



## **Notes on Trust and Law Enforcement**

by  
Paul A. Pastor  
Sheriff of Pierce County Washington

Trust is defined with terms such as “reliability,” “predictability,” “dependable” or “confidence” or “belief in.” Trust is a variable, a relative, and also a transactional quality.

Trust varies depending on circumstances, experience (whether direct or vicarious) and conduct. We trust another party - - - i.e. regard them as reliable, dependable, predictable, worthy of investment / enablement - - - or mistrust them based on our past experience and on current real or perceived behavior.

Trust is relative. It is not absolute. We say that we “absolutely” trust or distrust but in fact, this is situational. Trust is necessarily comparative and relative. We measure trust not in absolutes but in terms of circumstances and in comparison to other trust/non-trust relationships.

Finally, trust is transactional. It describes a relationship. It cannot exist for practical purposes unless it describes a relationship between one party and another which serve as a predictor of behavior of one party toward another.

We, in law enforcement, engage in all sorts of conduct which can build or diminish our level of trust in the community. This has been the topic of a tremendous amount of public and private discussion in America over the past year.

The amount and the intensity of this discussion reflects the importance of trust to successful policing. The conduct and content of this discussion is important because the topic has a profound impact on communities. But to fully engage in an understanding of trust, it is important to consider the topic from a variety of vantage points.

It is not an exaggeration to say that in many communities and, especially in many minority communities, there is an ongoing mistrust of local law enforcement. Some mistrust has been earned based on patterns of behavior over time. Some of it is unearned but attributed based memory and reputation and perception. Some of it is both unearned and inappropriate.

There is also - - - and this is seldom acknowledged and even less often discussed - - - an issue of law enforcement distrust of communities.

It is important that we improve community trust in policing and police trust in communities not because it is nice or comforting or feels good but because it is essential to accomplishing the mission of police agencies. Trust in policing is essential to the peace and well-being of communities.



The recent intense public discussion of the issue of trust has grown out of controversies over incidents of police use of force. This has prompted a great deal of serious self-examination on the part of law enforcement agencies as to their role and the conduct of their personnel. It has also resulted in serious consideration on the part of communities as to what communities ought to expect of their law enforcement agencies. Much of the discussion has been serious and useful.

But, in some instances, the discussion is an occasion for emotional venting; a container for all sorts of political agendas; an opportunity to renew differences and substantiate grievances rather than to resolve issues and address problems.

The issue of trust has garnered an extraordinary level of press coverage. But we should not be distracted or beguiled by emotional headlines. We should focus on the seriousness and complexity of the issue and not bow to quick-fix, public apologetics.

Law enforcement needs to be willing to look inward and be self-critical. We need to be able to step up and call things the way we see them. We have shortcomings. We need to step forward and address them even though it will sometimes not be popular in our own ranks or the wider community.

But we also need to renounce the easy path of uncritical acceptance of criticism. We need to speak clearly to the flaws in the assertions of our critics.

If we are to form true partnerships and real trust with communities then we both must take on the responsibilities of partnership. Being clear and being honest and being willing to challenge our existing or potential partners to step up to their responsibilities is the only way real partnership will happen. We cannot sit back and refuse to acknowledge the validity of any criticism nor can we half-heartedly offer mea culpas and wait for controversy to subside.

### Trust and Policing

Trust is at the basis of democracy - - - the relationship between government and the governed. Democracy is based on the concept of co-responsibility and citizens assuming certain obligations and burdens. It is not based on citizens being the passive recipients of government services and government largesse. Citizenship is about co-responsibilities of the government and the governed and not about the unilateral responsibilities of the government. In America today, we seem to be focused on rights, benefits and entitlements and to ignore duties, obligations and sacrifice inherent in the concept of citizenship.

Effective policing in a democratic society requires trust between the public and the police. Most of us in the profession can recite all or parts of the Nine Principles of Policing attributed to Sir Robert Peel. We recognize the extent to which the Nine Principles are based upon trust and seek to enhance a trusting relationship between the public and the police.



Peel asserted that if certain approaches were taken by constables, the public would extend their trust to the police. This was, in 1829 and is, today, an accurate assessment. What Peel's principles did not address, however, is the inverse of community trust in the police: police trust in the community.

It is important that we focus on what law enforcement is doing or not doing to gain and maintain trust of the community. But, we should also focus on what the community can do to gain the trust of police. Trust is a relational quality. Trust is, in modern parlance, a "two-way street" with consequences flowing in two directions. Trust is an outgrowth of the relationship of co-responsibility which attends citizenship.

