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**NAVAL
POSTGRADUATE
SCHOOL**

MONTEREY, CALIFORNIA

THESIS

**A PRACTITIONER'S GUIDE TO TRUST AND
LEGITIMACY**

by

Patrick A. Walsh

September 2013

Thesis Advisor:
Second Reader

Christopher Bellavita
Rodrigo Nieto-Gomez

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A PRACTITIONER'S GUIDE TO TRUST AND LEGITIMACY

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Submitted in partial fulfillment of the
requirements for the degree of

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ABSTRACT

The policing profession has evolved since the formalization of police forces in the late 1820s. Much of the change revolves around the community taking an interest in how the police conduct themselves and how they interact with the public. As the public demands more from the police, the police need to strive to gain trust and remain legitimate.

This is easier said than done. Due to the breakdown in the social safety net, more and more police officers are called upon to assist those who are suffering from a mental illness. This intersection often tragically results in officers using force, or deadly force on these individuals. When this happens, many in the community lose faith in the police and trust is weakened or lost.

In this paper, trust and legitimacy between the community and the police is examined. The argument is made that the police need to have trust and legitimacy with the public they serve in order to be effective in fighting crime as well as terrorism. Three aspects are examined that have the potential to build trust: The United States Department of Justice (DOJ) civil rights investigation of law enforcement, the strategic production of press releases and the creation and use of a mobile smart phone application as a means of connecting to the community.

By abiding with the DOJ recommendations, thinking strategically about the production of press releases, and leveraging technology to build relationships, it is argued that law enforcement can build trust and legitimacy. With trust and legitimacy the public will assist, cooperate, and obey the police. This relationship and collaboration is vital if law enforcement is to be successful in maintaining public safety and prevent terrorism.

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LIST OF ACRONYMS AND ABBREVIATIONS

| | |
|--------|---|
| AMA | Albina Ministerial Alliance |
| APP | Mobile Application |
| BHU | Behavior Health Unit |
| CIT | Crisis Intervention Training |
| COPS | Community Orientated Policing Services |
| DOJ | Department of Justice |
| ECIT | Enhanced Critical Incident Training |
| FBI | Federal Bureau of Investigation |
| FLETC | Federal Law Enforcement Training Curriculum |
| IACP | International Association of Chiefs of Police |
| MCU | Mobil Crisis Unit |
| MDC | Mobil Data Computer |
| PERF | Police Executive Research Forum |
| PIO | Public Information Officer |
| PPA | Portland Police Association |
| PPB | Portland Police Bureau |
| POP | Problem Orientated Policing |
| SERT | Special Emergency Response Team |
| SRO | School Resource Officer |
| TAC | Training Advisory Council |
| US DOJ | United States Department of Justice |

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This thesis was not what I anticipated writing. I completed the application for this program while working seven-day workweeks during the Occupy movement of 2011. Much of my research during this course revolved around this movement and why and how it developed. In the end, I decided that the way we treat each other matters and our lives intersect whether we want them too or not. Thus, I decided to attempt to ascertain how to build trust with those we serve, the citizens.

I want to thank the police officers of the Portland Police Bureau for their professionalism and genuine concern for the community. I also want to thank the community members of Portland for the opportunity to serve them and complete this program, without their support I would not have made this journey.

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I. INTRODUCTION

A. PROBLEM SPACE

Three years ago, Marva Davis lost two sons in one day. The first, Timothy, died in the morning, at 8 am, in Oregon Health & Science University Hospital. Ten years earlier, he had received a heart transplant. But at 23, his heart and kidneys couldn't hold on any longer. His brother Aaron, older by two years, stayed by his side for days. When Timothy died, a grieving Aaron left the hospital distraught and suicidal. His family members, worried, did what they thought was best. They called the police for a welfare check. By 6:54 pm, Aaron was dead. But he did not kill himself. A police sniper shot him in the back with an AR-15 rifle as he walked backwards with his hands behind his head.¹

It is hard to imagine how a police department can recover from the loss of credibility when faced with these types of incidents. Fortunately, these incidents do not happen often, but once is enough and the tragedy stemming from these deadly encounters creates tension and mistrust with many in the community. Add to these tragedies the occasional police misconduct and the lack of outreach and innovation on the part of the police to build community trust, and legitimacy can be lost over night.

Legitimacy is defined by Sunshine and Tyler as, “a property of an authority or institution that leads people to feel that that authority or institution is entitled to be deferred to and obeyed.”² Leaders in law enforcement have been discussing police legitimacy and trust for several decades. To maintain the public trust and remain legitimate, top management in law enforcement agencies are constantly striving for ideas to gain and maintain trust and legitimacy. This effort given current economic and social climates is not a perfected science, and there is not a “one size fits all” approach.

¹ Jason Silverstein, “More Compassion, Less Police Force against the Mentally Ill,” *Huffington Post* January 3, 2013.

² Jason Sunshine and Tom R. Tyler, “The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing,” *Law & Society Review* 37, no. 3 (2003), 514.

There is a persistent gulf between law enforcement and many communities, especially those affected by higher crime rates.³ Adding to this gap is the increase in contacts between the police and those in the community who suffer from a mental illness.⁴ The Police Executive Research Forum (PERF) indicates up to 10 percent of police contacts are with those persons suffering from a mental illness.⁵ A study by the Portland Police Bureau (PPB) Strategic Services Division found PPB responds to persons in crisis an average of 27.1 percent to 39.8 percent of all daily calls for service, depending on what part of the city.⁶ More and more the police are the last line in the social safety net and are called upon to respond to persons suffering from mental illness during acute psychotic episodes that sometimes results in tragic consequences as described above.⁷

Law enforcement is charged with maintaining public safety including investigating crime, traffic accidents and more recently social disorder and terrorism. Navigating these issues is complex and requires resources and the public's support. The International Association of Chiefs of Police (IACP) realizes how important the contribution of local law enforcement is in the fight against terrorism and created a guide for law enforcement. In the research to produce the guide, "Building Communities of Trust," IACP points out:

Local authorities have the primary responsibility for preventing, responding to, and recovering from terrorist attacks and providing support to the Federal Bureau of Investigation (FBI), which takes the lead in investigating terrorism cases. Because of the nature of their jobs, SLTT

³ Vaughn Crandall and David Kennedy, *Practical Brief: Truth-Telling and Racial Reconciliation between Law Enforcement and Affected Communities* (New York: National Network for Safe Communities, John Jay College of Criminal Justice, 2012), 2, National Network for Safe Communities, http://www.nnscommunities.org/RACE_AND_RECONCILIATION_FINAL.pdf.

⁴ Chuck Wexler, "Civil Rights Investigations of Local Police: Lessons Learned," *Critical Issues in Policing Series* (Washington, DC: Police Executive Research Forum, 2013), 25.

⁵ Amy C. Watson, Beth Angell, Theresa Vidalon, and Kristin Davis, "Measuring Perceived Procedural Justice and Coercion among Persons with Mental Illness in Police Encounters: The Police Contact Experience Scale," *Journal of Community Psychology* 38, no. 2 (2010): 208.

⁶ Greg Stewart, *Behavior Health Call Load Analysis* (Portland, OR: Strategic Services Division, Portland Police Bureau, 2012), 5.

⁷ U.S. Department of Justice and Portland Police Bureau, settlement agreement, dated September 2012, pursuant to Federal R. Civ. P. 41(a)(2)..

law enforcement officers have the ability to develop an intimate knowledge of their communities through daily efforts to prevent crime and violence. These close relationships with the residents they serve make law enforcement uniquely situated to identify, investigate, and apprehend suspected terrorists.⁸

If members of law enforcement are going to maintain a safe community, prevent terrorism, and help those in need, they will need to leverage communication technology, the media, and their own creativity to build community trust and legitimacy. This is much easier said than done. Building legitimacy requires a level of engagement with the community as well as an understanding of the community's perceptions of law enforcement. Many law enforcement agencies have not understood this concept or have neglected to focus on this engagement, which can enhance public safety.⁹ It is generally accepted that most people will obey the law and assist law enforcement when they view the police as trustworthy.¹⁰ When citizens trust the police, law enforcement can count on them to cooperate with police based on mutual respect.¹¹

On a daily basis, the majority of police officers perform exceptionally, and assist citizens in need with professionalism and compassion; however if the perception is that law enforcement cannot be trusted, this performance will not have an impact on legitimacy.¹² Private citizens want to trust the police and have a relationship that is mutually beneficial.¹³ This balance between the goals of law enforcement and the needs of the community is not always struck and often tragic incidents divide the community and police, making trust a fragile concept.

⁸ Bureau of Justice, *Building Communities of Trust a Guidance for Community Leaders*, July 2010, International Association of Chiefs of Police, <http://www.theiacp.org/portals/0/pdfs/BCOTGuidanceForCommunityLeaders.pdf>.

⁹ U.S. Department of Justice and Portland Police Bureau, settlement agreement, 53.

¹⁰ Stephen J. Schulhofer, Tom Tyler, and Aziz Huq, "American Policing at a Crossroads: Unsustainable Policies and the Procedural Justice Alternative," *Journal of Criminal Law & Criminology* 101, no. 2 (2011): 26.

¹¹ Tom R. Tyler, "Trust and Legitimacy: Policing in the USA and Europe," *European Journal of Criminology* 8, no. 4 (2011): 258.

¹² Steve Yanda, "Opening Session at PERF Annual Meeting: How Police can Build Public Trust," *Subject to Debate, A Newsletter of the Police Executive Research Forum* 27, no. 3 (2013): 1.

¹³ Crandall and Kennedy, *Practical Brief*, 2.

My hypothesis is the police are most effective when the community trusts them. When there is a strong relationship between the citizen and the police, citizens will be more willing to obey the law as well as support the police in solving crime and preventing terrorism. This newfound trust and cooperation will generate a safer community, lower crime rates as well as mitigate potential terrorist activities.

B. RESEARCH QUESTIONS

1. Primary Question

How does community trust in the police affect homeland security?

2. Secondary Questions

- What steps can be taken by law enforcement leaders to gain trust?
- Are there practices police leaders can implement to instill organizational commitment to build trust in the community?
- Can law enforcement leverage technology to communicate with the community and increase trust?

C. LITERATURE REVIEW

To ascertain how to build trust and legitimacy, I reviewed: the literature related to the evolution of police procedures, an analysis of trust and legitimacy as it pertains to law enforcement, the effect of the media and social media on the perception of law enforcement, and the U.S. Department of Justice (DOJ) investigations of law enforcement agencies as a means to building trust with the community. By studying these areas, I anticipated a framework would emerge that would answer the questions posed.

To build trust and gain legitimacy with the community, law enforcement leaders need to understand trust and legitimacy and how officer's actions, as well as external forces, affect both. This review also looked at two external forces that appear to affect trust and legitimacy; the affect the media and the United States Department of Justice in the form of a civil rights investigation have on the legitimacy of the police. A review of the literature highlights what is known and not known, and what has yet to be explored about how to build legitimacy and trust between the police and the community.

1. History of Police Procedures

To begin to understand community trust in the police, it is important to know how law enforcement has evolved. Knowing the various models of policing and how they contributed to the profession of law enforcement can create a road map to understanding what works and what does not work.

Modern policing is said to have started with Sir Robert Peel of England when he authored the Metropolitan Police Act of 1829. Peel wrote principles to guide police stating, “The police are the people and the people are the police, and crime prevention is possible without heavy intrusion into citizens’ lives.”¹⁴ This idea of officers respecting citizens and relying on their assistance ushered in a new way of policing, that of the policing depending on mutual respect between the police and the citizen.

Although Sir Peel expressed this sentiment long ago, the fact is police work is still evolving and changing tactics, philosophies, and policies. In the 1950s, the model of policing was a “detached expertise,” a quasi-military style where officers kept their distance from the community and were reactionary in their response.¹⁵

More recently, community policing began to take hold in America in the early 1980s with Herman Goldstein championing the concept. Goldstein echoed Sir Robert Peel’s beliefs by contending that, by building relationships with the community and working together toward common goals, officers could, “develop a reservoir of respect and support” that could be used to deal with problems in innovative and collaborative ways rather than resorting to coercive methods, such as force and rule of law.¹⁶ Community policing became widely accepted and by the mid-1990s, 85 percent of U.S. police departments had implemented some form of the community-policing model.¹⁷

¹⁴ M. A. Lewis, “Peel’s Legacy,” *FBI Law Enforcement Bulletin* 80, no. 12 (2011): 8–11.

¹⁵ Schulhofer, Tyler, and Huq, “American Policing at a Crossroads,” 7.

¹⁶ Herman Goldstein, “Toward Community-Oriented Policing,” *Crime & Delinquency* 33, no. 1 (1987): 7.

¹⁷ Michael M. Wehrman and Joseph De Angelis, “Citizen Willingness to Participate in Police-Community Partnerships: Exploring the Influence of Race and Neighborhood Context,” *Police Quarterly* 14, no. 1 (2011): 50.

As community policing was taking hold, so to was the managerialization of law enforcement, which made policing more businesslike.¹⁸ By introducing performance management to policing, efficiency, effectiveness, and economy were taken into consideration when evaluating the quality of a law enforcement agency.¹⁹ Thus legitimacy was measured by productivity, much like a private sector business.²⁰ Law enforcement agencies were asked to measure their product relative to the tax dollars spent to support it. This shift created a client (citizens) relationship, which caused the police to seek legitimacy through internal performance and measurements of regularly occurring activities.²¹ By moving away from a rigid bureaucratic form of management to a business like efficiency model, coupled with community policing, law enforcement changed dramatically in the 1980s and 90s.

Other forms of policing that emerged in the 1990s were: order maintenance, problem orientated policing (POP), and zero tolerance. These methods addressed disorder and petty crime, no matter how minor, to eliminate problems by using directed patrols. The effectiveness of this type of policing gained the respect of the community due to noticeable results in the reduction of social disorder.²² This form of measuring the effectiveness of the police has dominated how the police view themselves as well as how they have been judged by the communities they have served for several decades.

More recently, law enforcement has been turning to science and police academic scholars embracing the concepts of intelligence-led policing and predictive policing. Intelligence-led policing relies on an evidence based approach to fighting crime and preventing terrorism. Jerry Ratcliffe describes intelligence based policing as, “operationally the antithesis of community policing.”²³ Also according to Ratcliffe, “Where community policing aims primarily for police legitimacy and is organizationally

¹⁸ Jan Willem Trommel Terpstra, “Police, Managerialization and Presentational Strategies,” *Policing* 32, no. 1 (2009): 128.

¹⁹ *Ibid.*, 129.

²⁰ *Ibid.*, 129.

²¹ *Ibid.*, 134.

²² Schulhofer, Tyler, and Huq, “American Policing at a Crossroads.”

²³ Jerry Radcliffe, *Intelligence-Led Policing* (Cullompton, Devon: Willan Publishing, 2008), 87.

bottom up and community centered, intelligence-led policing aims for crime reduction, is top-down and hierarchical, and uses crime intelligence to focus on offenders.”²⁴ Intelligence has always been used by law enforcement to support cases, this type of intelligence is used to inform decision makers so that they can strategically plan and allocate resources.²⁵

In predictive policing analysis in the form of data mining is conducted to ascertain when crimes are occurring and if there are any patterns that can be exploited.²⁶ In a manner similar to hot spot policing, agencies engaged in predictive policing assign officers to areas based on past crime patterns in an attempt to deter crime from occurring. The primary difference is predictive policing uses more robust analytic techniques in determining the patrol areas. According to McCue, “Data mining and predictive analysis can be used to enhance and guide the evaluation process by helping us identify what works, for whom, when, and under what circumstances.”²⁷ By having officers at these various locations at the times, crime typically occurs the idea is crime will be averted.

The change in practices over the past several decades shows the police are adaptive and making attempts to improve. An emerging measurement of police performance is not how efficient they are, but how well they treat the community. This treatment has been referred to as, procedural justice. The procedural justice model is gaining ground and is more and more the standard by which police agencies are judged.²⁸ The procedural justice model is more in tune with the desire to create trust and legitimacy between the police and community. Rosenbaum and Lawrence state, “Police effectiveness in controlling crime is important for determining legitimacy, but according

²⁴ Ibid., 87.

²⁵ Ibid., 88.

²⁶ Colleen McCue, *Data Mining and Predictive Analysis* (Jordan Hill, Oxford: Butterworth-Heinemann, 2007), xxv.

²⁷ Ibid., 153.

²⁸ Sunshine and Tyler, “The Role of Procedural Justice,” 519.

to this model, not as important as procedural fairness.”²⁹ By purposefully trying to treat people in a fair manner, the police gain legitimacy.³⁰

Another form of measurement of the law enforcement profession is the auditor model. City and county auditors have begun auditing police departments and often have outside auditors conduct reviews of specific aspects of agencies, such as use of force or deadly force.

In addition to city and county audits, the federal government may investigate a police agency for civil rights violations. This usually occurs after an event or series of events brings the police agency to the attention of the United States Department of Justice Civil Rights Division.³¹ All of these forms of auditing the police produce reforms and recommendations that the agency must implement to satisfy the audit/investigation. These audits or investigations are meant to determine a course of action that will improve an agency in the area of concern and bring about reforms.

Not all believe the way law enforcement is measured is a positive thing. Terpstra and Trommel caution that judging law enforcement by the output or performance may undermine the symbolic power of the police.³² If the police are not viewed as being valuable in and of themselves, then the symbolic power of the police is eroded and the public loses faith in the need for the police, thus legitimacy is lost.³³

The history of policing is extensive and includes many periods of efforts to reform and professionalize the field of law enforcement. These reforms and improved methods of performing police work have attempted to improve the relationship between the community and police. An attempt has been made to discover a body of work that informs the reader as to what constitutes the evolution of policing. By understanding the

²⁹ Dennis Rosenbaum and Daniel Lawrence, “Teaching Respectful Police-Citizen Encounters and Good Decision Making: Results of a Randomized Control Trial with Police Recruits” (paper, National Police Research Platform, 2012), 8–3.

³⁰ Sunshine and Tyler, “The Role of Procedural Justice,” 520.

³¹ Wexler, “Civil Rights Investigations of Local Police,” 10.

³² Terpstra, “Police, Managerialization and Presentational Strategies,” 140.

³³ Ibid.

past police reforms, the hope is moving forward law enforcement may craft procedures that continue to build and maintain legitimacy and trust between the community and the police.

2. Legitimacy

The history of policing shows the evolving methods used to provide police services. With this history in mind, a look at legitimacy as it relates to how the public perceives the police is a logical step. Knowing what builds legitimacy between the community and the police is central to the questions of how trust and legitimacy affects homeland security.

