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Recent Research on Procedural Fairness: A Quarterly Report

Winter 2015

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 and articles now in print complete the report. Articles that are not yet in print, but available on the publisher's website are identified with 'published online,' and articles available via open source are denoted by a double asterisk.

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## General Research

### [Social Identification Predicts Desires and Expectations for Voice](#)

Michael J. Platow, Yuen J. Huo, Li Lim, Hayley Tapper & Tom R. Tyler, 28 SOC. JUST. RES. 526 (2015).

Although a large body of empirical and theoretical work in procedural justice points to the positive consequences of providing voice to people, it remains unclear whether, and to what degree, people may desire voice in the first instance. The current paper presents two studies in which we directly measure people's relative levels of voice desires and expectations. We hypothesized that any variability in these outcomes would be predicted, at least in part, by people's relative levels of social identification with salient voice-relevant in-groups. We confirmed this hypothesis in one correlational study with pre-existing groups (Australia and participants' workplaces) and one study with experimentally created, minimal groups. Results revealed that people do desire and expect voice, but these are neither necessarily extreme nor uniform. Moreover, consistent with our hypothesis, variability in these desires and expectations was associated in a systematic manner with the relative levels of social identification related to a salient in-group that is relevant to the voice context. We consider the implications of these findings with regard to theories of procedural justice, as well as critical directions for future empirical and theoretical work.

### \*\*[Specifying the Links Between Procedural Injustice, Neutralizations, and Offending](#)

Kyle McLean & Scott E. Wolfe, 43 CRIM. JUST. & BEHAV. 27 (2016).

Existing literature demonstrates a clear connection between perceptions of procedural injustice and offending behaviors. Despite this connection, the mechanisms through which procedural injustice influences offending remain theoretically underdeveloped. To address this gap, the current study proposes that techniques of neutralization can be used to further develop our understanding of the connection between procedural injustice and criminal behavior. Using longitudinal data from the Gang Resistance Education and Training (GREAT) program, the links between procedural injustice, techniques of neutralization, and offending are explored. Results show that the effect of procedural injustice on offending is partially mediated by individuals' neutralization attitudes. This finding expands the scope of procedural justice theory by

demonstrating that procedural injustice is associated with attitudes conducive to criminal behavior rather than only the behavior itself.

\*\**Ethnic Identity, Procedural Justice, and Offending: Does Procedural Justice Work the Same for Everyone?*

Kyle McLean, CRIM. & DELINQUENCY (published online December 2015).

Identity judgments are central to the theoretical arguments of procedural justice theory. Perceptions of procedural injustice have been argued to compromise an individual's social identity and contribute to disengagement from group values and norms. Thus, it is important to clarify the relationship between perceptions of procedural justice and specific facets of social identities, such as ethnic identity. This study attempts to evaluate the relationship between these concepts by examining the potential interaction effect between procedural justice and ethnic identity on two measures of offending, self-report and number of arrests, in a longitudinal study of serious juvenile delinquents.

*Exploring the Sanction–Crime Relationship Through a Lens of Procedural Justice*

Megan Bears Augustyn & Jeffrey T. Ward, 43 J. CRIM. JUST. 470 (2015).

*Purpose:* Research overwhelmingly explores “kinds of people” as moderators of the sanction–crime relationship (Piquero et al., 2011). This work, on the other hand, focuses on the sanction experience and draws upon the procedural justice doctrine and key ideas in Sherman's (1993, 2014) defiance theory to test whether individual evaluations of procedural justice condition the effect of legal sanctions on subsequent criminal behavior.

*Methods:* Using a sample of serious adolescent offenders, generalized linear regression models with interaction terms are employed to test whether the effect of legal sanctions on involvement, variety, and frequency of offending is conditioned by procedural justice. Significant interaction effects of legal sanction and procedural justice are illustrated with graphical methods.

*Results:* Results suggest that evaluations of procedural justice condition the sanction–crime relationship. Sanctions lead to a higher likelihood of offending among individuals with low evaluations of procedural justice. However, among those with higher evaluations of procedural justice, there is no significant relationship between sanctions and subsequent offending.

*Conclusion:* Increasing perceptions of procedural justice reduces unintended consequences of sanctioning experiences. In an era of heightened focus on interactions between citizens and

criminal justice professionals, enhancing procedural justice is not only ethical but also protects against deviance amplification processes.

[Distributive and Procedural Justice for Self and Others: Measurement Invariance and Links to Life Satisfaction in Four Cultures](#)

Todd Lucas, Shanmukh V. Kamble, Michael Shengtao Wu, Ludmila Zhdanova & Craig A. Wendorf, J. CROSS-CULTURAL PSYCHOL. (published online December 2015).

Tendencies to believe in justice are multidimensional, and some justice beliefs enhance personal well-being. These features suggest a considerable but largely overlooked potential for similarities and differences in the structure, endorsement, and wellness-promoting functions of justice beliefs across cultures. In the current research, we evaluate a recently available four-factor conceptualization of justice beliefs in samples of university students from the United States, Canada, India, and China (total N = 922). Multigroup confirmatory factor analysis demonstrated that the proposed four-factor model was structurally invariant, suggesting that individuals from all four cultures could be characterized according to their beliefs about distributive and procedural justice for both self and others. Cross-cultural comparisons revealed no mean differences in beliefs about distributive justice for self, whereas beliefs about procedural justice for self were higher in Canada and China than in the United States or India. In parallel, beliefs about distributive and procedural justice for others were higher in Eastern than in Western cultures. In all four cultures, a belief in distributive justice for self was associated with greater life satisfaction, whereas a belief in procedural justice for self was additionally associated in Canada and China only. No associations between beliefs about justice for others and life satisfaction were observed in any culture. The current research provides initial support for the cross-cultural viability of a four-factor approach to measuring dispositional tendencies to believe in justice. We discuss implications and opportunities for the continued study of justice in cross-cultural research.

