Training Key® #706

**21st Century Policing:
Pillar One - Building Trust and
Legitimacy and Pillar Two - Policy and
Oversight**

This *Training Key®* discusses Pillars One and Two of the final report developed by the President's Task Force on 21st Century Policing.

The President's Task Force on 21st Century Policing produced a final report in May 2015.[1] The task force report, recommendations, and corresponding action items have major implications for law enforcement leaders at all levels. This *Training Key®*, and subsequent training and resource documents produced by the International Association of Chiefs of Police (IACP) will assist agency leaders in operationalizing these recommendations and provide concrete ways in which officers can bring the concepts of policing in the 21st century to life in a positive and effective way.

The Office of Community Oriented Policing Services (COPS Office) has developed a guide to assist stakeholder groups in understanding and implementing the recommendations outlined in the task force report.[2] According to the guide, there are five overarching steps that law enforcement agencies can take to implement the task force recommendations:

1. Review and update policies, training, and data collection on use of force, engaging community members and police labor unions in the process;
2. Increase transparency of data, policies, and procedures;
3. Call on the POST Commission to implement all levels of training;
4. Examine hiring practices and ways to involve the community in recruiting; and
5. Ensure officers have access to the tools they need to keep them safe.[3]

The IACP will continue to build on the task force report and other resources currently available in order to provide specific guidance to law enforcement agencies.

This *Training Key®* will focus on the first two pillars of the task force report: *Building Trust and Legitimacy* and *Policy and Oversight*. Each section contains themes and recommendations from each pillar with an explanation of what they mean for law enforcement as well as supporting information and resources. For an overview of the task force and its final report, see *Training Key®* #705.

Pillar One: Building Trust and Legitimacy

The first pillar provides the basis for the other five pillars by establishing foundational principles that are carried throughout the report, including transparency, accountability, legitimacy, and the role of organizational culture. Procedural justice, bias, and the guardian mindset are major components of this discussion.

Culture

Law enforcement culture should embrace a guardian mindset to build public trust and legitimacy. Toward that end, police and sheriffs' departments should adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions with the citizens they serve.[4]

Procedural justice is a major theme not only in this recommendation but throughout the task force report. Procedural justice is the idea that individuals judge the fairness of the overall system on how fair they perceive the process, as opposed to how fair they perceive the outcome.[5] It is vital that all officers and civilian staff within the law enforcement agency understand this concept and

how it applies to them. Procedural justice is not just a theory; it is the foundation on which officers at all levels should base their interactions with colleagues, supervisors, and community members.

This recommendation also highlights the importance of a guardian mind-set in building trust and legitimacy. A guardian mindset stands in contrast to the warrior mindset. Sue Rahr and Stephen Rice note this contrast, "[t]he guardian operates as part of the community, demonstrating empathy and employing procedural justice principles during interactions. The behavior of the warrior cop, on the other hand, leads to the perception of an occupying force, detached and separated from the community, missing opportunities to build trust and confidence based on positive interactions."[6] Officers with a guardian mind-set, therefore, will work to enhance their ties with the community and seek to understand and integrate procedural justice into their day-to-day tasks.

> *Law enforcement agencies should establish a culture of transparency and accountability in order to build public trust and legitimacy.[7]*

Transparency and accountability must be a part of an agency's culture, not simply topics talked about during meetings or trainings. This means that officers and leaders at all levels of the organization must understand their role in promoting transparency and accountability, as well as the overarching agency and community expectations for these ideals. The IACP summit on community-police relations report notes several strategies for increasing transparency and accountability including making data accessible to the public and communicating honestly and consistently with the community.[8] Some of their specific recommendations include the following:

- Collect, capture, and analyze data related to citizen engagement, involvement, and participation in co-production of policing services;
- Incorporate review of other social indicators such as public health disparities;
- Move toward creating a data-driven, evidence-based "picture" of crime in a jurisdiction.[9]

These strategies will not only help increase transparency, but also assist community members, including law enforcement officers, in visualizing and understanding a more holistic picture of public safety.

