

PROCEDURAL JUSTICE AND LEGAL COMPLIANCE: A REVIEW OF RESEARCH

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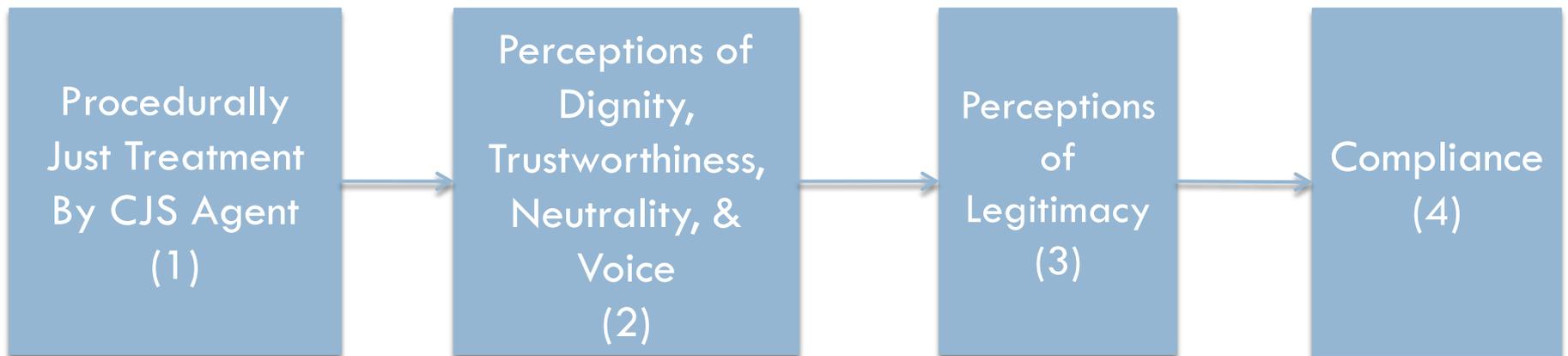
Introduction

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- *“Research demonstrates that [the] principles [of procedural justice] lead to relationships in which the community trusts that officers are honest, unbiased, benevolent and lawful. The community therefore feels obligated to follow the law”*
 - ▣ President’s Task Force (2015: 10)



Theory of procedural justice and compliance



CJS = criminal justice system

Research questions for our review

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- What is the relationship between perceptions of procedurally just treatment and perceptions of legitimacy, and are perceptions of procedurally just treatment related to actual treatment in this regard?
- What is the relationship between perceptions of legitimacy and legal compliance, and is this relationship credibly interpreted as causal?

Research questions cont.

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- What is the relationship of third party assessments of procedurally just treatment and legal compliance?

- Are procedural justice enhancing policies effective in:
 - ▣ altering procedurally just treatment?
 - ▣ improving citizen perceptions of legitimacy?
 - ▣ ultimately fostering legal compliance?

Procedural justice and legitimacy

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- Studies of citizen perceptions consistently find strong connections between procedural justice and legitimacy
- Overall assessments of procedural justice predict legitimacy
 - ▣ In the U.S. and other countries (e.g., Jonathan-Zamir & Weisburd, 2013; Wolfe et al., 2016)
 - ▣ Among general and delinquent samples (e.g., Piquero et al., 2005; Tyler et al., 2010)
- Encounter-based assessments also find procedural justice predicts legitimacy (e.g., Maguire et al., 2016)

Perceptions and actual treatment

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- Only limited research examining the link between citizen perceptions and actual treatment
- Worden and McLean (2014) compared citizen perceptions of procedural justice from surveys to “actual” indicators of procedural justice from coding dash cam footage
 - Correlation between objective and subjective indicators of procedural justice = **0.16**

