

Division of Criminal
Justice Services



Procedural Justice I


Presented by: Lt. Tobin, Sgt. Welch, Sgt. Harget

6/25/2020

6/25/2020

Procedural Justice and Police Legitimacy (PJ1)





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Housekeeping

- Please silence your cell phones...there will be plenty of time to check your messages!
- Restrooms
- Agenda – breaks and lunch
- Everyone has something to offer so be respectful of the opinions of others.

MOST IMPORTANTLY

PANK DOES NOT EXIST IN THIS ROOM

We need to be able to discuss things freely yet respectfully





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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






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Module 1

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




Woodbury – Operation Stay Cool with the Cops




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Definitions


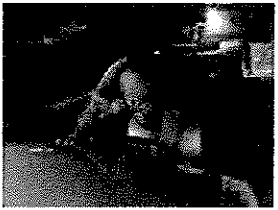
- Legitimacy:** The public view the police as entitled to exercise authority in order to maintain social order, manage conflicts and solve problems in the community.
- Procedural Justice:** The procedures used by police officers where citizens are treated fairly and with proper respect as human beings.





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Example of Procedural Justice – Video



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Procedural Justice Leads to Legitimacy

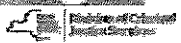

- › When police officers give citizens a voice (listen) and are objective and respectful, police officers gain the trust of the citizenry.
- › The procedural justice process of fairness and respect leads citizens to view the police as legitimate and trustworthy.



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Why Are We Here?

- When utilizing procedural justice and gaining legitimacy, police officers reap many benefits:
 - › Increased safety.
 - › Lowered stress levels.
 - › Fewer complainants.
 - › Greater cooperation from citizens.
 - › Voluntary compliance.
 - › Reduced crime.



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What are "Our Goals" in Policing?



- ▶ 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.



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Think About Your Agency's Mission Statement

Chester Police Department
It is the mission of the Town of Chester Police Department to provide on

the most effective and efficient police services to the residents of the Town of Chester and to all those who

reside within its jurisdiction. The Town of Chester Police Department will

maintain the highest standards of police service and will ensure that the

public is served with the highest quality of police service. The Town of Chester Police Department will

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City of Newburgh Police Department
It shall be the mission of the City of Newburgh Police Department to safeguard the lives and

property of the people we serve, to reduce

the incidence and fear of crime, and to

enhance public order, while also striving with

our community through transparency,

empathy and fair and equal treatment for all.

Chester Police Department
The principal mission of the Town of Chester Police Department is to

preserve the rights of citizens and

reduce fear in the community

through the prevention of crime,

protection of persons, property,

and the maintenance of order in

public places; and to anticipate

and respond to events that

threaten public order and the

protection of life and property.

It is essential all members

remember that in the execution of

their duties they act not for

themselves but for the good of the

public. They shall respect and

protect the rights of individuals

and perform their services with

honesty, zeal, courage, discretion,

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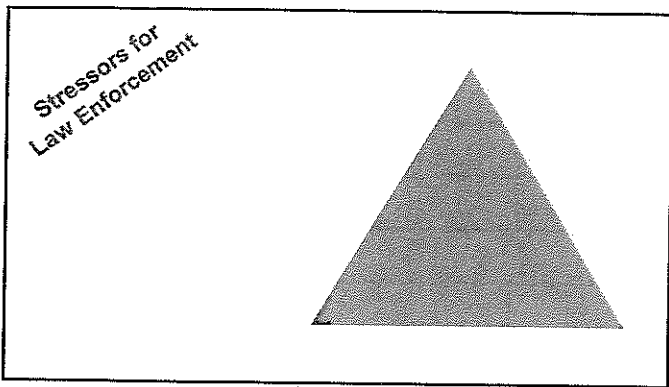
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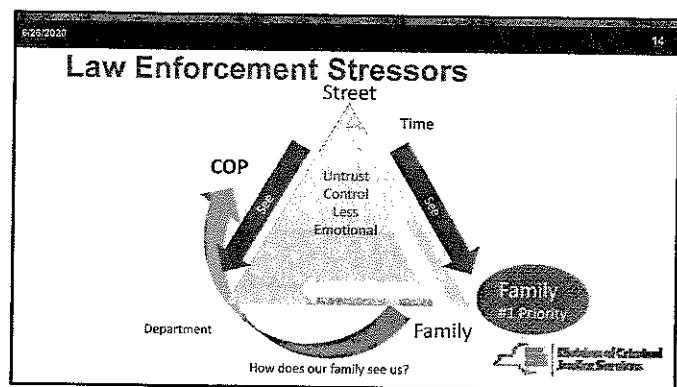
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Module 2

Expectations and Legitimacy








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Cynicism

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 to be a result of the behaviors of 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.




