Integrating the Individual into Procedural Justice Theory: Bounded Authority & Autonomy Threats

RICK TRINKNER
SCHOOL OF CRIMINOLOGY & CRIMINAL JUSTICE
ARIZONA STATE UNIVERSITY
“Basic” Model of Police Procedural Justice (PJ)
**“Basic” Model of Police Procedural Justice (PJ)**

**Procedural Justice**
- Perceived fair application of authority by social control agents.
- Components:
  - Treatment
  - Decision-Making

![Diagram](Diagram.png)

- **Police Legitimacy**
  - **Procedural Justice**
  - **Legal Behavior**
“Basic” Model of Police Procedural Justice (PJ)

Procedural Justice

Police Legitimacy

Legal Behavior

Police Legitimacy
- Belief that police are rightful holders of authority
  - Components
    - Obligation to obey
    - Normative alignment
“Basic” Model of Police Procedural Justice (PJ)

- Procedural Justice
- Police Legitimacy
- Legal Behavior
  - Compliance
  - Cooperation
  - Support
  - Empowerment

(Voluntary) Legal Behavior
Limits of the Basic PJ Model?

(Some) Legal Issues:
- Mass Surveillance
- The drug war
- Stop-and-frisk
- Sex work
- Gun control/rights
- Abortion control/rights
- Religious freedom
- Immigration

Procedural Justice Theory:
The police can promote/maintain their legitimacy and elicit voluntary compliance/cooperation through procedurally fair enforcement of the law.
Legal Socialization\textsuperscript{1,2,3}

Process by which people develop their understanding of societal laws, the institutions that create laws, and the authorities that enforce laws

At its core: Building relationship with the law
- Appropriate scope of the law
- Not just “how” but also “what” “when” “where” and “why”
- Fundamental to legitimacy

\textsuperscript{1}Cohn & White, 1990; \textsuperscript{2}Tapp & Levine, 1974; \textsuperscript{3}Tyler & Trinkner, 2018;
Legal Socialization\textsuperscript{1}

Key issues defining relationship:

- Treatment issues
- Decision making issues
- Boundary issues

\textsuperscript{1}Tyler & Trinkner, 2018;

- Largely question of “how”
- Procedural Justice Theory

- Questions of “what,” “where,” “when,” & “why”
- Bounded authority
Conceptualizing Bounded Authority

People:
- Value their agency
- Do not cede complete control to regulatory authority

Lives demarcated into different domains
- Each with different limits on authority intrusion
- Each with different limits on what, where, when, etc.

People resist authority when limits encroached
- Independent of treatment & decision-making

\(^1\)Tyler & Trinkner, 2018; \(^2\)Smetana, 2002
Conceptualizing Bounded Authority

Boundary concerns largely ignored by PJ researchers

Some evidence:
- Youth relationships with non-legal regulatory authority (e.g., parents & teachers)$^{1,2,3}$
- Perceived police intrusions can be delegitimizing regardless of treatment & decision-making issues$^4$
- Police legitimacy can be influenced more by what police are doing than how they are doing it$^{5,6}$

$^1$Tyler & Trinkner, 2018; $^2$Laupa & Turiel, 1993; $^3$Tisak et al., 1994; $^4$Tyler et al. 2014; $^5$Epp et al., 2014; $^6$Worden & McLean, 2017
Conceptual Boundaries...of Bounded Authority

Bounded Authority vs. Legality\(^1\)
- Related, but not interchangeable
- Citizens lack requisite knowledge of laws

Bounded Authority vs. Morality\(^2\)
- Related, but not interchangeable
- Immoral behavior vs. legally/criminally regulating behavior

\(^1\)Trinkner et al., 2018; \(^2\)Tyler & Trinkner, 2018
Empirical Explorations

Research Question:
◦ Is bounded authority associated with reactions to legal authority (e.g., legitimacy)?
◦ Independent of traditional procedural justice factors?

