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# Procedural Justice and Policing: A Rush to Judgment?

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## Keywords

procedural justice, legitimacy, consensual models of authority, coercion, trust in the police, compliance, cooperation, identification, engagement

## Abstract

Within policing research there is currently little research examining the role of procedural justice in shaping legitimacy and considering their joint role in shaping compliance. However, large literatures in social psychology and management make a plausible case for the value of applying this model to policing. These literatures suggest that it is likely that (a) the practices of the police can be crafted to raise perceptions of procedural justice, (b) police training can alter officer behavior, and (c) redesigning police organizations internally can motivate their members to treat community members more fairly. A focus on legitimacy highlights the virtues of consensual models of policing. Consensual models are found to motivate public cooperation in fighting crime and to heighten identification with and engagement in communities. Consequently, legitimacy is the most promising framework for discussing changing the goals of policing and moving from a police force model to a police service model.



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## INTRODUCTION

The review “Procedural Justice and Legal Compliance” by Nagin & Telep (2017) raises a set of important questions about the centrality of ideas of procedural justice and legitimacy for our understanding of interactions with the agents of the criminal justice system, in particular the police. I agree with Nagin & Telep (2017) that there is not a great deal of currently available research evidence in the arena of policing supporting the role of procedural justice in shaping legitimacy or showing that they have a joint role in shaping compliance with the law. In particular, there are very few randomized controlled trial studies on policing. My goal is to both address these questions and use my response as an occasion to discuss several broader issues about policing and police reform.

In addressing these questions I treat procedural justice as one set of practices that authorities can engage in when they are trying to build their legitimacy; increase voluntary deference to their authority; motivate more compliance with laws or rules; and heighten cooperation in achieving community-level goals, such as the maintenance of social order. As Nagin & Telep note, the intervening variables in this model are subjective and involve perceptions of procedural justice and legitimacy. Those subjective judgments intervene between objective variations in police behavior and consequent actions on the part of community members. At its core, this is a psychological model.

The use of legitimacy as a framework for discussing policing and discussions of procedural justice as a policing tactic to build and maintain legitimacy has seen a rapid increase in the last decade and certainly in the last several years. The President’s Task Force on 21st Century Policing described legitimacy as the first pillar of policing and advocated efforts to build police legitimacy, including through enhancing the perceived procedural justice of police policies and practices. The underlying assumption of this approach is that the police can act in ways that influence their perceived procedural justice and that doing so will both influence their popular legitimacy and shape the variety of behaviors outlined: deference to authority, compliance with the law, and cooperation in fighting crime in their community.

The focus on legitimacy, often labeled trust and confidence, has arisen in the wake of a series of highly public police shootings. However, this interest reflects a set of more basic social realities. One is that the rate of crime had dramatically declined. This has made it more politically acceptable to question the actions of the police. Another is the more widespread availability of videos showing police shootings. This has enabled the public to form its own conclusions about the actions of the police, rather than relying upon police accounts. Finally, this is a period of increasing reconsideration of the entire criminal justice system, especially prisons.

Why is trust and confidence a new issue in policing? In recent decades, the police have viewed crime control as their primary objective. The police have considered themselves to be responsible not only or even primarily for solving crimes but also for preventing them. To prevent crimes proactively, the police have intervened more broadly and frequently in the lives of the public over a greater variety of behaviors, including lifestyle crimes.<sup>1</sup> They have done so both by arresting more people for minor crimes and by stopping many people who were acting lawfully to question and frisk them for weapons and drugs.

Although people differ concerning the relationship between police tactics and crime, it is clear that crime has declined in recent decades. However, although crime has declined, police

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<sup>1</sup>This is not the only element in proactive policing. Another element is to deploy police resources using real-time data about crime. This does not necessarily involve heightened contact with the public. It changes the people that the police have contact with.

legitimacy has not increased. Thirty years ago, 52% of adult Americans trusted the police, and the percentage is approximately the same today. A recent Reuters poll found that 37% of all Americans believe that “police officers tend to unfairly target minorities,” whereas 31% believe that “police officers routinely lie to serve their own interests” and 28% “trust police officers to be fair and just” (Schneider 2015).

Additionally, the strikingly lower levels of trust in the African American community have remained. Gallup polling data from 2006 to 2014 show that nearly two in three White Americans, but only one in three Black Americans, have confidence in the police (Jones 2014). This gap is long-standing and not disappearing. In 1994, 57% of White Americans and 34% of Black Americans expressed that they felt “a great deal” or “quite a lot” of confidence in the police; in 2014, it was 58% and 31%.<sup>2</sup>

Hence, the actions of the police have not created a reservoir of popular legitimacy. Further, because the attention recently directed at the police has not been primarily about their inability to control crime efforts, building legitimacy requires the police to move beyond their current central focus on crime control. Studies consistently suggest that neither evaluations of police performance in fighting crime, judgments about the risk of personal crime victimization, nor beliefs about the rate of crime are the primary drivers of legitimacy (Sunshine & Tyler 2003, Tyler 2006a, Tyler & Fagan 2008).

Efforts to address the issue of the popular legitimacy of the police have been hampered by the general lack of prior theory and research in the arena of policing about the antecedents of legitimacy and/or procedural justice as a tactic for shaping legitimacy. This is not to say that such ideas are new. The principles of Robert Peel, who founded the London Police Department, emphasize the need to obtain the consent of the population for effective policing. The closest empirical literature is that on community policing. There is a massive literature on community policing, and many of the ideas in that literature seem similar to ideas about procedural justice and legitimacy. But there has been very little theoretical basis for community policing approaches, it is often unclear what the police did in the name of community policing, and the metrics for evaluating the success of community policing efforts have varied across programs.

Given this lack of prior attention to legitimacy in policing, a core premise of Nagin & Telep’s review is clearly correct: There is a dearth of evidence that procedural justice models work as proposed by authors such as myself in the arena of policing. In particular, there is a dearth of randomized control trial (RCT)–based experimental evidence in the area of policing. Nagin & Telep (2017, p. 1.3) suggest that they “are not concluding that the predictions of the theory are wrong or have been disproven but only that they have not been credibly established.”

Scientists usually feel very comfortable with the admonition that further and better research is needed. If that is the implication of this critique, I would strongly endorse it. In this case, it is not social science researchers who have been pushing the rapid (and to Nagin & Telep premature) application of these ideas to policing. Rather, it is legal and governmental authorities seeking insights for dealing with a pressing national problem: public distrust in the police. And, limitations aside, the procedural justice model is one of the most promising approaches available for addressing these issues. That is why it continues to dominate discussions about the popular legitimacy of the police.

Groups such as the President’s Task Force might best be characterized as having chosen the most promising and strongly supported model that is available to them for understanding legitimacy and applied that model to the current concern about public distrust of the police. As

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<sup>2</sup>[http://www.prisonpolicy.org/blog/2015/07/02/police\\_confidence](http://www.prisonpolicy.org/blog/2015/07/02/police_confidence).

with many legal and political problems, the authorities have identified a set of pressing issues that they are trying to address and make use of the best evidence available for thinking about how to deal with those issues.

