COPS TRAINING

Procedural Justice for Law Enforcement

Participant Guide

August 2013

King County Sheriff's Office
Advanced Training Unit

COMMUNITY POLICING – BUILDING *Relationships,* SOLVING *Problems*

Participant Guide

Prepared by the
**King County Sheriff's Office
Advanced Training Unit
19010 - 1 st Ave S.
Burien, Wa. 98148**

Developed and written by
**Deputy Tammy A. Kynett, Deputy Chad R. Mulligan, &
Sgt. Andrew M. Mccurdy**

With special thanks to
Ruth Zschoche, Ph.D
Washington Criminal Justice Training Commission,
Advanced Training Division

· For the
**Office of Community Oriented Policing Services
United States· Department of Justice**

Course Introduction

Overview

Course Development

This course was developed by the King County Sheriff's Office in partnership with the Washington State Criminal Justice Training Commission (WSCJTC), and with support from the Office of Community Oriented Policing Services (COPS) through the Community Policing Development (CPD) Program. This course supports the efforts to further the practice of community policing in law enforcement agencies.

The curriculum for this course was designed to be a stand-alone product for agencies while still retaining the latitude necessary to tailor elements to individual agency needs and instructor experiences.

Course Introduction

Tom Tyler of Yale University, a research expert on procedural justice and police legitimacy, has found that the legitimacy and effectiveness of law enforcement is impacted by the public's perception of law enforcement fairness and justice, and that improving on this perception is a neglected area of training and practice. This neglect may explain why, after three decades of dramatically falling crime rates, improved training, and widely used community policing strategies, public perception of police still has not significantly improved (Tyler and Pearsall 2010).

Procedural justice within the policing context refers to the principles of fairness in the processes that resolve criminal justice disputes and allocate law enforcement resources. It is defined by the public perception of the fairness and the transparency of the processes by which law enforcement authorities make these decisions. Procedural justice is the fulcrum upon which police legitimacy-the belief that the police have the right to possess and exercise their authority-balances (Tyler 2006 (b)).

The four pillars of procedural justice are: 1) giving citizens a voice and representation in the decision-making process, 2) offering transparent and trustworthy motives in the decision-making process, 3) maintainfng neutrality (fairness and consistency) in the decision-making process, and 4) behaving with respect for a person's rights and dignity (Tyler 2004).

Since the 1960s the United States has become an increasingly punitive society in which harsh punishments, as an attempt at deterrence, are the main response to rule breaking. Holding fast to a bellef in deterrence theory, the criminal justice system and government authorities have embraced polices such as the war on drugs, and zero tolerance drug and nuisance strategies, in an effort to "get tough on crime". Unfortunately, such strategies have disproportionately impacted the marginalized, the

poor, and the minority communities. When segments of society perceive that the police use unfair procedures in the exercising of their authority, the result can be public alienation, dissatisfaction, defiance, and non-cooperation (Sunshine and Tyler 2003). In marginalized communities, officers encounter not merely dissatisfaction, but open mistrust and hostility. These dynamics hamper law enforcement effectiveness and negatively impact officer safety.

Implementing procedural justice principals becomes increasingly important as law enforcement agencies across the country face shrinking budgets and are challenged to provide effective services with fewer and fewer resources. This increased importance relates to the power of procedural justice to increase police legitimacy in the eyes of the public. Increased legitimacy through procedural justice principles of behavior is significant for effective policing in a few ways:

First, just because law enforcement officers have the authority to issue a command does not necessarily mean that those commands will be obeyed. Fear of sanction or punishment will deter only a portion of society from rule breaking. Effective social control is best achieved when citizens become self-regulating and take personal responsibility for following social rules. Research suggests that people will obey laws without the threat of sanctions when they can trust through their own experiences that the issuing authority is just and legitimate (Sunshine and Tyler 2003). Actions to engender this trust are the backbone of procedural justice. The use of procedural justice should thus increase legitimacy and lessen the burden on law enforcement.

Second, procedural justice research indicates that people are more concerned about how they feet they were treated during the decision-making processes that led to a criminal justice outcome (e.g., warning, citation, arrest), than about the outcome itself. For instance, Tyler (2004) found the decision regarding whether or not a person feels they have received procedural justice depends on: 1) whether the person perceives that the officer gave them an opportunity to actively participate in discussions or explain their views prior to the officer's decision-making; 2) whether the person feels that the officer would have treated anyone else in a like-manner and hence exercised neutral and objective decision-making; 3) whether the person feels that the officer treated them with respect and dignity during the process; and 4) whether the decisions made or actions taken by the officer were explained to the individual(s) impacted by them, thus making the process transparent. Each of these elements constitutes, the pillars upon which procedural justice is built and leads to increased perception of police legitimacy and increased satisfaction.

