Procedural justice and legal compliance
A revisionist perspective

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Research Summary: In 2017, we published an essay (Nagin & Telep, 2017) that challenged the widely held view that research had plausibly demonstrated that procedurally just treatment of citizens by police increased the citizen’s willingness to comply with the law and thereby reduced crime rates. This article updates Nagin and Telep (2017) with new evidence that has appeared since its publication, while exploring in more depth our critiques of the existing procedural justice evidence base. Overall, we reach a similar conclusion concerning the impact of procedurally just treatment on crime but with the qualification that the rapid growth in the literature offers some encouraging evidence on the effectiveness of procedural justice training in affecting officer’s attitudes and the effectiveness of community policing infused with elements of procedural justice in improving citizen perceptions of police. Research on body-worn cameras also provides indirect support that respectful police–citizen interactions have salutary impacts. We also set out a revisionist perspective on procedural justice that emphasizes the social value of procedural justice in its own right but also makes more modest predictions about impacts on legal compliance.

Policy Implications: Our critical assessment of the evidence on the crime prevention efficacy of procedurally just treatment, and even more fundamentally our skepticism about whether procedurally just treatment will reduce mala
in se crimes against person and property, does not, however, mean that procedural justice should be relegated to a secondary status in policy discussion about effective policing. To the contrary, as we have argued and continue to argue, procedurally just treatment of citizens has social value independent of its impact on crime. Yet those benefits are still to be demonstrated. Police executives should, therefore, be cognizant that the effectiveness of this approach to policing should be closely monitored.

1 INTRODUCTION

The work of Tom Tyler and colleagues (Tyler, 1988, 1990, 2003, 2006; Tyler & Huo, 2002) on procedural justice (PJ) has received prominent standing in proposals for reforming the manner in which police interact with citizens. The foundational premise of Tyler’s (1990, p. 4) seminal book, Why People Obey the Law? Procedural Justice, Legitimacy and Compliance is as follows: “[i]f [citizens] regard legal authorities as more legitimate, they are less likely to break any laws, for they believe that they ought to follow them, regardless of potential for punishment.” This premise is echoed in the report of the President’s Task Force on 21st Century Policing (2015, p. 5): “People are more likely to obey the law when they believe those who are enforcing it have the right—the legitimate authority—to tell them what to do.” Procedural justice has also been argued to be the key antecedent to legitimacy perceptions. The Task Force report goes on to state: “Research demonstrates that [the] principles [of procedural justice] lead to relationships in which the community trusts that officers are honest, unbiased, benevolent, and lawful. The community therefore feels obligated to follow the law” (emphasis added, p. 10). There are many operational definitions of procedurally just treatment (see Lind & Tyler, 1988), but all share the common characteristics of authority figures treating subordinates to their authority with respect, being neutral decision makers, and affording them the opportunity to explain themselves.

In 2017, we published an essay (Nagin & Telep, 2017) that challenged the view that research had plausibly demonstrated that procedurally just treatment of citizens by agents of the criminal justice system (CJS), usually the police, increased the citizen willingness to comply with the law and thereby reduced crime rates. Since that publication, several studies have provided new evidence on the PJ and compliance relationship. We summarize these studies in the next section but still see a lack of evidence that these associations reflect a causal connection, whereby policies that are successful in increasing procedurally just treatment of citizens alter their perceptions of legitimacy, which in turn increases compliance with the law.

Some have interpreted our conclusion as a methodological critique that no randomized experiment has demonstrated the crime reduction effectiveness of procedurally just treatment by the police (Tyler, 2017). It is not. Rather, our critique rests on a far more fundamental substantive observation: Perceptions of procedurally just treatment and of legitimacy are the product of a lifetime accumulation of historical, cultural, community, and familial influences, not just one or more interactions with the police or other representatives of the CJS. We detail this argument following our review of research.

Concerning our revisionist perspective on PJ, our skepticism that procedurally just treatment of citizens will reduce their propensity to engage in predatory crimes against person and property is based on the observation that legal prohibitions of these acts have an enduring legitimacy across time and
societies that stands independent of and likely overwhelms any impact of police legitimacy. Our elevation of PJ as a normatively valuable end in its own right builds from the observation that at its core PJ is a prescription for respectful and dignified treatment of citizens by the police, which should be the presumptive form of interaction in a democratic society.

2 | REVIEW AND UPDATE OF THE EVIDENCE

Figure 1 is a schematic representation of Tyler’s (1990) theory of PJ as we understand it. The causal chain begins with agents of the CJS acting in a trustworthy and neutral manner, treating citizens with dignity and respect, and providing citizens the opportunity to explain their actions (voice). The other three stages in the causal sequence pertain to the citizens who were the subject of the agent’s attention. The theory assumes that if citizens are treated in procedurally just ways, they will recognize their fair treatment. Such perceptions in turn increase the citizen’s perceptions of the legitimacy of CJS agents, which in turn increases compliance with the law.

We emphasize that the graphic in Figure 1 is but one model of police legitimacy, though one that has been highly influential in policing research and practice. We are not arguing that PJ is the only link between police actions and legitimacy or compliance, and we recognize a growing body of recent research considering how to best conceptualize and operationalize legitimacy (Bottoms & Tankebe, 2017). We also realize the links between PJ and compliance may be more complex than the model in Figure 1. The Integrated Framework of Legitimacy, for example, combines ideas from the process-based model with classic trust models from psychology (Hamm, Trinkner, & Carr, 2017) to separate evaluations of procedural fairness in an interaction from evaluations of the trustworthiness of an authority. Procedural fairness should predict trustworthiness, which in turn should predict trust and compliance. Although we focus here on perceptions of the public, we also endorse calls to consider how police perceive the public (i.e., audience legitimacy) and how these viewpoints may impact officer behavior in the field (Bottoms & Tankebe, 2012; Nix, Pickett, & Wolfe, 2020).

Even though our main conclusions from Nagin and Telep (2017) concerning the evidence on the causal chain depicted in Figure 1 remain unchanged, recent concerns surrounding police legitimacy have led to an ever-growing academic literature on this topic and some important new evidence. We briefly summarize findings from our prior essay and highlight key work published in recent years.

2.1 | Citizen perceptions of fair treatment

The first arrow in Figure 1 predicts that procedurally just treatment by police will translate into improved citizen perceptions of fair treatment. This is the key first step in the causal chain because
the theory depends on perceptions of fair treatment being grounded in the fairness of actual treatment. There is surprisingly little work examining this relationship, in part, because of the difficulty of assembling both survey data on citizen perceptions of interactions with police and independent assessment of actual treatment received.

Worden and McLean (2017) completed the only study we know of where citizen perceptions of PJ from surveys can be compared with independent assessments of police behavior from researcher coding of in-car camera footage. They found “objective” and subjective measures of PJ were only weakly correlated (.16). Citizens tended to overestimate the amount of PJ they received. Citizens were, however, more sensitive to negative treatment. Procedural injustice was more highly negatively correlated with citizen perceptions of PJ (–.31). Worden and McLean (2017, p. 148) concluded, “Police can detract somewhat from the subjective experience of citizens through procedural injustice, but they do not add substantially to subjective experience through procedural justice” (see also Skogan, 2006, who reached a similar conclusion).

Further evidence of the lack of consensus in assessing the fairness of police–citizen interactions comes from Waddington, Williams, Wright, and Newburn (2015), who convened focus groups to discuss a police–citizen encounter video and found disagreement among participants in terms of case specifics and the appropriateness of police conduct. They argued participants’ contradictory reactions to the same scene suggest the challenge for police in building trust in communities with widely varying baseline views about the police.

