

Procedural Justice Training

POLICY ASSESSMENT MARCH 2021

In the context of policing, procedural justice is a term used to describe officers' respectful, transparent, and equitable conduct with community members. Procedural justice training teaches officers to allow community members to explain their actions and guides officers in describing the reasons and legal bases for their responses to those actions. Agencies train officers in procedural justice to promote more respectful encounters between officers and community members with the goals of enhancing police legitimacy and perceptions of fairness, and building community trust in the police.

SUMMARY ASSESSMENT

- + The evidence is strong that community members' personal experiences with or observations of individual officers can influence their views of police legitimacy and their trust in the police.
- + If implemented well and monitored to ensure sufficient supervision and compliance, procedural justice training can be effective in improving the attitudes and behaviors of officers and may result in reductions in arrests and the use of force.
- + Some research finds that trust in the police is associated with greater compliance with the law and cooperation with the police, which may in turn promote community safety.
- + Police should adopt policies and cultures that promote principles of "internal procedural justice" within their own agencies, an important precondition for officers to embrace and comply with procedural justice practices in the community.

Current Practice and Research

The concept of procedurally just policing dates back to the nine principles of policing attributed to Sir Robert Peel, a prime minister of the United Kingdom in the early 1800s who is widely considered the father of modern policing.¹ The term procedural justice was further defined in the early 2000s, in the context of a means of engendering public compliance with the law (Tyler, 2003; Sunshine and Tyler, 2003). The notion that officers should be trained in procedurally just practices in the interests of improving police-community relations with and public trust in the police gained traction as a result of the President's Task Force on 21st Century Policing in 2015. The Task Force established police legitimacy as a foundational pillar of exemplary policing and specifically recommended procedural justice training, policies, and practices as a means of enhancing the public's trust in the police and their compliance with the law.



No systematic data exist on the number of agencies that have adopted procedural justice training. However, the need for police legitimacy has become more pronounced in recent years following fatal police use-of-force events that have sparked nationwide protests. Among the dozens of law enforcement agencies for which the U.S. Department of Justice (DOJ) determined a pattern or practice of conduct in violation of the Constitution or federal law pertaining to use of force, the vast majority of resulting reform agreements have included procedural justice training (DOJ, 2017).² A majority of 400 police executives who responded to a Police Executive Research Forum survey believe that increasing public trust in law enforcement should be the number one priority for the Biden-Harris Administration (Nickeas, 2020).

PUBLIC PERCEPTIONS AND POLICE LEGITIMACY

Procedural justice training is grounded in the idea that community members will comply with legal norms if they perceive the system as treating them fairly and respectfully. It is also theorized that the public is more likely to trust the police if they perceive that officers are treating them equitably.

Research on the relationship between interactions and perceptions is convincing. Systematic reviews and meta-analyses find that people who have had positive personal experiences with the police are more likely to trust in the police, indicate a greater willingness to cooperate with them, and express higher satisfaction with police services (Donner et al., 2015; Bolger and Walters, 2019; Walters and Bolger, 2019; Gill et al., 2014; Mazerolle et al., 2013). These findings are supported by rigorous experimental studies identifying a causal link between procedural justice and police legitimacy (Flippin, Reisig and Trinkner, 2019; Reisig, Mays, and Telep, 2018).

However, other research finds that public opinions of police are informed by a variety of factors and are shaped over time and by multiple interactions, observations, and experiences, including those that occur nationally and outside of their jurisdictions (Nagin and Telep, 2020). Opinions are also shaped by conversations with family and friends (Miller et al., 2004; Skogan, 2006). Studies indicate that single encounters with police officers may not influence views about the police agency overall (Sahin et al., 2016). In addition, research has found that negative interactions with the police are more powerful in driving overall perceptions of police legitimacy than are positive interactions (Maguire, Lowrey, and Johnson, 2017).³

Research on the relationship between public trust in the police and compliance with the law is mixed. Some scholars have concluded that increasing procedural justice and the resulting impact on public trust in the police are as effective in controlling crime as the traditional deterrence model (Tyler, 2006; Tyler and Jackson, 2014). Others disagree (Nagin and Telep, 2020). Indeed, a survey of residents in the highest crime, lowest-income communities across six U.S. cities found that self-reported agreement and compliance with the law is high even when overall views of police legitimacy are alarmingly low (La Vigne, Fontaine, and Dwivedi, 2017).⁴ Other research has identified a relationship between procedural justice, community trust in the police, and increases in crime clearance rates (Tyler, Goff, and MacCoun, 2015).