Third, the research suggests a more long term impact of procedural justice. When a person feels that each of the procedural justice factors has been satisfactorily met by an officer, he or she is more apt to view the law and law enforcement, *as whole,* as legitimate authorities to be obeyed. Therefore the actions of individual officers can have a huge impact on the long term beliefs and future conduct of the persons they come into contact with. Any interactions with law enforcement can serve to either enhance or

lessen a person's judgment about police legitimacy and effect any future interactions that they may have.

When discussing procedural justice, it is important to acknowledge that it plays upon a backdrop reality that officers work in an environment that is full of uncertainty and potential danger. Officers can face life-threatening situations that impact themselves and others, sometimes resulting in the death of a fellow officer or the death of a citizen. Officers are constantly confronted with threat ambiguity, as the enemy is seldom readily identifiable or distinguishable from the ordinary "friendly citizen". Through cumulative experience, police officers learn that trust should not easily or readily be conferred upon others, particularly outsiders. Criminals, victims, and even ordinary citizens can be deceitful or manipulative, often for no other reason than they are suspicious and distrustful of police (Henry 1995).

This police culture of distrust in the public can be reinforced by the way in which recruits are selected and how they are trained. Many recruits are often chosen from the military community, and are taught to be ever vigilant and to maintain their edge over the public that they serve. And, for many years now police training has maintained a primary focus on the tools and physical tactics needed to keep officers safe and quickly resolve disputes or confrontations. While these methods may have improved officer safety during physical confrontations they have done little to improve the public's trust and confidence in their police departments. Ironically, without this trust there is less cooperation or voluntary compliance, which can result in an increasing need for police to resort to physical force to maintain order. If in-service police training constantly emphasizes the potential for danger in work and reinforces the mindset of officers being the insiders and the public being the outsiders (without teaching alternative choices of interaction with the community), the culture will not change (Paoline 2003).

Research suggests that by increasing public cooperation, the procedural approach to citizen interaction may enhance the safety of both law enforcement officers and community residents (Tyler and Hua 2002). When the public views the police as legitimate, much of their everyday behavior will conform to the law, which then frees up the police to deal with the more problematic people and situations. In addition, the efforts of the police to manage such problematic people and situations will be supported by increased public cooperation. Finally, when the police need discretionary authority, their use of such authority will be supported by the public. Therefore, a procedural justice-based approach to regulation enhances social order by engaging public cooperation with law and legal authority (Sunshine and Tyler 2003).

The current currtculum seeks to enhance police legitimacy through improving the everyday interactions of line officers with the public that they serve. Public trust grows and legitimacy improves when officers treat people with respect and exercise authority in a manner that is perceived as fair and just.

Course Purpose

The purpose of this course is to create a broader awareness of procedural justice and its core principles, and to instill in officers the importance of utilizing procedural justice as a means of increasing police legitimacy. Officers will learn how enhancing public belief in police legitimacy increases voluntary citizen compliance and community support, and, as a result, improves officer and citizen safety.

Target Audience

The target audience for this course is sworn law enforcement line officers. However, the course material is relevant to law enforcement personnel at all organizational levels.

Course Length

The course length is eight (8) hours or one (1) day.

Scope of Course

This curriculum is relevant and adaptable to law enforcement agencies nationwide.

The course introduces officers to procedural justice and its core principles. It is designed to enable students to understand how utilizing procedural justice principles increases both immediate compliance and cooperation during citizen interactions, and long term public views of police legitimacy resulting in increased general compliance and community support. It further explores many of the challenges and stressors that threaten police physical and career "survival" and how procedural justice principles can mitigate many of those challenges, including increasing officer safety through both short-term encounters and long-term community relationships.

Central Course Topics

*   How listening to citizens increases officer safety (immediate outcome)

*   How listening to citizens and explaining the processes to them increases voluntary compliance (short term outcome)

*   How treating people fairly and with dignity and respect increases public perception of police legitimacy and results in voluntary compliance and public support (long term outcome)

*   LEED acronym as a strategy to remember procedural justice principles

*   Communication principles and basic human needs

- Tactical communications, including application of procedural justice principles in officer-citizen interactions from the everyday interaction to the dangerous encounter

- Reality of danger in modern policing

Course Structure

The course is divided into eight modules which are identified below.

