

Principled Policing Expanded Course Outline

Course Purpose

This course develops officers' capacities for improving public trust and confidence in the justice system. This is accomplished via an examination of policing expectations, cognitive bias, the current and historical contexts of policing in the United States, and perspectives of justice system legitimacy and procedural justice.

Course Outcome

Upon completion of this course, students will be able to purposefully apply the tenets of internal and external procedural justice.

Course Audience

Members of law enforcement including students attending the basic course and advanced officer (AOT) courses.

Course Presentation Method

This course builds upon and develops existing student skills, knowledge, and attitudes related to policing. As a result, the course is facilitated using student-centered instructional strategies that prioritize students' analysis of the state of policing past and present. Students should complete the course with the ability to immediately transfer and apply their learning in their own professional contexts. Instructors should be skilled with engaged facilitation and the use of questioning to cause student critical thinking. This course cannot be presented effectively in a solely lecture-based format.

I. INTRODUCTION

- A. Welcome and statement of purpose
 - 1. Instructor introductions
 - 2. Student Introductions
- B. Course content
 - 1. Learning objectives
 - 2. Course background
 - a. Development history
 - b. Intent and purpose
- C. Course participation
 - 1. The course is dialogue-based.
 - a. No dialogue results in poor quality learning.
 - b. The difference between dialogue and discussion
 - c. Students will not be told what to believe but instead be presented with considerations and given space to arrive at their own conclusions.
 - 2. Participation is essential.
 - 3. Express personal opinions while respecting others

II. EXPECTATIONS of POLICING

- A. Learning Objective:
 - 1. Students will examine influences on stakeholder expectations of policing.
- B. The internal and external stakeholder expectations of policing

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1. How do the perceived purpose, goals, and outcomes of policing differ between:
 - a. Officers
 - b. Police agencies
 - c. Citizens
 - d. Other stakeholders
 2. Is there shared expectation on some topics and not others? Why?
 - a. Expectations, commonalities, and conflicting narratives
 - b. Dialogue and collaboration among stakeholders to meet expectations
 3. How do conflicting narratives present challenges for effective policing?
- C. Student Activity and Learning Verification
1. Students in groups will examine and report their findings of influences on stakeholder expectations of policing.

III. PROCEDURAL JUSTICE AND LEGITIMACY

- A. Learning Objectives:
1. Students will define the concepts of *justice system legitimacy* and *procedural justice* as they relate to policing.
 2. Students will evaluate the function of justice system legitimacy and procedural justice within their own agencies and communities.
- B. The diverse goals of modern policing, including:
1. Order maintenance
 2. Crime prevention
 3. Community stewardship
 4. Equity and impartiality in a diverse society
 5. Ensuring constitutional rights
 6. Safety and effectiveness
 7. Serving and protecting the public
 8. Generating and holding public trust
- C. Justice system legitimacy
1. Resulting from a combination of people's perceptions of
 - a. The legal authority to act
 - b. Procedurally just conduct
 2. The justice system is perceived as legitimate, and is consequently entrusted to police, try offenses, and deliver resolutions when it demonstrates performance that is both legal and just.
 - a. When people view formal authorities (such as the justice system) as legitimate, they are more likely to accept the decisions of the authority even when those decisions are not personally favorable (President's Task Force on 21st Century Policing, 2015; Tyler, 2006;).
 3. The police are typically the most visible component of the justice system, but the system also includes other components such as courts and corrections.
 - a. How might perspectives of justice system legitimacy impact policing?
 - b. How might perspectives of police legitimacy impact the justice system?
 4. Interactions and impacts
 - a. What is the effect if the justice system is perceived as not legitimate? What does this look like in society?

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- b. A community's perception of an agency's legitimacy can be impacted by person-to-person contacts.
- c. Person-to-person contacts can be impacted by a community's perception of the legitimacy of an agency.
- d. How might an agency and its members be impacted if community perceptions of legitimacy are eroded?
- e. How might an agency and its members be impacted if agency members' perceptions of their own agency legitimacy are eroded?