The poor correlation between actual and perceived treatment likely reflects the inherent subjectivity in perceptions of fairness (see Barclay, Bashshur, & Fortin, 2017) and the fact that citizen views are based on an accumulation of interactions and vicarious interactions (Augustyn, 2016; Pickett, Nix, & Roche, 2018; Rosenbaum, Schuck, Costello, Hawkins, & Ring, 2005). This may limit the impact of any particular encounter, but as we discuss more below, the evidence here is not entirely consistent.

2.2 | Citizen perceptions of legitimacy

There is a far larger evidence base assessing the relationship between citizen perceptions of PJ and their perceptions of police legitimacy (the relationship between boxes 2 and 3). These studies are generally based on surveys of individuals about overall police fairness or the fairness of recent police interactions. These studies typically create a single PJ scale. Less work has considered the individual contributions of dignity, trustworthiness, neutrality, and voice to perceptions of legitimacy because the components tend to be highly correlated in citizen responses. In one recent example of efforts to parse out the influence of different components, Solomon (2019) found in a vignette experiment that treatment quality (i.e., dignity and respect and trustworthiness) was a stronger predictor of legitimacy when compared with decision-making quality (i.e., neutrality and voice).

Several recent studies have found a link between perceptions about general PJ and police legitimacy (e.g., Hinds, 2007; Jonathan-Zamir & Weisburd, 2013; Reisig & Lloyd, 2009). Wolfe, Nix, Kaminski, and Rojek (2016), for example, found a strong association between perceived PJ and perceived legitimacy. There was also no evidence that this relationship varied based on demographic or neighborhood factors, providing evidence for the invariance of the PJ–legitimacy relationship (see also Zahnow et al., in press). This relationship even seems to hold among offender or delinquent populations (Piquero, Fagan, Mulvey, Steinberg, & Odgers, 2005; White, Mulvey, & Dario, 2016).

A few studies have examined the link between PJ and legitimacy based on particular police–citizen encounters. Gau (2014), for example, examined citizens’ overall perceptions of PJ and views of specific police interactions, finding both mattered, but that global PJ impacted trust more than particular encounters. Similar results have been found in recent survey experiments. Maguire, Lowrey,
and Johnson (2017), for example, found students watching a clip of an officer behaving with PJ were
more likely to report trust in the officer and an obligation to obey, whereas those watching a clip
with procedural injustice reported the opposite. Impacts on more global views about the police were
less consistent (see Johnson, Wilson, Maguire, & Lowrey-Kinberg, 2017). In terms of how officers
She found that a more informal approach emphasizing social closeness was more closely linked
to respondent perceptions of encounter-based trust than to a more formal approach emphasizing
derence.

2.3 Legitimacy and compliance

A large body of survey-based work is also supportive of the relationship between boxes 3 and 4. Per-
ceptions of police legitimacy are correlated with greater compliance with the law, at least based on
self-reported behavior (e.g., Fagan & Tyler, 2005; Jackson et al., 2012; Reisig, Bratton, & Gertz, 2007).
Tyler’s (1990) initial test of the theory, using a two-wave survey of Chicagoans, showed a positive rela-
tionship between legitimacy and legal compliance even when controlling for a variety of factors (i.e.,
peer disapproval, personal morality, and demographics). Tyler and Huo (2002) and Sunshine and Tyler
(2003) reached similar conclusions in studies in Oakland, Los Angeles, and New York. There is, how-
ever, less consensus here than in the work linking boxes 2 and 3 (see Augustyn, 2015; Penner, Vijo
Douglas, & Roesch, 2014; Slocum, Wiley, & Esbensen, 2016). Kaiser and Reisig (2019), for example,
found that PJ predicted legitimacy and legal cynicism using 11 waves of Pathways to Desistance data,
but PJ perceptions were not predictive of offending in the within-individual model.

A recent meta-analysis by Walters and Bolger (2019) examined correlations among PJ, legitimacy,
and compliance from 64 studies and 95 samples that included both policing and other criminal justice
system studies. They found significant associations between procedural justice and legitimacy and
legitimacy and compliance, as well as a weaker direct relationship between PJ and compliance that was
not significant when only longitudinal studies were examined. Although this is promising evidence for
the model, the authors also noted the overall heterogeneity in effect sizes across studies and the small
number of studies (five) that assessed all three components using longitudinal data.

2.4 Procedural justice and compliance

There is also a small body of research using observers of police–citizen encounters to examine the link
between boxes 1 and 4, or at least on-scene compliance behavior. Findings here are somewhat mixed.
In observations in Richmond, Virginia, Mastrofski, Snipes, and Supina (1996) found that police dis-
respect significantly decreased compliance but that police making an effort to show respect had no
significant effect. McCluskey, Mastrofski, and Parks (1999) analyzed encounters in two cities, also
finding less compliance when officers showed disrespect. Efforts by officers to show respect did sig-
nificantly increase compliance (see McCluskey & Reisig, 2017). Dai, Frank, and Sun (2011) found
that officers giving citizens a voice in encounters in Cincinnati significantly reduced noncompliance
but that providing assistance, showing disrespect, and force were unrelated to compliance.

Jonathan-Zamir, Mastrofski, and Moyal (2015) attempted to examine the link between PJ and legiti-
macy in an observer study. They found that PJ and citizen satisfaction were correlated but that citizens
only overtly indicated their satisfaction with the officer in half of the encounters. They also found a
low correlation between each element of PJ. Officers were not necessarily displaying all components
of PJ simultaneously. This raises concerns about the validity of citizen subjective assessments of PJ,
which generally show high correlations between elements. These findings, like those of Worden and McLean (2017), suggest those views may not match “objective” reality.

2.5 Training-Based policy efforts to enhance procedural justice in practice

A missing component of Figure 1 that could be designed as “box 0” includes measures such as training, organizational incentives, and monitoring technologies that are demonstrated to be effective in improving PJ treatment of citizens by police. The availability of such measures is a necessary prerequisite for policy to trigger the causal mechanism depicted in Figure 1. Such policies are not a component of procedural justice theory per se, but they are required for the successful implementation of the theory in practice. A growing body of work uses training, scripts, or policy change to impact officer PJ and to test whether more PJ will lead to benefits in legitimacy and compliance.

2.5.1 Procedural justice training

We identified ten sets of quasi-experimental or experimental studies on the effectiveness of PJ training. Quasi-experimental pre–post studies in Chicago (Skogan, Van Craen, & Hennessy, 2015) and Louisville (Schaefer & Hughes, 2016) suggest one-day trainings can improve officer attitudes about using PJ. Studies examining the impact of a lengthier PJ training in Chicago (Rosenbaum & Lawrence, 2017) and Scotland (Robertson, McMillan, Godwin, & Deuchar, 2014) show mixed effects on officer attitudes and performance in scenarios.

More recently, a multifaceted evaluation of the National Initiative for Building Community Trust and Justice showed impacts of training on officer attitudes but more mixed results for other outcomes. The six-city study included three days of training for all officers, two on PJ and legitimacy and one on implicit bias (La Vigne et al., 2019). Officer attitudes toward procedural justice improved post-training (Jannetta, Esthappan, Fontaine, Lynch, & La Vigne, 2019). There was no direct assessment of officer behavior in the field, but across the six cities, there were mixed results in terms of impacts of the National Initiative, which also included reconciliation work, on crime; officer enforcement activity initially declined in all sites but then returned to pre-initiative levels (Lawrence, La Vigne, Jannetta, & Fontaine, 2019). Resident survey data also showed variability across sites in post-initiative police legitimacy but did offer some indication of improvements in trust in police among minority residents of high-crime communities (Fontaine, Esthappan, La Vigne, & Jannetta, 2019).

