

In-Service TY 2018 Lesson Plan

Date Prepared: July 26, 2017

Subject: Procedural Justice and Legitimacy – Part II

Date Revised:

Prepared By: David Batchelor & Ed Conley

Target Audience: Veteran Police officers	Pre-required Student Training and/or experience (if any): Attended a Basic Training Program	Method of Instruction:	Time Allotted: Classroom Hours:3 Practical, range, scenario hours: Continuing Education Credits:
Summary of Instructor Qualifications to teach the class: (100 word max.) Must attend the Train the Trainer for Fair and Impartial Policing & Have a level III Instructor certificate in this topic area along with completing all MPTC Instructor Requirements to teach		Number of Instructors required: 1	

Materials:	Audio Visual Needs: (e.g. electronic devices)	Additional Notes: This topic is taught using facilitated discussion. There are many helpful narrative points in the lesson plan to assist the trainer in creating a discussion between trainer and participants (in bold italic print). At times the trainer may have to be the first to start the discussion or give examples and then the participants will then join in by giving their own examples. It is very important that the trainer takes his/her time covering the ground rules so everyone is comfortable to verbally participate.
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Instructional Goal:	<p>The goal of this class is to share the latest research and best practices in order to achieve greater nonviolent compliance and increase community support for law enforcement.</p>
Objectives: (Specify skills/information that will be learned and is measureable.)	<p><i>At the conclusion of this training, students will be able to:</i></p> <ol style="list-style-type: none"> 1. Increase community and officer safety 2. Define the Pillars of Procedural Justice (PJ) 3. Understand the power dynamic of police encounters 4. Understand the human components of PJ 5. Community perceptions of policing strategies and tactic, use of force 6. Recognize the impact of technology on community perception
Content/text:	<p>Please begin the Content/text for this Lesson Plan on page 4.</p>

<p>Testing Procedures: (Steps to check for student understanding.) The testing instrument/mechanism must be included. Detail how learning is to be measured. If a written test is a part of the evaluation, include two documents: the written test and separately, the answers. For practical exercises, describe the exercise in detail and include a list of items needed to conduct the exercise and a behavior-based rubric for measuring performance.</p>		
<p>Electronic (DVD) copy: The lesson plan submission must include electronic copies of the lesson plan itself, handouts, videos, and PowerPoint presentations used in delivery of the course, preferably contained on a single DVD.</p> <p>Please use the following naming convention when saving this Lesson Plan: MPTC (name of curricula) Lesson Plan (year)”</p>	<p>Process for Review:</p>	<p>Bibliography References:</p>

I. Introduction

Slide #2

- A. Instructor will introduce themselves including any additional instructors
- B. Housekeeping for training site
 - 1. Breaks, schedule, smoking area, restrooms, etc.

Slide #3

- C. Go over the goal and objectives of this training
 - 1. The primary goal of this class is to share the latest research and best practices in order to achieve greater nonviolent compliance and increase community support for law enforcement.
 - 2. The class adheres to the concepts of the President's Task Force on 21st Century Policing with the following objectives
 - a. Increase community and officer safety
 - b. Define the Pillars of Procedural Justice (PJ)
 - c. Understand the power dynamic of police encounters
 - d. Understand the human components of PJ
 - e. Community perceptions of policing strategies and tactic, use of force
 - f. Recognize the impact of technology on community perception

Slide #4

- D. Quick Review of Fair and Impartial and Procedural Justice 1.0
 - 1. All human beings have some level of implicit bias. Being aware of it is how we reduce it.

2. Human bias and officer safety (i.e. Las Vegas Shooting)
3. Understanding Procedural Justice

Ask Class: Who can define the difference between implicit and explicit bias?

Two Forms: Explicit Bias

External or Conscious Bias (overt racism and bigotry)

Implicit Bias

Internal or Unconscious Bias (a remnant of evolution, all humans have some level of implicit bias regardless of race or gender)

Who can give an example of how implicit bias can impact officer safety? How many remember the video of the Las Vegas deputy from last year's training?

Back story: Deputy Brosnahan dispatched to Walmart on report of 2 officers and 1 civilian shot. He assumed he was looking for a white male. He only reacted to her upon seeing the firearm she was drawing from her waste band.

https://en.wikipedia.org/wiki/2014_Las_Vegas_Shootings

Ask Class :Who can define Procedural Justice?