Seen in this way, the most useful question to ask is, if the goal is to build and maintain police legitimacy, is there a better model that might be substituted for the procedural justice-legitimacy model? People are not as persuaded by critiques as they are by alternatives. In particular, the legal authorities faced with issues of public distrust want advice about how to address this concern. What other models are Nagin & Telep proposing? The answer seems to be that they are not proposing any other approaches. The concerns Nagin & Telep raise point to uncertainties about whether procedural justice will work, but they do not suggest other ways of creating and maintaining trust, given that effectively fighting crime does not build legitimacy.

Consequently, my broader question is, what policy implications can be derived from their review? Should we tell society that we have no idea how to build and maintain police legitimacy, so people should stop complaining about it? Or should we draw upon the best available model, one empirically supported by research in arenas outside policing, and apply it to policing? I feel that this is the core policy question raised by this review. If we rush to a judgment that this model does not work, what happens next?

More narrowly, however, I agree with several key arguments in Nagin & Telep's critique. First, the causal model underlying this approach does not yet have strong experimental tests and as a consequence lacks support in the policing arena. Second, but related, there is a dearth of studies involving RCTs that test key elements of this model in the policing arena, and the results of the few experimental studies that do exist are mixed. The case for the effectiveness of this model in the arena of policing has not been made. In this case, further research clearly is needed. Fortunately, although it is indisputably true that this model is not well tested in the arena of policing, considerable evidence available in other arenas supports its potential value in addressing issues of police legitimacy and makes the widespread reliance upon this work by authorities seem reasonable.

## **EVIDENCE FROM OTHER AREAS**

The idea of procedural justice developed within the field of social psychology in theory-driven studies concerning why people trust authorities, view them as legitimate and entitled to be obeyed, and consequently defer to their authority (Tyler 2006a,b). Research has subsequently studied procedural justice and legitimacy in work organizations and with court procedures. These ideas have only recently been directly applied to policing but have received strong support in these other areas.

Given a lack of evidence in policing, the question is whether evidence in other areas addresses the concerns raised in Nagin & Telep's review. The psychological literature on procedural justice has identified four elements of experience that are linked to whether people evaluate them as being procedurally just. Those dimensions are not normatively identified by legal scholars. Rather, they have been drawn from research on the criterion that people themselves use to rate their experiences (Tyler 1988).

Two elements are linked to how police officers are perceived to make decisions. Those are whether they provide opportunities for voice, allowing members of the public to state their perspective or tell their side of the story before decisions are made, and whether they make decisions in ways that people regard as neutral, rule based, consistent, and absent of bias. Two other elements are linked to how the police are viewed as treating people. First, do they treat people with the dignity, courtesy, and respect they deserve as human beings and as members of the polity?

Second, do people believe that police motives are trustworthy and benevolent—that is, that they are sincerely trying to do what is good for the people with whom they are dealing? Trustworthiness is central to accepting discretionary decisions.

The key to understanding this model is that the elements focus upon how people experience policing, i.e., whether they feel they have voice, whether they think the procedures are neutral, whether they feel respected, and whether they infer that the police are trustworthy. The underlying argument is that the way people perceive these features of police action shapes whether people do or do not judge the police to be legitimate (Tyler 1988, Tyler & Fagan 2008, Worden & McLean 2014). It is possible to view subjective procedural justice as an overall dimension, although it is equally possible to distinguish the four dimensions on conceptual grounds.

Importantly, studies suggest that there is substantial agreement across race, gender, and income level in terms of both the impact of procedural justice on legitimacy and the criteria that define a fair procedure (Tyler & Huo 2002). Further, and especially relevant to this review, studies find that these effects are similar across arenas. They occur in studies of managerial authorities and with other types of legal authorities, for example, judges. It is true, as Nagin & Telep note, that not all studies find these effects and there may be societal conditions that enhance or diminish them, but the overall conclusion of research in this area is that procedural justice effects are widespread (Lind & Tyler 1988). Hence, generalizing from the existing literature to policing seems eminently reasonable.

What empirical evidence supports the procedural justice model? The initial procedural justice model is found in the literature in social psychology (Leventhal 1980, Thibaut & Walker 1975), so initial evidence comes from research in the field of social psychology. The first research program in this area is that of John Thibaut and Laurens Walker. That research program is summarized in their book *Procedural Justice* (Thibaut & Walker 1975), and their research is reviewed in *The Social Psychology of Procedural Justice* (Lind & Tyler 1988). The hallmark of these studies is that they are well-designed RCTs. Their context is variations in courtroom procedures, and they demonstrate that different procedures are rated differently in terms of perceived procedural justice. Procedural variations also shape a variety of types of evaluations of judicial procedures and/or authorities.

These procedural justice findings are replicated in a series of experimental studies conducted within this research group (Houlden et al. 1978; LaTour 1978; Lind et al. 1973, 1978; Thibaut & Walker 1975; Thibaut et al. 1972, 1974; Walker et al. 1974). These studies have high internal validity but were conducted in a laboratory context (Damaska 1975, Hayden & Anderson 1979). They also lack measurement of legitimacy as an outcome of experience and, in the context of this report, a focus on the police. Nonetheless, these studies are very strong in internal validity, which is a key concern of Nagin & Telep.

Miller (2001) and MacCoun (2005) have reviewed the psychological literature on procedural justice. Miller (2001) identifies two behavioral consequences of procedural injustice. The first is a marked disinclination to comply with authorities. The second is a diminished willingness to pursue group goals and concerns. Miller notes the absence of any negative consequences of fair procedures. He further notes that it valuably expands the universe of goals beyond compliance to include enhancing the viability of organizations.

When MacCoun's (2005) review was conducted, the psychological literature had over 700 articles on the topic of procedural justice. MacCoun's review of this literature suggests that across the wide range of types of authority considered, procedural justice is consistently found to shape compliance and cooperation with authorities. In particular, these effects are found with both experimental and correlational research designs. MacCoun (2005, p. 173) notes that "the sheer heterogeneity of tasks, domains, populations, designs, and analytic methods provides remarkable convergence and triangulation" in support of the core propositions of procedural justice.

The central arguments of procedural justice models have subsequently been tested in management settings, and a distinct literature on procedural justice has developed within organizational psychology/organizational behavior. An early example is work by Earley & Lind (1987), in which workers were randomly assigned to work under different procedures. These differences were found to influence perceived fairness and performance on the job. The subsequent literature on procedural justice in work settings has expanded broadly to include variations in many aspects of work organizations and their impact upon several dependent variables, including but not limited to adherence to rules and work requirements.

Cohen-Charash & Spector (2001) reviewed 190 studies (148 field studies and 42 laboratory studies) and found that variations in workplace characteristics reliably shaped perceived fairness. They found this in field studies (p. 293;  $r = 0.52$ ) and laboratory studies (p. 293;  $r = 0.38$ ). The studies provide guidance for efforts to create policing procedures that build trust by showing that providing voice in procedures for work assignment, pay appraisal, grievance management, and other similar issues is especially central to perceived fairness.

