

PROCEDURAL JUSTICE

What is procedural justice?

Procedural justice is the degree to which someone perceives people in authority to apply processes, or make decisions about them, in a fair and just way (HMP, 2019). Procedural justice policing is a theoretical perspective that focuses on the informal, day-to-day interactions between the police and the public, and the 'quality' of these interactions.

Why is procedural justice important?

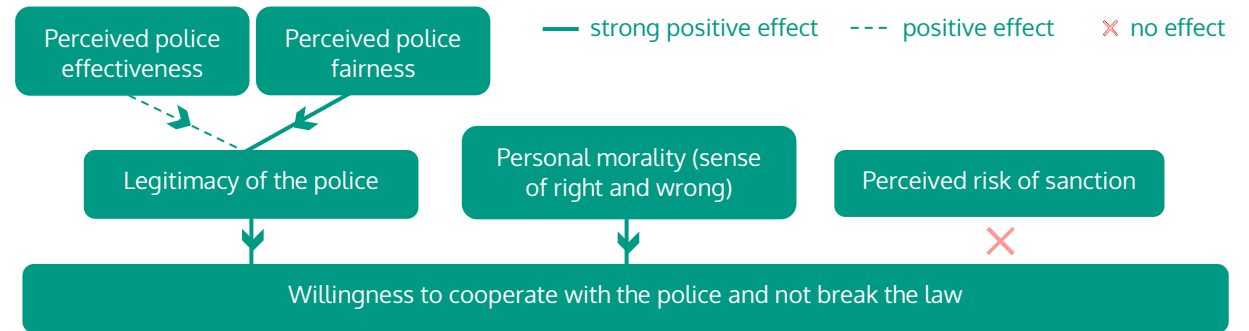
Evidence suggests that when members of the public perceive their interaction with officers to be procedurally just – that is they feel that they have been treated with dignity and respect – they are more likely to view the police as legitimate. Perceptions of the legitimacy of policing are very important as it governs the extent to which a person abides by the law and cooperates with the police.

The ability of the police to perform their duties is dependent upon public approval of police existence, actions, behaviour and the ability of the police to secure and maintain public respect.

Principle Two
Sir Robert Peel's Principles of Law Enforcement
1829

The procedural justice model (Wheller et al., 2013)

Police legitimacy is created when the public perceive the police to be effective and, more importantly, fair. The legitimacy of the police is central to public willingness to cooperate with the police and not break the law. The threat of punishment is not shown to have any influence on willingness to comply with the police and the law. Perceptions of police legitimacy and personal morality (one's sense of right and wrong) are far more important.

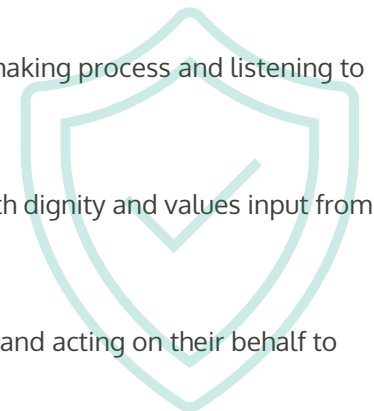


What does the procedural justice model mean for police practice?

The model highlights the importance of fairness in any interaction between the police and the public. It is in the hands of police officers to maintain and secure public support, by engaging with the public in a way that follows the four key components of procedural justice (see below). This not only encourages voluntary compliance with the police and law, but can also lead to long- and short-term reductions in crime.

The key components of procedural justice (Goodman-Delahunty, 2010; Mazerolle et al., 2012)

- ❖ **Neutrality**
The absence of bias and prejudice in police procedures, conduct and decisions.
- ❖ **Voice**
Providing citizens the opportunity to have a voice in the decision-making process and listening to them attentively.
- ❖ **Respect**
Behaving in a way that protects citizen rights, treats individuals with dignity and values input from the public.
- ❖ **Trustworthiness**
Showing care and concern for the safety and wellbeing of citizens and acting on their behalf to provide reassurance and solve problems.



CASE STUDY

Queensland Community Engagement Trial (Mazerolle et al., 2012)

What | An assessment of the use of procedural justice components during short, high volume police-citizen encounters. This study aimed to understand citizen attitudes towards drink-driving, perceptions of compliance, and levels of satisfaction following their encounter with the police.

How | 60 roadside Breath Testing operations were completed at random. These operations were split into control (business-as-usual) and experimental (procedural justice) conditions. In the experimental operation, the key components of procedural justice were used by officers.