[Updating Perceptions of \(In\)Justice](#)

Megan Bears Augustyn, J. RES. CRIME & DELINQUENCY (published online December 2015).

*Objectives:* This study evaluates the malleability of judgments of procedural justice. Drawing upon various literatures, five factors are hypothesized to be related to changes in procedural justice: (1) prior judgments of procedural justice, (2) direct experiences of arrest, (3) vicarious experiences of arrest, (4) individual arrest history, and (5) age.

*Methods:* Using 11 waves of data from the Pathways to Desistance Study (N = 1,354), multilevel models relate within-person covariates including individual, family, and peer arrests, and age to changes in procedural justice, controlling for stable, individual characteristics.

*Results:* Judgments of procedural justice are anchored in prior perceptions. They are also a function of direct and vicarious experiences of arrests with the effect of individual arrests varying across individual arrest history. Evidence also suggests a developmental component. Age has a

direct effect on judgments of procedural justice and conditions the effect of individual arrests on changes in procedural justice.

*Conclusions:* Judgments of procedural justice are not static. Given these results, future research should continue to investigate the varying effects of other interactions with legal authorities on changes in judgments of procedural justice in order to form stronger policies aimed at increasing citizen cooperation.

## **New Thinking and Interpretations**

### **[\\*\\*Guiding Court Conversation Along Pathways Conductive to Rehabilitation: Integrating Procedural Justice and Therapeutic Jurisprudence](#)**

David B. Wexler (Arizona Legal Studies, Discussion Paper No. 15-33, 2015).

A recent thoughtful criminology paper urges the use of procedural justice (PJ) and therapeutic jurisprudence (TJ) to form an integrated theory of specialized court programs. The present essay explores the important TJ/PJ conceptual relationship, fully supports their integration, and highlights how, to enhance compliance and rehabilitation, some TJ judicial conversations need to explore topics beyond the important PJ ones of voice, validation, and respectful treatment.

### **[Why Trust Matters with Juveniles](#)**

Tom R. Tyler, 85 AM. J. ORTHOPSYCHIATRY 93 (2015).

Discusses why trust matters with juveniles. Several facts point to the importance of building trust in the law and legal authorities among the young. Most important, adolescence is the primary socialization period for attitudes about the law. Although adults can later change their views, the residue of socialization is strong and shapes later attitudes and behaviors. Furthermore, those views have a broader impact. Legal authorities, in particular the police, are the face of government for most adolescents. Almost all of the contact that people, adolescents or adults, have with the legal system are contacts with the police. (People seldom go to court and are infrequently incarcerated.) In addition, most of the personal experiences that people have with the legal system, in particular instances in which they are involved in violating some aspect of the criminal law, occur before they become adults. Although the crimes committed by young people are overwhelmingly minor, the proportion of the young population that commits crimes is high relative to adults. Consequently, a relatively large number of adolescents is drawn into contact with the juvenile justice system. The police are the central point of contact between the public and the criminal justice system. Although people deal with the courts on occasion, the overwhelming majority of their contacts are with police officers. Hence, it is police policies and practices that define law to the average person and to those involved in repeated encounters with the criminal justice system. This fact has become increasingly important as issues of public trust

in legal, political, and social institutions have grown to be an ever more important issue in the United States.

## **Compliance and Cooperation**

### *Courts*

#### **\*\*Local Perceptions of Justice and Identity Following Mass Participation in Rwanda's Gacaca Courts**

Jordan J. Nowotny (September 21, 2015) (unpublished Ph.D. dissertation, University of Illinois at Chicago).

This manuscript documents the findings from my fieldwork in Rwanda exploring stakeholder perceptions of the process and outcomes of the genocide court system known locally as Gacaca. In total, 57 judges, perpetrators, and local observers were interviewed and asked about their perspectives on the court's procedural fairness, accomplishments, and legacy. Results from this study indicate that although some procedural characteristics of Gacaca benefitted court participants, these benefits were compromised by the burden placed on stakeholders and procedural shortcomings manifested by imbalanced power structures within communities. Respondents noted that procedural safeguards were particularly limited by the corruption of judges and witnesses that became more prevalent as the Gacaca process wore on. Respondents' perceptions about personal justice-related accomplishments were also linked to thoughts on procedural justice. Additionally, survivors explained that they had hoped that the Gacaca courts would help them move on from past trauma but this was not always the case. Respondents also noted that participation in Gacaca may have discouraged healing and reconciliation when corruption or procedural irregularities were witnessed. Despite more than ten years of trials, many survivors are still coping with the violence that occurred in 1994. This work also discusses perceptions on the legacy of Rwanda's genocide courts pertaining to reconciliation and hope for the future.

#### **\*\*An Integrated Theory of Specialized Court Programs: Using Procedural Justice and Therapeutic Jurisprudence to Promote Offender Compliance and Rehabilitation**

Kimberly A. Kaiser & Kristy Holtfreter, 43 POLICING & SOC'Y 45 (2016).

Specialized court programs have expanded beyond drug treatment to address issues such as mental health, domestic violence, veterans, and reentry through evidenced-based treatment. Although these programs have been successful at reducing recidivism, their lack of an overarching theoretical framework has limited generalizability to other offender populations and contexts. The purpose of this article is to present an integrated model for specialized court programs that incorporates therapeutic jurisprudence and procedural justice concepts. We argue that although therapeutic jurisprudence offers guiding principles, it lacks the ability to explain how these programs work to change offender behavior and perceptions. Procedural justice can

provide this missing piece of the puzzle in understanding the effectiveness of specialized courts. We conclude with a discussion of directions for future research and practice that is guided by this integrated perspective.