Module 1: Introduction and Logistics

Module 2: Why Are We Here?

Module 3: The Interactive Nature of Policing Our Communities

Module 4: Legitimacy

Module 5: Benefits of Procedural Justice Based Policing

Module 6: Realities of Modern Day Policing

Module 7: Communication Principles and Basic Human Truths

Module 8: Making Procedural Justice a Part of Law Enforcement Culture

Activities:

Group activities and discussions are included to deepen the participants' understanding of procedural justice and how it impacts all interactions.

Module 1: Introductions

Module 2: Why Are We Here?

- Baltimore PD interference video

- Impact of legitimacy on law enforcement

Module 3: The Interactive Nature of Policing Our Communities

- What are your goals in policing?

- Expectations: Ours and the community's

- Community support

- Dayton, Ohio traffic stop video

- Angela Pierce video

- Forming negative opinions of each other

Module 4: Legitimacy

- Why do people obey the law?

- Tracey Meares (2 of 6) Deterrence and Legitimacy video

- Deterrence vs. Legitimacy: What do you think?

- Procedural Justice

- How do we impact trust and legitimacy?

- Dallas PD traffic stop video (CNN)

- Community bank account: Deposits and withdrawals

- Baltimore cops versus skateboarder video (YouTube)

- Assessing our interactions

- Applying procedural justice

- Atlanta, Georgia - COPS video

Module 5:   Benefits of Procedural Justice Based Policing

- .Managing the difficult: tipping the scale

- Spokane PD - COPS video

- Benefits of procedural justice

Module 6: Realities of Modern Day Policing

- What does officer "survival" mean?

- What challenges and stressors impact ability, willingness, and effectiveness?

- What are the most effective tools to mitigate challenges?

- "Types" of people and examining stereotypes

- Who is dangerous?

Module 7:   Communication Principles and Basic Human Truths

- Communicating via body language

- Carthage, Texas traffic stop video

- Leaking our feelings and intentions

- Respect: Costs and benefits

- Aspects/benefits of listening

Module 8:   Making Procedural Justice a Part of Law Enforcement Culture

- Legitimacy at "home"

- Leadership

- Creating cultural change

Course Overview

Module 1: Introduction and Logistics

Scope Statement

This module provides a review of the purpose of the course, the course learning objectives, and the course structure. The instructors will introduce themselves to you and share their background and expertise. You will introduce yourselves to the class and share your present work locations/assignments and total years of law enforcement experience.

Terminal Learning Objectives (TLC)

You will be able to clearly articulate the general overview of the training program and the agenda for the day, without reference to training materials.

Enabling Learning Objectives (ELO)

1-1 Discuss module objectives for the course

1-2 Relate to other students and instructors

Module 2: Why Are We Here?

Scope Statement

This module explores the current public perception of police legitimacy, the impact of legitimacy on law enforcement officers, and the role of procedural justice in promoting police legitimacy.

Terminal Learning Objectives (TLO)

Without reference to training materials, you will be able to clearly describe police legitimacy and procedural justice, describe their benefits, and articulate the connection between the two.

Enabling Learning Objectives (ELO)

2-1 Discuss legitimacy and its effects.

3-2 Identify the characteristics of procedural justice, and discuss how they are applied and their effectiveness in creating police legitimacy.

Module 3 : The Interactive Nature of Policing Our Communities

Scope Statement

This module covers the interactive relationship between law enforcement and the community, and how that relationship impacts law enforcement effectiveness.

Terminal Learning Objectives (TLO)

Without reference to training materials, you will be able to clearly articulate the importance of public support for policing fforts, how law enforcement-community relations can impact public support, and how citizen and law enforcement expectations can conflict and cause harm to positive relations.

Enabling Learning Objectives (ELO)

3-1 Compare and contrast citizen and law enforcement expectations.

3-2 Identify reasons why police may lose community support.

3-3 Discuss the need for public support.

Module 4: Legitimacy

Scope Statement

This module covers how to increase public trust and legitimacy by using procedural justice principles and the LEED model as a means of increasing voluntary compliance.

Terminal Learning Objectives (TLO)

Without reference to training materials, you will be able to clearly compare and contrast different policing strategies, clearly describe the effectiveness of legitimacy strategies for increasing public trust, accurately list the components. of the LEED model, and clearly identify how procedural justice principles and the LEED model behaviors can be used effectively in everyday policing interactions.