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"Us" vs. "Them"

"Real World"
for police = 3 -
6% of the
population

In reality, 94 -
97%
of the population
is law abiding




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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 spans 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.





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Sir Robert Peel

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."




1788-1850



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Legitimacy – Video






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Expectations Exercise

▶ What does the community EXPECT/want from police officers? (Group 1)

What do police officers EXPECT/want from the community? (Group 2)




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Expectations Exercise – Group 1

Does the community expect...

- ▶ Service, protection
 - Peace keeper
- ▶ Lawfulness
 - Enforce laws
 - Exemplary behavior
- ▶ Fairness
 - Impartial process
 - Unbiased policing

- ▶ Partnership
 - Respect
 - To solve problems
- ▶ Trust



Expectations Exercise – Group 2

Police officers expect...

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



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

- Can the police fight crime without the community?
- Legitimacy and procedural justice lead to the community helping the police.



Why Do People Obey the Law?

- ▶ Deterrence:
 - Expensive.
 - Must follow through with punishment.
- ▶ It is the right thing to do.
- ▶ Police have the right to tell citizens what to do.

• Research shows overwhelmingly that the latter two are true!




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Legitimacy

How to gain it?

The four principles of procedural justice:

- Voice (listen).
- Neutrality (be fair).
- Respectful treatment (be respectful).
- Trustworthiness (fair and transparent process).





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Legitimacy

What is legitimacy?

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

Legitimacy reflects:

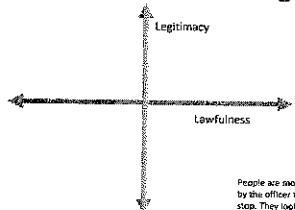
- Trust and confidence in the police.
- Acceptance of police authority (less confrontation).
- Police actions are morally correct and appropriate (fairness).




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

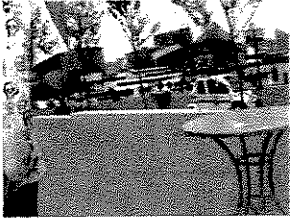



People are more concerned with how they are treated by the officer than they are about the outcome of the stop. They look for cues that the officer made a decision fairly and without bias.



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Teachable Moment?







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Module 3

- Procedural Justice







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Procedural Justice is Rooted in Justice

- **Justice:** The use of authority and power to uphold what is right, fair or lawful.
- **Procedural Justice:** The procedures used by police officers where citizens are treated fairly and with proper respect as human beings.





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Citizen Assessment Formula

- Citizen's assessment of an experience with the police:


Assessment

→

Outcome

←

Process



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"Do Good; Be Good; Treat People Well."

- Citizen's assessment of an experience with the police:






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Procedural Justice in Action - Video





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Procedural Justice as a Priority

- ▶ Primary issue in how a community views police legitimacy.
 - Are police exercising their authority in a fair & just way?
 - Procedural justice.
- ▶ Procedural justice:
 - Research shows that procedural justice is more important than the outcome of the encounter.
 - For the most part, a positive or negative outcome does not have an impact on legitimacy.






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Elements of Procedural Justice

- ▶ Quality of decision-making:
 - Voice.
 - Neutrality (fair process).
- ▶ Quality of treatment:
 - Respect for people and their rights.
 - Trustworthiness (transparent process).




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Procedural Justice – Voice

- Quality of decision-making... **Voice**
- ▶ Allowing the participant to voice their point of view or offer an explanation:
 - Active listening by the officer.
 - Allow them to talk.
- ▶ Having a voice makes people feel that they are a part of the process and that they have input in the decision, even if it does not impact the decision.



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Voice Contributes to Officer Safety

- ▶ People want to be heard and understood; communication is just as important as verbal.
- ▶ The subject's emotions are what counts; don't argue.
- ▶ Emotions are universal, experiences are not; it's more about values, feelings and experiences.
- ▶ Emotions are universal, experiences are not.
- ▶ With every story, there is an emotion.

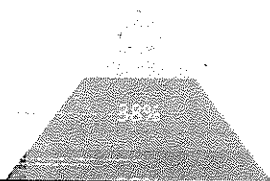


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Voice Breakdown

- Under stress, non-verbal communication becomes dominant:
 - Voice accounts for 7 percent of information communicated.
 - Tone and volume account for 38 percent of information communicated.
 - Body language accounts for 55 percent of information communicated.



