Procedural Justice and Road Policing: Is it important?

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Abstract

Road policing is an important component of programs designed to alter road user behaviour with the use of theory to underpin such programs becoming more prevalent. One theory that may be useful to examine in a road policing context is procedural justice. The concept of procedural justice suggests that how the police treat people when they interact with them is very important. Procedural justice has four elements: neutrality, respect, trust and voice. In interactions where the elements of procedural justice are present, individuals are more likely to comply with the directions of, and to cooperate with, the police. They are also more likely to see the police institution as legitimate. The concept of procedural justice has been applied and explored in a broad range of policing contexts but in a limited way within road policing. This paper considers the concept of procedural justice, explores what we know about its application to road policing and discusses some of the implications for road safety. The paper argues that more research is needed to identify the impact of procedurally just police interactions in a road policing context on both perceptions of police and road safety attitudes and behaviours.

Introduction

In many places worldwide, traffic law enforcement programs are used to alter driver behaviour and thus enhance road safety with police operations a key component of the enforcement process (Bates, Soole, & Watson, 2012; Stanojevic, Jovanovic, & Lajunen, 2013; Watson, Siskind, Fleiter, & Watson, 2010). Policing and enforcement programs are important for specific behaviours such as drink driving (Davey & Freeman, 2011; Ferris et al., 2013; Watson & Freeman, 2007), drug driving (Watling, Palk, Freeman, & Davey, 2010), speeding (He, King, Watson, Rakotonirainy, & Fleiter, 2013; Soole, Fleiter, & Watson, 2013; Soole, Watson, & Fleiter, 2013), red light running (Porter, Johnson, & Bland, 2013; Pulugurtha & Otturu, 2014) and seat belt use (Faulks, Lane, & Irwin, 2012; Stanojevic et al., 2013). Additionally, road policing is important for managing the behaviour of different road user groups such as young drivers (Bates et al., 2014), motorcyclists (Hyder, Waters, Phillips, & Rehwinkel, 2007) and cyclists (Johnson, Charlton, Oxley, & Newstead, 2013).

The use of theory to underpin road policing programs is becoming more prevalent. Traditionally, road policing has relied on the principles of deterrence to underpin an enforcement program (Bates et al., 2012; Fleiter, Watson, & Lennon, 2013; Watling & Leal, 2012). This theory focusses on reducing the undesired behaviour. In contrast, procedural justice focuses on the processes used by police when interacting with people. Procedural justice has received limited application and examination within a road safety context but could be used in addition to deterrence theory. This paper outlines what procedural justice is, why it is important, research regarding procedural justice in a road context and the implications of this approach for both road safety and policing.

Procedural justice

Procedural justice refers to the assessment that people make about the processes that police use to make their decisions and exert their authority (Murphy, Mazerolle, & Bennett, 2013; Sunshine & Tyler, 2003). Individuals' perceptions of justice and injustice are affected by their perceptions of procedural justice as well as the actual outcome of the interaction (Engel, 2005; Tyler & Folger, 1980) with the fairness of the interaction considered a stronger influence than the outcome of the interaction (Murphy, 2004; Tyler, 2011). Procedural justice is considered to be a part of interactions in a range of contexts including policing (Bradford, 2014; Gau & Brunson, 2010) and the courts (Thibaut & Walker, 1978).

There are four components to procedural justice: voice, neutrality, respect and trustworthiness (Goodman-Delahunty, 2010; Murphy et al., 2013; Sargeant, Murphy, Davis, & Mazerolle, 2012). The voice component involves providing people with the opportunity to communicate their perspective as part of the encounter with the authority (Goodman-Delahunty, 2010; Sargeant et al., 2012). It needs to occur prior to the decision being made (Murphy & Barkworth, 2014). Neutrality occurs when a decision is based on facts rather than being influenced by individual belief or prejudices (Murphy et al., 2013). As part of neutrality, the decision-making process needs to be transparent (Goodman-Delahunty, 2010). Respect refers to individuals receiving suitable treatment and the absence of impoliteness from the individual that represents the authority (Goodman-Delahunty, 2010; Murphy & Barkworth, 2014; Murphy et al., 2013). The final element, trust, refers to individuals perceiving that the authorities are sincerely concerned about their well-being and that they are genuinely trying to do their best for the individuals that they are interacting with (Goodman-Delahunty, 2010; Murphy & Barkworth, 2014; Murphy et al., 2013).

