

Applying Procedural Justice to People with I/DD

Voicemail

00:00

Welcome to *The Beat*—a podcast series from the COPS Office and the Department of Justice. Featuring interviews with experts from a varied field of disciplines, *The Beat* provides law enforcement with the latest developments and trending topics in community policing.

Today both of our guests are joining us by phone.

Jennifer Donelan

00:19

Hello everyone, and welcome to *The Beat*. Thank you for joining us. Today we're going to be talking about applying procedural justice to people with intellectual and developmental disabilities. And we are very honored to have on the line with us, joining us by phone, Chief Will Johnson. He is the police chief of the Arlington, Texas police department, and we have Professor Amy Watson. She's a professor at the Jane Adams College of Social Work at the University of Illinois at Chicago. Thank you both so much for joining us.

Chief, I'd like to start with you. We're talking about applying procedural justice to people with intellectual and developmental disabilities. And I think its most important that our listeners understand, first, what is procedural justice, and why do you have an interest in it?

Chief Will Johnson

01:05

Procedural justice is a research outcome from Dr. Tom Tyler, in which he was able to prove that most of society is invested in the fairness of the process more so than the outcome of the process. So the pillars of procedural justice really center around the topics of fairness, transparency, where the process allows participants to have a voice and that the process produces a product that's unbiased. And when those elements are present, as people are having interactions with one another, particularly when they're having interactions with law enforcement, they care more about the process than they do the outcomes. Dr. Tom Tyler's research suggests that when people believe in the process, it will actually produce increased voluntary compliance with the law.

Donelan

01:55

And I could imagine as Chief of Police it almost goes without explanation as to why you're so interested in this process.

Johnson

02:02

It gives us a framework by which we can approach complex social topics, many of which are generational and have systematic issues throughout society. In these cases, solutions may have become elusive to us as a community.

But if we approach it in a procedurally fair and just perspective, we can have the best possible outcomes on the micro scale of the individual encounter and also on a macro scale for the community as we try to create and promote social change.

Donelan

02:37

Perfect, thank you. Professor Watson, your thoughts.

Professor Amy Watson

02:40

What I found in the literature, and in my own research, is that when people are vulnerable or occupy a marginalized status, procedural justice is particularly important. So, while it's important for all police interactions with the public, but for more vulnerable populations, how people feel they're being treated by the authorities is particularly important, because it . . . if someone's feeling vulnerable and unsafe, they're really going to look to the person in power, with power in the situation for cues to how safe they are. So, here, it's really important in these situations.

Additionally, in these situations, providing the opportunity for the person to have voice, and to explain their side of the story, showing respect for the person, and treating them with dignity, showing concern and fairness really helps that person feel less vulnerable and safe to comply with what the officer needs them to do, and to get a better outcome for everybody.

Donelan

03:32

It's going back to exactly as you were explaining, it's the process. Was the process fair, was I treated just like everyone else's? That, regardless of the outcome if I can look to that and depend on that then it's a positive experience.

Chief, do you have an example or case that influenced you in your interest in this topic, this process of procedural justice?

Johnson

03:52

Absolutely. I've been in policing for over 24 years, and I've been a student and an aspiring teacher of procedural justice for about 10 years now. I can remember vividly being in a meeting with Dr. Tom Tyler

as he presented his research to our command staff. And there were two graphs that he projected on the screen. On one graph was crime in America over the last 60 years, and it showed a sharply decreasing rate in terms of a drop in crime in the United States. I remember looking at that slide, and as a police officer you feel a sense of accomplishment that you have contributed to society and that you have reduced crime, not only in your community, but nationally. And it, and it really gave you a sense of satisfaction.

The second slide was community satisfaction of the police and their satisfaction with the delivery of police services. And as he compared these two slides over the same time period, in which we were looking at the decreasing crime rate and also community satisfaction in the police, the overall satisfaction of the community of the police was relatively unchanged. So what that told me was people were not drawing their evaluation of police services as it was connected to the crime rate. Now, that's not to say that people aren't interested in the crime rate, but they're generally more interested in incidents of crime, particularly as it relates to their proximity. In other words, people care about crime that's occurring closest to them or involving them. And also, it was an epiphany to understand that the measurement by which we, the police, were measuring ourselves was not the measurement that the community was measuring the police and their effectiveness.