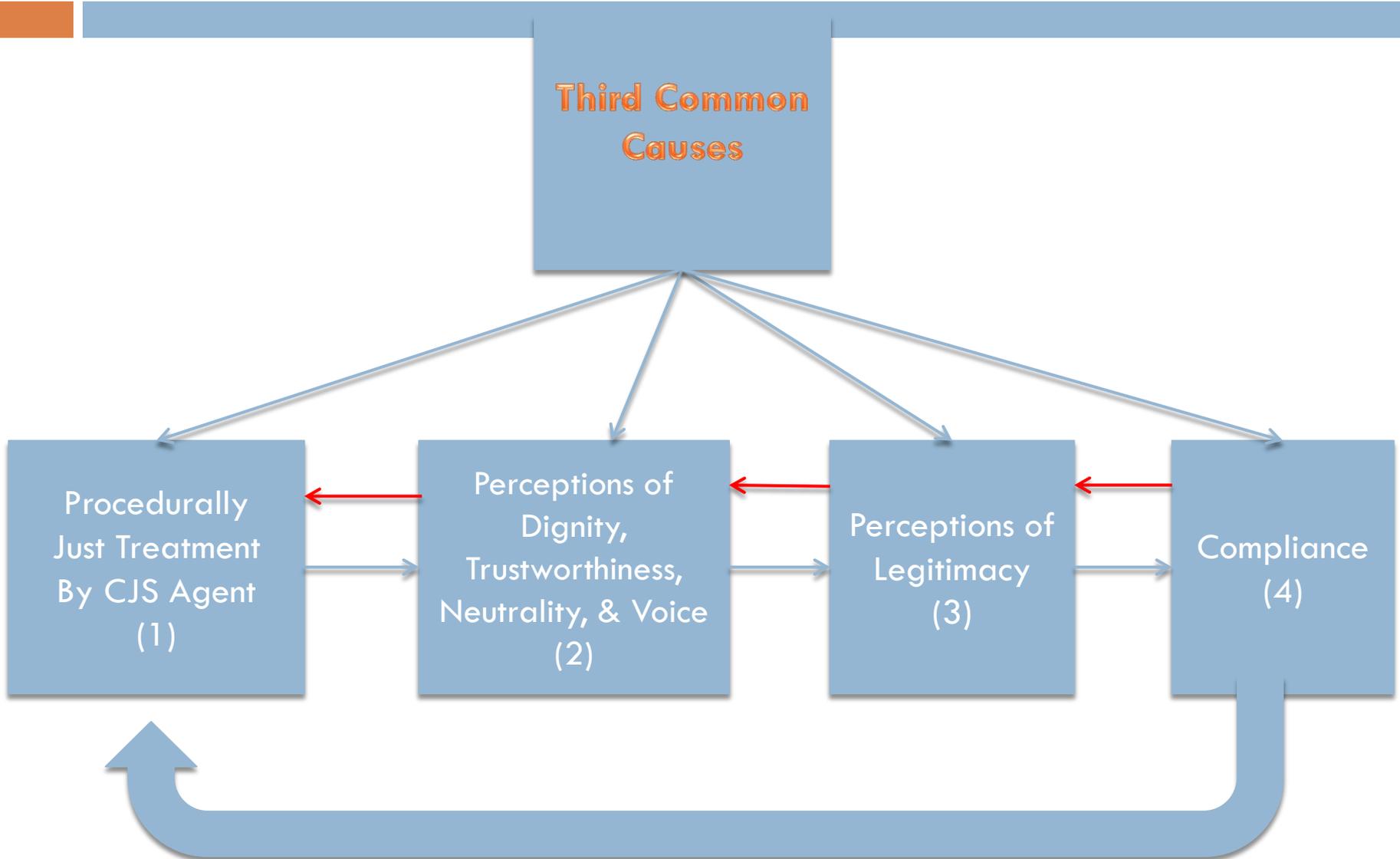
Perceptions of legitimacy and compliance

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- Large body of research generally finds strong link between perceptions of legitimacy and compliance with the law (e.g., Tyler, 1990; Tyler & Huo, 2002; Reisig et al, 2014)
 - ▣ Procedural justice generally the strongest predictor of legitimacy

- Work here is not universally supportive of the model (e.g., Augustyn, 2015; Slocum et al., 2016)
 - ▣ Cross-cultural differences in applicability? (e.g., Tankebe et al., 2016)

Challenges of making causal inferences



Third-party assessments

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- Weakness of surveys is reliance on perceptions rather than actual treatment
- Third-party observer studies cannot assess legitimacy, but can examine procedural justice-immediate compliance link
- Most consistent evidence from these studies is that negative treatment increases the odds of noncompliance
 - “Our police may be able to do little to enhance their cause but a great deal to hurt it” (Mastrofski et al., 1996: 296)

Enhancing procedural justice in policy

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- Altering procedurally just treatment through training
- Building procedural justice into interactions through scripts for traffic stops
- Fostering legal compliance through procedural justice-infused policies/practices

Training interventions

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- “Virtually no research of any flavor has been done on procedural justice training, despite this being a necessary precursor to turning the theory into practice” (Skogan et al., 2015: 321)
- Six experimental or quasi-experimental evaluations of procedural justice training
 - ▣ Generally suggest some positive impacts on officer attitudes (e.g., Skogan et al., 2015)
 - ▣ Limited examination of impact on officer behavior (Wheller et al., 2013)
- Know little about appropriate content or dosage

Script-based interventions

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- Four experiments using traffic stop or airport screening scripts

- **Mixed findings across studies** (MacQueen & Bradford, 2015, 2016; Mazerolle et al., 2012, 2013; Sahin et al., 2016)
 - ▣ Queensland roadblock script with procedural justice improved perceptions of the stop and police in general
 - ▣ Turkey traffic stop script with procedural justice improved perceptions of stop, not of police in general
 - ▣ Scotland driver stops with procedural justice key messages improved neither perceptions of the stop nor police in general