They further show that procedural justice is reliably related to several evaluations, including satisfaction with one's job, pay, supervisor, management, or performance appraisal procedures (their table 7, p. 299). It is further related to commitment to the job, normative commitment, trust in the organization, trust in one's supervisor, and turnover intentions (their table 7, p. 300).

Their review also suggests that variations in the workplace characteristics associated with differences in perceived fairness are found to have an uneven relationship to required workplace behaviors. Studies show a connection to workplace performance for field studies (p. 296;  $r = 0.45$ ) but not for lab studies ( $r = 0.11$ , not significant). The studies consistently find a relationship to voluntary cooperation (organization citizenship behavior) (p. 297;  $r = 0.23$ ) and to counterproductive work behavior ( $r = -.28$ ; i.e., more fairness leads to less shirking, sabotage).

Colquitt et al. (2001) review the justice literature and Colquitt et al. (2013) rereview the original and the new literature and identify 493 distinct studies. In the larger rereview, they find significant overall influences of procedural justice on trust (Colquitt et al. 2013, p. 210), organizational citizenship behavior (p. 207), and task performance (p. 208), as well as influences on counterproductive work behavior, i.e., rule breaking and destructive actions (p. 209). The review finds equally strong relationships for studies that focus upon particular events and those that make overall workplace evaluations.

Perhaps most significantly, in terms of the model outlined, Colquitt et al. (2013) conduct a mediational analysis and find that the relationship between the organizational justice<sup>3</sup> of the organization and relevant employee behaviors is significantly, but not completely, mediated by "social exchange quality" (see their figure 1, p. 217). Social exchange quality is measured as a combined index that includes trust, mutual respect, perceived management support, and commitment and that is in many ways similar to the idea of legitimacy in a management context. This type of mediating role is also identified in newer studies of management settings (Ma et al. 2014).<sup>4</sup>

In the case of compliance, several studies illustrate influence on compliance, which is treated in this literature as an aspect of task performance. Greenberg (1994) manipulates the fairness of

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<sup>3</sup>Studies of procedural justice in organizational settings often use the term organizational justice to consider three interrelated aspects of what is here being called procedural justice: organizational justice, interactional justice, and informational justice.

<sup>4</sup>This literature is also reviewed by Chang (2015), who concludes that there are significant associations between organizational justice and task performance (table 2) and organizational citizenship behavior (table 3). He suggests that both procedural justice (fair decision making) and interactional justice (fair interpersonal treatment of employees) are significantly associated with task performance and cooperative workplace behaviors (p. 34). Interestingly, this review finds equally strong relationships irrespective of whether employee behavior is self-rated or independently assessed.



the enactment of a smoking ban in a work setting and finds compliance variations. Greenberg (1990) varies the fairness of pay changes and finds an impact on employee theft. Lind et al. (1993) conduct a field study involving interviews with disputants and find that perceived fairness shapes the acceptance of arbitration awards. Dunford & Devine (1998) and Lind et al. (2000) interview employees and find that variations in the perceived fairness of termination procedures predict whether people file lawsuits. In a multinational setting, Kim & Mauborgne (1993) conduct a survey-based study and find that rule following is linked to perceived management fairness.

Another prior literature deals with criminal justice, but not with the police. Several studies deal with the courts, linking trust and confidence in courts to procedural justice (Abuwala & Farole 2008; Baker 2016; Dillon & Emery 1996; Farole 2007; Kitzmann & Emery 1993; Shute et al. 2005; Tyler 2001; Wemmers 1996, 2013). This effect is also found for willingness to accept court decisions (Baker 2016, MacCoun et al. 1988, Tyler & Huo 2002). Other studies deal with the government more broadly (Makkai & Braithwaite 1996, Murphy 2004, Murphy et al. 2015, Poythress 1994, Tyler 2011, Vainio 2011, Wenzel 2002).

In the case of recidivism, Gottfredson et al. (2007) study the influence of drug courts compared with traditional courts on recidivism and find an impact that is mediated by procedural justice. Similarly, the Red Hook Community Justice Center, which has features associated with procedural justice, lowers recidivism (Lee et al. 2014), and Wales et al. (2010) indicate similar recidivism effects in a mental health court. A similar study by Canada & Hiday (2014) indicates that procedural justice influences whether people terminate program participation.

In summary, the theoretical model underlying the procedural justice approach has been widely supported in studies varying in focus and methodology. What is striking is the convergence of these findings. Many studies, including experimental variations in procedures, suggest that it is possible to reliably create policies and practices that influence perceived procedural justice. Studies also suggest that such variations shape not only perceived procedural justice but also compliance, cooperation, and a variety of other types of organizationally relevant behaviors. This echoes MacCoun's (2005) suggestion that variations in method or the type of authority do not change the basic conclusions reached.

Of particular importance is the finding that those studies that conduct mediational analyses indicate that the impact of procedural justice upon behavior is mediated by orientations toward the relevant authority or organization. However, it is important to acknowledge, as Nagin & Telep note, that procedural justice effects are sometimes direct and do not flow through broader attitudes or values about an organization. In particular, being treated fairly or unfairly by a particular authority often directly shapes behavioral reactions toward that authority irrespective of whether or not it influences broader views about the organization in which they are members. For example, a study of Muslims living in the United Kingdom found that the procedural justice of police actions directly shaped the willingness to cooperate, but that the influence was not mediated by changes in legitimacy (Huq et al. 2011).

## **EVIDENCE IN POLICING**

A central point of Nagin & Telep's critique is the lack of evidence about the short-term influence of procedural justice on the rate of crime. There are several possible conclusions. The first is that they are correct and that the perceived procedural justice of the actions of the police does not impact short-term crime rates (i.e., on compliance with the law). The second is that police procedural justice positively influences short-term compliance with the law. These effects might occur directly and/or via the mediation of perceived legitimacy. Whichever of these is true, one positive feature of this literature is the general absence of negative findings suggesting damaging

consequences of procedural justice. Procedural justice usually but not always has either a positive impact or no influence.<sup>5</sup>

Does procedural justice shape compliance? Nagin & Telep suggest that there is no proven causal connection between variations in perceived procedural justice and compliance in the case of policing because there have been very few experiments, and those that exist have not yielded consistent findings; however, their review does find considerable evidence of associations. Nagin & Telep (2017, p. 5) suggest that “perception-based studies consistently show that citizen perceptions of procedurally just treatment are closely tied to perceptions of police legitimacy, and that with only a few exceptions perceptions of legitimacy are strongly associated with legal compliance.” However, “what has not been established is whether these associations reflect a causal connection” because no study provides a direct test of the link between actual procedurally just treatment, manipulated by either policy or experiment, and legal compliance.

Nagin & Telep (2017, p. 11) suggest that “more positive perceptions of legitimacy are associated with reduced self-reported offending,” citing supporting studies (Fagan & Tyler 2005; Jackson et al. 2012; Papachristos et al. 2012; Reisig et al. 2012, 2014; Tyler & Huo 2002; Tyler & Jackson 2014). These positive effects are not always found. Studies indicate that this relationship occurs for some types of offenders and not others (Augustyn 2015a,b) or in some cultural contexts but not others (Bottoms & Tankebe 2012, Tankebe et al. 2016).

