

CRITICAL ISSUES IN POLICING SERIES:
**Strategies for Resolving Conflict
and Minimizing Use of Force**

Edited by
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box 2.4**COMMENTARY:****Building the Public Trust: Leadership, Transparency, and Accountability**

by **Christine Silverberg**

“Building community trust”: That is a term we are seeing more and more often in relation to public institutions—government, health, education, to name a few, and yes, policing. The term, which generally refers to the responsibility the public places on a government or its institutions to care for their interests, is so popular now that there is risk that the term “the public trust” or “the community trust” will be tossed out as a time-limited phrase—trendy at best, meaningless at worst. Relegating the “public trust” to another “flavor of the month,” however, would be a serious mistake.

There is nothing, in my view, that is more important to the delivery of policing services today than that it is supported by the trust of diverse communities. There must be broadly based confidence across communities, local governments, and stakeholders in the ability of the police to deliver its services, ethically, in a transparent and publicly accountable way, and with a leadership dedicated to earning that trust. Over the years, through the practice of policing, the study of criminology, and the practice of law, I have come to several conclusions:

1. The word “trust” has several definitions, including one not usually considered in the context of policing, a definition with a fiduciary aspect—“holding something of value for another person.” This raises the idea that the safety and well-being of the community are held in trust by the police for current and future generations. As a fiduciary, the police owe a duty of care to the community, a duty founded on honesty and integrity, diligence and evenhandedness in approach.

2. Building or restoring and retaining the public trust depends on four key approaches: (1) a culture of accountability within the police organization, (2) an understanding of the central role of leadership, (3) an embracing of the spirit of transparency, and (4) ensuring that those who breach their fiduciary responsibilities are dealt with appropriately, in a fair and consistent process.
3. The police discipline process is a mechanism of final resort. True public accountability rests on the connectivity among all the parties, where governing authorities support police leadership to establish ethical police services, where police chiefs are responsible for strong leadership and inculcation of core values, and where police members are personally responsible for engaging in ethical behaviors toward those they serve.
4. The excellence with which policing services are delivered derives from excellence within the organization. Building such internal excellence requires competent and sustained leadership at the police chief and executive level—a leadership schooled in the art and craft of policing, knowledgeable about organizational systems and processes, and skilled in strengthening the capacities of institutions, communities, and individuals.

The police operate in a highly contextual environment.

The police often operate in a highly emotional atmosphere, in a context within which there are differing views of the role and mandate of the police and in an environment that is highly political

and often ambiguous. In such an environment, there is little consistency in the public perception of the scope or depth of the services the police provide or the manner in which the police deliver them. This is especially so when the stimulus for public opinion is a crisis (such as the proliferation of gun crimes, gang violence, or serious officer misconduct) and the issue tends to be ephemeral, once media coverage diminishes. The challenge for the police is in being responsive to these shifting tides of public opinion and in managing the often-changing and competing expectations of diverse communities, while at the same time retaining the independence of office.

Public perception is both a driver and a challenge.

There is a dichotomy that arises in public sentiment towards the police. A rights-based culture drives public perceptions as to what is considered just treatment. The police are applauded when they provide services directed against those who violate the law or regulation, but criticized when there is a perceived or actual abuse of their power. This dualism is especially true when the public or any constituent group views police actions as discriminatory and thus a violation of the principle of even-handedness that is so much a part of the foundations of the public trust.

Diversifying methodologies, not altering values, is key to delivery of policing services.

In the post-9/11 era of anti-terrorism initiatives, where there is increased power accorded to policing authorities by the state and where freedoms are frequently restricted for the very purpose of protecting those freedoms, there lies enormous risk of fractionalizing a community. This risk is amplified when one or more parts of a community or police agency rationalize or justify police abuse of power or excessive use of force on the basis of the “greater good.” In such a “means versus

ends” context, the impartiality of the police and their adherence to core values are often questioned. In such a world, police use of force and the application of coercive state authority come under intense scrutiny; public perceptions of the police are influenced by what is happening not only in one’s own community but around the globe; and the ability of the police to build and sustain community trust is often shaken. The public trust is not a partisan concept, and building it or restoring it means understanding diverse perspectives and delivering different, though equitable, services in these circumstances. Delivering such services requires an agency to be flexibly organized and poised to respond to change and crisis by diversifying its methodologies, not altering its values.

Police accountability operates at two levels: individual and institutional.

The public will not tolerate real or perceived threats of injustice, corruption, police abuse of power, or political influence from an institution that affects their daily lives and has the lawful authority to constrain their freedom or, in exceptional circumstances, use deadly force to ensure public safety. In some cases, elaborate procedures and systems have been developed to ensure that issues of police officer misconduct are properly addressed. Aside from any criminal, civil, or disciplinary action that is taken in such individual cases, policies or standards are often articulated by governing bodies to prevent recurrences of abuses.

Governance that is merely reactive to public complaint or misconduct, however, neglects the role of institutional accountability in the broader accountability framework—an institutional accountability brought about by effective and inspirational organizational leadership focused on developing a culture of accountability within

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the organization, a culture founded on ethical decision-making and integrity of action. When a chief of police disciplines an officer for excessive use of force, for example, but fails to examine the systems and decision-making processes that may have given rise to the conduct in the first place, the chief has failed to reassure the public that underlying causes are being addressed. Intuitively, just as the public knows that good police work is not simply a series of independent police actions but a complex network of interrelated individual behaviors and organizational processes, so, too, officer misconduct is generally not perceived by the public to be an isolated event, but rather, the result of organizational systems gone awry.