Wolfe, Rojek, McLean, and Alpert (2020) reported on findings from a two-department evaluation of T3 (Tact, Tactics, and Trust) training. The program is focused more broadly on de-escalation but emphasizes the value of PJ in social interactions. The training was associated with officers placing more priority on PJ and less on physical control in hypothetical citizen encounters. Overall the training was associated with positive impacts on officer attitudes but had little effect on officer use-of-force behavior. Wolfe et al. (2020) emphasized the value of a “deliberate practice framework,” where officers can repeatedly practice a task and get immediate feedback. This stands in contrast to most PJ training programs, which are short in duration and provide limited opportunities for officer practice.

Neither of these studies examined officer behavior in the field. Wood, Tyler, and Papachristos (2020) used the random and longitudinal nature of the roll-out of Chicago’s one-day training to the entire agency to examine impacts on officer activity in the field. They found the training was associated with reductions in police complaints, use of force, and settlement agreements (used as a proxy for misconduct), although these were all measured at the organizational level, and so this study does not speak to the impacts of training on individual officer behavior. Four recent randomized trials assess behavioral impacts more directly. In England, Wheller, Quinton, Fildes, and Mills (2013) found mixed effects of PJ training on officer attitudes, more positive effects on behavior in scenarios, and
inconsistent impacts on officer fairness in the field. In Seattle, Owens, Weisburd, Amendola, and Alpert (2018) found that supervisors focusing on PJ in individual officer meetings was associated with these officers being less likely to make arrests and use force.

Antrobus, Thompson, and Ariel (2019) tested the impact of a day and a half of PJ training integrated into academy training in Queensland. Field training officers rated the level of PJ used by new officers during citizen interactions. The 28 treatment officers had overall higher ratings on PJ in the field, particularly in suspect interactions. Impacts on officer attitudes were less consistent. An ongoing study by Weisburd and colleagues on PJ in hot-spots policing uses systematic observation to assess impacts of a 40-hour training (Weisburd, 2018). In the initial project site, trained officers were more likely to be active listeners, show neutrality, and be respectful in citizen encounters. There was less impact on officers showing care and concern. Results were similar in the second project site, although trained officers here also showed more evidence of demonstrating care and concern. These results are preliminary and based on observations with only 18 officers from the first two of four experimental sites (Telep et al. in press).

Although these latter studies have provided some promising evidence for the impact of training on behavior, there is no strong evidence on the appropriate content, dosage, or method of delivery for PJ training. Additionally, much of this work has been focused on small-scale studies and less is known about the long-term impacts of such programs and the extent to which such training is reinforced by supervisors.

2.5.2 Scripts to enhance procedural justice in route interactions

Four randomized field experiments involving traffic stops and airport screening have tested the linkage between PJ policy and perceptions of legitimacy (see Bennett, Mazerolle, Antrobus, Martin, & Hine, 2019). We review these studies in more detail in Nagin and Telep (2017) but provide brief summaries here and note that we are aware of multiple in-progress trials that will add to the limited policy study evidence base. These are all studies of infusing PJ into more routine police contacts. Although we recognize the high potential danger of traffic stops, these interventions all cover areas where citizens are generally compliant.

The first of these, the Queensland Community Engagement Trial (QCET), involved an experimental condition where officers used a script that explicitly incorporated PJ in roadblocks administering a random breathalyzer test for drunk driving. Mazerolle, Bennett, Antrobus, and Eggins (2012) found that drivers receiving the experimental treatment reported higher levels of perceived PJ. Mazerolle, Antrobus, Bennett, and Tyler (2013) found the PJ script also impacted more general views of how procedurally fair the police are.

Langley (2014) adapted the QCET protocol to the airport security setting. Passengers were randomly assigned to receive a PJ-based checklist or an experienced utility treatment that involved providing incentives to passengers. Although those receiving the PJ treatment were more likely to report the officer listened to them, they did not report higher overall levels of PJ. Sahin, Braga, Apel, and Brunson (2017) adapted the QCET protocol for stops for speeding in Adana, Turkey. Drivers in the PJ treatment group reported higher levels of perceived PJ, trust, and satisfaction. The experimental group drivers did not, however, report higher levels of overall PJ in the police.

The closest replication of QCET was conducted by MacQueen and Bradford (2015) in Scotland. The main difference was that officers did not use scripts but instead were given a series of key messages to deliver to the driver, which offered greater flexibility. Results offered no support for the efficacy of the flexible PJ script. If anything, the intervention had backfire effects on citizen perceptions of police legitimacy.
MacQueen and Bradford’s (2017) autopsy of the trial failures provided key insight into why the experiment’s findings were almost directly opposite of those from QCET. Based on group interviews with 55 officers involved in project implementation, MacQueen and Bradford (2017) identified a series of issues, including poor communication from management about the project and lack of officer buy-in, which threatened consistent implementation. Officers resisted using the messages because of concerns that they made them look inept to the public. Additionally, officers felt as though the project was sprung on them from management and was not grounded in their experience.

This autopsy illustrates a larger point that field trials focused on PJ are complex and challenging. PJ is not a well-defined treatment such as an inoculation. Instead its effectiveness will depend on how it is used by individual officers and on how its use is monitored by their superiors. These complexities make it difficult to parse out how much the results of this and other replications of QCET are driven by application of the principles of PJ versus implementation issues (see also Antrobus et al., n.d.).

2.6 | Nontraining policy efforts to enhance procedural justice

We know of no study that has provided a direct test of whether PJ on its own can affect legal compliance (i.e., studies linking box 1 directly to box 4). But we discuss here studies that have provided an indirect test relying on some mechanism to infuse PJ into policy other than training. These studies are important because of their focus on how PJ is administered in the field but are also limited either because PJ was not part of the manipulated treatment or is just one part of a multifaceted intervention. Additionally, only a few of these studies have reviewed compliance directly. This makes it challenging to disentangle the impact of infusing treatment with PJ from other substantive elements of the intervention that are also focused on compliance as an outcome (e.g., deterrence).

We focus on studies of four general types: PJ in arrests, PJ as part of a meeting focused on people who have engaged in crime or delinquency, PJ as part of a more general community-oriented meeting or program, and PJ as a by-product of body-worn camera (BWC) implementation. We devote particular attention to recent work on BWCs, which we did not discuss in Nagin and Telep (2017).

2.6.1 | Procedural justice during an arrest

Paternoster, Brame, Bachman, and Sherman (1997) coded domestic violence arrest incidents for their level of PJ as perceived by the arrestee. Arrest in general increased recidivism relative to offenders who received only a warning, but high levels of perceived levels of PJ during an arrest negated this criminogenic impact. PJ, however, was not part of the original intervention and thus was not directly manipulated.

2.6.2 | Procedural justice as part of a meeting or forum

Wallace, Papachristos, Meares, and Fagan (2016) examined the impact of a Chicago offender meeting program infused with PJ on recidivism. The one-hour forums for parolees were explicitly designed to focus not just on deterrence but also on respect and fairness. The Wallace et al. analysis built on an earlier study by Papachristos, Meares, and Fagan (2007) that concluded that the forums were effective in reducing crime. Wallace et al. (2016) found that parolees attending a forum had a longer time out of prison, on average, compared with nonattendees. Effects for violent crime overall and violent property crime were less consistent.