One important conclusion of Nagin & Telep with which I agree is that it is unrealistic to expect a single encounter with the police to substantially influence views that have developed over a lifetime. Many nonexperimental or quasi-experimental studies suggest that an experience can have a strong impact but clearly that this is not always the consequence of a police-citizen encounter, no matter how the police behave. The question of whether experience can change attitudes is clearly central because if it cannot, the utility of an obvious strategy that the police might use to build legitimacy is unclear.

Several studies indicate that experiences can matter in field settings. Paternoster et al. (1997) find that the procedural justice of police behavior during a domestic violence incident shapes later rearrest rates. Similarly, Wallace et al. (2016) and Papachristos et al. (2012) find that different types of offender notification forums varying in procedural justice significantly shape later recidivism rates.

Several other nonexperimental studies also support the argument that single experiences can have an impact on attitudes or behaviors (Bond & Gow 1996, Dai et al. 2011, Goff et al. 2013, Hinds 2009, Jackson et al. 2012, Kochel 2012, Lind et al. 1993, MacCoun et al. 1988, Mastrofski et al. 1996, McCluskey 2003, Murphy 2013, Murphy et al. 2008, Myhill & Quinton 2011, Stott et al. 2012, Tyler 1988, Tyler & Huo 2002, Ward 2011, Watson & Angell 2013). Nagin & Telep’s (2017) review of experiments varying police behavior during stops suggests that changes are often reflected in significant differences in the perceived procedural justice of the police officers involved in the stop but that whether those differences generalize to broader views about the police is inconsistent.

Mazerolle et al. (2012, 2013a) examine police stops in Australia and find that a single experience of procedural justice generalized to shape trust in the police in the community. They used data from the Queensland Community Engagement Trial (QCET), which is a RCT that provides for an experimental treatment in the form of scripted traffic checks for drunk driving. Officers were trained to follow a protocol designed to maximize the procedural justice of the brief interactions occasioned by random breath testing (RBT). Scripts were formulated to incorporate the components

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<sup>5</sup>However, see Gould & Mastrofski (2004) for an example of procedural justice abused by a handful of officers who were meticulously polite as they proceeded to violate suspects’ Fourth Amendment rights in conducting searches.



of procedural justice into officers' administration of the RBT (see Bennett & Mazerolle 2010). These police-citizen encounters were quite brief; ordinarily (i.e., in the control condition) they were devoid of anything but compulsory communication. An interaction of this type is approximately 20 seconds in duration. The scripted procedurally just encounters were longer, at 97 seconds on average, but still quite brief. Each driver who was stopped during these 60 RBT operations was given a survey to be completed later and returned to the researchers. Response rates, for both experimental and control drivers, were approximately 13%, a low rate that should lead us to be cautious about the conclusions of the study. The procedural justice treatment had the hypothesized effects on citizens' judgments, and of course a randomized trial has the unique virtue of strong controls for the effects of citizens' prior attitudes and other potentially confounding factors.

The QCET's design, but not its results, has been replicated (MacQueen & Bradford 2015, Sahin et al. 2016). MacQueen & Bradford's study used a block-randomized design with pre- and posttest measures. The treatment was a stop procedure that involved key messages and a leaflet for motorists. The study found no significant improvements in general trust in the police or police legitimacy. Similarly, a recent experiment using traffic stops in Turkey (Sahin et al. 2016) found that behavior during stops shaped views about the particular police officers involved but did not generalize to overall perceptions about the traffic police.

However, Maguire et al. (2016) showed people videotaped traffic stops in which the officer acted in a procedurally just or unjust manner and found an impact upon willingness to cooperate with the police, trust and confidence in the police, and perceived obligation to obey the law. This study showed both that fairness raised these factors and that unfairness lowered them.

Thus far there have been only a few tests of the impact of variations in scripted traffic stops upon views about the police officers involved and the police more generally. And these studies vary widely in cultural context and presumably expectations for the police. These particular forms of police contact are highly scripted in any event and therefore do not vary in the ways that other forms of police contact do. "Traffic checkpoints that involve very brief encounters between police and citizens are susceptible to such prescriptions, but police-citizen encounters in most domains of police work—and especially in those with the strong potential for contentious interactions—do not lend themselves to such experimental or administrative manipulation" (Worden & McLean 2016, p. 34).

Epp et al. (2014) argue that investigatory street stops, not traffic stops, are central to creating feelings of injustice, because street stops are routinized and linked to understandable violations of known laws. Hence, such stops are much less likely to create variations in perceived unfairness in treatment and, hence, less likely to differentially impact upon legitimacy.

Higginson & Mazerolle (2014, p. 429) report several experimental studies that are supportive of the procedural justice model, concluding,

Overall, we find that spatially-focused policing interventions that incorporate a procedurally just dialogue result in a measurable decrease in crime and disorder in the intervention areas. Consistent with the Mazerolle et al. review of legitimacy policing [Mazerolle et al. 2013a,b], our review also suggests that the particular vehicle of the intervention at problem places may be less important in promoting crime control than the dialogue established between police and citizens.

This review identified legitimacy-oriented policing interventions. For example, Weed and Seed approaches were considered. As the authors note, "while the specific strategies employed at each Weed and Seed site may differ, the core elements of procedural justice were central to the philosophy and implementation of the interventions" (Higginson & Mazerolle 2014, p. 441). Across many policing approaches, the authors find models in which "interventions contained elements of procedural justice" (p. 444). The focus of these authors' concern is with noncompliance with the law.

Higginson & Mazerolle's (2014) meta-analysis suggests that these procedural justice-based policing approaches have a significant impact on crime ( $p < 0.003$ ) and reduce total and part 1 crime. Part 1 crime includes more serious crimes, such as murder, rape, robbery, assault, and burglary. Total crime is the overall rate of crimes. The authors conclude that there is a 10% reduction of crime and disorder (p. 449) in targeted areas, 11% for serious crimes. The authors "argue that overall, and for both total crime and serious crime, there appears to be a public safety benefit when policing agencies incorporate aspects of procedural justice into their geographically focused policing activities" (p. 449).

Similarly, Eisner & Nivette (2014) suggest that there are "weak" effects of legitimacy on crime. This review is noteworthy for including a review of aggregate-level legitimacy upon overall crime rates. Their review finds a relationship on a national level (Nivette & Eisner 2013) in disadvantaged communities (Kane 2005) and in high-crime communities (Kirk & Papachristos 2011). The review also points to several methodological problems in the individual-level literature but simultaneously notes that the studies consistently find significant relationships.

McLean & Wolfe (2016) provide further support in an analysis of the longitudinal Gang Resistance Education and Training (GREAT) program. They find that procedural injustice predicts later offending, a relationship partially mediated by neutralization. However, Augustyn (2015a,b) analyzed the longitudinal Pathways to Desistance data and found that procedural justice and legitimacy are not important predictors of offending for early-onset offenders and have a complex relationship with offending for adolescent-onset offenders. Of particular concern is the "first known" finding of a positive relationship between procedural justice and the frequency of offending (Augustyn 2015a, p. 397). This study did find a strong connection between procedural justice and legitimacy, consistent with other studies (p. 393). In fact, procedural justice was the strongest predictor of legitimacy.