D. Procedural justice

1. People's perceptions of the fairness demonstrated by a system (Tyler, 2006).
 - a. Citizens are more likely to perceive the justice system as legitimate if they believe it behaves in procedurally just ways and has the legal authority to do so.
 - b. "Procedural justice speaks to the idea of fair processes, and how people's perception of fairness is strongly impacted by the quality of their experiences and not only the end result of these experiences." (Yale Law School, 2022)
2. Four tenets of procedural justice
 - a. Voice
 - i. Allowing individuals the opportunity to share their perspective
 - ii. Active listening to understand instead of waiting to interrupt
 - iii. Conveys to the speaker that their perspective is valued
 - iv. Generates feelings of input and inclusion in the decision-making process
 - v. Nonverbal communication is a vital component of voice
 - b. Neutrality
 - i. Conveying impartiality through unbiased decision-making and action
 - ii. Cognitive biases may unintentionally counter efforts to be neutral
 - iii. Transparency—explaining or demonstrating the reasoning and equitability of an action—may suggest neutrality
 - c. Respect
 - i. Treating people with consideration and dignity
 - ii. Giving due regard for an individual's feelings, wishes, rights, or traditions
 - d. Trustworthiness
 - i. Conveying responsible motives and concern about those impacted by decisions
 - ii. Clear Intentions and character
 - iii. Trying to do what is best within the context
 - iv. Explaining decision-making and actions
 - v. Demonstrating consideration of people's concerns
3. Scope
 - a. Individual – Procedural justice (PJ) practiced by the individual
 - b. Organizational – PJ practiced by the organization. Examples include PJ practiced during promotions, transfers, discipline, etc.
4. Orientation
 - a. Internal
 - i. PJ exercised inside an organization among members
 - ii. Contributes to perceptions of organizational equity and fairness

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- iii. May impact officers' behavior externally
- iv. How might an increase or decrease in perceived internal procedural justice affect an agency?
- b. External
 - i. PJ exercised by organization members during interactions with the community
 - ii. Affects community perception of the just-ness of the justice system
 - iii. How might the increase or decrease in perceived external procedural justice influence the effectiveness of policing in a community?
- 5. Procedural justice is a self-evident concept. We obviously don't want justice system members who are:
 - a. Untrustworthy
 - b. Disrespectful
 - c. Unfair
 - d. Unwilling to listen
- 6. Procedural justice benefits
 - a. Internal PJ benefits may include:
 - i. Increased perceived legitimacy of the justice system
 - ii. Increased member wellness
 - iii. Increased morale
 - iv. Fewer internal complaints
 - v. Reduced cynicism
 - vi. Reduced bias due to better understanding
 - vii. Greater internal collaboration and cooperation
 - b. External PJ benefits may include:
 - i. Increased perceived legitimacy of the justice system
 - ii. Increased willingness to engage with the justice system
 - iii. Fewer complaints
 - iv. Reduced cynicism
 - v. Reduced bias due to better understanding
 - vi. Greater external collaboration and cooperation

E. Student Activity and Learning Verification

- 1. Students in groups will envision how procedural justice is expressed within their own organizations and identify how this affects perceptions of justice system legitimacy.

IV. HISTORICAL AND GENERATIONAL EFFECTS OF POLICING

A. Learning Objective

- 1. Students will identify how historical and present events shape perceptions of justice system legitimacy and procedural justice.

B. California law enforcement code of ethics

C. Policing history

- 1. Policing as an instrument for control
- 2. Policing in diverse communities
- 3. Policing within socially disadvantaged groups
- 4. Misconduct and the impact on legitimacy
- 5. Personal narratives

D. The Community bank account

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1. Deposits and withdrawals
 - a. Every interaction as an opportunity for a deposit or a withdrawal– making every interaction count
 - b. Proactive involvement by law enforcement
2. Procedural justice as a route to deposits
3. Research and implications

E. The police and community relationship

1. How might the history of policing impact perceptions of procedural justice and to what effect?
2. How might the history of policing impact perceptions of justice system legitimacy and to what effect?
3. What is getting in the way of “procedural justice for all”?
 - a. Cultural memory of historical relations
 - b. Cognitive bias
 - c. Cynicism
4. Each of these three topics form the framework for this class.

F. Student Activity and Learning Verification

1. Students in groups will examine and describe how historical and present events shape perceptions of justice system legitimacy and procedural justice.

V. COGNITIVE BIAS

A. Learning Objectives

1. Students will explain how cognitive biases may affect human behavior.
2. Students will develop strategies for recognizing and managing their own biases.

B. Conservation and evolution

1. Our brains evolved to help us
 - a. Recognize danger
 - b. Conserve calories when faced with food scarcity
 - c. Simplify and prioritize information in a complex world
2. To respond to these challenges, our brains create associations, or mental shortcuts based on learned:
 - a. Personal experience
 - b. Preferences
 - c. Culture
 - d. Family
3. Cognitive Biases are created when associations are erroneously created between unrelated meanings/concepts/people/places/things.

