

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

**Procedural Justice:
An Organizational Approach**

**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**

**By
Paul Zanolini**

**Mesquite Police Department
Mesquite, Texas
June 2018**

ABSTRACT

Highly-publicized encounters with law enforcement have shone a spotlight on police-community relations. These interactions have contributed to an atmosphere of mistrust between citizens and police departments. The President's Task Force on 21st Century Policing (2015) was established under President Barak Obama's administration in 2014 to directly address the divide between law enforcement agencies and the communities served by them. The first pillar of the report generated by the task force includes building public and legitimacy as the first pillar. This pillar serves as a foundation for the entire report.

Procedural justice is suggested as a cultural shift law enforcement must make to address lack of public trust and perceived legitimacy. Accomplishing this requires more than establishing policy implementing the practice of procedural justice. Officers must embrace these principles to deliver them effectively. While directives and procedural guidelines might serve to guide officers' behavior and actions, the concepts of procedural justice must be internalized.

Bureaucracy, rigidity, strict adherence to policy and lack of consideration for employees in police agencies are similar to the ingredients which have eroded public trust in law enforcement. There exists a divide between the leaders of police agencies and the officers within. To address this divide, police administrators should establish procedural justice as an internal cultural framework. This will help administrators establish trust and legitimacy between officers and their agencies. It will also model the attitudes and behaviors officers are expected to demonstrate in their contacts with the community.

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INTRODUCTION

Trust is a dwindling commodity in the relationship between the police profession and the citizenry they serve. While conflict between citizens and law enforcement agencies has existed since the formation of the first police agency, events such as the police killings of Michael Brown, Philando Castile, and Alton Sterling have brought faltering police-community relations to the forefront of public policy discussions. Noble in spirit, police programs such as community policing and problem-oriented policing have not been wholly successful in solving the problem of strained community relations. These programs have fallen short in generating the perception by communities that citizens are receiving fair treatment by those who have sworn to protect them.

A disconnect exists between law enforcers and citizens in each's perception of what "fairness" is. In police academies, new officers begin their socialization into the profession in a way which causes them to view their actions through the lens of legality (Meares, Tyler, & Gardener, 2015). Officers often perceive that their actions are fair, or just, because their actions were in accordance to law and/or policy. In a similar fashion, police leaders believe that because they enforced policy when interacting with an officer in a manner consistent with policy, that their actions are fair. Whether it is an officer interacting with a citizen or a police leader interacting with an officer, both are situations in which the former was trained in a way which causes them to believe they were acting fairly based on their perceived compliance with laws or policies. One might recognize the similarity between two groups who perceive themselves to be on opposite ends of a fairness spectrum. Officers and the citizens they serve share a common problem in the way each group perceives those with authority over them.

People interpret treatment received from authority figures in a way which allows them to determine how they, as an individual or a group, are perceived by that authority (Meares & Tyler, 2014). If citizens feel they are receiving unfair treatment from officers, they may interpret that to mean that law enforcement negatively perceives them as untrustworthy. In much the same way, officers in an organization may have similar beliefs if treated unfairly by police leaders and the organizational system.

While the legality of an officer's interaction with a citizen is still important, citizens are less concerned with this aspect of an encounter with the police. Citizens develop their opinions about an interaction with the police based on the end result of the interaction and the process through which the end result was achieved (Kunard & Moe, 2015). Within the police organization, the same logic applies. Police officials must follow policy when interacting with officers within the police organization. Officers are less likely to perceive the interaction as fair when a decision by a supervisor is based solely on the logical application of policy with little consideration for the officer's perspective. In the same way citizens may judge the fairness of police encounters, officers of an agency are more likely to internalize the results of an interaction with the organization based on whether they believe they were treated with procedural fairness.

To address the issue of police-community relations, the concept of procedural justice has been presented as a step toward building trust and increasing the perception of police legitimacy. According to the President's Task Force on 21st Century Policing (2015), procedural justice is based upon four primary principles: treating people with dignity and respect; allowing others the opportunity to have a say; making decisions transparently from a position of neutrality; and expressing trustworthiness in one's

motives. Procedural justice is primarily concerned with how an encounter takes place rather than the result of the interaction (Kunard & Moe, 2015).

Because of frayed relations with citizenry and recommendations such as those suggested by the President's Task Force on 21st Century Policing, police agencies continue to adopt procedural justice as an approach to improving the perception of police legitimacy when interacting with the communities they serve. By modeling and enculturating the principles of procedural justice within the police organization, police leaders send a clear message to officers about the standards expected. This would be beneficial to the agency and the community as officers would then be more likely to express similar treatment toward members of the public (Herrington & Roberts, 2013). To create the proper environment which fosters the successful deployment of procedurally just principles by police within the community, police administrators should implement principles of procedural justice within the organization as a cultural framework.

POSITION

Principles of procedural justice apply to organizational relationships in much the same way as they do in police interactions with the community. Police leaders are tasked with working to improve the relationships between police agencies and the communities they serve. These relationships are strained by a lack of trust which has led to the public viewing the police negatively in terms of perceived legitimacy.

