Procedural Justice for Law Enforcement: An Overview

By Laura Kunard and Charlene Moe

FAIRNESS

VOICE

TRANSPARENCY

IMPARTIALITY

COPS
Community Oriented Policing Services
U.S. Department of Justice

CPSJ
Center for Public Safety and Justice
College of Urban Planning and Public Affairs
University of Illinois at Chicago

Procedural Justice for Law Enforcement: An Overview

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Letter from the Director of the COPS Office

Dear colleagues,

I believe I speak for all of us when I say we place a high value on fairness and respect in all personal and professional interactions. Unfair or disrespectful treatment undermines not only respect for the individuals who behave that way but also the willingness of others to cooperate with them.

This is especially true in relations between law enforcement and the communities we serve. As we've seen in recent events, bias and disregard for individual rights—intentional or not—often leads to obstruction, anger, and confrontation. And in our role as guardians of the peace, sworn to serve and protect our communities, we must counteract that by upholding the principles of procedural justice.

The principles of procedural justice—fairness, transparency, impartiality, and providing voice for other sides to be heard—are vital to effective policing and positive community relations. They're also critical to departmental harmony. And because the behavior of officers on the street is often a reflection of their treatment within the agency, these values must characterize the activities of all law enforcement leaders.

This publication serves as an inspiring introduction to the concepts of procedural justice for officers, explaining the importance of practicing these principles in everyday encounters. It is also a useful management tool for supervisors. The Center for Public Safety and Justice (CPSJ) has done an excellent job of describing how procedural justice can be applied to the practices of community policing, detailing the challenges different agencies faced and the solutions they developed.

I encourage you to read this report and consider how you can adopt these principles. Procedural justice is not just a nice idea—it's a critical component of our police work, essential to productive community relations and the public's confidence in the legitimacy of law enforcement authority.

Sincerely,

Ronald L. Davis, Director
Office of Community Oriented Policing Services

Letter from the Center for Public Safety and Justice

Dear law enforcement officers and colleagues,

The last several years have seen tremendous change and innovation in American law enforcement. Our nation's law enforcement agencies have leapt forward, not only due to necessity caused by budgetary constraints but also in response to calls by communities that their law enforcement agencies act on their behalf fairly and with greater transparency. There is a sea change occurring in our communities that cannot and should not be dismissed. The tenets of procedural justice are well suited to aid law enforcement agencies and the communities they serve in the pursuit of better relationships and more just outcomes.

The recent and rapid expansion of technology and social media has occurred on a parallel path, and as an aid to, critical analysis of law enforcement practices and policies. The proliferation of captured video and instant transmission of police-community encounters only underscores the point that no encounter with law enforcement is routine. Instead, each community encounter is itself an opportunity for law enforcement to recommit to serving the public through actions that are fair, transparent, and impartial and that offer voice to those involved. This externalization of procedural justice, as a standard for interactions with the community, is a necessary evolution of policing. In this way, procedural justice is tightly tied to community policing, a philosophy that many law enforcement agencies have embraced since the 1980s.

In a similar vein, agencies need to recognize the importance of procedural justice as an internal strategy as well. As a top down and bottom up effort to promote procedural justice, focusing on process throughout the agency will strengthen departments by emphasizing the same tenets that promote strong, resilient ties to the community. Effectively instituting the pillars of procedural justice strengthens departments internally.

With the publication of *Procedural Justice for Law Enforcement: An Overview,* it is our hope that officers in all types of law enforcement agencies will come to better understand procedural justice and how to implement it and will embrace its benefits to their agencies and communities. We are happy to share this resource with you now and hope you find it helpful.

Sincerely,

Jason Stamps, Acting Director
Center for Public Safety and Justice

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The Center for Public Safety and Justice is grateful to the police department members and others whose anecdotes are featured herein:

- Captain Jim Mallery, Kalamazoo (Michigan) Department of Public Safety
- Captain Richard "Skip" Miller, Sioux Falls (South Dakota) Police Department
- Chief Ed Medrano, Gardena (California) Police Department
- Chief Will Johnson, Arlington (Texas) Police Department
- Lieutenant Leo Daniels, Arlington (Texas) Police Department

Introduction

Procedural justice has become an important focal point in the profession and strategy of policing in recent years, though the basic concept is likely nothing new to police officers. The purpose of this publication is to introduce law enforcement professionals to the concept of procedural justice. This is not a research paper; while it refers to rigorous academic research about policing and procedural justice, it should not be used as a substitution for it. In fact, we encourage officers to read the research in its entirety; complete citations are provided in the references section at the end of this publication.

Photo: Leonard Zhukovsky/Shutterstock

What Is Procedural Justice?

Procedural justice refers to the idea of fairness in the processes that resolve disputes and allocate resources. It is a concept that, when embraced, promotes positive organizational change, bolsters good relations with the community, and enhances officer safety.

One way to think about procedural justice is by considering the equation in figure 1.

Figure 1. A simple equation

Source: "What is Procedural Justice?" fact sheet, Center for Public Safety and Justice, n.d., http://cops.igpa.uillinois.edu/sites/cops.igpa.uillinois.edu/files/pj_fact_sheet.pdf.