Wallace et al. (2016) and Papachristos et al. (2007) are both important because they analyzed the impact of an actual policy intervention addressing a serious crime problem that was directed at individuals with extensive criminal histories (in contrast to the script studies reviewed earlier). The difficulty
interpretation involves determining the contribution of procedural justice to a multipronged intervention involving focused deterrence and access to social service components as prominent features of the intervention package. Most recently, Trinkner (2019) tried to parse out the impacts of the forums more directly, finding that PJ and legitimacy perceptions were higher among parolees who took a survey after the forums compared with those who took a preforum survey. Although only a small group of questions assessed these perceptions, this is further evidence that a brief interaction can have an impact on perceptions.

More recently, Clark-Moorman, Rydberg, and McGarrell (2019) evaluated a similar program in Rockford, Illinois, where parolees attended forums that delivered a strong deterrent message, alongside a PJ-infused message regarding reentry and service provision. The evaluation suggested crime declined following the start of forums but did not focus on individual-level outcomes. Importantly, more than 70% of forum participants declined case management and services. This raises questions about whether such combined approaches are more dependent on deterrence or whether any PJ benefits come from how authority figures deliver messages at these meetings.

A recent policy experiment similarly integrated PJ into a meeting format, this time with truant youth. Mazerolle, Bennett, Antrobus, and Eggins (2017, 2019) evaluated a truancy reduction program involving schools and police collaborating to deliver a message regarding the importance of school attendance. A facilitator, school personnel, and police worked together to create a dialogue with parents that emphasized creating trust, allowing parents to have voice, and treating parents with respect. Findings suggest the program led to declines in anti-social behavior for 2 years following the intervention, as well as criminal offending in the year after the program (Bennett, Mazerolle, Antrobus, Eggins, & Piquero, 2018). This is promising evidence for a link between PJ and compliance, although we note the experiment includes a small sample (102 youth total) and included elements of restorative justice and deterrence.

2.6.3 | Procedural justice in community engagement projects

Several recent studies have focused on community policing programs that incorporate PJ into police meetings or engagement strategies. The focus of these studies is the impact of PJ-infused contacts on police–citizen nonenforcement interactions. Although community policing programs generally focus on building trust (Gill, Weisburd, Telep, Vitter, & Bennett, 2014), these particular strategies focus on police using PJ in direct meetings or forums with residents. They cannot be defined solely as PJ interventions, since they incorporate other elements and mechanisms of change, but we review them here because of the emphasis across these programs on how police communicate with the public during in-person interactions.

In Brooklyn Park, Minnesota, a focus on police building collective efficacy in crime hot spots through positive communication and PJ led to more collective actions and collaboration but did not impact resident legitimacy perceptions (Weisburd et al., in press). These findings are consistent with those from a mail survey of Portland hot-spots residents. A police program focused on community engagement patrols did lead to respondents reporting more positive police contacts but did not impact legitimacy perceptions (Kahn et al., 2019). Results from these two U.S. studies are also similar to those from a Liberian experiment testing the impact of confidence patrols (Blair, Karim, & Morse, 2019). Police focused on town hall meetings, answering questions, and engaging with youth during multiple visits to rural communities. Although not a PJ intervention per se, the treatment did focus on treating citizens with respect and giving citizens voice. The patrols were associated with increased knowledge about police and reductions in some types of crime but did not improve trust in the Liberian National Police.
Conversely, two studies show greater impacts of police engagement on trust, although they do not assess compliance. Fine, Padilla, and Tapp (2019) assessed the impact of Team Kids Challenge, a five-week program where police engage with youth over community service projects on juvenile views about police. This is again not exclusively a PJ program, but it does emphasize participation and respect. In the post-program survey, 10- to 11-year-old respondents from six schools showed improvements in their perceptions of police.

In contrast to this lengthier program with repeated police–youth interaction, Peyton, Sierra-Arévalo, and Rand (2019) reported on the impacts of a single, 10-minute, police–resident encounter in New Haven, Connecticut. During these unannounced visits to homes, officers emphasized respectful treatment and gave residents voice and an opportunity to provide feedback on the police and problems in the neighborhood. Officers ended the interaction by providing their contact information and cell phone numbers. Survey results showed visited residents had significantly more positive perceptions of police legitimacy and were more willing to cooperate with police both 3 and 21 days after the interaction.

So what are the impacts of nonenforcement contacts with police that emphasize PJ? These studies show varying results, which suggest the need for further research. The issue could be partly methodological; the Peyton et al. (2019) study, for example, was designed to ensure the respondent had actual recent police contact, whereas surveys of hot-spots residents by Weisburd et al. (in press) and Kahn et al. (2019) may not have reached the individuals who had been most engaged in the program. The salience of the interaction could also be relevant. Perhaps an unexpected home visit by an officer was so memorable that it had greater impacts than repeated contacts with police in the context of a long-term, hot-spots project.

It could also be that some police activities were more likely to be seen as reconciliatory gestures designed to repair past harm, which O’Brien et al. (in press) argued can be impactful in building trust. Peyton et al. (2019) found that racial minorities and those with lower trust in police at baseline were most impacted by the intervention. This is consistent with work by Murphy, Cherney, and Teston (2019), who argued that those who felt most excluded from society (in their study, the focus was on Muslim Australians) reacted most positively to being treated fairly by police. This is also in line with Bell’s (2016) interviews with African American mothers in Washington, D.C. She found that despite low overall trust in police, respondents saw value in contacting the police in particular situations in part because of particular exceptional and respectful officers they encountered in their neighborhood.

2.6.4 | Body-Worn cameras to enhance procedural justice

Finally, we discuss the potential for BWCs to serve as an important accountability mechanism for increasing PJ. BWCs also have the potential to enhance monitoring of officer compliance with training or other policies regarding the use of PJ (see Mell, 2016). BWCs, however, will likely only be effective in this regard if they are regularly used as an accountability tool by supervisors. Body cameras and research assessing them have diffused rapidly across American policing (Lum, Stoltz, Koper, & Scherer, 2019). A few recent studies have examined the relationship between BWCs and citizen perceptions of the police.

Demir, Apel, Braga, Brunson, and Ariel (2020) assessed the impact of body-worn cameras on citizen perceptions of PJ and legitimacy in a quasi-experiment in Turkey. Using 624 surveys of drivers who had just been in a traffic stop, they found that citizens who interacted with an officer wearing a BWC viewed those interactions as being more procedurally just, which was also associated with enhanced views about legitimacy. This was the case even though officers did not receive any special training on PJ.
White, Gaub, and Todak (2017) saw similar effects in Spokane, with body camera awareness associated with increased perceptions of PJ. But just 28% of their respondents accurately recalled the presence of a BWC. Thus, it remains unclear whether any positive effects of BWCs require citizens to recognize the interaction is being filmed. Ariel et al. (2020) also reported similar findings in a trial in Uruguay, where respondents who interacted with an officer with a BWC perceived more PJ from the officer, particularly when it came to participation (Ariel et al., 2020). Unlike most U.S. BWC studies, this intervention used cameras with a front-facing screen, so members of the public could see a live feed of what the camera captured, and thus, they were more likely to be aware of its presence.

McCluskey et al. (2019) provided an important addition to this literature with one of the first systematic social observation studies to examine police PJ in conjunction with a “treatment.” In this case, they observed 555 police–citizen interactions in Los Angeles through ride-alongs that occurred before and after the adoption of BWCs in two districts. They found a direct relationship between BWC adoption and increased PJ; officers were coded as using elements of PJ more frequently in observations conducted after BWC adoption. This occurred without any training or explicit emphasis on officers using more PJ. Thus, it could be that BWCs on their own help build trust. But it could also be the case that officers wearing a camera are more likely to engage in procedurally just actions, in part, because they are aware they are being filmed.

