



RESEARCH REPORT

Procedural Justice in Homicide and Shooting Scene Response

Executive Summary

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ABOUT THE URBAN INSTITUTE

The nonprofit Urban Institute is a leading research organization dedicated to developing evidence-based insights that improve people's lives and strengthen communities. For 50 years, Urban has been the trusted source for rigorous analysis of complex social and economic issues; strategic advice to policymakers, philanthropists, and practitioners; and new, promising ideas that expand opportunities for all. Our work inspires effective decisions that advance fairness and enhance the well-being of people and places.



ABOUT THE URBAN PEACE INSTITUTE

Urban Peace Institute (UPI), a project of Community Partners, develops and implements policy, practice and systems solutions to reduce violence, achieve safety, and improve community health so that families can thrive. UPI's goal is that all members of all communities have the safety, opportunity and health they need to thrive. UPI uses innovative tools and strategies to strengthen social movements and achieve high impact policy change.

Building on 15 years of successful track record in Los Angeles, UPI works with partners across the country to address community violence through the implementation of a comprehensive violence reduction strategy. Through advocacy for smart justice policies, systemic reform, provision of technical assistance, and training for law enforcement, gang intervention workers, and community and public sector leaders, UPI seeks to sustain community-specific strategies to increase safety.

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Procedural Justice in Homicide and Shooting Scene Response

This document summarizes findings from the literature review, practice review, and interviews conducted in Oakland by the Urban Institute (Urban) and the Urban Peace Institute (UPI) under the “Oakland Procedural Justice Principles for Police Officers” cooperative agreement with the City of Oakland. The work under this cooperative agreement is intended to inform Oakland’s efforts to improve policies and practices related to the police department’s management, response, and activities at shooting and homicide scenes, and to develop and implement procedural justice and related trainings for proactive and investigative police units. This document draws upon and synthesizes findings presented in more detail in documents devoted to the literature, practice review, and interviews conducted by our team. It presents findings on common issues, promising practices, and possible operational approaches to improving responses to shooting and homicide scenes in Oakland, organized by the four components of procedural justice. It then presents guiding principles for efforts to improve responses to homicide and shooting scenes using a procedural justice framework.

Police play a critical role in reducing community violence, but their legitimacy can be undermined by a lack of community trust, particularly in high crime communities where intervention is needed most. Mistrust of law enforcement is especially acute among young men of color, especially those living in neighborhoods afflicted by crime and disorder associated with gang activity (Kennedy 2009; Liberman and Fontaine 2015). The absence of trust reduces the public’s willingness to report crime, engage with law enforcement on crime control efforts, and abide by the law, since trust is a fundamental component of police legitimacy (Bradford et al. 2014; Tyler and Jackson 2014; Resig and Lloyd 2009; Sunshine and Tyler 2003). Because the investigative process relies heavily on key witnesses from the community, it is important that detectives engage in practices that are geared at maintaining legitimacy and cultivating trust.

Procedural justice provides an operational framework for building police legitimacy and repairing relationships in communities affected by gun violence. Findings from a broad array of studies find a statistically significant relationship between procedural justice and police legitimacy, and that procedural justice carries greater weight than other variables (Hinds and Murphy 2007; Murphy 2005; Tyler 2003; Tyler and Fagan 2008). There is less evidence that shows that officers can deliberately create more legitimacy by being procedurally just.

Procedurally just policing includes four principles (Tyler 2004):

- Treating people with dignity and respect
- Giving voice
- Being neutral and transparent in decision-making
- Conveying trustworthy motives

Along with enabling community trust, procedurally just policing has the potential to address the unique needs of homicide victims and their families as well as prevent the spread of gun violence. Police can address these needs through transparency, a constitutive feature of procedural justice (Tyler 2003), which can also aid in legitimizing the police as reliable entities who are committed to addressing the needs of communities. A systematic review of the literature reveals that exposure to violence in one's interpersonal relationships and social networks increases the risk of individual victimization and perpetration (Tracy et al. 2016). This suggests that interventions to prevent further violence might be most impactful if focused on those who have been exposed to violence in their own social networks. Thus, building strong relationships and sufficiently meeting the needs of those exposed to violence through procedural justice might serve as a preventative measure that interrupts cycles of violence while deterring neighborhood crime.