Interestingly, Kaiser & Holtfreter (2015) also analyzes the Pathways to Desistance data, which involves interviews with 1,352 repeatedly interviewed adolescents. Kaiser & Holtfreter (2015) find that those individuals with higher perceptions of procedural justice also report higher legitimacy beliefs and lower levels of legal cynicism. Of particular importance is the finding that, controlling for prior views, procedural justice influences legitimacy and legal cynicism. This is true for both personal and vicarious experiences of procedural justice (p. 106). Further, those adolescents with higher levels of legitimacy are 18% less likely to offend (p. 112). To summarize, "procedural justice is significantly related to the mediating variables of interest in this study and the mediators are predictive of offending" (p. 114). A direct mediation analysis indicates that legitimacy partially mediates the relationship between procedural justice and offending, but procedural justice continues to have a direct effect.

The authority dynamics of procedural justice were similarly tested in a panel study conducted by Trinkner et al. (2012) using the results of the New Hampshire Youth Study. This study interviews adolescents at three points in time. It finds that parental style of exercising authority shapes parental legitimacy and, through it, delinquent behavior. Again, style of authority also directly shapes delinquency, suggesting partial mediation effects for legitimacy.

Although there are only a few studies of long-term impact, the above-referenced panel studies begin to look at influences over time. Tyler et al. (2007b) examine the long-term impact of a restorative justice conference and find influences of posthearing legitimacy on rule following several years after the hearing. Beijersbergen et al. (2015) examine long-term recidivism following from variations in the perceived procedural justice of prison that extend over 18 months following release and find significant influences.

Beyond experimental studies, a general review of this literature that extends beyond experiments suggests that procedural justice shapes a variety of evaluations and orientations, including views

about police legitimacy, satisfaction with police services, and trust and confidence in the police. For example, Donner et al. (2015) review 28 studies and conclude that procedural justice during police interactions with the public positively influences public views of police legitimacy and trust in the police. Tyler & Fagan (2008) used a panel study design to demonstrate that fair contacts significantly increased trust among those with contact with the New York Police Department, although negative contacts had a stronger influence. Tyler et al. (2014) studied 18–25-year-olds in New York City and found that the procedural justice of past contact was associated with both legitimacy and offending behavior. That was a cross-sectional study, but an analysis of the panel portion of this sample, which considered those young people who were interviewed at two points in time and which could therefore take account of prior levels of trust and confidence, similarly found that both fair and unfair contacts significantly shaped legitimacy (Tyler 2017).

Although Nagin & Telep's conclusion is correct—there is not strong existing experimental evidence for the impact of variations in police behavior in street stops upon legitimacy—the experimental evidence that does exist might best be described as inconsistent. However, several nonexperimental studies suggest that procedural justice during police dealings with members of the public is associated with relevant attitudes and behaviors. There is at least tentative evidence of a relationship between procedural justice, legitimacy, and offending, but perhaps only under some conditions or only for some people.

Further research is clearly needed to identify the conditions under which procedural justice influences legitimacy and compliance behavior. In addition, mediational analysis is needed to determine when the influence of procedural justice on behavior is mediated by legitimacy. Some studies find such a direct effect (Tyler 2009), whereas others find only partial mediation, or no mediation at all.

## **THE CONNECTION BETWEEN THE BEHAVIOR OF AUTHORITIES AND THEIR PERCEIVED FAIRNESS**

Nagin & Telep also note that the connection between objective measures of police procedural justice and legal compliance is unclear. Studies using observers (Dai et al. 2011, Jonathan-Zamir et al. 2015, Mastrofski et al. 1996, McCluskey et al. 1999) all suggest that this relationship is complex, and none finds a strong connection between observer ratings and perceptions. The literature is further hampered by failing to capture the reciprocal nature of police and citizen behavior in shaping perceptions about procedural justice.

Very few studies directly examine the relationship between what the police do and whether people think they are acting justly. Hence, it is first important to examine the broader literature. In particular, it is important to address whether the current state of the research suggests that it is not possible to create situations that produce variations in perceived procedural justice.

There are extensive prior literatures on procedural justice in which it has been possible to create conditions that reliably lead to the experiences of justice and injustice. These literatures are outlined below. They also provide suggestions for several directions that efforts to build reliable approaches to evaluations of fairness could emulate.

### **The Use of Scripted Interactions**

Studies conducted within the field of social psychology typically use experimental designs. Those designs require objective variations in conditions that will lead to differences in perceived procedural justice. Such variations can occur structurally—for example, using a voice versus a no-voice procedure. It is also possible to create scripts that vary treatment. As an example, experimenters

have been trained to vary their politeness when dealing with participants and do so by following different preprepared scripts that tell experimenters what issues to cover and how to implement them. However the experimental variation occurs, experiments typically test their effectiveness by doing manipulation checks prior to testing impact upon some orientation or behavior. For example, they measure whether the objective differences are experienced as differentially fair. Typical of studies of this type is the work of Thibaut & Walker (1975), which varied court procedures to produce variations in the perceived justice of trials and then measured satisfaction with the resolution of disputes that occurred within those trials.

It is clear from the large literature in social psychology that it is possible to create settings that reliably influence perceived procedural justice (Lind & Tyler 1988). The most replicable manipulations of procedural justice have involved variations in two procedural elements: voice and neutrality. Voice manipulations typically vary whether people have input into legal decisions, whereas neutrality is manipulated through variations in whether the decision maker explains what facts or rules were used in making the decision.

Thibaut & Walker's (1975) original research varied court procedures between adversarial and inquisitorial, a variation that shapes whether people do or do not have (indirect) voice. Other studies vary whether the procedure produces decisions that are or are not explained to participants. For example, participants might participate in a performance task and receive an explanation for the way their performance was rated when compensation was determined. The variation involves differences in whether and how the basis for compensation is explained or, where appropriate, whether participants can have voice and advocate for the quality of their work.

Like the classic research in social psychology, the research in organizational justice literature is similarly largely experimental, but more strongly based upon field experiments conducted within organizations. Typical studies vary work conditions and then test for any impact upon perceived justice. For example, variations of work conditions can include whether people are allowed to participate in a performance appraisal session at which their pay is determined, or whether the reasons for job layoffs are explained to them. Studies show that a variety of types of human resource practice variations are linked to perceptions of procedural justice (Tremblay et al. 2010). Similarly, elements of leader behavior link to procedural justice (Koivisto & Lipponen 2015).

One type of legal organization is the court system. There is an empirical literature evaluating the structure of the courts that provides guidance concerning the desirable features of courts that shape the nature of the interactions people have with authorities in courts. The original work by Thibaut & Walker (1975) was of this type, because it studied variations in courtroom procedures. Further, studies of restorative justice conferences, whose features have been widely studied, indicate that they are more impactful than traditional adjudication and are experienced by participants as having more procedural justice features than traditional case disposition features (Hipple et al. 2014). Studies also consider what happens in a courtroom. Greene et al. (2010) coded objective features of courtroom atmosphere and found that they were systematically related to litigants' perceptions of justice.

