



**THE JUSTICE  
COLLABORATORY**

YALE LAW SCHOOL

**NYC** Criminal  
Justice

Executive Summary

# A Study of Procedural Justice & Criminal Justice System Legitimacy

Ensuring a high quality of justice for all and increasing New Yorkers' trust and confidence in the justice system

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# EXECUTIVE SUMMARY

## A Study of Procedural Justice & Criminal Justice System Legitimacy

The New York City Mayor’s Office of Criminal Justice (MOCJ) Strategic Plan for Fiscal Years 2019-2021 states that a successful public safety system is assessed not only with metrics like arrest and recidivism rates, but also by the quality of the justice it provides – all New Yorkers deserve to be safe and to be treated fairly and with dignity. The Strategic Plan goes one step further and promises to “put into practice principles of fairness and procedural justice.” It includes an action item to identify issues about New Yorkers’ perceptions of fairness of the justice system through surveys, other feedback mechanisms, and engagement.

In partnership with the Justice Collaboratory at Yale Law School, this study is a step towards fulfilling the goal of putting into practice “principles of fairness and procedural justice” by looking into New Yorker’s engagement with the city government.

Drawing upon existing research, this study focused on three broad themes: individuals’ perceptions of and involvement in the life of their neighborhoods; knowledge of municipal services and participation in City government; and perceptions of fairness, or lack thereof, in their dealings with the New York Police Department.

In 2017-2018, we conducted a phone-based survey with 2,500 adult residents of the five boroughs of New York City. Our random sample was largely representative of the City’s population.<sup>1</sup> To complement our survey findings we conducted in-person interviews with 200 volunteers from the survey sample.

We measured and compared the influences of community-member judgments about participation, voice, effectiveness and fairness, grounding our analyses in legitimacy and procedural justice theory (i.e. trust and confidence). In this summary, we highlight some of our findings and deliver recommendations to MOCJ on how to increase positive public perceptions of government agencies.

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<sup>1</sup> Our sample approximates the city population in terms of borough distribution, sex, political orientation. We surveyed however a higher percentage of Whites and lower percentage of Asians compared to the City’s population.

## SUMMARY OF MAIN FINDINGS & RECOMMENDATIONS

### 1 Community Matters

#### FINDING

A majority of participants (71%) agreed or strongly agreed that the neighborhood they live in is an important part of who they are. Knowing that community members identify with their neighborhoods is key for policy - it highlights the importance of addressing communities as a neighborhood in addition to addressing individuals and their interpersonal interactions with authorities. This point resonates with community affairs programs such as the Neighborhood Coordination Officer program and the idea of neighborhood policing.

Our analyses, however, find that not all residents feel their voices and the voices of people like them are heard and incorporated into public policy. Roughly 27% of the sample reported that the City takes into account their views and the view of people like them “not much at all,” both when deciding what problems are most important and when deciding how to implement plans to address those problems. Black participants and Black Hispanics reported significantly less positive beliefs than White residents that the City takes their views into consideration.

Nearly 62% of individuals who reported a family income of \$200k or greater believe that their opinions are considered by the City government, compared to just 45% of respondents with a reported income of \$25k to \$50k. Interview data from a subset of survey participants provided additional insight, with comments such as only “the loudest voices get heard” – that is, the onus of participation is on the constituents who must make themselves heard.

#### RECOMMENDATION 1.1

##### Improve Mechanisms to “Hear” the Community

Our research indicates that many community members do not feel that the City considers their perspectives when making decisions about community priorities. In addition, we found that this perception is not evenly distributed across racial groups or different income levels. Community members want “a seat at the table” rather than “being an audience member.” Hence, the City should develop strategic initiatives to amplify community voice and increase opportunities for the community to voice their opinions and be heard, starting in communities where perceptions of voice are the lowest. The City must develop a greater understanding about the problems that people face most, and how City authorities (including police) can either exacerbate or help solve these problems.

Initiatives should be transparent and offer accountability, with clear plans for data collection and analyses of both implementation and outcomes. The City must be deliberate in designing messages about its goals, objectives, and progress over time. As the City undertakes initiatives to increase community input, people must be informed that these efforts are taking place.

When developing such initiatives, the City must consider promoting the use of non-traditional forms of civic engagement – interviewees indicated interest in less resource and time-consuming forms of participation, particularly the use of Internet-based technology. Media campaigns can raise awareness and instruct citizens as to how they can participate, including targeted messages to the communities where perceptions of transparency in government decision-making are lowest, including explicit instructions on mechanisms for community feedback.