The ways in which community members develop opinions about a specific interaction with an officer (their assessment) is based primarily upon two things: the outcome of the encounter (whether they received a ticket, for example) and the process of the encounter (how the officer came to the decision about whether to give a ticket and whether the officer explained their decision making process). In short, procedural justice is concerned not exactly with *what* officers do, but also with *the way* they do it.

Research has shown that often the process is *more* important than the outcome of the encounter in shaping a community member's assessment of the interaction (Sunshine and Tyler 2003; Tyler and Huo 2002). In fact, in a study conducted in 2008, researchers interviewed New Yorkers both prior to and following a personal experience with the police. The people who received a traffic citation from an officer who treated them fairly tended to view the police more favorably and were significantly more willing to cooperate with the police than they had been before that encounter (Tyler and Fagan 2008).

In recent years, procedural justice and how it relates to the profession of policing have been topics of research worldwide. Psychologists, sociologists, and criminologists alike have studied the pillars of procedural justice in police-community interactions. The main finding from this body of research is that "police can achieve positive changes in citizen attitudes to police through adopting procedural justice dialogue as a component part of any type of police intervention" (Masserole et al. 2012). Much of the research in this area has been led by Tom Tyler at New York University. Dr. Tyler's work identifies the main components of procedural justice (also known as the "pillars" of procedural justice), as explained later.

In the field of law enforcement, we generally talk about two types of procedural justice: internal and external.

Figure 2. Internal and external procedural justice

INTERNAL procedural justice refers to procedural justice within your agency—an aspect of this type of procedural justice might be the quality of communication that exists within your agency among different ranks.

EXTERNAL procedural justice refers to procedural justice within your community—an aspect of this type of procedural justice might be the quality of communication that exists between officers and members of the public in different situations.

Source: Center for Public Safety and Justice, University of Illinois at Chicago.

While external procedural justice is concerned with relationships between law enforcement officers and those outside of the department, internal procedural justice is concerned with the relationships officers have with their colleagues in their agencies. In addition to focusing on external procedural justice, Dr. Tyler's research has addressed internal procedural justice and has found that officers who feel respected by their supervisors and peers are more likely to accept departmental policies, understand decisions, and comply with them voluntarily (Tyler, Callahan, and Frost 2007).

Another way to think about procedural justice is to become familiar with the key components of the concept—the four pillars of procedural justice. It helps to think of the pillars as tools that, when used, build mutual respect and trust between and among police officers and the community members they interact with from day to day. The four pillars represent strategic behaviors that, when applied by police officers, increase the likelihood of a positive overall assessment by community member. Every interaction between law enforcement officers and the public is an opportunity for law enforcement to build relationships, shape the reputation of the department, and increase overall community satisfaction.

Figure 3. Four pillars of procedural justice

Source: Laura Kunard and Charlene Moe, *Procedural Justice for Law Enforcement Agencies: Organizational Change through Decision Making and Policy* (Chicago: Center for Public Safety and Justice, 2015), 50.

Fairness and consistency of rule application

The first pillar of procedural justice, as shown in figure 4, is *fairness and consistency of rule application*. Perceptions of fairness are driven not only by outcomes but also by the fairness and consistency of the processes used to reach those outcomes.

Figure 4. First pillar: fairness

Source: Laura Kunard and Charlene Moe, *Procedural Justice for Law Enforcement Agencies: Organizational Change through Decision Making and Policy* (Chicago: Center for Public Safety and Justice, 2015), 53.

Photo: Rachel Donahue/Shutterstock

The perception of fairness is not just about outcomes. As noted earlier, people consider both the outcome of a decision and the process by which the decision was made when forming their opinion about whether a decision was fair. Often, the outcome of an interaction is less important than the interaction itself—whether respectful treatment was experienced by the parties involved. In short, the process of decision making matters, the process of having a respectful conversation with a community member matters, and the process through which an outcome is arrived at matters.

External example

If a member of the public receives a speeding ticket (negative outcome) but was treated fairly during the interaction with the officer issuing the ticket (positive process), the driver is more likely to feel that the encounter was fair and is less likely to contest the ticket or register a complaint against the officer. The driver is also more likely to comply with the officer's requests, such as producing identification when asked, and to come away from the encounter with a positive opinion of the law enforcement agency.

For instance, as reported in a CBS news story (Hartman 2012), Deputy Sheriff Elton Simmons of the Los Angeles County Sheriff's Department is a veteran deputy of 21 years and has written more than 25,000 citations. He knows that, too often, tension can escalate and a simple traffic stop can develop into a more serious matter. But surprisingly he has not received a single complaint in his 21 years.

With every traffic stop he makes, Simmons is determined to diffuse the situation, eliminating any unnecessary anxiety for both himself and the driver. Simmons says his motto is "Do good, be good, treat people good." Simmons' friendly and fair approach appears to endear him with motorists, some of whom end up apologizing.

