

Facilitator Guide

Procedural Justice and Police Legitimacy (PJ1)

National
Initiative for
Building
Community
TRUST &
JUSTICE

Credits

Procedural Justice and Police Legitimacy **Facilitator Guide**

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Overview

Course Details

Duration of Instruction

Total Time: 8 Hours

Materials and Equipment

- Computer with PowerPoint capability
- PowerPoint Slide Presentation
- Proxima Projector and screen
- Suggested room set-up
 - Participants sitting at tables that fit four to five people
 - Each table assigned a table number
 - White boards or flip charts and writing instruments for each table
 - Table tent for each participant

Course Goal

The goal of this course is for law enforcement officers to understand and employ the core concepts of police legitimacy and procedural justice in order to build better relationships with the communities they serve.

Learning Objectives

By the end of this class, the officers will be able to:

- Define legitimacy and state how to increase police legitimacy.
- Define procedural justice and discuss its benefits.
- Review history to understand the present relationship between the police and the communities they serve.
- Understand the role history has played in hindering legitimacy in some communities.

How to Facilitate This Course Successfully (FranklinCovey, 2009)

Provide a Safe Learning Environment

- Set a positive tone and create an atmosphere where it's safe to share ideas.
- Guide group discussions in order to avoid inappropriate personal comments, unconstructive criticism, or hurtful remarks.
- Don't let a few people monopolize discussions. Make sure everyone is involved in the exercises and discussions.
- Don't ask a question and then call on an individual to answer it. Ask your question and then ask if anyone has a suggestion or an answer. If your group is quiet, they may prefer opportunities to address questions at their individual table groups and share highlights with the large group.

Timing and Pace

- Stay within specified time limits as closely as possible to ensure ample time for completing all sections of the course.
- Keep the pace of the program energetic and interesting.

Breaks

- Provide breaks to maintain participants' energy and interest.
- Suggest make coffee and water available for participants throughout training.

Overview

Modeling and Personalizing

- Model procedural justice to increase the power of your teaching. What you are will be as powerful in the eyes of your participants as what you say.
- Share your own experiences and viewpoint will to increase the impact of your teaching. Use powerful personal stories to illustrate the concepts from your own experience.
- Make the learning as interactive as possible and avoid lecturing too much.
- If multiple instructors are involved, conduct face-to-face relief when transitioning between modules.
- Vary the activities. Let participants work as individuals, in pairs, in table groups, or with randomly selected teams, as room size and the number of participants allow.
- Remember to set up and debrief videos appropriately and do not just show them. To debrief a video, seek insights from participants on what they learned.
- When tailoring materials to an audience, ensure any local photos and/or videos are of officers in good standing with the local department.
- Instructors can decide whether to use animation in the PowerPoint slides.

Introduction

Instructor Notes

In order for an instructor to teach and facilitate a class on procedural justice and police legitimacy, one must first possess a working knowledge of prior research conducted in this area. For this reason, this lesson plan has been divided into two distinct sections. The first section (titled “Research”) provides ample information and data from extant research on the topic of Police Legitimacy. The second section offers a detailed plan on the delivery of material.

The following represents a brief synopsis of some of the major studies concerning procedural justice and police legitimacy.

Research

The role of procedural justice and legitimacy in shaping public support for policing Sunshine & Tyler (2003)

In 2003, Sunshine and Tyler stated that legitimacy is a property of an authority that leads people to feel that the authority is entitled to be deferred to and obeyed. It represents peoples’ acceptance of the need to bring their behavior in line with the dictates of an external authority. The researchers stated that the police gain acceptance when they are viewed by the public as fairly distributing police services across people and communities (distributive fairness).

The procedural justice perspective argues that the legitimacy processes through which the police make decisions and exercise authority. If the public judges that the police exercise their authority using fair procedures, their model suggests that the public will view the police as legitimate and will cooperate with policing efforts, alienation, defiance, and noncooperation.

Since the establishment of the first formal, full-time police force in the United States, the police have endured numerous challenges to their legitimacy as an institution of social control. Throughout their history, the

relationship between the police and the public has been tumultuous. Instances of police misconduct, with recent examples being the police use of force on Rodney King in Los Angeles, the shooting of Amadou Diallo in New York, and the sexual assault on Abner Louima in New York, have long sparked reactions ranging from full-scale riots to public indictments of police practices and public mistrust of the police (Sunshine and Tyler, 2003).

Sunshine and Tyler (2003) stated that if the public views the police as legitimate, they will be more likely to assist the police with crime prevention (i.e., reporting crime or calling for help). They found that if the police are viewed as legitimate, they are given a wider range of discretion to perform their duties. When they are not viewed as legitimate, their actions are subject to challenge, their decisions are not accepted, and their directives can be ignored.

It is recognized that the police want more from people than just their willingness to defer to law by limiting their engagement in illegal behavior. The police also want members of the community to engage in proactive behaviors that help the police fight crime. A wide body of research makes it clear that individuals’ reactions to their personal experiences with the police are shaped by their evaluations of the fairness of the procedures the police use to exercise their authority. When people view the police as legitimate, they are more likely to voluntarily defer to police action and less likely to challenge it. Further, intrusive police tactics are more widely tolerated by the public when the public trusts the motives that drive those tactics. Greater discretionary authority will enable the police to perform their regulatory role more effectively and efficiently (Sunshine and Tyler, 2003). A procedural justice-based approach to policing allows the police to focus on controlling crime without alienating the public. Procedural justice-based policing is based on the expectation that, when people

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view legal authority as legitimate, they voluntarily follow the law. When people view the police as legitimate, they are more likely to call them to report crimes or volunteer their time to work with them in their communities. When the public views the police as legitimate, they are more likely to empower the police to perform their policing duties and less likely to try to circumscribe police activity or limit police discretion. Thus, public evaluations of legitimacy influence the degree to which the police have discretionary authority that they can use to function more effectively because the public is likely to give them more leeway to use their expertise (Sunshine and Tyler, 2003).

Policing based on the process judgment of procedural justice rests on the assumption that people form assessments of legitimacy based more on how the police exercise their authority than on their effectiveness or on how equally police provide assistance to the various communities where they work. This latter aspect of the procedural justice-based model (i.e. the role of procedural justice in shaping legitimacy) is crucial, because more often than not, the police cannot provide people with what they want, nor can they control the crime rate. Though they are charged with the responsibility of controlling crime, they only partially control the factors that lead people to become criminals, and the resources may or may not exist for the police to engage in what they think will be effective strategies of crime control. Thus, the police cannot rely on effectiveness defined in terms of performance. They do, however, have some degree of control over how they exercise their authority when dealing with members of the public. According to the procedural justice-based model of regulation, it is through procedurally just interactions with the public that the police can impact their own legitimacy. Public evaluations of police legitimacy impact people's compliance with law, their willingness to cooperate with and assist the police, and whether the public will empower the police (Sunshine and Tyler, 2003).

Procedural justice during police-citizen encounters **Dai (2007)**

Dai (2007) stated that process-based policing is a type of proactive regulation strategy in which the police are supposed to follow fair procedures during encounters. In this way, the police will increase their effectiveness and, at the same time, build and maintain their legitimacy. It is further suggested that there is a spiraling effect during regulation, because legitimacy makes process-based policing more effective in the future. Process-based policing, therefore, has implications for establishing a law-abiding society.

The process-based approach to policing supplies a set of directions for its implementation. It is argued that some key elements of a procedure about the quality of interpersonal treatment and the quality of police decision-making lead a procedure to be viewed as fair. In particular, those elements are that decision making is viewed as being neutral, consistent, rule-based, and without bias; that people are treated with dignity and respect and their rights are acknowledged; and that people have an opportunity to participate in the situation by explaining their perspectives and indicating their views about how problems should be resolved. In fact, by doing so, this process-based perspective considers fairness to be an objective fact about these procedures, rather than an individual judgment about them (Dai, 2007).

The Legitimacy of Police among Young African-American Men **Meares (2009)**

Meares (2009) argues that the police have a unique opportunity to make a difference in the lives of young African-American men. Police officers are members of the government body with which poorly educated, young African-American men are likely to have the most contact, outside of public school officials. It is true that police officers provide young African-American men with many opportunities to shape negative opinions of law enforcement. However, this observation leads to the prospect of its opposite. Police officers as state officials have more opportunities than most state agents to make a positive difference.

Meares (2009) states that positive experiences lead to

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positive evaluations of police legitimacy at later dates. This occurs even when the relevant experience that the respondent had with the police led to a negative outcome. It might seem strange to say that one could have both a positive experience and a negative outcome, but there is a psychological theory that helps to make the point more clear. That theory is centered on the notion of legitimacy, and to explain what it means, it is useful to ask the following question: Why do people obey the law? Many people believe that people obey the law because they fear the consequences of failing to do so. The theory is simple and lies in deterrence theory. Deterrence theorists believe that people rationally maximize their utility and shape their behavior in response to incentives and penalties in the criminal code. If the cost of breaking the law becomes high enough because sentences are long, or because the likelihood of getting caught increases, then people will choose to obey rather than break the law.

Social psychologists have offered a different view that will likely resonate with people. Social psychologists point to normative bases for compliance rather than instrumental ones, and they have connected voluntary compliance with the law to the fact that individuals believe that the law is just or that the authority enforcing the law has the right to do so. These factors are considered normative; individuals respond to them differently from the way they respond to rewards and punishments. In contrast to the individual who complies with the law because he/she is responding to externally imposed punishments, the individual who complies for normative reasons does so because he/she feels an internal obligation. It is the suggestion that citizens will voluntarily act against their self-interest that is the key to the social value of normative influences (Meares, 2009).

The next question is to ask what it means to say that people will comply because they believe an authority has the right to dictate proper behavior to them. This is the essence of legitimacy. Social psychologists have tied together an explanation of governmental legitimacy to thought processes that people undertake when evaluating officials' behaviors and actions. Procedures that all parties regard as fair facilitate positive relations among group members and preserve the fabric of society even in the face of conflicting interests that exist in any group whose members have different preference

structures and different beliefs concerning how the group should manage its affairs. Putting this point another way, procedures might be considered more trait-like than outcomes, which are variable, or which may be extremely indeterminate in a particular case. While it may not be obvious how a particular case should end, it is almost always clear how parties should proceed and be treated in that particular case (Meares, 2009).

Researchers offer views regarding how people connect their treatment by government officials to assessments of social value. Individuals focus on three factors: standing, neutrality, and trust. By *standing*, researchers are referring to indications that the authority recognizes an individual's status and membership in a valued group, such as polite treatment that accords dignity and respect, including concern for rights. *Neutrality* refers to indications to the perceiver that he/she is not being made to feel less worthy than others because of an authority's bias, discrimination, or incompetence. *Trust* refers to the extent to which a perceiver believes that the authority will act fairly and benevolently in the future. Of course, individuals making assessments do not disaggregate them in terms of these factors; rather, they come to conclusions about authorities by considering information that is *relevant* to these factors. A legitimacy-based program of law enforcement will focus more on persuasion than it will focus on punishment. To achieve persuasion, authorities will have to pay attention to the creation of the necessary social capital that engenders trusting relationships between governors and the governed (Meares, 2009).

Legitimacy in law enforcement is not just a nascent strategy. It is movement with the potential to transform the way this nation does law enforcement, achieves community safety, and heals longstanding rifts between police and minority communities. It is, in short, about nothing less than ensuring domestic tranquility (Meares, 2009).