Legitimacy is a byproduct of trust. Procedural justice is a means through which police agencies can begin to change public perceptions from negative to positive. In communities where police agencies are making the effort to improve these perceptions,

the public are more likely to have more confidence in the police, believe that the police are trustworthy, think that the police are respectful and fair, and are more likely to accept the authority of officers (Police Executive Research Forum, 2014).

To expect officers to practice procedural justice in their jobs, police leaders must first model the behavior and change the internal organizational culture. Leaders who employ the principles of procedural justice send a clear message to officers about the expectations for officers' behavior (Herrington & Roberts, 2013). These expectations will then be reproduced in officer-citizen interactions, within the agency, in the police profession and in the community; all benefitting from the increased level of trust and perceived legitimacy.

The relationship between police leaders and officers of an agency is similar to the relationship between officers and the community they serve. Police officers in the community, and police leaders within the agency, want to be trusted by those over whom they are expressing authority. To do this, they must first be trusted. Police leaders can earn this trust from officers in much the same way that police agencies try to gain trust within the community in terms of procedural justice.

People want to be treated fairly. To be perceived as fair, there must be a relationship of respect between the agency's leaders and its workforce. Officers, like those in the community, want to be treated with courtesy and dignity, without the use of derogatory language when receiving correction or criticism. They want to be valued as a part of the police agency and deserve the opportunity to offer their views or explanation of an event before an unbiased decision based on facts is made (Herrington & Roberts, 2013). Treating officers with respect and providing the opportunity for them

to have a voice during adversarial contacts as well as during the implementation of change will more likely result in officers accepting the result of the decision.

When a high value is placed on procedural justice and it becomes part of the organizational culture, agencies can expect positive organizational transformation, improvement in the work culture and a decrease in polarization between the agency and its employees (Community Oriented Policing Services, 2014). Applying principles of procedural justice within the workplace has a strong relationship with job satisfaction, a commitment to organizational goals, trust, and a positive view of police leadership (Myhill & Bradford, 2013).

Implementing these principles creates an environment where officers feel valued as employees and in turn, after experiencing positive results, are more likely to begin interacting with citizens in a similar way. Myhill and Bradford (2013) highlight this point in a study in which they found that officers' perceptions of being treated fairly within the department are translate to officers having a positive attitude toward serving the community. Applying principles of procedural justice creates a cooperative environment as opposed to the traditional, adversarial environments which exist in agencies that still cling to rigid, bureaucratic practice.

According to the Police Executive Research Forum (2014), implementing principles of procedural justice is likely to result in higher levels of trust and confidence in the agency between leaders and officers. Implementing these principles in public interaction will produce similar attitudes and among the community between citizens and officers. These attitudes include the belief that one is being treated honestly and with a high level of competence, the perception that one is being treated fairly and

respectfully, and the willingness to submit to policy, the law, and police authority. All of these combine to improve the perceptions of officers and citizens and increase the level of safety and security for all involved.

Working in an agency where an officer feels he or she is valued as an employee, officers are more likely to internalize the agency's values as a part of their own personal value system and replicate those values in interactions with the community. Citizens who have an elevated level of trust and a perception of police legitimacy are more likely to work cooperatively with police. This cooperative approach fosters an environment where citizens are more likely to trust police authority. Citizens are less likely to respond to police authority in a way which is adversarial. In situations absent this adversity, officers are likely to see a reduction in the amount of force needed in order to gain compliance from citizens. Cooperative situations are safer for both citizens and officers, as each has the desire to be free from harm and to go home safely at the end of an interaction.

COUNTER ARGUMENTS

Generally in police agencies, change represents the likelihood that the old way of doing things is no longer appropriate (Swanson, Territo, & Taylor, 2012). New ideas and the possibility of change challenge traditional and comfortable ways of doing things. Changing the organizational culture to one based on principles of procedural justice would be a significant shift of direction in many agencies where officers and supervisors have traditionally held to more authoritative approaches. Organizational culture within police agencies is the largest roadblock to change (Johnson & Cox, 2004).

Research by Myhill and Bradford (2013) suggests that there is still a shared opinion among many officers that resists the idea that there can be a cooperative approach toward working with the community. They add that officers commonly see citizens as the problem to be solved rather than partners in a cooperative effort to keep communities safe. More shockingly, research suggests that some officers share the view that certain citizens are undeserving of police support (Myhill & Bradford, 2013). These attitudes are direct contributors to the existing disconnect between the public and the police agencies sworn to protect them. Beliefs such as these do little to help officers establish trust within a community and serve to provide justification for the public's unwillingness to cooperate.