Internal example

In many police organizations, the environment around the selection of officers for specialized units is extremely competitive and stressful. According to Lieutenant Leo Daniels of the Arlington (Texas) Police Department, the challenge becomes how departments can promote fairness in a selection process that leaves so many disappointed. These situations are similar to the external example: when fairness and consistency are practiced, the negative impact of the outcome is minimized. The way to create processes and outcomes that lead to positive assessment begins at the posting of an available position. The process must be open to everyone with a posting that is distributed widely and clearly identifies closing dates. Next, the selection criteria must not be a secret. If someone is not selected to participate in the process, they should be told immediately and the factors considered to eliminate them should be identified. Finally, after the selections are made, they should be announced publicly, and all candidates that participated in the process should be provided feedback on how they can improve in preparation for the next opportunity.

Voice and representation in the process

The second pillar of procedural justice, as shown in figure 5, concerns *voice*. All people want to be heard, and involving people or groups in the decisions that affect them affects their assessment of a given situation. Everyone wants to feel as though they have a measure of control over their fate; having voice in situations that may be somewhat out of their control (such as whether they get a traffic ticket) helps them to feel that their opinions matter and that someone is listening to their side of the story, taking them seriously, and giving some consideration to their concerns.

Figure 5. Second pillar: voice

Source: Laura Kunard and Charlene Moe, *Procedural Justice for Law Enforcement Agencies: Organizational Change through Decision Making and Policy* (Chicago: Center for Public Safety and Justice, 2015), 57.

External example

If a community member involved in a minor car crash is provided an opportunity to tell their side of the story to a police officer, their overall assessment of the interaction with that police officer will likely be positive. Giving that community member voice in that moment will affect their perception of policing and police officers in the future.

The opposite can also be true. A police officer gave a woman a ticket for making an illegal turn. When the woman protested that there was no sign prohibiting the turn, the officer pointed to one that was bent out of shape, leaning over and hardly visible from the road.

Furious and feeling the officer hadn't listened to her, the woman decided to appeal the ticket by going to court. The day of her hearing arrived, and she could hardly wait to speak her piece. However, when she began to tell her side of the story the judge stopped her and summarily ruled in her favor, dismissing the case.

How did the woman feel? Vindicated? Victorious? Satisfied?

No, she was frustrated and deeply unhappy. "I came for justice," she complained, "but the judge never let me explain what happened." This affected her perception not only of the officer and policing in general but also of the broader judicial system.

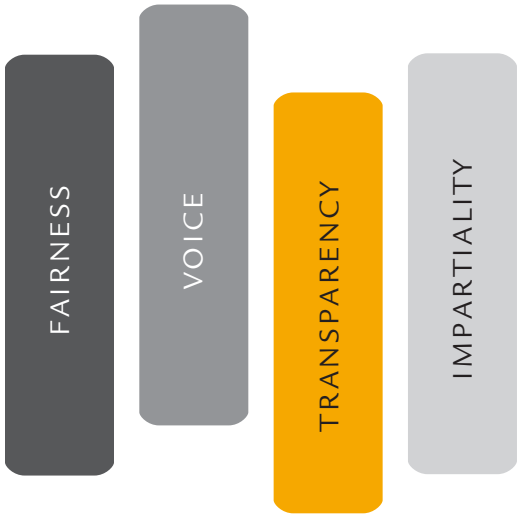
Internal example

Similarly, voice is important within law enforcement agencies as well. Officers are no different than residents in the community. They want to know not only that they are heard but also that their opinions are valued. Chief Will Johnson of the Arlington (Texas) Police Department has a long-standing practice of holding nonsupervisory meetings. These meetings are held quarterly between the chief of police and nonsupervisory representatives from throughout the department for the purpose of giving officers an opportunity to connect with the chief. These representatives poll the officers in their respective areas and present the chief a list of questions to be discussed. Although the chief regularly solicits input from his command staff, on nonsupervisory meeting days, no supervisors are allowed in the meeting to ensure that officers feel safe in sharing and discussing their concerns and issues in an open forum. The results of the meetings—the questions, responses, and proposed actions—are communicated to the entire department. As expected, not everyone comes away with exactly what they want, but these meetings are successful because the officers have seen evidence that their ideas and concerns are truly being considered, and they value the opportunity to voice their ideas directly to the chief.

Transparency and openness of process

The third pillar of procedural justice, as shown in figure 6, is *transparency and openness of process*. Transparency means that the processes by which decisions are made do not rely upon secrecy or deception. In other words, decisions unfold out in the open as much as possible as opposed to behind closed doors. Nobody likes to feel that their future is being decided upon another person's whim; we like to be able to see how things are unfolding so that we can come to understand the ultimate result of a decision. When officers are as transparent as possible, community members are more likely to accept officers' decisions—even if they are unfavorable to them.

Figure 6: Third pillar: transparency



Source: Laura Kunard and Charlene Moe, *Procedural Justice for Law Enforcement Agencies: Organizational Change through Decision Making and Policy* (Chicago: Center for Public Safety and Justice, 2015), 60.