The role of arbitrators is aligned with the role of police officers and judges in that they do not seek voluntary consent. However, arbitrators also want to craft solutions that will not be resisted and undermined by the parties, so they benefit from following the principles of procedural justice. There have been studies of the features of arbitration and other Alternative Dispute Resolution (ADR) procedures that lead to their perceived fairness (Tyler 1989). As with restorative justice conferences, those features can serve as the basis for procedural designs. Core features include having the ability to present one's side of the story, having a neutral decision maker, believing that the decision maker is listening to and considering one's arguments, and

feeling that the third party is sincerely trying to reach a solution that is responsive to everyone's concerns.

Effective third parties in informal proceedings know to treat the parties with courtesy, to listen to and acknowledge their issues, and to account for those concerns when presenting proposed solutions (Tyler 1987, 1988, 1989). They are aware that evidence of favoritism or bias undermines their authority. Because mediation focuses upon gaining voluntary acceptance, mediators learn from their experience to follow the principles of procedural justice when involved in dispute resolution.

Recently, Hollander-Blumoff (2016) studied perceptions of procedural justice in bilateral negotiation. Negotiations were videotaped and coded by neutral observers. She found that observers' ratings of voice ( $r = 0.15, p < 0.05$ ), courtesy ( $r = 0.27, p < 0.01$ ), and openness ( $r = 0.27, p < 0.01$ ) were related to people's self-ratings of their behaviors. Observers' ratings of a person's allowing voice ( $r = 0.18, p < 0.01$ ) and being respectful ( $r = 0.24, p < 0.01$ ) were related to the other party's perception of these behaviors. Overall, her findings suggest that courtesy and respect are the central drivers of perceived fairness, and perceptions of these elements in negotiator behavior could be reliably detected by observers.

## Training

Another area in which the management literature is helpful is in regard to the utility of training. Skarlicki & Latham (1996) use a quasi-experimental design to test the impact of training union officers in procedural justice. After three months of training, those working under leaders who have been trained to use procedural justice report greater procedural justice in their workplace and engage in more peer-assessed union citizenship behavior. These behavioral changes are found to be mediated by employee evaluations of procedural justice. Skarlicki & Latham (1997) replicate this study and find similar outcomes, which are only partially mediated by procedural justice. Cole & Latham (1997) replicate this training program and find that trained supervisors are rated by outside experts as solving problems more fairly. Another study conducted by Nakamura et al. (2016) randomly assigns managers to receive a brief 90-minute training session and finds an impact upon their perceived fairness among lower-performing employees 3 months later. Richter and colleagues (2016) design a procedural justice training program for framing the delivery of bad news and find that trained managers are viewed as fairer and mitigate negative reactions associated with receiving bad news.

## Shaping Organizational Identification

The workplace literature (DeCremer & Tyler 2005) also identifies individual characteristics that are reliably associated with variations in perceived procedural justice. When people are more centrally focused upon their status and identity, or when they draw more of their sense of themselves from membership and status in a group (for example, because they strongly identify with it), they are more affected by their treatment. This is the case because treatment communicates information about status and standing. Social scientists label such information relational because it communicates identity-relevant information (Tyler & Lind 1992).

Importantly, the literature on social identification (Hogg & Abrams 1988, Tyler & Blader 2000) indicates that identification can itself be shaped by organizational structures and leader actions, suggesting another avenue for potential change management. These individual characteristics, in other words, reflect variations in the nature of people's connection to their community and/or to institutions in the community. Those are malleable and can be changed in a variety of ways.

When people receive feedback indicating either that their standing in a community is high and/or that the status of the community itself is high, they are more likely to identify with that community. And, as people identify more strongly with the community, they are more affected by whether or not they are treated justly, because such treatment communicates identity-relevant information and their identities are more strongly intertwined with the community. Hence, a general approach to amplifying the role of procedural justice in the evaluation of community authorities is to build identification with the community. This finding also highlights the reciprocal influences of procedural justice and identification upon one another. Procedural justice promotes identification with authorities and institutions (Tyler & Blader 2000). Identification leads to a greater emphasis upon procedural justice when reacting to authorities. Both of these processes are occurring over time.

## THE POLICE

Nagin & Telep's (2017) review of policing studies that focus on street stops makes it clear that it is challenging to connect objectively rated police behavior (i.e., actions as rated by observers) to perceptions of procedural justice as reported by the people dealing with police officers. In other words, the concern is with the connection between what the police do and whether people experience their encounters with police officers as involving fair or unfair procedures. For example, Mazerolle et al. (2013a,b) conduct a meta-analysis and consider six experimental studies. They conclude that police policies and practices influence perceived procedural justice. Interventions are found to be associated with "large, significant increase in perceptions of procedural justice" (Mazerolle et al. 2013b, p. 261), but at the same time they suggest that the specific police actions through which this impact occurs are usually not clear.

Jonathan-Zamir et al. (2015) provide another example. Their field observation of police-citizen interactions measured the relationship between an objective measure of the degree of police procedural justice behavior and the observable attitude of the citizen toward the police at the end of the encounter. Observers noted that in half of the observed encounters ( $n = 156$ ), citizens manifested behaviors that signaled an attitudinal orientation to the police. They found a strong, statistically significant difference—that "encounters in which the officer displayed higher levels of procedural justice were significantly likely to yield overall satisfaction with the police handling of the situation at the encounter's conclusion" (Jonathan-Zamir et al. 2015, p. 862). Of course, displayed attitude may not reflect how a citizen actually feels, and the study was unable to detect any attitudinal valence for half of the observed citizens.

Worden & McLean (2014, 2016) rectify this problem. They compare different aspects of overt police officer behavior as identified by observers to citizens' self-reported perceptions of procedural justice. They find that objective ratings explained only approximately 10% of the variance in subjective perceptions. Procedural injustice has the greater effect on subjective experience. This asymmetry is found to stem not from the relatively strong effects of negative experiences but rather from people's tendency to overestimate the procedural justice with which the police are acting. People who deal with the police are generally positive in their ratings of police performance, even when the degree of procedural justice, as rated by observers, is low. The authors suggest that reactions to a specific experience reflect both what happens in that experience and the general attitudes toward the police that people bring into the situation.

Interestingly, Worden & McLean's (2014, 2016) findings also indicate that people's judgments about the propriety of police actions are related more strongly to perceptions of the procedural justice of police actions and not to the actual legality of officers' behavior. This echoes the results of a recent experimental study that presents people with videos of police-citizen interactions varying



in procedural justice. That study provides contextual information indicating that the officers acted legally or illegally. The results indicate that citizen judgments of police propriety are driven primarily by the procedural justice of police actions, not by their actual legality (Meares et al. 2016).

