

PROCEDURAL JUSTICE & IMPLICIT BIAS
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08

TITLE: PRINCIPLED POLICING: A DISCUSSION OF PROCEDURAL JUSTICE AND IMPLICIT BIAS

DATE:

HOURS: 8.0

LEARNING NEED:

Procedural Justice is a research-based and cost-effective paradigm that was designed to increase peace officers' ability to improve the public's confidence and trust in law enforcement agencies. One of the main principles of **Procedural Justice** is the development of a spirit of teamwork between law enforcement agencies and community members. This sense of cooperation leads to a reduction in criminal activity and an overall improved quality of life within the community. Research indicates that procedural justice increases citizens' voluntary compliance during law enforcement contacts in addition to improving the relationship of trust with community members.

Implicit Bias can be defined as the thoughts or feelings about social groups of which people may be unaware, yet can influence their decisions and actions. People can act on **Implicit Bias** despite good intentions, strong motivations, or the sincere desire to be egalitarian. Although **Implicit Bias** is common, it is not inevitable. It is more likely to influence people in some situations than in others and combating **Implicit Bias** requires some understanding of the situational factors that induce it. Law enforcement's ability to develop an insight into **Implicit Bias** is central to their comprehension of a prime factor that can destroy the public's trust in law enforcement agencies. This course will empower law enforcement with the knowledge necessary to begin to address implicit bias within their respective departments.

This course melds the principles of Procedural Justice and Implicit Bias in order to create a broad awareness of these two important concepts. Law enforcement can improve trust and relationships between law enforcement agencies and their communities by using these principles to evaluate their policies, procedures and training within their departments. In addition, developing an understanding of these two concepts will enable law enforcement to improve safety and well-being for the public and law enforcement alike.

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OUTLINE

I. Introduction

- A. Introductions- class set up
 - 1. Options for opening the course
 - a. AG Video
 - b. Chief's Office
 - c. Police Chaplain
 - 2. Welcome and brief statement of purpose
 - a. Instructor and student introductions
 - 3. Introduction to the course content
 - a. Learning objectives
 - b. Course content – briefly review each module
 - c. Brief background on the development of the course
 - d. What the course isn't
 - 4. Introduction to course participation
 - 5. Participation in the course is essential, express opinions while respecting others
 - 6. Class participation – questions, discussions, small group work
 - 7. Housekeeping
- B. Course Overview: The course is not about discipline.
 - 1. The course is about validating what you are already doing, its awareness for those that may not be doing it, and for some it may be corrective.
 - 2. Advise students that a test is administered at the conclusion of the course.
- C. Administration of the Pretest: A pretest is administered to the students before any course material is revealed. The pretest is designed to measure each students' knowledge of the subject matter that comprises the course. The results of the pretest will be compared to results of the final examination that will be administered at the conclusion of the course.

.5 hour

II: Module One: Interactive Nature of Procedural Justice, Legitimacy and Policing Goals.

- A. OVERVIEW: Module 1 defines police legitimacy and procedural justice and provides video examples of procedural justice. It introduces the "Four Principles of Procedural Justice". This module offers an opportunity to discuss and discover how procedural justice benefits staff and supports their Department's goals for policing.
- B. Teaching Objectives: Upon completion of this module, clear connections will be made between:
 - 1. Individual officers' goals,
 - 2. The code of ethics
- C. Learning Objectives: Upon completion of this module, students will be able to:

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1. Define procedural justice,
 2. Define police legitimacy, and
 3. Explain how procedural justice leads to greater police legitimacy
 4. Explain how these concepts relate to addressing crime
- D. The students will participate in a **Learning Activity** to assess their knowledge or initial perceptions of Police Legitimacy and Procedural Justice. While in groups using their own words and real life experiences they will define/describe the terms of “police Legitimacy” and “Procedural Justice”. As the groups report the instructors will facilitate a group discussion to ensure the students understand the concepts of Police Legitimacy and Procedural Justice.
- E. Building on the concepts learned the instructors will show a video of a resisting subject (using the Taser Mike Video) and conduct a facilitated discussion regarding the officers’ use of Procedural Justice and Police Legitimacy.
- F. DEFINE AND CLARIFY
1. What is police legitimacy?
 - a. The public view of the police as entitled to exercise authority in order to maintain social order, manage conflicts, and solve problems in the community.
 2. What is procedural justice?
 - a. The procedures used by police officers and other justice system actors, where citizens are treated fairly and with proper respect as human beings
- G. FOUR PRINCIPLES OF PROCEDURAL JUSTICE
1. Voice
 2. Neutrality
 3. Respectful Treatment
 4. Trustworthiness
- H. BENEFITS OF PROCEDURAL JUSTICE FOR LAW ENFORCEMENT.
1. Safety
 2. Lower stress
 3. Fewer complaints
 4. Greater cooperation
 5. Voluntary compliance and support for police actions
 6. Lower crime, greater public safety
- I. EVIDENCE OF THE ABOVE BENEFITS
1. Sunshine and Tyler 2003 – 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) and to give police a wider range of discretion to perform their duties.
- J. The students will participate in a **Learning Activity** while using easel pads, they will list the goals of Peace Officers. The groups will compare and contrast the views they had as their careers began and the goals they have at this point in their careers.

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K. GOALS OF POLICING

1. Social order
2. Crime prevention
3. Be fair and impartial
4. Ensure constitutional rights
5. Safety, be effective, offer support
6. Serve and protect the public
7. Generate and hold public trust
8. Racial reconciliation

L. CALIFORNIA LAW ENFORCEMENT CODE OF ETHICS

1. Code of ethics emphasizes principles of procedural justice

1 hour

III: Module Two: Expectations and Legitimacy

- A. OVERVIEW:** Module 2 presents a more in-depth look at cynicism, and its impact on police legitimacy and procedural justice. It offers an opportunity to discuss police and community expectations of each other and examine actions that build trust.
- B. Teaching Objectives:** Upon completion of this module, the following concepts will be clear:
1. The role cynicism plays in the profession of policing
 2. The importance of public support for policing efforts
 3. How citizen and law enforcement expectations can conflict and cause harm to positive relations
 4. How procedural justice can address cynicism and support officer wellbeing
- C. Learning Objectives:** Upon completion of this module, students will be able to:
1. Compare and contrast citizen and law enforcement expectations
 2. Understand the role cynicism plays in procedural justice and police legitimacy
 3. Discuss the need for public support
 4. Articulate the necessity for law enforcement to serve as role models for police legitimacy
- D. CYNICISM**
1. Define cynicism as it relates to the profession of policing
 - a. 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.
 - b. How some police come to view things, how cynicism affects police at both the personal and professional levels
 - c. External Procedural Justice
 - d. Internal Procedural Justice
 - e. Categorizing stressors

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- i. Officer safety and hypervigilance
- ii. Us vs. Them mentality

E. STRESSORS

1. What affects police but we don't talk about
2. How it plays out at work
3. How it plays out outside of work

F. The students will participate in a **Learning Activity** that identifies stressors for law enforcement from their perspective. Each group will list and report out on the stressors affecting peace officers.

G. IMPACT OF CYNICISM

1. On officer health and well being
2. On interactions and relationship with the public
3. Community's version of cynicism

H. The student will participate in a **Learning Activity** that identifies the expectations of law enforcement from the community and expectations that law enforcement has of the community. The instructor will facilitate a discussion of the differences and similarities between the two lists created by the group. Generally, the exercise results in two lists are very close or identical.

I. EXPECTATIONS

1. The Golden Rule
2. The Platinum Rule
3. Expectations, commonalities, and conflicting narratives
4. Community and police need each other to meet expectations
5. Procedural Justice and Police Legitimacy contribute to voluntary compliance

J. POLICE LEGITIMACY

1. Why people obey the law:
 - a. Deterrence
 - b. The right thing to do
 - c. Fear the consequences of their failure not to
2. Authorities are legitimate
 - a. Define legitimacy; legitimacy reflects trust and confidence in police, acceptance of authority, actions perceived as morally correct and appropriate
3. Lawfulness vs. legitimacy

1 hour

IV: **Module Three:** Procedural Justice

A. **OVERVIEW:** Module 3 is an in-depth look at procedural justice. It examines each of the four tenets or principles, how they relate to decision-making, the policing process and how

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treatment affects the public's assessment. This module also offers an opportunity for students to discuss personal experiences with procedural justice.