External example

Transparency is equally important when police officers interact with members of the public. A story from Captain Richard "Skip" Miller of the Sioux Falls (South Dakota) Police Department (SFPD) nicely illustrates this point. After becoming aware of some problems in a downtown park—including drinking and fighting—the SFPD took a well-thought out and measured approach. They worked with the mayor's office and other city departments to analyze the problem and communicate clearly with those involved. City officials, including representatives of the police department, met with the leaders of the group causing trouble in the park. At these meetings, they outlined the problems and concerns of neighbors in the area, clearly explained the ordinances regulating behavior in the park (for example, drinking beer was allowed but drinking hard liquor was not), and listened to the concerns of those who regularly congregated in the park. As a result of the meeting, the city installed additional picnic tables and portable toilets for use in the park. Their transparent approach—opening lines of communication, explaining the existing ordinances—went a long way to ultimately resolving the problems.

Internal example

Chief Ed Medrano of the Gardena (California) Police Department related a story regarding the selection process for the department's specialized detail positions. Once vacancies are posted, each applicant is encouraged to meet with the sergeant and the team members from the specialized detail. This allows applicants to better understand the necessary skills, education, and experience needed to be successful. These interactions are encouraged months in advance of the testing. In addition, applicants are encouraged to meet with the lieutenants in charge of the specialized units in order to learn what might be expected of that specialized detail in the future. After the applicant selection interview, the specialized detail supervisor and lieutenant meet with each applicant, regardless of placement on the eligibility list. They discuss the applicant's strengths and weaknesses. This internal process filled with dialogue before, during, and after the interview allows applicants to gain full insight on the selection process and skills, experience, and education needed to be selected for a specialized detail.

One officer recently shared he was surprised by the amount of effort put into the selection process by specialty detail supervisors. The officer learned that selections were not just made for filling the team vacancy for today's needs; rather, much effort was placed in determining who could best fill the vacancy for the needs of the team in the future. Even though the officer was not chosen for the position this time, the officer was more willing to accept the decision because the process was transparent and he understood the selection process and found it fair.

If an officer puts in a request for a day off and his supervisor denies the request without explanation, that officer may feel confused, upset, or even angry. If the supervisor openly explains why the decision was made, noting the factors that went into the decision, the officer will likely feel more satisfied with the process, more satisfied with their supervisor, and more satisfied with the police department overall.

Impartiality and unbiased decision making

The forth pillar of procedural justice, as shown in figure 7, is *impartiality and unbiased decision making*. Impartial decisions are made based on relevant evidence or data rather than on personal opinion, speculation, or guesswork. Americans have a strong sense of fairness, and especially in our media-driven society— which allows for instant answers to nearly every question via the Internet—we want the facts. When people take the extra few minutes to make apparent to others the data used to make decisions, understanding and acceptance readily ensue.

Figure 7. Fourth pillar: impartiality

Source: Laura Kunard and Charlene Moe, *Procedural Justice for Law Enforcement Agencies: Organizational Change through Decision Making and Policy* (Chicago: Center for Public Safety and Justice, 2015), 64.

External example

Recently, Sioux Falls, South Dakota, as shared by Captain Richard "Skip" Miller, experienced an uptick in bicycle accidents—two resulting in fatalities. The SFPD's approach to addressing that problem exemplifies impartiality and unbiased decision making. First, SFPD officers met with members of the cycling community, pedestrians in the downtown area, and drivers to find some common ground; all were concerned about the recent accidents and loss of life. Second, the SFPD worked with local media to announce upcoming saturation patrols in the downtown area where the accidents occurred, getting the word out to the community that officers would be on the lookout for violators. Third, the SFPD rolled out the saturation patrols, first with a focus only on giving warnings and educating the public about local ordinances. The officers on patrol stopped everyone in the downtown area in equal measure: cyclists failing to stop at stop signs, pedestrians jaywalking, and drivers who failed to yield to pedestrians. For two weeks, the patrol officers warned residents about their law-breaking behavior, educated them about the recent accidents, and informed them that they would be issuing citations for law-breaking behavior in the near future. This approach not only exhibited impartiality in their approach to problem solving but also built trust between police and the community members frequenting that area.

Photo: Jorg Hackemann/Shutterstock

Internal example

Like anyone else, officers value their time off, especially during the summer. Two officers who serve on the same shift in the Gardena (California) Police Department submitted a request for a vacation day on the same day. One officer requested the day off because of his daughter's third birthday party. The second officer requested off to attend his daughter's baptism. At the time, the department's policy allowed for only one officer off on each shift. Even though both officers had valid and valued reasons to take leave from work, the policy clearly delineated the amount of officers allowed off at the same time: one.

That policy had been set in place as an organizational mechanism to ensure impartiality in determining how many officers could take leave at the same time. The policy was well publicized, clearly explained, and uniformly utilized throughout the patrol bureau. Supervisors were not placed in the sometimes precarious situation of deciding which officer's reason for leave had more merit. Thus, when a decision was made, based on fair and standardized implementation of department policy there was no perception of bias or favoritism.

Ultimately, the second officer found a colleague to trade shifts with him, allowing the officer to attend the baptism. Most significant is the fact that the second officer whose time off request was denied had no animosity toward the department or his fellow officers because the policy was impartial. He understood the reason for the denial and saw that the policy was uniformly applied.

How Does Procedural Justice Relate to Community Policing?

It is also helpful to think about the concept of procedural justice alongside the concept of community policing. Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime (COPS Office 2014).

Community policing is also often explained through defining its three pillars of partnerships, problem solving, and organizational transformation, as shown in figure 8.