Understanding the Community

> *Law enforcement agencies should acknowledge the role of policing in past and present injustice and discrimination and how it is a hurdle to the promotion of community trust.[10]*

The current policing environment does not exist in a vacuum. It is important for officers to understand the underlying political and social issues that affect various members and groups within a community. It is also important to understand the historical context and how various groups, specifically minorities, have been treated. These concepts will lead to a better grasp of implicit and explicit bias. Explicit bias is more obvious and is the stereotypes and bias beliefs an individual holds and of which they are aware. Implicit bias, however, is developed by all humans and works below the consciousness. It is important that officers and leaders throughout the community understand not only these types of biases but also how those biases may affect the actions of the officer and the individuals with whom they interact. Research exists on the topic of implicit bias, both within the criminal justice system and beyond. In his article for *The Police Chief* magazine, Tracy Gove describes several ways to mitigate the effects of implicit bias including diverse recruitment practices, enhanced community policing, sound policy, expanded training, and positive supervision that places an importance on recognizing and addressing bias.[11]

Agencies are using a number of strategies to work toward this goal including adding guest speakers and additional modules to both recruit and in-service training. For example, police recruits in Montgomery, Alabama, visit a local museum and retrace Rosa Parks' bus trip, learning about the civil rights movement and how that history impacts modern relationships between police and the communities they serve.[12]

Strategies to Build Trust

Building trust is at the forefront of many of the community-police relations discussions being held throughout the world. Building trust requires thoughtful strategies that go well beyond traditional community policing efforts. These strategies must also take into account all groups that exist within a jurisdiction. This could include formal groups such as religious groups, community organizations, and schools. Informal groups, that are not formally organized or have structured meetings, should also be considered. These include immigrant or other specific demographic populations.

> *Law enforcement agencies should proactively promote public trust by initiating positive nonenforcement activities to engage communities that typically have high rates of investigative and enforcement involvement with government agencies.[13]*

Building trust within a community requires individuals, in this case officers and other community members, to know each other and understand each other's perspectives. Creating opportunities for nonenforcement encounters will aid in creating and maintaining the relationships necessary to build trust.

The Dunwoody, Georgia, Police Department, like many other agencies, has regular "Coffee with a Cop" events throughout its city. These informal gatherings provide a space for law enforcement officers to get to know community members, answer questions, and hear feedback that helps support positive change to policies and procedures.

Nonenforcement encounters do not have to be formalized. Enabling officers to engage with people during the course of their shifts, and providing them with the tools and education on how to make these encounters positive and productive is just as important as organizing formal events.

Law enforcement agencies should consider the potential damage to public trust when implementing crime fighting strategies.[14]

Agencies should consider the consequences of existing crime-fighting strategies, policies, and procedures. In addition, as an agency moves forward implementing new strategies, potential effects to public trust should be a major consideration. Involving community leaders in planning discussions can assist agencies in identifying any unforeseen consequences of particular strategies and processes. Law enforcement leaders should also be prepared and even create mechanisms to incorporate input from officers who may have valuable insight as they implement strategies and engage with the public.

Law enforcement agencies should track the level of trust in police by their communities just as they measure changes in crime.[15]

Increasing transparency and accountability, as well as finding new ways to engage with the community to build trust, are important. However, if there is no mechanism for tracking the community's trust and soliciting feedback from individuals, it will be nearly impossible for agencies to know if their strategies are working. Agencies can implement systems to track levels of trust similar to how other statistics would be tracked. Community surveys should be disseminated on a regular basis. In addition, engaging with partners such as educational institutions may be helpful to law enforcement leaders who have never created, distributed, and analyzed survey results in the past.

Law enforcement agencies should strive to create a workforce that contains a broad range of diversity including race, gender, language, life experience, and cultural background to improve understanding and effectiveness in dealing with all communities.[16]

Cultivating a diverse workforce assists agencies in engaging with the community. It also gives agencies varied perspectives that support the development of programs, policies, and procedures that will be best for the entire community. According to the COPS Office report on the subject, "Workforce diversity may also have positive effects on law enforcement agencies; making them less insular and more receptive to change. In addition, the officers who are hired often reap tremendous benefits…"[17]

One resource available to agencies seeking to diversify their agency and enhance their recruitment strategies is the IACP's Discover Policing initiative. Discover Policing helps job seekers understand policing as well as assisting agencies in recruiting the best possible candidates.[18] Knowing the demographics and resources available within a community will help agencies to develop successful recruitment strategies. The IACP also organizes the Diversity Coordinating Panel that seeks to improve diversity in the law enforcement workforce.[19]

Pillar Two: Policy and Oversight

Pillar Two builds upon the ideas established in Pillar One and begins to focus on the role of the community. This section outlines particular policy areas that should be addressed by agencies. However, the report notes that having these policies is not enough. Policies must reflect community values in order to enhance trust and legitimacy and must be based on evidence-based practices, which requires the collection and sharing of data.