The relationship between the community and the police is built on many variables: encounters such as traffic stops, responding to the victim of a crime, news stories, making an arrest all play into the community's perception of the police. Dennis Rosenbaum and Daniel Lawrence capture this relationship well when they wrote, "Officers are expected to effectively play multiple roles, including enforcer, social worker, marriage counselor, parent/disciplinarian, crowd-control manager, criminal investigator and group facilitator."³⁴ Managing these roles is not an easy task for even the most composed officer, and the challenge is to perform these roles in a manner that satisfies the public and is perceived as fair.³⁵ The manner in which the police encounter citizens has a direct correlation to how legitimate the community perceives the police.³⁶ This perception in turn foreshadows how cooperative citizens will be in following the law as well as assisting law enforcement in their work.³⁷

Police scholars Tom Tyler and Jason Sunshine describe legitimacy as an attribute an authority has that leads people to feel that authority or institution is entitled to be

³⁴ Rosenbaum and Lawrence, "Teaching Respectful Police-Citizen Encounters," 8-1.

³⁵ Ibid., 8-2.

³⁶ Mike Hough, "Researching Trust in the Police and Trust in Justice: A UK Perspective," *Policing & Society* 22, no. 3 (2012): 336.

³⁷ Sunshine and Tyler, "The Role of Procedural Justice," 518.

deferred to and obeyed.³⁸ Sunshine and Tyler assert the police gain acceptance when they are viewed by the public as:

1. Creating credibility sanctioning threats for those who break rules (risk),
2. Effectively controlling crime and criminal behavior (performance), and
3. Fairly distributing police services across people and communities (distributive fairness).³⁹

Using this model of measurement of the police, the public gage whether the police are worthy to cooperate with or obey.⁴⁰

Police performance in crime reduction, traffic safety, and procedures can be measured via crime and traffic statistics and the number of citizen complaints and/or commendations filed. These performance measures are tangible and generate statistics that can be analyzed. However, leaders in law enforcement often mistake these measurements of the officers' effectiveness as the yardstick by which the community views the police. Many studies, such as those by Tyler, Sunshine, Huq, Schulhofer, and others indicate how well the police perform in the area of arrests; distribution of officers fairly across the community is not how the community evaluates the police.⁴¹ It is how the police exercise their authority more than how effective they are that matters to the community.⁴²

According to Anthony Bottoms and Justice Tankebe, legitimacy is "focused on the present; it is concerned with recognition of the moral rightness of claims to exercise power here and now, rather than in the future."⁴³ This is a distinction of legitimacy that separates it from trust, which focuses on the future.⁴⁴

³⁸ Ibid., 535.

³⁹ Ibid., 514.

⁴⁰ Ibid., 514.

⁴¹ Schulhofer, Tyler and Huq, "American Policing at a Crossroads," 5.

⁴² Ibid., 524.

⁴³ Anthony Bottoms and Justice Tankebe, "Beyond Procedural Justice: A Dialogic Approach to Legitimacy in Criminal Justice," *Journal of Criminal Law & Criminology* 102, no. 1 (2012): 164.

⁴⁴ Ibid., 164.

Procedural justice is more difficult to measure because it relies on the community's assessment or perception of fairness of the discretionary use of authority by law enforcement.⁴⁵ The perception of unequal treatment is the number one reason individuals become dissatisfied with the legal system. How the police treat citizens is what determines how the community feels about them.⁴⁶ With this in mind, it is imperative law enforcement consider how they interact with the public. By moving away from a command and control to a fair and respectful practice, community members will begin to evaluate the police as fair and begin to trust them.⁴⁷ This type of relationship will allow the police to concentrate on crime control with the community's support rather than alienating them.⁴⁸

Not all legitimacy is gained through procedural justice and fair treatment. Dictators such as Saddam Hussein had legitimacy due to the citizens feeling compelled to comply with the leader. This legitimacy was one of fear, but legitimacy just the same. Edwin Delattre writes about this stating that some governments have power because they have authority over the military and the economy.⁴⁹ In a study by David Smith, he indicates, "it follows that the authorities are legitimate if people generally believe that they ought to be obeyed" and "a political system . . . though clearly evil, can still be legitimate."⁵⁰ It is important to realize legitimacy can be gained by tyranny and force, and it behooves law enforcement leaders to be cognizant of this form of legitimacy and the affect it has on society.

Fathali Moghaddam discusses group norms having an effect on individual's behavior and that "extremists can influence others to conform to even more radically incorrect norms."⁵¹ To add to the influence of incorrect norms is group think, which

⁴⁵ Hough, "Researching Trust in the Police," 338.

⁴⁶ Schulhofer, Tyler and Huq, "American Policing at a Crossroads," 15.

⁴⁷ Tom R. Tyler, "Trust and Legitimacy," 257.

⁴⁸ Hough, "Researching Trust in the Police," 65.

⁴⁹ Edwin J. Delattre, *Character & Cops: Ethics in Policing* (Washington DC: AEI Press, 1996), 40.

⁵⁰ Bottoms and Tankebe, "Beyond Procedural Justice," 156.

⁵¹ Fathali M. Moghaddam, *The Psychology of Dictatorship* (Washington DC: American Psychology Association, 2013), 127.

Moghaddam asserts, “groupthink is more likely to come about when a group functions in isolation from expert opinion, is highly cohesive, has a directive leader with a preferred solution, and there is a lack of procedures for critical assessment.”⁵² This explains why a dictator such as Saddam can control a population through fear and thus have legitimacy, albeit a warped legitimacy. The same type of legitimacy can apply to police officers, if they police in a manner that intimidates, coerces, and does not allow for redress, the community will defer out of fear and intimidation.

To the onlooker, it would seem intuitive to draw a correlation between fair treatment and how the police are perceived, yet time and time again history repeats itself in the form of mistreatment of citizens by police officers. Once legitimacy is established the police will be able to capitalize on this relationship to keep the community safe. Tom Tyler argues the police need legitimacy in order to gain the public’s support in the form of following orders, assist in investigations and compliance to the public order.⁵³ Since the American justice system relies on voluntary compliance, the police cannot do their work without this legitimate relationship with the public.

To summarize, for the police to obtain legitimacy with the public, they will need to act in a manner that is respectful. Using the procedural justice model, and keeping the public’s perception of the police in mind, the police can create an avenue to legitimacy. This relationship in turn creates a safer society as the citizens and police work together to solve crime, social disorder and prevent terrorism.

The distinction between legitimacy and trust is nebulous, yet there is a distinction. Knowing the difference can assist law enforcement in the creation of policies and practices that will assure they are not using legitimacy and trust as buzz words, but rather as actual known entities in practice. The next section will discuss trust as it pertains to the relationship between the police and the community.

⁵² Ibid., 129.

⁵³ Tyler, “Trust and Legitimacy,” 258.

3. Trust

There is one thing that is common to every individual, relationship, team, family, organization, nation, economy, and civilization through-out the world—one thing which, if removed, will destroy the most powerful government, the most successful business, the most thriving economy, the most influential leadership, the greatest friendship, the strongest character, the deepest love.

On the other hand, if developed and leveraged, that one thing has the potential to create unparalleled success and prosperity in every dimension of life. Yet, it is the least understood, most neglected, and most underestimated possibly of our time. That one thing is trust.⁵⁴

As dramatic as this quote sounds, it would appear accurate when studying the relationship police officers have with the public. Stephen Covey and Rebecca Merrill describe trust as confidence.⁵⁵ When a law enforcement agency loses trust, suspicion arises. Stephen Covey quotes Ghandi as saying, “The moment there is suspicion about a person’s motives, everything he does becomes tainted.”⁵⁶ When contemplating how to gain and maintain trust, law enforcement leaders must first understand what trust is and is not and how fragile this relationship can be.

Covey and Merrill describe the loss of trust as a “trust tax.”⁵⁷ Conversely, they describe high trust as a “trust dividend.”⁵⁸ When there is high trust the dividend improves all aspects of a relationship, when there is low trust there is a lack of common ground and suspicion prevails. A police agency can have a great strategy and excellent execution but if there is low trust there will be limited to no results.⁵⁹

Edwin Delattre indicates in private relationships such as friendships, or husband and wife relationships, genuine intimacy cannot be imagined without trust.⁶⁰ Delattre

⁵⁴ Stephen M. R. Covey and Rebecca R. Merrill, *The Speed of Trust the One Thing that Changes Everything* (New York: Free Press, 2006), 1.

⁵⁵ *Ibid.*, 5.

⁵⁶ *Ibid.*, 8.

⁵⁷ *Ibid.*, 17.

⁵⁸ *Ibid.*, 19.

⁵⁹ *Ibid.*, 20.

⁶⁰ Delattre, *Character & Cops*, 39

goes on to conclude that if trust is that important in private life, then common life without trustworthiness in government is impossible.⁶¹

In 1995, Mayer and his colleagues introduced the integrative model of organizational trust. This model indicates that:

The willingness of a party to be vulnerable to the actions of another party based on the expectation that the other will perform a particular action important to the trustor, irrespective of the ability to monitor or control that other party.⁶²

Mayer and Davis indicate to be trusted the trustee (person being trusted) must have three characteristics, ability, benevolence, and integrity.⁶³ Many scholars have concluded that ability is key to being trustworthy, but according to Tom Tyler, a reality facing police everywhere is reducing crime (ability) “carries little weight if not complemented by a manner of policing that engenders public trust.”⁶⁴

Benevolence is defined as a positive orientation of the trustee (police in this case) to the trustor (community).⁶⁵ If law enforcement members show they truly care and put the community’s needs first, then they are acting in a benevolent fashion. When discussing integrity, Mayer and Davis indicate, “It is the perceived level of integrity that is important rather than the reasons the perception is formed.”⁶⁶ Law enforcement is built on values and mission statements meant to denote trustworthy attributes. Knowing that the perception of the community as it relates to integrity is valuable to keep in mind.

According to Mayer and Davis, these three characteristics, ability, benevolence, and integrity are the foundation to trust in a police department; however it is possible to have one characteristic without the others.⁶⁷ Officers can have ability but not act

⁶¹ Ibid., 40.

⁶² Roger C. Mayer and James H. Davis, “An Integrative Model of Organizational Trust,” *Academy of Management Review* 20, no. 3 (1995): 712.

⁶³ Ibid., 717.

⁶⁴ Yanda, “Opening Session at PERF Annual Meeting,” 1.

⁶⁵ Ibid., 718.

⁶⁶ Ibid., 720.

⁶⁷ Ibid., 721.

benevolently or with integrity. It is also possible to be benevolent and act with integrity but have little to no ability.⁶⁸ To maximize trustworthiness, law enforcement should monitor and maintain these three characteristics when attempting to build trust with the community.

In a study of the role of trust in authority relations within hierarchical groups, Tyler and Degoey found that people feel trust is more social in nature, in particular as it pertains to relationships amongst groups and how authorities treat them.⁶⁹ Tyler and Degoey found when there is a bond between groups (in this case the police and community), trust becomes more important.⁷⁰ In addition, the manner in which authorities communicate matters, respect and a person's standing with the authority, as well as intentions of the authority, all determine if the public views the authority as trustworthy.⁷¹

Trustworthiness between the community and police requires each side to be vulnerable; this cost is essential for trust to exist.⁷² Furthermore, trust tends to be future oriented and may be defined as “a positive feeling of expectation regarding another's future actions.”⁷³ When discussing the relationship between the community and the police, Tyler asserts that making the community safe is important but has little effect on trust.⁷⁴ Moreover, Tyler indicates that unfair treatment has a much stronger effect on trust and confidence in the police than lowered crime rates.⁷⁵ Tyler points out that citizens believe fairness consists of four elements:

⁶⁸ Ibid., 721.

⁶⁹ Tom R. Tyler and Peter Degoey, “Trust in Organizational Authorities, the Influence of Motive Attributions on Willingness to Accept Decisions,” in *Trust in Organizations, Frontiers of Theory and Research*, ed., Roderick Kramer and Tom Tyler (Thousand Oaks, CA: Sage Publications Inc., 1996), 344.

⁷⁰ Ibid., 345.

⁷¹ Ibid., 345.

⁷² Jack Barbalet, “A Characterization of Trust, and its Consequences,” *Theory & Society* 38, no. 4 (2009): 369.

⁷³ Ibid., 375.

⁷⁴ Yanda, “Opening Session at PERF Annual Meeting,” 1.

⁷⁵ Ibid., 1.

- Do members of the public have opportunity to provide input on policing policies and practices as they're being developed?
- Do they have the chance to explain their situation when interacting with police officers?
- Do they have concrete evidence that police are being neutral, factual and consistent in applying the law?
- Do they know that police respect the public and will treat citizens with dignity and courtesy?⁷⁶

When attempting to build trust, Tyler urges police officers to think about their contacts with the public as “teachable moments.”⁷⁷ Rather than look at the contact as lawful and effective, he stresses an attempt should be made to add the extra content of, “how does it change the public’s view?”⁷⁸ Tyler’s research in trust stresses the police treating the public fairly and with the attitude that every contact should convey to the public they can trust the police.

The leaders of law enforcement agencies, as well as the officers of those agencies, need to understand that people desire to be trusted and respond to being trusted.⁷⁹ Keeping this in mind, Roderick Kramer indicates that in hierarchical relationships, the perspective of those in the lower-status (community) fear exploitation and being treated unfairly, while those in the high-status (government/police) fear those working for them shirking their responsibility or duties.⁸⁰ Kramer was discussing organizations as it relates to the relationship between workers and management, yet this study can be correlated to the relationship of the public and the police. Those at the bottom rely on those at the top for resources including positive reinforcement, empathy, and social support.⁸¹ While those at the top will care less about the individual characteristics of the other and more about how well subordinates get things done or cause them to have to monitor and

⁷⁶ Ibid., 1.

⁷⁷ Ibid., 7.

⁷⁸ Ibid., 7.

⁷⁹ Stephen M. A. Covey, “Policing at the Speed of TRUST,” *Police Chief* 78, no. 10 (2011): 29.

⁸⁰ Roderick M. Kramer and Tom Tyler, *Trust in Organizations Frontiers of Theory and Research* (Thousand Oaks, CA: Sage Publications, 1996), 217.

⁸¹ Ibid., 222.

supervise.⁸² This distinction is important to keep in mind; the community and police do not view trust equally and status affects the relationship.

Covey and Merrill conclude, “Trust is a function of character and competence.”⁸³ This distinction is important because the community wants a relationship with the police and trust is the avenue to this place. Knowing that trust can be built with character and competence, law enforcement can use this template to safeguard the trust relationship with the public. By establishing, restoring, and working on trust constantly, a positive relationship will develop that nets effective collaboration and results.⁸⁴

When asking how community trust in the police affects homeland security, it is important to understand trust as it relates to the police and community relationship. From the literature Covey and Merrill assert that trust is the ability to be vulnerable to another in the hopes of future benefits. Tyler suggests without trust in the police the community will not assist, cooperate or obey (being vulnerable) the police.⁸⁵ When discussing security, the American system of justice relies on the public to “see something say something”.⁸⁶ Without trust in the police, the public will not report suspicious individuals whether criminal or terrorists. The literature suggests this needed collaboration starts with trust.

The literature on trust describes how fluid the concept of trust is and how it is not an entity that is *obtained* but an entity that must be *nurtured* or it is lost and not easily regained. The literature also shows people from different statuses view trust from an altogether different lens. Trust in law enforcement is complex at best but vital to a working relationship with the public.

⁸² Ibid., 227.

⁸³ Covey, *Policing at the Speed of TRUST*, 30.

⁸⁴ Ibid., 29.

⁸⁵ Tom R. Tyler, “Justice and Effective Cooperation,” *Social Justice Research* 25, no. 4, (2012): 371.

⁸⁶ Department of Homeland Security, “If You See Something, Say Something campaign,” last modified July 2010, Department of Homeland Security, <http://www.dhs.gov/if-you-see-something-say-something-campaign>.

If trust and legitimacy are needed to keep society secure, then knowing how the different communities view trust in law enforcement is also an area that needs to be explored. With this in mind, a look at how the minority communities view the police will be the subject of the next section.

4. Does Trust Relate to All Cultures the Same?

In reviewing the literature on legitimacy and trust, it becomes apparent the relationship between the police and community is not equal among all segments of the community. In 2000, a Gallop poll indicates that whites are 27 percent more likely to have confidence in the police while less than 20 percent of African Americans view the legal system as fair.⁸⁷ When President Obama criticized officers for an incident that involved a confrontation between the police and an African American Professor in Cambridge, Massachusetts, a Pew Center poll indicated twice as many whites disapproved of the President's comments as African Americans.⁸⁸ The literature as it relates to the minority community stresses the police need to consider procedural justice in their actions and be mindful that just because an activity is lawful, if it is carried out poorly can undermine the agencies legitimacy.⁸⁹

The antithesis to legitimacy is not illegitimacy when discussing law enforcement. Legitimacy in law enforcement refers to how willing the public is to cooperate and obey the police.⁹⁰ When the police are not considered legitimate, then the community does not feel compelled to call upon them for support or help; this phenomenon is referred to as legal cynicism by researchers David Kirk and Andrew Papachristos.⁹¹ Furthermore, Kirk and Papachristos indicate residents of disadvantaged neighborhoods mostly believe in the rule of law and do not have a tolerance for violence and crime, yet engage in crime due to

⁸⁷ Tyler, "Trust and Legitimacy," 259.

⁸⁸ Ibid., 259.

⁸⁹ Ibid., 260.

⁹⁰ Tyler, "Justice and Effective Cooperation," 363.

⁹¹ David S. Kirk and Andrew V. Papachristos, "Cultural Mechanisms and the Persistence of Neighborhood Violence," *American Journal of Sociology* 116, no. 4 (2011): 1191.

this legal cynicism.⁹² When community members feel they are not part of the larger society the norms of the “dominant society to include the legal system, no longer are binding on the disadvantaged community.⁹³ This study looks at a “cultural mechanism (legal cynicism) as opposed to the above listed studies that looked at cultural values.”⁹⁴

This frame is important to know and study for leaders in law enforcement because when a community does not deem the police legitimate, they are unavailable to that community. When this occurs, to remedy problems citizens in these disenfranchised communities will resort to taking care of their own problems by other means.⁹⁵ The literature that discusses legal cynicism is of import because when segments of the community feel left out of the main society, norms develop that preclude the cooperation with the police in criminal matters and alternative remedies emerge that could include criminal behavior.