Figure 8. Three pillars of community policing

Source: Laura Kunard and Charlene Moe, *Procedural Justice for Law Enforcement Agencies: Organizational Change through Decision Making and Policy (*Chicago: Center for Public Safety and Justice, 2015), 41.

The first pillar, as shown in figure 9, refers to collaborative *partnerships* between law enforcement agencies and the individuals and organizations they serve to develop solutions to problems and increase trust. Partners with law enforcement may include local government agencies or departments, community groups, nonprofit organizations, social service providers, private businesses, and members of the media.

Figure 9. First pillar: partnerships

Source: Adapted from Laura Kunard and Charlene Moe, *Procedural Justice for Law Enforcement Agencies: Organizational Change through Decision Making and Policy* (Chicago: Center for Public Safety and Justice, 2015), 64.

The second pillar, *problem solving*, as shown in figure 10, refers to the process of engaging in the proactive and systematic examination of identified problems to develop and rigorously evaluate effective responses. Key components of problem solving include the following:

- Scanning: Identifying and prioritizing problems
- Analysis: Researching what is known about the problem
- Response: Developing solutions to bring about lasting reductions in the number and extent of problems
- Assessment: Evaluating the success of the responses
- Using the crime triangle to focus on immediate conditions (victim/offender/location)

Figure 10. Second pillar: problem solving

Source: Adapted from Laura Kunard and Charlene Moe, *Procedural Justice for Law Enforcement Agencies: Organizational Change through Decision Making and Policy* (Chicago: Center for Public Safety and Justice, 2015), 64.

The third pillar of community policing, *organizational transformation,* as shown in figure 11, refers to the alignment of organizational management, structure, personnel, and information systems to support community partnerships and proactive problem solving. Community policing, like procedural justice, should permeate the agency at all levels.

Figure 11. Third pillar: organizational transformation

Source: Adapted from Laura Kunard and Charlene Moe, *Procedural Justice for Law Enforcement Agencies: Organizational Change through Decision Making and Policy* (Chicago: Center for Public Safety and Justice, 2015), 64.

As you can see by the definitions of the pillars, procedural justice and community policing are related, complementary concepts. The common denominator between the two, as shown in figure 12, is that they are both primarily concerned about *relationships*—creating them and maintaining them well.

Figure 12. Cultivating relationships

Source: Laura Kunard and Charlene Moe, *Procedural Justice for Law Enforcement Agencies: Organizational Change through Decision Making and Policy* (Chicago: Center for Public Safety and Justice, 2015).

One more way to think about the concept of procedural justice is by thinking about **banking**. In banking, the two main types of transactions are *deposits* and *withdrawals*. Think about interpersonal interactions (both within your department between colleagues and in the community between officers and residents) as transactions—positive transactions will result in deposits, while negative transactions will result in withdrawals. It is important to note that it may take multiple deposits or positive interactions to make up for one withdrawal or negative interaction. Deposits strengthen relationships while withdrawals damage them.

The **community bank account** represents your community's overall feelings about your agency over time—your officers' opinions about the department and the community's opinions about the department. It is important to understand that each interaction, while it occurs between only two people, ultimately reflects upon the agency as a whole. Every interaction a police officer has with a community member should be seen as an opportunity to make a deposit.

An example of cultivating trust through relationships is demonstrated by Public Safety Officer Araujo from the Kalamazoo (Michigan) Department of Public Safety. Araujo responded to a night shift incident in a neighborhood that typically receives many calls for service. On this night, the call involved a person being stabbed. When Araujo arrived on scene, he recognized the subject who was stabbed. The stabbing victim was refusing to speak with officers at the scene about the incident. When the subject saw Araujo, he recognized him as the officer who had arrested him the previous Monday for another incident. How the stabbing victim was treated by Araujo during the earlier incident and subsequent arrest led him to confide in Araujo the entire

story of the stabbing from his point of view. It may never be known if the stabbing victim would have come forth with this information to any other officer; however, Araujo had shown the victim respect during their previous interaction and built trust with him, resulting in the victim providing the statement.

Procedural justice and officer safety

An example of how procedural justice can relate to officer safety is demonstrated in this deadly encounter illustration courtesy of Captain Jim Mallery of the Kalamazoo Department of Public Safety.

During a foot pursuit of a known gang member with a long history of violence and an outstanding arrest warrant, Officer Rick McCall found himself in a precarious and deadly position. In an effort to elude McCall, the suspect turned in to a backyard and hurdled himself over an old five-foot rickety chain-link fence, landing on his back, face up. McCall, hurdling the same fence and gripping the suspect's arm, found himself hung up by his own gun belt atop the fence. Now McCall was looking straight down at the suspect who was reaching for the butt of his semiautomatic gun, which had fallen out of his pants upon impact. McCall, seeing the gun, shouted "No!"

As the suspect's eyes meet with McCall's eyes, the suspect recognized who had been pursing him and he laid the gun on the ground saying, "McCall, I didn't know it was you! I wouldn't do that to you"—and he, the suspect, pushed his own gun away. While McCall untangled himself from the fence, the suspect cooperated and submitted to handcuffing without resistance.