Introduction

Mechanisms of legal effect: Theories of procedural justice

Tyler & Mentovich (2011)

Tyler and Mentovich (2011) state that the issue of legitimacy is widely studied in the arena of law, and it is clear that the legitimacy of legal authorities and of the law itself shapes law-related behavior. Legitimacy is a quality that is possessed by an authority, a law, or an institution that leads others to feel obligated to accept its directives. When people ascribe legitimacy to the system that governs them, they become willing subjects whose behavior is strongly influenced by official (and unofficial) doctrine.

Procedures are mechanisms for making decisions. When thinking about those mechanisms, people evaluate fairness along several dimensions. First, do they have opportunities for input before decisions are made? Second, are decisions made following understandable and transparent rules? Third, are decision-making bodies acting neutrally, basing their decisions upon objective information and appropriate criteria, rather than acting out of personal prejudices and biases? Fourth, are the rules applied consistently across people and over time? (Tyler and Mentovich, 2011).

The quality of interpersonal treatment is very important. It involves the manner in which people are treated during a decision-making process. First, are people's rights respected? For example, do authorities follow the rules consistently and correctly? Second, is their right as a person to be treated politely and with dignity acknowledged, and does such treatment occur? Third, do authorities consider people's input when making decisions, and are decision-makers concerned about people's needs and concerns when they make decisions? Finally, do authorities account for their actions by giving honest explanations about what they have decided and why they made their decisions? Do they make clear that they have considered people's arguments and why they can or cannot do as people want? Judgments about the character and motivation of the decision-maker

(issues of trust in the intentions of others) are conceptualized in the procedural justice literature as a distinct aspect of interpersonal treatment. So, in the procedural justice literature, trust in intentions (motive-based trust) is usually framed as being a component of procedural justice (Tyler and Mentovich, 2011).

Beyond procedural justice: A dialogic approach to legitimacy in criminal justice

Bottoms & Tankebe (2012)

Bottoms and Tankebe (2012) state that it is the perceived procedural fairness of law enforcement authorities, rather than the favorability or the perceived fairness of the outcome of the citizen's, that is particularly important in shaping respondents' subsequent compliance.

Bottoms and Tankebe (2012) state that the concept of procedural justice is divided into two components. These are whether citizens are treated fairly when law enforcement authorities make decisions about them (e.g. by being allowed to have their say, without interruption or harassment, prior to a decision being made: "quality of decision making"); and secondly, whether law enforcement officers treat citizens with proper respect as human beings, each with his or her own needs for dignity, privacy, and so on ("quality of treatment"). Procedural fairness, if present, is more likely to lead to: (1) immediate decision acceptance, and (2) an initial ascription of legitimacy to the law enforcement authority. To the degree that people do regard the police and courts as legitimate, they are more willing to accept the directives and decisions of the police and courts, and the likelihood of defiance, hostility, and resistance diminish. Authority is legitimate when people believe that the decisions made and rules enacted by authorities or institutions are in some way 'right' or 'proper', and ought to be followed.

Introduction

Lesson

Instructor Note:

- Slide 1: Introduction
- Slide 2: Housekeeping

Introduction

At the outset of the class, the instructor(s) should introduce himself or herself, welcome the learners to the class, and provide a brief overview of the course of instruction.

Housekeeping

Review a few of the housekeeping rules.

- Please silence cell phones...there will be plenty of time to check your messages!
- Everyone has something to offer, so be respectful of the opinions of others. This is rank free room.
- Have an open mind!

Instructor Note:

- Slide 3: Welcome Video
- Slide 4: Objectives

State the Learning Objectives

- Define legitimacy and state how to increase police legitimacy.
- Define procedural justice and discuss its benefits.
- Review the relationship between the police and the community
- Understand the role history has played in hindering legitimacy in some communities

Module 1

MODULE ONE

The Interactive Nature between Procedural Justice, Legitimacy, and Goals in Policing

Introduction

Module One introduces participants to the concepts of procedural justice and police legitimacy. Subsequent modules go into further detail about these concepts. When teaching Module One, be careful not to teach material covered in future modules. Throughout all modules, use consistent terminology when referencing the four principles of procedural justice.

Instructor Note:

- Slide 5: Module 1
- Slide 6: Definitions
- Slide 7: Example of Procedural Justice Video (Spokane, WA – taser incident)
- Slide 8: Procedural Justice Leads to Legitimacy

Define Legitimacy

Legitimacy: The public view the police as entitled to exercise their authority in order to maintain social order, manage conflicts, and solve problems in the community.

Define Procedural Justice

Procedural Justice: The procedures used by police officers in which citizens are treated fairly and with proper respect as human beings.

Spokane, WA – Taser Incident Video

Show example of procedural justice video with the Spokane Washington police officer taser incident. Set up video and debrief. To debrief this video, ask the participants what the officers in the video did or didn't do well. Did they treat Mike with respect and dignity? Even though the officers are dealing with an active resistor (pulling arms away from the officers and stiffening arms), the officers continually treat the resistor with respect and professionalism in order to accomplish their objective (arresting the subject). Debrief the video using the

four principles as a guide (reminder: participants do not yet know the four principles).

- First, ask if Big Mike was given a voice and ask for examples. Then discuss the results that came about from allowing Mike to vent (voice). Point out that allowing someone to vent is a form of de-escalation. It allows someone in a high emotional state to bring down the emotion.
- Second, ask the class, did the officers remain neutral during the encounter? Were their neutrality and demeanor beneficial? Ask for examples of neutrality shown by the officers.
- Third, ask whether the officers gave Big Mike respectful treatment.
- Lastly, ask the class if the officers actions built trust with the offender.

Additional points:

- The taser helped control Mike on scene, but the probes have to be removed. So using the principles of procedural justice help maintain a calm situation.
- The officers will have to spend a fair amount of time processing Mike. How will that go?
- Next time the officers interact with Mike, how will Mike perceive them and behave toward them?
- Procedural justice helps when we have to "be the police," or use force.
- Additional comments may be made about tactics. Suggest avoiding that discussion and defer to training and policy.

Instructor Note:

- Slide 9: Why Are We Here?

Procedural Justice affects Legitimacy

Policing based on the process judgment of procedural justice rests on the assumption that people form assessments of legitimacy based on how the police exercise their authority. When officers give citizens a voice (listen) and are objective and respectful, police officers gain the trust of the citizenry. The procedural justice process of fairness and respect leads

Module 1

citizens to view the police as legitimate and trustworthy. When Utilizing Procedural Justice and Gaining Legitimacy, Police Officers Benefit Because:

- Safety increases (i.e. Not having to fight as often)
- Stress levels lower (i.e. When everyone treats people with decency, we can be happier and more pleasant at work and at home)
- There are fewer complainants (i.e. By talking to others professionally, we can receive fewer complaints)
- There is greater cooperation from citizens (i.e. When we build rapport with the community by utilizing procedural justice, we are more likely to gain information about crime that is occurring in the community)
- Voluntary compliance is gained from citizens (i.e. When we treat others how we want to be treated, the police are more likely to walk offenders into a pair of handcuffs)
- Crime is reduced (i.e. When talking to others in the proper manner, there is greater likelihood that there will be less aggravated batteries on police officers)

Instructor Note:

Slide 10: What Are “Our Goals” in Policing?

Instructor Note:

- After introducing the learners to procedural justice and legitimacy, ask the learners what their goals are as police officers. Instructors need to emphasize how the concepts of procedural justice and legitimacy will help to achieve their goals. Procedural justice, legitimacy, and police officers’ goals are interactive, in nature.

What are “Our Goals” in Policing?

Have the learners complete this exercise and share their responses before showing the slide with the standard list of answers. Have the learners work as a group and list what their goals are as police officers. These goals can be department or personal goals. Be careful not to tell the participants what to say or provide an example. Let the participants come up with the answers on their own. Many of the answers will be the following:

- Maintain social order
- Prevent crime, stop crime (To be fair and impartial)
- Ensure constitutional rights
- Secure safety, effectiveness, and support
- Serve and protect the public
- Generate and hold public trust

Again, emphasize how the concepts of procedural justice and legitimacy will help to achieve their goals in policing.

Instructor Note

- Slide 11: The Local Police Department Mission Statement

The Local Police Department Mission Statement

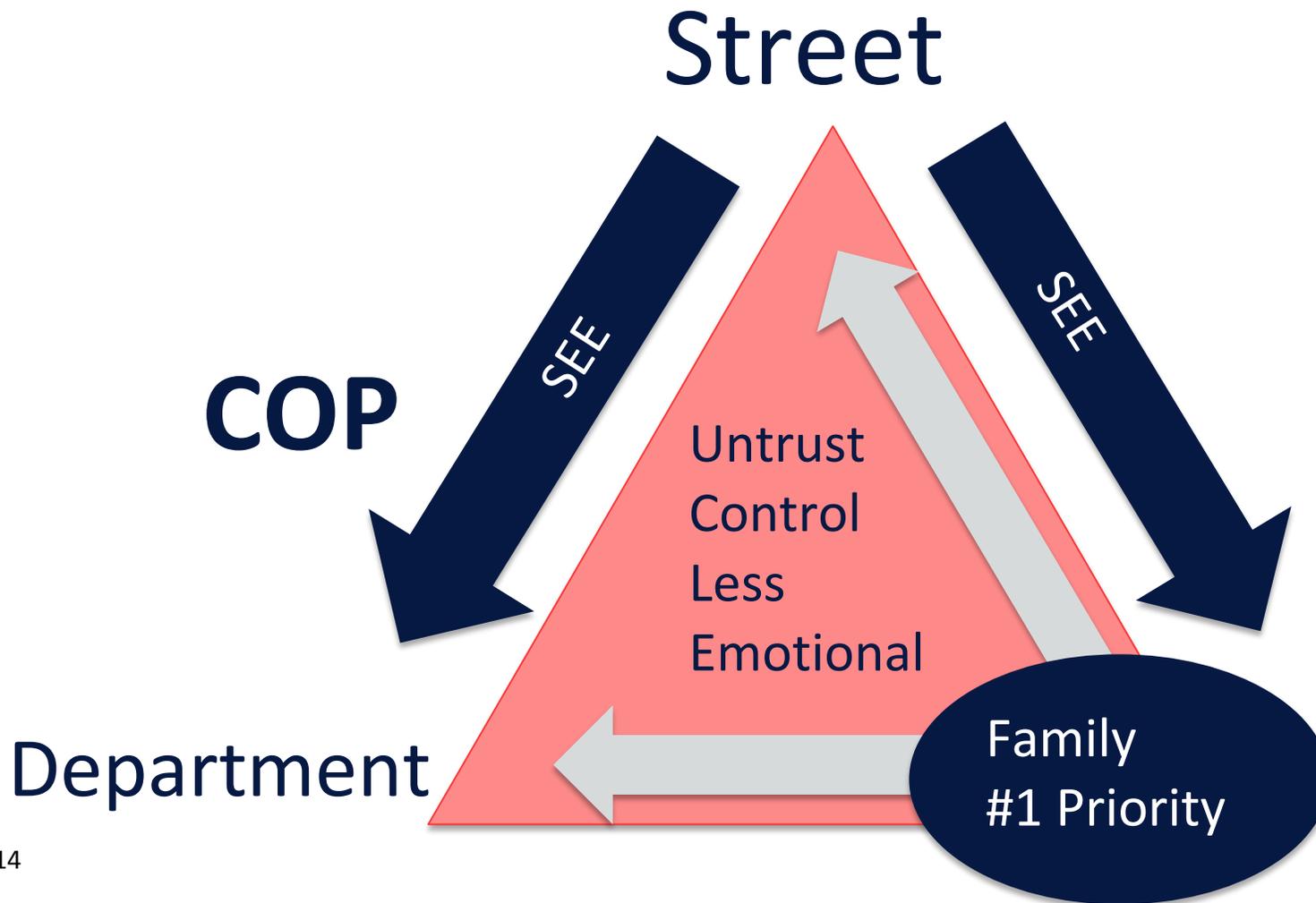
Next, examine the local Police Department mission statement and point out the similarities between their individual goals and the agency’s goals. Emphasize how the concepts of procedural justice and legitimacy will help to achieve agency goals.

