

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

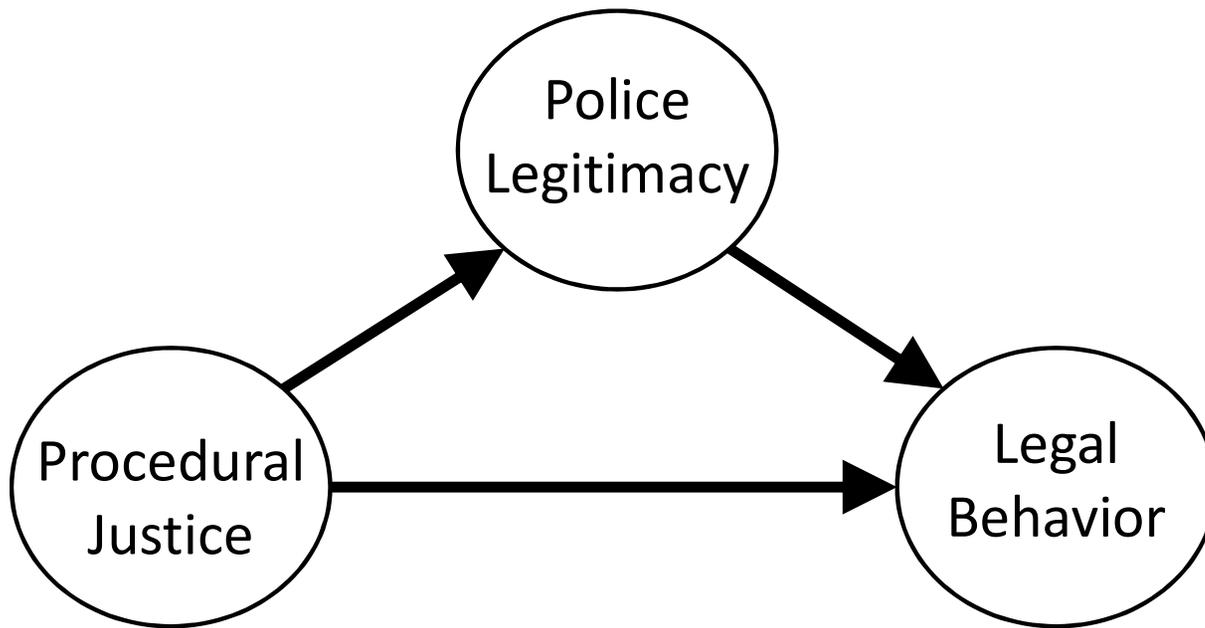
RICK TRINKNER

SCHOOL OF CRIMINOLOGY & CRIMINAL JUSTICE

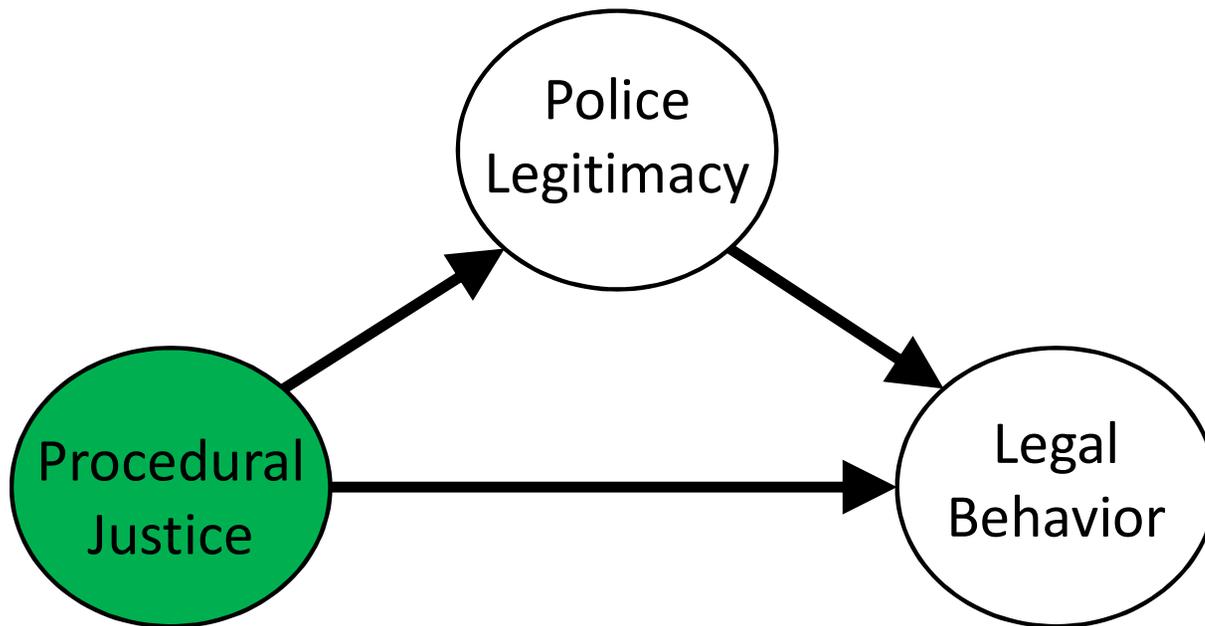