Enabling Learning Objectives (ELO)

4-1 Examine different policing strategies.

4-2 Discuss how legitimacy policing strategies impact public trust.

4-3 Discuss how to use procedural justice principles and the LEED model as a communication strategy to build public trust and legitimacy.

4-4 Evaluate the value of using procedural justice principles and the LEED model behaviors in everyday policing interactions

Module 5: Benefits of Procedural Justice Based Policing

Scope Statement

You will identify the multitude of benefits of procedural justice based policing.

Terminal Learning Objectives (TLO)

Without reference to training materials, you will be able to clearly articulate how strategically applying procedural justice principles to interactions with citizens, with the use of LEED behaviors, can impact officer safety and mitigate the stresses and challenges of police work.

Enabling Learning Objectives (ELO)

5-1 Explain how utilizing procedural justice principles can mitigate the challenges and stresses of police work and discuss examples.

5-2 Demonstrate retention of knowledge pertaining to procedural justice principles

Module 6: Realities of Modern Day Policing

Scope Statement

This module explores the working environment of modern police officers and the factors that impact officer physical and career survival. It introduces procedural justice and communication skills as tools to promote officer and citizen safety.

Terminal Learning Objectives (TLO)

Without reference to training materials, you will be able to clearly articulate the practical value and officer safety benefits that can result from applying the core values of procedural justice to interactions with non-compliant citizens.

Enabling Learning Objectives (ELO)

6-1 Discuss the challenges and fears one faces as a modern police officer.

6-2 Define "officer survival", discuss threats to physical and career survival including officer mindset, and discuss procedural justice as one of the tools that can be used to address these threats.

Module 7: Communication Principles and Basic Human Truths

Scope Statement

This module will reinforce the importance of verbal and nan-verbal communication during all interactions; reiterate the basic psychological needs of all people to feel important and valued; and demonstrate how these principles apply to officer safety.

Terminal Learning Objectives (TLO)

Without reference to the training materials, you will be able to clearly articulate the impact of verbal and non-verbal communication on citizen interactions and officer safety, be able to clearly explain how respect and active listening behaviors can positively impact interactions due to the psychological needs of most people, and be able to accurately identify the meanings of at least two common non-verbal behaviors.

Enabling Learning Objectives (ELO)

7-1 Discuss body language concepts.

7-2 Discuss the psychological needs of people.

7-2 Observe and identify certain forms of non-verbal behavior and their meanings

Module 8: Making Procedural Justice a Part of Law Enforcement Culture

Scope Statement

This module will provide you with a general overview of how modeling good communication skills and incorporating principles of Procedural Justice into leadership strategies can improve the legitimacy of police administrators among line staff officers.

Terminal Learning Objectives (TLO).

Without reference to training materials, you will be able to clearly articulate how the leadership strategies used by the supervisors and managers in your organization may impact the legitimacy of the administrators from the perspective of line staff officers.

Enabling Learning Objectives (ELO)

8-1 Discuss leadership strategies used by police administrators within the host agency.

8-2 Examine the need for cultural change in order to implement procedural justice as a long term policing strategy.

EVALUATION STRATEGY

The evaluation strategy designed for this course contains three elements:

Learning Checks are a self evaluation for participants. Learning Checks are found at the conclusion of each module in the Participant Guide. Learning Checks are intended to aid the participant in retention of important course information. At the conclusion of each module, the instructor will summarize the module and review module objectives and encourage participants to evaluate their learning by completing the Learning Checks.

Level I-The Level 1 evaluation is a student assessment of the course and the instructor/s. It will evaluate the course effectiveness, the course benefit, the instructor/s, and the delivery method. It will also provide a self-evaluation of the student's knowledge/skills/abilities (KSAs) level in procedural justice and allow for general comments. Instructor/s should ensure that the Level I Evaluation is completely filled out by each student using black ink.

Level II-The Level II evaluation consists of a pre-test and post-test which will evaluate participant level of learning. The pre-test will be administered prior to the beginning of the course. The post-test will be administered and collected during the wrap-up at the end of the curriculum. Through comparison of the pre- and post-test results, participants' level of learning will be determined.

Completion-Upon completion of the Level I evaluation and the Level II post-test, students will turn in evaluations to the instructor. The instructor will check forms for completion and legibility. Post-tests should be graded if possible.

Certificate-If participants attend the entire day, they will receive a Certificate of Attendance when they turn in their Post-test and Course Evaluation.