END OF MODULE ONE

Module 2

How We See Things

Law Enforcement Stressor's



Module 2

MODULE TWO

Expectations and Legitimacy

Introduction

When starting this module, emphasize to the participants that what is said in the room, stays in the room. The person leading this module should have a positive reputation and be a role model within the local Department.

This portion of the class can be delivered by PowerPoint slide or by the instructor on the white/chalk board. The recommended method is on the board and building the diagram throughout the presentation. The use of the board makes this personal and keeps the students involved.

Background information: The purpose of this module is to help officers understand the parts of law enforcement that lead to cynicism and their effect on professional performance and personal life. Additionally, this class discusses behavioral signs associated with cynicism and suggests solutions for defeating cynical behavior and attitude.

INSTRUCTOR'S Notes:

- The facilitator of this course should review the lesson plan, resources provided in the resource page and Department Directives that apply to this topic. Information from subject matter experts within the department, as well as outside sources should be utilized. Instructor should be armed with resources that can benefit the learner (e.g. employee assistance program). The instructor should focus on how this instruction can positively impact the learner's personal and professional life and can be used as a coping mechanism throughout their careers

Police Cynicism and the Nexus of Training, Control, and Culture:

Training:

Through a cursory review of the literature the salient theme regarding the causes of police cynicism evolves around training. Graves (1996) notes that few departments have

preventative training to manage cynicism, stress and workload. A more recent study conducted by Sobol (2010) found that multiple issues continue to challenge police organizations in terms of police cynicism and that there should be more employee assistance program (EAP) interventions and trainings to assist officers who are exposed to the worst cases of mankind's inhumanity. Gilmartin (2002) talks about hyper-vigilance and how police officers are only trained for what could happen during the course of their shift. This hyper-vigilance and the continued mental state of readiness can cause tensions in interpersonal relationships.

Control:

Sobol (2010) found that "Officers become cynical when they encounter citizens who do not cooperate and when they see the criminal justice system fail to remedy deviance" (p. 482). This addresses that fact that officers become cynical when they perceive systemic functions in the criminal justice system that tend to invalidate their hard work, and when offenders do not receive the punishment or rehabilitation that the judiciary was set up to administer. Legitimacy training should help to address the citizens voluntary cooperation with the police (Tyler, 2006), which gives the officer greater control.

Control is tied into the training that officers receive over the course of their career. They are taught and trained to control everything for their safety. This need for control bleeds over into their personal lives. As much as an officer tries to leave the police mindset at work, it will inevitably play out in the officer's personal life. Cynicism starts to set in when the officer begins to feel that they have little to no control in policing. They use terms and phrases such as "We are handcuffed", "We can't be the police anymore," and "No one listens to us anymore."

Graves (1996) also found that citizens' cooperation through the venue of community policing helped officers to maintain crime control strategies that increased their effectiveness, giving officers more control.

Culture:

Graves (1996) states that "police leaders must build a culture of policing that prevents cynicism and promotes a healthy, positive environment" (p. 2). Leadership within police organizations has the responsibility of setting and monitoring

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the culture. Police cynicism increases during the first ten years, declines slightly after that, and eventually levels off. By requiring police training on cynicism throughout an officer's career (in the recruit phase, throughout state and city standards and training board curriculum, during in-service training, etc.) in conjunction with embedding cynicism training into leadership training, police departments can begin to move forward in creating and sustaining a positive organizational change.

Effects of Cynicism on our Work Performance:

Decreased work performance is a sign that an officer or group of officers have lost the emotional battle that comes with being a police officer. Management should take actions to improve the member's emotional well-being as well as minimize the effects it has on the organization's mission. Departments should be developing a type of officer who can remain highly productive throughout his or her career and effective as a "cop." Cynicism directly impacts the idealism and core values of the officer, which in turn does not allow him or her to focus on the core values and policies of the department, service and protection of citizens and overall crime reduction.

The decisions that officers are required to make necessitate an emotionally balanced individual. Cynicism robs this profession of the very values needed to accomplish its goals. Police academies must acknowledge cynicism's existence, teach officers how to harness its potential as a crime-fighting tool, and strategize how to use it effectively to achieve the department's goals.

Cynicism can lead to:

Officer misconduct

- More complaints
- Use of force complaints
- Integrity issues
- Acts of omission

Productivity

- Decreased output
- Job dissatisfaction
- Low morale(self and colleagues)

The demands of policing in the next century require that police leaders examine this disease and take action against it.

Cynicism does not have to be a natural part of policing. With realistic expectations, strong and compassionate leadership, and continuous training, officers can avoid the conditions that lead to the pitfalls of cynicism and maintain their ideals and values.

Effects of Cynicism on Family Relationships:

Officers are trained from the start of their careers to not trust people they come in contact with on the street. This lack of trust for the public is for the safety of the officer. The problem with this training is that over time this begins to manifest itself in the officers' homes. Young officers get excited about their new-found power and become overinvested in police work and underinvested in family life. Due to a constant work mentality, officers soon begin to subconsciously distrust their own families. The officer's cynical point of view stems from the hyper-vigilance that they experience at work. The officer is on duty on the street and at home. They become isolated from their families and soon stop speaking to family members. This could lead to divorce: divorce from the family and the significant other, divorce from the job or even divorce from life.

Side effects of a cynical mindset include:

- Officers become distrustful
- Officers become hyper-vigilant
- Officers find divorce as a solution to problems

Control is a second aspect of cynicism and can also affect family relationships. Officers learn several techniques to control subjects, both physically and mentally. They learn these control tactics and then allow those techniques to flow into their personal lives. Officers attempt to control all aspects of their family lives, but they spend very little time at home. They again become isolated and feel threatened by the presumed lack of control. Officers begin to see themselves as victims in their own home. In response, they try to gain control of their family. Some of the side effects of this type of thinking can be:

- The officer becomes less involved in family events (isolation).
- The officer begins to feel his/her family does not understand him/her.

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- The officer begins to spend more time with other police associates (they understand), instead of family.

The last aspect of cynicism that takes hold of officers and their families is a loss of emotion. Officers are unofficially and culturally trained to be less emotional than others. Officers are told and culturally trained to not let the "street" see emotion for the sake of safety, but that loss of emotion affects both them and their families. Family members reach out to their loved one and he or she has nothing to say. When officers fail to recognize the emotions of their families or partners, the distance between the two becomes greater. With a greater emotional distance between the officer and his or her partner and family, the officer becomes further isolated and starts playing the "blame game." The officer feels that it is everyone else who has the problem. They make comments that people don't understand what they are going through, yet they don't talk about it. Officers frequently say that they are "protecting" their family from the negative aspects of the job, but the job can have a negative consequence at home anyway. When an officer is asked who they trust, the common answer is another officer or themselves. This creates stress at home because they exhibit the face that they don't trust their own families. The family begins to see this through the lack of conversation, especially when the family can see an emotional change in the officer when he or she walks through the door. Family members will ask the officer what is wrong or if he or she is okay; the common response to that question is "I am okay". A show of emotion by an officer is seen as a lack of control, and an officer has to stay in control.

Some of the side effects of a loss of emotion can be:

- The officer can fall into a victim mindset (why me?)
- The officer can become frustrated and depressed with his or her home life.
- The officer starts to see relationships dissolve and feels helpless.

How We (Law Enforcement) See Things

Ask the class if they agree with this statement: **how we see things affects how we act.** Most will agree. Cynicism is how we see the world or the things around us. At this point make a note of the goals exercise from module 1. One of the most

common responses is "go home safe." Ask the class what does this mean to law enforcement? They will respond with or the instructor can respond with a physical description. Examples may include: same number of holes that I left with, the same way I left is the same way I come home, etc.. Officers describe this statement from a physical aspect because they are trained to think that way.

After the discussion, ask the follow up question: Is there more to going home safe than just the physical part? Allow the group time to think and answer. Ask them, "Is going home safe about the physical, mental and emotional wellbeing of the officer?" How are we really going home?

Ask the class what the three ills/problems/negative parts of the profession of law enforcement are, from a personal perspective. You may have to entice them for answers. As an instructor you are trying to lead them to the three personal problems that can occur in police work: 1) alcoholism, 2) divorce and 3) suicide.

Alcoholism

Is alcoholism a problem in law enforcement? Is it a part of the culture? Ask for some examples of how alcohol plays a role in police culture. Examples may include: choir practice, you know you are the real police when you get asked to go to the bar, etc.

There are no studies that prove the alcoholism rate in law enforcement is any higher than in any other profession, but test out the class. Ask the class, by a show of hands, who has known someone one in law enforcement who has had an alcohol problem. Have the class keep their hands up and ask everyone to look around. This is an effective way to show the class the results of an informal test on how alcohol is a part of the law enforcement culture. Do we want the general public to know the real numbers on our alcoholism rate?

Divorce

Once again there is no definite study to indicate that the rate of divorce in law enforcement is higher than in other industries, but the divorce rate in America is about 50 percent. Some suggest that the rate in law enforcement could be as high as 70-80 percent. Again ask the class to raise their hands if they know someone who has been divorced. Two,

Module 2

three times? Have the class look around while the hands are up. One of the top reasons for divorce in law enforcement is lack of communication. We stop talking at home, then we look to others to fill the void. We also stop talking to our families because we want to protect them. Or are we afraid of how they may view us?

Suicide

Law enforcement has a high suicide rate. Why? Because suicide results in a dead body. We can't hide a body, whereas we can lie or not report the numbers on divorce or alcoholism. Even still, those in law enforcement try to hide the bodies and change the numbers. Instead of listing someone's death as a suicide, officers will say they were killed while cleaning a gun or it was an accidental death. Thus, the suicide numbers may not be accurate either. According to the Centers for Disease Control and Prevention, there are 13 suicides per 100,000 people in the United States, according to the Center for Disease Control.

All suicides in 2013:

Number of deaths: 41,149

Deaths per 100,000 population: 13.0

Cause of death rank: 10

If 40,000 people die of suicide, is that an epidemic? **How we see things affects how we act.** How do we as a society see suicide? How does society react to suicide? You can develop a discussion if you would like. Bringing up a high profile suicides, Robin Williams for example, can start the conversation.

How does this apply to law enforcement? The suicide rate for law enforcement is 18-22 per 100,000 depending on who you talk to. There is a lot of disagreement on the subject. Ask the class to raise their hands if they know of someone in law enforcement who has committed suicide. Depending on the department the number may be high or low, but one is too low. In most large departments it will be high. For example, in Chicago they average about 30 per 100,000 over the last 4 years.