Law enforcement cannot carry out its mission - - - whether it is expressed as enforcing laws or community protection or rights protection or public order maintenance or community betterment or a combination of these things - - - without a level of trust on the part of the community. It is not just a matter of good practice or morality or benign perception. It is a matter, first and foremost, of effectiveness. And, secondarily, it is a matter of efficiency. We cannot be effective or efficient without community trust. For these reasons, it is very important that we address the issue of trust and find ways to enhance community trust in police and find ways to decrease conduct such as racial profiling, arbitrary action, lack of self-control or imposing our own sense of justice.

At the same time, law enforcement effectiveness and efficiency is also undermined if law enforcement trust in the community is undermined. Just as aspects of police conduct can raise or lower trust on the part of the community, aspects of community conduct can raise or lower trust in law enforcement. Again, trust is a two-way street.

For example, "Don't rat" and "Don't snitch" and "Don't co-operate" are expressions of mistrust in police. But they also engender mistrust on the part of the police.

What these expressions signal is "we don't care" or we refuse to participate in or acknowledge the legitimacy of the system of governance. If the community does not care, or routinely chooses not to participate, this erodes the degree to which law enforcement feels invested in its mission. A community cannot expect service and civility yet not be willing to meet obligations and extend civility.

Of course, it is unacceptable that law enforcement would react by withdrawing service or failing to respond. This violates our oath of office and flies in the face of our core values. But we seldom hear mutual responsibility mentioned or discussed. It is, in fact, a crucial component of civic infrastructure.



## Recent Headlines

We have recently seen media coverage of officer-involved violent incidents which can and do engender mistrust in the community. We have recently seen community anger directed at police based on these incidents. It is very likely that this anger is generated not only by the incident itself but reflects a deeper and longer standing set of grievances and feeling of mistrust toward the police.

At the same time, in some instances, the underlying mistrust has sometimes prompted reactions which may be characterized as an over-reaction or intentional disregard of facts. These over-reactions or disregard of facts can cause reciprocal mistrust and police alienation from the community.

Ferguson, Missouri is one example. In Ferguson, misinformation, fueled in part by the Department's failure to provide timely information and then by stories made-up by non-witnesses, has persisted in the community despite outside substantiation of the true story.

Factual information was disregarded in favor of information more damning to the police in part due to underlying community mistrust of police. But such acceptance of the less grounded, more emotionally satisfying narrative can also be a source of police mistrust of the community.

Narratives based on mistrust can be adopted not only by those who truly feel concerned about real or perceived police misconduct. They can also be fed by individuals and news media outlets who stand to benefit from the more dramatic if not entirely accurate narrative.

## Honesty and Trust

On the part of the citizenry "speaking truth to power" is often cited as a fundamental example of political courage. This must not encompass the speaking of "made up facts" to power. It cannot merely be "expressing anger to power." The issue here is honesty.

On the part of government actors, being forthright and clear when describing official actions and their consequences - - - even when this causes embarrassment or worse - - - is another fundamental example of political courage. This must not encompass "cover-up" or "blame shedding" or articulately "spinning" inconvenient facts. The issue here, again, is honesty.

Honesty is difficult because it can be inconvenient and embarrassing. But willingness to engage in self-critical honesty, while it carries major risks, also carries the potential for major benefit. Self-critical honesty can expedite the paving of the "two way street" of trust.

What does self-critical honesty look like on the side of police?

- Admitting that racism exists in policing. Of course, racism also exists in many other social institutions. It exists throughout American society. America is not a "post-



- racial” nation. This state of affairs does not, however, absolve law enforcement of responsibility for addressing racism and taking on the difficult task of dismantling it.
- Admitting that police can sometimes act out of fear.
  - Admitting that we can make mistakes even when we enter a situation with the best of intentions. Because policing involves discretionary actions in risky, time-sensitive and information-constrained situations, there is always the potential for accident and mistakes.
  - Admitting that history does influence community perceptions and that white communities and minority communities as well as the police communities may have very different perspectives / views of history.

In minority communities, self-critical honesty may involve:

- Admitting that racism exists throughout American society and not exclusively or even preponderantly in law enforcement. It exists in minority communities as well as in white communities.
- Admitting that spreading inordinate fear of the police among the community and especially among young people may serve as a self-fulfilling prophecy. It may encourage young people to act out or resist legitimate police activity. Fear, in fact, can engender reciprocal fear and unjustified fear can engender unjustified reciprocal fear.
- Admitting that in many poor minority communities, the statistical likelihood of suffering physical harm or death is far more likely to occur at the hands of a member of that community than from the police. Black lives do matter. But sadly, they often do not matter nearly as much as they should in either white or black communities.