ARIZONA STATE UNIVERSITY



“Basic” Model of Police Procedural Justice (PJ)



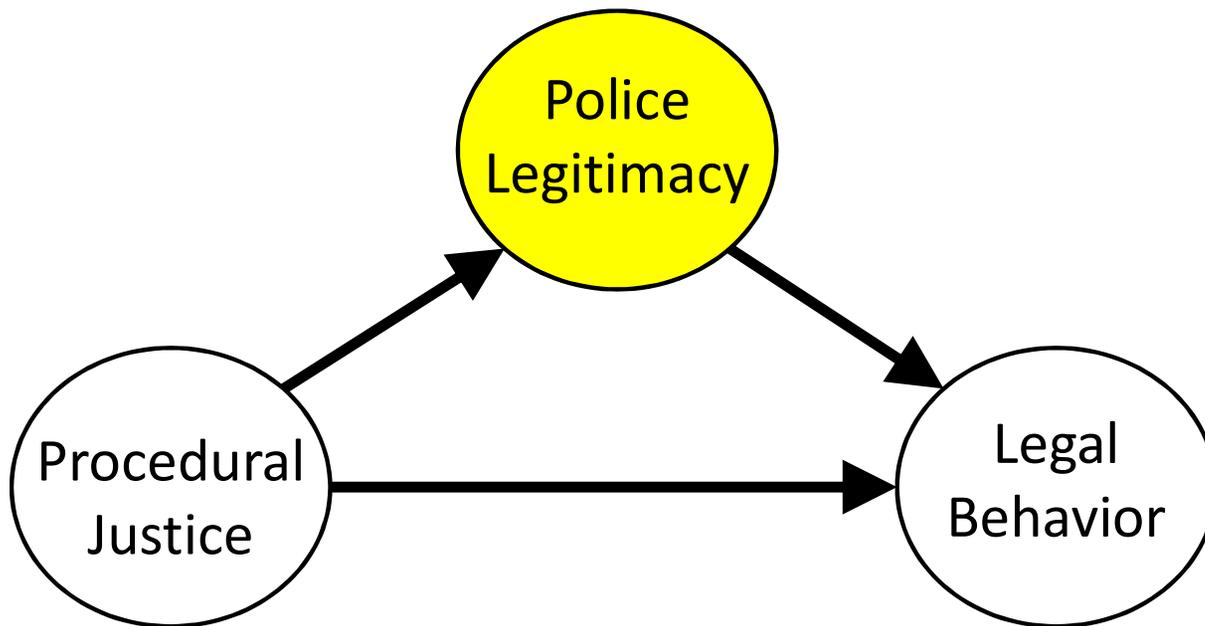
“Basic” Model of Police Procedural Justice (PJ)