*Mental Health Diversion for Criminal Defendants: One Judge's Experience*

Ann O'Regan Keary, 54 JUDGES' J. 18 (2015).

While many courts across the nation (including our own) had on-site forensic mental health evaluation services to perform competency-to-stand-trial screenings and assessments, this clinic provided actual treatment staff, who could engage defendants at the courthouse—the very setting where they were required to appear for court hearings. At nine months post-exit, less than 12 percent of graduates had been rearrested, compared to 24.4 percent of those in the control group who never participated in mental health court. While this first rearrest study is just one evaluation report, and there are other longer-term studies still to be performed, the recidivism statistics are quite promising, particularly as almost three-fifths of those admitted were able to graduate. Moreover, in another, less concrete measure of positive impacts on the community and public safety, procedural justice theorists have noted that when participants in mental health courts feel they are given voice and validation by voluntarily participating in such an alternative diversion program, their level of satisfaction with the procedural justice afforded them will increase the likelihood of future compliance with the law and with societal norms. Certainly this prospect itself supports and reflects a positive target benefit to our community. While many judges may be reluctant to preside over a mental health court assignment, my own view is that many who may be reticent could be excellent judges in such a setting and would find it enormously satisfying.

## **New Thinking and Interpretations**

\*\**Popularizing Hearsay*

Jordan Sevier, 104 GEO. L.J. (published online October 2015).

The rule barring hearsay evidence is in search of a popularizing rationale. Scholarly opinion regarding the purpose and efficacy of the rule is fractured, and commentators have described the resulting policy as a doctrinal free-for-all. Unfortunately, the leading rationale for the hearsay rule — that it promotes decisional accuracy by barring potentially unreliable evidence from the purview of legal fact finders — is, at best, devoid of empirical support, and at worst, an unfalsifiable assertion about the cognition and behavior of those who make legal decisions.

This Article proposes an entirely different rationale for the hearsay rule, which has the support of social science research and would add significant coherence to the doctrine. It argues that the hearsay rule should be premised on the social psychological concept of procedural justice, in which participants in the legal system are deemed to have certain dignity interests in facing their

accusers in court. These interests are wholly separate and distinct from the potential unreliability of hearsay evidence.

This Article presents the results from two original psychology experiments that suggest that laypeople understand the hearsay rule as promoting principles of procedural justice and not decisional accuracy. Because a procedural justice rationale for the hearsay rule would align with popular attitudes toward what the hearsay bar accomplishes, it is likely to foster greater popular legitimacy for the rule. The far-reaching implications of these studies for empirical and theoretical hearsay scholarship, for the future of the hearsay rule, and for legal practitioners who make ground-level decisions under the rule are discussed.

## ***Policing***

### [Procedural Justice in Policing: The First Phase of an Australian Longitudinal Study of Officer Attitudes and Intentions](#)

Christine E. W. Bond, Kristina Murphy & Louise E. Porter, CRIME, L. & SOC. CHANGE (published online October 2015).

Despite the prominent role that procedural justice has taken in policing research, we know surprisingly little about police perceptions of procedural justice as an effective tool in their encounters with members of the public. In this study, we start with a focus on the perceptions of police recruits in a major police service, exploring their perceptions of procedural justice and its role in policing. Using data from a questionnaire of 450 police recruits in the early stages of their initial training, we find that orientations supportive of procedural justice significantly predict reported intentions to use procedural justice approaches in interacting with others, as well as the prioritization of procedural justice responses to a typical policing encounter (traffic violation). We also find that belief in an obligation to obey the law is significantly associated with perceived procedural justice outcomes. We argue that early supportive orientations towards procedural justice may be important in understanding police officers' future interactions with members of the public, promoting positive evaluations of justice among citizens, and minimizing the risk of coercive encounters involving officer use of force.

### \*\*[Public-Police Relations: Officers' Interpretations of Citizen Contacts](#)

Donal Alfred Hardin (2015) (unpublished Ph.D. dissertation, Walden University).

Perceptual differences in how citizens and police view police-initiated contacts can result in individual and communal tension, mistrust, and social strife, which complicate the relationships needed in order to thrive and promote safe environments. To examine how police officers interpret these contacts, this case study sought to explore the nature of citizen-police relations from the perspective of police officers in a city in the northwest part of the United States. Social contract and procedural justice theories were used to examine the circumstances that officers cited for taking enforcement actions, including operational definitions of police fairness and legitimacy from the Queensland Community Engagement Trial. Data were collected from



interviews with 10 officers during police ride-alongs and from departmental data related to officer performance. These data were inductively coded and then analyzed using a naturalistic inquiry approach. Findings suggest that police officers were amenable to creating formal, quasi-contractual agreements between police and citizens based on a shared understanding of how police exercised power and discretion to guide the citizen-police interaction. Participants perceived that, under certain circumstances, explaining police discretion to citizens may decrease the level of community tension police officers experience. These findings support the theoretical constructs of procedural justice and have implications for social contract theory. This type of arrangement encourages positive social change by strengthening the ties with community members, which in turn promotes officer and public safety.

**\*\*[\*Predicting Procedural Justice in Police–Citizen Encounters\*](#)**

Stephen D. Mastrofski, Tal Jonathan-Zamir, Shomron Moyal & James J. Willis, 43 CRIM. JUST. & BEHAV. 119 (2016).