How do we in law enforcement see suicide? The class will not want to respond, so you may have to encourage someone to speak out. The truth is that we see suicide as a weakness, or a cowardly act. Ask the class if they have ever heard people talk

about someone who has committed suicide. It is thought to be negative. **How we see things affects how we act.** If we don't see suicide as a problem then we don't have to find a solution. In order to fix a problem we have to identify it as a problem. Inform the class that on average the same number of officers kill themselves as are killed in the line of duty. Ask the class: which one do we take action on, try to change? Of course it is line of duty. (On average 142 officers commit suicide vs. 145 line of duty, but the numbers have been on a decline as of late).

Instructor Note:

- Recommend referring to the Officer Down Memorial or the Badge of Life website to keep abreast of the recent numbers

Instructor Note:

- The following portion of module 2 based on: Dr. Kevin Gilmartin's book, *Emotional Survival for Law Enforcement*; Dr. Ron Rufo's book, *Police Suicide, Is Police Culture Killing Our Officers*; and the experiences of Officer Al Ferreira from the Chicago Police Department's peer support program.

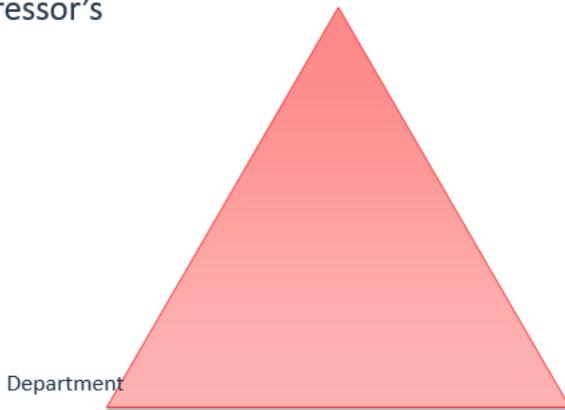
What causes us to suffer these ills in law enforcement? Ask the class what they believe is the cause. Most will answer that stress is the cause. That is one part of the problem, but so is a lack of training. This portion may get personal and the instructor must be a good listener and allow the officers an opportunity to talk.

How we see things affects how we act. How do we in law enforcement see things? We see things from a cynical point of view. Question the class, are we cynical? How did we get to this mindset?

What are some of the possible stressors that LE has? One of the first comments made seems to be supervisors or something related to the department. That is the left point of the triangle.

Module 2

Law Enforcement
Stressor's

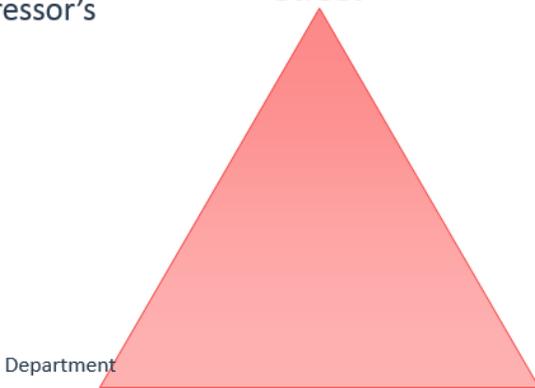


Ask for examples of stressors from the department Examples may be schedules, days off or lack thereof, vacations, start times, etc.

They will then comment about something related to the activities of the street. Write "street" on the top part of the triangle.

Law Enforcement
Stressor's

Street

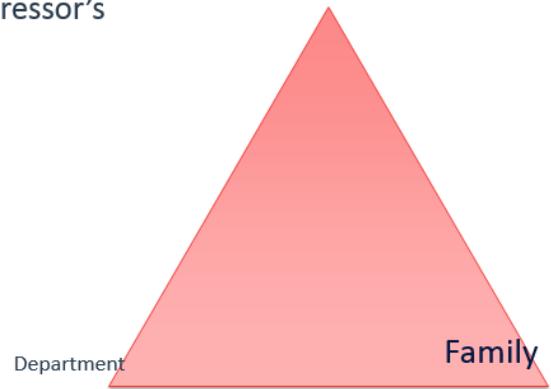


Examples may include, traffic stops, citizen encounters, car chases, person with a gun, searches, etc. Allow the class to develop the stressors.

The last point, the left point of the triangle, is usually the last one mentioned. The last is stressor our family.

Law Enforcement
Stressor's

Street

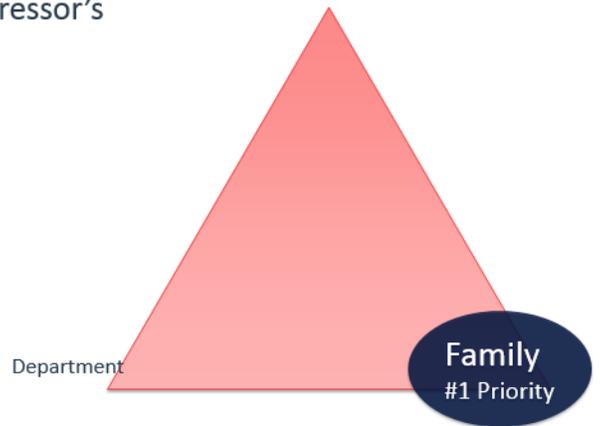


We as a family members have normal family stress, but how does our profession affect our family and in turn us as officers? It shows what we are feeling and how we really see things.

Of the three areas of stress, which is the most important, our number one priority? Class will respond with the family, but is this truly our priority? At this time write a #1 under the family.

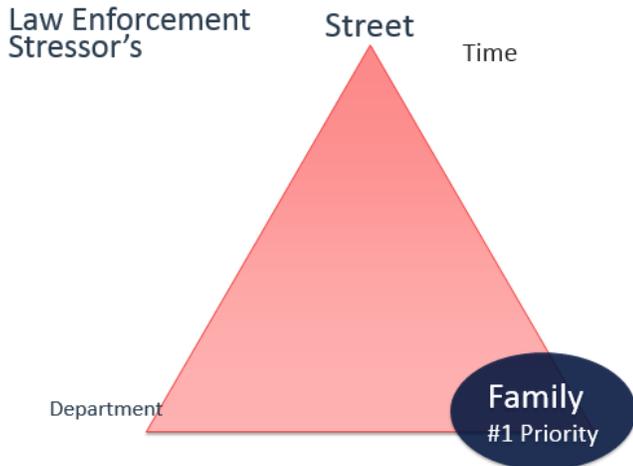
Law Enforcement
Stressor's

Street



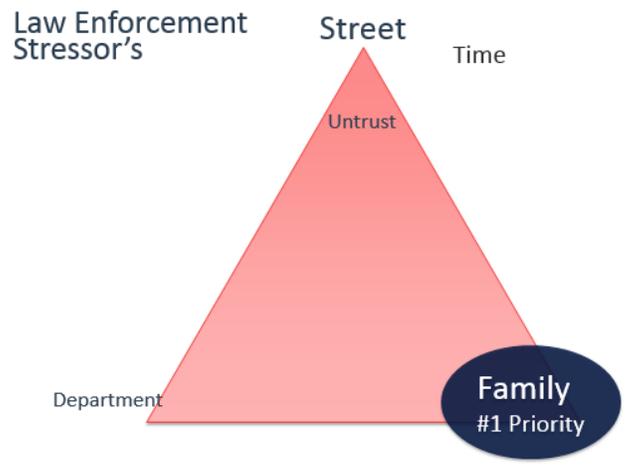
Of the three areas of stress where do we spend most of our time? The answer is street. Write "time" next to street.

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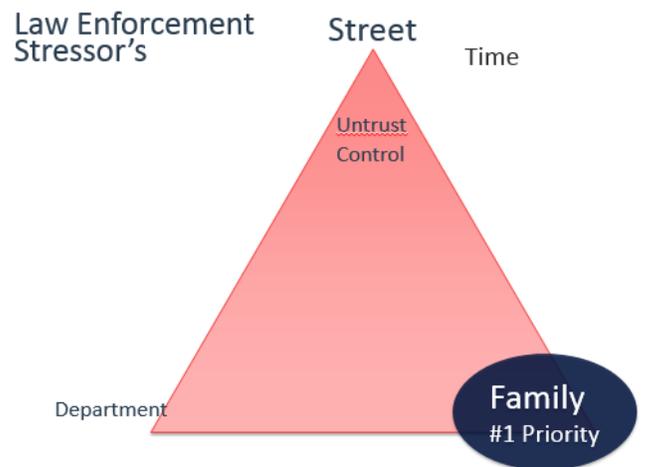
Point out to the class that this dilemma is an unseen stressor. We know the family is our priority but we spend more time at work. Gilmartin says that we over-invest in police work, after all it is a calling. We have been trained well on how to justify our actions, and we do it with our families also. Why do we work so much? For our families. Do we ever ask them what they would like us to do? Do we ask if they would like us at home or making more money? The answer is obvious. The family would like us home. Our job already takes time away from them and when we have a choice do we chose them? How we see things, affects how we act.

Kent Williams, a police chief from Bartlett, IL states that cynicism starts with training. We are trained to be cynical for the purpose of safety, especially on the street. So what is that training? The first training in the early years and throughout our career is that of "untrusting". This starts the list under the triangle heading of street.



Again this is for safety. Do we trust anyone? Who do we really trust? If you probe this question for a bit someone will respond by saying that we only trust ourselves. What is missing from that comment? Family. We should be trusting our families with our emotions.

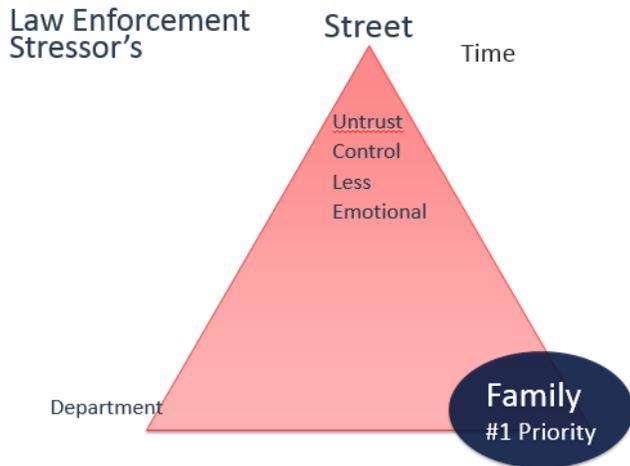
The second type of training we get is that of control. We are trained very well to control...everything. Write the word control under "untrust" at the top of the triangle.



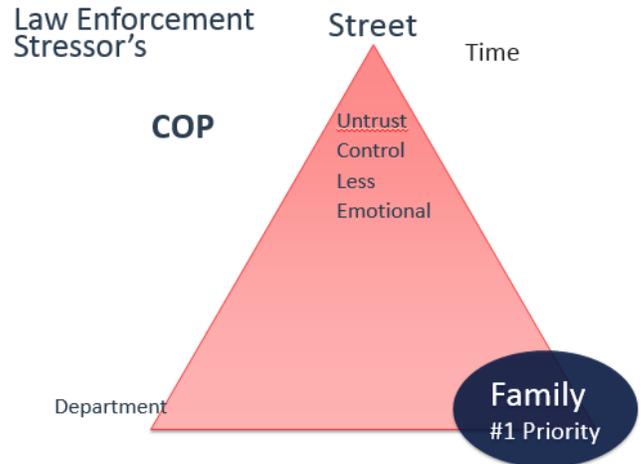
Explore the types of control training that we have: control tactics, controlling scenes, controlling our breathing (combat breathing) we become control freaks.