BOX 1

Methodology

This summary document draws from three sources:

1. A comprehensive scan of the research literature focusing on approaches to homicide and shooting scene management, procedural justice training and tactical applications in policing, and integration of these concepts into focused deterrence models
2. A practice review consisting of interviews and focus groups with 27 police personnel (including police chiefs, assistant chiefs, commanders, captains, lieutenants, inspectors, sergeants, detectives, and patrol officers) and 14 non-police community partners, representing nine communities across the United States.
3. Interviews conducted in Oakland with ten family members of victims of homicides; nine survivors of shootings; four OPD officers who responded to shooting/homicide scenes; and eight community service provider/partner staff who provide support to survivors and families of homicides and shootings.

More detailed methodology for each component is detailed in the corresponding practice review and interview findings documents included in this report series.

Procedural Justice and Homicide and Shooting Response

The police professionals and their community partners we interviewed as part of the practice review and on-site interviews in Oakland consistently relayed that building authentic relationships with community members was critical to managing shooting scenes, securing witness cooperation, obtaining leads and information about crimes, and conducting successful investigations. Respondents discussed the need for cultural competency in communicating respectfully and compassionately with victims, their families and community members at shooting scenes, and over the course of the subsequent investigation. A theme in our discussions of building community trust was that longer-term, proactive efforts to work with the community were necessary to set the stage for good communication and interaction around critical incidents such as shootings. Broad-based community collaboration and trust-building help create a reservoir of trust and good will that police benefit from when interacting with the community at shooting scenes.

The practice review and on-site interviews found several common issues related to building and maintaining trust and fostering positive relationships with the community around shooting and homicide scenes. While the Oakland interview participants discussed a variety of issues, practices, and recommendations for improvement in their experiences interacting with OPD and its partners around shooting scenes and subsequent investigations, two broad themes predominated:

1. Respondents wanted OPD and its partners to demonstrate compassion and empathy in all interactions with victims and their family members resulting from a shooting.
2. Survivors and family members want open, proactive communication from OPD and its partners, including sharing of information when possible, and explanation of why information was not available or could not be shared when that was the case.

Table 1 summarizes common issues identified through the interviews and practice review, organized by each of the four components of procedural justice, and presents some sample practices and techniques to address them.

TABLE 1

Applying Procedural Justice Elements to Homicide and Shooting Scene Response

Procedural justice element	Common experiences in Oakland and nationally	Practices to address consistent with procedural justice
Treating people with dignity and respect	<p><i>Positive</i></p> <ul style="list-style-type: none"> ■ Communicating empathy and compassion ■ Reassuring victims ■ Preserving dignity and privacy of the family/keeping crowds away <p><i>Negative</i></p> <ul style="list-style-type: none"> ■ Behaving in a seemingly uncaring manner, such as joking or laughing ■ Leaving the victim’s body laying out at the scene for a long time ■ Not returning property to survivors or their families ■ Detectives being unresponsive to phone calls 	<ul style="list-style-type: none"> ■ Preserve dignity of a victim’s body: place mobile tent/makeshift wall around bodies ■ Make requests rather than issue commands ■ Notify the family members as soon as possible and in person ■ Interact with the community and victims with compassion ■ Recruit officers from the community and ensure others have the cultural competence to interact appropriately with the community
Giving voice	<p><i>Positive</i></p> <ul style="list-style-type: none"> ■ Listening to and validating survivor and family member experiences ■ Acknowledging trauma experienced by victims and family members <p><i>Negative</i></p> <ul style="list-style-type: none"> ■ Rudeness, brusqueness or seeming preoccupied when asked questions ■ Being interested only in instrumental communication (e.g. identifying suspects) 	<ul style="list-style-type: none"> ■ Find opportunities to “go beyond the yellow tape” and talk to people present at the scene ■ Collaborate on how officers should respond to shooting scenes through community visioning or other planning sessions ■ Listen respectfully to community members at the scene
Being neutral and transparent in decision-making	<p><i>Positive</i></p> <ul style="list-style-type: none"> ■ Treating people as “legitimate victims” ■ Explaining the investigative process <p><i>Negative</i></p> <ul style="list-style-type: none"> ■ Being unwilling to provide information about what happened, or confirm the victim’s identity ■ Officer questioning that felt like “interrogating” survivors and family members ■ Being judgmental regarding victim’s social status (e.g., gang member) 	<ul style="list-style-type: none"> ■ Prioritize open communication: (1) respond to requests for information can be provided right away; (2) provide ongoing updates to family members and survivors ■ Treat all victims with compassion ■ Avoid judgmental language in talking to or about victims and their families ■ Avoid giving the impression that some people are “undeserving” victims
Conveying trustworthy motives	<p><i>Positive</i></p> <ul style="list-style-type: none"> ■ Prioritizing medical care for victims ■ Committing to solve a shooting on behalf of the victim ■ Providing regular updates to the survivor and/or family even if there is no new information <p><i>Negative</i></p> <ul style="list-style-type: none"> ■ Not following up on status of investigation ■ Officers not engaging with the community ■ Police engaging in what appear to be unrelated enforcement actions after shootings 	<ul style="list-style-type: none"> ■ Communicate empathy ■ Follow-up communication with survivors or families of victims, particularly when follow-up was promised, even if there is no new information ■ Interact with the community differently by getting out of patrol cars, saying hello to residents, and engaging in conversations ■ Share information whenever possible: communicate intent to solve crime in alliance with the victim and explain the investigative process ■ Relentlessly work on cases