Police exercise great discretion in their dealings with the public, but most research on police discretion focuses on coercive decisions. Despite the demonstrated importance of procedural justice (PJ) for police legitimacy and overall satisfaction, the predictors of police-provided PJ in police–citizen encounters have rarely been examined. We propose a framework for assessing the choice of police officers to engage in PJ and test it using data collected in direct observations of police interactions with the public. We find significant effects for the moral “worthiness” of the citizen as reflected in his or her role in the situation; for situational challenges of engaging in PJ, including large audience and officer mental/emotional fatigue; and for popular scripts for handling traffic-related encounters and serving in a backup role. We interpret and discuss the implications of our findings and suggest avenues for advancing understanding of the factors underlying procedurally just police treatment.

**[\*An Application of Procedural Justice to Stakeholder Perspectives: Examining Police Legitimacy and Public Trust in Police Complaints Systems\*](#)**

Jennifer L. Schulenberg, Allison Chenier, Sonya Buffone & Christine Wojciechowski, POLICING & SOC'Y (published online October 2015).

Considerable research focuses on the complainant experience with civilian oversight agencies but we know much less about the perceptions of divergent stakeholders on the fairness in quality of decision-making and treatment associated with investigating allegations of police misconduct. Over 150 members of the community, law enforcement, and policy-makers were brought together to collaboratively develop recommendations to improve the transparency, accessibility, and accountability of a Canadian police complaints system (PCS). Using participant observation and survey data, the findings suggest the majority of participants hold negative views due to underlying themes of distrust in the investigation process, a reluctance to report due to inadequate knowledge and a fear of police reprisals, particularly by high risk and marginalised populations. Stakeholder confidence cannot be separated from the principles of procedural

justice and due process constraints. Views on the legitimacy of both the police and the PCS are shaped by the absence of procedural justice principles of fairness in treatment and decision-making. Further, citizens appear to confound perceptions of legitimacy of the PCS with that of behaviour during police–citizen encounters. Thus, to increase public confidence the PCSs must work with police services to improve relationships with the community by developing initiatives that target the elements of the procedural justice model separately.

*Policing and Collective Efficacy: The Relative Importance of Police Effectiveness, Procedural Justice and the Obligation to Obey Police*

Elise Sargeant, POLICING & SOC'Y (published online December 2015).

The role of police in building collective efficacy remains an unanswered question. This paper employs a sample of 4403 people living in 148 neighbourhoods in Brisbane, Australia, to examine the relationship between perceptions of police and collective efficacy. Results indicate that even when controlling for neighbourhood compositional and structural characteristics, trust in police effectiveness and procedural justice are the key variables explaining collective efficacy. Although trust in police effectiveness and procedural justice do not predict neighbourhood differences in collective efficacy, they do explain variations in perceptions of collective efficacy among those residents in a given neighbourhood. These findings reveal that when people trust the police are effective and procedurally just, they are more likely to view their neighbourhoods as collectively efficacious. This research suggests that police can help to encourage collective efficacy, and potentially reduce crime, by communicating their effectiveness and delivering procedural justice to citizens.

*\*\*The Importance of Being Satisfied: A Longitudinal Exploration of Police Contact, Procedural Injustice, and Subsequent Delinquency*

Lee Ann Slocum, Stephanie Ann Wiley & Finn-Aage Esbensen, 43 CRIM. JUST. & BEHAV. 7 (2015).

Researchers have documented the negative consequences of police-initiated contact for youth including increased delinquency. The procedural justice framework suggests this delinquency amplification is due, in part, to the negative consequences of police contact on evaluations of the police. Using four waves of data, we explore the multiple ways in which being stopped or arrested and procedural injustice act in concert to affect later delinquency. We also assess how these effects differ based on youth's evaluations of their police encounters. Our findings indicate that the total effect of being stopped or arrested on delinquency depends on the youth's level of satisfaction with the encounter. In addition, procedural injustice mediates some of the effect of contact on delinquency, but its relationship with delinquency is not direct. We conclude that the

negative consequences of being stopped or arrested are mitigated, but not eliminated, when contact is perceived favorably.

[Enhancing Police Responses to Domestic Violence Incidents: Reports from Client Advocates in New South Wales](#)

Jane Goodman-Delahunty & Anna Corbo Crehan, VIOLENCE AGAINST WOMEN (published online November 2015).

In an online survey about experiences with the police complaint system, 239 client advocates described a recent incident in which a client with grounds to lodge a complaint declined to do so. Almost one third of those incidents involved domestic violence. Thematic analysis of case descriptions revealed that many police did not take domestic violence reports seriously. A typology of problematic police conduct was developed. Many officers failed to observe current procedures and appeared to lack knowledge of relevant laws. Citizens feared retaliatory victimization by police and/or perceived that complaining was futile. Implications of these findings are reviewed in light of procedural justice theory.

[Students and the Police in Ghana: Mixed Feelings](#)

Francis D. Boateng, POLICE PRAC. & RES. (published online November 2015).

This study examines university students' perceptions of the Ghana police service in contrast with general population studies that explain citizens' attitudes toward the police. Two research questions guided this study: (1) What are university students' perceptions of the police? and (2) What factors influence university students' perceptions of the police? Using data collected from one large university in Ghana between the months of December 2012 and February 2013, the study found several intriguing findings. First, students have moderate trust in the Ghana police. Second, students critically evaluated police procedural fairness and effectiveness. Multivariate regression models revealed that vicarious experiences of police corruption, marital status, level of education, and ethnicity predicted students' trust in the police as well as influenced their perceptions of fairness and effectiveness. Policy implications of the findings are discussed.

## **New Thinking and Interpretations**

[\\*\\*The Impact of Psychological Science on Policing in the United States: Procedural Justice, Legitimacy, and Effective Law Enforcement](#)

Tom R. Tyler, Phillip Atiba Goff & Robert J. MacCoun, PSYCHOL. SCI. PUB. INT. 75 (2015).