And by transitioning our, the police department's, measurement to one of procedural justice, where we were evaluating our conduct based on the service delivery as reconciled with the pillars of procedural justice rather than outcomes, we started to improve community satisfaction and confidence in the police.

Donelan

06:03

It's police community relations, and it is at the forefront right now. Professor Watson, you're focusing you work on this topic. What influenced you?

Watson

06:11

Early in my career, I was a probation officer and I worked on the specialist mental health team. I had many clients with serious mental illness that had regular contact and, often times, unfortunate contact with the police. And on some occasions, my clients were injured and, on a few occasions, the officers were injured, as well. So I got interested in thinking about what we can do, so that these encounters go better for everybody. Ah, fast forward and, as I started working on my program of research, one of the first studies that I did involved talking to people with serious mental illness about the police encounters that they had had, and how they experienced them.

I remember one woman, in particular, who described an encounter she had with an officer that ended with her being arrested. When she talked about the encounter really positively, because the officer was respectful. He listened to her side of the story, and he explained to her what was going to happen. Then she talked about another interaction where she could have been arrested, but wasn't. That officer was

very rude and dismissive and she was really unhappy with the experience and how she was treated, and really pretty angry about the encounter. So it became clear that it really did matter how officers treat people, and that there's things that we can do to help officers, in terms of improving those encounters and supporting better outcomes for everybody involved.

Donelan

07:28

Professor Watson, how are the majority of police encounters experienced by people with mental illness, and can you tell us why that's significant?

Watson

07:37

So what we found, in talking to people, is that first of all, people with mental illness have encounters with police for the same reasons that other people do. They may also have encounters related to their mental illness or mental health crisis. So it runs the gamut from just your mundane, regular encounters to encounters where their mental illness is more of a component. But what was really consistent is that, in the encounters that they had with the police, they felt very vulnerable. They were frightened and described these encounters as really difficult interactions. That's important to understand, because if they're feeling fearful, that can impact how they respond to an officer. It may make . . . get more difficult for them to comply with what the officer is asking them to do.

And the flip side, I've done a lot of work talking to police officers. And while they won't tell you, specifically, that they're afraid in these encounters, they do talk about encounters with people with mental illness as being more dangerous, and being really unpredictable. So if you have a situation where you have both parties are expecting it to be very dangerous, and unpredictable, you can almost create the circumstances that you're trying to avoid where it does become a dangerous encounter for everybody involved.

Donelan

08:48

So the lessons that you've taken from that, and as I'm listening to you, is that we can take their experiences, use this process, make sure that we are treating everyone fairly and the same, and apply that to people with intellectual developmental disabilities.

Chief, in listening to this, can you talk about why it's so important to apply procedural justice to encounters with people with intellectual and developmental disabilities?

Johnson

09:13

Well, at the highest levels, people with intellectual developmental disabilities are stakeholders in the community just like everybody else, and we need to provide them with exemplary service in any and all manner in which are available to us. But the more complex answer is police officers deal with a variety of individuals who call police for help. And if we just look at the totality of the people that officers come in contact with and become involved with, it includes people that are criminals, people that are antisocial, people that have mental illnesses and are in mental crisis, substance abusers. It's critically important to understand that sometimes police come into contact with individuals that represent all of these different sub-groups, including the sub-group of those with intellectual development disabilities.

So I think it's important to throw in a couple additional points out there as it relates to this challenge that police officers face because we know that 25% of all officer-involved shootings involve somebody with a mental illness. We know that if you have a mental illness, you're 16 times more likely to be shot by the police during a police interaction. And so it's absolutely in the back of an officer's mind as they're approaching individuals and trying to determine just who exactly they are interacting with, we have people that are interacting with officers that are consuming and abusing substances. Certainly the focus of this conversation today is on intellectual and development disabilities. And we come in contact with all of those people in the absolute environmental conditions in which cops are delivering services out in the community.

