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## **Recent Research on Procedural Fairness: A Quarterly Report**

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This publication highlights notable procedural fairness scholarship released over the past quarter by topic. Each Quarterly issue will also include a listing of other articles that are of particular relevance to procedural fairness the courts. Recent news and events, if available, complete the report. Articles still in the publication process are identified as “*forthcoming*” and articles available via open source are denoted by a double asterisk.

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## **General Research**

**\*\* [Christopher George Bleuenstein, \*Access and Fairness to Justice: The Efficacy of Procedural Justice in State Courts\*, 29 CT. MANAGER 29 \(2014\).](#)**

This article focuses on the generalized affective satisfaction with state courts among Hispanics/Latinos. A western U.S. county has been selected for this case study to test a racial and ethnic theory of procedural justice in a region with a large Hispanic/Latino population. Differential experience theory is used as a theoretical foundation and posits that people determine their level of satisfaction with the courts based on their own actual experience with the courts. This article used the dichotomy established by Easton (1975) that understands attitudes toward an institution conditionally as *specific* support or *diffuse* support. *Specific* support means the reaction of people to particular court decisions. *Diffuse* support means a generalized affective reaction to the institution as a whole. This article explores the potential differences between Hispanics/Latinos and whites regarding their level of diffuse satisfaction with access to and fairness of justice in state courts. The data are from the Superior Court of Arizona in Maricopa County. The perceived satisfaction of both racial/ethnic groups was extracted from archival data contained in a public-satisfaction survey the court conducted in 2007 and 2008.

## **Compliance and Cooperation**

### ***Courts***

**[Jenna Calton & Lauren Bennett Cattaneo, \*The Effects of Procedural and Distributive Justice on Intimate Partner Violence Victims' Mental Health and Likelihood of Future Help-Seeking\*, 84 AM. J. ORTHOPSYCHIATRY 329 \(2014\).](#)**

Using a longitudinal dataset of 142 victims of intimate partner violence seeking help from the criminal justice system, this study explored the relationship between victims' perceptions of procedural and distributive justice and their mental health and intention to use the system again. Controlling for reabuse and victims' mental health at baseline, victims who perceived higher levels of procedural justice experienced higher levels of quality of life, lower levels of depression, and higher levels of intention to use the court system again at 3 and 6 months after intake, regardless of case disposition. Subjective distributive justice moderated the relationship between procedural justice and quality of life and likelihood of future help-seeking at 6 months after intake, such that higher perceptions of procedural and subjective distributive justice predicted higher quality of life and likelihood of future help-seeking. Objective distributive



justice (whether any consequences resulted from the criminal case and victims received what they requested in a civil protection order) did not relate to victims' mental health, intention to use the system again, or procedural and subjective distributive justice. Results suggest fair court processes may help victims by positively affecting their mental health and increasing their intention to use the justice system again.

[Marc Hertogh, \*What Moves Joe Driver? How Perceptions of Legitimacy Shape Regulatory Compliance Among Dutch Traffic Offenders\*, INT'L J. L., CRIME & JUST. \(2014\).](#)

Using survey data collected from a sample of 1182 traffic offenders in the Netherlands, and building on the 'procedural justice model' which was first developed in Tyler (1990), this paper explores how perceptions of legitimacy shape regulatory compliance. The study makes three contributions to the literature. First, it is one of the few studies in which the procedural justice model is tested in Continental Europe. Second, following recent critiques in the literature, it introduces three modifications to the original model. Third, and unlike most previous studies, it is not only based on self-reporting by drivers, but includes actual evidence about their behaviour as well. With regard to the self-reported level of compliance, the present study largely confirms Tyler's (1990) original findings. Yet with regard to the observed level of compliance, there are also important differences between both studies. These findings will be explained by shifting our focus to 'legitimacy-in-context' (Beetham, 1991).

### ***Specialized Courts***

[\\*\\*Cassandra Atkin-Plunk, \*Examining the Impact of Problem-Solving Court Clients' Perceptions of Procedural Justice on Compliance with Court Mandates and Recidivism\* \(May 2014\) \(unpublished Ph.D. dissertation, Sam Houston State University\).](#)

Over the years, researchers have found problem-solving courts, specifically drug courts, to significantly reduce drug use and recidivism for court participants. The promising findings regarding problem-solving courts, and the fact that drug courts are now being labeled as an evidence-based practice, calls for an examination as to the reasons why drug courts and other problem-solving courts are effective. Scholars have hypothesized that one reason why problem-solving courts are effective at producing positive outcomes for participants is due to the use of a non-adversarial, therapeutic approach to handling cases. This approach utilized by problem-solving courts characteristically involves employing concepts of



procedural justice. Procedural justice refers to the idea that individuals who believe they are treated fairly by legal authorities will possess more positive attitudes toward those authorities, be more willing to comply with the law, and follow the directives of the police and courts.

