



POLICY DEVELOPMENT · RESOURCES

# Procedural Justice and Building the Guardian Mindset: Starts Internally As The Ultimate Liability Protector

By **DLG Learning Center**

October 16, 2018

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Over the past several years, law enforcement has endured a tremendous amount of external scrutiny. As part of that scrutiny, we have heard discussions on the difference between “warrior policing” and “guardian policing.” We have focused on identifying “internal” and “external” procedural justice to combat the warrior stereotype. There has been criticism over what is perceived as “warrior policing,” and a great deal of discussion regarding transitioning police officers, particular those patrolling our streets, to the role of “guardian policing.” The President’s 21 Century Task Force report addressed this very topic. As a result, we started to analyze why there was so much attention on this topic, and how the perception of warrior vs. guardian effects policing operations internally and externally.

By now, you likely have an automatic reaction to this topic discussion, that police officers are both guardians and warriors. I agree. Police officers are guardians, and protect those they are sworn to serve. Officers, however, are also trained to be warriors when circumstances arise, requiring them to protect the public and themselves. What does it mean when we say police officers are guardians? It means that officers are defenders, protectors, and keepers. It is not enough, however, for officers to understand their mission. Officers must also enhance their knowledge base. By doing so, they afford themselves greater protection, and will be well on their path to developing the “Guardian Mindset.” and remain constantly alert to their surroundings. Officer safety is important, and we acknowledge that there will be times in an officer’s career where he or she will be required to use force. An officer may even be required to take a life to protect the officer or a citizen from imminent death.

So how do we build the Guardian Mindset? You would think after 20+ years of practicing “Community Policing,” this would be an easy question to answer. At the heart of the 21<sup>st</sup> Century Report is the idea of “Procedural Justice,” which acts as the foundation to building police legitimacy. It makes sense, therefore, to start with a discussion on the Task Force Committee’s meaning when it coined this term. It is no accident that the discussion of “Procedural Justice” falls under the first pillar of the report – Building Trust and Legitimacy. The committee saw the principle of “Procedural Justice” as the most important concept in its report, and one that forms the foundation for policing under the Guardian Mindset. The concept of “Procedural Justice” is built on four central principles:

- Treating people with dignity and respect;

- Giving individuals “voice” during police encounters;
- Being neutral and transparent in decision making; and
- Conveying trustworthy motives.

These principles, however, do not only apply to our interactions with citizens in the community. The Committee found that there were two aspects to “Procedural Justice” – External and Internal Procedural Justice. EXTERNAL Procedural Justice applies to our interactions with citizens, while INTERNAL Procedural Justice applies to the internal workings of the agency, and the interactions between colleagues and department leadership. The Committee explained that:

*“Internal Procedural Justice tells us that officers who feel respected by their supervisors and peers are more likely to accept departmental policies, understand decisions, and comply with them voluntarily. It follows that officers who feel respected by their organizations are more likely to bring this respect into their interactions with the people they serve.”*

Establishing Procedural Justice within the agency requires a clear Mission Statement, as well as goals and objectives to meet the agency’s mission. If your Department has not reviewed its Mission Statement or its current goals and objectives of late, it may be time to review those guiding principles. Establishing Procedural Justice also requires a clear set of policies and procedures to guide officers through the complexities of their everyday working environment. Command staff must clearly identify, through mission statements and policies, the philosophy and operational guidelines of the department, to build a sound foundation.

Directives are written to provide officers with clear and flexible guidance to help them execute their job on the street. Providing accountability and protection for officers through constitutionally-based directives is a mainstay of Procedural Justice Principles. From a liability perspective, these directives are meant to protect the officer, and the agency, from civil and criminal liability.

The external component of Procedural Justice is supported by employing the “Guardian Mindset.” Agency directives that provide guidance on an officer’s use of discretion and authority will also ensure that citizens see themselves treated with dignity and respect. Citizens will support police action, and contribute to the solvability of crimes to the extent that they believe the police actions are legitimate and just. Moreover, agency’s foster community involvement by understanding the importance of quality of life issues and listening to the community’s perspective.

The Final Report on the President’s Task Force for 21<sup>st</sup> Century Policing asks us to think back to the reasons we came into the profession, and the oath we took to protect and serve under the authority of

our constitutional principles. Reflecting the “Guardian Mindset” in our daily interactions with citizens, and how you treat fellow officers, will foster trust and help to protect officers and agencies when difficult incidents arise that test public support.

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