Wehrman and De Angelis conducted a study and conclude that whites view the police as a social and political resource.⁹⁶ When there are changes to this resource, such as the police conducting outreach to underrepresented groups (minorities), the dominant culture will be less supportive.⁹⁷ Wehrman and De Angelis found that minority groups are more willing to support the police if they stand to benefit from the changes proposed; this was even true in communities with a history of tension with the police.⁹⁸

In addition to supporting the police, Wehrman and De Angelis found when police seek to create a community and police relationship, African Americans are more likely to participate.⁹⁹ In addition to willingness, they also found when residents know the

⁹² Ibid., 1191.

⁹³ Ibid., 1192.

⁹⁴ Ibid., 1228.

⁹⁵ Ibid.

⁹⁶ Wehrman and Angelis, “Citizen Willingness to Participate,” 62.

⁹⁷ Ibid., 62.

⁹⁸ Ibid.

⁹⁹ Ibid., 63.

neighborhood officer, they are more willing to help the police, and residents believe in the legitimacy of the police with the knowledge of the neighborhood officer.¹⁰⁰

The world has changed dramatically since the emergence of community policing in the 1980s. With the advent of social media, 24-hour news cycles and globalization, the world has become a small place. With this new paradigm, any event can spark controversy, pride, or outrage.¹⁰¹ When navigating these waters, it is important to understand what legitimacy and trust are and how to earn and keep both. It is also important to know what practices can build trust and legitimacy with all communities.

Having looked at the evolution of police practices, legitimacy, trust, and how diverse communities see both, it is important to know if there are outside forces that can upset the balance of trust and legitimacy between the police and communities they serve. In the next section of the literature review, media and social media is studied to ascertain if either can have an effect on trust and legitimacy.

5. Can the News Media have an effect on the Perception of Law Enforcement?

There are many deterrents to building trust and legitimacy in law enforcement. One major deterrent to trust is the perception of law enforcement portrayed in the news media. When researching how the mainstream news media reports crime the mantra of “If it bleeds it leads” comes to mind. It follows that this type of reporting of crime and police activities can cause undue stress and fear in the community. According to Henning and Renauer, police agencies can add to this fear of crime by the type of press releases they produce.¹⁰²

In some cases, the media has the ability to distort or exaggerate crime reporting, thus altering the perception the community has regarding crime and police actions.

¹⁰⁰ Ibid.

¹⁰¹ During the course of this research I have attempted to source all citations with care. This particular sentence eludes my recollection if I produced the wording or if I obtained it from another source and misplaced the citation information. If this sentence belongs to another, please notify me and I will give credit to the original author.

¹⁰² Kris Henning, Brian Renauer, Greg Stewart, “Crime in the News: How do People Feel about Crime Reporting in Portland, Oregon?” (Portland, OR: Criminal Justice Policy Research Institute, 2012), 1.

Research by Copitch and Fox has shown there is a “perception gap” in the community’s thoughts about crime rates and reality.¹⁰³ Copitch and Fox also conducted a survey to gauge the community’s perception of crime and many individuals thought crime was on the rise.¹⁰⁴ When asked why they felt this way, the individuals answered that watching news and reading the newspaper shaped their views.¹⁰⁵ The perception that crime is going up and personal safety is at risk reflects poorly on law enforcement.

Duffy et al conducted another study of this perception gap and when measuring trust in people’s information sources, the police were the most trusted source after family and friends.¹⁰⁶ Also noted, though law enforcement was highly trusted, they were the least cited out of the sources compared, which were, newspaper, tabloids, radio, government, and friends and family.¹⁰⁷ The study by Duffy et al. recommended agencies do everything in their power to inform the community and remain transparent. This study also found this transparency had an effect on how people perceived the police; “those that felt informed were satisfied, but those who were not informed by the police were highly dissatisfied.”¹⁰⁸ With the high trust attributed to the police in this study, agencies should consider communication strategies to build trust.

Police scholars Kris Henning and Brian Renauer point out that police agencies have a responsibility to report crime, but they should include in the press releases methods to avoid being a victim of crime, crime trends, and what the police are doing to reduce crime.¹⁰⁹ This additional information educates the readers/viewers, giving valuable information on how to avoid becoming a victim and prompts the community to become involved in reducing crime. This idea of police communicating strategically is

¹⁰³ Gary Copitch and Chris Fox, “Using Social Media as a Means of Improving Public Confidence,” *Safer Communities* 9, no. 2 (2010): 42.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.* 43.

¹⁰⁶ Bobby Duffy, Rhonda Wake, Tamara Burrows, and Pamela Bremner, “Closing the Gaps: Crime and Public Perceptions,” *International Review of Law, Computers & Technology* 22, no. 1 (2008), 33.

¹⁰⁷ *Ibid.*, 32.

¹⁰⁸ *Ibid.*, 35.

¹⁰⁹ Henning, Renauer, Stewart, “Crime in the News,” 3

not new; the Community Orientated Policing Services (COPS) organization produced a guide for law enforcement that details this concept. In its report, it states:

Strategic communication can help agencies further long term goals and objectives, generate public support for organizational activities, and achieve specific social outcomes. Using a short term, reactive, tactical approach to external communications will rarely have the level of focus necessary to create desired change.¹¹⁰

There are many pressures on law enforcement members to better communicate their message. Rob Mawby writes that there are three drivers for this pressure:

1) The managerialist reforms that require the police to show their value, efficiency and effectiveness. 2) Changes in society that require police to communicate with diverse communities. 3) Political dissatisfaction with some police functions and actions that require a response to reassure the community.¹¹¹

Added to these drivers are the 24-hour news cycle and the need for immediate information on the part of media outlets to stay competitive.¹¹² However, the concept of 24-hour news and the multi-faceted modes of communicating can be exploited to law enforcement's advantage when communicating their message to the media.

Steve Chibnall conducted research in the 1970s on the relationship of the media and the police. Even though the research is dated, it is still applicable today. In Chibnall's research, he indicates the relationship between the police and media was reciprocal but favored the police due to the police having the information. He points out the goal of the police, as it pertains to news releases, is to protect public reputation, facilitate the work of controlling and apprehending deviants, and to promote aims and interests of the police.¹¹³

¹¹⁰ Darrel W. Stephens, Julia Hill, and Sheldon Greenberg, "Strategic Communication Practices: A Toolkit for Police Executives," 2011, 39, Community Orientated Policing Services, <http://ric-zai-inc.com/Publications/cops-p222-pub.pdf>.

¹¹¹ Rob C. Mawby, "Police Corporate Communications, Crime Reporting and the Shaping of Policing News," *Policing & Society* 20, no. 1 (2010), 125.

¹¹² *Ibid.* 125.

¹¹³ *Ibid.* 127.

These goals have not changed to date, but the availability of information has exponentially grown since the 1970s with the advent of social media and smart phone technology. Yet law enforcement still has the upper hand in the relationship between the media and the police because it owns the information and produces the press releases for distribution to the media and public.

In current research at Portland State University, Laura Shaver and Kris Henning show there is a possibility to shape media reporting.¹¹⁴ In a comparative study between the press releases of the Portland Police Bureau and the *Oregonian* newspaper reporting, Shaver and Henning noted very little change between the releases and the actual media story. Their study showed 75 percent of the press releases from the Portland Police had “none too little change” when reported in the *Oregonian* newspaper daily print addition.¹¹⁵ The online version of the *Oregonian*, “Oregon Live” had 84 percent of the Portland Police Bureau’s press release wording with little to no changes.¹¹⁶

The fact very little of the police press release is being altered or rewritten is an indication that a press release has a high chance of being read in its original form by the community. Most community members have little to no contact with the police, thus the only information many people receive about the police is via the news media. Writing positive press releases that build trust and lower the fear of crime appears achievable given the propensity of the *Oregonian* to leave the press releases nearly unchanged.

This is an important development in the relationship between the police and the news media. Public relations and a strong communication strategy are an important part of any law enforcement agency. Knowing how to avoid the proverbial shooting of ones’ self in the foot by producing press releases that can be used to discredit an officer or the department is important. This is a new area of research and more study needs to be conducted, but the initial studies by Renauer, Henning, Shaver, and King look promising.

¹¹⁴ Laura Shaver, Kris Henning, Robert King, “Strategic Communication in Law Enforcement: A Preliminary Analysis of the Portland Police's Press Releases,” presentation at Portland State University, Portland, OR, 2013.

¹¹⁵ Ibid.

¹¹⁶ Ibid., 21.

The literature shows the police can garner support with the manner in which they communicate with the public. According to Henning, Renauer, and as the COPS office, strategic communications can further the agencies objectives and gain support.

Knowing the literature that shows the police can have an effect on how the media portrays them is a crucial step in shaping the community's perception of the police. It is important to note that many citizens obtain their ideas of crime from the media, and that the media uses a large portion of the press release language in its stories. Taking advantage of this trend can only benefit the police.

If the manner in which the police communicate with the media affects trust, then additional forms of communication with the public should be explored. The next literature reviewed will examine the affect social media has on the community and police relationship.

6. Social Media and Trust

There is a great deal of research supporting the use of social media by the government or public agencies to communicate strategically.¹¹⁷ Social media is no longer a novelty being used by only those who are technology savvy. Copitch and Fox describe social media as being about people and how they come together to work on projects or ideas, and while they acknowledge it is technology but state it is fundamentally about groups. They suggest the police should utilize social media for three reasons:

- 1) For effective engagement which will have a positive impact on the public's feelings about crime and safety
- 2) better communication will provide opportunities for the police to understand what the community wants from them, especially those that traditionally have been harder to reach and
- 3) having a strong social media strategy will allow the police to counter the media's messaging by going straight to the public, bypassing the media.¹¹⁸

¹¹⁷ Copitch and Fox, Using Social Media, 44.

¹¹⁸ Ibid. 45.

The suggestion of Copitch and Fox that law enforcement can bypass the mainstream media thereby getting their message out without a filter is intuitive. Add to this mode of communication the creation of well-thought-out press releases that keep trust and legitimacy in mind, and the police can gain support.

Henning and Renauer also believe the police should communicate in as many modes as possible to convey their message (i.e., Facebook, Twitter, YouTube), thereby having a broader spectrum of the community covered and influenced by the press releases.¹¹⁹ These additional forms of communication demonstrate transparency and will reach more people, which should build support in the community.

Social media has been shown to be a powerful tool in connecting people and groups. For example, the Arab Spring and Occupy Wall Street movements in 2011 are two recent movements that utilized social media to expand and rally the public.¹²⁰ Both movements were unprecedented in size and rapid growth and both movements owe the success of this growth to social media.¹²¹

During the Boston Marathon bombing in 2013, Boston Police Superintendent Linskey used social media to keep the public informed of the ongoing investigation using his twitter account. At a Police Executive Research Forum (PERF) annual meeting of law enforcement leaders Superintendent Linskey stated, “I knew the media was listening to every word I said, and I wanted to be clear, calm and provide a sense that somebody was in charge, I knew the media would get that message out immediately.”¹²² Superintendent Linskey used this platform to keep the public informed, as well as provided the media that was monitoring with up to date information and started to bring calm to a chaotic and frightening situation.

¹¹⁹ Henning, Renauer, Stewart, “Crime in the News,” 3.

¹²⁰ Jeffrey Goldberg, “Awakening,” *Bloomberg Businessweek*, no. 4260 (2011), 6.

¹²¹ Noorin Ladhani, “Occupy Social Media,” *Social Policy* 41 no. 4 (December 2011): 83.

¹²² Yanda, “Opening Session at PERF Annual Meeting,” 2.

Copitch and Fox indicate social media can also be used in a variety of ways to engage the community and create positive feelings toward the police.¹²³ One method that has shown positive results is the release of humorous tweets/press releases. On May 15, 2013, Portland Police released a video of an officer attempting to catch a speeder only to be stopped by a mother duck and her babies crossing the highway. The officer had to discontinue his pursuit, stop traffic, and get out of his car to coax the ducks off the freeway. The video in and of itself is humorous to watch but the last slide states, “The Portland Police Bureau: Friends of water fowl since 1871.”¹²⁴ This YouTube video has been viewed worldwide by, 2,768,444 people with 1,961 “thumbs up” votes and thousands of positive comments.¹²⁵ By taking a risk, the Portland Police used humor that created a positive interaction with the public.

Social media has been widely studied, but what is not fully known is how the use of smart phone applications compares to social media or media in general. Do smart phone applications have the ability to communicate and inform the public much like social media? If so, will this emerging form of communicating enhance trust and build legitimacy? How many citizens use mobile apps in addition or in lieu of social media or the mainstream media? This is an area that is in need of study.

7. Summary

As has been shown there is a growing body of work that indicates the need for law enforcement to build trust and legitimacy with the community. Being competent in solving crime no longer is the only barometer the public uses to judge the police. Being trustworthy and having legitimacy has shown to be more important to the community. This is especially true in minority communities, where community members feel marginalized by the dominant culture and past practices of the government that have created distrust with the police.¹²⁶

¹²³ Copitch and Fox, *Using Social Media as a Means of Improving Public Confidence*, 44.

¹²⁴ “Dash Cam: Police Pursuit,” YouTube video, posted May 15, 2013, Portland Police, <http://www.youtube.com/watch?v=rEhYBkkgftk>.

¹²⁵ *Ibid.*, comments.

¹²⁶ Crandall and Kennedy, *Practical Brief*, 2.

There are many strategies and opportunities for law enforcement to increase trust and legitimacy with the community. Knowing the history of the evolution of police practices is beneficial to law enforcement when creating a strategy to build community and police relations. Knowing the local history of the relationship between the agency and the community it serves is equally beneficial. It is a foregone conclusion that the community knows the past in relation to the past practices of the police. Knowing the past is a first step toward not repeating it.

By treating the community fairly (procedural justice), the literature has shown the community responds and desires fair treatment from the police. By understanding what legitimacy is and how to obtain trust, law enforcement can align its practice with these concepts thus building trust and legitimacy into all aspects of the department. When there is trust in the community, members will be willing to assist the police in solving crime and notifying the authorities to suspicious activity such as terrorism. If law enforcement is perceived as legitimate then citizens will cooperate and obey the police. This relationship creates a safer society.

By leveraging strategic press releases that contain information that educates the public, asks for its assistance, and takes trust and legitimacy into account when produced, the police can build legitimacy.¹²⁷ By utilizing multiple avenues of communication to include social media, law enforcement can reach more people with their strategic messages. More transparency and using multiple modes equates to more legitimacy if the message is one that takes trust and legitimacy into account when created.

The following case studies from the Portland Police Bureau will demonstrate how an agency can use technology, media communications, and a Department of Justice investigation to strengthen their relationship with the community and build trust and legitimacy in the process.

¹²⁷ Kris Henning, Laura Shaver, and Robert King, “‘Eat Your Vegetables!’ Analysis of and Efforts to Change a Law Enforcement Agency’s Media Communications” (Dallas, TX: Academy of Criminal Justice Sciences, 2013).

D. METHODOLOGY

The focus of these case studies is to examine methods of building trust and legitimacy between the police and the community. The areas studied for this thesis included: 1) a United States Department of Justice Civil Rights investigation of a police agency, 2) a mobile application designed to build trust, and 3) the role media plays in establishing and maintain trust and legitimacy of the police.

This thesis uses qualitative inquiry. The methods used to conduct this study were participant/observation of the events described by the author as a part of his professional responsibilities and reviewing scholarly and professional literature related to trust, legitimacy, the United States Department of Justice, the evolution of police practices, and the use of media and social media as it pertains to police and community relationships. Unless otherwise noted, all data presented in the thesis are either open source (publically available to the reader) or were directly observed by the author. In the latter case, no information is contained in this thesis that attributes—either directly or indirectly—the source of the data to any person except the author. The only time people’s names appear in this thesis is when those names are available in the open source literature (including research, reports, media accounts, and other publically available resources). As described below, names and situations are sometimes changed to protect those who were involved.

In the DOJ chapters, the author, who was the DOJ Compliance Coordinator for the Portland Police Bureau (PPB), was tasked with coordinating the successful completion of the United States Department of Justice Settlement Agreement between the United States and the City of Portland. As such the author’s observations derived from his participation were used in this study.

The collection of data related to the United States Department of Justice investigation was a result of literature related to the DOJ in the form of professional journals, Department of Justice documents, correspondence related to the investigation of the PPB between the City of Portland, DOJ and the United States District Court, Court documents related to past DOJ investigations of the Portland Police, as well as internal

Portland Police documents memorializing the implementation of the settlement agreement.

The study related to press releases as a way to build trust and legitimacy was based on data obtained from a literature review. The author reviewed the literature related to the effect of the media on the perception of the police as well as the relationship between the two. In addition, the author obtained the press releases from the Portland Police Bureau as well as an analysis tool created by Portland State University. This tool assisted in the analysis of PPB press releases compared to the local newspaper articles created from the press releases. Furthermore, the literature reviewed was professional journals, studies of the media and social media, and press releases of the Portland Police Bureau.

Through participation and observation, and reviewing the literature, the author developed information for the study of the creation of a mobile application to be used by the police to communicate with the public. In addition, the author is part of the design team and on the Innovation Council for the Portland Police that oversees any innovations used or produced. The Innovation Council is overseeing the mobile app technology.

On at least seven occasions between September 2012 and September 2013, the author was present and involved in the design of the mobile app. For the remainder of the time the design team and author participated in a collaborative online format using software for collaboration called Basecamp.com. The result of this, online collaboration was a weekly conversation that included tasks and benchmarks set by the team. High school students, with the assistance of executives from the technology field, produced the mobile app with the input of citizens and officers who gave feedback on functions they wanted in the app. As noted above, no information is presented in this case that attributes—either directly or indirectly—the source of the data to any person except the author. Said another way, the author scrupulously tried to avoid identifying (directly or indirectly) the source of any observation unless it was the author's.

To ascertain if the public would use such an app a local company, Fuse Insight Labs, conducted a community survey to gain feedback and ask what the community

wanted in a public safety app. The comments in the survey drove much of the options available on the app. Additionally, the officers who would use the app were also surveyed, and they provided feedback as to what features they would want in an app that allowed them to communicate with the public they serve. Using both end users input the design team crafted the app to accommodate many of the suggestions.

In an effort to comply conscientiously with Institutional Review Board guidance at the Naval Postgraduate School, there are names that are changed in the thesis to protect against any impropriety or damage to reputation or to avoid causing any alarm. The high school names have been changed to “Acme” and “Wiki” high so that there are no issues with using the actual names of the schools. Some of the names of officers, suspects, and witnesses in press releases and stories used in the thesis are changed to protect those involved, all phone numbers and emails have been removed from press releases that have been used to make a point in the thesis.

There are actual names used in some stories, but these are widely and openly known due to the high profile nature of the stories used. Changing those publically available names and situations would limit the effect of the use of the stories.