2.7 | Summary of policy efforts to enhance procedural justice

These findings overall suggest some promise for policy efforts to enhance PJ, but work in this area remains limited. We know little about how officers make decisions to use PJ in the field. This is in part because officers have a great deal of discretion in their interactions with citizens, and as Mastrofski, Jonathan-Zamir, Moyal, and Willis (2016, p. 121) noted, “[P]olice organizations do little to learn when officers produce higher levels of PJ, much less reward it. Consequently, one might expect that the prediction of PJ levels would be sensitive to influences other than the law and policies.”

Thus, more work is needed to understand how training or other policies can be effectively monitored and reinforced to have long-term impacts on behavior (see Sun, Wu, Van Craen, & Kuen-lung Hsu, 2018). As Worden and McLean (2018, p. 151) argued, the “procedural justice model is long on the forms that procedurally just policing takes at the street level, but rather short on the managerial steps that police departments should take to implement the model.” And as our review makes clear, increases in PJ in the field may still go unnoticed by citizens.

So what is the bottom line of our updated review of the evidence on procedural justice? Concerning the linkage between PJ and legal compliance, our conclusion remains unchanged—no study has credibly established a causal linkage between procedurally just treatment and legal compliance but with the qualification that the rapid growth in the literature offers some encouraging evidence on the effectiveness of procedural justice training in affecting officer’s attitudes and the effectiveness of community policing infused with elements of procedural justice in improving citizen perceptions of police. Research on body-worn cameras has also provided indirect support that respectful police–citizen interactions have salutary impacts.

2.7.1 | Challenge of identifying PJ’s effect on compliance

Some including Tyler (2017) have interpreted our conclusion concerning the linkage between PJ and legal compliance as a methodological critique, namely, that there is no experimental evidence demonstrating a causal linkage. That was not our point. Rather, our conclusion was, and remains, grounded in fundamental substantive issues, as depicted in Figure 2 (see Thacher, 2019). Figure 2 is a schematic that overlays on the schematic in Figure 1 two social forces—third common causes and reverse
causality—that not only confound a causal interpretation of the research evidence but also point to major gaps in the theory of procedural justice as depicted in Figure 1. The former is indeed methodological, albeit fundamental, but the latter is substantive and fundamental.

The problem of reverse causality is most concretely reflected in the third-party observer studies (see also Trinkner, Mays, Cohn, Van Gundy, & Rebellon, 2019). The interpretation of these studies is complicated by deep uncertainties about the parsing of cause from effect. Human interactions are bidirectional (Bottoms & Tankebe, 2012; Dai et al., 2011, Reisig, McCluskey, Mastrofski, & Terrill, 2004). Just as the citizen’s response to a police officer’s order depends on the manner that the order is made, the manner in which the police officer makes the order will also depend on the actions and demeanor of the citizen (Reiss, 1971). Still another explanation for left-pointing arrows is the concept of neutralization that is central to Sykes and Matza’s (1957) theory of delinquency. The left-pointing arrows might reflect the post hoc rationalization that legal noncompliance is justified because the legal authorities are not legitimate and do not treat citizens fairly (see Nettler, 1974).

More broadly, the problem of reverse causality may play itself out at the community level where police–citizen interactions may be seen as a two-sided game in which the police and citizens are anticipating the behavior of the other party and responding accordingly. The resulting equilibrium, whether involving cooperative or oppositional behavior on each side, is a reminder of the difficulty of inferring causality in bidirectional interactions even those in which one party has more authority than the other.

Viewed in the form of a bidirectional interaction played out at the level of individuals or at the community level, reverse causality is more than a methodological obstacle; it is reflective of an important gap in theorizing about procedural justice. Although police can and should be held accountable for the form and demeanor of their interactions with citizens, they must also respond to the form and demeanor of the citizen response to them. The theory of PJ is, thus, incomplete without a component on

**FIGURE 2** A schematic of the challenge of making causal inferences about the theory’s predictions with observational data [Color figure can be viewed at wileyonlinelibrary.com]
the bidirectional relationship of police citizen interactions and its impact on the form of procedurally just interactions between police and citizens.

Concerning the third common cause interpretation, one possibility is that persons with higher “stakes in conformity” (Toby, 1957) or investments in conventional social bonds as defined by Hirschi (1969) not only are more legally compliant but also perceive fairer treatment by and greater legitimacy of the agents responsible for enforcing legal compliance. After all, these enforcement agents are the officially anointed guardians of the social structure that legally compliant citizens are so invested in.

Similarly, political and social views may impact how citizens perceive police contacts. Roché and Roux (2017), for example, found political ideology to be a key predictor of fairness perceptions in a French sample, with more left-wing respondents being less likely to view the police as fair. Mehozay and Factor (2017) also found that normative values, such as communitarianism, had strong impacts on perceptions of police legitimacy in a European sample. Importantly, they argued these normative values are so deeply held that the impacts of particular interactions, and the role of PJ, will be small.

Another source of third common causes is community and historical context. An enormous body of historical research, exemplified most recently by Alexander’s (2010) *The New Jim Crow* and research on legal cynicism (Kirk & Papachristos, 2011; Sampson & Bartusch, 1998), documents the enduring negative impact of ill treatment of minorities, particularly African Americans, by the police and other agents of the CJS on their perceptions of the legitimacy of legal institutions. Community context also matters (see Braga, Winship, Tyler, Fagan, & Meares, 2014). Residential segregation by race may reinforce, probably powerfully, perceptions of the legitimacy of legal institutions independent of personal experience with the police due to a shared cultural and social narrative about the legitimacy of legal institutions.

Particularly in the most disadvantaged communities where crime often concentrates, separating out the impact of procedurally just treatment on legitimacy perceptions and legal compliance from other influences, such as the historical legacy of police mistreatment, extreme poverty, racial isolation, and various forms of social dysfunction, is a daunting challenge that in our judgment no study has yet even come close to achieving. This is in line with the legal socialization literature, which suggests the relevance of multiple domains, including families and schools, in addition to the legal system, in understanding how young people form views about legitimacy as they move into adulthood (Tyler & Trinkner, 2017). We recognize that these accumulated influences also reflect, at least in part, treatment by the police and thus may offer some evidence for the importance of PJ (or more likely the salience of procedural injustice). But we focus in particular on the impact of encounters here as this has been the major focus of policy initiatives to increase PJ.

Recent survey work by White, Weisburd, and Wire (2018) has exemplified the enduring quality of perceptions of the police, whether positive or negative. In longitudinal individual-level survey data of residents of Baltimore, they found little change in respondent attitudes about police legitimacy before and after the death of Freddie Gray while being transported by the Baltimore police in 2015. These findings reflect the possibility that even significant single police events may do little to change long-held views about police fairness.

Recent work has reinforced the idea that citizens bring their “priors” (Skogan, 2012) to interactions with the police, and these personal or vicarious experiences shape both the encounter itself and how an individual remembers it. For example, Sargeant, Murphy, and Madon (2018) found in a survey of Australians that higher levels of citizen defiance at baseline were associated with lower levels of perceived PJ and satisfaction with a subsequent police contact. This could reflect that these citizens were more challenging to please, or it could be that these more defiant citizens were especially difficult to interact with in a procedurally just fashion. Huq, Jackson, and Trinkner (2016) in a study in England and Wales found that direct contact with police only explained a small amount of variability in judgments about
the conduct of police. This again suggests a variety of factors influence these perceptions, as well as reinforces the challenge of altering these viewpoints in the context of police–citizen encounters.