Procedural Justice

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

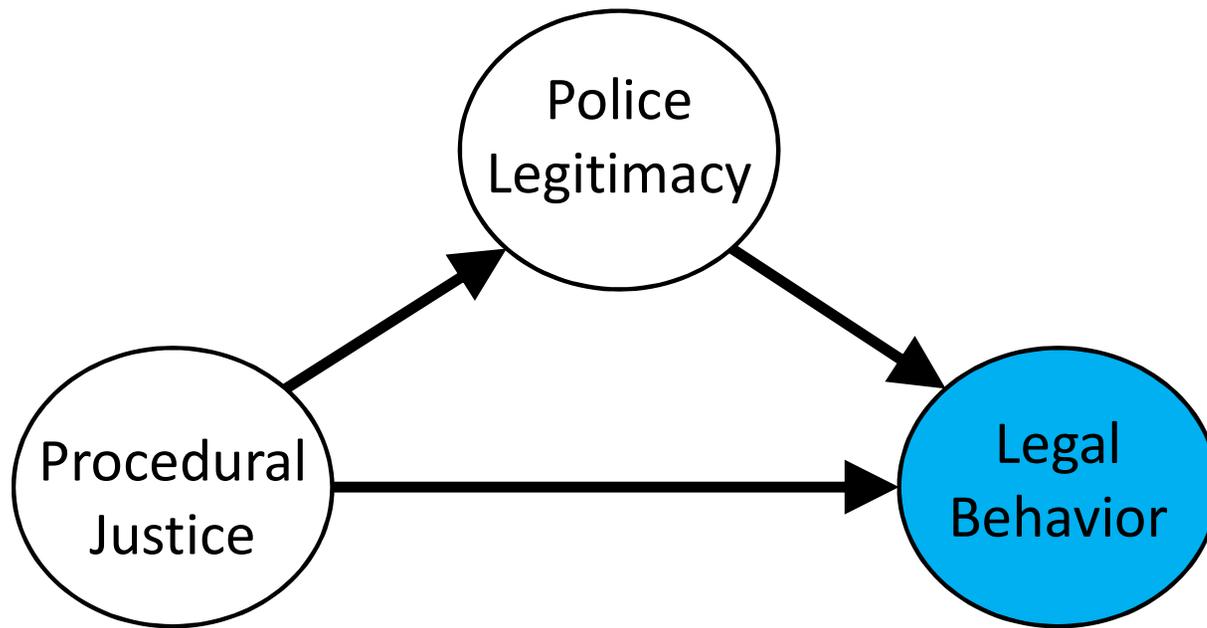
“Basic” Model of Police Procedural Justice (PJ)



Police Legitimacy

- Belief that police are rightful holders of authority
- Components
 - Obligation to obey
 - Normative alignment

“Basic” Model of Police Procedural Justice (PJ)



(Voluntary) <u>Legal Behavior</u>
-Compliance -Cooperation -Support -Empowerment

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^{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

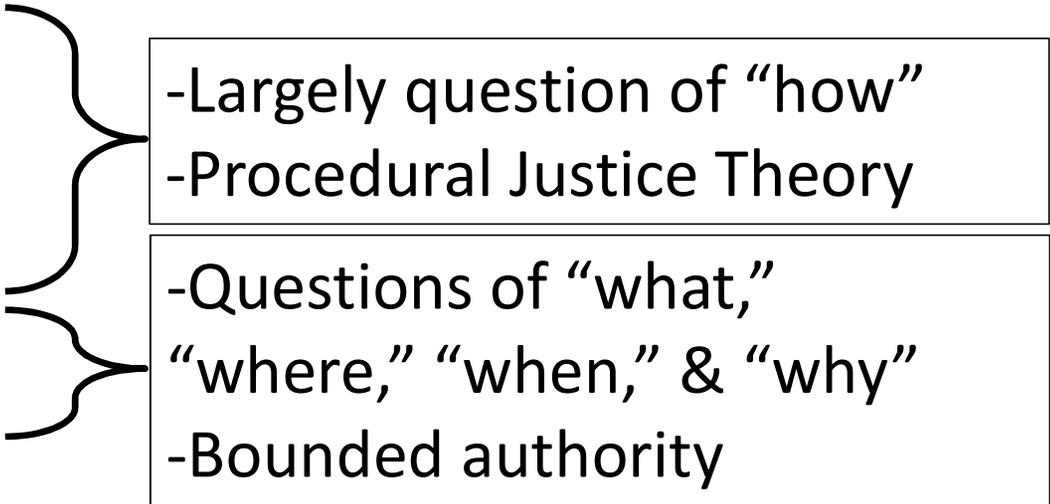
- Appropriate scope of the law
- Not just “how” but also “what” “when” “where” and “why”
- Fundamental to legitimacy

¹Cohn & White, 1990; ²Tapp & Levine, 1974; ³Tyler & Trinkner, 2018;

Legal Socialization¹

Key issues defining relationship:

- Treatment issues
- Decision making issues
- Boundary issues



-Largely question of “how”
-Procedural Justice Theory

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

¹Tyler & Trinkner, 2018;

Conceptualizing Bounded Authority¹

People:

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

Lives demarcated into different domains²

- 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

Conceptualizing Bounded Authority¹

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 issues⁴
- Police legitimacy can be influenced more by *what* police are doing than *how* they are doing it^{5,6}

Conceptual Boundaries...of Bounded Authority

Bounded Authority vs. Legality¹

- Related, but not interchangeable
- Citizens lack requisite knowledge of laws

Bounded Authority vs. Morality²

- Related, but not interchangeable
- Immoral behavior vs. legally/criminally regulating behavior

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

Procedural fairness

- Treatment
- Decision-making

Distributive fairness

- Unequal distribution of police resources b/n social groups

Police effectiveness

- Crime prevention
- Emergency response

Surveillance practices

- Tracking & monitoring public on mass level

Dependent Variable:

Police Legitimacy

- Normative alignment
- Obligation to obey

Bounded Authority Measure

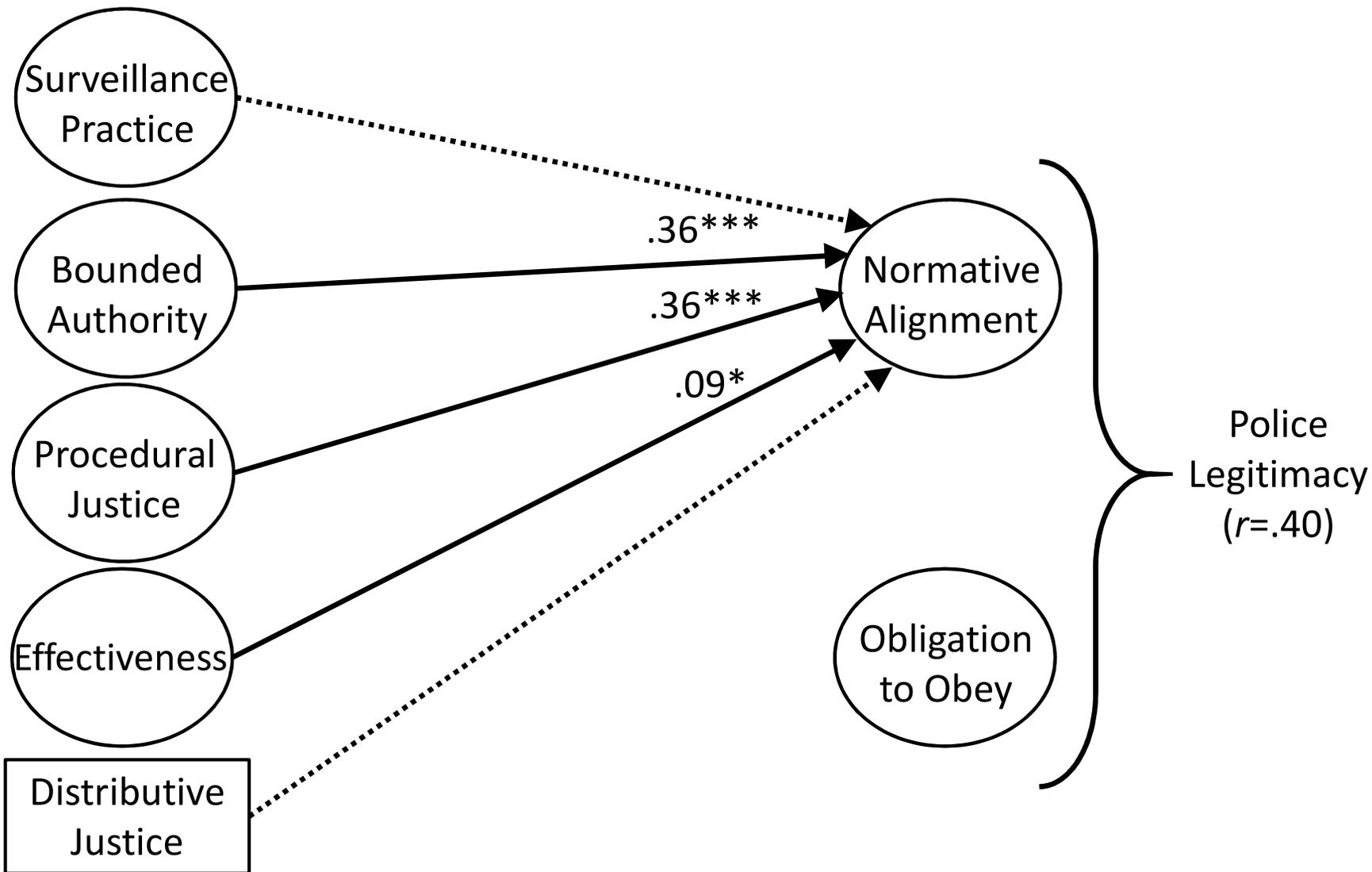
Items (Stem: How often, if ever, they thought the police...)