Guiding Principles for a Procedurally Just Approach to Shooting Response

The principles of procedural justice are interrelated, and our findings suggest that integrating them into responses to shootings and homicides requires changes at three levels. First, there must be changes to the practices employed at shooting and homicide scenes, and around interactions between police and community members resulting from the shooting, including at the hospital and over the course of the investigation. Second, there must be changes to the police department that will foster and support procedural justice applications to shooting and homicide scenes, such as training on the concepts and consistent reinforcement from supervisors. Third, there must be integration between procedural justice approaches to shooting and homicide scenes and the overarching approach to antiviolenence work in the city, inclusive of partnerships and coordination around violence prevention, addressing harms to victims, and relationship-building with communities generally.

The exact form of this work at these three levels will vary from city to city based on the nature of existing capacity, antiviolenence and policing strategies, and available community partners. However, such work should be guided by the principles laid out in this section. Table 2 summarizes the procedural justice elements addressed by each guiding principle, and notes examples from the practice and literature reviews.

TABLE 2

Applying Procedural Justice Elements to Homicide and Shooting Scene Response

Guiding principle	Procedural Justice Element Addressed				Examples
	Treating people with dignity and respect	Giving voice	Being neutral and transparent in decision-making	Conveying trustworthy motives	
Develop an overarching philosophy for interacting with victims and affected communities	√	√	√	√	<ul style="list-style-type: none"> Philadelphia PD's Victim Services Policy Relationship-based policing in Los Angeles Procedural justice in Oakland and National Initiative sites
Build police department capacity to interact positively with the community	√	√	√	√	<ul style="list-style-type: none"> Chattanooga PD ELERV approach Procedural justice units in Minneapolis and Ft. Worth Enhanced chaplaincy program in Chattanooga and Milwaukee
Set realistic standards and expectations for communication with victims and their families, and follow through	√		√	√	<ul style="list-style-type: none"> Annual update letters to families of homicide victims on ongoing investigations
Engage community proactively to build a foundation of trust				√	<ul style="list-style-type: none"> Community Safety Partnership in Los Angeles R.E.S.E.T. in Richmond, VA
Train officers in procedural justice approaches and reinforce through coaching	√	√	√	√	<ul style="list-style-type: none"> National Initiative procedural justice approach Seattle LEED
Partner with community organizations to interact with the community at shooting scenes and thereafter	√	√			<ul style="list-style-type: none"> Los Angeles Triangle Protocol Partnership with community intervention workers and victim advocacy services
Extend principles for how community members should be treated to officers as well	√	√	√	√	<ul style="list-style-type: none"> Internal procedural justice Chattanooga trauma services for officers

Develop an Overarching Philosophy for Interacting with Victims and Affected Communities

A specific philosophy is useful to guide all types of community-police interactions, because it connects specific practices to the mission and goals of the police department, and makes it easier to articulate and reinforce the reasons behind practices arising from the philosophy. Specific examples of departmental philosophies around community engagement, in addition to (and compatible with) procedural justice, included relationship-based policing, trauma-informed and victim-centered policing, and community policing.