An important gap in PJ theory is how the accumulation of experience with the police, both positive and negative, historical context, and community influence combine to affect perceptions of legitimacy and legal compliance. Some might view the suspicion and hostility toward the police among some groups as a proof of procedural justice in reverse—treatment in a nonprocedurally just fashion reduces legitimacy and thereby increases law breaking. Distrust of the police, particularly among African Americans, is the historical legacy of police abuse of their human rights in the form of overtly discriminatory behavior and physical abuse.

In these contexts, distributive justice is also relevant. Although Tyler (1990) acknowledged the importance of outcome fairness in predicting legitimacy, the focus of much of his work is on the greater importance of procedural justice. But for communities who have historically faced unfair treatment and unfair outcomes, distributive justice should also be further considered in understanding legitimacy perceptions and compliance behavior (see McLean, in press).

Additionally, procedurally just treatment is not the opposite of abusive, immoral, and illegal behavior; rather, it is a normative prescription for how citizens should be treated by police. Stated differently, police can interact with citizens in a nondiscriminatory manner and without physical or verbal abuse and still not be interacting in a procedurally just manner. PJ instead requires a more active effort for police to be respectful, provide voice, and be transparent and trustworthy. An example is the legalistic policing style in Wilson’s (1968) classic taxonomy of styles of policing—legalistic, watchmen, and service. As with the bidirectionality, accounting for the welter of community level and historical forces shaping individual-level attitudes about police legitimacy, which we have described as third-common causes, is not just a methodological nuisance that somehow must be accounted for in testing the efficacy of procedurally just policing. The historical- and community-level factors shaping legitimacy perceptions are social forces that may interact with policing style in shaping perceptions of and reactions to procedurally justice policing.

These historical and social forces may also explain the lack of correlation between actual treatment and perceived treatment found in Worden and McLean (2017)—deeply held perceptions grounded in history and powerful community forces may overwhelm the actual actions of police officers in specific one-on-one interactions.

3 | REVISIONIST PERSPECTIVE ON PROCEDURAL JUSTICE

In this section, we advance two arguments—procedurally just treatment of citizens is a normatively and socially important end in its own right independent of impacts on crime, and expectations that such treatment will translate into lower rates of predatory crime against person and property should be modest. We suspect that for most readers the first argument is noncontroversial. As noted at the beginning of the article, at its core, PJ is a prescription for respectful and dignified treatment of citizens by the police, which should be the presumptive form of interaction in a democratic society, even as we recognize that in a small minority of interactions that will not be possible. The focus, however, of much of the recent PJ literature has been compliance and crime prevention. We, thus, suspect more disagreement with the second argument.

We begin by speculating on why limited explicit attention has been given to the argument of the value of procedurally just treatment in its own right, particularly in recent years. We recognize that we are not the first to raise this issue. Early research in PJ emphasized that fairness perceptions were useful to study not only because of their relationship with outcomes like compliance but also because
“normative theories of justice … view fairness as a desired quality in its own right” (Lind & Tyler, 1988, pp. 63–64). More recently, Tankebe (2009, p. 13) noted the danger of overemphasizing the value of procedural justice as a means to increase compliance, arguing the “utilitarian preoccupation with procedural fairness … appears to be narrow and even potentially dangerous since it fails to recognize that treating people procedurally fairly is of intrinsic value in and of itself” (see also Waddington et al., 2015).

Over the past 25 years, two inter-related themes have come to prominence in CJS policy research. One focuses on the crime prevention or crime detection effectiveness of those policies, particularly as they relate to policing and imprisonment. The second focuses on controversy about whether those policies have been applied in a racially or ethnically discriminatory fashion. Two recent reports of the National Academy of Sciences on imprisonment (NRC, 2014) and proactive policing (National Academies of Sciences, 2017) are exemplars of these themes.

As already noted, in the context of policing, the crime prevention theme is prominent in many PJ studies. Other prominent examples of this theme are evaluations of hot-spots policing and other forms of proactive policing such as stop, question, and frisk and multipronged strategies involving both enforcement threats and reintegrative services. Related to this has been an emphasis on the effectiveness of reactive police responses, such as the impacts of police efforts to detect crime and offenders. The second theme of discriminatory application focuses on controversy about whether confrontational policing tactics, such as stop, question, and frisk and traffic stops, are discriminatorily applied. For reviews of these literatures, see the National Academies (2017) proactive policing report.

The reasons for the shift in focus to crime prevention and discriminatory application of crime prevention policies is hard to place, but it is probably tied up with the successes of early evaluations of hot-spots policing (Sherman & Weisburd, 1995; Weisburd & Green, 1995) that overturned the conventional wisdom of many policing scholars that policing had little impact on crime rates (Bayley, 1994); controversy about the role of CJS policy in the extended decline of crime rates in the United States beginning in the early 1990s that generally persists to the present; and research by economists to monetize the social cost of crime (Anderson, 1999; Cohen, Miller, & Rossman, 1994) coupled with efforts to use those estimates in cost–benefit analyses of crime prevention policies.

Although the emphasis on these two themes—crime control and the discriminatory application of crime prevention tactics—has had salubrious impacts on scholarship and public policy, it also has had the unintended consequence of incentivizing crime prevention rationalizations for police activities that serve other valuable social functions, even if crime prevention benefits are small. The consequence is that police policy and scholarship is currently not adequately acknowledging that police have always had other important functions besides crime prevention. Some of these are problem-focused consequences of police being the public agency of last resort, for example, quelling interpersonal disputes or responding to the disruptive behavior of the mentally ill. As Kleinig (1996, p. 23) observed, “[O]nly a small proportion of police work is devoted to crimefighting. Most police time is spent in various social service activities—interventions in family crises, searching for lost children, rescuing animals, directing traffic, supervising crowds, visiting schools, assisting the elderly, and so on.” These activities too have social value and should be part of the calculus of assessing the societal return of the police.

The theme of crime prevention appears in a different guise in the earlier scholarship on policing, for example, in classics such as Reiss (1971), Skolnick (1966), and Wilson (1968). But each of these works also emphasizes the broader social functions of policing other than crime prevention. Wilson’s (1968) classic distinction of the “legalistic,” “watchman,” and “service” styles of policing is a case in point. Each of these styles gives priority to prevention of serious crime against person and property. Only the legalistic style, however, emphasizes law enforcement for all types of legal infractions, whereas the watchmen style emphasizes order maintenance, which may involve overlooking formal legal
infractions. The service style of policing takes an even broader view of the social function of policing as described by the quote from Kleinig (1996) in the previous paragraph. The service style places less emphasis on responding legally than even the watchmen style and proactively embraces non-policing functions, such as finding lost pets and assisting individuals in distress and more generally settling disputes and order maintenance using nonlegalistic and nonconfrontational tactics. Reiss (1971) echoed Wilson (1968), as does later work by Bayley (1994). Even Skolnick (1966) made similar points in his more critical discussion of the realities of law enforcement and the ways in which it collides with the rule of law.