The May 2015 release of the report of the President's Task Force on 21st Century Policing highlighted a fundamental change in the issues dominating discussions about policing in America. That change has moved discussions away from a focus on what is legal or effective in crime control and toward a concern for how the actions of the police influence public trust and confidence in the police. This shift in discourse has been motivated by two factors—first, the recognition by public officials that increases in the professionalism of the police and dramatic

declines in the rate of crime have not led to increases in police legitimacy, and second, greater awareness of the limits of the dominant coercive model of policing and of the benefits of an alternative and more consensual model based on public trust and confidence in the police and legal system. Psychological research has played an important role in legitimating this change in the way policymakers think about policing by demonstrating that perceived legitimacy shapes a set of law-related behaviors as well as or better than concerns about the risk of punishment. Those behaviors include compliance with the law and cooperation with legal authorities. These findings demonstrate that legal authorities gain by a focus on legitimacy. Psychological research has further contributed by articulating and demonstrating empirical support for a central role of procedural justice in shaping legitimacy, providing legal authorities with a clear road map of strategies for creating and maintaining public trust. Given evidence of the benefits of legitimacy and a set of guidelines concerning its antecedents, policymakers have increasingly focused on the question of public trust when considering issues in policing. The acceptance of a legitimacy-based consensual model of police authority building on theories and research studies originating within psychology illustrates how psychology can contribute to the development of evidence-based policies in the field of criminal law.

[\*Understanding Police Officers' Trust and Trustworthy Behavior: A Work Relations Framework\*](#)

Maarten Van Craen, EURO. J. CRIMINOLOGY (published online December 2015).

In recent years, theorization and research on citizens' trust in the police have expanded enormously. Compared with citizens' trust, police officers' trust – both in citizens and in supervisors – has attracted very little attention. Further, it is striking that, although scholars have pointed to police officers' procedural justice as a key factor for building public trust in the police, the question of how trustworthy police behavior can be achieved has hardly been theorized. To help fill in these gaps and understand police officers' functioning, I offer a work relations framework. The building blocks for this approach come from different scientific disciplines: criminology, psychology, management, and political science/public administration. Theoretical elements and empirical indications from different fields are combined into a framework that aims at widening the scope of police research. More specifically, it identifies origins and consequences of police officers' trust and origins of officers' trustworthy behavior.

[\*Crime Victims' Perceptions of Police Behavior, Legitimacy, and Cooperation: A Review of the Literature\*](#)

Nathalie-Sharon N. Koster, Karlijn F. Kuijpers, Maarten J. J. Kunst & Joanne P. Van der Leun, VICTIMS & OFFENDERS (published online November 2015).

According to Tyler's theoretical framework, police officers can motivate cooperation among citizens during direct interactions by using fair procedures and by showing how the police perform their job in combating crime. By conducting a systematic literature review, prior research was examined to see whether perceptions of procedural justice and police performance result in higher levels of perceived legitimacy of the police institution, and in turn whether this

perceived legitimacy stimulates cooperative behavior among crime victims specifically. Results of the 15 included studies indicate that partial support for the applicability of this framework on crime victims was found. However, none of the included studies tested all relationships within the framework simultaneously among crime victims; they typically focused only on one of the interrelationships between the frameworks' key concepts. Implications for future research and police practice are discussed.

### *The Challenge in Making Effective Research Influence Policing*

Elizabeth A. Stanko & Paul Dawson, *in* POLICE USE OF RESEARCH EVIDENCE:

RECOMMENDATIONS FOR IMPROVEMENT 47 (Elizabeth A. Stanko & Paul Dawson, eds., 2016).

The research into public confidence in policing was driven by the fact that we were keen to move beyond crude 'tick-box' notions of citizen satisfaction, which offer ways of thinking about the direct contact between citizens . . . and the[] police. The work on confidence asks 'why' police are important in democratic relationship between citizen and state. For many police officers, trying to enhance the legitimacy of their organisation can often seem an abstract or over-complicated endeavour, especially if they believe their core concern should be around improving tactics to fight crime. Of course, these are not mutually exclusive aims. The research on public confidence is trying to influence the way police interact with citizens. There is considerable evidence that trust in the police is important for the rule of law in itself. Trust in policing is linked to concrete citizen behaviours—cooperation with officers, compliance with the law and engagement in informal social control—that would help police to achieve their crime fighting goals and benefit officers by helping them doing their own jobs better (Tyler 1990; 2007; 2011; Tyler and Fagan 2008; Tyler and Huo 2002; Sunshine and Tyler 2003). Tyler's procedural justice model (Tyler 1990) is now being discussed in a number of countries for its link to improved policing. He firmly links the fairness with which police officers exercise their authority to public trust, police legitimacy, and the types of behaviour listed above. Interpreted in its broadest (and perhaps most optimistic) light, procedural justice theory holds out the promise of a criminal justice system predicated on a more cooperative and less coercive relationship between police and public than it often seems to be the case (Hough et al. 2010). And it does so by placing the relationship between police and public centre stage. Perhaps we in Western democracies have underestimated the damage distrust does to public cooperation with public institutions. But following the disorders in London in 2011 and in Ferguson, Missouri, in 2014 we are less dismissive of its critical requirement.

### ***Prisons and Inmates***

**\*\**Reoffending After Release: Does Procedural Justice During Imprisonment Matter?***

Karin A. Beijersbergen, Anja J. E. Dirkzwager & Paul Nieuwbeerta, 43 CRIM. JUST. & BEHAV. 63 (2015).