Studies
◦ Trinkner, Jackson, & Tyler (2018)
◦ Hamm, Trinkner, & Carr (2017)
◦ Huq, Jackson, & Trinkner (2017)
Empirical Explorations

Research Question:
◦ Is bounded authority associated with reactions to legal authority (e.g., legitimacy)?
◦ Independent of traditional procedural justice factors?

Studies
◦ Trinkner, Jackson, & Tyler (2018)
◦ Hamm, Trinkner, & Carr (2017)
◦ Huq, Jackson, & Trinkner (2017)
  ◦ Best measure of bounded authority to date
  ◦ Nationally representative (telephone) survey of England & Wales
  ◦ Focus: examine broad range of predictors of police legitimacy
## Measures

<table>
<thead>
<tr>
<th>Procedural fairness</th>
<th>Surveillance practices</th>
</tr>
</thead>
<tbody>
<tr>
<td>◦ Treatment</td>
<td>◦ Tracking &amp; monitoring public on mass level</td>
</tr>
<tr>
<td>◦ Decision-making</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Distributive fairness</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>◦ Unequal distribution of police resources b/n social groups</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Police effectiveness</th>
<th>Dependent Variable:</th>
</tr>
</thead>
<tbody>
<tr>
<td>◦ Crime prevention</td>
<td>Police Legitimacy</td>
</tr>
<tr>
<td>◦ Emergency response</td>
<td>◦ Normative alignment</td>
</tr>
<tr>
<td></td>
<td>◦ Obligation to obey</td>
</tr>
</tbody>
</table>
Bounded Authority Measure

Items (Stem: How often, if ever, they thought the police...)
◦ ...got involved in situations they have no right to be in?
◦ ...exceeded their authority?
◦ ...violated people’s freedoms?
◦ ...abused their power?
◦ ...harassed and intimidated people?
◦ ...acted as if they are above the law?

Coding scheme
◦ ↑ scores = ↑ respect for boundaries
Results: Structural Equation Modeling
Surveillance Practice

Bounded Authority

Procedural Justice

Effectiveness

Distributive Justice

Normative Alignment

Obligation to Obey

Police Legitimacy ($r = .40$)

$\cdot .36^{***}$

$\cdot .36^{***}$

$\cdot .09^*$
Summary

Expectations confirmed
  ◦ Bounded authority associated with perceptions of police authority
  ◦ Independent of procedural justice (and other concerns)

General finding replicated in US too\(^1,^2\)

Issues (among others)
  ◦ Correlational methodology\(^3\)
  ◦ Why do people care about boundaries?

\(^1\)Trinkner et al., 2018; \(^2\)Hamm et al., 2017; \(^3\)Nagin & Telep, 2017
Procedural Justice Theories

Group Value Model\(^1\)
- PJ acts as a signaling deviance for group membership
- ↑ motivation to follow group norms/values

Group Engagement Model\(^2\)
- PJ acts as a bonding mechanism
- Inclusion → identification → internalization of group norms/values

Assumption: fundamental *need to belong*\(^3\)
- Primary human motivation is to form social relationships
- Humans especially sensitive to relational information

\(^1\) Lind & Tyler, 1988; \(^2\) Tyler & Blader, 2003; \(^3\) Baumeister & Leary, 1995
Bounded Authority Revisited

Working assumption: fundamental need for autonomy too
  ◦ Need to feel in control of personal life
  ◦ Strive to be free from regulation

Self-Determination Theory\(^1\)
  ◦ Autonomy = fundamental motivation for humans
  ◦ Key to development of sense of self & mastery

(Psychological) Reactance Theory\(^2\)
  ◦ People sensitive to attempts to restrict their freedoms
  ◦ When restrictions occur $\rightarrow$ rejection of authority & defiance

\(^1\)Deci & Ryan, 1975; \(^2\)Brehm, 1966
Summing up

Procedural Fairness
- Important b/c it is symbolic of our status as group members
- Unfairness represents a threat to one’s social standing/inclusion
- Little motivation to identify with group and internalize norms/values

Bounded Authority
- Important b/c it is symbolic of dignity as self-determining entities
- Boundary violations represent a threat to one’s personal autonomy
- Reject rules and the authority to enforce them
Pilot Study

Research Questions
◦ Procedural justice $\rightarrow$ status threats $\rightarrow$ legitimacy?
◦ Bounded authority $\rightarrow$ autonomy threats $\rightarrow$ legitimacy?