As McCall walked the suspect to the patrol car, he asked him, "You weren't really going to shoot me, were you?" The suspect replied, "No, McCall, out of all the cops, you've always treated me decent."

McCall had arrested his near-assailant several times. He had also taken the time to engage with him over the years during noncrisis interactions when encountering him on the street. During one of these encounters, they learned they shared a common birthday, 10 years apart. This seemly inconsequential coincidence was the foundation in building a relationship with a sense of general mutual human respect. McCall's choice to treat the suspect with respect and dignity through their numerous interactions, even when arresting him, saved his life that day. A true story of procedural justice impacting officer safety.

As we have learned from this brief overview of officer experiences, officers' use of procedural justice engenders long term respect and compliance from their communities. When officers treat community members with respect, those community members (as well as their friends, families, and neighbors) are more likely to comply with the law and more likely to work with police to keep their communities safe.

By building trust and respect among community members through repeated "deposits" into the community bank account, officers are stacking the deck in their favor to a certain extent—in each encounter with a new community member, officers are more likely to meet someone who respects the department, respects their authority, and complies with officer requests, thus lessening the need for officers to use force. The cumulative effect of procedural justice has a direct bearing on officers' safety on the street.

When officers approach an interaction, the principle of procedural justice suggests that they expand their thoughts about the community encounter from "can I do this?" to "should I do this?" which may ultimately reduce officer fatalities and injuries. By setting a positive tone at the beginning of any interaction, officers can often keep interactions on an even keel, negating the need for raised voices or disrespectful exchanges that could easily escalate into dangerous situations.

Procedural justice and use of force

Similar to the relationship between procedural justice and officer safety, procedural justice also relates to potential use of force situations. As noted by Jason Sunshine and Tom Tyler, "a procedural justice-based policing strategy doesn't mean the police should not resort to the use of force when faced with a hostile individual. It simply means that to the extent that the police can elicit compliance without the use of force, the police officers, the institution of policing, and society in general will benefit greatly" (Sunshine and Tyler 2003).

One of the most important lessons of applying procedural justice to use of force situations is for officers to embrace their wit—their intellect, their use of language, their powers of persuasion, their empathy, and their humanness. As Corporal Charles Fernandez of the Arlington (Texas) Police Department notes, an officer's "greatest weapon or tool is their brain." Officers have high levels of communication skills and are trained in helpful techniques such as verbal judo. Relying upon communication techniques can often defuse a potentially hostile situation quickly and negate the need for the use of force in that situation.

> *It's often said that an officer's greatest weapon or tool is their brain, which enables them to process all the information from a rapidly evolving situation and be able to adapt accordingly.*
>
> *—Corporal Charles Fernandez*
> *Arlington (Texas) Police Department*

Many interactions have a "tipping point"—a moment in the conversation where things get more or less tense. It is important for an officer who embraces the concept of procedural justice to recognize that moment and rely upon their language skills to turn the conversation to a calm, productive place.

Procedural justice and encounters with people with mental illness

As has been noted, procedural justice is important in every interaction that officers have with their colleagues as well as with the public. It is especially critical for officers to keep the pillars of procedural justice in mind when they are interacting with people with mental illness, particularly people with serious mental illness (SMI). Efforts to improve law enforcement's ability to respond to people with mental illness have taken hold nationally in recent decades with many agencies creating and maintaining crisis intervention team (CIT) training models. Such training, which increases officers' understanding of SMI as well as their savviness in communicating with people with SMI, should also be paired with the principles of procedural justice, which enhances such an approach.

Professor Amy Watson has studied the interactions between officers and people with SMI extensively and focuses some of her work on how officer behaviors may shape cooperation or resistance. (Watson 2007) Watson notes that "Procedural justice theory provides clear direction for efforts to improve police response to persons with mental illness" and goes on to emphasize that "measurable behaviors that may improve officers' abilities to obtain cooperation and more effectively and safely manage encounters with persons with mental illness" include fairness and giving voice—pillars of procedural justice. Watson's recent studies (2010, 2013) have underscored the importance of procedural justice in encounters between people with SMI and officers.

Example. Law enforcement officers who are members of crisis intervention teams have training in reflective listening techniques, which serve to de-escalate situations and build trust between officers and people with mental illness. A medium-sized agency received repeated calls from a woman diagnosed with schizophrenia. She called often to register complaints against her family members for a variety of alleged offenses. Officers who were dispatched to the scene often felt frustrated

When we've talked to people with serious mental illness about their police encounters, the thing that really comes through is that they feel extremely vulnerable when they have these encounters.

—Dr. Amy Watson, Associate Professor University of Illinois at Chicago

with her seemingly incoherent ramblings about her deceased husband and the absence of any family members in the home. After the first few calls, the dispatcher sent a CIT-trained officer to the scene. By using his reflective listening skills, he realized, her actual needs would be revealed (she was out of medication and needed someone to go pick it up, for example), and he could effectively address her concerns.

Procedural justice and hot spot policing

Hot spot policing is a strategy that focuses on a specialized geographic approach and concentrates police resources in well-defined "hot spots" of violence. Community members who live, work, or go to school in such hot spots tend to see more police officers and are likely to have more interactions with police officers. The increase in interactions between police officers and the public in hot spot policing situations presents many opportunities for police to earn deposits into the community bank account—to show respect through the four pillars of procedural justice and build trust with their community.