E. DO UNITED STATES DEPARTMENT OF JUSTICE PATTERN AND PRACTICE INVESTIGATIONS AID IN BUILDING TRUST AND LEGITIMACY IN A LAW ENFORCEMENT AGENCY?

According to Department of Justice Bureau of Justice Statistics, there are approximately 17,985 state, local, and county law enforcement agencies in the United States.¹²⁸ Of those agencies very few have fallen under the scrutiny of the federal government in the form of a civil rights violation investigation. Because this level of accountability exists, law enforcement agencies should attempt to understand what these investigations entail. By understanding what the DOJ determines to be a violation and the remedies it recommends, agencies can possibly avoid a DOJ investigation, or at the very least get ahead of an investigation by implementing many of the recommendations from other jurisdictions investigations. In addition, by understanding the motivation of the

¹²⁸ Brian A. Reaves, “Census of State and Local Law Enforcement Agencies, 2008 [NCJ233982]” last modified 2011, Bureau of Justice Statistics, 2, <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2216>.

DOJ, that of changing the way law enforcement performs certain functions, law enforcement can adapt policy and practice to assuage the DOJ as well as build a foundation with the community that can develop trust and legitimacy.

In 1994, the Violent Crime Control and Law Enforcement Act, 42 U.S.C. was passed into law. Section 14141 authorizes the United States to take legal action against a law enforcement agency when it has reasonable cause to believe that the agency has participated in a pattern and practice of violating the Constitution or laws of the United States.¹²⁹

In September 2012, the U.S. Department of Justice completed a pattern and practice investigation of the Portland Police Bureau and found:

While most uses of force we reviewed were constitutional, we find reasonable cause to believe that PPB engages in a pattern or practice of unnecessary or unreasonable force during interactions with people who have or are perceived to have mental illness.¹³⁰

Based on the findings of the U.S. DOJ, a series of recommendations were agreed upon in a settlement agreement between the City of Portland and the U.S. DOJ. The recommendations ranged from policy changes in the use of force and Taser policies, training requirements as it relates to persons suffering from mental illness, supervisor investigations of all use of force, stricter accountability measures, robust community engagement, and the creation of a specialized unit designed to help those in mental health crisis.

Moving forward, how the Portland Police responds and evolves is a lesson that all police agencies can learn from. Before discussing the current DOJ investigation and recommendations, a look back at past investigations of the PPB is appropriate. By knowing the past and now current recommendations a clearer picture of the issues may emerge.

¹²⁹ Title 42, *United States Code, Section 14141, Pattern and Practice* (1994).

¹³⁰ Thomas E. Perez, letter from Department of Justice to Mayor Sam Adams, dated September 12, 2012.

1. History of Federal Intervention in Portland

The current investigation by DOJ is not the first time the federal government has looked at the practices of the Portland Police. In 1969, several individuals filed suit in U.S. District Court asking the court to put a stop to the “systematic harassment of blacks by the city and its police force.”¹³¹ After reviewing the case, the U.S. District court ordered the Portland Police to stop using, “insulting, degrading or ethnically derogatory terms toward African American members of the community.”¹³² The order also had provisions for officers to cease the use of lead filled gloves and batons, obtain search warrants prior to making entry into constitutionally protected areas, and institute affirmative action provisions for hiring as well as conduct racial sensitivity training.¹³³

As a result, the Portland Police made many changes in policy after the District Court ruling and established stronger accountability measures with an oversight board, stricter accounting for citizen complaints, affirmative action plans in hiring, and racial sensitivity training.¹³⁴ The ruling in the 1971 U.S. District Court case, however, was not a panacea for the Portland Police and community relations. Between October 1974 and March 1975, four African American men were shot and killed by Portland Police officers.¹³⁵

After a public inquest hearing into the shooting of Rickie Charles Johnson found that the officer was justified in the use of deadly force, the tension between the African American community and the Portland Police was severely strained.¹³⁶ In April 1975, then U.S. Attorney for Oregon, Sidney Lezak asked the U.S. DOJ to investigate the four shootings to determine if the Portland Police violated these individual’s civil rights. The

¹³¹ Robert Beloni, United States Consent Decree, legal finding by the U.S. District Court, District of Oregon, dated June, 21, 1971.

¹³² *Ibid.*, 2.

¹³³ *Ibid.*

¹³⁴ Donald McNamara, Portland Police Bureau letter Department of Justice, Chief’s Memo, S.O. 43, November 23, 1971. Response to consent decree, detailing remedies.

¹³⁵ Leanne Serbulo and Karen Gibson, “Black and Blue Police-Community Relations in Portland’s Albina District, 1964–1985,” *Oregon Historical Quarterly* 114, no. 1 (spring 2013): 18.

¹³⁶ *Ibid.*

court found that there were no civil rights violations.¹³⁷ This finding further alienated the African American community from the Portland Police.

From 1975, the relationship between the African American community has suffered additional setbacks due to controversial uses of force, officer involved shootings, and some officer's actions being perceived as racist. This collective history and these incidents have caused a strain between many in the minority community and the Portland Police for several decades.

In 2011, the DOJ returned to Portland to investigate the Portland Police Bureau's use of force, specifically as it relates to persons suffering from a mental illness, once again creating an opportunity for reforms that could rectify current gaps in training, policy or accountability. With the back drop of the history of the relationship between the PPB and the federal government the current investigation and accomplishments is the subject of the next chapter.

2. Current Department of Justice Intervention and Accomplishments in Portland

The current DOJ investigation findings were released in September of 2012 and found no pattern of mistreatment of the minority communities; however, they laid out a comprehensive community engagement plan in the settlement agreement.¹³⁸ This portion of the settlement agreement was due to many in the African American community expressing a lack of trust in the Portland Police, "it became apparent that a trust divide exists between PPB officers and certain segments of the Portland community that should be bridged."¹³⁹ The DOJ stated in their report, "PPB could benefit from building additional bridges with minority communities, including but not limited to the African American community."¹⁴⁰

¹³⁷ Ibid., 19.

¹³⁸ Thomas E. Perez, letter from Department of Justice to Mayor Sam Adams, dated September 12, 2012.

¹³⁹ Thomas E. Perez, write up of investigation of the Portland Police Bureau on behalf of United States Department of Justice, 2012. The investigation was the result of letter from Albina Ministerial Alliance.

¹⁴⁰ Ibid. 38.

After several officer involved shootings in Portland that involved a person suffering from a mental illness or in crisis, in 2011 a citizen group as well as the Portland City Council asked the United States Department of Justice to investigate the Portland Police to ascertain if the PPB engages in a pattern and practice of unreasonable force.¹⁴¹ On September 12, 2012 after a 14-month long investigation, the DOJ revealed their finding that the Portland Police did participate in a pattern and practice of violating persons suffering from mental illness constitutional rights.¹⁴²

Based on these findings the City of Portland and the U.S. DOJ entered into negotiations to come to an agreement as to the correct remedies. Although the Chief of Police disagreed with the finding that Portland officers participate in a pattern and practice of violating persons suffering from a mental illness constitutional rights, he did concede more could be done and agreed to the recommendations to improve the Portland Police.¹⁴³

After several months of negotiations, the City of Portland and the Department of Justice agreed on the remedy and formulated a settlement agreement that required the Portland Police to revise its use of force and Taser policies, begin to have a supervisor investigate every use of force, create a behavior health unit to assist those in mental health crisis, improve accountability measures, create a community engagement plan and revise training for officers in the area related to persons in crisis.¹⁴⁴

A look at the accomplishments of the Portland Police to date shows the remedies required by the Department of Justice may have a positive effect on trust and legitimacy in Portland. Next, the highlights of what PPB is doing and how the accomplishments are changing practices and building relationships with the community will be discussed.

¹⁴¹ Albina Ministerial Alliance, letter to Department of Justice, asking for investigation into Portland Police Bureau, June, 8, 2011, 3.

¹⁴² Thomas E. Perez, letter from Department of Justice to Mayor Sam Adams, dated September 12, 2012.

¹⁴³ Michael Reese (Chief, Portland Police Bureau), letter to the Department of Justice, outlining remedies to investigation, September 13, 2012.

¹⁴⁴ U.S. Department of Justice and Portland Police Bureau, settlement agreement.

3. Accomplishments of the DOJ Settlement Agreement building trust and legitimacy

Since the City of Portland and the DOJ drafted the settlement agreement, the Portland Police Officer's Association (PPA) and a citizens group, the Albina Ministerial Alliance (AMA), both filed a motion in federal court to intervene in the settlement agreement.¹⁴⁵ Both the PPA and the AMA indicated that they wanted changes made to the settlement agreement. The PPA wants less policy changes that limit the officers' ability to perform their duties as well as the rights of the officers protected¹⁴⁶ The AMA wants stronger accountability and more focus on the interaction of the police and minority community members.¹⁴⁷ This intervention and subsequent court proceedings has stalled the ratification of the agreement between the City of Portland and the U.S. DOJ pending court ordered negotiations with all four parties (DOJ, PPB, PPA, and AMA). This process could take several months and could potentially end in a lawsuit and court battle if all four parties cannot come to an agreement.

Though no formal and binding agreement between the City of Portland and the U.S. DOJ exists due to the legal processes playing out, the Portland Police has decided to move forward with the settlement agreement without a formal court order. The decision to move forward was initiated because of the immediate need to help those in crisis and to give officers the training they need to affectively and safely do their jobs.¹⁴⁸

There are at least 80 recommendations listed in the settlement agreement, the following are a few of the recommendations in the settlement agreement that have been implemented to date.

¹⁴⁵ Maxine Bernstein, "Albina Ministerial Alliance's Coalition Files Court Papers to Intervene in City-DOJ Negotiated Settlement on Police Reforms," *The Oregonian*, January 8, 2013.

¹⁴⁶ Karia Anil (representing attorney for Portland Police Association) "Memorandum in Support of Intervener-Defendant Portland Police Association's FRCP 24 Motion to Intervene," letter to U.S. District Court, District of Oregon, dated December 18, 2012.

¹⁴⁷ Ashlee Albies and Shauna Curphey, representing attorneys for Albina Ministerial Alliance, motion to intervene, dated January 8, 2013, 5.

¹⁴⁸ Michael Reese (Chief, Portland Police Bureau; supervisor to author) personal conversation in June 2012.

4. The Behavior Health Unit

The Behavioral Health Unit (BHU) consists of a lieutenant and sergeant who supervise three mobile crisis units (MCU) consisting of an officer and social worker, a crisis intervention training (CIT) coordinator, and the Service Coordination Team (SCT), which serves the most frequently arrested and assists them in drug and alcohol treatment, housing and employment in lieu of jail.¹⁴⁹

The BHU unit provides an opportunity for the PPB to build trust in the community, especially the segment of the community that suffer from a mental illness or have family members that suffer from a mental illness, by providing services to those who are in most need.¹⁵⁰ By having teams that triage those individuals that are frequently coming into contact with the police, the potential to get them help and avoid a violent encounter is greatly enhanced.¹⁵¹

The BHU team is supported by a board of professionals in the mental health field as well as consumers (persons who have a mental illness, or family members who suffer from a mental illness) that help to create advanced training for officers as well as tailor how the MCU teams approach and aid those persons who are constantly coming into contact with the police.¹⁵² With this expert advice and access to the mental health field, the mobile crisis units are able to break down barriers with clients they assist as well as navigate the health care industry, which is a labyrinth at best.

For example, when a known local homeless man, for purposes of this study referred to as “Joe,” was coming into contact more and more with the public and his demeanor was becoming increasingly aggressive, the Portland Police began receiving calls to investigate. Although Joe was a menace to citizens passing by and his aggressive verbal assaults were concerning, he was not violating any laws. When the police

¹⁴⁹ Portland Police Bureau, “Organizational Chart,” last modified 2013, <http://www.portlandoregon.gov/police/article/250329>.

¹⁵⁰ Portland Police Bureau, Portland Police policy 850.20, “Mental Health Crisis Response,” section 3, in *Portland Police Bureau Manual of Policy and Procedure* (internal document, Portland Police Bureau, Portland, OR).

¹⁵¹ *Ibid.*, section 6.

¹⁵² U.S. Department of Justice and Portland Police Bureau, settlement agreement, 39.

continued to be called to investigate the increasingly potential for a violent encounter, Joe became more agitated by the arrival of the police.

The Mobil Crisis Unit began engaging Joe every day to build a relationship. By engaging Joe when he was not agitated and acting aggressively, the MCU officer and social worker were able to make a personal connection. Buying individuals like Joe coffee and taking them to lunch several times is one of the methods used by the MCU teams. This is a luxury that traditional patrol officers do not have time to perform. After several weeks, the MCU team discovered Joe was a veteran and had government health insurance that would help him with his diagnoses. Armed with this knowledge the MCU team convinced Joe to go to the local veteran's hospital and see a doctor. To ensure he went, the MCU team drove Joe to the hospital and stayed with him during the hospital check-in process.

During the check-in process the hospital staff attempted to refuse service to Joe due to his lack of understanding and his ranting of not wanting help. The social worker was able to speak to a hospital supervisor to explain the healthcare laws governing the mandatory treatment and acceptance of such a patient. This conversation convinced the supervisor and the hospital admitted Joe. Without the social worker in the MCU team having specific knowledge of the system, Joe would still be out on the street and suffering. Most police officers would have accepted the hospital staff's refusal and would have driven Joe back to the street corner he was found.

This approach to working with Joe is the result of the changes in the way PPB responds to those in mental health crisis. It is not possible to predict what could have happened if the MCU unit did not exist, but suffice it to say there was the potential for a violent encounter with the increasing number of contacts Joe was having with police.¹⁵³

The changes in practices mandated by DOJ have created the avenue for the Portland Police to create a unit specific to mental health calls for service. These MCU teams are forming relationships with several individuals who are suffering from a mental illness and frequently coming into contact with the public and police. Their work is

¹⁵³ Personal observation as the manager of the MCU.

setting the stage to resolve potential violent encounters before they happen. In turn, this allows for trust and legitimacy to grow due to the success of helping those like Joe who otherwise would still be on the street and the next potential violent encounter with the police.

Combining a social worker that can navigate the healthcare system with a police officer that knows the criminal law and can keep the peace when needed is a perfect blend to manage and help the most vulnerable of society, those suffering from a mental illness. By knowing how to obtain medical and psychological assistance for those with whom the police are having the most contact due to mental illness, the hope is the next tragedy will be avoided all together.¹⁵⁴

These tragic events triggered the current DOJ investigation and finding that PPB participates in a pattern and practice of violating those person's rights who were suffering from mental illness.¹⁵⁵ Providing the necessary assistance to the most frequently contacted individuals, the police create a bond with these individuals, which can build trust. With this trust violent confrontations can be avoided. When the police avoid using force or deadly force and are seen helping the most vulnerable they build trust and legitimacy with the entire community.

5. Advanced Critical Incident Training

All Portland officers receive 40 hours of instruction in crisis intervention training (CIT) in the academy.¹⁵⁶ This training is designed to assist in dealing with individuals in crisis and/or suffering from a mental illness. As part of the settlement agreement, the DOJ insisted there needed to be more crisis intervention training and the officers who

¹⁵⁴ U.S. Department of Justice and Portland Police Bureau, settlement agreement, 39.

¹⁵⁵ Thomas E. Perez, write up of investigation of the Portland Police Bureau, 1.

¹⁵⁶ Lisbeth Gerritsen, Advanced Academy curriculum, class *Crisis Intervention Training*, Portland Police Bureau Advanced Academy.

obtain this additional training should volunteer and want to do this type of work.¹⁵⁷ As the BHU and its board of advisors worked to produce an advanced CIT curriculum a job posting for advanced CIT officers went out Bureau-wide. These officers would receive an additional 40 hours of advanced CIT training, providing them further skills to deal with individuals in crisis. This additional knowledge and skill set did not come with more pay or additional perks; on the contrary, it guaranteed these officers would be called upon to deal with more difficult and dangerous situations in the future, the kind of situations that lead to force and potentially the occasional use of deadly force.

Since 2001, the amount of suicide calls alone in Portland have increased 90 percent, with 1,200 calls in 2011.¹⁵⁸ Despite this added pressure and responsibility, over 60 of the 370 patrol officers put in for the first training class, with an additional 100 prepared to take the next round of training.¹⁵⁹ By having this additional training, these officers will be better suited to deal with the ever-increasing calls related to persons in crisis and suffering from a mental illness.

To date, the only reward for this added responsibility has been that the officers who have completed the training are authorized to wear a pin on their uniform shirt indicating they are advanced critical incident trained ECIT.¹⁶⁰ The data shows that more and more officers are responding to mental health calls, having the additional training may be the difference between a successful resolution of the call or a tragic ending.

¹⁵⁷ American Civil Liberties Union of Oregon, Disability Rights Oregon, Hardesty Consulting Services, Greg and Jason Kafoury (attorneys at law), League of Women Voters of Portland, Kate Lore (Minister of Social Justice), First Unitarian Church of Portland, Mental Health Association of Portland, Portland National Lawyers Guild, Tom Steenson (attorney at law), Ron Williams (Executive Director, Oregon Action), "Community Recommendations: Establishing Consent Decree-Investigation of the Portland Police Bureau," email to Thomas Perez (Assistant Attorney General, U.S. DOJ Civil Rights Division), dated September 27, 2012, 6.

¹⁵⁸ Michael Reese [Chief, Portland Police Bureau], "Police Interaction with Persons in Mental Health Crisis," presentation to the Public Safety Action Committee, Portland, OR, February 14, 2012.

¹⁵⁹ Portland Police Bureau Intranet, "Training Division Class Schedule," 2013 [internal to Portland Police Bureau].

¹⁶⁰ Cliff Bacigalupi, "Behavior Health Unit Standard Operating Procedure" (draft, Portland Police Bureau, Portland OR).

Calls for service in many major metropolitan city police department are related to persons suffering from a mental illness.¹⁶¹ In Portland, 27.1 percent to 39.8 percent (depending on what area) of calls for service are related to these calls, making it important to train officers how to deal with these citizens.¹⁶²

The enhanced CIT officers are trained to take care of the calls that require additional knowledge of the symptoms of certain illnesses as well as how to navigate the medial systems and procedures.¹⁶³ These officers will be better trained and equipped to resolve issues with the least amount of force and bring better solutions to the many issues that arise with persons suffering from a mental illness.¹⁶⁴ Different than the MCU cars, the advanced CIT trained officers are patrol officers that handle the day-to-day calls of a patrol officer. The additional training will bring knowledge and understanding to those critical calls and assist the officer resolve calls peacefully.