Reoffending rates after release from prison are high in most Western countries. Knowledge on how certain aspects of prison life affect postrelease recidivism could be useful to effective crime-control. One aspect of prison life that may potentially affect prisoners' reoffending behavior refers to the extent to which prisoners feel treated fairly and respectfully. This notion is central to procedural justice theories, which argue that people will be more likely to comply with the law when they feel treated in a just and decent way by actors who enforce the law. At present, it is unknown whether or not a procedurally just treatment during imprisonment can reduce postprison reoffending rates. This study examined (a) whether prisoners' procedural justice perceptions influence their postrelease offending behavior, and (b) whether the relationship between procedural justice and reoffending was mediated by prisoners' perceived legitimacy of the criminal justice system. Associations were explored with survey and registered conviction data of 1,241 Dutch prisoners from the Prison Project. Although the effect was small, prisoners who felt treated in a procedurally just manner during imprisonment were less likely to be reconvicted in the 18 months after release. No evidence was found for a mediating role of legitimacy.

#### [Legitimacy and Executive Release: A Procedural Justice Perspective](#)

Mike Hough, *in* OFFENDER RELEASE AND SUPERVISION: THE ROLE OF COURTS AND THE USE OF DISCRETION (Martine Herzog-Evans, ed., 2015).

This chapter looks through the lens of procedural justice theory at arrangements for post-sentence decision-making that bear on the amount of time served by convicted prisoners. As other chapters in this book document, these arrangements vary a great deal from country to country, a key dimension of variation being the degree to which the judiciary are involved in such decisions. Some countries rely entirely on the executive – usually prison staff – to make such decisions. Others have quasi-judicial bodies, with varying degrees of judicial oversight, and in yet others, decisions are made by the judiciary (see this volume, F. Dünkel). Different arrangements may be seen by those involved, or by the wider public, to be more or less fair, and to command more or less legitimacy. The chapter assembles what little evidence there is to hand to address these questions in one jurisdiction, England and Wales.

## **Business and Management**

#### [Fairness Perceptions of Annual Bonus Payments: The Effects of Subjective Performance Measures and the Achievement of Bonus Targets](#)

Ludwig Voußen, Stephan Kramer & Utz Schäffer, MGMT. ACCT. RES. (published online December 2015).

This study investigates how the weight on subjective performance measures and the achievement of bonus targets affect managers' distributive and procedural fairness perceptions of annual

bonus contracts. We argue that the effect of subjectivity on fairness perceptions follows an inverted U-shaped relationship, consistent with the idea that subjectivity increases fairness perceptions when the overall emphasis on subjective measures is relatively low, but that subjectivity decreases fairness perceptions when the overall emphasis on subjective measures is relatively high. We further argue that managers use bonus targets as referent standards, whose achievement increases perceptions of distributive fairness, but not of procedural fairness. We use a time-ordered cross-sectional survey study design to separate the measurement of ex ante contract characteristics from the measurement of actual bonus payments and managers' fairness perceptions, and we find empirical support for our hypotheses. Our study aims to reconcile some of the mixed findings on subjective performance evaluation and sheds new light on the relationship between target achievements and fairness perceptions.

[\*Understanding Why Consumers Engage in Electronic Word-of-Mouth Behavior and Justice Theory\*](#)

Jen-Ruei Fu, Pei-Hung Ju & Chiung-Wen Hsu, 14 ELECTRONIC COM. RES. & APPLICATIONS 616 (2015).

Word-of-mouth has been recognized as a dominant factor in shaping consumer behavior. However, what drives consumers to post their positive and negative purchasing experiences in the online environment remains an important but largely neglected issue. Building on the theory of planned behavior, the justice theory and the social psychology literature, this study aims to investigate the antecedents of consumers' intention to engage in eWOM communication. Specifically, we separate negative and positive eWOM into two distinct concepts since the motivations underlying consumers' decisions to post positive and negative eWOM are likely to be different. Through an experience survey, respondents were required to reflect on recent positive or negative shopping experiences. The findings reveal that intentions to engage in positive and negative eWOM communication are associated with different antecedents. Consumers who intend to post positive eWOM appear to be more driven by underlying attitudinal factors, whereas those who consider posting negative eWOM are more driven by social pressure. In addition, consumers' feelings of satisfaction are largely driven by their perception of distributive justice for negative shopping experiences. In contrast, satisfaction is significantly influenced by the perceptions of interactional and procedural justice for positive shopping experiences. Our results provide insights and implications for scholars and managers.

[\*Voice, Affective Commitment and Citizenship Behavior in Teams: The Moderating Role of Neuroticism and Intrinsic Motivation\*](#)

Marc Ohana, BRIT. J. MGMT. (published online November 2015).

This paper provides an empirical examination of the effects of co-workers' procedural justice, defined as the individual's perception of how procedural justice is displayed towards him/her by the group. Drawing on the social exchange literature, it is confirmed that team affective commitment mediates the relationship between team voice – a form of co-workers' procedural

justice – and team citizenship behaviors. The study also tests whether this positive indirect effect is moderated by neuroticism and intrinsic motivation. The results from a survey of 154 dyads consisting of employees and their current supervisor generally support the hypotheses. Team voice is a strong and consistent predictor of team citizenship behaviors, and the effect is mediated by team affective commitment only when intrinsic motivation is low and/or neuroticism is low. This study extends knowledge of the different sources of justice. Specifically, it shows that team voice and the boundary conditions of its effects are crucial to understanding attitudes and behaviors directed towards the team. This finding highlights the necessity of carefully taking into account the ability to express one's opinion inside teams.

*Gender-Based Dynamics of the Fair Process Effect: Responses to Rejection in Executive Recruitment*

Raina A. Brands & Isabel Fernandez-Mateo, ACAD. MGMT. PROCEEDINGS (published online 2015).