Policy changes

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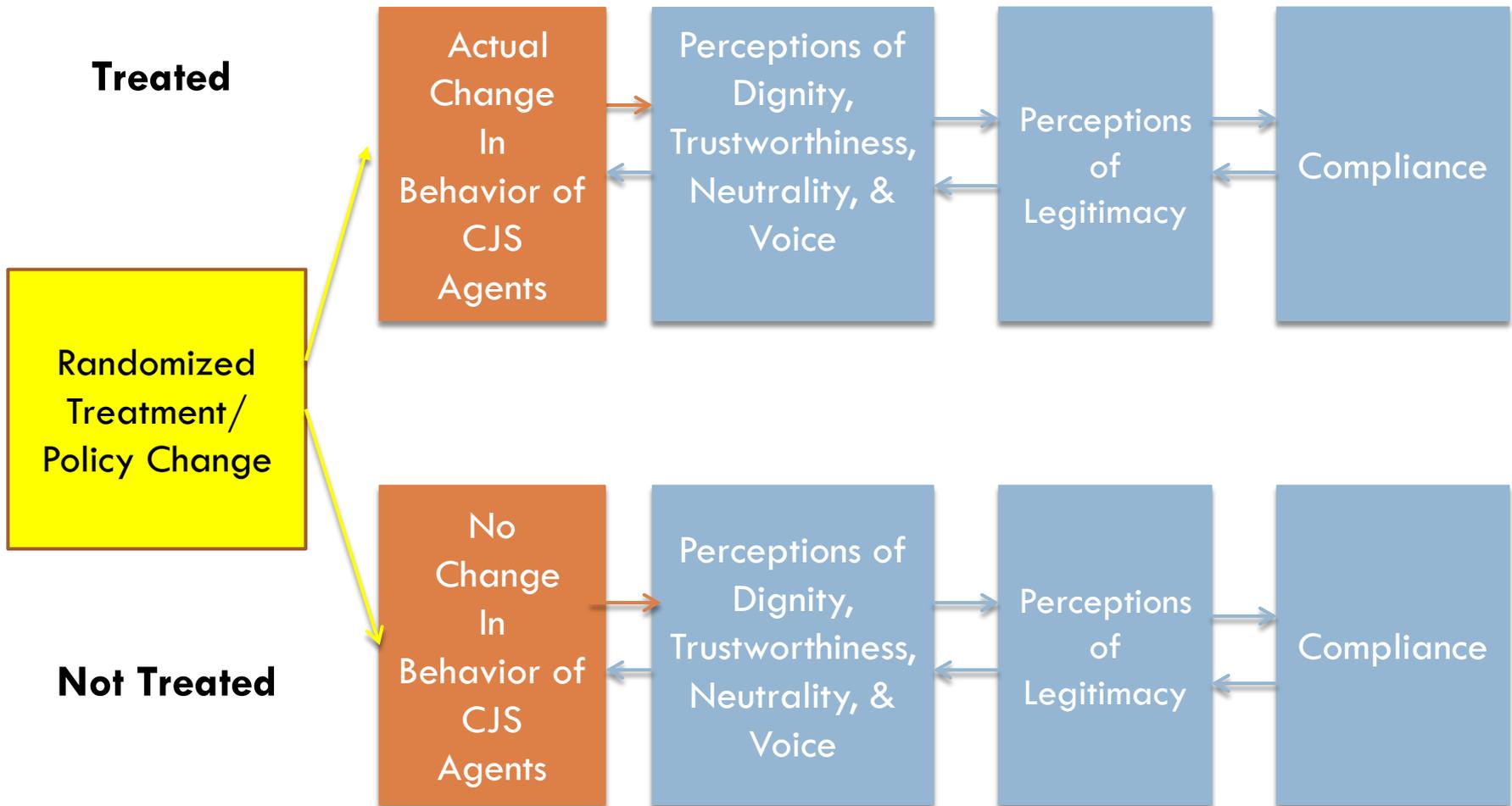
- No direct tests we are aware of examining how a procedural justice-infused policy affects legitimacy
- Indirect tests suggest importance of procedural justice, but complications of multi-faceted interventions
 - ▣ Procedural justice in Milwaukee domestic violence counteracted criminogenic effects of arrest (Paternoster et al., 1997)
 - ▣ Attendees of Chicago offender notification forums focused on fairness message stayed out of prison longer (Papachristos et al., 2007; Wallace et al., 2016)

Summary of findings

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- Strong links between procedural justice, legitimacy, and compliance from perception-based studies
- Less certainty about causal links
 - ▣ Challenges from third common causes and reciprocal effects
 - ▣ Relationship between perceived treatment and actual treatment may not be strong
 - ▣ Cannot directly manipulate perceptions, but instead can try to manipulate police behavior to change perceptions

Identifying the causal impact of procedurally just treatment



Future research

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- Origins of perceptions of procedurally just treatment and legitimacy
 - ▣ Cumulative effects and vicarious experiences

- Elaboration of the theoretical basis for the connections between perceptions of legitimacy and legal compliance

- Specification and testing of policies that are effective in improving procedurally just treatment

Conclusions

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- Citizens deserve fair treatment from the criminal justice system
- Need more evidence to make strong causal statements, particularly on efforts to create policies that will enhance procedural justice in practice
 - ▣ Multi-site randomized experiment of procedural justice in hot spots (Weisburd et al.)
- Want agencies to be able to make evidence-based decisions to increase legitimacy and ideally compliance with the law

Thank you



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