Overcoming these obstacles is not a simple task, but it can be done. Leaders need to be transformational. Transformational leadership encourages input from those affected by the change before it is implemented (Johnson & Cox, 2004). Police leaders and their employees must see the value in changing and begin taking the steps to change the agency. To change the police culture to one which embodies the principles of procedural justice, the leader must first model the behavior which is expected. The value of the change must be communicated and must outweigh the amount of action required on the part of the officer in order for the change to be accepted. People are more likely to accept change if they see the personal benefit, they have an opportunity to provide suggestions or ideas and they are communicated with regarding the progress of the change (Swanson, Territo, & Taylor, 2012).

Officers and leaders who hold strong to the counterproductive attitudes and beliefs expressed earlier may recognize that they are no longer a fit for the agency and

will remove themselves from the equation through retirement or resignation. Others may need to be involuntarily separated from employment. While the loss of trained employees and tenured leaders is hard to recuperate, the negative cost of failing to separate these individuals is much greater in the poor attitudes and relationships that will create more problems than are solved.

Once leaders begin modeling the behavior expected of officers, they can then expect the officers to reproduce those attitudes in public. Additionally, training officers in procedural justice principles has been shown to increase officer support of the ideas (Skogan, Van Craen, & Hennessy, 2015). Police leaders should institute ethical training as a part of the academy curriculum and place a heavy emphasis on continuing ethical training as a part of employees' careers.

Being that procedural justice is an ethical approach to policing, it should be emphasized heavily as an organizational value. Prospective officers should have no question before applying that procedural justice is a part of the agency's culture. New officers should receive training in procedural justice beginning on the first day of the academy, which must also model the expected behavior. Veteran officers and police leaders should receive continual training throughout their careers in ethical practices such as procedural justice. Doing these things can overcome the opposing attitudes and beliefs that have been a part of the traditional police organizational culture.

Some may argue that certain policing methods are inconsistent with principles of procedural justice. Gau and Brunson (2010) argue in their study that some order maintenance policing efforts pose a threat to a community's perception of police legitimacy. Aggressive policing focused on minor violations in an effort to control crime

in an area has the potential to disturb perceptions of police legitimacy in any community. Officers may argue that implementing the principles of procedural justice prevents them from effectively addressing crime issues in the community. Leaders may offer a similar argument to suggest that these same principles run contrary to certain disciplinary practices.

Others will argue that it is not the policing method or type of discipline that are the problems. Rather, it is how the police and police agencies go about policing or discipline. Police agencies can overcome these negative perceptions by soliciting community input into its problems and involving the officer in the disciplinary process. Allowing citizen involvement regarding the problems that are concerning them and then addressing those concerns presents an opportunity for police to build trust (Police Executive Research Forum, 2014). The same theory applies when leaders offer officers the opportunity to have a say in how the disciplinary system is enforced.

Methods such as order maintenance policing require extra care during implementation. From an organizational perspective, agencies must communicate the need for this type of policing to a community in a conversational approach to solve a community-defined problem. Leaders must solicit buy-in from community members and offer a fact-based explanation as to why this method is appropriate. These steps model the principles of procedural justice on this level. Once implementation begins, officers on an individual level must make an honest attempt to exhibit these same characteristics during interactions with community members in order that the citizens witness these principles are being applied evenly. Doing so will increase the likelihood

that citizens will perceive the policing method as legitimate and will establish trust with the police agency.

A similar approach applies to internal discipline in the police agency. Officers must have a clear explanation of the policies and the reasons behind the policies. They should also be given the opportunity to have input as to the application of policies and the disciplinary process. Once disciplinary action is necessary, leaders must work to explain the reasoning, offer officers the opportunity to voice their concerns and then issue discipline based on fair, fact-based reasoning. Doing this models the practice of procedural justice and is more likely to result in acceptance by officers and increased trust between the employee and the organization.

RECOMMENDATION

For police administrators to achieve success in implementing an approach to procedural justice in the community, it must first be modeled within the police organization. By first modeling the expected behavior and expecting the same from the organization, leaders exhibit integrity in that the leader's actions line up with his or her expressed beliefs. This consistency is the basis for effective leadership (Maxwell, 1993).

When officers buy in to the leader who is establishing trust and is perceived as legitimate, they are more likely to replicate those same behaviors in their encounters with the public. As the community begins realizing the benefits of the implementation of procedurally just practices, members of the community are likely to increase their level of trust of the police and are more likely perceive police actions as legitimate. In much the same way that an attitude of cooperation will be created within police agencies,

communities will experience a higher level of cooperation with the officers who serve them.

Ethics, including procedural justice, must be a continuing educational process inside the department. The agency should advertise its dedication to the application of procedural justice in the organization. Also, the expectation that officers will apply those principles in contacts with the public must be common knowledge. For organizational transformation, negative attitudes and beliefs must be overcome with education and communication. To begin the process of building trust and establishing legitimacy, police agencies should make its intentions known in relation to implementing procedural justice and participation from the community must be solicited. In doing this, citizens are able to hold agencies accountable for embracing these principles. From the citizen to the potential recruit and all the way through to police leadership, there should be no question as to the philosophy of the department as it pertains to procedural justice.

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