The concentration of crime at specific hot spot locations within neighborhoods provides an important opportunity for police to make connections with those citizens who are most vulnerable to victimization and experience fear and diminished quality of life.

—David Weisburd and Anthony Braga

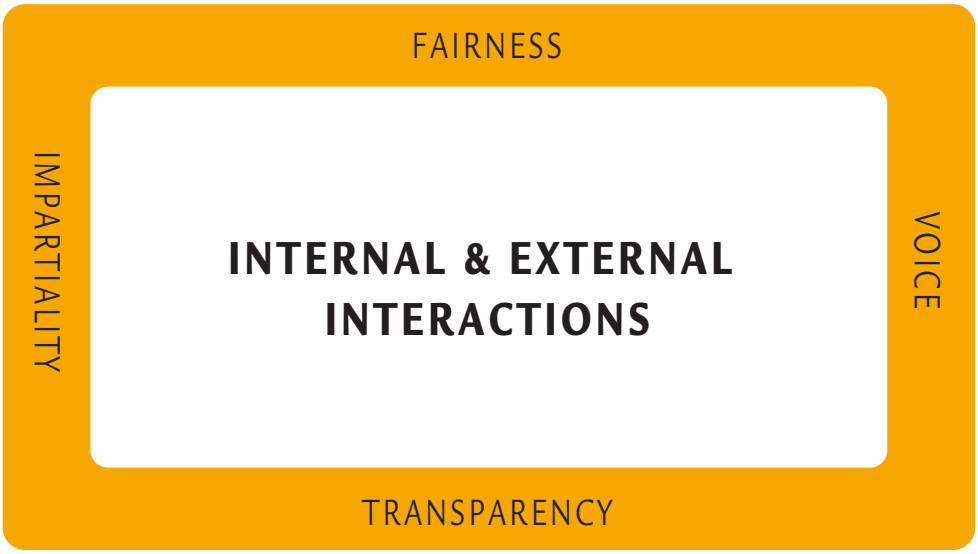
A procedural justice-based approach to policing—even hot spot policing—allows the law enforcement officers to "focus on controlling crime without alienating the public" (Sunshine and Tyler 2003). So while police officers may be in a small geographic area to concentrate on a specific violent crime problem, that focus does not preclude them from using that proximity to get to know the residents, building trust through honest communication and perhaps at times informal conversations.

Example. The Massachusetts State Police's approach to hot spot policing provides an example of how procedural justice can play a role even in high intensity situations like drug raids. Nighttime raids of drug houses in Springfield, Massachusetts, often result in neighbors who come outside, awakened by the noise and commotion. As state trooper Mike Cutone explains, taking the time to explain what is going on in the neighborhood and connect with the residents makes all the difference in building trust between law enforcement and residents in the community. "You want to engage these other folks and let them know what's going on and why we're here," Cutone says. The raid was featured on *60 Minutes* and shows Cutone introducing himself and calling neighbors by their first names after the commotion is over (Stahl 2013).

Procedural justice and the benefits to your community

Procedural justice can be thought of as a framework around every interaction a police officer has—with colleagues in the law enforcement agency and with members of the community alike. It is important for law enforcement officers to recognize and appreciate the power they have in many situations and approach those situations with procedural justice in mind. When embraced by an entire law enforcement agency, as shown in figure 13, all members of the department can expect the building of trust and mutual respect among its members and the public.

Figure 13. The procedural justice framework



Source: Laura Kunard, "Community Policing: New Applications of an Enduring Perspective—Now More Than Ever," presentation given to the Akron (Ohio) Police Department, April 2014, 80.

Conclusion

The tides are shifting in police-community relations in the United States. With the high visibility of several significant events comes a louder call for a new kind of policing rooted firmly in justice, impartiality, and collaboration with the community. Procedural justice is a framework in which law enforcement leadership can build effective policing efforts, first internally and then externally. In conversations with public safety professionals across the nation, the Center for Public Safety and Justice encounters a common response from newcomers to the concepts of procedural justice and police legitimacy: "This isn't new; it's what good cops have always done." And they are right. As the body of research on internal and external procedural justice grows, it has become increasingly clear that this evidence-based way of doing business—rooted in the four pillars of fairness in decision making, impartiality, providing voice, and transparency—is the foundation of a 21st century model of policing.

Indeed, the President's Task Force on 21st Century Policing identifies the philosophical foundation of its work as an effort to "build trust between citizens and their peace officers so that all components of a community are treating one another fairly and justly and are invested in maintaining public safety in an atmosphere of mutual respect" (President's Task Force 2015). A cultural shift in this direction requires more than a reliance on good cops continuing to be good. Procedural justice must be strategically institutionalized through policies and practices in order to shift the internal and external culture of law enforcement agencies to one that promotes mutual respect, where police can effectively serve as guardians working in partnership with members of the community rather than that of an occupying force. Indeed, procedural justice is the fulcrum on which this mutual respect balances.