Vignette experiment
◦ 2 (voice) x 2 (neutrality) x 2 (boundaries) b/n subjects design
◦ 19-21 people per cell ($N = 161$)
◦ Online, convenience sample (Prolific Academic)
◦ Paid equivalent of $6.50/\text{hr}$
Vignette Narrative

Narrative

◦ Ben just gets done with work and buys a 6-pack of beer
◦ He sits down to wait for an event (depends on boundary manipulation) and starts drinking one
◦ Officer approaches him and informs him he is violating a law by drinking alcohol in public view
◦ Gives him a warning
Vignette Manipulations

Voice
◦ Yes: Ben given opportunity to explain what he is doing
◦ No: Officer doesn’t allow him to explain

Neutrality
◦ Yes: Officer emphasizes it’s a citywide law, enforced among everyone
◦ No: Officer emphasizes that public doesn’t want to see people like Ben laying about drinking
Vignette Manipulations

Bounded Authority

◦ Recognition of authority attached to social location\textsuperscript{1,2}
◦ Operationalization: private vs. public property

◦ Public: interaction occurred at bus stop next to a public park
  ◦ While waiting for bus
◦ Private: interaction occurred in Ben’s front yard
  ◦ Across the street from a public park
  ◦ While waiting for his wife to get home

\textsuperscript{1}Laupa & Turiel, 1993; \textsuperscript{4}Tisak et al., 1994
Measures: Manipulation Checks

Voice
◦ How much time did the officer give Ben to explain himself?

Neutrality
◦ How evenhanded (i.e., unbiased) was the officer during this interaction with Ben?

Bounded Authority
◦ How private was the location in which the interaction between Ben and the officer took place?

Response set: 1 (Not at all); 5 (A great deal)
Measures: Manipulation Checks

Fairness (3-item average)
° How fairly did the officer treat Ben?
° Did the officer make his decision in a fair manner?
° Overall, how just was the way in which the officer interacted with Ben?
° Response set: 1 (Not at all); 5 (A great deal)
Measures: Mediators

Told to imagine they were in Ben’s position...

Group Status Threat (6 items)
- E.g., Would this interaction enhance or diminish your belief that being part of your community is important to the way you view yourself as a person?
- Response set: 1: Greatly diminish; 5: Greatly enhance

Personal Autonomy Threat
- Police (4 items)
  - E.g., To what degree did the officer violate your personal freedoms?
- Law (4 items)
  - E.g., To what degree do you believe the city law is meant to hinder people’s ability to follow their own path?
  - Response set: 1 (Not at all); 5 (A great deal)

1 Fielded multiple measures of each (situational vs. trait-based; the latter did not correlate with any predictors/outcomes)
Measures: Outcomes

Police legitimacy:
- Normative alignment
- Obligation to obey

Legal legitimacy
- Normative alignment
- Obligation to obey
Measures: Controls

Cells balanced:
- Social desirability
- Age
- White vs. non-White
- Political Ideology
- Sex
- Employment
- Student Status

Believability of scenario
- Interaction on private property less believable than the other manipulations
- Not correlated with any measures
- Inclusion in models did not change results
Results: Manipulation Checks

How much time did the officer give Ben? (voice)

Voice Neutrality Boundaries

<table>
<thead>
<tr>
<th>Voice</th>
<th>Neutrality</th>
<th>Boundaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>No/Private</td>
<td>Yes/Public</td>
<td>No/Private</td>
</tr>
</tbody>
</table>

