

Advisory Board

2018 CONVENING

On February 9, 2018, the **National Initiative for Building Community Trust and Justice** (“NI”) convened its third Advisory Board meeting at John Jay College of Criminal Justice.

The NI aims to improve relationships and increase trust between marginalized communities and the criminal justice system, and also to advance the public and scholarly understandings of the issues contributing to those relationships. In September 2014, the U.S. Department of Justice announced a three-year, \$4.75 million grant to establish the project. In collaboration with the Department of Justice, the NI is coordinated by the **National Network for Safe Communities** (“NNSC”) at John Jay College of Criminal Justice, with partnership from the **Justice Collaboratory** at Yale Law School (“JC”), the **Center for Policing Equity** (“CPE”) at John Jay College and UCLA, and the **Urban Institute**. The NI’s work involves trust-building interventions with police departments and communities based on three pillars: **procedural justice**, **implicit bias**, and **police-community reconciliation**.

Key Takeaways for the National Initiative team:

- To secure buy-in from police rank-and-file, emphasize the positive benefits of procedurally just policing for officers: job satisfaction, lower stress, and safety
- Widen the scope of narrative sharing within the reconciliation framework—national audiences should be exposed to the National Initiative’s work via media
- When engaging community members in reconciliation work, use the Urban Institute’s community survey results as a springboard for discussion and narrative sharing
- The National Initiative partnership should clarify (for local practitioners) how the NI pillars reinforce one another and overlap
- Researchers involved with the NI may be interested in developing a community-level measure (as opposed to individual measure) of perceptions of police legitimacy

Procedural Justice: Presentation by the Justice Collaboratory

Representing the Justice Collaboratory at Yale Law School, founding director Professor Tracey Meares provided a brief rundown of the JC's participation in the NI and a high-level analysis of how procedural justice might be institutionalized within police departments. To summarize, the JC worked with the Chicago Police Department to design a procedural justice training module and co-deliver the training to procedural justice trainers in all six NI sites. As of 2018, all six NI police departments have received training in the principles and practice of procedural justice.

As part of the NI, the Justice Collaboratory also produced a document entitled "Principles of Procedurally Just Policing." It identifies several principles that should inform policy revisions, provides commentary on each principle, and then outlines model policies that could stem from each principle. "We did a 'best practices' approach," Meares explains—"to the extent that you have policies about procedural justice, these are the ones we think you should have. That way, it would be an ideal, and departments could adopt the pieces of it that they thought worked best for them, or maybe modify them in certain ways."

The report, which will be released to the public in the coming weeks, makes a wide variety of recommendations that have already informed police practice in NI sites, including:

- Make policies and data publicly available (online, or in a civic institution such as a library)
- Implement a community feedback process for controversial or impactful policies that are being drafted
- Communicate the reasoning behind policy decisions, in plain language
- Draft specific use of force guidelines and revise frequently. Document and evaluate uses of force.
- Reward procedural justice practices by including community performance assessments in officer evaluations; make these evaluations/performance metrics public
- Limit investigatory stops and traffic stops to appropriate circumstances, employ PJ when stops are made
- Provide de-escalation training and de-escalate tense situations as much as possible

Discussion also focused on some of the larger conceptual framing of procedural justice—a concept that has become so ubiquitous in practitioner and academic circles that misconceptions often restrict public understanding and application of its broader meaning. Specifically, Prof. Meares challenged a popular interpretation that claims that "procedural justice is just about being nice":

 People often think that PJ is interpersonal or incident-based [i.e. transactional], just about what happens in the interaction. It can be, but I don't think it's primarily transactional—PJ has certain kinds of institutional components. We use two other words for [this] factor—either an expectation of benevolence, or trustworthiness. What is the institution's orientation toward you? It can be transactional, but this is where the history piece comes in. When you strip PJ of the historical component and think about it primarily in transactional terms, how the person is being treated in the instance, it's really hard to think about all of the necessary components of institutional reform and it's easy to see how agencies will double down on what they think is the one thing they can do: 'Make people be nicer.' That's one thing, but that doesn't change the uniform they are wearing and the connotations associated with their uniform, what that uniform brings to the situation.