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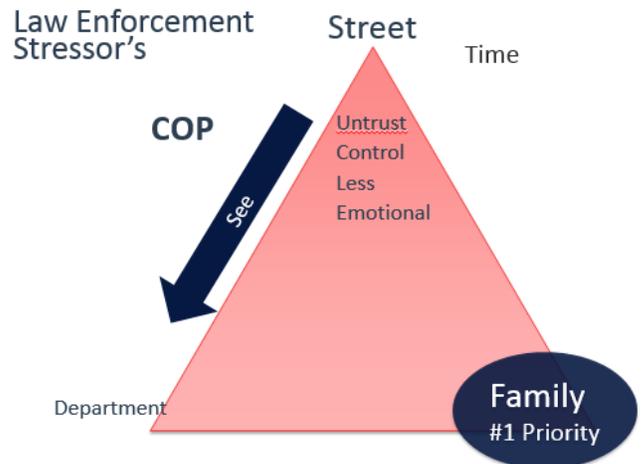
The last training we get is an informal training. We are trained to be less emotional. We receive that training for other officers on the street. When we see or experience a traumatic event, we are told to "suck it up" and to not let them see you cry. Showing emotion is seen as a weakness. List "less emotional" under controlling.



We all have emotions, but we are trained to "control" them and not show expression. When we see bodies, blood, gore, broken bones, traffic crashes, how do we respond? We suppress our emotions and find other coping strategies. Things like drinking, gambling, or not spending time with family. No one understands what we go through but we don't tell anyone how we feel about something. We start to isolate ourselves and lose our identities. We then become one thing, a "COP." Write this to the left side of the triangle.



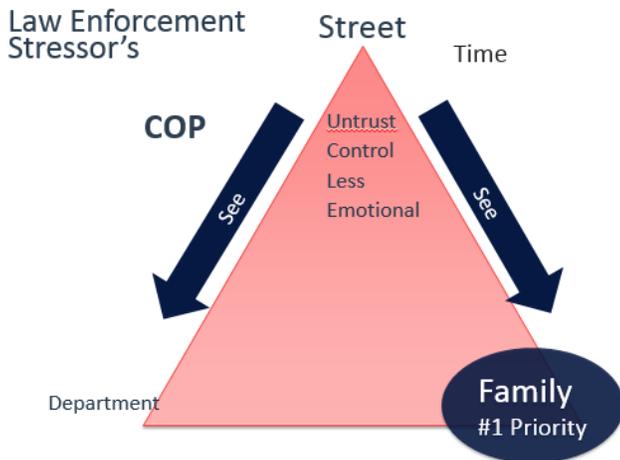
We now have to look at how this training is affecting us. Untrust, control and less emotional combine to form the "lens" we see the world through. That is the "blue lens." With a blue lens how do we see the department? Draw an arrow extending down from street to department.



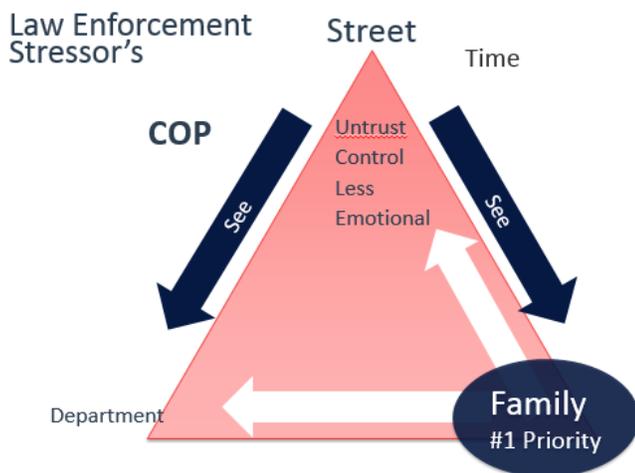
Do we trust the department? How much control do we have with the department and does the department make us emotional? How does the blue lens affect things with the family? Do we really trust our family, do we "interrogate them" and call it good parenting? Do we trust the decisions that they make? How much control do we have at home? We are never there, who really has control? The one that is home the most has the most control. Yet we enter the family and try to control everything. Does this cause conflict at home

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and then raise the stress levels for us? How emotionally invested are we at home? When we walk in and someone asks us if we are okay, we respond with "I am fine, just let me unwind." We then start to isolate ourselves. When we stop talking at home, what happens to the relationship? Draw an arrow extending down from street to family.



So how do we change this view? If family is our priority then we have to act like it. When we have opportunities to be at home we have to invest in the family. Once we do, how do we see things then? How does the street look, how does the department look? Draw arrows extending from family outward to street and department.



How do we want to be remembered, as good cops or good family members? What can we do? We start by understanding how we see the world and learn to "turn it down" while at home.

If we practice procedural justice at home will it have the same effect as it does on the street? The answer is yes. Procedural justice is not just a "public" thing, it is one on one human interactions and reactions. If we have a negative view or mindset it will affect how we interact with family, friends and people (the public).

Cynicism

Instructor Note:

- At this point, turn the PowerPoint presentation back on and continue with the lesson.
- Slide 12: Module 2
- Slide 13: Law Enforcement Stressors
- Slide 14: Cynicism
- Slide 15: "Us" vs. "Them"

Modern cynicism, as a product of mass society, is a distrust toward professed ethical and social values, especially when there are high expectations concerning society, institutions, and authorities which are unfulfilled. Cynicism can manifest itself as a result of frustration, disillusionment, and distrust. It is perceived as due to organizations, authorities, and other aspects of society. A cynic expects nothing but the worst in human behavior. Cynicism is the antithesis of idealism, truth, and justice - which are the virtues that police officers swear to uphold.

The cynic is not a realist. Realists are never disappointed in life because they expect so little of it. The cynic's disappointment—so many police officers' disappointment—comes from their fatal love of virtue (The Cynic's Sanctuary).

Cynicism is a reason why some police officers may not agree with the tenets of procedural justice and police legitimacy. This topic should be addressed in order to help police officers understand where some of their beliefs may come from and realize the benefits of procedural justice and police legitimacy.

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“Us” vs. “Them”

Kevin Gilmartin (2002) states that the police deal with 3-6 percent of the population daily. The 3-6 percent of the population that the police deal with are the people who normally commit crimes. The police rarely deal with the 94-97 percent of the population who do not commit crimes and are law abiding citizens. The percentages are based on the U.S. prison population vs. the U.S. population. Police officers, over time, see the people and world they work in as the “Real World”, in contrast to the world that everyone else lives in. This leads to an “us vs. them” mentality.

Instructor Note:

- Slide 16: The Golden Rule

The Golden Rule

The community and the police expect many of the same things from each other. The underlying fundamental concept that needs to be talked about is the Golden Rule. Asking the question, “How would I like to be treated in this situation?” is an integrity guideline for any situation. The Golden Rule divides cultural and religious boundaries and is accepted by most people throughout the world. It can be used to create common ground with any reasonable person (Maxwell, 2005).

Sir Robert Peel

Instructor Note:

- Slide 17: Sir Robert Peel

In 1829, Sir Robert Peel wrote his famous “Nine Principles of Policing”. It is important to point out that one of Peel’s principles states that the police should always have a relationship with the public that gives reality to the tradition that the police are the public and the public are the police (Josephson, 2007). Emphasize that the police are members of the community and that we gain our authority from citizens in a democracy. We are paid to serve the public interest.

Instructor Note:

- Slide 18: Legitimacy Video: This is What a Mustache Looks Like

This is What a Mustache Looks Like

Concerning the “Mustache Video,” emphasize that we are all people who like to joke around and have fun even in tense moments. Reasonable people can find common ground.

The video is intended to show how both officer safety and public trust increases when the public views the police as legitimate in their right to exercise control and authority. The video (from a NATO protest in Chicago) shows a lighthearted moment between protesters and the police. Debrief the video by explaining to the class that despite heightened tensions and the protest earlier that day, the public viewed police actions throughout the NATO protests as legitimate and just. As a result, it helped make this lighthearted moment possible through the police display of professionalism and public trust being high.

Instructor Note:

- Slides 19-21: Expectations Exercise

Expectations Exercise

Do the expectations exercise. Split the learners into two groups and ask:

- What does the community EXPECT from police officers? (Group 1)
- What do police officers EXPECT from the community? (Group 2)

The learners should create their own list in order to answer the above questions. A facilitation of the commonalities should be discussed. Additionally, instructors should address whether or not the expectations are being met by both parties.

You will receive answers from group 1 similar to the following. The community expects:

- Service, protection
 - Peace keeper
- Lawfulness
 - Enforce laws

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- Exemplary behavior
- Fairness
 - Impartial process
 - Unbiased policing
- Partnership
 - Respect
 - To solve problems
- Trust

You will receive answers from group 2, similar to the following. The police expect:

- Acceptance of our authority
- Compliance
 - With the laws
 - Orders
- Cooperation
- Information
 - Informant acquisition
 - Responsibility
 - Respect
 - Trust

Point out that trust and respect commonly show up on both lists, both of which are principles of procedural justice.

Instructor Note:

- Slide 22: How Can the Community and Police Work Together to Fight Crime?

How Can the Community and Police Work Together to Fight Crime?

- ASK: Can the police fight crime without the community?
- Procedural justice and legitimacy lead to the community helping the police.

Discussion points: We need the community to solve and prevent crime. How do we build that relationship? We build that relationship through police legitimacy. DISCUSS: Will more officers on the street solve all the problems? DISCUSS:

What will increase the department's legitimacy? Procedural justice will increase the department's legitimacy.

Instructor Note:

- Slide 23: Why Do People Obey the Law?

Why do People Obey the Law?

Start with posing the question: "Why do people stop at a stop light at 2 am?"

Deterrence: Many people believe that people obey the law because they fear the consequences of failing to do so. The theory is simple and lies in deterrence theory. Deterrence theorists believe that people rationally maximize their utility and shape their behavior in response to incentives and penalties in the criminal code. If the cost of breaking the law becomes high enough because sentences are long, or because the likelihood of getting caught increases, then people will choose to obey rather than break the law (Mearns, 2009). Deterrence can be expensive because of the court and incarceration costs. Also, for deterrence to be effective, the state must follow through with the penalties/punishment. Lastly, it has been shown that harsher penalties do not always change behavior and make people obey the law.

Some people obey the law and lawful authorities because it is the right thing to do. They believe that the police have the right to tell them what to do. This stems from public trust and legitimacy. Research shows overwhelmingly that most people obey the law and legal authorities because it is the right thing to do and they feel that the authorities are legitimate.

Legitimacy is the community's view and perception of the police. Procedural justice is a way to increase legitimacy. This concept is not new, and the police have all had in-service classes similar to this topic. The gains and benefits of procedural justice and legitimacy are greater officer safety, a lower level of resistance, acceptance of police decisions and less use of "threats of force" for control.

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Instructor Note:

- Slide 24-25: Legitimacy
- This slide leads into module 3 and sets up the four principles of PJ, only present the ideas here as they will be explained more in depth in module 3.

Legitimacy

The police gain legitimacy through procedural justice. The four principles of procedural justice and legitimacy are:

- Give people a voice (listen)
- Neutrality (be fair)
- Respectful treatment (be respectful)
- Trustworthiness comes from a fair and transparent process
 - Explain the reason for the decision(s) or action(s)

The public view the police as entitled to exercise their authority in order to maintain social order, manage conflicts, and solve problems in the community.

Legitimacy reflects trust and confidence in the police, acceptance of police authority (less confrontation), and views police actions as morally correct and appropriate (fairness).

Legitimacy is beneficial to the police because it promotes decision acceptance, desirable public behaviors (self-regulation), compliance with the law, and cooperation with the police.