* indicates a significant difference.
Results: Manipulation Checks

Was the officer evenhanded? (Neutrality)

Voice | Neutrality | Boundaries

- No/Private
- Yes/Public

*
Results: Manipulation Checks

How private was the location? (Boundaries)

<table>
<thead>
<tr>
<th>Voice</th>
<th>Neutrality</th>
<th>Boundaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>No/Private</td>
<td>Yes/Public</td>
<td>No/Private</td>
</tr>
</tbody>
</table>

* indicates a significant difference.
Results: Manipulation Checks

Fairness of the interaction

Voice

Neutrality

Boundaries

No/Private Yes/Public

$p = .056$

$p = .081$

$p = .053$
Results: Path Analysis

1 Controlling for socially desirable responding (not shown)
Results: Path Analysis\(^1\) (only sig. paths shown)

\[\begin{align*}
\text{Voice} & \rightarrow \text{Autonomy} \text{ Threat Police} & -0.30^* \\
\text{Neutrality} & \rightarrow \text{Group Status Threat} & -0.19^* \\
\text{Bounded Authority}^2 & \rightarrow \text{Autonomy Threat Police} \\
& \rightarrow \text{Police Legitimacy} & -0.58^* \\
& \rightarrow \text{Legal Legitimacy} & -0.45^* \\
& \rightarrow \text{Autonomy Threat Legal} & -0.16^*
\end{align*}\]

Note:
- Standardized estimates

\(^1\)Controlling for socially desirable responding (not shown); \(^2\)Private=0, Public=1
Results: Indirect effects

Note:
- Unstandardized estimates
- Bootstrapped (3,000 reps)

1 Controlling for socially desirable responding (not shown); 2 Private=0, Public=1
Summary

Mixed support
- No support for traditional procedural justice explanations
- Boundary manipulation linked to higher autonomy threats
- Higher autonomy threats linked to lower legitimacy

Just a pilot study
- But seems there is “something” here

Lack of traditional procedural justice effects?
Next Steps

Follow-up Study
- Strengthening PJ manipulation(s)
- Manipulating outcome (self-interest motivation)

Generality
- Stop-and-frisk
- Surveillance (drug war)
- “Criminalized” parenting
Next Steps...After Those Next Steps

Refine positioning/conceptualization of Bounded Authority
◦ Part of procedural justice?
◦ Competing predictor?
◦ Moderator of procedural justice?

Formation of boundary beliefs
◦ Age-graded?

Boundary domains?
◦ Property & Violence vs. Lifestyle\(^1\)
◦ Legal orientations (instrumental, social, principled)?\(^2\)

\(^1\)Turiel, 1983; \(^2\)Tapp & Levine, 1974
Some more steps...after the next ones that are taken after the previous ones

Integrating Bounded Authority in other models/perspectives

- Process Control Model\textsuperscript{1}
- Fairness Heuristic Theory\textsuperscript{2}
- Dialogic Approach\textsuperscript{3}
- Deservingness Perspective\textsuperscript{4}

\textsuperscript{1}Thibaut & Walker, 1975; \textsuperscript{2}Lind, 2001; \textsuperscript{3}Bottoms & Tankebe, 2012; \textsuperscript{4}Heuer et al., 1999
Why Should We Care?

Procedural justice inadequately positioned to solve 21st century issues

- E.g., mass surveillance, controversial laws, concentrated police activity
- People not only questioning how police behave, but also what they are doing, when they are doing it, and where
- Latter concerns: fundamental predictors of public support for government policies toward public risks (e.g., violent crime)\(^1\)
- Authority boundaries needs to be part of the conversation

\(^1\)Friedman, 2019
Why should we care?

Inclusion of bounded authority in the conversation:

- Better captures contextual relationship between people and the law (particularly marginalized people)

- “Tactical Procedural Justice” vs. “Strategic Procedural Justice”\(^1\)

- Iron fist vs. the velvet glove

\(^1\)With Mike Scott
Thank you!

Comments?

Questions?