PROCEDURAL JUSTICE TRAINING

Procedural justice training takes one of two forms. Script-based training guides officers in following a set narrative when interacting with members of the public in specific contexts, such as traffic stops. Skills-based training focuses more squarely on a four-step process: giving people voice, explaining the reasons for their actions, treating people neutrally and respectfully, and conveying that their motives are responsive to people's needs and concerns (Goodman-Delahanty, 2010; Tyler, 2006, 2008; Tyler, Goff and MacCoun, 2015; Tyler and Huo, 2002; Tyler and Murphy, 2011; Mazerolle et al., 2013).

Evidence of the impact of procedural justice training is derived from evaluations of both script- and skill-based approaches. Two randomized controlled trials of script-based interventions have found that members of the



public had more positive perceptions of their encounters with officers trained in procedural justice (Mazerolle et al., 2013; Sahin et al., 2016); one study also found more positive perceptions of police overall (Mazerolle et al., 2013). Questions remain about whether requiring officers to use a script is more or less impactful than training officers on procedural justice skills. Arguably, the latter approach is more useful in helping officers to respond fluidly to the changing dynamics of their encounters with members of the public. In addition, officer compliance with the use of a script may be uneven.

Rigorous evaluations of skills-based procedural justice training yield inconsistent findings. A randomized trial of procedural justice training in England that lasted 14 hours over a two- to three-day period documented statistically significant improvements in officer interactions with members of the public (quality of service delivery, degree of empathy, fairness of decision making) as well as public perceptions of those interactions (Wheller et al., 2013). In a follow-up survey three to nine months later, people who interacted with procedural justice-trained officers rated the quality of the encounter more favorably, but did not indicate a greater willingness to cooperate with the police, nor did they have higher levels of satisfaction in how they were treated or the services they received (Wheller et al., 2013).

An experimental study in Australia of a one-and-a-half day academy training yielded no differences in officer attitudes immediately following the training, but trained officers were more likely to believe in the effectiveness of procedural justice methods, and their field supervisors observed more procedurally just behaviors by them (Antrobus et al., 2019). Another evaluation of an academy training specific to procedural justice employed an experimental design of officers in the Chicago Police Department who were exposed to the 20-hour Quality Interaction Program curriculum. While no differences were detected in officer attitudes, officers in the treatment group were more likely to apply procedural justice skills in videotaped scenarios (Rosenbaum and Lawrence, 2017).

Another form of training that combines principles of procedural justice with those of de-escalation is the Tact, Tactics, and Trust (T3) social interaction training. The curriculum is designed to “strengthen officers' capacity to be agile, adaptable, and creative in situations where safety, communication, and trust are essential” and is delivered in short, repetitive sessions employing hands-on and interactive training methodologies. Results of a randomized controlled trial in two police departments found that the training led officers to prioritize procedurally fair communications in one of the two agencies but did not impact police use of force, possibly because of the rarity of use of force events (McLean et al., 2020; Wolfe et al., 2020).

In addition, one quasi-experimental design examined both attitudinal and field-based outcomes of a day-long procedural justice training in Chicago that was delivered to 8,500 officers. It found a 10% reduction in public complaints against officers and a 6.4% reduction in officer use of force (Wood et al., 2020). This finding aligns with evaluations of procedural justice trainings that use pre- and post-training surveys of officers across multiple agencies, assessments that have documented meaningful and statistically significant improvements in knowledge of and agreement with principles of procedural justice (Skogan et al., 2015; Jannetta et al., 2019).

INTERNAL PROCEDURAL JUSTICE AND THE ROLE OF SUPERVISORS

In the past decade, scholars have begun to document the internal climate and culture of police departments as it pertains to procedural justice, employing the term “internal procedural justice” to describe the degree of transparency and equity within an agency as perceived by its officers (Bottoms and Tankebe, 2013; Tankebe, 2019; Trinkner, Tyler, and Goff, 2016). Studies within and outside of the U.S. have identified a close relationship between officer perceptions of organizational justice and their demonstrated commitment to their department (Tankebe, 2010; Crow, Lee, and Joo, 2012), compliance with departmental policies (Haas et al., 2015), and adherence to principles of community policing (Haas et al., 2015; Wolfe and Nix, 2016). Officers in agencies that researchers assessed as having high internal procedural justice experience lower levels of psychological



and emotional distress and lower levels of cynicism and mistrust about the communities that they police (Haas et al., 2015; Van Craen and Skogan, 2017; Carr and Maxwell, 2018). In addition, officers who assessed their departments as fair and just were less likely to engage in misconduct or adhere to the "code of silence" (Wolfe and Piquero, 2011; Bradford et al., 2014; Haas et al., 2015).