It appears that there are different types of procedural justice: global and specific. Global procedural justice refers to generalised assessments made of a decision-making authority at an aggregate level. In contrast, specific procedural justice occurs when individuals make an assessment based on a specific interaction that they have had with police (Gau, 2014). Additionally, the effects of procedural justice may differ across different ethnic groups in both the Australian (Sargeant, Murphy, & Cherney, 2014) and international contexts (Tyler, 2005, 2011).

Importance of procedural justice in policing

Procedural justice is an important aspect of process-based policing. Individuals that perceive the police are fair are more likely to believe that the police are legitimate (Bradford, Murphy, & Jackson, 2014; Jonathan-Zamir & Weisburd, 2013; Sunshine & Tyler, 2003; Tyler, 2004). An institution, such as a police service, is considered legitimate if individuals accept their decisions and follow their instructions (Jackson et al., 2012; Tyler, 2011). Mazerolle, Bennett, Davis, Sargeant, and Manning (2013) undertook a systematic review and meta-analysis of research that assessed the effect of police interventions that incorporated the principles of procedural justice and were designed to enhance public perceptions of police legitimacy. The review found that there were a number of interventions that police led including, but not limited to, community policing, problem-orientated policing and neighbourhood watch. The review identified that these interventions are successfully used to promote public satisfaction and confidence in police, compliance and cooperation with police and perceptions of procedural justice. Mazerolle, Bennett, Davis, et al. (2013) concluded that any type of police intervention could be altered so that it facilitates police legitimacy.

Individuals are more likely to cooperate with police (Bradford, 2014) and have trust in the police (De Cremer & Tyler, 2007; Tyler, 2005) when the police interact with them using the principles of procedural justice. Research suggests that procedural justice is an important antecedent of trust in police (De Cremer & Tyler, 2007; Tyler, 2005). Tyler, using telephone interview data from 1,653 New York citizens, identified that trust in police motivates people to assist police to fight crime. Additionally, he found that the use of procedurally just policing practices shaped individuals' trust in police and it was this trust in police that influenced people's cooperation with police (Tyler, 2005).

The perceived level of procedural justice in an interaction determines the acceptance of policies and compliance with them by individuals (Wells, 2008). Paternoster, Brame, Bachman, and Sherman (1997) used a sample of male domestic violence perpetrators to examine whether a procedurally just interaction with police affects subsequent offending. The researchers identified that, even when the perpetrator experienced an adverse outcome for their initial offence, if the interaction with police had been conducted using the principles of procedural justice there was a lower recidivism rate (Paternoster et al., 1997). Confidence in police can be enhanced through the use of impersonal mechanisms as well as face-to-face interactions. For instance, a field quasi-experiment within the United Kingdom identified that a letter box drop can enhance confidence in police (Hohl, Bradford, & Stanko, 2010).

Procedural justice, road policing and road safety

Interactions between police and citizens are most frequent at traffic stops (Engel, 2005) with a Random Breath Test (RBT) the most common reason people report having contact with police in Australia. Using data collected in 2007, approximately 57 per cent of people who reported having contact with police for any reason in the previous 12 months had the interaction during an RBT (Roberts & Indermaur, 2009). Some Australian states, such as Queensland, require police agencies to undertake a certain number of RBTs per licensed driver per year (Ferris et al., 2013). Research suggests that it is more important to incorporate the principles of procedural justice when the contact is initiated by police (Murphy, 2009; Skogan, 2005). Both RBTs and other forms of road policing such as speed enforcement are initiated by police suggesting that there may be a role for procedural justice in this process.