In short, individual interactions are only one input into community sentiment, and must be understood in the context of institutional orientations and histories.

Implicit Bias: Presentation by the Center for Policing Equity

Dr. Phillip Atiba Goff, Director of the Center for Policing Equity, picked up this thread by describing how his organization has sought to understand and mold both individual and institutional orientations toward implicit bias and trust-building through a combination of policy analysis, surveys, and training. Over the past three years, the Center for Policing Equity's policy analysis team has developed a framework for analyzing the policies and procedures of police departments taking part in CPE's National Justice Database ("NJD"), including those in the National Initiative pilot sites. CPE's policy assessment efforts sought to answer the following questions: "What do your policies help you get done? What are the areas where you want to improve?" The ultimate goal of policy analysis is to develop descriptive and prescriptive analyses of every policy that each pilot site PD has.

The first, descriptive round of CPE's reports (a "snapshot") has been delivered to all six NI sites, and each report assesses police policies across four operational domains: clarity, prescriptiveness, robustness (and punitiveness), and saturation. Dr. Goff reported that every NI police department has changed policies in response to their CPE report. A second, forthcoming round of reports will be prescriptive (a "trajectory"), and will incorporate internal survey work (climate surveys, attitude-behavior matching) as well as information gathered through the NJD (traffic, pedestrian stops, and use of force incidents) to create a more robust report on how the policies should interact with each department's unique but similar "institutional orientations."

CPE has developed and delivered implicit bias training ("PJ3," or, as an NYPD Sergeant described it, "Tactical Perceptions") to all six NI pilot sites. In broad terms, PJ3 helps police officers identify "traps," or situations that facilitate behaviors that run counter to commonly held values of fairness and equality. Instead of attributing institutional bias to the characteristics of individuals, PJ3 attempts to adjust for situations where police officers might be particularly vulnerable to bias (for example, "when you think you can get away with it, or when you think the punishment will be mild").

NI pilot sites have already started to integrate implicit bias training into their general orders, and police trainers from the pilot sites have been asked to train officers in other cities. Additionally, some pilot sites have experimented with community-facing implicit bias trainings that are co-taught by police and community representatives. These community events are highly popular among police officers and community members alike—police like to see community members recognizing their own biases about the police, and community members are encouraged by police taking ownership of tough psychological concepts. In Dr. Goff's words, "shared language is a really powerful tool for collaborative change."

Neither individual officer behavior nor institutional orientation toward bias can be understood without robust data collection. Accordingly, through the NI partnership, CPE has conducted the first round of "climate surveys" in each site. This optional survey allows officers to report on their perceptions and beliefs related to policing and their experiences. These survey results can be analyzed to tell a story about the "climate" of a police department, including officers' experiences on the job and perceptions of concepts like procedural justice and bias. Dr. Goff shared in this presentation a sample of preliminary analyses from one site's assessment. These analyses will be incorporated into the city reports provided later this year to each NI site.

Many of these findings help to illustrate the relationship between officer's beliefs and their experiences on the job. For example, officers' beliefs in ideas like procedural justice impact perceptions of job satisfaction, threats to safety, and community relations. The preliminary analyses of one site found that:

- If an officer likes black people, they are more likely to believe in procedural justice. If an officer doesn't like black people, they are less likely to believe in PJ.
- If an officer reports higher support of social dominance orientation, they are less likely to believe in PJ.
- If an officer reports higher support of PJ, they are more likely to report increased job satisfaction.
- If an officer likes the community they work in, they report higher job satisfaction.
- If an officer reports higher levels of stereotype threat (fear of being perceived negatively by the community), the officer is more likely to support stop and frisk, the use of military equipment, and use of force.
- If an officer reports higher levels of stereotype threat, they are more likely to report higher levels of stress and lower levels of job satisfaction.
- If an officer reports more positive treatment by their supervisors, they are more likely to support community policing.