Community Collaboration

Law enforcement agencies should collaborate with community members to develop policies and strategies in communities and neighborhoods disproportionately affected by crime for deploying resources that aim to reduce crime by improving relationships, greater community engagement, and cooperation.[20]

In every community there are numerous entities, organizations, and leaders who can bring valuable resources and insight to the complex issues that agencies face. Collaboration with community members can and should go beyond informal gatherings and move into policies and strategies. In an article for the *The Police Chief* magazine, Hassan Aden wrote, "A community-inclusive strategic planning process will likely expose the weaknesses and vulnerabilities of an agency, but will also help build a unified plan that has community support in order to move the agency forward."[21]

Engaging individuals from all segments of the community, particularly those that may be disproportionately affected by crime, will help agencies understand many of the underlying causes of crime in those areas and help them utilize resources more efficiently. Allowing all members of the community to have a voice in police operations will also help to improve transparency, accountability, and ultimately build trust and legitimacy. These individuals can then be advocates within their communities, educating others on how and why certain law enforcement polices and strategies are in place.

Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.[22]

Community input into a police agency can take many forms. According to the National Association of Civilian Oversight of Law Enforcement, there are three common models for oversight of police agencies in the United States: the investigative model, the monitoring model, and the auditor/ombudsmen model.[23] Each model functions differently and has varying strengths and weaknesses.

Jurisdictions throughout the country are working to find the best fit and that form may be different depending on the community and agency needs, culture, and organizational structure. As agencies and governing entities move forward, it is important to remember the underlying concept behind this recommendation. It is imperative that agencies do not attempt to exist in a vacuum. Law en-

forcement agencies need their community as much as their community needs them. Working together will strengthen both the community and the agency.

Policies and Procedures

Ensuring that policies and procedures remain current is integral to effective law enforcement agencies. The task force report includes recommendations for adopting policies and procedures on suspect identification, communication during stops and searches, and how to appropriately interact with individuals who identify as lesbian, gay, bisexual, transgender, or queer or questioning (LGBTQ). Agencies should ensure that policies are in accord with current best practices, reflect community values, and are reviewed on a regular basis. The IACP Law Enforcement Policy Center provides model policies and corresponding concepts and issues papers on a number of topics that can be helpful to agencies.[24]

> *Law enforcement agencies should have comprehensive policies on the use of force that include training, investigations, prosecutions, data collection, and information sharing. These policies must be clear, concise, and openly available for public inspection.[25]*

High-profile use-of-force incidents have created perceptions of law enforcement actions, policies, and strategies that do not reflect typical encounters and recommended procedures. In order to ensure that perceptions more accurately reflect reality and that the safety of the public and the officer is kept paramount, comprehensive policies must be in place.[26] In addition to policy, training and education for both officers and the public can help in creating an environment that supports open dialogue, understanding, and realistic expectations.

The IACP and the COPS Office developed a report following a symposium on the use of force. The report outlines many of the issues that should be considered before, during, and after the incident. It also covers many of the considerations outlined by the task force and will assist agencies in defining and understanding what these considerations mean for their own policies.[27]

Having the agency's policies concerning the use of force and investigation of such incidents available for public inspection is also important as it allows individuals who are not part of law enforcement to see and understand the process. Much of what occurs in relation to a use-of-force incident happens internally and therefore the public may feel like the agency is doing nothing, although investigations are ongoing. Having the policies available and allowing officers and agency leaders the ability to see them for reference may help alleviate concerns and build trust.