- A guiding framework should be concrete, easy to explain both internally and to the public, and consistently reinforced by law enforcement and other citywide leadership. While we are focusing on responses at shooting and homicide scenes, it helps if this is the philosophy for interacting with the community in all situations.
 - » Once you have such a framework, you can cross-train your community partners on it for a more consistent approach to working with the community in the aftermath of violence and to support mutual accountability.
- Sustained commitment and reinforcement from leadership are critical to ensure that the department's approach to community interactions becomes engrained in officers' mindsets and practices.
 - » Techniques for reinforcing the preferred approach might include department-wide trainings, such as the 24-hour procedural justice and implicit bias sequence used in the six National Initiative sites, and building the concepts into promotion and performance evaluation criteria.
 - » In addition, community interactions modeled by OPD leadership will demonstrate and permit officers to engage residents differently.
- It is important to give patrol officers a framework that translates this philosophy into a practice framework for expressing empathy, communicating and listening to community members at shooting scenes. Patrol officers respond first and are often the only officers at a shooting scene for quite some time. They have other responsibilities, but will have the initial contact with shooting victims, their families, and other community members in the vicinity during the most uncertain and emotional time. They need guidance in attending to procedurally just treatment of members of the public.

- » For example, the Philadelphia PD provides such a framework in their Victims Services Policy, and trains all officers on it.

Safety and Security—Address the safety and security needs of the victim, witness, and/or intervenor by making sure their physical concerns are taken care of and ensuring their safety.

Ventilation and Validation—Allow the victim, witness, and/or intervenor to talk about their feelings about what happened. Validate their experience and feelings by listening attentively with a non-judgmental demeanor.

Prediction and Preparation—Tell the victim, witness, and intervenor what will happen in the near future by explaining the subsequent steps in the processing of the case.

Build Police Department Capacity to Interact Positively with the Community

Police officers need the skills and resources to operationalize these frameworks. Investing in internal capacity can ensure the philosophy of community engagement is reflected in officer practice as broadly throughout the department and as consistently as possible in routine policing. Police can work with community partners to communicate with the community, address trauma, and link people to needed services. But elements of these should still be part of a toolkit for officers and the police department, as they will be the first approached by traumatized people at many shooting scenes.

Specific capacity-building efforts could include:

- Enhancing victim services and trauma response capacity, so that officers are more conversant with trauma and its effects, and to better coordinate all victim-centered and trauma-informed practices.
- Expanding use of and building skills of chaplains/community leaders, who can assist officers with death notifications, provide crisis counseling for victims and bystanders at shooting scenes, and link them to necessary services.
- Establishing procedural justice units responsible for extending and sustaining the integration of procedural justice concepts into the department's work.
- Identifying neighborhood officers who are most known to the community, and ensuring that they are notified and deployed to the scene each time a homicide/shooting happens in their neighborhood.

Train Officers in Procedural Justice Approaches and Reinforce through Coaching

Developing and delivering training around key concepts and practices is a particularly important means of building capacity to translate principles into routine actions. Findings from implementation research, however, indicate that training alone is insufficient to ensure the application of new knowledge and skills in daily work (Fixsen et al. 2005). It is therefore necessary to put mechanisms in place to reinforce the training to carry its concepts out of the classroom and into the responses to homicides and shootings.

- Procedural justice training curricula for police officers have been used in many police departments, including in Oakland, with the most extensive application being the 24-hour procedural justice and implicit bias training curriculum fielded in the six National Initiative for Building Community Trust in Justice sites.
 - » These procedural justice trainings are designed to speak to policing generally, as opposed to being tailored for specific situations such as shooting scene responses.
- The Minneapolis and Ft. Worth police departments formalized their procedural justice training team into a permanent procedural justice unit intended to plan how procedural justice concepts will continue to be integrated into departmental practice over time and beyond the classroom trainings.
- In Seattle’s Listen and Explain with Equity and Dignity (LEED) model, supervisors met regularly to review incidents with officers to coach them on using procedural justice concepts.

Partner with Community Organizations to Interact with the Community at Shooting Scenes and Thereafter

As in Oakland, many departments included in the practice review partner with community-based organizations and/or community members during their responses to shooting scenes. Community partner roles at the scenes and thereafter included working to defuse potential retaliation, reducing the spread of misinformation, connecting victims and their families to services that address trauma, explaining police procedure and priorities at the scene, and taking more time to listen to what community members have to say than officers may be able to devote. Defining roles, responsibilities and communications expectations between the police and community partners is critical to make these collaborations succeed.