This advancement in training was DOJ mandated and was being called for by some in the mental health community before DOJ came to Portland.¹⁶⁵ By adding this training and putting this knowledge to work, the Portland Police are showing a desire to fulfill the community's wishes. By handling mental health calls in a more educated and professional manner, the PPB is rebuilding trust with the community, especially the mental health community.

6. Citizen Oversight of Training

An advisory committee has been formed to review and give advice to the Training Division. The Training Advisory Committee (TAC) is comprised of 40 members of the community from all walks of life who are privy to the content of Portland Police training and give input on how to improve training provided to officers. This arrangement was

¹⁶¹ Chuck Wexler, "An Integrated Approach to De-Escalation and Minimizing Use of Force," *Critical Issues in Policing Series* (Washington, DC: Police Executive Research Forum, 2012), 1, Commission on Accreditation for Law Enforcement Agencies, http://www.calea.org/sites/default/files/PERF%20UOF%20De-Escalation_v5.pdf.

¹⁶² Stewart, *Behavior Health Call Load Analysis*, 5.

¹⁶³ Portland Police Bureau Policy 850.20, "Mental Health Crisis Response," section 5.

¹⁶⁴ *Ibid.*, 2.

¹⁶⁵ Thomas E. Perez, write up of investigation of the Portland Police Bureau, 4.

called for by the DOJ agreement and is meant to provide more community involvement and increase transparency.¹⁶⁶ At first blush, this concept seemed to be an untenable situation, with so many people involved and competing agendas. In review, one of the products of this group has been a better-informed community and an improved relationship between the community and the Portland Police.

7. Scenario Based Training

More scenario-based training has been implemented creating realistic training for the officers. Scenario training puts the officer into a roll-playing model that trainers can observe, evaluate and give immediate feedback to the officer.¹⁶⁷ Before many PPB training scenarios would be labeled, “officer down drill,” “active shooter training,” or “felony car stop.” These labels alerted the officers to what to expect in the scenario and affected the way they approached the training.

Currently, the Portland Police Training Division does not indicate what type of scenario, the only details given to the roll players is what an officer on the street would receive before responding to a radio call.¹⁶⁸ This creates a platform where all training concepts are in play, defensive tactics, crisis intervention tactics, de-escalation, officer safety tactics, as well as force policies to include deadly force if necessary.¹⁶⁹

These realistic scenario based trainings open up the opportunity for the officers to ask for a MCU car, or an advanced CIT officer, Special Emergency Reaction Team (SERT, Portland Police tactical team), K-9, or walk away if the scenario allows.¹⁷⁰ This methodology has proven to be effective and well received by the officers who train and the community members who are part of the Training Advisory Committee.¹⁷¹

¹⁶⁶ U.S. Department of Justice and Portland Police Bureau, settlement agreement, 34.

¹⁶⁷ Portland Police Bureau, Portland Police Bureau Training Curriculum, “FLETC Star Assessment Model” (internal document, Portland Police Bureau, Portland, OR, 2013).

¹⁶⁸ “2013 In-Service for Operations and Investigations Branch, Philosophy and Instructional Design” (internal training document, Portland Police Bureau, Portland, OR, 2013), 1.

¹⁶⁹ *Ibid.* 1.

¹⁷⁰ *Ibid.* 2.

¹⁷¹ Personal observation during 2013 in service, February 26–28, 2013.

In addition to the added scenario based training the Portland Police have begun to evaluate the officers on all scenarios. Before there was never a way to fail a scenario; if officers did poorly the instructors would counsel the officers then let them move on to the next scenario.¹⁷² Now the officers are expected to succeed. If officers do, not pass they are required to re-take remedial training at a later date.¹⁷³ In addition, their commanding officer is notified they did not pass the scenarios. This affords the commanding officer the ability to give additional instruction or re-assign officers depending on the severity of the failure.

This evaluation of training has been call for by many in the community in the past. By actually evaluating the officers, it shows the community that the PPB is committed to having the best possibly trained officers and, if they are not performing, then those officers will be remediated and retrained. This transparency and accountability is a step in the right direction by evaluating and maintaining proficiency, PPB builds credibility in the community and with this newfound credibility trust and legitimacy can follow.

8. Accountability

Prior to the DOJ settlement agreement, some employee discipline cases took years to complete. This length of time was detrimental to the effectiveness of discipline. When employees are disciplined years after the fact, they either become embittered while they waited for an outcome, or they do not take the discipline seriously due to the punishment being deferred years after the fact. The delay in investigations made many members of the community believe that PPB was not taking discipline seriously.¹⁷⁴ Currently, the PPB is completing discipline from the date the case is opened to the date discipline is meted out in 180 days. DOJ provided the timelines and insisted PPB meet the 180-day mark.¹⁷⁵

¹⁷² Personal observation for first 20 years of career.

¹⁷³ Bryan Parman, John Scruggs, and Mary Otto, "Portland Police Bureau Curriculum Plan" (internal document, Portland Police Bureau, Portland, OR, 2013), 72.

¹⁷⁴ American Civil Liberties Union of Oregon, "Community Recommendations," 12.

¹⁷⁵ U.S. Department of Justice and Portland Police Department, settlement agreement, 46.

This change in the handling of discipline cases in a timely manner signals to the community PPB is taking discipline seriously. The timeline also allows management to deal quickly with issues and restore the employee back to work rather than stall the punishment for years, causing undue stress on the complainant member, as well as the organization.¹⁷⁶ An added benefit to the quick timeline is transparency. Drawn out investigations tend to be lost in the shuffle and lose relevancy once the results are finally released. By letting the member, the member's union, the complainant, and the community know the results within 180 days the issue is dealt with and there is closure.

The new timeliness of investigations accomplishes a stated objective of the Portland Police, which is to hold employees accountable.¹⁷⁷ Trust is gained when the police are transparent and hold themselves to account. When an officer is disciplined two years later many have forgotten the transgression. When the discipline is released, many in the community as well as the media are skeptical of the timing, which can weaken trust.

On one occasion, an officer was disciplined for a violation that occurred several years before. While waiting for the result, the officer was not allowed to transfer or promote due to having an open discipline case, which caused the officer to become disillusioned and perform poorly during this time.¹⁷⁸

This scenario has played out in many discipline cases and the lack of timeliness damages trust in the community as well as with the employee. In the author's experience, by taking so long to resolve the issue, many times the employees starts to believe their violation of policy is much less a violation than the prolonged investigation of the violation. This creates a bad precedence in the entire discipline process, and weakens the corrective nature of discipline.

¹⁷⁶ LaVonne Griffin-Valade, *Annual Report 2012* (Portland, OR: Independent Police Review, Office of the City Auditor), 24.

¹⁷⁷ Portland Police Bureau, "Portland Police Bureau Policy 020.00," in *Portland Police Bureau Manual of Policy and Procedure* (internal document, Portland Police Bureau, Portland, OR).

¹⁷⁸ Author, personal observation.

9. Policy Changes

Both policies for the use of force and electronic control weapon, commonly referred to as a Taser, have been updated to reflect the recommendations of the DOJ, as well as the desires of the Portland Police Executive team.¹⁷⁹ The changes to the force policy were to include the Graham standard. The Graham case was the court case that changed the way courts view officer's use of force, taking into account the "totality of the circumstances" rather than merely relying on the levels of control.¹⁸⁰ PPB also added definitions of potential circumstances that officers should attempt to take into account when deciding to use force.¹⁸¹

In addition to changing the use of force and Taser policies, the Portland Police have begun to investigate all uses of force above non-resistive handcuffing.¹⁸² This change requires sergeants to respond to all uses of force and conduct an investigation to include taking photographs, interview witnesses and officers, and gather any evidence of the use of force.

This change in the way force is investigated was met with resistance from all ranks within the PPB because of the additional work for the sergeants and the high level of scrutiny of the officers. The prevailing thought was this high level of scrutiny would cause officers to have several citizen complaints due to sergeants asking the public what they thought about the officer's use of force.¹⁸³ However, the inspector who monitors the use of force and the investigation of force in the PPB conducted analysis of force complaints and Internal Affairs cases and found quite the opposite. The time period compared was January through March 2012 to the same time period in 2013. The

¹⁷⁹ U.S. Department of Justice and Portland Police Bureau, settlement agreement, 19.

¹⁸⁰ United States Court of Appeals, Fourth Circuit, *Graham V. Conner*, 1989.

¹⁸¹ Portland Police Bureau, "Portland Police Policy 1010.00, Use of Force," section 5, in *Portland Police Bureau Manual of Policy and Procedure* (internal document, Portland Police Bureau, Portland, OR).

¹⁸² U.S. Department of Justice and Portland Police Bureau, settlement agreement, 17.

¹⁸³ Maxine Bernstein, "Federal Use-of-force Reviews Prompt Portland Police to Increase Sergeants' Oversight," *The Oregonian*, January 3, 2013.

inspector found citizen's complaints about officer's use of force went down 47 percent and Internal Affairs complaints went down 22 percent.¹⁸⁴

By mandating all force is to be investigated by a sergeant, an additional avenue has been created for sergeants to supervise and mentor the officers. This supervision and mentoring appears to have lowered use of force as well as citizens' complaints.

10. Moving Forward

Though the DOJ settlement agreement is not formally entered into the federal court, the Portland Police have moved forward on implementing the agreement. PPB believes the remedies could not wait for the legal maneuvering. The community and police need change and safety measures to insure the safety of those suffering from mental illness as well as that of the officers who are required to respond to persons in crisis.¹⁸⁵

With the PPB deciding to move forward and complete the settlement agreement the perception is the PPB is committed to change. This commitment shows a desire to listen to the concerns of the community via the DOJ findings, and make positive changes. By making these changes and building relationships with the multiple stakeholders, the police create the opportunity for trust to exist and grow, thereby increasing legitimacy.

If building trust and legitimacy is the aim of the DOJ investigating law enforcement, then getting the message out about the accomplishments should be equally important. Without the community knowing the steps an agency is taking, the narrative is created by the media or surmised by the public. The following chapter discusses how law enforcement can communicate with the media in a strategic manner that builds trust.

¹⁸⁴ James Dakin, "Monthly Use of Force Report" (internal report, Portland Police Bureau, Portland, OR, July 2013).

¹⁸⁵ U.S. Department of Justice and Portland Police Bureau, settlement agreement, 2.

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II. USING PRESS RELEASES TO BUILD TRUST

There is an emerging body of work that suggests law enforcement can have an effect on how the news media reports crime and police activity by being thoughtful and strategic about how press releases are written. By crafting the message, law enforcement increases the likelihood the media will report in a more positive vein.

There is a long history of the relationship between the police and the media, as the police possess the information the media needs to do their job of reporting that information.¹⁸⁶ Most of the population does not have contact or has very little contact with the police. For these citizens who have so little contact, much of what they know of the police is learned vicariously, such as through the media.¹⁸⁷ In a Community Orientated Police Services (COPS) publication on strategic communications the authors state:

People with little or no personal contact with police form perceptions, as well, although they are shaped vicariously, through what they hear from friends and family and what they see in the news and entertainment media.¹⁸⁸

Legitimacy can be enhanced or damaged when people who obtain their information from the media read a negative story about the police, and often these negative stories are products of a poorly written press release.

An example of this concept, in September 2012 there were several pedestrian robberies. The PPB press release and *Oregonian* article capture these events.

¹⁸⁶ Mawby, "Police Corporate Communications," 127.

¹⁸⁷ Shaver, Henning, and King, "Strategic Communication in Law Enforcement."

¹⁸⁸ Stephens, Hill, and Greenberg, "Strategic Communication Practices," 10.

1. PPB Press Release

In the late evening hours of Sunday September 16 and early hours of Monday September 17, 2012 Portland Police Officers responded to three separate pedestrian robberies that may be connected. Robbery detectives with the Portland Police Bureau are looking into three armed robberies of pedestrians that took place in less than two hours late Sunday and early Monday.¹⁸⁹

The following day the online version of the local newspaper, the *Oregonian* published the following story:

Robbery detectives with the Portland Police Bureau are looking into three armed robberies of pedestrians that took place in less than two hours late Sunday and early Monday.

In all three cases, the victims were approached by three young men, one of whom appeared to be carrying a handgun. Police are trying to establish whether the three robberies are connected.

The first report came in at 10:24 p.m. The male victim said he was riding a skateboard to work at the (store name redacted by author) grocery store on Northeast 33rd Avenue when he was approached by three men, one holding a handgun, at (location redacted), near (school name redacted) School. The victim said he started to run away, but one of the suspects took his backpack and all three fled.

The second incident was reported at 11:30 p.m. a woman pedestrian said she was near the intersection of (redacted), near (redacted) School, when approached by one man, who demanded her property. Two other men then appeared and the woman said they surrounded her and one pulled out what appeared to be a handgun. The victim gave them her phone and purse and they fled.

The third incident was reported at 12:17 a.m. at (redacted), just east of (school redacted). Two people – a male and female – were approached by three men in their late teens or early 20s. Again, one had a handgun. The three took the male's iPhone and the female's purse and fled.

Officers found some of the first victim's property near (redacted), but are still looking into the cases for possible connections. They asked that anyone with information contact Detective Dan “Smith” at 503-XXX-XXXX.

¹⁸⁹ Portland Police Bureau, flash alert release, September 17, 2012 [goes to subscribers, who can sign up at <http://www.flashalert.net/news.html?id=3056>].

Crime Stoppers is offering a cash reward of up to \$1,000 for information, reported to Crime Stoppers, that leads to an arrest in this case, or any unsolved felony, and you can remain anonymous.¹⁹⁰

When reading the press release, there is no strategic content, nothing to educate the public on how to avoid being the victim of this type of robbery; no definitive description that made it into the press release or news story; and nothing that could build trust.

Later press releases identified the detective handling the cases and asked that anyone with information contact the detective. This information is helpful because it asks for the community's assistance, which is one of the three dimensions Portland State University Henning, King, and Shaver indicate should be included in press releases to build legitimacy.¹⁹¹

As it turns out, all three victims had their smart phones stolen, which is a common occurrence due to the high cost of smart phones. The victims typically have their earphones connected and the phone in their hands listening to music. This makes it easy to approach unnoticed and demand or physically take the phone, as in these reported robberies. The press release could have easily worked in content on tips to avoid being the victim of a smart phone robbery. This type of robbery is referred to, as "apple picking" by those who perpetrate these crimes due to the smart phone usually being an Apple phone.¹⁹²

The police are aware of this information as soon as the report is taken and by adding this strategic information to the press release, citizens are given information that can help them avoid being a future victim of this type of crime. People want to be safe and need information to stay safe, and adding these tips provides critical information the public can use in future settings. This additional strategic content builds trust by

¹⁹⁰ "Three Pedestrians robbed in Portland in two-hour time period," *The Oregonian*, September 17, 2012, http://www.oregonlive.com/portland/index.ssf/2012/09/three_pedestrians_robbed_in_po.html.

¹⁹¹ Henning, Shaver, and King, "'Eat Your Vegetables!'" 9.

¹⁹² Joseph Rose, "'Apple Picking' is Latest Crime Trend on Trimet Buses and Trains," *The Oregonian*, April 29, 2013.

including safety information as well as asking for the public's assistance in solving the crime.

2. Current Portland Police Communications Unit Practice

The Portland Police have a Communications Unit that produces press releases, responds to high profile incidents, answer questions from the media, maintain the Portland Police website and manages PPB's social media.¹⁹³ Currently, there is a sergeant and lieutenant that share the role of public information officer (PIO) and three full time staff that support the mission.

The main function of the Communications Unit is to obtain information on events related to PPB, produce press releases, and send these out in the form of a flash alert which is electronically sent out to anyone who subscribes to this service. The news media subscribe to this service and produce most of the crime and police related articles and television news stories from these alerts. Crime accounts for 25 to 40 percent of the news stories in Portland.¹⁹⁴ With this high percentage of news media coverage of crime, the PPB Communications Unit has started to realize how important it is to be thoughtful about press releases.

The Communication Unit obtains information on high profile incidents through the sergeants in the Police Bureau. Any time there is a critical incident, high profile arrest, traffic accident, death investigation or event deemed noteworthy, the sergeant in charge is tasked with writing a situation report giving the details of the event. This situation report is then transmitted via email to the Communications Unit as well as a variety of supervisors and command staff so that the incident is widely known internally. If the event is significant enough, such as an officer involved shooting, murder, large-scale police activity involving the tactical team then, the public information officer (PIO) will respond to the scene to handle on scene media inquiries.¹⁹⁵

¹⁹³ Portland Police Bureau, *Communications Unit Standard Operating Procedure* (Portland OR: Portland Police Bureau, 2011), 4.

¹⁹⁴ Henning, Shaver, and King, "Eat Your Vegetables!" 2.

¹⁹⁵ Portland Police Bureau, *Communications Unit Standard Operating Procedure*, 10.

Currently, the PIO attempts to keep the community informed via flash alerts transmitted to those who subscribe as well as the media who report on many of these events. The link is available for anyone who wants to follow PPB and can be subscribed to at (<http://www.flashalert.net/news.html?id=3056>).

As a rule the alerts are basic in format, type of event (crime, traffic crash, missing persons, personal matter) details such as location, traffic blockages, suspect and/or vehicle description, and maybe contact information if a detective or traffic investigator is assigned to investigate.

For example:

This morning, Saturday July 6, 2013, at 10:33 a.m., East Precinct officers responded to the report of an armed robbery at (redacted) Foods, located at (redacted) Road.

Officers contacted the victim who told police that the suspect entered the market and picked up a frozen pizza, some candy and some pepperoni sticks then threatened the victim with a machete before leaving the market without paying for the food.

The suspect was last seen northbound on (redacted) Avenue from (redacted) Road and was described as a white male in his early-20s, 5'7" tall, thin build, light colored hair, a goatee, wearing all black clothing, a baseball cap, and carrying a machete down his pants.

Officers checked the neighborhood for the suspect but did not locate anyone matching his description.

Anyone with information about this robbery is asked to call the Robbery Detail at (503) ###-#####PPB###¹⁹⁶

In the past, there has been little thought given to how strategic press releases are written and what affect they have on the public. Past practice was to supply the media with crime information in an unbiased and matter of fact way, leaving the interpretation to the reader. This form of release was thought to be more transparent and police agencies avoided the claims of manipulating the stories. As recently as 2012, a public information officer in a major northwest city expressed to the author the sentiment that it

¹⁹⁶ Portland Police Bureau, "flash alert," July 6, 2013

was his job to supply the information to the media, not filter or interpret.¹⁹⁷ This “just the facts Ma’am” type of reporting crime stories has come easy to law enforcement as this style of writing is similar to the way police reports are written.