> *Law enforcement agencies should create policies and procedures for policing mass demonstrations that employ a continuum of managed tactical resources that are designed to minimize the appearance of military operation and avoid using provocative tactics and equipment that undermine civilian trust.[28]*

Policing in a democratic society requires officers to, at times, manage mass demonstrations and protests. In recent years, there have been several high-profile cases in which such demonstrations were aimed at protesting police behavior. During such situations, tensions are high, and it is imperative that policies and procedures are in place to keep both demonstrators and law enforcement officers safe.

Employing various de-escalation techniques and strategies and having adequate training on such techniques is one way to assist officers in managing these situations. This is also where an engrained guardian mindset would help change both response and perception. The IACP Law Enforcement Policy Center has developed both a model policy and a concepts and issues paper on Crowd Management and Control that can be helpful to agencies that need to implement or review their own policy.[29]

> *Law enforcement agencies should adopt and enforce policies prohibiting profiling and discrimination based on race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency.[30]*

While sound policies and procedures are necessary, they must be accompanied by adequate education, training, and cultural support. The Sanford, Florida, Police Department instituted Fair and Impartial Policing training in order to help agency personnel understand and identify implicit and explicit bias, improve relationships and encounters between police and the community, and build trust and legitimacy. "The result was a newly energized workforce that reached out to the diverse populations in the jurisdiction, many of whom had little or no previous contact with law enforcement; an increase in work productivity; and a decrease in crime."[31] In addition, the IACP Law Enforcement Policy Center has a model policy and concepts and issues paper on Unbiased Policing to assist agencies in ensuring that all members of the community are treated with fairness and equality.[32]

Data Collection and Dissemination

There are numerous data points that an agency can and should collect. This information can assist agencies in making more informed decisions in a variety of areas and to institute evidence-based practices in operations. Additionally, sharing data with the community, in ways that are in accordance with legal requirements, enhances transparency and builds trust and legitimacy.

Law enforcement agencies may explore partnerships with educational institutions to create mechanisms for collecting, tracking, and analyzing data. In addition, these resources may be able to assist agencies in finding the best ways to share this information with the community.

> *All federal, state, local, and tribal law enforcement agencies should report and make available to the public census data regarding the composition of their departments including*

race, gender, age, and other relevant demographic data.[33]

Workforce demographic data can provide a snapshot of an agency. This basic information can be made available fairly easily for most agencies. Analyzing these data alongside census data for the jurisdiction may help agencies determine if there are areas for improvement in diversifying their workforce and altering recruitment or retention (or both) practices.

Law enforcement agencies should be encouraged to collect, maintain, and analyze demographic data on all detentions (stops, frisks, searches, summons, and arrests).[34]

It is important for communities to have a clear and accurate picture of their law enforcement agency's operations. Oftentimes, perceptions are shaped by media and other external factors and not necessarily based on comprehensive data. In order for agencies to build transparency and accountability and to give their communities an accurate portrayal of what the agency is doing, data collection is vital. Collecting, maintaining, and analyzing this and other information will also allow agencies to develop and implement evidence-based practices and understand how strategies, policies, and practices are affecting operations.

Conclusion

While many of the ideas and themes set forth in the President's Task Force on 21st Century Policing report are not new, some of the recommendations may be unclear, uncomfortable, or even difficult for some agencies to put in to action. However, the IACP and other organizations are working hard to support agencies and officers as they grow and adapt in this new environment.

More specific guidance for understanding and operationalizing the task force recommendations can be found in the following Training Keys.
- Training Key® #705 – Overview
- *Training Key® #707 – Pillar Three - Technology and Social Media and Pillar Four - Community Policing and Crime Reduction*
- *Training Key® #708 – Pillar Five - Training and Education and Pillar Six - Officer Safety and Wellness*