This study expands on problem-solving court and procedural justice literature by examining problem-solving court clients' perceptions of procedural justice and how varying levels of procedural justice impact compliance with court mandates and recidivism. This study utilizes a convenience sample of 212 participants involved in six problem-solving courts in two jurisdictions in Texas. Results indicate that problem-solving court participants perceive high levels of procedural justice, but perceptions do vary among the different problem-solving court. Additionally, results indicate that certain demographic characteristics impact perceptions of procedural justice. Furthermore, even though participants perceived high levels of procedural justice, these perceptions were found not to be related to compliance with court mandates nor recidivism. Policy implications and recommendations for future research are discussed.

### **Policing**

*[Sharyn Graham Davies, Adrianus Meliala & John Buttle, Gangnam Style Versus Eye of the Tiger: People, Police and Procedural Justice in Indonesia, POLICING & SOC. \(2014\).](#)*

This paper explores whether people in Indonesia would welcome a procedural justice model of policing. I take procedural justice to involve the quality of police decision-making, the quality of treatment extended by police to the public, and moral similitude between police and citizens. While a large volume of work has been published on procedural justice and policing since Tyler's model was developed in 1990, this work has been predominantly quantitative (and largely grounded in psychology), and almost exclusively based in the US, the UK, and Australia. In exploring the applicability of procedural justice to policing in Indonesia, this paper extends the geographic scope of the procedural justice model, and provides a richly contextualised and nuanced account of people's everyday experiences with police within a procedural justice framework. The article draws on data from nine months of ethnographic fieldwork on policing in Indonesia spread between 2011 and 2013. What this data suggests is that people in Indonesia would be receptive to a procedural justice model of policing.



[James D. Livingston et al., \*Perceptions and Experiences of People with Mental Illness Regarding Their Interactions with Police\*, 37 INT'L J. L. & PSYCHIATRY 334 \(2014\).](#)

This study examined the perceptions and lived experiences of people with mental illness in relation to their interactions with the police. A community-based participatory research approach was used and a procedural justice theoretical perspective guided the study. In-depth, semi-structured interviews were conducted by peer researchers with 60 people with mental illness who had interacted with the police and were living in Metro Vancouver, Canada. Among the study participants, contact with the police was frequent and occurred under a diverse range of circumstances. The majority of participants perceived being treated in a procedurally just manner by the police officer(s) who were involved in their most recent interaction. Almost three-quarters ( $n = 43$ , 72%) of participants were generally satisfied with how the police officer(s) had handled their most recent interaction. The slight majority of participants ( $n = 30$ , 51%) rated their previous contacts with the police as a positive experience overall, with 32% ( $n = 19$ ) indicating that their previous interactions with the police were negative life experiences. The findings paint a more balanced picture than that which is often portrayed by the media. Emphasizing a procedural justice framework for police handling of situations involving people with mental illness is a vital step toward improving how these interactions are experienced and perceived.

[\\*\\*Tove Pettersson, \*Complaints as Opportunity for Change in Encounters Between Youths and Police Officers\*, 2 SOC. INCLUSION 102 \(2014\).](#)

The presence of distrust in the police and how they perform their work among ethnic minority youths in socially underprivileged areas is well established. Experiences of, or beliefs about, unfair treatment from the police can be viewed both as an indicator and a consequence of exclusion. It is well-known that negative experiences of the police are more significant for trust in the police and their legitimacy than positive ones, with some even suggesting that positive experiences do not matter at all. However, from a procedural justice perspective it has been suggested that some positive experience do matter, particularly if the police are considered to perform their work in line with procedural fairness. On the basis of a participant observation study, this article discusses situations in which youths express complaints about the police in different ways. In response to such situations, the police can act in both exclusionary and inclusive ways. It is argued that youths' complaints can be used as an opportunity for change if the police treat the youths concerned with fairness and in inclusive rather than exclusionary ways.