- Establishing the necessary trust and boundaries between the community partner and police is a substantial challenge. There is a need to balance the partnership so that the community organization is able to maintain independence (both actual and perceived) from police.
- Establishment of routine practices to notify community partners of shooting incidents so they can respond at the scene and/or connect with victims and their families is a partnership practice in a number of places. The “triangle protocol” used in Los Angeles is an example of formalizing notification with community partners.
 - » In Oakland, different notifications are sent to the various stakeholders who show up to homicide and shooting scenes. It is unclear whether the different stakeholders involved in this work receive the alerts all of the time or some of the time. Nor is it clear whether different stakeholders understand other stakeholders’ purpose, roles, and responsibilities.
- All stakeholders involved in responses to homicide/shooting scenes should receive the same notification. Further, their specific response to the notification and their specific role in violence reduction should be understood by all parties.
- Police departments provide specific trainings to officers on how to interact with community partners such as outreach and intervention workers at the shooting and/or homicide scene.
- Another community partnership technique is to mobilize non-law enforcement leaders to be a visible presence with affected communities, victims and families at scenes. City council members and mayors play consistent roles in responses to shooting scenes in some places.

Set Realistic Standards and Expectations for Communication with Victims and Their Families, and Follow Through

Communication and providing information at the scene of a shooting or homicide, as well as later on through investigation and resolution, is important to community members. Not meeting expectations for communication and information-sharing, especially when the police promised that there would be follow-up, left community members feeling negatively about their interactions with police around shootings. Lack of communication was also perceived as potentially meaning that the police do not equally value the protection of all communities and prioritize all victims.

Specific communication improvement efforts could include:

- Setting a standard for how people are notified that a loved one has been shot and/or killed, so that this is done consistently.

- Setting a standard for keeping victims and family members up to date on the status of the investigation of a shooting or homicide. The standard should allow for updates to come at regular intervals, not just when there are new developments. People want to hear from the police even if there is no particular update, so that they know that authorities are committed to solving the case and have not forgotten it.
 - » The communication standard should be shared with victims and family members from the outset, but this makes it even more critical that the standard is met thereafter.

Engage the Community Proactively to Build a Foundation of Trust

The practice review and Oakland interview and focus group participants consistently stressed that the foundation for interactions with the community that build trust at the scene of a shooting needs to be laid over time, and well before a specific incident occurs. Every interaction with a community member, whether in the context of responding to a shooting scene or at a traffic stop, is a chance to build a positive relationship and can lay the groundwork for strong police-community relations. Putting in proactive trust-building work at the front end will help build a culture of mutual respect, trust, and will ultimately pay dividends when the time comes to respond a shooting.

- Positive proactive engagement activities can include targeted community meetings, operating youth programming, and simply having officers prioritize getting out of their cars and talking to residents.
- In the aftermath of a shooting, the police can help by coming back to the community to address harm and trauma, rather than just conducting enforcement actions. An example is Richmond, Virginia’s Rapid Engagement of Support in the Event of Trauma (RESET). Within 48 hours of a homicide, officers walk door-to-door in partnership with counselors working for community-based organizations in the area in which the homicide occurred to talk to people in the neighborhood. The goal of this outreach is not to gain information on the homicide, but rather to bring support and healing to the community so that they can be “reset” to where they were prior to the trauma of the homicide.
- Proactive engagement can be supported by framing law enforcement relationships with the community, and more specifically those relationships cultivated/broken at homicide and shooting scenes, within the context of Oakland’s overall violence reduction strategy. If OPD can see themselves as part of a larger network of violence reduction stakeholders, then there will be ways to hold stakeholders mutually accountable. If OPD feels like they are the sole

owners of violence reduction and homicide/shooting responses, it will be very difficult for them to (1) reduce violence and (2) transform their relationships with community members because they are not leveraging Oakland's assets nor are they able to see the gaps in service delivery that need to be addressed.

Extend Principles for How Community Members Should Be Treated to Officers as Well

Asking police officers to change the way they interact with community members can raise questions about how officers themselves are treated. It will be difficult to convince officers of the importance of being consistently procedurally just in dealing with the community if those officers are not treated in a procedurally just manner by their department.

- OPD should attend to “internal” procedural justice—the ways that officers are treated by their supervisors and superiors. This might include examination of their internal policies and procedures to ensure that they are consistent with procedural justice principles.
- Similarly, departments employing a trauma-informed approach to community engagement can work with officers to support their mental health needs given the traumatic nature of dealing with homicides and non-fatal shootings. Addressing officer trauma is important for officer well-being and may also better equip officers to approach community members with compassion.

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