Procedural Justice is the idea of fairness in the processes and encounters with police.

Motorcycle traffic officer with zero complaints.

<https://youtu.be/ErASUGL00gQ>

Slide #5

- E. This class is designed to allow open discussion
 1. Ground Rules about the discussions which may arise from this class. This is a **Facilitated Discussion**
 - a. Listen Actively – respect others when they are talking
 - b. Speak from your own experience instead of generalizing (“I” instead of “they”, “we”, and “you”.)
 - c. Do not be afraid to respectfully challenge one another by asking questions, but refrain from personal attacks – focus on ideas

- d. Participate to the fullest of your ability
- e. Instead of invalidating somebody else's story with your own spin on her or his experience, share your own story and experience
- f. The goal is not to agree – it is to gain a deeper understanding
- g. Everyone has a chance to speak as long as it is tasteful

Slide #6

F. Why are we here?

Ask class to define the purpose of the training

Recent incidents involving a local police department

Recommended answer: In the wake of high profile police encounters, deadly force encounters, riots in Ferguson Missouri (2014), Baltimore Maryland (2015), Milwaukee Wisconsin (2016)

Officer ambushed in Dallas Texas (2016) 5 officers killed, East Baton Rouge (2016) 3 officers killed.

1. This course of instruction is not about determining who is right or wrong when it comes to perceptions about police use of force.
2. It reflects the professionalism of law enforcement as we examine our long held practices and look to improve how we interact with our local communities.
3. By putting aside blame and defensiveness and trusting in research and information sharing we all hope to increase job safety and personal job satisfactions while improving law enforcement standing across the country

Slide #7

Recall training from the previous year(s). Consider asking the class by a show of hands who is familiar with Procedural Justice. This will allow you to gauge how much time should be spent on this topic.

This class is not an introduction to Procedural Justice but a discussion about how we can practically apply it and what factors impact our ability to apply Procedural Justice in the real world.

Slide #8

II. Procedural Justice

Show Video that was put together by Washington State Corrections.

**Ask class: What do you think about the concept of “reasonable resistance?”
Do people have the right to dispute a police action? When is it ok? When is it not?**

Command staff question: What do you think about having a complaint session with officers and using it as an opportunity to demonstrate how people can feel the same way about police?

Slide #9

A. The President’s Task Force on 21st Century Policing

1. Procedural Justice is part of the first pillar, Building Trust and Legitimacy
 - a. Promoting trust and insuring legitimacy through procedural justice, transparency, accountability, and honest recognition of past and present obstacles
2. Policy and Oversight
 - a. Developing comprehensive and responsive policies on key topics while also implementing formal check/balances and data collection/analysis
3. Technology and Social Media
 - a. Balancing the embrace of technology and digital communications with local needs, privacy, assessments, and monitoring
4. Community Policing and Crime Reduction
 - a. Encouraging the implementation of policies that support community-based partnerships in the reduction of crime
5. Training and Education
 - a. Emphasizing the important of high quality and effective training and education through partnerships with local and

federal training facilities

6. Officer Wellness and Safety
 - a. Endorsing practices that support officer wellness and safety through the re-evaluation of officer shift hours and data collection/analysis to help prevent officer injuries
- B. Procedural Justice is part of the first pillar, Building Trust and Legitimacy which we are discussing today

Slide #10

- C. How it all Connects
 1. Procedural Justice, Legitimacy, Use of Force, Technology, Officer Wellness, Hot Spot Policing, Officer Cynicism, Officer Safety
 2. Legitimacy is based on the belief that authorities have a right to dictate appropriate behavior
 3. As a consequence members of the public internalize an obligation and responsibility to follow the law and obey the decisions of legal authorities
 4. Key feature of many is that it confers the right to command and dictate behavior and that it promotes the corresponding duty to obey
 5. Legitimacy is not a given power but accumulates through dense social interaction with authorities

Slide #11

- D. There are different ways to express the tenants of Procedural Justice however the desired outcome is the same, **acceptance of the police action**
 1. Creating an environment of police legitimacy through better outcomes
 - a. Fairness – Golden rule/treat people the way you would like to be treated or how you would want someone close to you treated

- b. Voice – When appropriate allow person to voice their position/we all want to be heard
- c. Transparency – With the exception of sensitive investigations most encounters with the public can be transparent and open
- d. Impartial – Taking sides diminishes police legitimacy/listen to all sides
- e. Procedural Justice – Is the process fair and just

Slide #12

- 2. We can all relate to the concept of Procedural Justice.