As way of example: A press release dated July 25, 2011 states,

On July 25, 2011, at 12:26 a.m. Portland Police officers assigned to East Precinct responded to the call of a stabbing in the 9100 block of (redacted) Street. Arriving officers located a 51-year-old man and a 37-year-old woman who were stabbed. Both were transported to an area hospital with what are believed to be non-life threatening injuries.¹⁹⁸

This is a factual release and all of the detail of what occurred is present; however, what is the purpose of releasing this information? What value is it for citizens to have this information? If no explanation is provided both the media and public will fill in the blanks.

The number one mission of the Portland Police Bureau is, “To fight crime and the fear of crime.”¹⁹⁹ This release gives enough “factual” information to potentially *cause* fear. It is not manipulative to add the fact the assault was a domestic violence, alcohol was involved and that there is no randomness to this crime.²⁰⁰ This added factual information puts the readers/viewers at ease knowing there is not someone in the 9100 block of this street waiting to jump out of the bushes and randomly stab them as they walk by.

3. Analysis of Press Releases

Portland State University Professors Henning and research assistants King and Shaver conducted an analysis of 1,222 of PPB’s press releases between August 2011 and January 2013.²⁰¹ In order to conduct this analysis, a computer program was created so the press releases could be cut and pasted from the flash alert into the program. The next day,

¹⁹⁷ Anonymous, personal conversation with author spring 2012.

¹⁹⁸ Portland Police Bureau, “flash alert,” July 27, 2011.

¹⁹⁹ Portland Police Bureau, “Portland Police Policy 020.00, Mission, Values, and Goals.”

²⁰⁰ Official Portland Police Bureau, case no. 11-62689.

²⁰¹ Henning, Shaver, and King, “‘Eat Your Vegetables!’” 11.

a graduate student would locate the media story on Oregonlive.com and cut and paste the story into a field just below the PPB press release. The press release is then graded for strategic content in three areas, does the release:

1. educate the public,
2. solicit support and assistance from the public and
3. does it enhance trust and legitimacy.²⁰²

The result of this study concluded the Portland Police do not engage in strategic communication in their press releases. In the area of educating the public there was 12.5 percent content, 52.3 percent solicited support and assistance and 13.3 percent enhanced trust and legitimacy.²⁰³ For example, on August 8, 2011 a flash alert indicated, “Bomb squad destroys suspicious device in Arbor Lodge Park.”²⁰⁴

The review of the alert showed there was no educational or trust language in the alert.²⁰⁵ There was language that asked the members of the public to notify the authorities if they had any information about this device. The next day, *The Oregonian* reported that there was a soda bottle and two tennis balls wrapped in duct tape with detonator wire protruding from them.²⁰⁶

The suggested information that could have educated the public and built trust was to discuss this explosive in context. It is the author’s experience that this form of explosive device is a homemade firework. Devices of this nature are found on a weekly basis in Portland and are not made to destroy rather are designed to make noise. The instructions to build such a device can be easily found on line and by elaborating on this in the press release; readers will not jump to conclusions or envision there are domestic terrorists or other nefarious actors living in the neighborhood.

²⁰² Ibid., 16.

²⁰³ Ibid., 22.

²⁰⁴ Portland Police Bureau, “flash alert,” August 8, 2011.

²⁰⁵ Portland State University, “Media Tool Analysis” (internal spreadsheet, Portland State University, Portland, OR, June 2013).

²⁰⁶ Mellissa Navas, “Portland Police Detonate Suspicious Device at Arbor Lodge Park in Northeast Portland,” *The Oregonian*, August 19, 2011.

Once the strategic content is analyzed the press release is compared against the on-line version of *The Oregonian* via oregonlive.com and the print copy of *The Oregonian*. *The Oregonian* is the largest newspaper in the Portland metro area with a weekly circulation of 319,625.²⁰⁷ The findings showed that 81.5 percent of the alerts were published in the on-line version of *The Oregonian* with 86.7 percent of those articles having none too little added content. Of those articles with strategic content, 65.7 percent of the strategic content was retained.²⁰⁸ Of the printed *The Oregonian* 78.2 percent had none too little added content and 49.1 percent of strategic content retained.²⁰⁹ This signals that very little of the content of the press release is altered by *The Oregonian*.

In the Portland Criminal Justice Survey in 2012, Portland residents were asked how they felt about local crime reporting. Two thirds (63.9 percent) answered good to very good when asked about individual criminal events.²¹⁰ This indicates that Portland residents have a strong feeling that the media is doing a good job of reporting crime in Portland. This confidence in the local media could also indicate there is no competition in the local media, or that the majority of the community is not affected by crime, therefore any crime reporting will satisfy what interest they have.

After reviewing PSU's study, the Communication Unit had Dr. Henning give a presentation of the findings and the system the researchers used to grade the press releases. The strategic content Henning suggested the Communication Unit strive for was to: 1) educate the public, 2) ask for their assistance, and 3) attempt to build trust and legitimacy into the press releases.²¹¹ This presentation was in April 2013 and the Communication Unit agreed to attempt to provide the strategic content in the press releases going forward.

²⁰⁷ Henning, Shaver, and King, "'Eat Your Vegetables!'" 12.

²⁰⁸ Ibid. 23.

²⁰⁹ Ibid. 24.

²¹⁰ Henning, Renauer, Stewart, "Crime in the News," 2.

²¹¹ Kris Henning, "Strategic Communication," presented Portland Police Communications Unit training session, Portland, OR, April 2012.

This is the only analysis of Portland Police press release communications known. Press releases are sent via twitter, Facebook, and email called flash alerts. As discussed in the next chapter, soon the PPB will also be communicating via a specialized mobile app. With this study, the Portland Police Communications Unit is attempting to move from a traditional communication model to a strategic communication based approach. The Communication Unit understands it is no longer acceptable to communicate without thinking about the strategic value and the secondary effects on the community as well as the department of those communications.

David Weisburg and Peter Neyroud indicate that the police need to start using science to analyze and make decisions.²¹² In a study, they stated:

We also think that the advancement of science in policing is essential if police are to retain public support and legitimacy and if the policing industry is to alleviate the problems that have become a part of the police task.²¹³

With this added step in the creation of press releases derived from knowledge learned from research, PPB hopes to emerge as an innovative department that uses science to drive how it communicates via press releases.

Now that the DOJ implementation successes have been discussed and how to strategically communicate to the media and thus the community via strategic press releases, the next chapter will discuss leveraging technology. By leveraging mobile application (App) technology the potential to reach more people and provide better customer service and create relationships is potentially enhanced.

²¹² David Weisburd and Peter Neyroud, "Police Science: Toward a New Paradigm," *New Perspectives in Policing Series*, 2011, 6, National Criminal Justice Reference Service, <https://www.ncjrs.gov/pdffiles1/nij/228922.pdf>.

²¹³ *Ibid.* 6.

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III. CAN SMART PHONE MOBILE APPLICATION TECHNOLOGY ENHANCE TRUST?

A. THE NEED FOR INNOVATION

In 2010, a Portland police officer shot and killed a young man who was unarmed and appeared to be cooperating with police commands at the time.²¹⁴ The shooting caused an emotional and persistent outcry from the community.²¹⁵ The following year, a misconduct allegation within the management ranks of the Portland Police Bureau added to the growing mistrust of many citizens in Portland.²¹⁶ As a result of these issues, local activists intensified their campaign in asking for accountability in the Portland Police Bureau. In 2011, a City Council member asking the United States Department of Justice Civil Rights Division to investigate the Portland Police Bureau.²¹⁷

In an attempt to regain ground in the area of community trust, the Portland Police in conjunction with local business leaders created an innovation council. This council consisted of several Bureau members and two local business executives. The business executives, supporters of the police and dedicated to making Portland a better place, had been attempting to convince the PPB for years to leverage technology to connect with the community.²¹⁸

The hope in creating this innovation council was twofold. First, the desire to be a cutting edge police department able to innovate and collaborate in order to build a trusted police department. Second, the recent bad publicity with controversial officer involved shootings, misconduct on the behalf of command staff and officers, coupled with a looming civil rights investigation by the U.S. DOJ, created a growing need to rebuild

²¹⁴ Silverstein, *More Compassion*, 1.

²¹⁵ Maxine Bernstein, "Disciplining Portland Police Proves Challenging Task," *The Oregonian*, July 14, 2012.

²¹⁶ Maxine Bernstein, "Portland Police Capt. Todd Wyatt Faces Misdemeanor Weapon Charge in Idaho in Alleged Road Rage Case," *The Oregonian*, November 22, 2011.

²¹⁷ Nikole Hannah-Jones, "U.S. Department Plans 'Preliminary Inquiry' into Aaron Campbell Shooting," *The Oregonian*, February 18, 2010.

²¹⁸ Personal involvement by the author, starting in March 2008.

trust.²¹⁹ The innovation council was hopeful it could build both conventional and unconventional opportunities to build trust at the same time improving police services in Portland.²²⁰

The first order of business for the newly formed Innovation Council was to elicit innovative ideas from the Portland Police Bureau employees. The council had a small budget and offered \$1000.00 to be used by employees to start or accomplish their innovative idea.²²¹ The hope was ideas would emerge that would make work processes better, and relationships and trust grow between the community and the Police Bureau.

One idea that came from a patrol sergeant was to create a Public Safety Mobile Application (app) for smart phones/tablets. This app would be used to deliver information to the community such as traffic issues, press releases, public service announcements and a two-way communication function between the public and officers. The Innovation Council researched the idea, however due to budgetary constraints the idea did not gain traction. The public safety app concept was not to come to fruition as envisioned by the patrol sergeant until a later date.

B. ANOTHER PARTNERSHIP EMERGES

In the spring of 2012 one of the software executives on the innovation council, was having a discussion with the Site Council of a local high school. This discussion explored the significant gap between the needs of the technology industry for skilled talent and the lack of educational opportunities for the students to gain the digital literacy needed to participate in a new innovation based economy. .²²²

Research by a local foundation, TechStart Education Foundation found the state of Oregon has 237 public high schools.²²³ TechStart surveyed 160 schools with

²¹⁹ Personal observations during creation of the Innovation Council, March 2010.

²²⁰ Personal observation at monthly meetings of the Innovation Council, 2010.

²²¹ Portland Police Bureau Chief's internal memo authorizing innovation funds, July 2011.

²²² Personal conversation between business executive and author, January 2013.

²²³ Brooks, Chris, "A Survey of HS Computer Science in Oregon," Tech Start Education Foundation, 2013, 5.

attendance of 250 students and above and found 48 of those schools have a computer science course.²²⁴ Of the teachers that teach in Portland, only one teaches programming in the Portland School District for 17,000 students.²²⁵

With this in mind, the executive asked the school if they wanted to pilot a program with TechStart to develop a new private-public partnership to develop a new model for teaching students in the skill sets of the digital age.. The school agreed and the school launched a “skunkworks” project that took four highly motivated and gifted students and an industry professional and commissioned them to develop a mobile app for the school community.²²⁶

The software executive and the industry programmers identified an open source platform for the advanced tech class students to build the app. Several weeks later, this “tech-team” created a mobile app specific to their school, “Acme” High School. This mobile app provides daily activities, sports updates, class schedules, newsletters, and general information about their school.²²⁷

While navigating the “Acme” School App, the executive realized the underlying architecture of this mobile app was quite similar to the one required for what had previously been suggested by the patrol sergeant who came up with a mobile app idea had envisioned for the Portland Police Bureau. With some reconfiguring this app could provide the foundation for a public safety mobile app. The executive reached out to the Portland Police Innovation Council and asked for a meeting where he explained that collaboration between these students; the Portland Police and several software executives could create the energy to resurrect the Public Safety App project.²²⁸

After the Portland Chief approved the public safety app as being a technology the officers could use, the Innovation Council began the process of implementation. The

²²⁴ Ibid. 5.

²²⁵ Ibid. 9.

²²⁶ Personal observation during Innovation Meeting, March 16,2013.

²²⁷ Laufe, Anne, “Franklin High School program matches students with industry professionals to learn to create apps,” *Oregonian*, March 20, 2013

²²⁸ Personal observation during Innovation meeting, March 16, 2013.

main motivating factor for Portland Police to back the project was the potential a Portland Police specific mobile app had to connect officers to the community and thereby build relationships and trust. The motivating factor for the software executives was to generate a new paradigm in the teaching and mentoring of high school technology students.

The idea was presented to an additional local high school (Wiki) to join the “public safety app network” in an effort to attract more students and enlist their energy and assistance as well as the technology teacher at this high school. Thus two local high schools with the assistance of the software executives were partnering with the Portland Police Bureau to build a custom public safety app.

C. CUSTOMER INPUT

Prior to working on the App itself an informal survey was conducted by Fuse Insight Labs to ask the community for input as to what they would want in a public safety app.²²⁹ The survey was designed to elicit feedback on what end users would want and was broadcast via the Portland Police Communications Unit in the form of a press release with a link to the survey. The survey explained the collaboration aspect between the students, technology executives and the police. There were 240 individuals that responded to the survey with a variety of comments and requests they would like to see in a public safety App. This survey gave the design team an idea of how the community viewed the concept of a Portland Police specific mobile app.

D. SURVEY SUMMARY

The community survey was highly successful with 89 percent of the respondents desiring to use a public safety app specific to Portland. With the majority of respondents (96 percent) wishing for safety issues to be reported on in a timely manner around their house and business.²³⁰ They were especially interested in the ability to customize the information received. One of the requested stated features was the ability to limit information received to the area of the city the user wanted, or to the items of interest.

²²⁹ “Mobile App Community Conversation,” community survey, conducted by Fuse Insight Labs, 2013.

²³⁰ *Ibid.*, 1.

Some of the questions and comments:

Why do you think that it would be valuable to have a mobile App about public safety issues that you could customize?

- I always have my phone with me. I would like to know what is happening in my area without having to go through my email looking for a message. I would like a number to pop up like it does for the Facebook app or my email saying that I have so many messages to see.
- If I work nearby, I would have a heads up on any crime that may be occurring in my area.
- I'd like to be alerted to emergent situations in my neighborhood. We're out and about on foot on Alberta frequently, and I'd like to know if anything is going on, blocks to avoid, etc. It would be nice to alter my commute home if there's timely info on a road closure/accident.
- I once learned from a PPB notify email that there had been a fatal shooting in my neighborhood and that a manhunt was happening in my area at that time. That allowed me to warn my family and the people in my office to keep the doors locked and stay inside. I just happened to think to check my email when I saw police activity out my office window. A timely notification by a mobile app would make that sort of thing a lot more effective as a warning.²³¹

What type of information would you like to have available on this mobile app?

- Protests or major blockages of roads.
- Current police actions like a perimeter set up between me & my destination, allowing me to find an alternate route.
- Wanted of missing persons.
- School closures/emergencies.
- Community meetings.
- When police need MY help.²³²

²³¹ Ibid., 1–4.

²³² Ibid., 15–19.

We are exploring the possibility of partnering with software development teams from two Portland high schools to create this App. What do you think of this idea?

- Good experience for them in a world that is becoming all about Apps!
- I love the idea of providing high school students opportunities to learn real world skills. This may even lead to generating an exciting career plan for some students.
- Youth are more in touch with social medias and the spread of information. It would also serve to tap into usually ignored resources. Might help bond and promote positive relationships with youth.
- Always a good idea to get students involved in real world problems and to help them gain experience and skills that may prove useful after they leave school. Also always good idea for PPB to work with the community in general when that makes sense. We need more police/community collaboration.²³³

The responses were overwhelmingly positive and provided valuable feedback to the design team. The responses also indicate the respondents' think positively about the police being engaged with the youth and community on this collaboration. This initial survey also demonstrated desire on the part of the community to have meaningful communication with the police. Many expressed satisfaction in the ability to actually be able to interact with the police and participate in safety issues via this app.

E. COMMENTS FROM SURVEY

The following excerpts are taken from the comments made by survey participants and indicate a positive response to the concept of a Portland Police specific app. "Better accountability and citizen engagement especially with two way messaging feature."²³⁴

- "Dedicated app to further communications with PPB to citizen and visa a versa. Online crime reporting or non-emergency response tracker. Ability to link officers from mdt to app to send text letting citizen know about how much longer delay."²³⁵

²³³ Ibid., 21–26.

²³⁴ "Mobile App Community Conversation," 3.

²³⁵ Ibid., 6.

- “This is a great idea to keep the mobile citizens in our city informed and alerted. Thank you Portland Police Bureau for all that you do.”²³⁶
- “Great idea to stay connected to the community.”²³⁷

Starting with a survey asking for input from the community gave the team a place to start and some goals to work toward. The survey benefited the team as well as the Portland Police as it showed the PPB was engaged and willing to relate to the community via this new technology. In addition, the fact high school students were the design team elicited positive responses from those surveyed. The responses also gave the team a group of 100 individuals that indicated a willingness to be involved in the pilot test of the app once produced.

F. CREATION OF THE APP

After gaining feedback from the survey the students and technology partners began work on the app. Weekly meetings were coordinated between the two schools utilizing Mondo pads (teleconferencing flat screen televisions). TechStart utilized a grant from a local company, Jive, provided a grant to this project.²³⁸ One of the Mondo Pads was purchased for “Wiki” High School and another local company, In Focus, who are assisting with this project, provided the other Mondo Pad to “Acme” High School.

Several meetings with Portland Police officers provided feedback to the team about the officer’s perspective of what should be included in the app. These meetings also served as a troubleshooting sessions as the app was being developed. Twice a week classes were held at lunchtime where the students learned how to write computer code. Some officers observed these classes to watch the students learning and creating. These short sessions began to break down barriers and build a relationship between the officers and students. After observing the student’s enthusiasm and drive to create the app, the Portland Police school resource officers (SRO) came away with a positive opinion and

²³⁶ Ibid., 42.

²³⁷ Ibid., 42.

²³⁸ Whitney, Kristin, “TechStart launches Innovation Academy,” TechStart Education Foundation, May 17, 2013, 1 Whitney is last name and Portland Oregon which is last name? City and state of foundation

began sharing this story widely.²³⁹ Although the software industry leaders had started this concept of students creating and learning how to produce an app, these SRO's became the ones who championed this project—the informal grapevine was abuzz with the exciting learning process occurring at the high school.

As part of the research for the design team, the students and executives went on ride-a-longs with Portland officers. This hands on observation of the work an officer does on a day-to-day basis gave a clearer picture of what a mobile app can and cannot do for an officer and the community. It also produced ideas for the app construction due to the feedback from the officers. An emerging theme in the feedback from officers was they did not want the additional work of managing the app if the system was difficult to navigate and took too long to input data.²⁴⁰

Officers are dispatched through a mobile data computer (MDC) in the patrol car. The officers showed the students how the MDC works and how difficult it is to read and use due to small and sensitive push buttons. After a few ride-a-longs, the students changed the app to have large buttons to push and an easier system for the officers to navigate. The thought was the officers would not use the app if it was cumbersome and added to the frustration that the MDC already caused.