All of the above promote officer safety and public TRUST.

Instructor Note:

- Slide 26: Lawfulness vs. Legitimacy
- Suggest reading *Don't Jump the Shark* by Tracey Mears before presenting. You should provide many examples and ask learners to guess lawful or legitimate. Reminder learners that their actions not only impact them, but other police officers. It decreases their legitimacy and the whole department's.

Lawfulness vs. Legitimacy: Are Police Actions Lawful and Legitimate?

The below is a summation of how Meares (2010) explains the diagram depicting the relation between lawfulness and legitimacy.

Lawfulness: What is it? Citizens want police to be as lawful as possible. Citizens want the police to abide by the rules that authorize their behavior. That is, if a police officer is going to arrest someone, they can't unless there's a criminal law that says that whatever conduct the person is engaged in is prohibited. Citizens expect the police to conform to the regulatory rules of the agency or the administrative rules such as the standard operating procedures and general orders of the agency. Citizens also expect policing agencies to conform to constitutional laws, including the Fourth Amendment, the Fifth Amendment, the Sixth Amendment, and so on.

It's important to understand that stops can be costly, even when they are lawful and constitutional. People don't automatically approve of a stop just because a police officer is legally entitled to make it. People typically care much more about how they're treated by police officers than they care about the particular outcome of the contact; that is, whether they are arrested or not. This may sound a little bit counterintuitive, but it's not. Research shows that people care about being treated with dignity and respect. When encountering police officers, they typically look for behavioral signals that allow them to assess whether the officer's decision to arrest them was made accurately and without bias.

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So what do people care about? Legitimacy is the belief that police are trustworthy, honest, and concerned about the well-being of the people who they deal with, and when this is true, that police authority ought to be accepted. People should voluntarily accept police decisions, follow police directives, comply with the law, and cooperate with the police when they view the police as legitimate. If these things are true, if you have lawfulness on the one hand and legitimacy on the other, then what the police should want is to be as lawful and legitimate as possible (Mearns, 2010).

Instructor Note:

- Slide 27: Teachable Moment?

End this module with a video that shows a Baltimore police officer's interactions with children who are skateboarding. When debriefing the video, it is important to know your own department's use of force policies and how they apply to this video. Debrief the video: discuss the officer's approach, demeanor, body language, tone, and volume of voice (this is a precursor into the next module of procedural justice). Question - Were his actions appropriate? Did this help the police to gain legitimacy? How do you think the cynicism graph is working for him? How is the officer responding to street stressors (cynicism graph)? This video has over five million hits. The officer in the video was fired after 19 years on the force. After this video was posted, many other videos of him demonstrating similar behavior were posted demonstrating a lack of legitimacy perceived by the community.

END OF MODULE TWO

Module 3

MODULE THREE

Procedural Justice

Instructor Note:

- Slide 28: Module 3
- Slide 29: Procedural Justice is Rooted in Justice
- Slide 30: Citizen Assessment Formula ($A = O + P$)
- Slide 31: Do Good, be Good, Treat People Well
- Slide 32: Procedural Justice in Action – One Good Cop Video
- Slide 33: Procedural Justice as a Priority
- Slide 34: Elements of Procedural Justice

Procedural Justice is Rooted in Justice

ASK: What is Justice?

Justice is the use of authority and power to uphold what is right, fair, or lawful.

Let's use this working definition of justice: "the use of authority and power to uphold what is right, just, or lawful." So, ensuring justice is ensuring fundamental fairness and equity. Ensuring justice doesn't always mean enforcing the law. It also means taking actions that serve the greater good. Here's a problem that prevents some police officers from seeing our profession as a noble calling: When police officers are asked to define justice, very few can articulate it. If we can't articulate it, how can we understand it? Even more important, how can we ensure justice on the streets every day? (FranklinCovey, 2009).

Procedural justice: The procedures used by police officers where citizens are treated fairly and with proper respect as human beings. We don't treat them as criminals, we treat them simply as human beings.

The primary issue in how a community views police legitimacy

is if the police are exercising their authority in a fair and just way.

Research shows that procedural justice is more important than the outcome of the encounter. A positive or negative outcome does not have much of an impact on legitimacy.

The four principles of procedural justice are broken into two parts by researcher Tom Tyler. The first is the **quality of decision-making**, or how an officer makes his/her decision. This is broken down into (1) voice, or allowing a person to talk and giving a reason for his/her actions; and (2) neutrality, which indicates that the decision is fair, impartial, and objective. The second part is the **quality of treatment**, or how the police treat people. This is broken down into (3) respect for people and their rights; and (4) trustworthiness, which is gained by providing a transparent process.

Procedural Justice Formula

An easy way to remember the research findings behind procedural justice is to use the simple formula: $A = O + P$. A citizen's overall **assessment** of their interaction with the police (A) – whether positive or negative – depends on more than just the **outcome** (O). It is largely influenced by the citizen's perception of the way they were treated – in other words, the **process** used by the police (P). An outcome is defined as either negative (citizen received citation, physically arrested, etc.) or positive (citizen received no citation, was not arrested, etc.). Regardless, extant research indicates that the process used (i.e., fair or unfair treatment) is by far more important than the outcome. This is the key finding in understanding the concept of procedural justice in policing.

An example of $A = O + P$ is receiving bad service at a restaurant. At the minimum, you expect an apology from the waiter or manager. Even if you receive a free meal as the outcome, if the server isn't accountable then you may still walk away from the experience with a negative attitude towards the restaurant.

Module 3

Another example of A = O + P is Los Angeles County Deputy Elton Simmons. The instructor should provide a summary of the article to the participants. See the below article from the *Los Angeles Times*.

“Along with meter maids and IRS auditors, traffic cops may be the public servants most reviled just for doing their jobs. So perhaps it's inevitable that even the best will get a few citizen complaints filed against them from time to time. But when Los Angeles County sheriff's supervisors recently checked the numbers over the last 20 years for one of their veteran traffic cops, what they found shocked them. The number of complaints? Zero. None. Nada. Deputy Elton Simmons' bosses say such a record is near-impossible, that even good cops can get a few a year. The hulking, black-booted Simmons attributes his lack of complaints to showing simple respect. “Just treat people right, give a smile,” Simmons says. “It's never ‘Do you know why I stopped you?’ It's ‘Hey, how are you doing today?’” Simmons originally came to California as a young man to work for Hughes Aircraft, but cop shows like “CHIPS” stoked his interest in becoming a motor deputy. “You'd see it on TV and I was like ‘I want to do that.’” Now 53, his mustache graying, he's one of the department's most seasoned motor cops. For years, he's patrolled the streets of La Mirada, cracking down on bad drivers — always careful, he says, to try to make doling out the costly moving violations as pleasant as possible. His easygoing manner was cultivated by an uncle back home in Louisiana, a pastor who instilled in Simmons the motto: “Do good, be good, treat people good.” Simmons says he thinks about that mantra every time he's parked in one of his hiding spots, waiting for the next violator. “I tell the rookies, just do the right thing and you don't have to worry about too many things,” he explains. Simmons' approach, his bosses say, can keep what could be ugly moments under control. The motor cop described recently pulling over a particularly frazzled young man for speeding. “He was shaking like a leaf,” Simmons recalled. He gave the youth some time alone, meanwhile scanning his driver's license looking for small talk fodder. When Simmons returned to the car window, he changed the subject: “Your license says you're 280,” he told the driver, referring to his weight. “You're not 280.” Almost immediately, the man about to be hit with a ticket was proudly

telling how he'd lost 100 pounds through a strict regimen of swimming and healthy eating. “All of a sudden the shaking is gone,” Simmons said at the station the next day. “He still got his ticket though, right?” his sergeant interrupted. “He still got his ticket,” Simmons said. Civil, he says of his style, but never soft. Still, even his patience is sometimes tested. One motorist he stopped for talking on a cellphone said he had one wish for the deputy: Get hit by a car. A lot of cops, one of Simmons' bosses admitted, would have taken that remark as an invitation to tack on an extra infraction or two. Simmons chose to keep cool. “I said, ‘Well, if you're gonna make a wish, it's not gonna come true.’ He's a human, I'm a human,” he said. On a recent summer day, Simmons was hiding from the sun — and passing motorists — under a shade tree along a sprawling stretch of road in La Mirada. His black boots were planted firmly on the asphalt, a sheriff's black-and-white bike steadied in between. (One fact is evident: Motor cops have to be tall or else it's hard to keep their bikes balanced while idling.) Several motorists sped by, but Simmons waited for an especially deserving one before pulling out. It was a very nervous 19-year-old named Ismael Natera. “I want you to slow down, OK?” Simmons warned in a fatherly way. Maybe it was because Natera was a teenager sweaty with nerves, or maybe it was because he was late for work, but the youth got off with a warning. “I'll let you on your way,” Simmons drawled. “He cut me some slack,” Natera said afterward, growing even later to work but nevertheless willing to sing Simmons' praises. “I've been pulled over before and some cops have ... different attitudes.” Simmons' next target was a woman behind the wheel of a shiny Lexus SUV. Legs spread like stilts, leaning casually into her window, Simmons was not so forgiving this time, tagging her with a ticket that would carry a hefty fine. This driver was less inclined to praise Simmons afterward. Capt. Patrick Maxwell said the deputy has long had a reputation at the Norwalk station as a squeaky clean mentor. But even with that, Maxwell said, he was shocked after reviewing Simmons' personnel file recently. Maxwell confronted him: “When's the last time you had a complaint?” “I really don't know,” Simmons responded. As it turned out, it was in 1992. The streak without a complaint is particularly surprising because grievances arise from any number of perceived affronts, including rudeness, racism or simply on policy criticisms. And these days, complaints don't have to be made in person. They can be shot off online, making Simmons' record all the more remarkable. His record aside, Simmons insists

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he is far from a pushover. He believes tickets save lives. One woman he cited for driving without a seat belt ran into him years later.

Simmons says she shook his hand and thanked him because she had been in a wreck some time later and that time had her seat belt on.

Simmons acknowledges sparing drivers who seem to be in a genuinely bad place — that teenager late to work or a frazzled woman recently who was on her cellphone because she was talking to her divorce attorney. But for drivers who offer up phony excuses, the deputy says he's unforgiving. Some common pleas he hears: I'm not from the area ("which doesn't mean anything"), Some car cut me off ("A lot of times drivers don't realize I've been watching; there wasn't another car") and I need to go to the bathroom ("So?"). A word to the wise, Simmons adds: Slamming on your brakes when you drive by a motor cop with a speed gun also doesn't work. The devices detect speeds from more than a football field away. His favorite response when drivers argue is to point out they'll have their chance to plead their case in court. This isn't meant to be snarky, he says — sometimes he's wrong. He recently pulled over a driver talking on an unusually fat phone. Though the motorist didn't argue during the stop, he did show up in court, where he explained to the judge that he had actually been talking on a Dictaphone. When the judge asked Simmons if he was sure the device was a cellphone, the deputy admitted he wasn't. "It did look kind of thick to me," Simmons acknowledged. The driver explained that he hadn't protested at the time because Simmons had pulled him over once before. The cop had been so courteous, the man said, that he didn't want to cause him any trouble" (Faturechi, 2012).

Procedural Justice in Action – One Good Cop Video

Play the video as an example of the Illinois State Trooper's employment of the four principles of procedural justice in dealing with protesters. Set up the video and debrief. All of the other officers in the video become defensive and angry at the protesters who seem to purposely bait the officers into an argument. The Illinois State Trooper, however, takes a vested interest in their cause by allowing the protesters to have a voice and treats them with respect and in a fair and just manner.