In policing research on internal and external procedural justice, the role of supervisors features prominently. Studies have documented the powerful role supervisors and organizations can play in commending officers who engage in procedural justice practices, resulting in reduced officer complaints filed (Wolfe & Piquero, 2011) and greater compliance with organizational rules (Haas et al., 2015; Tyler, Callahan, & Frost, 2007). However, evaluations have yielded mixed results on the impact of supervisor support on procedurally just interactions with members of the public: one documented increased commitment to procedural justice principles on the part of officers (Tankebe, 2014b), while another found no effects (Jonathan-Zamir & Harpaz, 2018).

A recent experiment with the Seattle Police Department applied principles of internal procedural justice to supervisory coaching of officers with a high predicted risk of use of force, injury, or public complaint (Owens et al., 2018). The intervention consisted of meetings with supervisors to review a recent high-priority encounter in which the officer had been involved, with supervisors walking officers through their thought processes in a respectful manner that invited personal reflection. While no differences were detected in complaints filed against officers or in measures of community engagement between treatment and comparison groups, the evaluation found that treated officers made 25% fewer arrests per incident immediately following the supervisory sessions, which declined to a 12% reduction several weeks later. Reductions in the use of force were also observed, ranging from 15 to 50%.

Critical Policy Elements

- + Taken together, the body of evidence on procedural justice training and internal procedural justice practices suggests that to be effective, agencies should adopt both.
- + Departments should ensure that trainers are credible, respected messengers who believe in the concepts of procedural justice. Coaching by supervisors who embody principles of procedural justice may be impactful, particularly for officers who are at high risk of misconduct or injury.
- + The principles of procedural justice training should be incorporated into supervisory practices and integrated into all manner of academy and in-service trainings.
- + Given limited training resources, adopting a stand-alone de-escalation training module that incorporates procedurally justice principles may yield the best return on investment. However, there are many other contexts in which procedural justice would apply in police encounters with members of the public.
- + Trainings should solicit the input and participation of members of the community.

Expected Impacts

PREVENTING MISUSE OF FORCE

There is some evidence linking procedural justice training or supervisory coaching to reductions in excessive force if connected to increased use of de-escalation tactics.



ENHANCING TRANSPARENCY AND ACCOUNTABILITY

If procedural justice is successful in teaching officers to explain the reasons for their actions in encounters with members of the public, transparency will be enhanced. In addition, agencies that adopt internal procedural justice practices may enhance officer perceptions of transparency and equity.

STRENGTHENING COMMUNITY TRUST

Studies have documented a very strong positive relationship between community members' perceptions of their interactions with or observations of police and their overall trust in the police and belief in their legitimacy. However, perceptions of the police are influenced by many factors beyond direct experience and observation.

REDUCING RACIAL DISPARITIES

While the use of procedural justice coaching may lower rates of arrests among officers who are at high risk of using force or being injured, no studies have documented the degree to which procedural justice training or coaching reduces racially disparate policing.

ENSURING OFFICER SAFETY

The close link between procedural justice practices and de-escalation strategies, both of which employ respectful and neutral verbal strategies, may prevent the escalation of encounters that could jeopardize officer safety. However, there is no research documenting the impact of procedural justice on officer safety.

PROMOTING PUBLIC SAFETY

Studies have found that members of the public who trust the police and view the police as legitimate are more likely to report crimes, come forward as witnesses, and collaborate with police on crime-prevention and control efforts. This suggests that procedural justice could promote public safety. But no studies have documented this relationship, and it is uncertain whether the practice of procedural justice by the police increases a community member's future compliance with the law.

Endnotes

- 1 <https://www.nytimes.com/2014/04/16/nyregion/sir-robert-peels-nine-principles-of-policing.html>
- 2 <https://www.justice.gov/crt/file/922421/download>
- 3 <https://link.springer.com/article/10.1007/s11292-016-9276-9>
- 4 https://www.urban.org/sites/default/files/publication/88476/how_do_people_in_high-crime_view_the_police.pdf
- 5 <https://www.polis-solutions.net/t3>

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About The Task Force

The independent **Task Force on Policing** was launched in November 2020 by the **Council on Criminal Justice**. Its mission is to identify the policies and practices most likely to reduce violent encounters between officers and the public and improve the fairness and effectiveness of American policing. The **11 Task Force members** represent a diverse range of perspectives and experience and include law enforcement leaders, civil rights advocates, researchers, a former mayor, and community members who have lost loved ones to police violence. The Council staffs the Task Force, and the **Crime Lab** at the University of Chicago's Harris School of Public Policy is serving as its research partner.

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