[\\*\\*Nusret M. Sahin, Legitimacy, Procedural Justice and Police-Citizen Encounters: A Randomized Controlled Trial of the Impact of Procedural Justice on Citizen Perceptions of the Police during Traffic Stops in Turkey, \(May 2014\) \(unpublished Ph.D. dissertation, Rutgers University\).](#)

There is increasing scholarly interest in the topic of appropriate police conduct, procedural justice, legitimacy and police-citizen encounters. However, until very recently, there have been limited numbers of well-designed empirical research studies on these topics. From this perspective, this dissertation attempted to assess whether incorporating procedural justice principles into Turkish National Police stops would affect citizens' views of the police, and a rigorous randomized controlled trial was conducted in Turkey for this purpose. A total of 702 drivers who were stopped by the Adana Police Department for speeding violations were randomly assigned to either the control or the treatment group. Subjects in the experimental group received the procedural justice policing intervention during these traffic stops, while subjects in the control group experienced business-as-usual traffic stops. The results of this study suggest that the perceptions of police in relation to the traffic stop encounters were influenced by the way in which police interacted with the citizens. Drivers who experienced the procedurally just traffic encounters reported improved perceptions of the police in relation to the encounters than citizens who experience routine traffic enforcement procedures. Furthermore, the drivers who took part in the experimental condition reported higher levels of satisfaction with their police treatment. However, the results indicated that a single procedurally just encounter does not have a striking impact on driver's general views of the police. The findings of this research could be used to improve the interaction between police and citizens in Turkey. Additionally, the study may also generate new ideas for practitioners on how to behave towards drivers during traffic stops.

### **Miscellaneous**

[Alex Shaw & Kristina Olson, \*Fairness as Partiality Aversion: The Development of Procedural Justice\*, 119 J. EXPERIMENTAL CHILD PSYCH. 40 \(2014\).](#)

Adults and children dislike inequity—people being paid unequally for equal work. However, adults will allow inequity if the inequity is determined using an impartial procedure, indicating that they value procedural justice. It is unknown whether children value procedural justice when distributing resources. We investigated whether 5- to 8-year-old children would willingly create inequity between two recipients if they could do so



using an impartial procedure. In Experiment 1, children preferred to use an impartial procedure (spinning a wheel that gave both recipients an equal chance to get a resource) over a partial procedure (spinning a wheel that gave one recipient a much better chance to get the resource). In Experiments 2 and 3, children preferred to use the same impartial procedure to assign a resource to one of two recipients, even over an option of keeping things equal by throwing the resource in the trash. Importantly, children preferred to throw the resource in the trash to uphold equality when the only other option was a partial procedure. Older children showed a stronger aversion to using partial procedures than younger children. These results suggest that children value procedural justice increasingly during middle childhood and that their fairness concerns may be more about avoiding partiality than inequity per se.

[Annukka Valkeapää & Tuija Seppälä, \*Speed of Decision-Making as a Procedural Justice Principle\*, 3 SOCIAL JUSTICE RESEARCH 305 \(2014\).](#)

The uncertainty management theory (Lind and Van den Bos, *Research in organizational behavior* 24, 181–223, 2002; Van den Bos and Lind, *Advances in experimental social psychology*, pp. 1–60, 2002) proposes that perceived fairness decreases experienced uncertainty, and, thus, the importance of fairness is enhanced under higher uncertainty. For example, the six procedural justice principles (Leventhal, *Social exchange: advances in theory and research* pp. 27–55, 1980) can be seen to reduce uncertainty in the long run by producing higher quality decisions. However, the decision-making process itself also may cause uncertainty, especially when the process is prolonged. Thus, we bring the speed of the decision-making process into discussion as one justice principle. We suggest that people use speed-related information as heuristic information and substitute lacking procedures-related information by drawing inferences from the speed of the decision-making. We propose that the speed of decision-making has a twofold effect on perception of procedural fairness: very fast and very slow decision-making processes are perceived to produce more uncertainty than moderate time processes, and consequently, a moderate process is expected to be related with more positive fairness perceptions than very slow or very fast processes. The statement was further tested by examining the mediating role of procedural fairness perceptions in the relationship between speed and its one consequence, perceived legitimacy, with a survey sample ( $N = 846$ ) in the context of Finnish forest policy. The analysis confirmed the hypotheses. The role of speed as a justice rule and its contribution to the uncertainty management theory is discussed.