Finally, Worden & McLean (2014, 2016) suggest that the relationship between the police and the public is a reciprocal one. If the citizen is disrespectful or resistant, that leads to police use of physical force, and when the police use physical force, they are then evaluated as less procedurally just. This suggests the limitation of studies that do not consider reciprocal influences. The type of contact also shapes ratings of the police. Searches are associated with low ratings of procedural justice. Interestingly, procedural justice is especially important in citizen-initiated contacts.

Another approach to addressing this issue is to consider the relationship between reports about what the police did and judgments about procedural justice. In the study by Tyler (2017), the young men stopped by the police were asked what the police did and then were asked to rate the procedural justice of the police. The strongest negative predictor of perceived procedural justice was whether the police use harsh or insulting language ( $r = -.58$ ). Other important dimensions of police behavior that influenced procedural justice were whether the police threatened to use physical force ( $r = -.58$ ), whether they handcuffed the person ( $r = -.34$ ), whether they actually used physical force ( $r = -.27$ ), whether they frisked the person ( $r = -.36$ ), and whether they searched their bags or clothing ( $r = -.18$ ). However, those who felt that the police had a legitimate reason for stopping them felt more fairly treated ( $r = 0.63$ ). Taken as a group, these evaluations of what the police did explained 39% of the variance in perceptions of procedural justice. Although it would clearly be better to have independent evaluations of what the police did, these results suggest that perceptions can be linked to concrete police actions.

## Training

Most procedural justice training is recent. Cities such as Chicago have engaged in training of their street-level officers. Van Craen & Skogan's (2016) evaluation of police training finds that training changes officer views about how to police, a result replicated in officer evaluations of training in St. Louis (Schaefer & Hughes 2016). Recently, the National Initiative on Policing has initiated training in six cities, and evaluations similarly demonstrate that training leads to changes in the importance placed upon the principles of procedural justice policing (Urban Inst. 2016). An evaluation of the LEED (Listen and Explain with Equity and Dignity) program in Seattle further demonstrates that the use of force by officers following such training was significantly lower than among untrained officers (Owens et al. 2016). Van Craen & Skogan (2016) and Trinkner et al. (2016) similarly find that training shapes support for using procedural justice in dealing with members of the community.

Nagin & Telep (2017, p. 1.3) reach the conclusion that "no training program has yet been demonstrated to be effective in altering citizen perceptions and behavior." However, the findings noted above suggest that training programs have altered the way the police view and act toward people in the community. At the same time, it is important to acknowledge that training programs are recent, and so there is as yet not a strong literature specifically focused upon police training.

## Organizational Identification

Although there have not been very many studies that focus upon issues of identity and status in policing, several studies have argued for the importance of identity issues by showing that they have an influence upon people in the community. Murphy et al. (2015) use longitudinal data to study the

influence of procedural justice upon tax payments. They find that the effects of procedural justice on taxpayers are mediated by impact upon social identity, as reflected in taxpayer identification with the government. MacQueen & Bradford (2015) study traffic offenders and find that social identity, as evidenced by their identification with their community, mediates between procedural justice and self-reported propensity to offend. Finally, in a sample of the residents of England and Wales, Bradford & Jackson find a strong association between police procedural fairness, social identity, and police legitimacy (B. Bradford & J. Jackson, unpublished manuscript). However, police unfairness undermines the sense of shared identity with the police (Reicher et al. 2004).

Do these findings influence police officers? One especially important aspect of police officer identity is self-legitimacy (Bradford & Quinton 2014). Do officers feel confident in their own authority? Bradford & Quinton (2014) suggest that when officers identify with their organization, they feel legitimate in their role. This, in turn, supports a commitment to democratic modes of policing.

Another approach is to focus on creating fairer internal dynamics within police departments, something that research suggests leads officers to identify with their police organization. When officers feel more fairly treated by their superiors, they act more fairly when dealing with the public (Bradford et al. 2014; De Angelis & Kupchik 2007, 2009; Farmer et al. 2003; Harris & Worden 2014; Taxman & Gordon 2009; Tyler et al. 2007a; Wolfe & Piquero 2011). These studies show that officers who feel fairly treated are more likely to view their department, as well as its policies and leaders, as legitimate and to comply with organizational rules and policies; to feel organizational commitment; to want to stay with the department; and to work cooperatively with their supervisors (Trinkner et al. 2016).

One factor that leads to officer use of force is officer stress. Central to discussions of officer stress is the finding that officers working in departments with cultures low in procedural justice experience higher levels of job-related stress. Working in stressful situations within a department that does not have the elements of procedural justice contributes to a set of occupational hazards associated with policing, including suicide, alcoholism, divorce, and depression. This argument is supported by a large literature on how the general organizational climate of workplaces shapes health. The core health-related argument is that creating procedurally just organizational conditions promotes well-being, and when such conditions are not present, stress is high.

The physical and mental ailments resulting from workplace stress include use of sick days, illness, drug use, drinking, marital problems, and even suicide. The public health literature on the influence of workplace conditions on stress has widely documented these as consequences of working within an unfair environment. Although the focus of the studies varies, they all show a connection between unfair management practices and poor employee health (for a review, see Robbins et al. 2012). Studies indicate that, in particular, poor relationships between workers and their immediate supervisors produce stress on the job.

What is the connection between the fairness of the experience that officers have in their stationhouse and what they do on the street? A recent study by Bradford et al. (2014) indicates that those officers who experience fair process and procedures in their department are not only more likely to comply with department rules and more likely to be committed to organization goals but also more likely to be supportive of community policing models that emphasize cooperation with the community and building positive working relationships with community members. Trinkner et al. (2016) find the same results in a study of Chicago police officers. They link procedural justice in the department directly to stress levels among officers, as well as to their support for democratic policing.

Hence, although it may well be true that the existing literature on policing, which has not focused upon this issue, lacks guidelines about what the police should be doing to be viewed

as acting justly, these related literatures make clear that it is possible to identify personal and situational factors that reliably produce such psychological effects. Doing so is a task for future research on policing.

In general, the studies in this area are nonexperimental, although some experimental studies exist. There are also several panel studies. As Nagin & Telep suggest, this literature is clearly weaker in methodological terms than the RCT studies that have widely been conducted to assess the impact of police actions on the immediate crime rate.

## **WHO CONTROLS THE SOCIAL CHANGE AGENDA?**

RCTs are a key development in legal studies (Green & Thorley 2014, Greiner & Matthews 2016). From a methodological perspective, it is hard to argue against field experiments, which combine the internal validity of experiments and the external validity of studies conducted with people in natural settings and with variations on the experiences that people actually have in their everyday lives. Hence, Nagin & Telep's critique of the procedural justice literature for lacking support from RCT studies is a strong one. However, I think it is also important to view this lack of evidence in the framework of the politics of social change.

The absence of RCT studies on procedural justice raises important questions about who controls the social change agenda. To conduct a RCT, you need the cooperation of the police, who have to be willing to change their practices in randomly chosen areas. Researchers have been very successful at getting the police to test strategies for crime control, but the police have been less open to using new methods that reflect variations in procedural justice. Why? Because the police have defined their jobs as being about crime control, and they have not viewed procedural justice as shaping crime rates.