The student's hands-on approach assisted with a better understanding of the work officers perform. These ride-a-longs also offered an opportunity for officers and students to engage in a meaningful manner and create a relationship. This relationship is important, as both the student design team and these officers will be working together during the beta testing of the app.

The students and industry leaders believed that with taking the time to ask the community what they wanted in the mobile app via a survey up front, coupled with asking the police officers that will be using the app, and going on ride-a-longs, that the potential for a meaningful product will emerge.²⁴¹

²³⁹ Personal conversation with PPB School Resource Officer, March 2013.

²⁴⁰ Personal observation during app design team meeting, March 2013.

²⁴¹ Personal observation during app design team meeting, May 2013.

Many public safety applications on-line are generic, not run by the police agency and use information that is data-mined from press releases, Twitter, and Facebook posts of agencies. For example, MyPDapp is an app that law enforcement can purchase that works much like the Portland App. The app allows residents to send tips to the agency that uses this app. MyPDapp also pushes all tweets, Facebook, and press releases to the app.²⁴² The MyPDapp appears to be a useful product and work well; however, in a large metropolitan city, the amount of activity on an app can become overwhelming and become white noise after a while and overwhelm the user.²⁴³

The Portland public safety app is an organic product produced specifically for the Portland Police. The one feature this app has that sets it apart is the ability for the community members to determine what is pushed to their mobile device. By allowing the user to set restrictions to specific neighborhoods puts the decision making in the hands of the user.²⁴⁴ By also adding neighborhood specific buttons, the citizens and the officers can have two-way conversations with each other based on geographic location. Most other apps are law enforcement and city specific, as opposed to neighborhood specific.

The Portland Police public safety app is not a product purchased from a developer. Because of this, it will have the ability to be customized by the student developers relying on input from the end users who beta test the app.

²⁴² Noelle Knell, "New App is Evidence of Florida PD's Aggressive Engagement Strategy," June 4, 2013, Government Technology, 1, <http://www.govtech.com/public-safety/New-App-is-Latest-Evidence-of-Florida-PDs-Aggressive-Engagement-Strategy.html>.

²⁴³ Hu Yuheng, Shelly D., Farnham, and Andres Monroy-Hernandez, "Whoo.ly Facilitating Information Seeking For Hyper Local Communities Using Social Media," April 29, 2013, Microsoft Research, <http://research.microsoft.com/apps/pubs/?id=192107>.

²⁴⁴ Although I did extensive research of mobile applications, the potential that there is an app that has the same or better functions than the Portland public safety app is real. If I misrepresent the app industry in this section, it is not my intent. If there is currently an app, or in the future an app that meets or exceeds the stated criteria listed, the author is more than willing to concede this point and champion any addition to this type of application.

G. EARLY ADAPTERS AND INNOVATORS

The production phase by the development team began in late February 2013, by late May the team had a working web-based prototype.²⁴⁵ In two months, students learned three computer languages required for this development, police procedures and jargon, and produced a product—all of this with no instruction manuals or books to guide them. The technology teacher guided and mentored by the executive volunteers, but the student developers completed the work. At this stage, the app was considered 50 percent complete. In late May, several development sessions with police officers fine-tuned the app and brought the app to 60 to 70 percent completion, according to the design team.²⁴⁶

In July 2013, the app was piloted with 30 officers working in various assignments within the Police Bureau and 100 citizens who volunteered via the survey.²⁴⁷ This beta testing, which will last for several months, will test the capabilities of the app. All beta test participants understand they are to stretch and push the app to the limit. By identifying glitches and weaknesses from the citizen user side as well as the officer user side, the design team can go to work refining and re-tooling the app. The hope is the beta test will bring the app to a 90 percent completion. The beta testers based on their likes, strengths, and weaknesses should self-select into two groups, innovators and early adopters.²⁴⁸ These two groups are needed to shorten the learning curve and close the gap between the design of the app and the market adoption of the app. Once the beta test is done, the app will be at 100 percent solution and ready to go out to the public for use.

On May 17, 2013, the mobile app was showcased at “Acme” High School in Portland at the launch of a new Innovation Academy.²⁴⁹ The event was highly publicized and sponsored by TechStart. The presentation done by the technology teacher,

²⁴⁵ Whitney, Kristin, “TechStart launches Innovation Academy,” TechStart Education Foundation, May 17, 2013. 1.

²⁴⁶ Personal observation during design team meeting, May 2013.

²⁴⁷ “PDX Safety Police Input Beta,” handout, high school student design team instructions to Beta users, July 2013.

²⁴⁸ SocialNetConomy.com, “How Social Networks are Impacting the Economy,” July 13, 2011. <http://socialnetconomy.com/?s=How+Social+Networks+are+Impacting+the+Economy>.

²⁴⁹ Whitney, Kristin, “TechStart launches Innovation Academy,” 1.

and the students impressed the audience. Furthermore, this presentation was used to motivate other high school students and community members who were present to participate in a summer -long collaboration to create technology solutions to common problems identified during the session.²⁵⁰ Armed with their newfound knowledge, the students who created the public safety app will help lead three groups of student and community group members in the creation of a technology driven solution to one of three issues identified. Those areas selected by the participants are education resources, community engagement, and the environment.²⁵¹

This new endeavor showcases how powerful the original collaboration has been and how the success of the public safety app team has started momentum to create other solutions to additional community orientated issues.

When the public safety app is officially launches sometime in the fall of 2013, the Innovation Council plans on publicizing the event widely to garner support and motivate people to download and use the Public Safety App. One of the selling points to get people to download the app will be that those who use the app will get daily messages telling them where the Portland Police photo radar vans and red light cameras are operating. This perk alone should cause most of Portland to subscribe.

The development of the public safety app is a study in collaboration. Students, police officers, a schoolteacher, and several technology industry members formed an alliance that is changing the way information is delivered from the police to the community and vis versa. Although the use of a mobile app is not new to police departments, the method of co-development and the potential relationship-building feature, connecting neighborhood officers with local residents is progressive. The two-way communication holds promise and testing will tell the story moving forward.

²⁵⁰ Randy McDonald, "Tech Start Launches Innovation Academy," TechStart Education Foundation, press release May 17, 2013, TechStart Educational Foundation, <http://www.techstart.org/home/2013/5/17/techstart-launches-innovation-academy.html>.

²⁵¹ Personal observation as a participant at this academy.

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IV. DISCUSSION OF THE CASE STUDIES FINDINGS

A. THE DEPARTMENT OF JUSTICE INVESTIGATION

*Terrorism is greatest in places where ordinary life routinely prevails, in public buildings, market places, busses and bus stops, and trains and railway stations.*²⁵²

If America wishes to remain safe and resilient, then the police and the community will have to collaborate and cooperate with each other. According to Tom Tyler and other police scholars, without this relationship the police will not be alerted to suspicious activity and terror and crime will continue to be perpetrated.²⁵³ These case studies have attempted to show there are small steps law enforcement can take to build trust and legitimacy.

The history of the Portland Police Bureau's relationship with minority citizens is not a story that is confined to Portland; many other cities and police agencies have a similar history. For police agencies, knowing the history of the past relationship with the community is an integral part to knowing how to engage and navigate forward. Although the current DOJ findings related to Portland did not assert any disparate treatment of the minority communities, the agreement calls for rigorous community engagement to rectify perceptions of bias and unequal treatment. By knowing the history of the police, the community, and the reforms that have been implemented, law enforcement can engage in a more meaningful way. The literature of Tyler indicates that procedural justice, treating citizens fairly is how the police gain trust and legitimacy. This transparent and honest engagement will build trust between communities of color and the police.

The United States Department of Justice is to law enforcement agencies what the IRS is to tax payers, rarely appreciated but often necessary. Law enforcement agencies would prefer to avoid being investigated by the United States Department of Justice.²⁵⁴ A DOJ finding on the violation citizen's constitutional rights is that it is difficult to

²⁵² David. Weisburd, Thomas. E. Feucht and Idit Hakimi, Lois Mock and Simon Perry (Eds.), *To Protect and to Serve: Policing in an Age of Terrorism* (Stamford CT: Rem Distributors, 2009), 7.

²⁵³ Sunshine and Tyler, "The Role of Procedural Justice," 525.

²⁵⁴ Wexler, "Civil Rights Investigations of Local Police," 36.

overcome, causes mistrust in the community, and gives ammunition for the media and community members to disparage the police.

When these investigations occur, it is easy for law enforcement members to be drawn in to the “how” DOJ investigations are conducted and focus on that aspect rather than the “why.” This method of viewing the investigation is a recipe for controversy because the focus ends up being on the techniques and methods of the DOJ team rather than the remedy to issues raised by the investigation.²⁵⁵ When this negative attitude prevails in the employees of the agency being investigated, the findings of the DOJ and the potential end result of abiding by the DOJ’s recommendations can be lost.

In the last few years the DOJ has aggressively sought to investigate big city police agencies for civil rights violations.²⁵⁶ During the Bush administration, 22 pattern and practice investigations were conducted of mainly small police departments, while the Obama administration has opened investigations of the larger departments such as New Orleans, Newark, Seattle, Portland, New Jersey, Albuquerque, and Houston.²⁵⁷ Under Assistant Attorney General Thomas Perez the DOJ has begun to set a tone with larger departments. At a talk to the police oversight association in 2010 Thomas Perez stated, “In case you haven’t heard, the Civil Rights Division is once again open for business. There were very few (pattern and practice) cases during the prior administration.”²⁵⁸ This signals a change in tactics and philosophy in the DOJ that has played out in recent years in major cities nationwide.

Leaders in law enforcement should recognize this shift and take proactive measures to build trust and legitimacy. Waiting for a critical event that causes the DOJ to investigate is not advisable. Taking a step back and evaluating the practices of a department can save time, money, and any trust dividends spent on a DOJ

²⁵⁵ Personal observation by author during DOJ investigation of Portland Police Bureau, 2012.

²⁵⁶ Justin Elliot, “Obama Cracks Down on Abuses by Big-City Police Departments,” May 30, 2011, http://www.salon.com/2011/05/30/justice_department_civil_rights_police/.

²⁵⁷ *Ibid.*, 2.

²⁵⁸ *Ibid.*, 3.

investigation.²⁵⁹ Professor Sam Walker stated at a Police Executive Research Forum Summit on DOJ investigations on October 25, 2012:

I think the major takeaway is that you can do it yourself. The most recent example, from last summer, is Dallas. Dallas experienced an increase in officer-involved shootings; and in response, the chief issued an eight-point plan for improving the department. The plan included tightening up their training on Electronic Control Weapons, re-examining their foot pursuit policy, and looking at national best practices. If every police department responds to a problem the way Dallas did, these folks at DOJ Civil Rights won't have any work to do.²⁶⁰

Being proactive rather than reactive can signal to the community that the police value their input and truly want to be trusted and seen as legitimate.

It is beneficial for law enforcement leaders to remember they have values in their mission statements that include professionalism, integrity, excellence, and accountability. What becomes apparent after the initial shock of being accused of participating in a pattern and practice of violating citizen's constitutional rights is the fact police work still needs to be done and that agencies can always improve their practices. To rise above the fray of complaining or arguing about DOJ's findings and act with integrity and professionalism is a step toward building legitimacy. By listening to the community concerns through the DOJ investigation and making changes in practices signals a desire to treat the public with respect.

The recommendations produced by the Department of Justice came after DOJ spent 14 months in Portland talking to citizens and listening to their concerns. By acknowledging the DOJ recommendations, implementing the changes quickly and with a positive attitude, PPB signaled to the community it has listened and are responding.

²⁵⁹ Wexler, "Civil Rights Investigations of Local Police," 40.

²⁶⁰ Sam Walker, "DOJ's Role in Ensuring Constitutional Policing," in *Critical Issues in Policing Series, Civil Rights Investigations of Local Police: Lessons Learned, PERF Publication*, proceedings of PERF Summit at Newseum, Washington DC, October 25, 2012, 36, <http://policeforum.org/library/critical-issues-in-policing-series/CivilRightsInvestigationsofLocalPolice.pdf>.

Reviewing the literature and applying it to the current DOJ intervention, it is apparent that the PPB is in line with what Tyler states regarding fair treatment. Tyler indicates that people believe that fair treatment by the police is related to four things:

- “Do members of the public have opportunity to provide input on policing policies and practices as they’re being developed?”
- Do they have the chance to explain their situation when interacting with police officers?
- Do they have concrete evidence that police are being neutral, factual and consistent in applying the law?
- Do they know that police respect the public and will treat citizens with dignity and courtesy?”²⁶¹

By having the Training Advisory Committee (TAC) review and recommend training and the Behavior Health Unit Advisory committee (BHU) make recommendations on how to help those suffering from a mental illness shows a desire on PPB’s part to allow input from the community. By having an aggressive community engagement strategy, the PPB signals it wants to treat the community fairly and allow more interaction to occur. By holding officers accountable and investigating all uses of force, the police show improvement in how they apply the rule of law and how they treat the citizens, all of which studies by Tom Tyler and others indicate will increase trust and legitimacy.

There has not been any studies to date that indicate if DOJ investigations improve a police department or just provide the incentive for police department leadership to move the department toward respectful and effective policing.²⁶² However, many in the community have told the author the changes being made by the Portland Police are a positive development.

²⁶¹ Yanda, *Opening Session at PERF Annual Meeting: How Police can Build Public Trust*, 1.

²⁶² Christopher Stone, Todd Foglesong, and Christine M Cole, *Policing Los Angeles under a Consent Decree: The Dynamics of Change at the LAPD* (Cambridge, MA: Harvard Kennedy School, 2009), 68, LAPD Online, <http://www.lapdonline.org/assets/pdf/Harvard-LAPD%20Study.pdf>.

The bottom line when being investigated by DOJ is to negotiate a reasonable settlement agreement with transparency and implement with commitment.²⁶³ This transparency and commitment will lead to a better relationship with the community and build trust and legitimacy. Responding to a DOJ investigation and showing the desire to satisfy the community's wishes in changes to practice and policy is a step toward trust and legitimacy.

B. MEDIA'S ROLE IN THE PERCEPTION OF THE POLICE

The need to "feed the machine" method of keeping the media informed at all costs has begun to change in Portland. It is important to be transparent and responsive to the media when reporting crime and other police matters, but the aim should be more strategic than simply keeping the media satisfied. The Portland State University's study shows very little content is being changed from the press release to the news story especially in the on line version. Add to this the fact that two thirds of the people surveyed in 2012 indicated that they feel the Portland media does a good job of reporting crime and the need for the police to think strategically intensifies.

The news media is competing for business with the advent of social media and the fact anyone can produce information and push that information via social media. This change in the way information is produced and immediately available has caused the media to have to consolidate and rely on outside sources more than internal investigating.²⁶⁴ This may explain why the content of PPB's press releases are being used nearly entirely by *The Oregonian*. With the confidence of the public in the local news media, coupled with the lack in changes made to the PPB releases, it makes sense for the police to capitalize on this trend and communicate in a manner that benefits the PPB. This enhanced manner of communicating can have an effect on the relationship between the community and the police.

²⁶³ Wexler, "Civil Rights Investigations of Local Police," 11.

²⁶⁴ Mawby, "Police Corporate Communications," 126.

The mission statement of the Portland Police Bureau is:

The mission of the Portland Police Bureau is to reduce crime and the fear of crime by working with all citizens to preserve life, maintain human rights, protect property, and promote individual responsibility and community commitment.²⁶⁵

With this in mind, every communication coming from the Police Bureau should enhance not hinder trust and legitimacy.

There is evidence that the public is influenced by the media accounts of police stories.²⁶⁶ In a study by Duffy et al., respondents were asked why they felt crime was on the rise, 57 percent indicated because what they saw on the television news while 48 percent said what they read in the newspaper affected this belief.²⁶⁷ Consideration should be given to messaging and the police should keep trust and legitimacy in mind when telling the story. The shaping of the press release to include public service language, such as how to avoid becoming the victim of a crime or how to safely maintain a motorcycle to avoid equipment related accidents, does not take away transparency or manipulate the news release. These enhancements provide a service and add value to the release.

Police scholar Kris Henning points out that police agencies have a responsibility to report crime, but they should include in the press releases, methods to avoid being a victim of crime, crime trends, and what the police are doing to reduce crime. This additional information educates the reader/viewer by giving valuable information on how to avoid becoming a victim and prompts the community to become involved in reducing crime by supporting and assisting the police. This engagement in turn should build trust and legitimacy between the police and community.

The opposite can be true as well; a poorly written press release can have a detrimental effect on the community or the police. If it is left to the media to interpret

²⁶⁵ Portland Police Bureau, "Mission Statement," last modified 2013, City of Portland, <http://www.portlandoregon.gov/police/article/28214>.

²⁶⁶ Duffy et al., "Closing the Gaps," 30.

²⁶⁷ *Ibid.* 30.

and/or write the story due to poor communication by law enforcement, the agency has only itself to blame if the story is portrayed in a negative light. Additionally, if the press release is written in a manner that produces fear and anxiety when read or viewed, then the community is victimized twice by one crime.

As way of an example of a press release that can cause fear, on September 2, 2011 six teenagers were shot and injured after a local high school football game. The release did not give any details other than six teens were shot:

Six people were shot—all with non-life-threatening injuries—in the area of (redacted) late Friday.

One witness said the victims were teens that had attended the (redacted) School football game earlier in the evening.

Witnesses told police the suspects ran from the area after the shooting.

Police suspect the incident, which happened about 11:20 p.m., is gang-related.

Anyone with information about the shooting is asked to call Detective “Smith” 503-###-####. *The Oregonian*²⁶⁸

This shooting caused an uproar in the community and parents were afraid to send their children to school or allow them to go to future football games.²⁶⁹ By being so vague and not giving out any additional information, caused residents, especially in the neighborhood of occurrence were frightened. Investigations that are ongoing and highly sensitive, such as this shooting, can include some strategic content. A simple acknowledgment with language that asserts the act was an anomaly and that the police, many community members and the schools are doing everything to assure this does not occur again would signal action was taking place to make Portland safe.

Most community members have little to no contact with the police, thus the only information many people receive about the police is via the news media. Writing

²⁶⁸ Noelle Crombie, “Police Say 6 People Shot in North Portland Late Friday,” *The Oregonian*, September 3, 2011.

²⁶⁹ Personal observation by author.

positive press releases that build trust and lower the fear of crime appears achievable given the propensity of *The Oregonian* to leave the press releases nearly unchanged.