Show video

Ask class to share a story of poor service, or when they were upset by the way they were treated despite the outcome

Slide #13

- 3. Banking Analogy
 - a. Think about interactions with community as transactions
 - b. Positive transactions equal – deposits
 - c. Negative transactions equal – withdrawals
 - d. The more positive transactions you have with your community, the stronger your relationship will be

Slide #14

- 4. Procedural Justice is
 - a. Not soft on crime
 - b. Not giving up command
 - c. Not giving up power
 - d. Not easy
 - e. Not risking officer safety
 - f. Procedural Justice is diffusing a situation before it needs to be diffused.
 - g. The goal is to strive for voluntary compliance.

Slide #15

E. Officer Safety

1. First priority - Go Home Safe
 - a. We talk about this from the moment we put on the uniform
 - i. does this influence the way we police
 - ii. change in mindset – Everyone goes home safe
2. Hyper Vigilant
 - a. Size up every call we respond to
 - i. set and reset
3. Officer Survival includes most valuable weapon...The Brain
4. Can we still practice officer safety techniques and treat a person with respect simultaneously
5. Force is necessary in certain situations
 - a. never looks good
 - b. don't allow emotions to dictate your behavior
 - c. be a professional and don't take disrespect personally

Slide #16

6. Constitutional Issues
 - a. Always arise during incidents/power of arrest/right to search/right to detain and question
 - b. But should we also be thinking about the fairness of what we are doing
7. Your actions effect officers everywhere
 - a. Ferguson, Baltimore, New York

- b. You were not there but it impacted your community and officers
- 8. When appropriate, without compromising officer safety
 - a. Place yourself in the other person's position
 - b. Try to understand their point of view
 - c. Being detained or arrested can be a stressful experience
- 9. Recognize the tipping point in each encounter

Slide #17

- F. Procedural Justice "Myths" (*discuss each one with class...why they are a myth and not true.*)
 - 1. The principles of Procedural Justice require that all people be treated the same way
 - 2. A choice must be made between adopting the principles of procedural justice and controlling crime and disorder
 - 3. Adherence to the principles of procedural justice will jeopardize officer safety
 - 4. A command staff that adopts a customer oriented approach has chosen the community over the cops on the street
- G. Internal and External Legitimacy

Share stories of unfairness in the department

Think of a specific unfair experience in your career. Poor supervisor, special assignment selection or promotions. When you think about the principals of Procedural Justice can we see why we may have been upset with the process despite the outcome?

"Why did they even ask for officers to put in for detectives when they already knew who they were going to pick?"

Slide #18

1. Officers who feel respected by supervisors and peers are more likely to accept department policies, understand decisions and comply with them voluntarily.
2. Officers assessment of department, is it fair
 - a. Special assignments, promotions, discipline, vacation time
3. Compare to person's assessment of officer
 - a. Was he or she fair
 - b. Was person treated respectfully even though a ticket or some other type of enforcement was implemented

Slide #19

H. Dynamics of Human Encounters

Some officers may be familiar with the John Boyd's OODA Loop from defensive tactics or strategic planning. But what this graphic really depicts is the complexities of human interaction. Consider that during a police encounter this process is not only occurring within the trained officer, but also by the subject being encountered

1. Observe (observations)
 - a. Unfolding circumstances
 - b. Outside information
 - c. Unfolding interaction with environment
 - d. Implicit guidance and control
2. Orient - *requires the officer to understand the encounter from the view point of the encountered. In a deadly force encounter, tis is an opportunity to outwit your opponent, however in a civil encounter it provides an opportunity for the officer to undo preconceived notions.*
 - a. Cultural tradition
 - b. Genetic heritage
 - c. New information
 - d. Previous experience
 - e. Analysis and synthesis

3. Decide (Decision – hypothesis)
 - a. Implicit guidance and control
4. Act (Action – test)
 - a. Unfolding interaction with environment

Where do you think an officer would have the best chance influencing a successful outcome during a non-violent encounter?