In three studies we investigate whether men and women differ in their responses to being rejected by prospective employers. Using longitudinal panel data from an executive search firm, we find that women are more likely to reject a prospective job opportunity from the search firm if they have been rejected by this search firm in the past. We replicate this effect in a survey of working adults reflecting on their recent experiences of being rejected in the labor market, and find that women's unwillingness to reapply to a prospective employer after being rejected is mediated by perceptions of unfair treatment during the recruitment process. To establish causality, we replicate these findings in an experiment. The experimental results show that women's decision to reapply to an prospective employer after experiencing a rejection are more strongly linked to perception of procedural justice than men's, but it is not the case that women and men differ in the extent to which they perceive rejection to be unfair. Our results, accordingly, highlight a key mechanism by which men's and women's relationships are likely to evolve differently over time and contribute a hitherto unexplored explanation for women's lack of progression into executive level roles.

*\*\*Treat Us Fairly and We Won't Complain: Multilevel Effects of Procedural Justice on Complaining Behavior in Team Meetings*

Eva-Maria Schulte, Nale Lehmann-Willenbrock & Simone Kauffeld, 6 PSYCH. 1795 (2015).

One reason for ineffective meetings is complaining behavior. Complaining statements emphasize negative aspects which cannot be changed and often portraying the team as a victim. Whereas several studies have highlighted the detrimental consequences of complaining, less is known about the antecedents of this counterproductive behavior during team interactions. This study addresses this research gap by providing starting points for managing complaining behavior in meetings. Through the lens of social exchange theory, we argue how individual justice perceptions and team-level justice climate create a social context for more or less complaining during meetings. Furthermore, we explore how team members' satisfaction with



their supervisor mediates the relationship between procedural justice and complaining. 305 employees nested in 54 teams completed a survey concerning their justice perceptions and supervisor satisfaction. Moreover, we videotaped regular meetings of these teams and used an independent observer approach to code actual occurrences of complaining behavior. Multilevel results show that team-level procedural justice climate—but not individual justice perceptions—inhibits complaining behavior in meetings. Team-level supervisor satisfaction mediated the relationship between procedural justice climate and complaining. We discuss research implications for understanding and preventing specific counterproductive work behaviors in the team context and practical implications for managing effective meetings.

### [Improving Employee Perception of Organizational Justice Through Manager Training](#)

Jed Babbin (2015) (unpublished Ph.D. dissertation, Chicago School of Professional Psychology).

This study investigated the effect of training based on organization justice dimensions namely; procedural justice, distributive justice, informational justice, and interpersonal justice on employees' perceptions of their manager and organization. Following several effective theory-based interventions, researchers have called for a shift in concentration to interventions rather than relationship studies. Towards this end, the present study tested a more succinct and practitioner focused training intervention with the goal of raising employee perception of organizational justice. Training participants were managers from several organizations; managers' direct reports were recruited as survey participants to complete an organizational justice questionnaire created by Colquitt as a pre-test and post-test measure. The hypotheses were not statistically supported by questionnaire data; however self-report data from participating managers shows perceived learning. The study expounds on this as well as other limitations and recommendations for future research to bring organizational justice into the practitioner realm.

### [The Impact of Implementing Corporate Decisions on Middle Managers' Justice Perceptions](#)

Lee Macenczak, Amy B. Henley & Stacy McIlraith Campbell, ACAD. MGMT. PROCEEDINGS (published online 2015).

Prior research in the field of organizational justice has primarily focused on the specific justice dimensions and their impact on individual workers. The current study takes a new direction by examining justice perceptions in a rarely examined group, middle managers. Missing from the literature is an examination of how the justice perceptions of middle managers are impacted when implementing corporate decisions that have no direct impact on the managers themselves. The middle management group is critical to the organization performing a “linking pin” role simultaneously representing the interest of the organization and their subordinates. Research has indicated that the middle management groups' perceptions, behaviors, and interactions can have influence on both employees and senior leaders. Because justice perceptions are often strongly linked to key organizational behaviors and attitudes, understanding how middle managers' perceptions are influenced can give insight into how an

organization can keep these managers committed to the strategy of the organization. Additionally the study examines the link that a manager's level of agreement with a decision outcome has with their justice perceptions and the influence that explanations for that decision can have on the relationship. The study will also propose how employee perceptions of procedural justice can impact the managers' perceptions of justice and the role that their commitment to their own employee group plays in the relationship.

### Miscellaneous

\*\**"Damned if You Do, Damned if You Don't": Perceptions of Guns, Safety, and Legitimacy Among Detained Gun Offenders*

Melissa Barragan, Nicole Sherman, Keramet Reiter & George E. Tita, 43 CRIM. JUST. & BEHAV. 140 (2016).

Procedural justice research generally indicates that legitimacy produces compliance when people perceive the law and legal actors to be fair. Drawing upon 140 in-depth interviews with gun offenders detained in Los Angeles County jails, this article examines legal and extra-legal factors that influence illegal gun possession. Although prior research studies on legal and illegal gun carrying have suggested a relationship between (a) safety perceptions and possession and (b) legal perceptions and possession, few have deeply interrogated how such perceptions develop and interact to inform ideas of legitimacy and compliance with gun laws. Our findings suggest that feelings of insecurity coupled with perceptions of, and experiences with, law enforcement interacted in complex ways to condition legitimacy-based beliefs, and ultimately, compliance. Although many of our respondents viewed the law as legitimate in the abstract, they believed it to be illegitimate in individual application, especially where rules and sanctions failed to account for personal experiences of insecurity.

\*\**Students' Reactions to Course Police Decisions: An Empirical Investigation*

Sarah F. Bailey, Jade S. Jenkins & Larissa K. Barber, 43 TEACHING OF PSYCHOL. 22 (2016).