As noted above, there is a significant body of work that outlines how procedural justice increases co-operation and compliance with police as well as beliefs about police legitimacy. Despite this, very little procedural justice research has occurred within a road policing or road safety context. However, some research does suggest that 'fairness' is an important concept for drivers particularly in relation to speeding offences. For instance, speed cameras are perceived as consistent but unfair (Wells, 2008). They do not allow individuals the opportunity to have a voice within the interaction, unless they elect to attend court to explain why they were engaging in speeding (Wells, 2008). Comments from a sample of road users that had collected points on their driving licence for speeding offences frequently commented about various aspects of the system that they considered unfair. This included: the placement of speed cameras, perceptions that speed cameras were used to raise revenue and the penalty points system (Corbett & Grayson, 2010). Alternatively, it is possible that speed cameras could be considered a 'fairer' approach to enforcement as they treat all vehicles the same regardless of any driver characteristics (Cooper, 2010). Focus group research with a sample of Queensland drivers suggested that they were more supportive of speed camera programs when they were operated in an overt and transparent manner (Soole, Lennon, & Watson, 2008).

Research suggests that the reason drivers are stopped and the use of force are important factors in procedural justice. One study used a sample of 7,054 drivers in the United States who had been stopped by police. The participants who were stopped for other traffic offences, suspicion or vehicle defects were more likely to report, when compared with those drivers who had been stopped for speeding, that they did not see the stop as legitimate or that the police acted improperly, or both. Additionally, when the police used force against a driver that driver was 17.2 times more likely to report procedural injustice when compared to those who did not have force used against them (Engel, 2005).

Tyler and Folger (1980) considered the effect of procedural justice in two different types of interactions: where a citizen called the police to obtain assistance in resolving an issue and where the police had stopped the citizen for questioning or due to a traffic offence. The researchers conducted 184 interviews, with 36% of the sample indicating that they had been stopped by police (as opposed to calling police). Of those who had been stopped by police, 90% had been stopped for a traffic or motor vehicle offence. Within this group, 55% had received a ticket and 70% indicated that they had been treated fairly by police. The researchers concluded that participants who felt fairly treated by police had more positive evaluations of their specific encounter and the police more generally, regardless of whether they received a ticket for a traffic or motor vehicle offence (Tyler & Folger, 1980).

Procedural Justice and Road Policing Research in Australia

The inclusion of procedural justice as a framework within road policing in Australia is an emerging area. The Queensland Police Service and researchers from the University of Queensland conducted a randomised experimental field trial, the Queensland Community Engagement Trial (QCET) to examine the effect of incorporating the elements of procedural justice into an interaction between citizens and police. In this experiment 60 RBT operations were assigned to either the experimental condition, where police officers incorporated the principles of procedural justice into their interactions, or the control condition where the RBT was conducted as per normal (Mazerolle, Bennett, Antrobus, & Eggins, 2012). There were 20,985 surveys that were distributed to drivers after they had an RBT interaction with police. Of these, 2,762 were returned meaning that there was an overall response rate of 13.16% (Mazerolle et al., 2012). Further analysis suggests that the low response rate does not appear to have affected the substantive findings of the QCET experiment (Antrobus, Elffers, White, & Mazerolle, in press).

The results of QCET indicate that those drivers who participated in an RBT encounter that incorporated the principles of procedural justice were 1.24 times more likely to report that their views on drinking and driving had changed. However, the effect of this type of encounter has additional benefits apart from those which are road safety related. Participants in the procedurally just interaction reported higher levels of satisfaction with police and higher levels of compliance (Mazerolle et al., 2012). Thus, QCET demonstrates that one positive in-person police-driver interaction in an RBT context can result in increased levels of trust and confidence in police (Murphy et al., 2013). Furthermore, the one procedurally just RBT encounter affected not just the drivers' perceptions of that one specific encounter but also of police more broadly (Mazerolle, Bennett, Antrobus, & Tyler, 2013).

QCET found that an RBT interaction incorporating the principles of procedural justice took longer (M = 99.11 secs, sd = 30.01 secs) than a standard RBT process (M = 25.51 secs, sd = 4.84 secs) (Mazerolle et al., in press). However, it is important that a procedurally just interaction does not take too long with evidence from QCET suggesting that a police-citizen

interaction at an RBT site should be approximately 1 minute and 50 seconds as longer interactions result in reduced positive perceptions of police performance (Mazerolle et al., in press). Additionally, any use of procedural justice by police officers and their agencies should be meaningful and not used as an impression management tool (Murphy et al., 2013).