After the breathalyser test, drivers of both control and experimental conditions completed a survey which asked them to self-assess their attitudes towards drinking and driving, their satisfaction with the police and their willingness to comply.

Result | Drivers who received experimental treatment (i.e. were treated according to the procedural justice components) were 1.2 times more likely to report that their views on drink-driving had changed, compared to drivers who did not receive procedural justice conditions. Drivers in the experimental group also reported small but higher levels of self-assessed compliance and satisfaction with the police during their encounter, compared to the control group.

Conclusion | The way officers engage with the public has the ability to change how citizens perceive and respond to the police. The study demonstrates the benefits of using procedural justice components in routine encounters with the public, not only to enhance compliance but also satisfaction with the police.

How can I police in a procedurally just way? (CSE & Policing Knowledge Hub, 2017)

Be respectful & non-judgmental when talking to members of the public

- ❖ Offer support and show that you care about their problems
- ❖ Show an interest in them and their lives
- ❖ Do not stereotype
- ❖ Be open minded and never assume
- ❖ Think about the bigger picture - are there any risks for the member of public by talking to you?



Show empathy and compassion

- ❖ Be sincere and aim to build trust between both parties
- ❖ Show you understand and that you want to help them
- ❖ Refer to specialists for support, if necessary

Alignment with the key components of procedural justice among new recruits

Independent research has provided some evidence to suggest that Police Now recruits officers with particularly positive attitudes towards procedural justice and serving the public, compared to a comparison group of officers (see [MOPAC, 2017](#)).

Police Now measures recruit alignment with procedural justice policing through longitudinal surveying, with survey items covering the four key components of procedural justice (neutrality, voice, respect, and trustworthiness), across cohort and over time. Findings from this work suggest that procedural justice alignment remains very high throughout recruits first two-years in policing, albeit with a slight decline over time. With this in mind - and given that procedural justice is a key enabler of police effectiveness - it is recommended that procedural justice is embedded as a central focus of officers' training and development at regular intervals. Officers themselves should have access to key evidence of 'what works' and be supported to apply this in practice.

% of officers that strongly agree/agree with the key components of procedural justice - 2018 NGLP cohort [1]



Start of Summer Academy End of Summer Academy End of Immersion 12 months in 18 months in End of programme

[1] National Graduate Leadership Programme participants are surveyed at the start of the Academy, end of Academy, and six-monthly intervals thereafter. 'Please indicate your level of agreement with the following statements - ('It is important the police take time to explain decisions to members of the public'; 'Police should allow members of the public to voice their opinions when police make decisions that affect them'; 'Police should treat everyone with the same level of respect regardless of how they behave'; 'Police should make decisions based on facts, not personal prejudice'; 'Police should treat everyone with dignity and politeness')'. %Strongly agree/agree).

CASE STUDY

Perception of police legitimacy among young men in St. Louis ([Gau and Brunson, 2010](#))

What | The experiences and perceptions of young men were examined to understand the effectiveness of order maintenance policing (a police practice which regulates the fair use of public space by managing minor offences and neighbourhood disorders to address problems in the community) in urban spaces.

How | 45 young men from a socio-economically disadvantaged urban area were surveyed and interviewed. The survey provided information about the young men's perceptions, beliefs and experiences with the police in their neighbourhood. The interviews were conducted to increase the validity and reliability of the survey data, offering the opportunity to probe for further information and detail about their experiences.

Results | Order maintenance policing (in this case through wide-spread and regular stop and searches) was found to compromise procedural justice and undermine police legitimacy. These young men believed their socio-economic status and/or race made them 'suspicious persons' with higher levels of unwarranted police scrutiny.

Conclusion | Order maintenance policing strategies can have negative effects on perceptions of police legitimacy and crime control efforts. This study demonstrates that police-citizen encounters that are perceived to be unjust have a negative impact on views of police legitimacy among young men.

Procedural justice components can - and should - be used in policing tactics, such as stop and search, when dealing with young people. This can create more positive police-citizen encounters and improve young people's perceptions of the police.

Procedural justice and young people

What prevents young people from engaging with the police?

Young people are more likely to experience crime than any other group - both as perpetrators and as victims - yet previous policing policy has largely framed young people who encounter the criminal justice system as offenders ([Police Federation, 2010](#)). This has a direct influence on the reasons as to why young people remain reluctant to engage with the police ([CSE & Policing Knowledge Hub, 2017](#)).

