Procedural Justice: Increasing Trust to Decrease Crime

Community-police Relations (/blog-topics/community-police-relations)

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May 26, 2015 Police leaders watching the news unfold in cities like Baltimore, Ferguson, and North Charleston are doing a great deal of soul searching about how to repair strained relationships with the communities they protect. While problems so complex and longstanding will not have an easy solution, the concept of "procedural justice" is one police departments should take seriously. A wealth of empirical evidence shows that when police are at their best—when they are neutral and unbiased; treat those with whom they interact with respect and dignity; and give folks a chance to explain their side of the story—they can actually bring out the qualities they want to see in their communities. People who are policed in this way are more likely to view the police as legitimate. And people who view the police as legitimate are more likely to obey the law, cooperate with authorities and engage positively in their communities. This is the idea of procedural justice: how police interact with members of the public matters as much or more than the outcome of those interactions. Typically, the tools that police rely on most heavily to motivate compliance are what we would call "instrumental." Historically, police often assume people follow the law and cooperate with the authorities largely because they fear the consequences of not doing so (arrest, a criminal charge, jail, etc.) and so those are the aspects of their work that they emphasize. But numerous empirical studies persuasively demonstrate that perceptions of legitimacy have a greater impact on people's compliance with the law than their fear of formal sanctions. The bad news is, if people experience an interaction with a police officer that suggests to them the police are untrustworthy, their ties with law and their sense of its legitimacy weaken, which may lead to a lack of cooperation with the police and more law breaking in the future. Put another way, unnecessarily aggressive policing brings out the worst in the people toward whom it is directed. The factors that contribute most to people viewing a police stop as negative are whether the police threaten or use force arbitrarily, inconsistently or in ways that suggest a lack of professionalism or the existence of prejudice, or if police are humiliating or disrespectful. Notably, whether the stop results in an arrest is less important for purposes of perceived legitimacy than how that stop is carried out. Most police officers I talk to know this from experience: people can leave an interaction with a positive impression of the police even if they don't get the result they wanted. Or they can leave without the ticket or arrest, but still be very upset and angry. It all depends on how they are treated. It's also important not to lose sight of the fact that when people are repeatedly stopped, they begin to believe all stops are unfair, regardless of the individual characteristics of those stops. Or, to put it another way, even respectful stops start to have the same negative effects as rude and aggressive ones if they happen too often. This is because people begin to focus not on the individual stop but upon the pattern of police conduct that they have experienced. People come to feel that repeated stops reflect an overall policy or practice of targeting particular groups or neighborhoods unfairly and this belief overshadows what a particular officer does during a specific stop. Literature shows that the average impact of being stopped by police is to lower one's trust and confidence in legal institutions and increase their likelihood of criminal behavior. This means police officers are having the opposite effect than what they desire. They are increasing the propensity toward criminality in the people with whom they interact, not lessening it. This is particularly true for adolescents and young adults, the groups that are most frequently stopped by the police. And it's not just the stops of particular individuals that matter. People also develop their sense of police legitimacy from what they hear and see from their neighbors, family members and friends. Picking out some individuals and treating them fairly won't be sufficient, if those same people witness and hear about unfairness directed toward others in their community. Every interaction the police have communicates information about the legal system. Moreover, this message resonates beyond the person who is dealing with the police, because others in the neighborhood hear about it, as do that person's friends and family. The police are also most likely to be involved in highly visible incidents that will be widely reported in the press. This is true regardless of whether they are shooting a civilian or rescuing a hostage. As such, they have a unique opportunity to impact public perceptions of the legitimacy of the law, in ways both good and bad. Despite all this, there is good news. Research also shows that contact between individuals and authorities can be positive and can actually build legitimacy and trust. If police officers treat people with respect and dignity, the communities they police may become more cooperative and law abiding. Police, of course, don't bear all of the responsibility for current public anger. Among others, legislatures that pass harsh sentencing policies that leave communities with no tools other than the criminal justice system to address poverty, mental illness, underperforming schools and drug addiction clearly shoulder much of the blame. But police are the public face of this system, and the reality is the police are the aspect of it with which people interact most frequently. And so we should treat each encounter between citizens and
police (as well as courts and other legal actors) as a socializing experience—a teachable moment—that builds or undermines legitimacy. By teaching trust, more communities will experience greater cooperation and less law breaking. For more information visit http://www.trustandjustice.org. ¹ Tom R. Tyler & Jonathan Jackson, Popular Legitimacy and the Exercise of Legal Authority: Motivating Compliance, Cooperation, and Engagement, 20 PSYCHOLOGY, PUB. POLICY, and Law 78 (2014), Whether people believe that the police ought to be deferred to and followed—that is, whether they think the police are legitimate—has been widely described as an issue of trust and confidence. If people trust the police, they will do what the police ask them to do. ² Jeffrey Fagan & Tom R. Tyler, Legal Socialization of Children and Adolescents, 18 SOC. JUSTICE RESEARCH 217 (2005) ³ Tom R. Tyler, Jeffrey Fagan, & Amanda Geller, Street Stops and Police Legitimacy: Teachable Moments in Young Urban Men's Legal Socialization (2014). ⁴ This is particularly true for groups with which police interact with particular frequency, like young, African-American men. Tracey Meares, The Legitimacy of Police Among Young African-American Men, 92 MARQUETTE L. REV. 651, 655 (2009). ⁵ Tom R. Tyler, Jeffrey Fagan, & Amanda Geller, Street Stops and Police Legitimacy: Teachable Moments in Young Urban Men's Legal Socialization (2014).