This is an important development in the relationship between the police and the news media. Public relations and a strong communication strategy are important parts of any law enforcement agency. Knowing how to avoid the proverbial shooting ones' self in the foot by producing press releases that can be used to discredit an officer, the department, or cause undo fear is important to establishing a communication strategy that builds trust and support of the community.

C. EMERGING TECHNOLOGY AS A MEANS TO BUILDING RELATIONSHIPS WITH THE COMMUNITY

There is literature that indicates American children are lagging behind in education with other countries of similar social and economic conditions, specifically in mathematics.²⁷⁰ A Harvard School study compared test scores from multiple countries against American student scores, then compares participating states against each other with the findings showing a steady decline in scores for American students.²⁷¹ The author has had many discussions with executives in the high tech field, and they have lamented that in this field, computer technology is in need of new and innovative creative developers. With such low scores in America, the high tech leaders are concerned that America will not produce the next generation of innovators.

The decline in American education has been a centerpiece for reform for every President since Ronald Reagan who said, "The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future."²⁷² Thirty years later, President Obama states, "We know what it takes to compete for the

²⁷⁰ Martin Carnoy and Richard Rothstein, "What do International Tests Really Show about U. S. Student Performance?" 2013, Economic Policy Institute, 84, <http://www.epi.org/publication/us-student-performance-testing/>.

²⁷¹ Eric A. Hanushek, Paul E. Peterson and Ludger Woessmann, *Achievement Growth: International and U.S. State Trends in Student Performance* (Cambridge, MA: Harvard Kennedy School, 2012), http://www.hks.harvard.edu/pepg/PDF/Papers/PEPG12-03_CatchingUp.pdf.

²⁷² National Institute on Excellence in Education, *A Nation at Risk: The Imperative for Educational Reform* (Washington, DC: Department of Education, 1983), 9.

jobs and industries of our time. We need to out-innovate, out-educate, and out-build the rest of the world.”²⁷³

This public safety app collaboration in Portland is a good start to changing this paradigm and the sentiments of both of these presidents is being honored by these young people who are innovating, learning, creating, and building technology for a better community.

The relationship between the Portland Police, the students and the business community is a positive step toward building a sustainable network that builds community trust. It is generally accepted that effective community engagement has a positive impact on the public’s feelings toward the police.²⁷⁴ The relationship created by this network to build a public safety app has the advantage of showing the community, including the youth the police care, are innovative and want to make a difference in the safety of the community. Many of the comments in the survey indicate the community feels the same way:

Youth are more in touch with social medias and the spread of information. It would also serve to tap into usually ignored resources. Might help bond and promote positive relationships with youth.²⁷⁵

Involving school students in ANY positive activity is a good idea. Gives them focus, a sense of pride and some experience that could lead to a internship of job. Plus having a positive interaction with Police is good for long-term relationships.²⁷⁶

This undertaking is a risk; all involved must rely on the other for this project to succeed. Yet risk creates an opportunity for trust, when the other members of the team “do as they say,” this trust cannot materialize without reliance on one another.²⁷⁷ By this engagement several groups will be able to see the police collaborate with youth, business

²⁷³ Barack Obama, *State of the Union Address*, January 25, 2011, White House, <http://www.whitehouse.gov/the-press-office/2011/01/25/remarks-president-state-union-address>.

²⁷⁴ Copitch and Fox, “Using Social Media,” 45.

²⁷⁵ Community Survey, Fuse Insight Labs, 2013, 22.

²⁷⁶ Ibid. 23.

²⁷⁷ Denise M. Rousseau, Sim B. Sitkin, Ronald S. Burt, and Colin Camerer, “Not so Different After All: A Cross-Discipline View of Trust,” *Academy of Management Review* 23, no. 3 (1998): 395.

members, and the community in a positive manner. This positive momentum will more likely than not build trust with several stakeholders working with the police and also those looking on, especially the community.

An added benefit to the creation of the public safety app is unfiltered information sharing. Much like social media, the idea is for the PPB to be able to share traffic, crime and public service announcements directly with the end user. The users will also be able to communicate with the police via a function that allows for questions and comments to be sent directly to the district officer working in their neighborhood. By having two-way communication, there is no media filter or misinterpretation to deal with since the communication is one on one.

As Wehrman and De Angelis study indicates, personal relationships with the local neighborhood police officer causes the community, to trust the police, especially in minority communities.²⁷⁸ The app has the potential to introduce neighbors to the local officers via the one to one communication. In the author's experience, most people do not have contact with police so they do not know that a relatively small number of officers are assigned to geographic areas called districts. By the public having the ability to communicate with their district officer, a relationship can develop and the knowledge of "who the officer is" in the neighborhood replaces the faceless police officer that drives by occasionally. The literature has shown that relationships create an opportunity for trust to develop. The ability to provide public safety information directly to the public creates an opportunity to demonstrate transparency, accessibility, and the desire to collaborate with the community to address social, crime and terror issues.²⁷⁹

Many chiefs have realized this concept and are encouraging their officers to spend more time out of their police cars talking to residents. Chief Harteau of Minneapolis has promoted this idea since becoming police chief; she mandates her officers to spend time out of the car and when interacting with the community ask themselves, "Do my actions

²⁷⁸ Wehrman and Joseph De Angelis, "Citizen Willingness to Participate," 62.

²⁷⁹ Thomas Heverin and Lisl Zach, "Twitter for City Police Department Information Sharing," *Proceedings of the American Society for Information Science and Technology* 47, no. 1 (2010): 2.

reflect how I would want a member of my own family to be treated.”²⁸⁰ As contact builds relationships between the officers and the citizens, the hope is trust is established with this knowledge that officers are assigned to their neighborhood and they can have contact anytime they want. The concept of a mobile app is an extension of this concept of “getting out of the car.” In theory, the app will create a space for those citizens who prefer to communicate via an app, thus reaching more individuals without relying on the media or other forms of communication.

The perception of crime has a powerful effect on the public. An added bonus to the app is the officer’s ability to answer questions about crime trends or individual events. When asked about crime, most people feel crime is up; this is due to the type of news reporting they read or view.²⁸¹ By having a two way communication platform, the public will have the ability to gain information directly from the police without the dramatic or negative interpretation of the media.

For example, if the media reports a dramatic story regarding a heinous crime, neighbors could conceivably ask a question via the app to the neighborhood officer. The officer could respond with facts or tips that could assist the neighbors with avoiding becoming a crime victim in the future. This interaction could put the citizens at ease and give them information they would not have otherwise had if they had to rely on the media for the information.

There is evidence having a working relationship between the police and the community can lower anxiety over crime and enhance trust. In another example, a burglary occurred in a particular neighborhood with a low crime rate and many neighbors were concerned. A neighbor who had a relationship with the officers who worked the neighborhood called, and an officer came to an impromptu neighborhood meeting to discuss crime trends and how to avoid being the victim of burglary. This meeting put

²⁸⁰ Yanda, “Opening Session at PERF Annual Meeting,” 1.

²⁸¹ Duffy et al., “Closing the Gaps,” 30.

many in the neighborhood at ease and gave them a platform to ask questions of the officer and gain valuable advice on preventing future crime.²⁸²

If the Portland Police specific mobile app is successful, it will allow for direct two-way communication between the district officers and the public they serve. Stephen Covey speaks of a person's intent as it applies to trust and describes intent has three components, motive, agenda and behavior.²⁸³ When explaining agenda he indicates, "The agenda that generally inspires the greatest trust is seeking mutual benefit, generally wanting what's best for everyone involved."²⁸⁴ This technology will assist with building relationships between the officers and the neighbors, who in turn will seek mutual benefits from one another. This in turn should create collaboration of solving and preventing crime.

The mobile app will allow officers to connect with the public they serve on several levels. First, they can give traffic and crime updates as they are happening, which will give citizens a situational awareness they would not otherwise have. The informal survey revealed the community members take their safety and convenience seriously and that having real time information was important. This instant ability of officers producing traffic and crime alerts coupled with the availability to communicate via the app satisfies these stated needs of the community.

Second, the ability to push public service announcements in the form of crime prevention tips, disaster preparedness and public safety events will build community and make the city safer. By communicating how to stay safe and give tips on crime prevention, the public will feel they are being advised by the police and not kept in the dark or finding out after the fact an event has occurred.

Third, the police can share public interest stories directly with the neighborhood and even involve them in the story. For example, an officer took a stolen bicycle call on Christmas Eve in North Portland. Disheartened by the sight of the little girl

²⁸² Personal experience of author, 2012.

²⁸³ Covey, *Policing at the Speed of TRUST*, 78

²⁸⁴ *Ibid.*, 80.

(approximately nine years old) being sad the day before Christmas, the responding officer contacted a local store and asked if they would stay open late so he could come purchased a new bike. After news of this spread, all of the officers and dispatchers on duty collected money for the officer to purchase the bike. There was enough money collected that the officer was able to purchase a bicycle, helmet, lock and several additional items of equipment. Several officers went to the little girl's house late that Christmas Eve night and gave the parents the bike and equipment as well as the remaining cash collected.²⁸⁵

This is the type of story an officer could push to the neighbors via the app. Neighbors could then become part of this type of event. These opportunities occur often in police work and having the ability to share them with the community would garner trust, relationships and build legitimacy for the police.

Finally, by having the ability to communicate with district officers working in their neighborhood, the citizens will begin to know the officers. The last Community Assessment Survey of the Portland Police was conducted in 2007. In the survey, residents who had contact with a police officer in a neighborhood setting, such as a community-meeting, rate the police significantly higher than residents that had not had contact.²⁸⁶ This interactive communication augmented by the app will make citizens part of the public safety equation and create opportunities for police and community engagement that otherwise would not exist. The hope is by knowing the officers that work 24 hours a day in the neighborhood, the human side of the officers will begin to show. Knowing the officers as friends and people will break down any negatively preconceived notions with the community and the emerging relationship will pave the way for trust.

It would be careless to say one mobile app will solve all trust and communication problems between the police and the community. In reality, misuse or incompetent management of the app could actually further damage the public's trust. If officers use the app inappropriately, type rude comments or misuse the app for personal gain, trust

²⁸⁵ Personal involvement by author, December 2008.

²⁸⁶ Brian C. Renauer, *Portland Police Bureau, 2007 Community Assessment Survey* (Portland, OR: Criminal Justice Policy Research Institute, 2007), 30.

can be lost. If the PPB does not monitor the app making sure the content is up to date, accurate, and that the app is functioning, the community will lose faith in the information and thus in the Portland Police.

App users are used to having technology at their fingertips. If the information is stale or inaccurate, the producer of the information is to blame and the repercussions are immediate. In addition, if the right blogger or media outlet decided to write about the inefficiency of the app, it would be difficult to survive the negativity of these reviews.

To mitigate this potential down fall, PPB will need to establish a tech savvy person to monitor the app on a regular basis. In addition, this monitor will have to review the content of the officer's communications to ascertain if there are any abuses or inappropriate usage. The idea of the public safety app is to build trust and legitimacy, by keeping this in mind, the monitor and management of the PPB can guild the officers toward this goal.

To maintain the current positive energy, the Innovation Council will monitor the use and timeliness of information flowing to and from the app. Policy will need to be written establishing procedures for quarterly reports to be produced and shared with the command staff, executives, students, as well as all users of the Public Safety App. This transparency will allow for accountability as well as feedback from key stakeholders. The constant feedback will allow for corrections and improvements, keeping with the desire to have a useful technology that assists with building trust.

If all parties to the public safety app do their part and the app fails, then this will be the evolution of the technology. Learning from the creation and demise of this app could be the building block for the next iteration of the app. It does not look like this will be the case, but the design team is prepared for this reality and is committed to learn and move forward with the app or the next stage of the app. Since the students are sophomores and juniors, there is at least two years built in to the development team continuity.

This app is an ongoing project that future high school students will continue the work and make changes to as users weigh in on likes and dislikes. Again, another

distinction that sets this project and mobile app apart from other commercially produced apps. By having this relationship with the high school, the design team is available to support the app for the next several years.

Mobile apps are hardly cutting edge in today's ever changing technological world. Yet the manner in which this app has evolved, with high school developers, volunteer software executives, public input as to content, police officer troubleshooters, and a willing police department actively involved in the process makes this a unique innovation. This innovation will help the Portland Police Bureau communicate and inform the community better, faster, and in a manner that is an emerging way to communicate, via apps. This in itself is a worthy cause, but the secondary affect will be the creation of an avenue to dialogue between officers and the public they serve. These relationships will begin the rebuilding of trust that is needed in Portland.

All of these connections and partnerships are a story that needs to be told and championed. The Innovation Council has begun a communications strategy plan that includes the telling of this collaboration and the affects it is having on all involved. Follow up stories will be conducted, as this story is just beginning. The hope is the positive stories will build trust between the Portland Police Bureau and the public, in turn making Portland Police more legitimate.

D. CONCLUSION

This thesis attempts to determine how community trust in the police affects homeland security. And if trust matters, what could law enforcement do to build and maintain it. Looking at the literature, it is evident that members of the community want to trust the police and desire to be treated fairly. When this occurs there is a mutual respect that creates trust and thereby legitimacy for the police. Tyler concludes that when the community trusts the police they will cooperate, obey, and assist the police.

It seems counterintuitive to suggest that law enforcement should endeavor to build trust and legitimacy with the community. However, more often than not, agencies get stuck in the day to day business of responding to emergencies and becoming embroiled in the business part of policing, that of response to crime, traffic accidents, and

criminal investigations. When law enforcement loses sight of building a relationship with the community and focuses on the job at hand, it is easy to drift apart from the community. Add to this the occasional controversial use of force or deadly force or an internal scandal, and the bond is severely damaged between the police and the community.

When attempting to learn how to build trust and maintain legitimacy there are no easy answers, books, classes, or techniques that automatically create trust and legitimacy. In the end, law enforcement has to work within its current bounds. The case studies used in this thesis, the Department of Justice investigation, strategic press releases, and the mobile app are all ideas that exist and could potentially be leveraged to build trust and legitimacy.

It is important to keep in mind that there are outside forces that may define the perception of the law enforcement agency in the minds of many in the community. The way the media portrays the police has an impact on the perception of the police. Knowing how to message crime stories and the occasional controversial issue in press releases is a first step to minimizing adverse impacts of the media.

The findings of a DOJ investigation have an effect on people's perception of law enforcement. The DOJ findings become the subject of many news stories and all law enforcement is painted with the same brush when the story is told. When the Department of Justice finds a law enforcement agency has violated citizen's civil rights, as they did in Portland, the loss of community trust is immediate. Yet how the agency responds to this finding is as important as the mandated remedies. By being transparent and open to the community's requests for reform, the police show they understand and are willing to listen and make the necessary changes. How law enforcement leaders respond to these investigations and findings is important to the relationship with the public.

Leveraging technology to communicate directly with the public is an increasing necessity for law enforcement. By using social media and other alternative methods such as a custom built mobile application to communicate directly with the public will increase transparency and build relationships that in turn will build trust and enhance

legitimacy. Knowing and being known is one way to build a trusting relationship, the mobile app has the potential to connect the citizens with the officers that service their neighborhoods. This relationship and connectivity can build trust and legitimacy.

The literature shows that the public wants a relationship with the authorities and desires transparency and justice in the interactions between the police and the community. When this relationship exists the public is more willing to trust the police and in turn cooperates and defers to the police. This type of relationship, the community and the police trusting each other and the strong legitimacy that follows should create a safer society. When the community and the police have trust, they can work together to fight crime and prevent terrorism.

Law enforcement is a noble profession, and is one of the reasons for a civil and safe society. Yet without a willing citizenry, there would be no law and order. In order to perform the duties of policing, law enforcement officers need the public to voluntarily assist in their own safety. If there is no trust and the public does not view the police as legitimate, they will not cooperate or assist. This assistance is crucial in maintaining a safe society, as it is the citizen who is always first on the scene of crime or terrorism.

As stated by Weisberg, Feucht and Hakimi:

Despite thriving, global criminal networks, in the end, “all crime is local.” Both criminals and the police are part of the fabric of everyday places; neighborhoods, markets, and communities. The same, unfortunately, is true of terrorists and terrorism. Like crime, the effect of terrorism is greatest in places where ordinary life routinely prevails: in public buildings, marketplaces, busses and bus stops, and trains and railway stations. In these everyday contexts, law-abiding citizens, criminals, and the police, may all walk the same streets with terrorists.²⁸⁷

It is my hope that law enforcement continues to strive to build trust with the community, and thereby legitimacy. With this trust citizens will be willing to assist the police in the detection of crime as well as terrorism, making their community a safer place to live and work.

²⁸⁷ Weisburd, et al., *To Protect and to Serve*, 7.

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V. RECOMMENDATIONS

1. If a law enforcement agency finds itself the subject of a United States Department of Justice investigation, they should make every attempt to cooperate and negotiate a reasonable settlement agreement. This cooperation will ensure a realistic outcome that the police will be able to accomplish without too much government intrusion. Fighting the USDOJ will only guarantee more federal government oversight. By complying with USDOJ reforms, the law enforcement agency signals to the community that they have listened and understand the community's needs. This acceptance and move toward reform begins to build trust and legitimacy with the community.
2. When implementing reforms whether DOJ mandated or self-imposed, law enforcement should include the community in as many aspects as possible. This transparency will build trust and legitimacy and pay dividends due to the strong bond that follows in a working relationship.
3. Law enforcement should start teaching officers about, trust, legitimacy, and procedural justice from the beginning of their career. These terms are well known in academia and the command structures of many police departments, yet the very people that have daily contact with the public are not subjected to these concepts.
4. Social media has increasing importance in law enforcement's communication strategies. Police should consider adding a mobile app to their communication strategy. This technology puts the individual officers in a position to directly communicate with their perspective clients in the neighborhoods they work. This two-way communication allows for collaboration between the officer and the community. Different than a communiqué from the police department twitter account, an app brings the communication technology down to the street level and makes it a personal communication between the officers and the community members.
5. Law enforcement should consider alternate means of creating the technology they use. By partnering with local high schools, the police can build a relationship with students as well as the business community. These relationships benefit all involved and add trust and legitimacy for the police solely by virtue of the collaboration.
6. Press releases of a law enforcement agency should be produced strategically. Within a press release the police should attempt to educate the public, solicit their assistance and enhance trust. By keeping these three components in mind when writing a press release, the police will produce a strategic press release that will enhance public awareness and gain their assistance and trust.

7. Communication units of police departments should have a strategic plan with set goals and guidelines to assist with the concept of educating, soliciting assistance and building trust. Within this plan the unit can build benchmarks to aim for, such as increasing strategic content in press releases by 20 percent in the first year of implementation.

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