The next video will help illustrate the “Orient” box point

Slide #20 Police Encounters and Preconceived Notions video

Have class watch video and then discuss.

***Impressions? Does the video depict both points of view in a way that is believable?
Do they recognize the different portions of the OODA process playing out?
Do you think there are opportunities to actually communicate as depicted in the video during a non-violent police encounter?***

Slide #21

- I. Improved Police Encounters
 1. Be safe by using good tactics and information
 2. Find opportunities to use Procedural Justice Principles
 3. Be able to orient yourself to the subjects point of view

Give personal examples for each

Slide #22

- J. Roadblocks
 1. What can get in the way of using the principles of procedural justice?
 2. We should all want to provide the same level of service and

- experience that we would want for our families
- a. This should be the Golden Rule

Slide #23

III. Impact of Stress and Cynicism

Note that Stress (stigma and survival) in Policing is being covered in the current In-service. You may have just attended that training or will be shortly. This is just going to give a very brief discussion on the impact of stress because Officer Wellness is a critical component of 21st century policing.

Show video

- A. A police officer's safety and job performance is affected by how well he or she is able to manage their life as a police officer
 1. Working long hours
 2. Personal Stress
 3. Financial Stress
 4. Internal Stress
 5. Emotional stress from work related calls

Slide #24

- B. Officer Cynicism
 1. Do you see the world differently as a police officer?
 2. Do you look at people differently?
 3. Do you read situations differently?
 4. Assholes and Bullshit
 5. How often does an officer let their anger and cynicism could their

judgement?

6. Emotional survival for police officers impacts you, your family and the community
7. Recognize the effects and counter through officer wellness
8. Officer Cynicism causes laziness
 - a. Creates shortcuts to decisions

Can our cynicism define our interactions? Take a moment for student feedback and experience. Share a personal story.

Slide #25

- C. What everyone think Cops do versus what they actually do

Discuss with the class each of the 6 pictures on slide 25 and what the responses would be.

1. What my buddies think I do
 2. What my mom thinks I do
 3. What my kids think I do
 4. What grown-ups think I do
 5. What I think I do
 6. What I actually do
- D. Bias

Slide #26

1. Do Humans prejudge? Implicit Bias?

Show Susan Boyle Audition video. Recap Implicit Bias with class

Slide #27

Read Cartoon to class

1. Confirmation Bias
 - a. Confirmation Bias feeds our cynicism
 - b. It impacts the way the public sees us

2. How do we get away from Confirmation Bias
 - a. Getting information from more than one source
 - b. Engaging in respectful conversation with community members allowing them to be heard
 - c. Look for opportunities to undue preconceived notions or previous bad experiences

Slide #28

E. Self-Fulfilling Prophecy

1. Process by which one's expectations about another person eventually lead the other person to behave in ways that confirm these expectations
2. Must involve at least two people
 - a. You cannot have a self-fulfilling prophecy with yourself
3. 4 steps to Self-Fulfilling Prophecy
 - a. Perceiver has expectations about how target will behave
 - b. Perceiver then behaves in a way that is likely to elicit the expected target behavior
 - c. Target indeed behaves in a way that confirms perceiver's expectations
 - d. Perceiver (Objective Perceiver) sees predicted behavior

Example – A police officer on patrol confront a group of teenagers about loitering, expect them to be disrespectful so the officer uses high level of command presence. Teenagers become defensive and embarrassed and react disrespectfully.

Slide #29

F. Exemplary Policing

1. The toxic effect of Cynicism
 - a. Sometimes all an officer sees is trouble
 - i. Something can happen to people of goodwill in this environment
 - b. After years of police work, officers sometimes cannot help a certain cynicism creeping into their life/being shaped by their experiences
 - i. Leads to mental shortcuts
 - ii. Leads to assumptions
 - iii. Can tear us apart

Slide #30

G. Is the Cynicism always justified?

1. Confirmation Bias

***Do we tend to give more weight to the negative stories and experiences?
Watch then discuss video.***

Slide #31

IV. Impact of Police Tactics and Strategies

Slide #32

- A. Hot Spot Policing
 1. We are policing based on crime analysis/location of crime, offenders, victims, violence
 2. In concentrated areas of poor residents and people of color
 - a. Increases their chance of being stopped by police
 - b. Terry being adhered to?