- B. Teaching Objectives: Upon completion of this module, the following concepts will be clear:
 - 1. The principles of procedural justice,
 - 2. How applying procedural justice principles in interactions with citizens can positively impact officer safety and mitigate the stresses and challenges of police work, and
 - 3. How procedural justice affects outcomes and increases police legitimacy, in particular in communities of color
 - 4. The necessity for law enforcement to support Procedural Justice

- C. Learning Objectives: Upon completion of this module, students will be able to:
 - 1. Explain how utilizing procedural justice can support the objectives of police work and mitigate the challenges/stresses of police work
 - 2. Demonstrate retention of knowledge pertaining to procedural justice principles
 - 3. Understand that process is equally if not more important than the outcome.
 - 4. Explain how procedural justice can have a positive impact on their department

- D. PROCEDURAL JUSTICE
 - 1. Justice and procedural justice

- E. PROCESS MATTERS
 - 1. Citizens' assessment
 - 2. Assessment = Outcome + Process
 - 3. Role of procedural justice to perceptions of legitimacy
 - 4. Quality of treatment and quality of decision-making

- F. VOICE
 - 1. Listening to the explanation, demonstrating understanding
 - 2. Perspective being valued
 - 3. Feeling of input and inclusion in the process
 - 4. Nonverbal communication factors into voice
 - 5. Perception is what counts
 - 6. Supports officer safety and wellbeing

- G. NEUTRALITY
 - 1. Conveying neutrality through unbiased decision-making
 - a. Implicit bias introduction (agency options to introduce the topic.)
 - 2. Showing decision is applied equally allows people to see neutrality
 - 3. Explaining decision-making process contributes to transparency

- H. The student will participate in a **Learning Activity** that will assess the negative impact of labeling on the community and law enforcement. A facilitated discussion will follow on the power of negative labels and the effects on how the police provide service to the community. Thereafter,

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the discussion will focus on how law enforcement can impact their officers' descriptive terms of their community.

I. RESPECT

1. Treating people with respect and dignity validates them as a human being
2. Respect for the person, respect for rights
3. Contributes to officer safety and voluntary compliance

J. TRUSTWORTHINESS

1. Intentions and character
2. Acting in a benevolent and caring way, showing that officer is trying to do what's best
3. Listening to people's accounts
4. Explaining police actions showing awareness and sensitivity to people's concerns

K. EXAMPLES AND PERSONAL STORIES

1. Doctor example
2. Other examples

L. RESEARCH

1. Study of California street stops— Quality of treatment (.59) and decision making (.17) matter more to citizen voluntary acceptance than the favorability of the outcome for the citizen (.12)
2. Fair vs. unfair treatment, good vs. bad outcomes

1.5 hours

V: MODULE 4: HISTORICAL AND GENERATIONAL EFFECTS OF POLICING

- A. Overview: Module 4 examines the historical and generational effects of policing. It provides an opportunity to better understand the impact of the racialized legacy of policing on present day policing practice and policy. By the end of this module, students are expected to understand the concepts of deposits and withdrawals and relate them to procedural justice.
- B. Teaching Objective: Upon completion of this module, the following concepts will be clear:
 1. Historical and generational effects of policing
 2. Experiences of policing in communities of color
 3. How perceptions and expectations affect policing, and
 4. What can be done at the individual and agency level, deposits and withdrawals?
- C. Learning Objective: Upon completion of this module, students will understand:
 1. Why relationships are strained and that police/law enforcement has, and still is, used as a tool of corrupt governments to implement unjust laws both in the US and in other countries
 2. How communities in which officers serve are products of that history and that reality
 3. Why officers need to understand this and how this impacts the common goal of a safer community and better relationships with the public