CPE's officer survey findings also spurred an insightful dialogue between members of the Advisory Board:



Ezekiel Edwards, ACLU: PJ doesn't shift the power dynamic at all. Police still have power and decision making authority, but ...

Dr. Phillip Goff, CPE: It just feels like they're giving up the power, but they still have it.

Prof. Tracey Meares, JC: PJ in laypeople's terms might be "authoritative." Parents don't give up power, but a parent who treats their child with PJ is being authoritative instead of authoritarian.

Dr. Goff: Parents who beat kids when they act out are more likely to believe that talking, as an alternative to a beating, robs the parents of power.

Additionally, Dr. Goff noted that most police departments lack reliable mechanisms to track and mitigate patterns of bias. "We already have a CPE mechanism, but police departments should be tracking this stuff like they do for CompStat," he explains. That being said, Dr. Goff recommended proceeding with caution: "Police executives aren't statisticians, and once you give them a better sense of what [bias data] can do, it's very scary." In order to ensure executive buy-in, Dr. Goff recommends establishing a rapport with police executives and providing them with the analytical tools necessary to target and repair departmental biases before the pattern is made public.

Professor Daniel Isom, the former chief of police in St. Louis, affirmed Dr. Goff's thinking—adding that academics who approach police departments with the intention of making improvements are helping those departments become more transparent and share more information. Furthermore, Perry Tarrant, the Seattle Police Assistant Chief and former president of the National Organization of Black Law Enforcement Executives, noted that a commitment to academic partnerships is generally beneficial for police departments: "Research dollars will go to departments partnered with academic institutions."

Reconciliation: Presentation by the National Network for Safe Communities

The National Network for Safe Communities was represented by Director David Kennedy and several members of the NI team. Within the NI, the NNSC has designed a descriptive framework for police-community reconciliation that seeks to establish collaborative relationships between police and marginalized communities through a process founded in an acknowledgment of historical and present harm. During the convening, Equal Justice USA's Deputy Director Fatimah Muhammad expressed perhaps the most succinct summary of the need for an American reconciliation process:



Harm festers, it's intergenerational... there's a fantasy of revenge: we suffered harm, but if we can tear apart or control these institutions that are harmful, we could stop the pain, both present and past. What we are experiencing, this reckoning, is a dramatic reenactment. [...] What [reconciliation] does is create new patterns of healing in the wake of harm that prepare us for when harms happen. So before there are high profile cases [e.g. of police violence], we build new muscles of reconciliation so communities can prepare. We've never had that kind of locally embedded process in this country.

By explicitly linking community-led police policy and practice change to the commission of historical injustices, the NNSC's reconciliation framework lays the foundation for the community perception that law enforcement is a potentially trustworthy partner in addressing public safety problems. According to Kennedy:



White folks talk about the incident, people of color talk about history. [...] The meaning of [police reform] is not the same when it's just policy and practice reform... [reforms] need to be explicitly seen as not doing further harm, or even as reparations. I grew up thinking that reparations meant writing a check for what happened—reparations are about repair, they don't have to be money. Chiefs don't have that bank, but they can advocate for harm reduction.

Broadly speaking, the NNSC's reconciliation framework includes the following components:

- Acknowledgment of harm by law enforcement and commitment to change
- Opportunities for community members to express what they think and feel
- Truth-telling and a statement of historical fact about why this tension exists
- Narrative collection and dissemination
- Sustainable mechanisms for concrete repair, including policy and practice change

Although not all NI sites have begun a local reconciliation process, the NNSC reported early successes and lessons learned from implementation in Birmingham, Stockton, Fort Worth, Gary, and Minneapolis. In Birmingham, for instance, Chief A.C. Roper sat down with frontline activists from the 1960s Civil Rights Movement and acknowledged the harm they had endured at the hands of the Birmingham Police Department: "The agency whose uniform I am wearing did you terrible harm [...] I have the [FBI] surveillance files they have on you in my office as a reminder of what happened. You were on the right side of history."