## RECOMMENDATION 1.2

### **Increase Transparency in Decision-Making**

As part of NYC’s “fairness initiatives,” the City has embraced principles of procedural justice in order to increase perceptions of government legitimacy, leading to community participation and voluntary compliance with legal authorities. Transparency, allowing people to know why and how authorities make decisions, is an important part of procedural justice. As part of fairness initiatives, the City is working to increase transparency in decision-making, although it remains challenging to do so, even in today’s climate of hyper-connectivity. While the City has been innovative in its efforts to increase transparency (such as the Automated Decision Systems Task Force), there is still a great deal of work to be done.

Regarding interactions between community and police, our research demonstrates that residents by and large believe that the NYPD is incorporating the tenants of procedural justice into their interactions, although those perceptions significantly differ by race, income and where individuals live. Based on information gathered from the community, the City should create strategic initiatives focused on increasing transparency in places where perceptions are least positive.

Strategies to increase transparency in decision-making should be demonstrated to the public. The NYPD has already established messaging channels such as community meetings, public service announcements, and neighborhood coordination officers. What is needed is new, highly visible ways to promote the initiatives and demonstrate substantive mechanisms for increasing transparency beyond mere discussions about transparency. We believe there are numerous “low-hanging” opportunities to do just this. Sharing small pieces of information in innovative ways will support efforts toward building trust by allowing the public to understand the work of the City.

## 2 Individual Perceptions of Procedural Justice of and within the Criminal Justice System

### FINDING

Overall, the NYC criminal justice system is perceived positively, as a legitimate system upholding the principles of procedural justice. However, there are significant differences by race, gender, location, individual experiences, and other variables. Specifically, and as also demonstrated by past research, compared to Whites, Black and Black-Hispanic respondents feel less safe in their neighborhoods and view police as less fair and respectful to them (lower procedural justice). They also perceive police as less legitimate and express lower willingness to report crimes.

Research has consistently demonstrated that beliefs about procedural justice impact perceptions of legitimacy. This occurs because the way in which authorities treat people communicates to them their value as members of the community.

### RECOMMENDATION 2.1

#### Create a Fairness Self-Assessment Tool

Given our findings regarding residents' feelings about the fairness of the local government, the City should develop a "fairness self-assessment tool" for agencies where perceptions of legitimacy are most important. A self-assessment tool is built using information gleaned from numerous discussions about the concept of fairness (with input from both agency and community representatives). More challenging, this tool needs to include ideas for measuring fairness that can realistically be implemented. The resulting tool will provide a structure for agencies to conduct deep assessments of what fairness means in the context of the services they provide; document methods of measuring fairness within those agencies; establish a baseline measurement of fairness; and set procedures and goals for measuring fairness overtime. Past research has demonstrated how perceived fairness has positive impacts on people's willingness to respect laws and cooperate with legal authorities.

## RECOMMENDATION 2.2

### Focus Outreach Efforts on Specific Neighborhoods to Build Trust

Community outreach efforts, when perceived as sincere, may help promote trust and foster more cooperative relationships between NYC government and its residents. Considering these findings, NYPD and the City should develop a “hot spots” approach to building community trust where its levels are lowest. Our survey data shows that low perceptions of police legitimacy are correlated with race (Blacks and Black Hispanics) and low income. Neighborhoods with more poverty and higher percentages of Black residents, among other neighborhood variables, tend to see government agents as less legitimate. This association disappears when accounting for individuals’ beliefs about procedural justice, suggesting that the reason why people in such neighborhoods view police as less legitimate is more strongly correlated to their perceptions of police as fair, courteous and respectful.

Based on this finding, it is reasonable to assume that low perceptions of procedural justice are concentrated in low-income areas where most residents are Black and Black Hispanic. To address that, the City (and criminal justice authorities) has mapped these areas, aiming to learn more about the grievances of these communities and use this knowledge to develop deliberate strategies aimed at building trust. This is being done through initiatives such as Mayor’s Action Plan for Neighborhood Safety (MAP) and Building Healthy Communities, which should be continued and strengthened. These initiatives bring together local residents, community stakeholders, and city agency representatives to discuss and identify solutions to public safety and quality of life issues within each MAP development.<sup>1</sup>

## 3 Perception and Impact of Police-Led Initiatives to Build Trust

### FINDING

Both the qualitative and quantitative data suggest that people generally perceive police-led initiatives to improve community trust in a positive light. However, there is variation: some people perceive the initiatives as less sincerely intended to help the community than others.