The fact is that a minority-on-minority crime is a major issue in minority communities. It is a subject of upset and real concern. But it can appear to law enforcement that it does not generate the degree of community concern and communal action raised by actual or perceived police wrong doing.

At the same time, law enforcement should appreciate that violent action on the part of a government actor, such as a law enforcement officer, is likely to cause more resentment, anger and sense of mistrust than apparently random citizen-on-citizen violence. Such action may be viewed as carrying the implied approval of the state and the appearance of power imbalance and blocked routes of redress.



There is one more one more issue for us to recognize and acknowledge. We need to recognize that law enforcement is the most decentralized, interactive “street-level” branch of government. Unlike other government institutions, law enforcement confronts America’s racial divide up close and personal in chaotic, real world circumstances. Thus, law enforcement can become a convenient lightning rod for anger at perceived injustices across a wide spectrum of social issues from education, to housing, to job opportunities, to transportation as well as other areas.

The position of law enforcement in the midst of America’s racial divide makes it even more essential that all parties attend to issues of self-critical honesty. This will require a great deal from all parties. It will require that each side cede some advantage to those who they may regard as adversaries and whose good will they may question. It will be politically difficult but it can be a crucial launch point for increased trust.

### Trust and the Gallup Poll

Each year, the Gallup Poll does research on public trust in American institutions. For many years the category “the police” (by which is usually understood to mean “local law enforcement”) has placed in the top four most trusted institutions in America. “The police,” as a category usually scores just behind “the church,” “the military,” and just ahead of “small business.” This year, for the first time in about 25 years, “the police” ranked as the seventh most trusted American institution. Again, seventh as against a traditional showing of third or fourth. Why is this?

We can assume that this drop is related to the series of events involving high profile use of force incidents over this past year. In some of these events, law enforcement officers and/or agencies behaved poorly or, worse, illegally. It would appear that these incidents and their portrayal in the news media impacted trust levels even in jurisdictions remote from where the incidents occurred.

The recent Gallup Poll noted that our overall trust level dropped in both white and minority communities. It has traditionally been lower in minority communities and especially so in black communities. The further reduction in level of trust recorded in minority and in black communities should especially be a matter of concern to us.

To be fair, the Gallup Poll finding this year showed an overall drop in trust for nearly every other institution from the military to the courts to news media to business. These are, apparently, mistrustful times. However, the drop in relative trust rate for policing is very pronounced.

Why did this happen? Why did trust drop in areas far removed from the jurisdictions in which the incidents occurred? Why the “beyond jurisdiction” national impact? Several reasons:

- The content of the incidents were extremely dramatic and violent and involved loss of life.
- The incidents or their immediate aftermath were caught on camera and some of the video appeared to show police officers as inept or disregarding the dignity or safety of individuals or,



worse, vindictively or casually violent. Video technology, for good or for ill, whether it portrays completely or incompletely or shapes its own narrative, is a fact of modern life. It puts even the distant, uninvolved observer into the situation.

-The incidents occurred as the economy of the nation was beginning to improve. Social action and social activism is more likely on the cusps of economic change; even modest economic change.

-The reactions of agencies to news coverage also contributed. In some cases, agencies were not forthcoming with information. The rationale for not releasing information sometimes involved investigative protocols or bargaining unit agreements. Sometimes, it may have been due to inept press relations. As a result, some agencies lost the platform to critics by failing to supply facts, counter-narrative or even statements of self-critical honesty in a timely manner.

- Finally, the news stories not only spoke of mistrust but - - - were fed by pre-existing mistrust. Thus, the stories played into underlying suspicions that that police routinely disregard citizens' rights and abuse citizens. Americans have always been attentive to stories regarding power, abuse of power and accountability. They may be especially attentive at a time when people increasingly feel - - - according to Gallup and other pollsters and various political commentators both liberal and conservative - - - that large institutions behave with arrogance and unimpeded self-interest.

### The Challenges of Mistrustful Times

Again, these are mistrustful times. These are times when many people may feel that “the cards are stacked against most common citizens” in economics, in the justice system, in medical care and in a wide variety of day-to-day encounters with social systems and institutions. As noted above, law enforcement is the most decentralized, accessible government and may be a very accessible target of opportunity for expressions of mistrust.

With all of this occurring, what has been the reaction of law enforcement agencies and their personnel? One reaction - - - and it is a constructive reaction - - - is to carefully examine the whys and wherefores of the phenomenon. National professional organizations such as the National Executive Institute Associates, the Major County Sheriffs' Association and the Major City Chiefs' Association have actively pursued this proceeded strongly with this.

Much that is constructive in terms of analysis and self-examination is ongoing on with agency executives leaning into the idea that we need to engage. But there has also been a degree of anger and resentment expressed at the approach taken by the Justice Department, news media and some national civil rights figures over some of the incidents impacting trust.