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4. Deposits and withdrawals and the role of procedural justice in making more deposits
 5. The impact that law enforcement can have on this process
- D. INTRODUCTION OF CIVILIAN/COMMUNITY INSTRUCTOR (Agency options on instructor)
1. Community partner speaking from personal experience
 2. Commitment to thorough analysis of law enforcement impacts and interactions for all communities with low levels of trust with law enforcement
 3. Commitment to a different future for black and brown communities affected by crime
- E. HOW DID WE GET HERE?
1. Police used to enforce racist laws
 2. Historic experiences of policing in communities of color
 3. Current instances of misconduct
 4. Examples of personal narratives, supporting data
- F. WHAT CAN WE DO?
1. Community bank account, deposits and withdrawals
 2. Growth vs fixed mindset, research and implications
 3. Every interaction as an opportunity for a deposit – making every interaction count
 4. Working together
 5. Proactive involvement by law enforcement
- G. The student will participate in a **Learning Activity** regarding the historical relations between the black and brown communities. Through a facilitated discussion, the students will relate their professional experiences in law enforcement regarding the gradual elimination of discrimination against members of their communities. This is typically a very rich discussion with significant student participation.

1.5 hours

VI: **MODULE 5: IMPLICIT BIAS CONCEPTS FOR LAW ENFORCEMENT**

- A. Overview: Module 5 introduces the concept of implicit bias and describes the science and research behind it. This module offers an opportunity to learn about how implicit bias is the product of an interaction between normal psychological functioning and the world we live in, but can have a profound impact on decision making and outcomes for line staff and law enforcement.
- B. TRANSITION INTO MODULE
1. Perception in communities with low trust in law enforcement that they are not getting procedural justice from police; legitimacy is damaged
 2. What is getting in the way of “procedural justice for all”?
 - a. Historical relations could be one barrier.
 - b. Cynicism could be another barrier.
 - c. Implicit bias may be yet another barrier.

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C. MODULE OBJECTIVES:

1. Definition of implicit bias
2. Sources of implicit bias
3. Scientific studies of implicit bias
4. Combating implicit bias

D. WHAT IS IMPLICIT BIAS?

1. Provide working definition of implicit bias and distinguish it from explicit bias
 - a. Thoughts and feelings about social groups that can influence people's perceptions, decisions, and actions without awareness.
2. Discuss the building blocks for implicit bias (i.e., stereotyping and prejudice)
3. Stereotyping is considered universal, yet the content of stereotypes about specific social groups is culturally specific.
4. In the U.S., African Americans are highly associated with crime. The Black-crime association is well documented in the social scientific literature and is also frequently at the heart of police-community tension across the U.S. Therefore, we will use it as a primary example of how implicit bias operates (keeping in mind, of course, that people can hold implicit biases about a variety of social groups).

E. WHERE DOES IT COME FROM?

1. The Black-crime association is supported by actual crime statistics.
2. The Black-crime association is supported by media.

F. HOW DOES IT AFFECT US?

1. What We See (e.g. the mere presence of Black faces facilitates the detection of weapons)
2. How We Act (e.g. in shoot/don't shoot computer simulations people are faster to shoot Blacks with guns than Whites with guns; people are also more likely to mistakenly shoot Blacks without guns)
3. Where We Look (e.g., people who are prompted to think of violent crime look toward Black faces and away from White faces)
4. How We Interpret Behavior (e.g., people interpret the actions by a Black person to be more threatening, aggressive, and criminal than those same actions by a White person)
5. How We Interact (e.g., people leave inter-racial interactions feeling cognitively depleted and physically stressed)
6. The Bias of Others (e.g., police officers are often placed in situations where they are forced to act on the bias of others in the community)

G. HOW CAN WE ADDRESS IT?

1. Addressing implicit bias is critical to procedural justice
2. How can law enforcement agencies design systems and processes to protect officers from implicit bias and improve police-community relations?
3. Discuss seven evidence-based strategies

2 hours

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VII: Module 6: Conclusion

- A. Test Administered to Students

- B. Course Evaluation: At the end of the class, students are requested to complete a brief evaluation of the course and the instructors.

- C. Certificate: Students who participate for the entire class will receive a certificate of completion.

.5 hour