Overall, people who reported knowing of an initiative to build trust with the community also reported more positive beliefs about the NYPD’s legitimacy and more willingness to cooperate by reporting crime. These analyses controlled for important demographic variables and both belief

<sup>1</sup> MAP and Building Healthy Communities work to expand social support and youth employment opportunities; invest in revitalization, recreation and beautification; and partner with a broad circle of partners to promote neighborhood well-being, address quality of life issues and co-produce public safety. For more information on these programs see: <https://criminaljustice.cityofnewyork.us/programs/map/>

about procedural justice and belief about community participation in policing – that is, there is something unique about knowledge of an initiative which shapes legitimacy and cooperation.

The downside is that NYPD initiatives do not have high visibility and not everyone who knows them perceives them as sincerely intended to help the community. Importantly, respondents who do not perceive such initiatives as sincere, view the NYPD as less legitimate than those who are not aware of such initiatives. This suggests that police-led efforts to build community trust may backfire when people do not believe that they are meant to help the community.

Moreover, the perception that the NYPD in the neighborhood more often takes community views into account when deciding what crimes to focus on and how to police generally, is related to more positive evaluations of legitimacy and more cooperative behavior. There is a great deal of overlap between these ideas of participation and initiatives to build trust: some initiatives are forms of increasing participation, as when people have the opportunity to voice ideas in events, such as community meetings with police.

Beliefs about participation are also positively related to knowledge of an initiative: people who knew of an initiative also felt that police more often took community views into account. Among those who knew of an initiative, beliefs about participation were positively related to beliefs about sincerity. That is, initiatives that involve participation might be perceived as more sincerely intended to help the community.

We would expect that in the long-term the success of police-led initiatives in promoting legitimacy will hinge on people's perception of interpersonal interactions as fair, whether they experience those interactions directly or vicariously. These police-led initiatives likely do not effectively build trust on their own, but rather complement substantive improvements in procedural justice. Initiatives directed at the community as a whole might help people to see and contribute to improvements in policing, but they are not a substitute for procedurally just policing. In fact, people's experiences with police likely inform their beliefs about the sincerity of police-led initiatives.

### RECOMMENDATION 3.1

#### **Ascertain Initiatives Perceived as Most Sincere, Strengthen responsiveness to public needs**

Our research shows new evidence that police-led initiatives to build trust with communities may contribute to building legitimacy and cooperation, but only when these initiatives are perceived as sincere. As a next step, the City must develop a more nuanced understanding of determinants of perceived sincerity. As a first step, the City should create a database of police-led initiatives across New York City (these data likely already exist but it may be a significant undertaking to consolidate them). Original research could test how various initiatives are related to legitimacy and cooperation based on whether people perceive the initiative as consistent with changes in police

behavior over time; the initiative content or goal; characteristics of the neighborhood in which they are undertaken; and characteristics of those delivering and receiving the work of the initiative.

Regarding city services in general, we recommend the development and use of a mobile app to solicit quick feedback on municipal services. Such service could help address residents' concerns about voice and lack of tangible forms of holding officials' accountable. This app would be used to assess public opinion on a wide range of initiatives, avoiding costs associated with phone-based surveys. Questions soliciting opinions would be tailored to align with different offices and their specific responsibilities. Questions could, for example, ask respondents to note their top priorities across different categories of services including safety, education and infrastructure. If taken seriously by staff throughout the city and used in their daily operations, these data, combined with administrative information, could improve the city government's performance and responsiveness to public needs. Moreover, the release of data and analyses of this initiative, along with plans to address the problems identified, could in itself serve to increase perceptions of legitimacy and transparency.

### RECOMMENDATION 3.2

#### **Assess Procedural Justice in Community-Police Relations**

Government use of procedural justice principles are best recognized in policing. While NYPD has conducted procedural justice training, it is unclear how the training is related to perceptions of legitimacy of the NYPD and of the City government generally. Our research demonstrates that residents by and large believe that NYPD is incorporating the tenants of procedural justice into their interactions, although those perceptions significantly differ by race and where individuals live. If the City and/or NYPD have assessed the impact of procedural justice training, the findings should be made public; if not, the City should prioritize doing so. Communicating to residents that the City is committed to working toward improving relationships between police and community will help to increase perceptions of transparency; and the willingness to provide feedback on efforts – regardless of whether they are positive or negative – will contribute to perceptions of government as sincerely trying to benefit the community.