Classroom management involves managing students' requests for course policy changes. Instructors can adhere to the course policies or convey flexibility through making an exception for the student. The current study empirically examines students' emotional reactions (hostility, guilt, and surprise) and fairness perceptions to course policy decisions. In Study 1 (N = 162), students had negative emotional reactions, but increased procedural fairness perceptions, to policy adherence. Study 2 (N = 341) examined the effects of the instructor's interpersonal warmth and gender. Study 2 largely replicated the results of Study 1. Although the instructor's gender had no effect, interpersonal warmth had a main effect on interactional fairness

perceptions. Instructors can use policy adherence and interpersonal warmth to promote fairness perceptions.

[Diverse and Just? The Role of Quota-based Selection Policies on Organizational Outcomes](#)

Brooke A. Shaughnessy & Tanja Hentschel, ACAD. MGMT. PROCEEDINGS (published online December 2015).

Quota-based selection systems are viewed as a way to overcome biases; however, they have been found to have negative effects on the individuals (Heilman, McCullough, Gilbert, 1998; Heilman, Block, & Stathatos, 1997; Heilman & Welle, 2006) as well as the organizations that enact said procedures (Martins & Parsons, 2007; Walker et al., 2009; Walker et al., 2011). However, the processes underlying these negative effects have been relatively absent in the literature and thus warrant further investigation. The set of studies presented in the current paper seek to address the process through which quota-based selection policies influence applicant evaluations of the organization. We apply applicant reaction theories (i.e., Hausknecht et al., 2004; Ployhart & Ryan, 2000; Walker et al., 2013) to explain the process through which evaluations of the organization develop. In a series of three studies, we demonstrate how justice signals in the form of procedural and distributive justice perceptions impact person-organization fit assessments. Findings showed that justice assessments and fit perceptions were explanatory mechanisms for applicants to evaluate outcomes such as anticipated organizational support, organizational prestige, and organizational attractiveness. Ultimately, it is the procedural justice perceptions resulting from the use of quota-based selection policies that inform organizational assessments. Practical and theoretical implications are discussed.

[Power, Justice, and Trust: A Moderated Mediation Analysis of Tax Compliance Among Ethiopian Business Owners](#)

Lemessa Bayissa Gobena & Marius Van Dijke, J. ECON. PSYCHOL. (published online November 2015).

We explored the moderating roles of legitimate and coercive power held by the tax authority in the relationship between procedural justice, trust in the tax authority, and voluntary tax compliance. Drawing from fairness heuristic theory and the slippery slope framework of tax compliance, we predicted that procedural justice fosters voluntary tax compliance, particularly when legitimate power of the tax authority is low and when coercive power of the authority is high. Moreover, we predicted that these interactive effects are mediated by (cognition-based) trust. Finally, we predicted that coercive power of the tax authority is positively related with enforced tax compliance. The results of a field study among Ethiopian business owners supported most predictions. This research is among the first to integrate social-psychological and deterrence-related factors to understand tax compliance behavior in a developing country.

[Procedural \(In\)justice in the Implementation of Solar Energy: The Case of Charanaka Solar Park, Gujarat, India](#)



Komali Yenneti & Rosie Day, 86 ENERGY POL'Y 664 (2015).

Solar PV is being rolled out on a large scale in India and other emerging economies, but in the enthusiasm for solar's promise of plentiful, low carbon energy, the social and environmental justice concerns accompanying such infrastructure development are in danger of being overlooked. In this context, this paper, using the case study of 'Charanaka Solar Park' in Gujarat state, qualitatively analyses the degree of provision for procedural justice in solar energy implementation in India using a framework drawn from social environmental and energy justice literatures. The case study illustrates how the failure of various aspects of procedural justice can result in unnecessarily large impacts on the livelihoods of rural communities and the further marginalisation of those of lowest status. We conclude with discussion of the aspects of procedural justice that need attention in low carbon energy developments in developing countries alongside some policy and governance suggestions for the achievement of this in India and elsewhere.

### **Recent/Upcoming Events**

[The President's Task Force on 21st Century Policing: Procedural Justice, Policing, and Public Health](#)

SIU Law Journal Symposium, Springfield, IL, November 13, 2015.

### **In the News/On the Web**

[Attorney General Kamala D. Harris Kicks Off First-of-Its-Kind Law Enforcement Training on Implicit Bias & Procedural Justice](#)

Press Release, State of California Department of Justice (November 17, 2015).

[Minneapolis Police Getting Training on "Procedural Justice"](#)

Cathy Wurzer, MINNESOTA PUBLIC RADIO, November 20, 2015.

### **Now in Print**

[\*A Hierarchical Analysis of Correctional Officers' Procedural Justice Judgments of Correctional Institutions: Examining the Influence of Transformational Leadership\*](#) Thomas Baker, Jill A. Gordon & Faye S. Taxman, 32 JUST. Q. 1037 (2015).

[\*Comparing Police and Public Perceptions of a Routine Traffic Encounter\*](#)

Lyndel J. Bates, Emma Antrobus, Sarah Bennett & Peter Martin, 18 POLICE Q. 442 (2015).



*Viewing Law and Order: Mothers' and Sons' Justice System Legitimacy Attitudes and Juvenile Recidivism*

Caitlin Cavanaugh & Elizabeth Cauffman, 21 PSYCH. PUB. POL'Y & L. 432 (2015).

*Enhancing Trust in the Legal System Through Victims' Rights Mechanisms*

Malini Laxminarayan, 21 INT'L REV. VICTIMOLOGY 273 (2015).

*The Importance of Procedural Justice and Police Performance in Shaping Intentions to Cooperate with the Police: Does Social Identity Matter?*

Kristina Murphy, Elise Sargeant & Adrian Cherney, 12 EUR. J. CRIMINOLOGY 719 (2015).