Instructor Note:

- Slide 35: Procedural Justice- Voice
- Slide 36: Voice Contributes to Officer Safety
- Slide 37: Voice Breakdown
- Slide 38: Non-Verbal Components of Communication

By giving others a **VOICE**, the police allow the people to voice their points of view or offer explanations. Active listening should be practiced by officers, and they should allow others to talk. Having a voice makes people feel that they are a part of the process and that they have input in the process, even if it does not impact the decision.

Voice Contributes to Officer Safety

- People want to be **heard** and **understood**.
- Non-verbal communication is just as important as verbal.
- The subject's perception is what counts; don't argue.
- **It's not about you**; it's more about values, feelings, and experiences.
- Emotions are universal, experiences are not. You may not share the same experiences but you can emphasize with the emotions.
- With every story, there is an emotion.

Voice Breakdown

According to Mehrabian and Wiener (1967) **non-verbal communication becomes dominant under stress**:

- **Verbal communication** accounts for **seven percent** of information communicated.
- **Tone and volume** account for **38 percent** of information communicated.
- **Body language** accounts for **55 percent** of information communicated.

DISCUSS the following nonverbal behaviors of communication with the learners.

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Nonverbal Behaviors of Communication

According to Gulfcoast South Area Health Education Center (2010), in order to deliver the full impact of a message, one should use nonverbal behaviors in order to improve interpersonal communication:

Eye contact: This helps to regulate the flow of communication. It signals interest in others and increases the speaker's credibility. People who make eye contact open the flow of communication and convey interest, concern, warmth, and credibility.

Facial expressions: Smiling is a powerful cue that transmits happiness, friendliness, warmth, and liking. So, if you smile frequently you will be perceived as more likable, friendly, warm and approachable. Smiling is often contagious and people will react favorably. They will be more comfortable around you and will want to listen more.

Gestures: If you fail to gesture while speaking you may be perceived as boring and stiff. A lively speaking style captures the listener's attention, makes the conversation more interesting, and facilitates understanding.

Posture and body orientation: You communicate numerous messages by the way you talk and move. Standing erect and leaning forward communicates to listeners that you are approachable, receptive and friendly. Interpersonal closeness results when you and the listener face each other. Speaking with your back turned or looking at the floor or ceiling should be avoided, because this communicates disinterest.

Proximity: Cultural norms dictate a comfortable distance for interaction with others. You should look for signals of discomfort caused by invading the other person's personal space. Some of these are: rocking, leg swinging, tapping, and gaze aversion.

Vocal: Speaking can signal nonverbal communication when you include such vocal elements as: tone, pitch, rhythm, timbre, loudness, and inflection. For maximum teaching

effectiveness, learn to vary these six elements of your voice. One of the major criticisms of many speakers is that they speak in a monotone voice. Listeners perceive this type of speaker as boring and dull.

Additionally, Connellan (2003) states that the bulk of meaning lies in non-verbal communication. You can say words and your tone of voice can match the words, but if you're looking around, tapping your fingers, and shaking your head "no", you're not going to get the response you want. Pay attention to the following five categories.

- 1. Body position.** If your arms are crossed or your legs are crossed and you face away from the person with whom you're talking, then you're sending negative messages. On the other hand, if your body position is open—i.e. you're facing the person rather than looking away—you're communicating honesty, warmth and openness. If your posture is erect rather than slumping, you're communicating positive beliefs. And if you're leaning slightly forward, you're demonstrating interest in the other individual. These are all small things, but they all add up quickly.
- 2. Hand gestures.** Avoid tapping your fingers (i.e. "I'm impatient"), hiding your mouth (i.e. "I'm hiding something"), finger wagging (i.e. the non-verbal equivalent of poking someone with your finger), and closed or clenched hands (i.e. "I'm upset"). These gestures all conflict with an "I believe in you" message. Instead, use open hands with palms up (i.e. "I'm being honest with nothing to hide") or touching your hands to your chest (i.e. "I believe in what I'm saying"). Both of these emphasize a positive message.
- 3. Head.** If your head is shaking back and forth or tilted off to one side, you're sending a message of disbelief. But, if your head is facing directly toward

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someone and you're nodding up and down, you're delivering a non-verbal message of belief and confidence.

4. Facial expressions. Smile. Keep a relaxed mouth. Show alertness in your face and act like you're ready to listen. Do these regularly, and you'll create an open communication pattern with someone who is more likely to believe you are sincere. On the other hand, if you're tight-lipped, your jaw muscles are clenched, you have only a grim smile or no smile at all, or you are frowning, you'll be sending a message of "No way can you possibly succeed at this project."

5. Eyes. Sometimes, the eyes say it all. Maintaining good eye contact is one of the most important non-verbal signals you can send. Doing so says "I'm interested in you and when I say I believe in you, I really do." Making sure that your eyes are open wide is also helpful. Squinting or the "narrow, beady eyes" look can be off-putting to the recipient. Worse yet is looking around, paying attention to other things, and not paying attention to the person or topic at hand.

6. Personal attire. This is one of the most important non-verbal signs that we give off. How we are dressed tells a person a lot about us. It has been studied and shown that many times people who attack the police choose to attack the officer because of the way he or she is dressed. If the officer is squared away, an offender is less likely to attack. But if they see the officer as sloppy or unkempt then that makes the officer easy target. When you get stopped by an officer do you size him or her up by the way he or she is dressed or walks?

Instructor Note:

- Slide 39: Quality of Decision-Making: Neutrality
- Ask learners to reflect on their own biases. Learners can think to themselves or write ideas down on a piece of paper. Ask the class to think of a time when they may have responded to their biases instead of the situation.

Neutrality

Decision-making that is neutral leads to good results. An officer needs to exhibit neutral feelings and objectivity toward all people. REMEMBER non-verbal cues and what type of message that they send.

Unbiased decision-making is not based on personal bias; it is consistent and transparent. The decision is applied equally to all, and allows people to see that the decision has been neutral. For example, when police officers explain why a person has been stopped, they are explaining the process and displaying transparency.

Instructor Note:

- Slide 40: Labeling

Labeling Exercise

This exercise shows the importance of police remaining neutral, unbiased, and objective in order to function effectively. Let the participants think of their own words and write them down on a board. This is a two-part exercise. Start with part I, collect answers and then move to part II.

Part I

Write one word that the police use to describe the people in the areas they work.

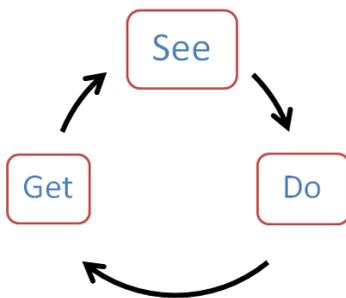
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Part II

Write one word that area residents use to describe the police.

Keep a tally of good vs. bad words. Many negative words may be given during the exercise. This reminds the police that they need to stay neutral and moves the class into the next topic of “respect.”

This exercise is an example of the Stephen Covey's See-Do-Get model. Covey stated that how you **SEE** things affects how you act (**DO**), which in turn creates the result you **GET** back. Explain to the class that how we see the people we come in contact with affects how we treat them (do), which then creates the results we get from that person. One example is when an offender requests to go to the bathroom. Ask the class what happens when an officers says no to the offender. If we see people as animals or savages, then we treat them as animals and savages. How then do the people respond to that treatment? How WE See Things Affect How WE Act. Draw the diagram on the board, then place ME in the middle to reflect that I am the one who is in the center of the principle. Now explain that if I don't like the result then I have to change the way I SEE a person, group, community etc..



Instructor Note:

- Slide 41: Quality of Treatment: Respect and Dignity

Respect

Police officers should treat others with equality, respect, and dignity. Respect for the person shows that the police respect one’s rights. Treating a person with dignity validates him or her as a human being.

Also, showing sensitivity to the importance that others place on an issue displays respect.

Instructor Note:

- Slide 42: Quality of Treatment Leads to Trustworthiness
- Slide 43: Trustworthiness

Trustworthiness

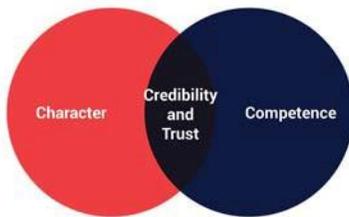
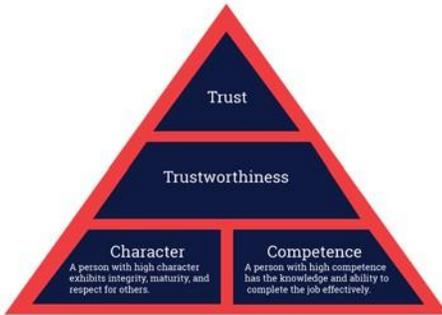
The quality of treatment leads to Trustworthiness

- Listening to people
- Considering their side of an argument
- Taking their needs and concerns into account (i.e. benevolence)
- Explaining the decision/action
 - Demonstrates that the officer has listened to them and considered their needs and concerns
 - Gains legitimacy for the officer and the Department, which leads to compliance
- Doing what is right!

The following two diagrams demonstrate how character and competence lead others to consider a person as trustworthy, which leads others to trust the person. A person with character has integrity, maturity, and respect for others. A competent person has the knowledge and skills to do a job effectively. Character and competence are

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the building blocks for trustworthiness (FranklinCovey, 2005)



Instructor Note:

- Slide 44: Ever Been Stopped?

ASK: Who has been stopped by the police or had a family member stopped by the police? How was your experience? Facilitate a conversation on the positive and negative experiences of the learner’s interactions with the police.

Show Supt. Hillard video. Set up video and debrief. The video is of one of Chicago Police Department’s most respected superintendents, Terry Hillard, and his wife.

Background: Mrs. Hillard was pulling into a parking spot when an officer pulled up next to her. This is a re-enactment of a real life event. Supt. Hillard's wife had an encounter with an officer that did not go well. Have the class look for the four principles and how they are affecting this encounter. Ask the learners if the four principles of procedural justice (voice, neutrality, respect and trust) were

followed in the video. What were the results of this interaction? Should it matter who the interaction is with? Does treatment matter, even with a supporter of police? As police officers we encounter hundreds of people a day, and each person should be addressed in the same manner or fashion. If we do it the same way all the time it would not matter who the person is. This video was created as a training tool for officers in the early 2000's and is it still relevant today?

Personal Stories Exercise

What if you go to the doctor and he/she does not listen to your symptoms?

- The doctor gives you medicine before you tell him or her what is wrong
- Does that build trust in the doctor, the office, or the HMO?
- Do you tell others about your encounter?
- Shaping the legitimacy of the system
- How do you feel when someone does not listen to you, when you feel you have no involvement in your care?
- What’s your story? When was the learner not listened to?

Instructor Note:

- Slide 45: Research Supporting Procedural Justice

Research Supporting Procedural Justice

Will the citizen voluntarily accept police decisions? (Taken from Tyler (2012) concerning street stops in California)

- This is a study of California street stops.
- It was conducted in Oakland and Los Angeles.
- Those who conducted the study interviewed 1,656 people who had personal experiences with legal authorities

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Instructor Note:

- Slide 46: Will Citizens Voluntarily Accept Police Decisions?