Barkworth and Murphy (in press) conducted a vignette study with 148 participants. Participants completed a 20 minute online survey and were randomly allocated to either a procedurally just or a procedurally unjust scenario which involved them being pulled over by police for driving five kilometres per hour over the speed limit. The study identified that those drivers who were allocated to the procedurally just scenario were more likely to report that they would comply in the future when compared to those allocated to the procedurally unjust scenario. However, this relationship is mediated by negative emotions (Barkworth & Murphy, in press).

A key reason for incorporating procedural justice elements into police-citizen interactions is to increase the perceived legitimacy of policing organisations (Sunshine & Tyler, 2003). However, exploratory research with a convenience sample of 293 Queensland drivers suggested that participants had different perceptions of the legitimacy of various traffic law enforcement approaches. The perceived legitimacy of drink driving law enforcement was higher than for seatbelt use while speed and driver fatigue management was perceived as the least legitimate (Watling & Leal, 2012). This suggests the need to consider if there are differing effects of procedural justice for different road offences.

Implications and further research

The outcomes of road policing in terms of reducing crashes, deaths and injuries are vitally important. However, it is also important to realise that the public come into contact with police officers quite frequently in a road policing context. Each interaction has the potential to affect perceptions of the police more broadly than just the interaction that occurred within the road policing context. Therefore, police should be very conscious of the manner in which they enforce road laws and encourage safe road user behaviours to ensure that they are not creating negative perceptions of the police more broadly. Police need to be fair when they deal with drivers and road users, otherwise they risk reducing the likelihood that people will cooperate with them in the future (Bradford, 2014).

Procedural justice has been researched in a wide variety of contexts. However, there is very little research within the road policing and road safety context, particularly within Australia. The exception to this is QCET which used RBTs as the context for a criminological field experiment examining procedural justice (Mazerolle et al., in press; Mazerolle et al., 2012; Mazerolle, Bennett, Antrobus, et al., 2013; Murphy et al., 2013) and a small vignette study (Barkworth & Murphy, in press). Given that research in other contexts has shown that police-citizen interactions that incorporate the principles of procedural justice increases co-operation and compliance with police, we need further research that considers the effects of procedural justice on road safety behaviours more specifically. For instance, if police use the principles of procedural justice when interacting with citizens over a speeding violation, it may be possible to discourage them from consciously engaging in speeding behaviour in the future. Additionally, there is a need for research that examines whether the principles of procedural justice apply to non-interpersonal interactions. An increasing amount of road policing occurs in more automated formats that may not be able to demonstrate all elements of procedural justice. Finally, this paper has focused on procedural justice that occurs in police-citizen traffic enforcement interactions. Some researchers suggest that we may need to consider the

impact of procedural justice in relation to road policing policies that are implemented, as opposed to the specific road policing interactions (Ward, Nobles, Lanza-Kaduce, Levett, & Tillyer, 2011).

Conclusion

Road policing is a key element of traffic law enforcement programs used to decrease a range of undesirable driver behaviours such as drink driving, drug driving, speeding, red light running and seat belt use. The use of theory to underpin these enforcement programs is becoming more common with deterrence theory the most frequent framework used to underpin these programs. However, this paper suggests that the addition of procedural justice processes to road policing practices may increase co-operation and compliance with police directions and reduce recidivism. Additionally, incorporating the principles of procedural justice into police-driver interactions may have broader effects on police organisations including enhancing perceptions of their legitimacy.

While there is a large body of research regarding procedural justice and policing, there is limited research that has occurred within a road policing and road safety context. This small amount of research that investigates procedural justice and traffic policing suggests that it is beneficial to include the elements of procedural justice in these interactions. However, further research is required, particularly within an Australian context that focusses specifically on road policing and the different types of offences that occur on the road.

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