With this background, we make the case for the value of procedurally just treatment of citizens independent of crime prevention by the police at two levels. One is that in a democratic society, the coercive powers of the police must be curtailed—the object is to create an environment that allows liberty to flourish, not to create a police state. The literature on ethics in policing has struggled with the question of how police should use their powers to enforce the legal order in a fashion that protects, not deprives, citizens of their right to life, liberty, and property. As Kleinig (1996, p. 270) observed, “We need a model of police work that acknowledges the nonnegotiable force at police disposal without transforming it into the police raison d’etre.” Or as Reiss (1971, pp. 74–75) commented, “So far as civil relations between the police and public are concerned, the following conditions must prevail … that police be accountable to civil authority and the citizens protected from police tyranny.”

Much of the literature on police ethics, however, has concerned itself with the limits on police exercise of their enforcement and investigative powers, not on the manner in which police interact with citizens, which is central to the concepts underlying PJ. References to the manner that police interact with citizens, however, are a prominent theme in a volume on police ethics by Neyroud and Beckley (2001, p. 24) who, for example, quoted the (British) Association of Chief Police Officer statement of purpose and principle that “We must be compassionate, courteous, and patient, acting without fear or favour or prejudice to the rights of others.” Neyroud and Beckley (2001, p. 26) also repeatedly emphasized the broader social function of the police beyond crime fighting: “The distinction between ‘crime fighting’ and an ‘interdependent’ mission for policing is an important one, with a moral dimension. … Crime fighting, rather than an interdependent, enabling role, implies the domination of the ‘enemy’, not the ‘public service’ or ‘social peacekeeping’ role” (emphasis added).

The case for elevating the status of procedurally just treatment of citizens as important in its own right can also be made on social welfare grounds. As argued in Manski and Nagin (2017), even if confrontational police tactics such as stop, question, and frisk, which are commonly conducted in ways that are antithetical to the precepts of procedurally just treatment, are effective in preventing crime, the social benefits of foregone crime should be balanced against the social cost of the indignity, alienation, and loss of trust and cooperation suffered by entirely innocent individuals who are the targets of the confrontational policing tactics. Manski and Nagin (2017) argued that in some circumstances, the benefits may be worth the cost, for example, to suppress a flair of violence, but in other circumstances, the social costs of prevention may outweigh the crime prevention benefits.

Although not expressed in terms of enhancing social welfare, the broader social functions of policing beyond crime prevention laid out in Reiss (1971), Skolnick (1966), and Wilson (1968) contribute to social welfare. Police success in achieving these functions should thus count in an accounting of police effectiveness. In this regard, arguments advanced in Reiss (1971) are particularly germane to the argument for procedurally just treatment of citizens. He argued that the keystone to police achieving all of their social functions, including crime control but more, is mutually civil relations between police and citizens. We emphasize mutually because Reiss recognized that police–citizen interactions are sometimes fraught with mutual antagonism that is commonly counterproductive to the ends of both parties. As we earlier noted, Reiss (1971, p. 173) observed, “Since civility is born of trust, the extent
of trust and confidence the police and public have in one another is also of utmost importance to civil society.”

To explicitly connect Reiss (1971) to PJ, he interchangeably used the terms “trust and confidence in the police” with the “legitimacy of the police.” For Reiss, legitimacy was important not because it increased citizen compliance with the law except in the technical sense that failure to comply with a directive of police officer may be a legal infraction. Instead, legitimacy increased citizen willingness to comply with police directives in wide-ranging settings whether legally required or not, citizen consent to police intervention in and mediation of disputes, and citizen cooperation in maintaining public order.

Legitimacy may also increase citizens’ willingness to report crimes and cooperate in police investigations (Tyler, 2011). Although such willingness may indirectly prevent crime, it also serves the independently valuable social function of bringing lawbreakers to justice. Also, there is evidence that significant events threatening police legitimacy have impacts on crime reporting, particularly in minority communities (Desmond, Papachristos, & Kirk, 2016). Even though cooperation is a broad concept that need not only be tied to crime control, studies to date have typically assessed citizen cooperation with police through measures of crime reporting (Bolger & Walters, 2019). Finally, Reiss (1971) emphasized that civility between police and citizens reduces interpersonal conflict between them—to the mutual benefit of both. This too should be included in a social accounting of police effectiveness.

The bottom line of our argument on the social value of procedurally just treatment of citizens independent of any impact on crime is meant to make a broader point—the too narrow focus on crime control benefits of police activities has caused policy discussions of the social value of policing to often lose sight of the much broader socially valuable functions of policing.

Even as we elevate procedurally just treatment to the status of being socially valuable in its own right from the status of being socially valuable only in so far as it is effective in reducing crime, we are more skeptical that procedurally just treatment will reduce serious crimes against person and property. Our skepticism may be surprising to some because, at one level, the concept underlying PJ is self-evident. Hostile and disrespectful behavior on the part of authority figures is likely to provoke an angry response or only grudging compliance with their orders, a point implicit in the priority Reiss (1971) gave to civility. Indeed, third-party observation studies of police–citizen interactions have consistently reached this conclusion.

Civility in police–citizen interactions may also be a powerful bromide in averting the types of violent interactions that result in the death or injury of either the citizen or the police officer or simply an avoidable arrest. Both are consequential potential benefits of PJ treatment combined with effective use of de-escalation tactics. Indeed lethal interactions between police and citizens have been one of the leading catalysts for widespread support for reforms based on the principles of PJ. The PJ theory’s predictions, however, go far beyond complying with an immediate order of a representative of the CJS to predicting a causal chain whereby procedurally just treatment leads to enhanced perceptions of legitimacy, which in turn leads to compliance not only with immediate orders of legal authorities but also with the criminal law more generally as it pertains to the protection of person and property.

The logic underlying the link between the legitimacy of the authority of agents of the CJS and legal compliance is that legitimacy of the legal prohibition itself depends on the legitimacy of the institutions charged with its enforcement. In contexts outside of the criminal law, for example, conformance with organizational policies regulating the conduct of employees, this may well be the case. Laws protecting persons and their property, however, are deeply rooted in human society, culture, and religion in ways that are generally not the case with organizational conduct policies. The prohibitions against murder and theft, for example, are encoded in the Ten Commandments and Hammurabi’s Code. The legitimacy of these prohibitions has standing independent of the legitimacy of the institutions charged with their enforcement.
Hagan (1994) in his treatise on the sociological origins of crime provided a valuable schematic for distinguishing crimes that are temporally ephemeral and culturally specific like littering and use of marijuana to those that are enduring in time and across diverse societies. Hagan’s schematic is a four-level pyramid defined by three dimensions—agreement about the norm, severity of societal response, and evaluation of the social norm. At the top of the pyramid are what he calls “consensus” crimes—‘The crimes that concern many of us the most are crimes of predation that legal philosophers have called mala in se, or ‘bad in themselves.’ …These include the common law crimes of premeditated murder, forcible sexual assault or rape, armed robbery, and kidnapping” (pp. 14–15, emphasis in original).

Hagan (1994) went on to point out that research has demonstrated that there is broad agreement across all segments of society about the seriousness of these crimes. It is for this reason that we are skeptical that procedurally just or unjust treatment by the police or other agents of the CJS will affect an individual’s motivation or willingness to commit consensus crimes because the legitimacy of these legal prohibitions has standing independent of the legitimacy of agents of the CJS. The influence of the standing of prohibitions against consensus crimes is also likely far greater than any influence of the legitimacy of the authorities charged with their enforcement.