Law enforcement personnel - - - including individuals and their bargaining units - - - have also stepped forward with positive reactions. Many have provided thoughtful, self-critical, “we could



do a better job of earning trust” approach. Some have sought to wrestle with the hard questions of trust and the precursors of mistrust.

As with agency executives, some of our personnel have lashed out with accusations of political pandering by government officials, the media and “the race industry.” Others accurately point to public ignorance of what police work is really like.

A rare, but difficult and dangerous reaction said to have occurred in a few jurisdictions is “de-policing” in some neighborhoods. This is an approach by which officers intentionally do the absolute minimum and are slow to intervene in situations lest they be unfairly criticized by the administration or the public. “De-policing” is dangerous because it is a form of unethical passivity which violates our oaths of office. It is a serious betrayal of trust.

### The Path Forward

So, what is the best path forward?

-First, we must recognize that we have a problem. And it is a problem for America and American communities not just a problem for law enforcement agencies. Whether it is fair or unfair does not matter. Perception is not reality but it impacts reality. Our problem centers around an underlying mistrust of law enforcement - - - whether deserved or undeserved - - - especially in minority communities.

At the same time, we should not lose track of the fact that the problem is neither universal nor irretrievable. In many communities, including many minority communities, local law enforcement agencies still have the trust of the citizens they serve. The Gallup Poll shows that local law enforcement as an institution still garners more trust than the news media, the criminal justice system as a whole and many other American institutions.

- We should aim to reinforce the importance of trust as a basic prerequisite for successful policing in a democracy.

-We should state clearly and unequivocally that trust is not a one way street. Trust requires co-engagement and co-responsibility and commitment from both sides to be truly functional.

-We should make self-critical honesty an important part of our effort at upgrading our approach and we should challenge our critics to do the same. Self-critical honesty is both necessary and uncomfortable; we should practice it and insist that the community practice it.

-We should not passively acquiesce to all criticism of our agencies and policing in general. Where criticism is overblown or offered as political fodder, label it as such. Admittedly this carries risk from a political / public policy and political accountability standpoint.

- We need to be the ones to initiate and move things forward. Grumbling and kicking rocks, “the blame game” and self-pity will get us nowhere.





- We should cite the important link between mistrust and reductions in community engagement. Budget cuts during the Great Recession have resulted in us being more reactive and less proactive and community-linked as we prioritize resource use. Reduced trust can follow from reduced engagement and outreach.

- Ethically and practically, we do not have a fallback position. We must engage. We need to step up, honestly assess our position, identify where we need to improve, and we need to act. We should seek partners while being prepared to reject those bent on putting down the police.

The late Yale professor Albert Reiss put it best in his 1971 book The Police and the Public: “A civil police is ultimately dependent upon a civil community. But the police are in a unique position to impact the civility of the community.”

Professor Reiss was right. It starts with us. There is no one else around who will make it happen. Not the Justice Department and not community advocacy groups; not churches nor business nor spontaneous protests. Not investigative journalists nor angry public officials nor advocacy celebrities. None of these, ultimately can make it happen. Only we can make it happen. Only we can initiate the hard work of enabling mutual trust.

Mutual trust means accepting responsibility for being trustworthy and expecting others to be trustworthy in return. It means living up to our own obligations - - - our ethical, our professional obligations - - - and holding others responsible for living up to theirs.

It involves risk. It requires courage and patience and the willingness to be disappointed and stand up and try again. It is not easy and it is not for the feint hearted. Inevitably, trust will be violated. That is the way of the world. But trust - - - mutual trust between law enforcement and the communities we serve - - - is an essential to effective policing. It is the right pathway to building safer and more civil and communities. It is the mechanism by which we can advance the mission of doing justice and undoing injustice.



## Sheriff Paul A. Pastor

Paul Pastor serves as Sheriff of Pierce County Washington, the state's second largest county with a population of 820,000. The Sheriff's Department provides direct police services to 420,000 citizens in unincorporated county and in contract cities. The Department also runs the state's second largest jail.

Sheriff Pastor has served as Sheriff for the past 15 years. He also served as Chief of Police in Everett, Washington, Undersheriff in Clark County Washington and was in charge of state personnel at Washington's Law Enforcement Academy.

He graduated from Pomona College and earned a doctorate and two masters degrees from Yale University.

He has served on various state and national committees on intelligence, training, emergency mobilization, ethics and futures / strategic planning. He helped establish the FBI LEEDS Regional Command Colleges and the Washington State law on law enforcement use of lethal force. He is a graduate of the 25<sup>th</sup> session of the National Executive Institute.