We are optimistic that you will see the benefits of procedural justice as an organizational principle. Law enforcement executives should find necessity in institutionalizing procedural justice within their agencies. Furthermore, officers within the department will see the significant impact that embracing procedural justice in their everyday encounters with the public can have promoting effective policing and officer safety.

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Selected Procedural Justice Resources

COPS Office Community Policing Learning Portal, Procedural Justice Resource page:
http://cops.igpa.uillinois.edu/procedural-justice-resources
This online resource page features links to COPS Office-developed resources related to procedural justice, including podcasts and articles.

Interview with Professor Tom Tyler:
http://courses2.cit.cornell.edu/sociallaw/videos/tyler/index.html
This website features videos of Professor Tom Tyler speaking about his research on procedural justice and its relationship to law enforcement processes.

Procedural Fairness website:
http://www.proceduralfairness.org/Policing.aspx
This website features many resources related to procedural justice in a variety of criminal justice contexts. Of particular interest to law enforcement officers is the series of six short videos of Professor Tracey Meares speaking about procedural justice and its relationship to law enforcement and the links to recent journal articles.

About the Center for Public Safety and Justice

The Center for Public Safety and Justice's (CPSJ) 18 years of national experience providing training and technical assistance to communities throughout the United States on a variety of policing topics has given its staff unique insight into the culture of law enforcement, including operations, organizational structure and relationships with local government and community partnership teams. The mission of CPSJ is to promote public safety as a philosophy and practice for all members of a community. It is through partnerships and community engagement, organizational change and transformation, innovative approaches to problem solving, strong community-based leadership and quality education, training and technical assistance that the essence of community policing, community preparedness and emergency management is redefined enhancing quality of life across the United States.

CPSJ is one of ten research centers within the College of Urban Planning and Public Affairs (CUPPA) at the University of Illinois at Chicago. CUPPA pursues its mission by weaving together three commitments: to innovative education, to engaged research and to making an influential contribution to policy and practice. CUPPA, through its nationally recognized research centers, strives to interweave the discovery of new knowledge with education and the practical application of research finding to critical issues and problems facing communities across the nation.

CPSJ has a long history of providing curriculum development, training and technical assistance and research capacity to the COPS Office. Additionally, CPSJ has developed long-standing partnerships with the Department of Justice, Bureau of Justice Assistance; the U.S. Department of Homeland Security, Federal Emergency Management Agency and many other state and local agencies. CPSJ has received awards from an extensive list of organizations requesting its expertise on a range of issues. A sampling of these activities include:

- The development and delivery of a three-part procedural justice series including *Procedural Justice for Law Enforcement: Organizational Change through Decision Making and Policy, Procedural Justice as a Dialogue-to-Change* and the update and revision to the *Procedural Justice for Law Enforcement: Front-line Officers* course initially developed by the King County, WA Sheriff's Office

- Design and rollout of a national protocol for community and law enforcement responses to missing persons with Alzheimer's disease and other forms of dementia

- The design and development of the COPS Learning Portal that houses online training and resources developed by CPSJ and other COPS Office grantees

- An extensive revision, update and expansion of the Illinois Basic Law Enforcement Academy Curriculum bringing the curriculum in line with state law and current best practices in law enforcement

- More than a decade-long partnership with the Illinois Emergency Management Agency (IEMA) providing expertise in subrecipient monitoring for the Urban Areas Security Initiative and the State Homeland Security Program

About the COPS Office

The Office of Community Oriented Policing Services (COPS Office) is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territory, and tribal law enforcement agencies through information and grant resources.

Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Rather than simply responding to crimes once they have been committed, community policing concentrates on preventing crime and eliminating the atmosphere of fear it creates. Earning the trust of the community and making those individuals stakeholders in their own safety enables law enforcement to better understand and address both the needs of the community and the factors that contribute to crime.

The COPS Office awards grants to state, local, territory, and tribal law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime fighting technologies, and develop and test innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders and all levels of law enforcement. The COPS Office has produced and compiled a broad range of information resources that can help law enforcement better address specific crime and operational issues, and help community leaders better understand how to work cooperatively with their law enforcement agency to reduce crime.

- Since 1994, the COPS Office has invested more than $14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing.
- To date, the COPS Office has funded approximately 125,000 additional officers to more than 13,000 of the nation's 18,000 law enforcement agencies across the country in small and large jurisdictions alike.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than 8.57 million topic-specific publications, training curricula, white papers, and resource CDs.

COPS Office resources, covering a wide breadth of community policing topics—from school and campus safety to gang violence—are available, at no cost, through its online Resource Center at www.cops.usdoj.gov. This easy-to-navigate website is also the grant application portal, providing access to online application forms.

Procedural justice has become an important focal point in the profession and strategy of policing in recent years. The purpose of this publication is to introduce law enforcement professionals to the concept of procedural justice and to encourage law enforcement to research the concept beyond what is captured in this introduction. The goal of this publication is to have a national understanding of procedural justice in policing and to strive towards institutionalizing the concepts throughout agencies across the country to build trust and confidence and advance public safety.

COPS
Community Oriented Policing Services
U.S. Department of Justice

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To obtain details on COPS Office programs,
call the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at **www.cops.usdoj.gov**.

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