So as an officer, you're trying to process all these different possibilities across the spectrum of possibilities that you might be confronting, and you're trying to process it in the speed in which you're involved in the encounter. In other words, the speed of life if you will, rather than through the hindsight of reflection after the encounter is over. And so the ability for us to slow down when possible the encounter, the ability to have a framework by which we can try to provide procedural fairness, gives an officer the opportunity to access all the different possibilities that they are encountering, so that they're not totally looking at one set of data, but all the data that's available to them. That they're trying to take it all in, all the data points, to make the most informed decision that they possibly can and that these decisions are procedurally fair and responsive to how they are projecting themselves to the community in terms of how the community feels like they're being treated in the interaction.

Donelan

12:09

Sure, and I am always amazed at the thought processes that officers have to go through in literally the blink of an eye as they are approaching an individual or responding to a scene. Does this framework of practicing procedural justice, does it help them, you know, in those finite moments?

Johnson

12:26

I believe absolutely that it does. Because as officers are confronted with all of these different scenarios, we know from our experience and from the literature that sometimes aggressive demeanor is not aggression. But an officer also knows that sometimes aggressive demeanor is absolutely unlawful aggression, and they have to be able to respond appropriately to both. Which means that as they are controlling these scenes for everyone's safety and they're trying to problem solve and help people in crisis, that this framework of procedural justice helps them with the ebb and flow of the encounter, if you will, in terms of exerting their authority in some instances but also pulling back or withdrawing their authority in others. Allowing individuals an opportunity to interact with them safely as the circumstances demand, all the while maintaining control for officer safety purposes and also for the safety of all individuals on scene.

So as officers are both exerting their authority to control the scene and also diminishing their authority to de-escalate the scene, procedural justice helps them to provide a framework on which they can not only effectively provide police services, but also allow the individual to feel that they had a voice in the process.

Donelan

13:53

Thank you, well said. Professor Watson, could you explain in practical terms the five procedural justice tools that officers can use, and how it directly relates to people with intellectual and developmental disabilities?

Watson

14:06

Sure, I think one thing officers could do is to make sure to treat people with dignity and respect. So regardless of how bad a day the officer's having, how difficult the situation is, it's important that they remember that the person in front of them is a human being and deserves the same dignity and respect as anybody else. And also recognizing that the person in crisis, even though they may seem very agitated, they'll pay attention to how they're treated, and it will matter to how they respond. And other tools, basically, to allow the person opportunity to share their side of the story, so to give them voice and allow them to be heard. Making sure that the officer reflects back to that person, to the effect that I hear what you're saying. So even if the officer doesn't agree or can't do what the person is hoping the officer will do, the officer can, at least, let them know that they're listening and they hear what the person is saying and understand.

Another thing an officer can do is to provide some transparency. So explaining two things to the person that, perhaps, this is what I need you to do. This is what I need to do, and this is why. Very importantly, giving the person time to process that information. So, if anybody who's in crisis, or agitated, may have more difficulty responding to what an officer is asking them to do, but if you add various communication

barriers, or someone's acutely symptomatic, that makes it even more difficult for them to process the request and comply. So they're not responding to the officer might not be unwillingness to comply, it could just be that they're still processing the information and coming up with a response. So it's important for officers to recognize that, and understand that, and in addition to making sure that they're really clear about what's going to happen and why, but also allowing the person time to process the information and to be able to respond.

Another thing is to make it clear to the person that the officer actually has their well-being in mind, and that they have concern about the person. It's always good if it's genuine, people notice that. So, even if the officer has to make decisions, or asks the person to do things that the person doesn't want to do, if they feel that the officer is actually concerned about their well-being, they may feel a bit safer and cooperate with the officer. So that's really important. And, I think, often times the things that we see, in some of the trainings, specific to CIT training, or other trainings, to help officers better respond to people with mental illness, or intellectual and developmental disabilities, is providing officers with some contact with people, with those disabilities so that they can begin to build some empathy and build that compassion, so when they do have an encounter, they really can connect with that person and show genuine concern.

Donelan

17:01

What I hear both of you saying as a theme as we've been holding this discussion, is the element of time. And the focus on trying to slow it down so that you can get these things done. Chief, from a management perspective, what advice would you give to law enforcement executives on implementing procedural justice in their department so that they're working to ensure people with disabilities are included in procedural justice efforts?