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Non-Verbal Components of Communication

- ▶ Eye Contact
- ▶ Facial Expressions
- ▶ Gestures
- ▶ Posture and Body Orientation
- ▶ Proximity
- ▶ Voice




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Quality of Decision-Making: Neutrality

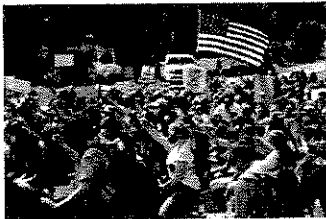
- ▶ Employ decision-making that is "neutral."
 - Exhibits neutral feelings toward the person through non-verbal cues. (Ask yourself: What message am I sending?)
 - Follow unbiased decision-making.
- The decision is not based on personal bias.
- Make consistent and transparent decisions.
 - Apply the decision equally and to all.
- Allows people to see the decision has been neutral.
- Explain why a person has been stopped; explain the process (transparency).




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Labeling Exercise

- Table Exercise
- Part I
 - Write one word that the police use to describe the people in the areas they work.
- Part II
 - Write one word that area residents use to describe police.







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Quality of Treatment: Respect and Dignity

- ▶ Respect for the person; respect for one's rights.
- ▶ Treating a person with dignity validates him/her as a human being.
- ▶ Showing empathy to the importance he/she places on the issue involving the police shows respect.



Quality treatment results in voluntary compliance




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Quality of Treatment Leads to Trustworthiness

- ▶ Listen to people.
- ▶ Consider their side of the argument.
- ▶ Take their needs and concerns into account (i.e. benevolence).
- ▶ Explain 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 gains compliance!

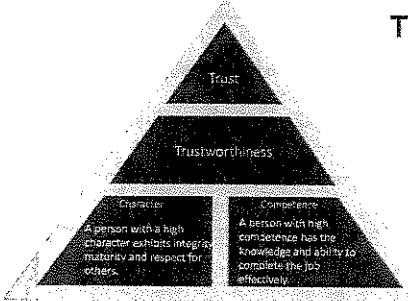



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Trustworthiness






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Ever Been Stopped?

- Who has been stopped by the police?
- Who has a personal story about a family member being stopped by an officer?


This is a video specific to Chicago PD. Insert local video, as available.



Chicago Police Department

Courtesy & Demeanor

Episode Six "On the Street"





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Research Supporting Procedural Justice

- Study of California street stops:
 - Conducted in Oakland and Los Angeles.
 - Interviewed 1,656 people who had recent personal experiences with legal authorities.

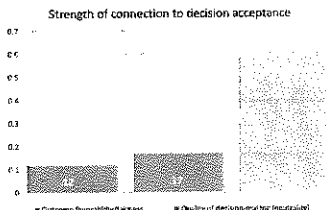


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Will Citizens Voluntarily Accept Police Decisions?

Strength of connection to decision acceptance



Category	Value
Outcome Favorability (Fairness)	0.15
Quality of decision-making (procedural)	0.55

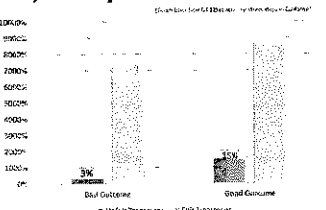


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Will Citizens Voluntarily Accept Police Decisions, Despite Outcomes?

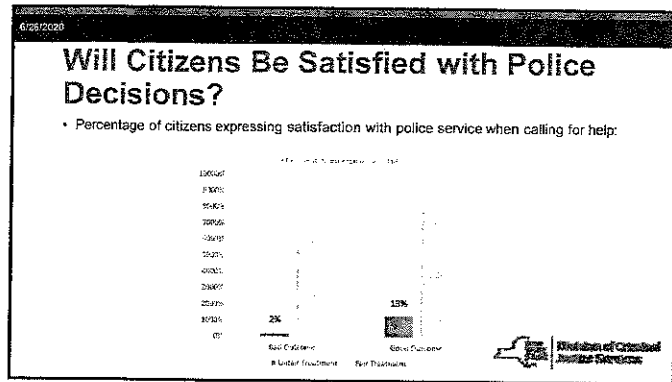
Strength of connection to decision acceptance

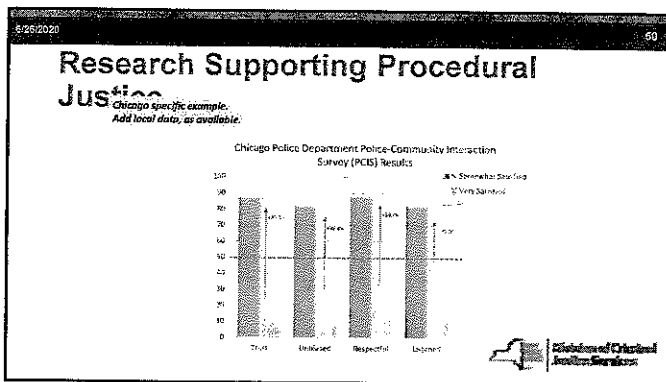


Category	Value
Bad Outcome	34%
Good Outcome	75%



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Research Supporting Procedural Justice

Procedural justice leads to legitimacy...