Reasons include:

- ❖ Not knowing their rights in the criminal justice system
- ❖ Not trusting the police to keep them safe
- ❖ Feeling like the police will not believe them
- ❖ Fear of negative repercussions for themselves and/or their family
- ❖ Previous negative experiences with the police

Procedural justice policing is an important way of reducing crime by improving relationships with the public and increasing perceptions of police legitimacy across all ages. Police interactions with young people are particularly important due to the long lasting effect they have on the levels of compliance and obligation that young people go on to have in adulthood.

CASE STUDY

The influence of procedural justice on victim willingness to report crime to the police ([Murphy and Barkworth, 2014](#))

What | An exploration of the impact of procedural justice policing on victim willingness to report crime to the police.

How | The study uses a representative sample of 1,205 Australians. Respondents were surveyed on their experiences with the police, attitudes towards the police, satisfaction with police activity, perceptions of crime in the community and experiences of victimisation.

Results | The effect of procedural justice policing on victim willingness to report crime is context specific and depends on the type of victimisation experienced. For some, feeling as though they had been treated in a procedurally just way determined their willingness to report any future crime. For others, this willingness was based on their belief that the police are effective in dealing with crime.

Conclusion | Police officers need to ensure that victims of crime are treated in line with procedural justice components as this can have a direct impact on their willingness to report offences. Officers need to do this whilst managing the expectations of victims in the police's ability to tackle crime in the community.

What | In a densely populated and deprived community in Weston-Super-Mare, levels of public mistrust in the police were high and residents were reluctant to talk to the police for fear of repercussions from the wider community.

How | Drawing on the Metropolitan Police Service's Confidence Model, PC Falconer engaged with residents to listen to, discuss and give them a voice in local community matters. Their feedback informed a local engagement plan which aimed to strengthen local relationships, share good news stories, and build the service's presence online.

Result | Community engagement with the police improved, with the local community having more regular engagement with the officers, working in partnership to discuss and address local crime and disorder issues.

Key reading and literature

Article

Summary

Key Learning

[Madon, N., Murphy, K., and Sargeant, E. \(2017\) 'Promoting police legitimacy among disengaged minority groups: Does procedural justice matter more?'](#)

This study examines if ethnic minority disengagement from the police reduces the effect of procedural justice policing on their perceptions of police legitimacy. Respondents were surveyed on their level of engagement with the police and their perceptions of procedural justice and police legitimacy. A total of 1,480 people - from Indian, Vietnamese, and Arabic speaking backgrounds - were included in the sample.

Findings from the research demonstrated that procedural justice was linked with perceptions of police legitimacy among ethnic minority groups. This study found that procedural justice was more effective in increasing police legitimacy among individuals from an ethnic minority background who were highly disengaged with the police.

[Mazerolle, L., Bennett, S., Davis, J., Sargeant, E., and Manning, M. \(2013\) 'Procedural justice and police legitimacy: A systematic review of the research evidence'.](#)

A meta-analysis of the existing research evidence on police use of dialogue and how language is used to improve public perceptions of police legitimacy. The research evidence reviewed in the study included any police-public intervention which indicated that police dialogue was procedurally just and aimed at improving police legitimacy.

The review highlights the importance of dialogue in police-led interventions. Adopting at least one key component of procedural justice when interacting with the public (as part of routine practice or a defined crime control programme) can generate huge benefits for the police and public perceptions of police legitimacy.

[Wheller L., Quinton, P., Fildes, A., Mills, A. \(2013\) 'The Greater Manchester Police procedural justice training experiment'](#)

An evaluation of a Randomised Controlled Trial which tested the impact of procedural justice training on crime victims' perceived quality of police interaction in Greater Manchester. 339 officers were randomly assigned to receive the procedural justice training (the treatment group) and 237 officers did not receive the training (the control group).

The evaluation found that procedural justice training, which aims to improve the practical and communication skills of officers, can be effective in improving victim experience. The training was found to increase officer awareness of the need to listen and empathise with victims of crime. This resulted in improved victim perceptions of the police.

[Antrobus, E., Bradford, B., Murphy, K., And Sargeant, E. \(2015\) 'Community norms, procedural justice, and the public's perceptions of police legitimacy'.](#)

This study investigates the impact of community-related factors (such as neighbourhood, community attitudes towards police legitimacy and ties to the community) on perceptions of police legitimacy and obligation to obey the police. The study uses data collected from a Randomised Control Trial conducted in Queensland, Australia.

The study found that attitudes within the community relating to perceptions of police legitimacy can shape individual perceptions of the police. At the same time, community attitudes towards police legitimacy can also be influenced by procedurally just practices, which also shape willingness to obey the police. The police therefore have much to gain if they aim to create positive perceptions of the police, through their interactions with individuals and the community.