“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

Procedurally Just Treatment
By CJS Agent (1)

Perceptions of Dignity, Trustworthiness, Neutrality, & Voice (2)

Perceptions of Legitimacy (3)

Compliance (4)

CJS = criminal justice system
Research questions for our review

- 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.

- 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

- 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

- 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
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

Procedurally Just Treatment By CJS Agent (1)
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Compliance (4)
Third-party assessments

- 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

- 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

- “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

- 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

- 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

- 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

Randomized Treatment/Policy Change

Treated

Actual Change In Behavior of CJS Agents

Perceptions of Dignity, Trustworthiness, Neutrality, & Voice

Perceptions of Legitimacy

Compliance

Not Treated

No Change In Behavior of CJS Agents

Perceptions of Dignity, Trustworthiness, Neutrality, & Voice

Perceptions of Legitimacy

Compliance
Future research

- 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

- 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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