Johnson

17:27

I think it's really important for police chiefs as they implement procedural justice as a reflection of the core values of their department to first focus internally. You have to be able to provide procedural justice as an organization to your employees, as an act of the demonstration of how you want them to treat the community when they're out in the field serving the public. And once you started this conversation internally and you started the organizational transformation about the value of procedural justice internally, your employees can see it within their own organization and then it is more readily executable out in the community.

Procedural justice as it's executed in the community serves as a great value because it's not only applicable on the individual encounters, but it's applicable to the vast spectrum of challenges that officers face as they come in contact with a diverse community that they serve. Today, we're talking about a certain group of individuals, but procedural justice has applications across all the different lines of people within the community; people of different races, of all different socioeconomic classes.

Because at its core, this is the most inherent trait that people in the community desire as the fundamental concept of fairness. I do absolutely agree with the previous comments about the sincerity in which we serve the public. People can see that.

And I would remind executives that while we're training our staff and when we're dealing with somebody in crisis, even those that may not be receptive to de-escalation tactics and to the concepts of procedural justice, we should never forget that there are other stakeholders in the community that are watching these interactions. And even when we're dealing with the somebody in crisis not willing to receive our de-escalation or allow us to avoid a use of force encounter, the larger community is watching how we interact with these individuals and they are making a judgment statement based on the tactics that we use and the professionalism by which we conduct our business. Procedural justice gives us an opportunity to project to these observers that are not involved in these encounters exactly what our core values are.

Donelan

19:55

And now more than ever we are in a day in age where the outside community is able to observe interactions between law enforcement and individuals, so I think that's a great point. Professor Watson, I will ask you, do you have any last minute thoughts for our audience?

Watson

20:08

I guess my only comment is that even where officers really apply procedural justice and, perhaps, in this situation, the person may not, initially, be responding to it. But I think they're still aware of how they're being treated and that may pay forwards to the next interaction that they have with the police officer. Unfortunately, one negative interaction can have more power than a number of positive interactions, so the challenge is to really support officers in providing procedurally just treatment of all individuals.

Donelan

20:41

Absolutely, it's a win for everyone involved. Chief, your last thoughts?

Johnson

20:45

We have individuals in our communities that we have given our solemn oath to serve. And we have committed to serve them well. This is a vulnerable population, and vulnerable populations represent the absolute groups that police officers, most police officers, step forward and raise their right hand and said, "I will serve you. I will protect you even when you can't protect yourself. I will get you help when you need it. I will make sure that I intervene on your behalf." And so I think from the most noblest aspects of policing, this is the reason why people aspire to join police departments. And I think we can

be motivated by how we serve people with intellectual and development disabilities, and I believe that procedural justice is the vehicle by which we can do that.

Donelan

21:42

Thank you so much. Professor Watson, can people contact you regarding this topic? And if so, how would you prefer to be contacted?

Watson

21:49

People can contact me by email, either at, acwatson@gmail.com. That's A-C-W-A-T-S-O-N-at-G-MAIL-dot-COM, or at A-C-W-A-T-S-O-N-at-U-I-C-dot-E-D-U.

Donelan

22:12

Perfect, thank you. And Chief Will Johnson, how can people contact you regarding this topic, and if so, how would you prefer to be contacted?

Johnson

22:20

Absolutely, we're always open and willing to help individuals and organizations, particularly fellow law enforcement agencies that are trying to implement procedural justice. We host site visits through the COPS Office, site visits with our peer agencies, the desire to see how we've implemented it here in Arlington. And anybody that would like to talk to us more about this topic can contact us by looking at our contact information on our website, which is W-W-W-ARLINGTON-P-D-dot-ORG.

Donelan

22:54

Arlington P as in Paul, D as in dog, dot-org?

Johnson

22:57

That's correct.

Donelan

22:59

I can't thank you both enough for joining us. Chief Will Johnson of the Arlington, Texas police department, and Professor Amy Watson of the Jane Adams College of Social Work at the University of Illinois in Chicago. And thank you listeners so much for joining us on *The Beat*.

Voiceover: *The Beat* Exit

23:15

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Voiceover: Disclaimer

24:14

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