilson at Wilson.ku@husky.neu.edu, the person mainly responsible for the research. You can also contact the Principal Investigator, Dr. LaRock, at jd.larock@northeastern.edu.

If you have any questions about your rights in this research, you may contact Nan C. Regina, Director, Human Subject Research Protection, Mail Stop: 560-177, 260 Huntington Avenue, Northeastern University, Boston, MA 02115. Tel: 617.373.4588, n.regina@northeastern.edu. You may call anonymously if you wish.

Thank you. You may sign the form below and retain this for your records.

Kurt Wilson

IRB# CPS17-10-24
Approved: 12/7/17
Expiration Date: 12/6/18

Appendix 2: Approved Institutional Review Board application

Appendix 3: Completed Institutional Review Board Document