That said, we remain sympathetic to the contention that procedurally just treatment may influence willingness to comply with laws further down the pyramid, particularly at its base, because these are legal infractions without significant moral or social harm and for which there is no social consensus on the applicable norm or the appropriate societal response. Tyler (1990) found some support for this proposition in his initial work examining legitimacy and compliance as much of the offending behavior reported by citizens he surveyed was minor. Research by Mazerolle et al. (2017, 2019) provided promising evidence in support of this possibility, but even here it is important to recognize that these interventions were a complex integration of concepts from not only PJ relating to the manner of interpersonal interaction but also restorative justice and deterrence, which relate to the substance of that interaction. For these types of legal infractions, the legitimacy of their enforcers might influence citizen willingness to comply, but whether that compliance will result in material gain in social welfare is problematic. We welcome further research to test these propositions and shed further light on the relationships between PJ and compliance.

4 | POLICY IMPLICATIONS AND CONCLUSION

Since the death of Michael Brown at the hand of a Ferguson, Missouri, police officer in 2014, instances of police use of lethal force have triggered mass protests and spawned social movements such as Black Lives Matter, demanding fundamental changes in the way the police interact with citizens, particularly in economically disadvantaged minority communities. The concepts underlying procedurally just treatment of citizens are understandably attractive to those on the frontlines of responding to demands for reform. PJ is grounded on the principle that treating citizens with dignity should be the rule not the exception in police interactions with the public. It is ironic, therefore, that the case for PJ has often been framed in terms of compliance and crime prevention, not in terms of the quality of police–citizen interaction. Tyler, Goff, and MacCoun (2015), for example, noted that compliance alone has traditionally been the main concern of police and policy leaders. They pointed to more recent emphases on cooperation and community engagement, which have suggested broader roles for procedural justice, but even these concepts are frequently measured in relation to crime control (e.g., citizen cooperation in identifying criminals or community involvement in crime prevention).

Concerning the crime prevention effectiveness of procedurally just treatment of citizens, our earlier conclusion in Nagin and Telep (2017) remains unchanged: There is no evidence that procedurally just
treatment of citizens increases their compliance with the law. We are not alone in this assessment. The National Academy of Sciences’ Committee on Proactive Policing reached the same conclusion. We recognize, though, that this is a fast-moving area of research with an expanded focus on policy questions in recent years that provides promising evidence for links between programs focused on procedural justice and actual PJ delivered in the field, as well as some evidence such programs can impact citizen or even offender perceptions.

Our critical assessment of the evidence on the crime prevention efficacy of procedurally just treatment, and even more fundamentally our skepticism about whether procedurally just treatment will reduce mala in se crimes against person and property, does not, however, mean that PJ should be relegated to a secondary status in policy discussion about effective policing. To the contrary, as we have argued, procedurally just treatment of citizens has social value independent of its impact on crime. Yet those benefits are still to be demonstrated. The National Academies’ report (2017, p. 248) also concluded that “the research base [on procedural justice] is currently insufficient to draw conclusions about whether procedurally just policing causally influences either perceived legitimacy or cooperation.” The Committee report, however, went on to state that studies of PJ outside of policing suggest that PJ concepts have promise in the policing domain. In our view, for those potential benefits to be realized, important changes need to be made in how policy analysis is conducted and even more fundamentally in police management.

Concerning policy analysis, the scope of the analysis must be broadened to include more than crime prevention benefits. It must also include the social cost of confrontational policing tactics (Manski & Nagin, 2017) and the social benefits arising from the many other activities that police regularly perform. Some may object that these other costs and benefits beyond crime prevention are even harder to measure than the social benefits of averted crime and therefore should only be listed as intangibles. That rationale is only sustainable if there is consensus that the intangibles have a secondary status to the measured tangibles or are always complementary to measured benefits. In this setting, that argument cannot be plausibly made. There is good reason to believe that the noncrime benefits of procedurally just treatment are large and that there are trade-offs between achieving those benefits and crime prevention.

One challenge is that police agencies and governments rarely collect the data necessary to assess these other outcomes. Existing data sources focus more on quantity (i.e., how many hours of training were delivered?) rather than on quality (i.e., was the training useful?) (see Sparrow, 2015). If one focus of police executives should be ensuring that officers are consistently using PJ in the field, how could this be measured? Typically, agencies track citizen views about these issues only through expressions of displeasure or unfair treatment (e.g., complaints or lawsuits). Departments do little to assess how the “average” citizen views interactions with police, as well as the extent to which police behavior in the field aligns with PJ. One approach, discussed below, is the regular audit of BWC footage, particularly footage of more routine events. Another option would be to more directly include assessments of PJ use as part of field training (see Antrobus et al., 2019) or promotional processes. To better understand the viewpoints of the public, agencies should regularly survey their “customers” and include multiple questions on PJ and legitimacy (Myhill, Quinton, Bradford, Poole, & Sims, 2011). Additionally agencies should consider broad ways of measuring outcomes such as cooperation in ways that are not just reliant on crime reporting (see Bradford, 2014; Tyler & Jackson, 2014).

Fundamental changes in the management of police organizations must also be made to elevate the status of procedurally just treatment of citizens. Since the appearance of Nagin and Telep (2017) and the National Academies report (2017), which both concluded that evidence is scant that PJ training is effective in changing officer behavior, there have been some encouraging signs of effectiveness. Still the situation is not much different from 2015 when Skogan et al. (2015, p. 321) observed
that, “[V]irtually no research of any flavor has been done on procedural justice training, despite this being a necessary precursor to turning the theory into practice.” To reverse the dearth of evidence on the effectiveness not only of PJ training, but also of training in general, the culture of police executives checking off boxes on training received must shift to their insisting on demonstrations of the effectiveness of that training. Given the importance of historical forces in explaining police mistrust in some communities, we also recommend that training should emphasize not only PJ but distributive justice as well and efforts to signal to citizens that officers and agencies care about both process and outcome fairness.

More than training, however, is required. Systems for monitoring and rewarding procedurally just treatment of citizens are required. Indeed, in their seminal work on evaluating training, Kirkpatrick and Kirkpatrick (2006) argued that behavioral change from employees requires not just motivation and skills but also an encouraging climate and supervisor as well as rewards for adoption. Nearly 50 years ago, Reiss (1971, pp. 220–221) observed that, “Continual review of the behavior of all police in all encounters with citizens is an ideal mechanism to insure that officers meet standards of practice.” Recent evidence suggesting that body-worn cameras are effective in improving the civility of police–citizen interactions (McCluskey et al., 2019) supports the recommendation made by Reiss.

When Reiss (1971) made this observation, such monitoring was technologically infeasible. That has changed. Modern computerized audio-visual recognition systems now make it possible to use artificial intelligence-based technologies to review feed from BWCs and other monitoring devices to create systems for measuring the quality of police–citizen interactions. What still remains lacking 50 years after this recommendation for monitoring systems are the management systems for incorporating measurements of the quality of police–citizen interactions into systems of rewards and sanctions, not only of individual officers but also of those responsible for the management of higher organizational aggregates from the police station to the precinct to the entire police organization (Lum & Nagin, 2017; Worden & McLean, 2017).

It is our view that the role of scientists in the policy process is to provide policy makers with an objective and balanced assessment of the present state of scientific knowledge as it relates to the policy dilemma policy makers are facing, which in the context of this article is how to respond to demands for reforms in the way police interact with the public. Policy makers must still make decisions even in the face of weak science relevant to that decision. Those decisions should not, however, be based on mistaken premises about the state of relevant science. If the evidence is weak, policy makers should be told that. The state of current knowledge about the effectiveness of policing based on the concepts of PJ does not preclude its implementation into police practice, but expectations about impact should be realistic. As we have emphasized, the prescription of PJ advocates about the manner in which police should strive to interact with citizens has substantial normative merit. Police executives should, however, be cognizant that the effectiveness of this approach to policing should be closely monitored.

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