In other words, to obtain the validity advantages of randomized studies, it is important to use methods that give control over change to the law enforcement agencies whose assumptions are being questioned. Certainly in my own case my recent studies of the New York City community have been operationalized as surveys because it was not possible to get cooperation from the New York Police Department to do experiments. Refusing to consider changes without evidence of the value of change that can be obtained only with the cooperation of the agencies that do not want to consider change has clear limitations as a social change strategy, separate from discussions about research validity.

In contrast to the police, managerial authorities have been quick to recognize and embrace the potential gains of procedural justice, leading to a willingness to allow randomized field trials and consequently to a rich and experimentally rigorous set of findings about procedural justice in work organizations. The case for change is strong in such settings primarily because authorities have been willing to allow high-validity research designs to be used in research on management practices.

## **POLICING IN THE TWENTY-FIRST CENTURY**

Nagin & Telep's critique is titled "Procedural Justice and Legal Compliance." I think that there is evidence that procedural justice can and often does shape short-term compliance, a conclusion stronger than that reached in their critique. However, I believe that focusing on legal compliance misses the larger point, because I believe that the real benefits of a focus on procedural justice emerge more clearly when we consider a broader conception of policing goals. This broader conception of goals has already been hinted at in my discussion of public cooperation with the police. The focus of policing has increasingly been on gaining the benefits of voluntary deference

and willing cooperation. And studies show that these behaviors are particularly responsive to legitimacy and, hence, to procedural justice (Tyler & Jackson 2014).

As an example, many of the conflicts with the police that have been at the root of recent controversies begin with defiance of the police. Legitimacy diminishes such defiance. And the police often express particular exasperation at communities that will not help them deal with crime by reporting crimes and the whereabouts of criminals and serving as witnesses in lineups and at trials. Such voluntary cooperation flows from legitimacy. Hence, a focus on compliance does not fully capture the goals of policing and, in particular, does not consider the behaviors found to be most responsive to legitimacy.

One way to make a case for procedural justice is to look at evidence of a connection to rule adherence from other arenas of authority. Another way is to look at evidence from policing studies that focus on cooperation, not compliance. In the case of assessing impact on cooperation, Mazerolle et al. (2013a,b) create a combined measure of self-reported behavioral ongoing compliance and future willingness to cooperate. They evaluate five experimental studies that provide eight measures of outcomes. In three of eight cases, there is a significant influence of police intervention upon compliance/cooperation. Of particular importance is that one study that assesses compliance using direct observation of citizen's compliance behavior shows a significant increase (Dai et al. 2011). When considered overall, the results suggest that the "intervention had [a] large, significant, positive effect on combined compliance and cooperation" (p. 261). The authors suggest that impact occurred upon both compliance and cooperation and is not significantly stronger on one than on the other.<sup>6</sup>

Mazerolle et al. (2014) presented an extended meta-analysis on procedural justice effects. In reviewing community policing efforts with procedural justice elements, the authors find four studies exploring influence upon compliance/cooperation and report three significant relationships in the expected direction (p. 28). With restorative justice conferencing, they find four studies examining influence on compliance/cooperation and four significant relationships (p. 29). The authors conclude that procedural justice has positive effects upon legitimacy, and these jointly shape compliance/cooperation. They also note that "there are very few downsides to procedural justice policing," because there is no evidence it makes anything worse.

Other nonexperimental studies also find an association of procedural justice and legitimacy with cooperation (Hinds 2007, 2009; McLean & Wolfe 2016; Murphy 2013; Sunshine & Tyler 2003; Tyler & Fagan 2008; Tyler et al. 2014; Van Damme et al. 2015; White et al. 2016). One important form of cooperation is deference to police decisions, which is also influenced by procedural justice (Tyler & Huo 2002).

Finally, although the police have been increasingly proactive, their focus has been on harm reduction via crime control. An additional proactive goal can be facilitating community development—economic, social, and political. Studies show that when the police adopt strategies that are experienced as fair, they not only facilitate crime control via community engagement but also create an atmosphere of reassurance within which people identify with and engage in their communities (Tyler & Jackson 2014). People are more willing to work and shop in communities when they feel that they will receive respectful and responsive treatment on the part of the police. Further, they cooperate with their neighbors, building collective efficacy and through it enhancing the social capital that underlies community well-being. Like the police whose sense of well-being is enhanced by fair treatment by their superiors (Trinkner et al. 2016), people in the community flourish as individuals and are less likely to experience the types of stress and trauma associated

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<sup>6</sup>For a critique of this study, see Jonathan-Zamir et al. (2015), pp. 853–55.

with experiencing injustice when dealing with the police (Geller et al. 2014). The most important benefits of a legitimacy-based view of policing lie in a reconceptualization of the relationship of the police and the community in which the police facilitate community growth by communicating that their presence should not be a source of fear but rather should lead people to feel reassurance that government has their backs and is working to help them to constructively address issues in the community.

Studies indicate that procedural justice impacts identification with the community, social capital, and engagement in the community (Kochel 2012, Tyler & Jackson 2014). Kochel (2012) studies the police in Trinidad and Tobago through interviews with 2,969 people in 13 police districts and finds that the nature of police-citizen interactions shapes collective efficacy. Collective efficacy is particularly strongly linked to judgments about the quality of police services, a combined measure that includes satisfaction with services and judgments about whether the police are competent, respectful, and capable of maintaining order and willing to help citizens with their problems.<sup>7</sup>

Tyler & Jackson (2014) conducted a national survey and found that procedural justice and legitimacy shape identification with the community, collective efficacy, and behaviors such as likelihood of shopping in the community and participating in local politics. This suggests that the fairness of policing can have an impact beyond the arena of crime and criminal justice. It can more broadly impact communities and their well-being.

## SUMMARY

Much of Nagin & Telep's critique centers upon the preliminary nature of the findings regarding procedural justice and policing. Here I agree with their comments. Where I differ is in the tone of the review. There is a great deal of evidence for this model in the general research already available and for the possibility of building police practices that will vary in their perceived fairness. Several investigators have done so in psychology, and organizational authorities have done so widely in work organizations.

The problem is that those studying policing in fields such as criminology have shared the preoccupation of the police with crime control and have focused their research almost exclusively upon the impact of policing practices on the crime rate. There have been efforts at community policing, but they have lacked a clear conceptual frame and vary operationally. As a consequence, when government authorities have come to this research community and asked them how to address issues of legitimacy, they have had very little to offer to those authorities.

Telling authorities to wait for five to ten years until experimental research can be conducted is not a good sell to national, state, or local authorities pressed by the public to address important and immediate social problems, such as police shootings. Faced with this situation, policy makers have been drawn to the strongest existing model in this area. And as I have noted, this model is strongly supported in other literatures and has had a powerful impact upon the design of work organizations. Hence, there are clear and compelling reasons for using it.

## DISCLOSURE STATEMENT

The author is not aware of any affiliations, memberships, funding, or financial holdings that might be perceived as affecting the objectivity of this review.

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<sup>7</sup> Unfortunately, this study does not cleanly distinguish procedures from outcomes because it combines process and outcome measures.

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