THE POWER OF INFLUENCE
Franklin Covey (2009)

- **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.




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Module 4

- Historical and Generational Effects of Policing



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Introduction – Placeholder

- Historical and Generational Effects of Policing



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Things to Consider

- What role does the history of policing play in how the community views police legitimacy today?
- Does the history of police with communities of low trust affect relations?
- How do we share experiences?



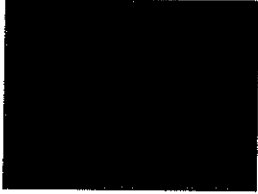

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Historical Effects of Policing - Video



- A Brief History of Policing in the United States
- By Bonnie Bucqueroux
- What role does the history of policing play in how the community views police legitimacy?

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How Did We Get Here?

- Article 4, Section 2 of the U.S. Constitution reads:
- "No Person held to Service or Labor in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labor, but shall be delivered up on Claim of the Party to whom such Service or Labor may be due."





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Things to Consider

- Who makes the laws?
- Who enforces the laws?
- Who is blamed when laws are enforced?

The police are the FACE of the government!



Segregation Now, Segregation Tomorrow, Segregation Forever
Gov. Wallace

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Historical Civil Rights Issues

Affecting Police Community Relations Today

- Groups who may have a distrust in the police based on a historical perspective:

- Blacks
- Latino/Hispanic
- LGBTQ
- Japanese
- Other

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How Did We Get Here?

- The Fugitive Slave Act of 1793 was a federal law that was written with the intention of enforcing Article 4, Section 2 of the United States Constitution.
- It declared that all runaway slaves were, upon capture, to be returned to their masters, even if they were captured in free states.

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The Fugitive Slave Act of 1850

- The act was a part of the Compromise of 1850 between the South and the North.
- It declared that all runaway slaves were, upon capture, to be returned to their owners.
- It earned the nickname the "Bloodhound Law" because of the dogs that were used by police and bounty hunters to track down runaway slaves.

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Jim Crow: 1876-1965




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Civil Rights Movement: 1954-1968





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Civil Rights Movement: 1954-1968

- Angelo Albano and Castenge Ficarrota still handcuffed together, on the morning after they were lynched in 1910.

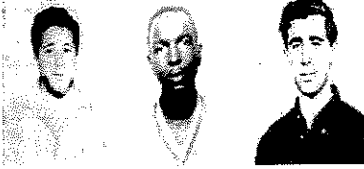



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Mississippi Burning

- Michael Schwerner, James Chaney and Andrew Goodman






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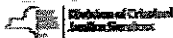
Historical Perspective

1927

1935

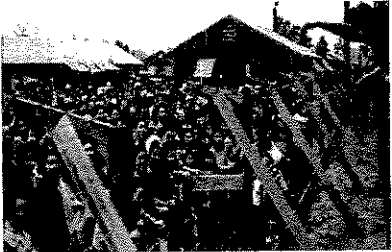
1981






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Japanese American Internment Camps 1942








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Stonewall Riot 1969-NY-2016




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How Did We Get Here?

- Throughout the world and even in modern times, police are sometimes seen as the enemy of the people.
 - ▶ Not to be trusted.
 - ▶ Part of the establishment.
 - ▶ Goal to maintain power.
 - ▶ Or worse?




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What Can We Do Together

- As groups, discuss how the history makes you feel.
- Discuss how history effects communities we serve.
- What can the police and community do together and individually to improve trust?



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Building Trust Video

This is a video specific to Chicago PD. Insert local video, as available.

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Community Bank Account

- Community Bank Account:
 - Are we making deposits or withdrawals?
 - What is the impact of a withdrawal to YOU? The Department? The community?
 - What impact does our policing have on future generations?

Procedural Justice is a deposit!

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Deposit or Withdrawal?


- Every encounter is either a deposit or a withdrawal.
 - 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 a withdrawal?
- Does one encounter affect how future generations view the police?

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Deposit or Withdrawal? - Video

- Traffic stop video (part 1)







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Deposit or Withdrawal? – Video

- Traffic stop video (part 2)







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Module 5

- Procedural Justice at Its Finest



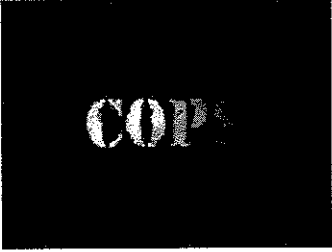



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Example of Procedural Justice Video






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Images Are Powerful

- ▶ Review the following images.
- ▶ Discuss how you perceive the images.
- ▶ *Do the images display procedural justice leading to legitimacy?*





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Procedural Justice and Police Legitimacy







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Good Deeds = Great Results



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Procedural Justice and Police Legitimacy