In the final analysis, it is a combination of personal, organizational, and situational factors that affect police decision-making, and it is a combination of those same factors that is at the root of police misconduct and institutional corruption. An individual officer can apply a wide margin of discretion in highly constructive or highly destructive ways; however, focus on individual control of misconduct, while clearly critical as part of the broader scheme of accountability, becomes a bandage that falls short of addressing the underlying symptoms. Too often, the “bad apple” approach to officer misconduct supplants deeper inquiry into organizational climate.

The public trust is earned in the “here and now.”

A police chief does not have the luxury of waiting weeks for an investigation report, or years for inquiry recommendations. Part of earning the public trust is balancing competing interests and taking decisive action in the “here and now.” Taking such decisive action is always risky for the chief of police trying to stay ahead of news reports and demonstrations. Even when the actual police

response to a crisis is multi-dimensional, focusing across all issues, police leaders often appear in public and simply state, “I have ordered an immediate investigation into the incident and the surrounding circumstances. As the matter is under investigation, I am restrained from commenting further. Our sympathies go to the loved ones of all who died.” Such a response will do little to engender public trust. The police chief simultaneously must respond (1) internally to deal with whatever policies, systems, and processes may be in place that shaped the alleged misconduct, and (2) externally, to demonstrate that the police understand their duty to the community and will be held accountable both as an institution and as individuals for their conduct. Conveying these sentiments and commitments to the community cannot be done without honest, forthright, and transparent approaches.

Whenever incidents of officer misconduct occur, the chief of police must be able to communicate, implicitly and explicitly, that accountability mechanisms are in place in the agency. Moreover, there must be a culture of accountability within the organization with members committed to core values. Chiefs should exercise the leadership necessary to identify the issues and resolve gaps in service or accountability. Any discussion of police integrity and thus police accountability must transcend an individualized focus to a broader examination of organizational systems and structures, leadership, and supervision. The chief should demonstrate and articulate the department’s fiduciary relationship with the community.

True accountability is brought about by leadership, not coercion.

Integral to any restoration of the public trust is an understanding that true accountability is institutionally centered and culturally driven, brought about by leadership, not coercion. True accountability is simply, in my experience, not achieved

only by laws, rules, regulations, and orders, but also by effective and sustained leadership—leadership which is values-based, focused on people and across systems, committed to learning, and built on a foundation of ethics. Leading such change in police agencies is complex and requires strategies aimed at ensuring that systems within the organization are integrated one with the other and aligned with community needs.

Systems thinking is critical.

Both overcoming negative public perceptions built up over time and actively demonstrating unfailing commitment to the principles underlying the public trust require an ability on the part of police leaders to work within and between communities as well as across the systems that make up a community. Racially motivated attacks, for example, require the police to understand both the historical wrongs and grievances of the group involved as well as the motivations in a particular incident. Solutions are found not only in managing the specific incident from an operational perspective but by working closely with the communities of interest to redress their grievances as a whole. Thus, systems thinking and “know-how” in systems integration are core competencies for policing leaders—the silos and partisanships that characterized police organizations of yesterday must continuously be rejected in favor of a model in which relationships are built, not mere contacts made; issues analyzed; impacts understood; and expectations managed person by person, community by community, and issue by issue. Fighting crime and disorder and maintaining public safety are simply not one-dimensional. Communities share in the responsibility for maintaining peace and order; one-dimensional approaches by the police, such as tactical operations without broader community and strategic considerations, are bound to result

in failing relationships and a fracture in the deep-seated trust that is fundamental to effective policing.

Policing from the inside out.

The excellence with which police deliver their services outside the organization is dependent on the excellence within, a notion I call “policing from the inside out.” While community policing contemplates change to policing structures and systems, attention to building a well-performing police organization from the inside out is often ignored when budgets are limited and the police are faced with ongoing crises. In my experience, a well-performing police organization has at least five characteristics: there is an emphasis on people; police leadership is participative and embraces uninhibited dialogue up, down, and across all ranks, throughout the organization; the values of excellence and high performance are the same on the street as they are in the executive offices; the police are committed to their communities and believe that community consultation, participation, cooperation, and joint resolution of problems are central to how the police conduct business; and finally, there is priority placed on continuous learning and systems thinking.

Leading-edge strategies.

In the Calgary Police Service, our strategies were leading-edge and were introduced at a time in history that paved the way for managing in more complex times. Among other initiatives, we focused on rebuilding community policing across a broad spectrum of communities; increased investigative capacity; enhanced the capability of analytical support and the utilization of technology to strengthen the effectiveness of front-line and investigative services; and built human resource systems and practices to reflect the

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learning and development of members and the needs and expectations of communities. We also redefined the roles of management to lower the levels of decision-making, increased systems capacity, and worked to align programs and services to community expectations and policing requirements. A few specific initiatives include:

- Introducing cross-functional and interdisciplinary issue teams focused on diverse concerns of front-line personnel.
- Flattening the agency by creating a modified matrix organizational structure, in which vertical rank structures were established inside functional divisions (to retain a command and control orientation for operational matters) and horizontal structures allowed for strategic decision making and more timely responsive communications.
- Introducing a strategic framework for an integrated approach to competency-based human

resource systems, including recruitment, promotion, transfer, and developmental assessment, all aligned with community expectations.

Leadership courage, community synchronicity, and enduring leadership practices.

Police leaders require knowledge of organizational systems and corporate culture as well as the art and craft of policing. Introducing complex systems changes requires courage, and there is a need to ensure a synchronicity with the community. Of fundamental importance in a system in which the police have been given authority to restrict or remove the liberties of another, and in which police are routinely invited to help solve the community's problems, are checks and balances that prevent the exercise of abusive or manipulative practices. Checks and balances on their own, however, will not sustain the public trust. Leadership is pivotal. Without leadership guiding sustained and predictable strategies, accountability is moot and so, too, is the public trust. ■