- c. Over policing certain areas and entering a certain segment of the population into the system
- d. Impact that it has on this population
 - i. Police should be aware of this
- 3. Residents of those areas are asking for police protection and community safety
 - a. How is both balanced?

Slide #33

B. Stop and Frisk

- 1. Rules of Terry – reasonable suspicion based on specific and articulable facts
- 2. Terry is an important tool used by police to deter crime

What is the difference between “encounter” and “Stop”?

When can we frisk or search?

How does Terry impact the community?

How does Terry impact an officer?

How does Terry affect police legitimacy?

Does the public understand Terry?

How can we balance an officer’s safety and fair treatment during a stop?

Slide #34

C. Use of Force

- 1. Police are inevitably involved in situations where the use of force is Necessary
- 2. Sanctity of human life for all should be at the heart of everything we do
- 3. Everyone goes home safe

4. Guardian vs. Warrior
5. Lawful but Awful (do you understand the difference)
6. One incident of unlawful use of force can damage police/community Relations
 - a. Training and supervision is imperative

Slide #35

Can it be done? Watch the video on Procedural Justice in action then discuss with class

Slide #36

Reference previous video when talking about Impact of Modern Technology

- D. Impact of Modern Technology
 1. Common for mobile phones to be everywhere and at any time
 - a. Universal availability of mobile phones
 - b. Ability to instantaneously share videos with millions of people through social media
 - c. Interaction between police and community members get filmed constantly and could go “viral”
 - d. Interactions that are captured on video can be positive or negative
 - i. effects officers everywhere
 - e. Officer safety is owned by every police officer regardless of location

Slide #37

Show video “On-state – Like it or not”

Slide #38

2. Preparing for your YouTube Debut
 - a. Accept the reality that you will be video recorded
 - b. Mentally prepare yourself
 - i. How will you respond
 - ii. Watch videos of police officers “doing it right”
 - c. Never attempt to seize or interfere with someone recording unless authorized by a supervisor

Slide #39

Show video: Cops Who Woke up on the Right Side of the Bed

Slide #40

Talk about Case Study of Officer Brady. Haven't we all experienced this? What are the implications of the decisions made during this scenario?

Slide #41

- E. Police Tactics Actionable
 1. Transparency
 - a. Develop a culture of transparency
 - b. Consider Participant in the President's Police Data Initiative (PDI)
 - c. Individual officers should proactively explain the actions they are taking and why
 2. Communication

- a. Embrace social media and other ubiquitous web-based platforms.
 - i. Develop a strategy to drive traffic to our social media platform
 - b. Notify your community about the new initiatives
 - i. Clearly outline specific goals and performance measures
3. Feedback Loop
- a. Create an easy method for the community and line officers to provide feedback to include anonymous submissions
 - b. When possible talk about instances then the feedback resulted in change
 - c. Command Staff presence at community meetings and on the ground during operations to demonstrate the importance placed on feedback

www.policedatainitiative.org

Bangor Maine Facebook page is a good example

Slide #42

4. President's Task Force Report
- a. Trust between law enforcement agencies and the people they protect and serve is essential in a democracy.
 - b. It is key to the stability of our communities
 - c. The integrity of our criminal justice system
 - d. The safe and effective delivery of policing services

Slide #43

5. How officers define their role will set the tone for the community

- a. This is nothing new
- b. Plato said “In a republic that honors the core of democracy – the greatest amount of power is given to those called the Guardians. Only those with the most impeccable character are chosen to bear the responsibility of protecting the democracy.”

Slide # 44

V. Summation

A. Goals and Objectives Recap

1. Goal of this training

- a. Share with the participants, the latest research and best practices in order to achieve greater nonviolent compliance and increase community support for law enforcement.

2. Objectives of this training

- a. Increase community and officer safety
- b. Define the Pillars of Procedural Justice (PJ)
- c. Understand the power dynamic of police encounters
- d. Understand the human components of Procedural Justice
- e. Community perceptions of policing strategies and tactic, use of force
- f. Recognize the impact of technology on community perception

Was all of this accomplished?

Slide #45

Review and discuss any questions