The study showed that citizens accept police decisions based upon outcome favorability/fairness .12 of the time, the quality of decision making (neutrality) .17 of the time, and the quality of treatment (respect, trust) .59 of the time. The numbers represent the strength of the correlation coefficient.

Instructor Note:

- Slide 47: Will Citizens Voluntarily Accept Police Decisions, Despite Outcomes?

The research revealed that:

- Citizens voluntarily accept police decisions when there is a bad outcome with unfair treatment 3% of the time.
- Citizens voluntarily accept police decisions when there is a bad outcome with fair treatment 73% of the time.
- Citizens voluntarily accept police decisions when there is a good outcome with unfair treatment 15% of the time.
- Citizens voluntarily accept police decisions when there is a good outcome with fair treatment 87% of the time.

Instructor Note:

- Slide 48: Will Citizens be Satisfied with Police Decisions?

The graph displays citizen satisfaction with police service after the citizen called for assistance. The research data explains that:

- When a citizen calls for help and there is a bad outcome with unfair treatment by the police,

the citizen is satisfied with the police service 2% of the time.

- When a citizen calls for help and there is a bad outcome with fair treatment by the police, the citizen is satisfied with the police service 60% of the time.
- When a citizen calls for help and there is a good outcome with unfair treatment by the police, the citizen is satisfied with the police service 13% of the time.
- When a citizen calls for help and there is a good outcome with fair treatment by the police, the citizen is satisfied with the police service 93% of the time.

Instructor Note:

- Slide 49: Research Supporting Procedural Justice

In Chicago, the University of Illinois at Chicago is currently collecting data citywide to measure legitimacy and procedural justice. The preliminary findings confirm the foundation of our training – that procedural justice is important to Chicago residents. The chart shows how many percentage points are gained when an officer who gives a ticket is considered respectful, unbiased in the decision, trustworthy, and willing to listen to the driver’s story. Conversely, the chart shows how many percentage points are lost when the officer does not exhibit these behaviors. The dotted line is the middle ground. Let’s take the example of being respectful. On average, when a ticket is written, 48 percent of the citizens are satisfied with the encounter. However, if the officer is respectful, his/her rating will increase by about 40 percentage points to 87.7 percent. If the officer is disrespectful in the contact, his/her rating will drop nearly 33 percentage points to an average of 15.2 percent. So “car-side manners” make a huge difference when giving someone a ticket.

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Instructor Note:

- Slide 50: Research Supporting Procedural Justice

FranklinCovey (2009) states:

- Power of Control: Using coercion, threats, force, or the perception of power to gain compliance.
- Power of Influence: Using ethical principles to earn people’s respect and make a positive difference in their lives. Also the power to work effectively with others to get a better result.

Other words for this type of power (i.e. power of influence) are *leadership, character, and maturity*. A police officer’s power of influence comes from our individual trustworthiness, maturity, attitude, and character. This influence creates the opportunity to earn respect and cooperation because of who we are rather than what we are. By essence of the responsibility a police officer has, every officer is a leader. All of us must understand the powers we carry—both the power of control and the power of influence. Procedural justice leads to legitimacy (THE POWER OF INFLUENCE).

ASK: Ask the class to think of their best boss and why that person was their best boss. What characteristics did the boss possess? Most of the answers will relate back to the four principles of procedural justice.

END OF MODULE THREE

Module 4

MODULE FOUR

Historical and Generational Effects of Policing

Introduction

There are nuances to this section. No department in the nation has a great relationship with every segment of the community. Facilitator should give background of where they come from. Type of neighborhood, what races are represented. This is an important context so audiences know where they are coming from. Give a personal story. It is important for the facilitator to understand the history and the context for each of the slides.

Instructor Note:

- Slide 51: Module 4
- Slide 52: Historical Effects Video

Historical Effects of Policing

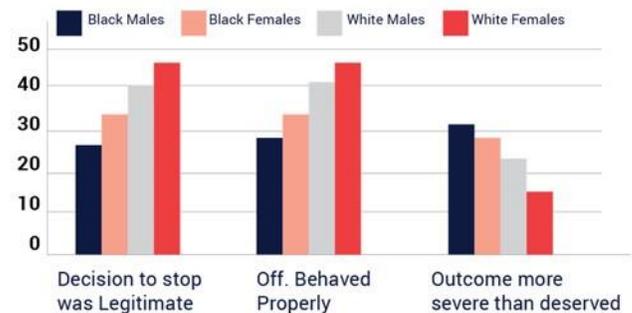
Show the Brief History of Policing in the United States video by Bonnie Bucqueroux.

BONNIE BUCQUEROUX: Bucqueroux joined the Victims and the Media Program at Michigan State University’s School of Journalism in 1995, and is now the coordinator. The program is dedicated to educating journalists of today and tomorrow about victim issues. In that capacity, she delivers specialized training to all beginning and advanced reporting students, in addition to developing and delivering workshops for working journalists. In her role as coordinator, she developed an online course for victim advocates on Building an Effective Media Strategy. She continues to work in the victims’ movement. Bucqueroux is also executive director of Crime Victims for a Just Society, which promotes progressive solutions to problems of crime and violence in our culture. She has spent 30 years writing about crime and violence and working to prevent these problems. She won a Detroit Press Club Foundation Award in the 1970s for a series on rural crime in Michigan and earned a National Magazine Award in 1985 for an article on suicide. A year later, Bonnie went to work with the late Dr. Robert Trojanowicz, the Michigan State University professor who was a pioneer in the community

policing movement. As Associate Director of the National Center for Community Policing for almost a decade, Bucqueroux co-authored two books on this important police reform and helped train more than 60 public housing developments nationwide on anti-violence strategies in the early 1990s. She continues to consult in the field on issues of community policing, strategic planning and balanced and restorative justice.

Set up the video and debrief. The video is a short history of policing up to the civil rights era. This is a lengthy video but it gives some basis for the discussion of how history has played a role in policing. This is a good lead in to the next discussions. The instructor should watch the video several times to determine talking points relative to their own department.

ASK: What role does the history of policing play in how the community views police legitimacy?



HISTORICAL EFFECT GRAPH

Analyze the differences between African-American females, African-American males, white females, and white males in how each group perceives a stop by the police as legitimate, the officers' behavior as proper, and the outcome as more severe than deserved (Tyler and Fagan, 2008). Discuss the differences in perception and the possible historical effects.

Module 4

Instructor Note:

- Slides 53-54: How Did We Get Here?
- Slide 55: The Fugitive Slave Act of 1850
- Slide 56: Convict Lease Program: 1865 – 1928
- Slide 57: Jim Crow 1876 – 1965
- Slides 58-59: Civil Rights Movement: 1954 - 1968
- Slide 60: Mississippi Burning
- Slide 61: How Did We Get Here?

How Did We Get Here?

Throughout the world and even in modern times, police are sometimes seen as the enemy of the people who are not to be trusted, part of the establishment, power hungry, or worse.

Discuss the treatment of minorities by the police in the United States throughout history. Also, discuss the treatment of people by the police in other countries. We live in a diverse city, and we need to understand that some people who live in our city come from different parts of the world where the police are corrupt and a brutal force. The police need to understand that some people from other countries fear ALL police because of their history.

Instructor Note:

- Slide 62: Building Trust Video

Building Trust Video

Show the Building Trust video. Set up the video and debrief. The Chicago Police need to build trust with the community, which leads to legitimacy. The Building Trust video does a good job of recognizing the diversity in Chicago and how the police can be objective to other cultures and races.

Instructor Note:

- Slide 63: Community Bank Account

Community Bank Account

We make deposits into a financial bank account and build up a reserve from which we can make withdrawals, if needed. A community bank account is a metaphor that describes the amount of trust that has been built up by the police with the community. If the police make deposits into the community bank account through courtesy, kindness, and honesty, then they build up a reserve. The community trust towards the police becomes higher with a built up reserve, and even if the police make a mistake, the reserve will compensate for the mistake. But if the police have a habit of showing the community discourtesy, disrespect, over reacting, ignoring people, and betraying trust, then eventually the community bank account will be overdrawn. If a large reserve of trust is not sustained by continuing deposits, the relationship will deteriorate. Building and repairing relationships are long-term investments (Covey, 2004).

ASK: How often do the citizens see the “withdrawals”?
QUESTIONS to ask the learners and consider:

- Are we making deposits or withdrawals while working with the citizens?
- What is the impact of a withdrawal to YOU, the Department, and the community?
- What impact does our policing have on future generations?

Instructor Note:

- Slides 64: Deposit or Withdrawal?
- Do your due diligence when choosing photos of local officers.

REMEMBER: Procedural Justice is a deposit in the community bank account.

Module 4

- Every encounter is either a deposit or a withdrawal. In other words, every contact is an opportunity to increase our legitimacy. (Are you making a deposit or withdrawal with the way you police?).
- How many deposits does it take to make up for one withdrawal? Does one encounter affect how future generations look at the police?

Instructor Note:

- Slides 65-66: Deposit or Withdrawal Videos (Traffic Stop Video – Parts 1 and 2)
only show #2 if time

Traffic Stop Videos

Show deposit or withdrawal videos "Traffic stop part 1 and 2."
Set up both videos and debrief. Discuss the effects of the traffic stops in the videos? What can police officers do to make deposits in the community bank account?

END OF MODULE FOUR

Module 5

MODULE FIVE

Procedural Justice at Its Finest

Instructor Note:

- Slide 67: Module 5
- Slide 68: Example of Procedural Justice Video – COPS Atlanta Drug Bust Video

COPS Atlanta Drug Bust video

This video is meant to show class participants a positive example of procedural justice in action. Debrief the video by asking the class to highlight as many concepts as possible from the course.

Instructor Note:

- Slides 69-70: Images are Powerful

Images are Powerful

- Review the following images.
- Discuss how the learners perceive the images.
- Ask: What is the nonverbal body language communicating?
- Ask: Do the images display procedural justice leading to legitimacy?

The instructors should bring in their own personal success stories while working with citizens in the communities that they patrolled. Also, ask the learners if they would like to share any positive stories about working with members of the communities in which they work.

Instructor Note:

- Slide 71: Take Away Message

Take Away Message

ASK: What can you take away from this class that may benefit you in becoming a more effective police officer and/or person? What does procedural justice look like in the city you patrol? Why do we need a class on procedural justice?

Have each group or officer (depending on the amount of time available) cite a specific message or lesson from the class that they will use to become more effective. The instructor should keep the comments positive and offer an example of a positive take away message, if necessary.

Instructor Note:

- Slide 72: Wrapping Up

Wrapping Up

- Does this make sense?
 - Legitimacy – The perceptions that the public has about the police. The community evaluates police behavior and practices; their assessments shape their views. Our actions – good and bad – affect legitimacy.
- Procedural justice – How we treat people has many effects on how we are viewed by the public.
- Every encounter is a deposit or withdrawal to the Departments' legitimacy.
- Don't let your environment define who you are!
- Procedural justice leads to legitimacy.

Instructor Note:

- Slide 73: The Police Department Core Values – Insert core values from the local police department

Module 5

The Police Department Core Values

Point out (if applicable) that the local police core values are the same values that we all believe in as members of a just society. As long as the police uphold their intrinsic values and practice the Golden Rule, they will build trust and legitimacy among the citizens of the local community.

Instructor Note:

- Slide 74: Good Deeds = Great Results

End the class with a positive image of the police utilizing procedural justice.

***REMIND PARTICIPANTS: Good deeds equal great results.
Procedural justice leads to police legitimacy***

END OF MODULE FIVE

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