C. Cognitive biases

1. An unproductive product of mental shortcuts
2. Distortions of reality
3. An oversimplified, overgeneralized belief or valuation
4. Based on personal experience or learned from other persons

D. People are often unaware of their cognitive biases and may even hold contradictory conscious beliefs.

E. Common cognitive biases

1. Many cognitive biases have been identified. A sampling includes:

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- a. Implicit bias: unconscious belief or attitude toward a specific social group that may lead an individual to unknowingly act in discriminatory ways.
 - i. Implicit bias, prejudice, stereotypes, and racism are not the same
- b. Confirmation bias: favoring and seeking evidence of existing beliefs while also discounting evidence contradicting held beliefs.
- c. Anchoring bias: the tendency to rely too heavily on the first piece of information received.
- d. Negativity bias: recognizing the negative over the positive characteristics in life events, people, etc.
- e. Cynicism: a belief that human conduct is motivated wholly by self-interest.

F. Implicit Bias and policing

- 1. In the U.S., African Americans are highly associated with crime (Banaji & Greenwald, 2013).
 - a. 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).
 - b. What We See: The mere presence of Black faces facilitates the detection of weapons.
 - c. How We Act
 - i. In shoot/don't shoot computer simulations people are faster to shoot Blacks with guns than Whites with guns.
 - ii. People are also more likely to mistakenly shoot Blacks without guns.
 - d. Where We Look: People who are prompted to think of violent crime look toward Black faces and away from White faces.
 - e. How We Interpret Behavior: People interpret the actions by a Black person to be more threatening, aggressive, and criminal than those same actions by a White person.
 - f. How We Interact: People leave inter-racial interactions feeling cognitively depleted and physically stressed.
- 2. Bias by proxy: the biases of reporting persons are intrinsic in their complaints, compelling officers to unknowingly act in ways motivated by these biases.

G. Managing cognitive bias

- 1. Strategies for mitigating the formation of bias
 - a. Manage time
 - b. Manage wellness
 - c. Attend training and educational opportunities, including those not police-related
 - d. Reduce stress and fatigue
 - e. Hold yourself accountable
- 2. Lessening the effect of cognitive biases
 - a. Decreasing the impact of cognitive bias begins with awareness – this is part of the purpose of this class.
 - i. Self
 - i. The role of pause
 - ii. Reflection and recognition
 - iii. Commitment

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- ii. Others
 - i. “You” and “I” statements
 - ii. “Should’ing”
 - iii. Thinking questions
- 3. Reflective questions
 - a. What visible impact does your brain’s tendency to be cognitively biased have on your life?
 - b. What concerns you most about your biases? Why?
 - c. What concerns you most about the biases of others? Why?
 - d. What cognitive biases present the most significant challenges in your personal life? Professional life? Why?
 - e. What may be the specific impact of implicit bias on a workgroup? On a company? A community?
 - f. How can law enforcement agencies design systems and processes to respond to and manage biases?
- H. Student Activity and Learning Verification
 - 1. Students in groups will evaluate their cognitive bases and envision strategies for mitigating their effects.

VI. CYNICISM IN POLICING

- A. A cynic tends to believe that human conduct is motivated wholly by self-interest.
- B. How does this trait present itself in policing?
 - 1. Cynical officers
 - 2. Cynical public/stakeholders
- C. What produces cynicism in officers?
 - 1. Repeated exposure to negative events and outcomes
 - 2. Failings of internal procedural justice
 - 3. Cognitive bias
 - 4. Unfulfilled ideals: “Scratch the surface of most cynics and you find a frustrated idealist — someone who made the mistake of converting his ideals into expectations.” — Peter Senge
- D. What produces cynicism in the public/stakeholders?
 - 1. Repeated exposure to negative policing events and outcomes
 - 2. Failings of external procedural justice
 - 3. Cognitive bias
- E. The impacts of cynicism
 - 1. Dehumanization (Hetey & Eberhardt, 2014)
 - a. Criminal as animal
 - b. Officer as machine
 - 2. Decreased officer wellness, including:
 - a. Suicide
 - b. Addiction
 - c. Divorce
 - d. Officer safety and hypervigilance
 - e. *Us vs. Them* mentality
 - 3. Erosion of perceptions of justice system legitimacy
 - 4. Impeded relationship and communication with the public

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5. Cynicism and procedural justice: What are the interactions between the tenets of procedural justice and cynicism?

F. Student Activity and Learning Verification

1. Students in groups will evaluate how cynicism is expressed in their lives and envision strategies for mitigating its effects.

VII. CONCLUSION

A. Learning objective:

1. Students will formulate practical personal and organizational strategies to increase perceptions of justice system legitimacy via the practice of procedural justice.

B. How might the practice of internal and external procedural justice be affected by:

1. Policing history
2. Cognitive biases
3. Cynicism

C. Identify potential achievable solutions to these challenges.

D. Student Activity and Learning Verification

1. Students in groups will formulate practical personal and organizational strategies to increase perceptions of justice system legitimacy via the practice of procedural justice.