Acknowledgment

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Endnotes

[1] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing* (Washington, DC: U.S. Department of Justice Office of Community Oriented Policing Services, May 2015), http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.
[2] *The President's Task Force on 21st Century Policing Implementation Guide: Moving from Recommendations to Action* (Washington, DC: U.S. Department of Justice Office of Community Oriented Policing Services, 2015), http://www.cops.usdoj.gov/pdf/taskforce/Implementation_Guide.pdf.
[3] Ibid., 11–12.
[4] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, 11.
[5] *Training Key® #705 – 21st Century Policing: Overview* (Alexandria, VA: IACP, 2015).
[6] Sue Rahr and Stephen K. Rice, "From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals," *New Perspectives in Policing Bulletin*, NCJ 248654 (Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2015), https://www.ncjrs.gov/pdffiles1/nij/248654.pdf.
[7] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, 12.
[8] *IACP National Policy Summit on Community-Police Relations: Advancing a Culture of Cohesion and Community Trust* (Alexandria, VA: IACP, January 2015), http://www.theiacp.org/Portals/0/documents/pdfs/CommunityPoliceRelationsSummitReport_Jan15.pdf.
[9] IACP *National Policy Summit on Community-Police Relations*, 28.
[10] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, 12.
[11] Tracey G. Gove, "Implicit Bias and Law Enforcement," *The Police Chief* 78, no. 10 (October 2011): 44–56.
[12] Debbie Elliott, "In Montgomery, Rosa Parks' Story Offers a History Lesson for Police," NPR, updated December 3, 2015, http://www.npr.org/2015/11/30/457533368/in-montgomery-rosa-parks-story-offers-a-history-lesson-for-police.
[13] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, 14.
[14] Ibid., 16.
[15] Ibid., 16.
[16] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, 16.
[17] *Diversity in Law Enforcement: A Literature Review* (Washington, DC: U.S. Department of Justice Civil Rights Division Office of Justice Programs and U.S. Equal Employment Opportunity Commission, January 2015), http://www.cops.usdoj.gov/pdf/taskforce/Diversity_in_Law_Enforcement_Literature_Review.pdf.
[18] DiscoverPolicing.org, www.discoverpolicing.org.
[19] IACP Diversity Coordinating Panel, http://www.theiacp.org/Diversity-Coordinating-Panel .
[20] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, 20.
[21] Hassan Aden, "Inviting the Community into the Police Strategic Planning Process," *The Police Chief* 80, no. 10 (October 2013): 28–31.
[22] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, 26.
[23] Sue Quinn, *Models of Civilian Oversight in the United States: Similarities, Differences, Expectations and Resources* (National Association for Civilian Oversight of Law Enforcement), https://nacole.org/resources/models-of-civilian-oversight-in-the-united-states-similarities-differences-expectations-and-resources.
[24] Documents developed by the IACP Law Enforcement Policy Center are available exclusively to IACP members and IACP Net subscribers. For more information, please visit www.theiacp.org/model-policy.
[25] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, 20.
[26] See the *Model Policies and Concepts & Issues Papers on Use of Force* and *Officer-Involved Shootings, In-Custody Deaths, and Serious Uses of Force* (Alexandria, VA: IACP Law Enforcement Policy Center).
[27] *Emerging Use of Force Issues: Balancing Public and Officer Safety* (Alexandria, VA: IACP, 2012), http://www.theiacp.org/portals/0/pdfs/emerginguseofforceissues041612.pdf.
[28] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, 25.
[29] *Model Policy and Concepts & Issues Paper on Crowd Management and Control* (Alexandria, VA: IACP Law Enforcement Policy Center, 2014).
[30] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, p. 28
[31] Lorie Fridell and Sandra Brown, "Fair and Impartial Policing: A Science-Based Approach," *The Police Chief* 82, no. 6 (June 2015): 22.
[32] *Model Policy and Concepts & Issues Paper on Unbiased Policing* (Alexandria, VA: IACP Law Enforcement Policy Center, 2015).
[33] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, p. 24
[34] Ibid., 24.

questions

The following questions are based on material in this *Training Key®*. Select the one best answer for each question.

1. Procedural justice refers to

   (a) any issues or situations that involve the United States legal system.

   (b) the idea that individuals judge the fairness of the justice system on how fair they perceive the process, as opposed to how fair they perceive the outcome.

   (c) justice that is administered in accordance with all laws and customs of a particular jurisdiction.

   (d) the theory that justice will be provided if individuals are given procedures to follow.

2. Nonenforcement encounters include

   (a) community meetings.

   (b) vehicle stops.

   (c) investigative inquiries.

   (d) personal searches.

3. Strategies for understanding and mitigating implicit bias include

   (a) instituting community policing practices.

   (b) integrating bias research into in-service training.

   (c) encouraging supervisors to recognize and address bias.

   (d) all of the above.

answers

1. (b)
2. (a)
3. (d)