Birmingham Police Department has also organized "listening sessions"—structured spaces where community members can share their experiences and air grievances with police representatives—with members of the LGBTQ+ community and with groups of domestic violence survivors. Police Foundation Senior Counsel Dean Esserman, who has served as Chief of three American cities,

reflected on past instances of community listening in his own jurisdiction, noting, “It’s easy to hate a uniform and a badge number, but it’s hard to hate the person that you know. Building a relationship and dialogue is hugely powerful and somewhat restorative.”

In Stockton, Chief Jones’ Community Advisory Board (CAB) has provided significant input on the topic of “narrative sharing,” or the dissemination of community experiences with and perceptions of the police to a wider audience. CAB members expressed skepticism about representing fact-finding efforts as written products (“If you want to hide something, write it down”) and instead proposed the construction of a museum specific to the history of policing in Stockton. SPD has also opened its records to Dr. Elizabeth Hinton, professor of history at Harvard University, to help compile this historical record. A documentarian sits in on Stockton listening sessions to follow-up on powerful anecdotes on police trust or distrust.

NI sites have also experimented with the creation of joint community-law enforcement bodies that will translate the historical harms articulated throughout the reconciliation process into concrete policy and practice changes.

Evaluation: Presentation by the Urban Institute

The Urban Institute was represented by Dr. Nancy G. La Vigne, Vice President of the Justice Policy Center. Within the NI, the Urban Institute is responsible for evaluating the effectiveness of each NI “pillar” (procedural justice, implicit bias, and reconciliation) in keeping with an “action research” approach that emphasizes continual sharing of research findings to bolster an ongoing implementation. Thus far, the Urban Institute has completed data collection and analysis for training assessments, stakeholder interviews, community surveys (baseline and follow-up), as well as administrative data on crime and policing. The Urban Institute has also disseminated some of its early findings both internally and externally. A few key highlights include:

- NI police departments report high compliance with PJ training and strong take-up; changes in perceptions of PJ and implicit bias concepts
- There have been some communication challenges around the NI pillars, exacerbated by police staff turnover—but broadly, the trainings were well delivered and received

The Urban Institute also conducted an important survey of community perceptions of law enforcement in high-crime neighborhoods across all six NI sites. In each city, the survey was conducted in partnership with community representatives, and roughly 1200 surveys were collected in each jurisdiction. Harvard’s Professor Bruce Western noted that the survey findings demonstrate a desire for “a different kind of policing, not just more policing or less policing.”

Additionally, NNSC Director David Kennedy remarked that the picture emerging from those surveys is “not what a lot of people would expect”—whereas police officers tend to believe that distrust is fueled by a small minority of agitators, the Urban Institute’s cross-site survey results show that just a third of respondents feel safe around the police, and more than half believe that police officers treat them differently because of their race or ethnicity. At the same time, the survey result shows strikingly high levels of respect for the law, a belief that other community members should obey the law, and a desire to voluntarily produce public safety alongside police. As Kennedy puts it,



We were able to say to [law enforcement partners]: “Guess what? It’s not only the bad people in the neighborhood who don’t like you, there are good people who also don’t like you. That’s why we are working on PJ and implicit bias. Guess what? You have been doing all this good work, I believe you, but you are wearing your history. It’s not just about you—it’s very heavily historically informed.”

Moving forward, the Urban Institute will use a structural break analysis to assess the impact of the three NI pillars on various police data: reported crime, calls for service, arrests, complaints, and use of force, to name a few. The structural break analysis is useful because it doesn’t require a specific intervention point—the rollout of NI interventions was staggered across sites. “There’s not a date when the light switch was turned on, where we know we would see a difference,” Dr. La Vigne explains. “This analysis mines data to find spikes in one direction or the other, and find where they fall in rollout of the initiative.”