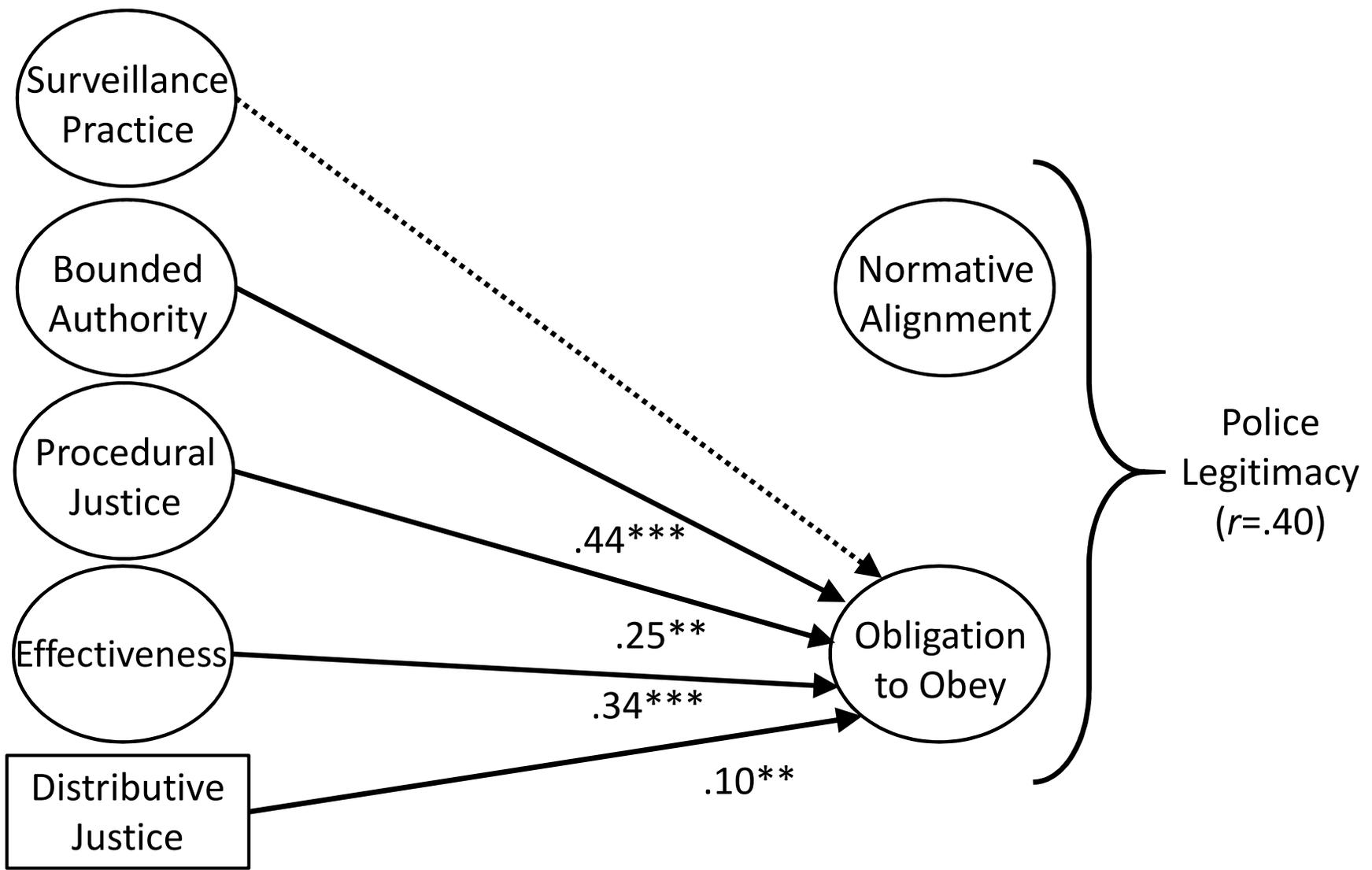
- ...got involved in situations they have no right to be in?
- ...exceeded their authority?
- ...violated people's freedoms?
- ...abused their power?
- ...harassed and intimidated people?
- ...acted as if they are above the law?

Coding scheme

- ↑ scores = ↑ respect for boundaries

Results: Structural Equation Modeling





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 methodology³
- Why do people care about boundaries?

Procedural Justice Theories

Group Value Model¹

- PJ acts as a signaling deviance for group membership
- ↑ motivation to follow group norms/values

Group Engagement Model²

- 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

¹Lind & Tyler, 1988; ²Tyler & Blader, 2003; ³Baumeister & 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 Theory¹

- Autonomy = fundamental motivation for humans
- Key to development of sense of self & mastery

(Psychological) Reactance Theory²

- People sensitive to attempts to restrict their freedoms
- When restrictions occur → rejection of authority & defiance

¹Deci & Ryan, 1975; ²Brehm, 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 → status threats → legitimacy?
- Bounded authority → autonomy threats → 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/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^{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

¹Laupa & Turiel, 1993; ⁴Tisak 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: Mediators¹

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)

¹Fielded 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:

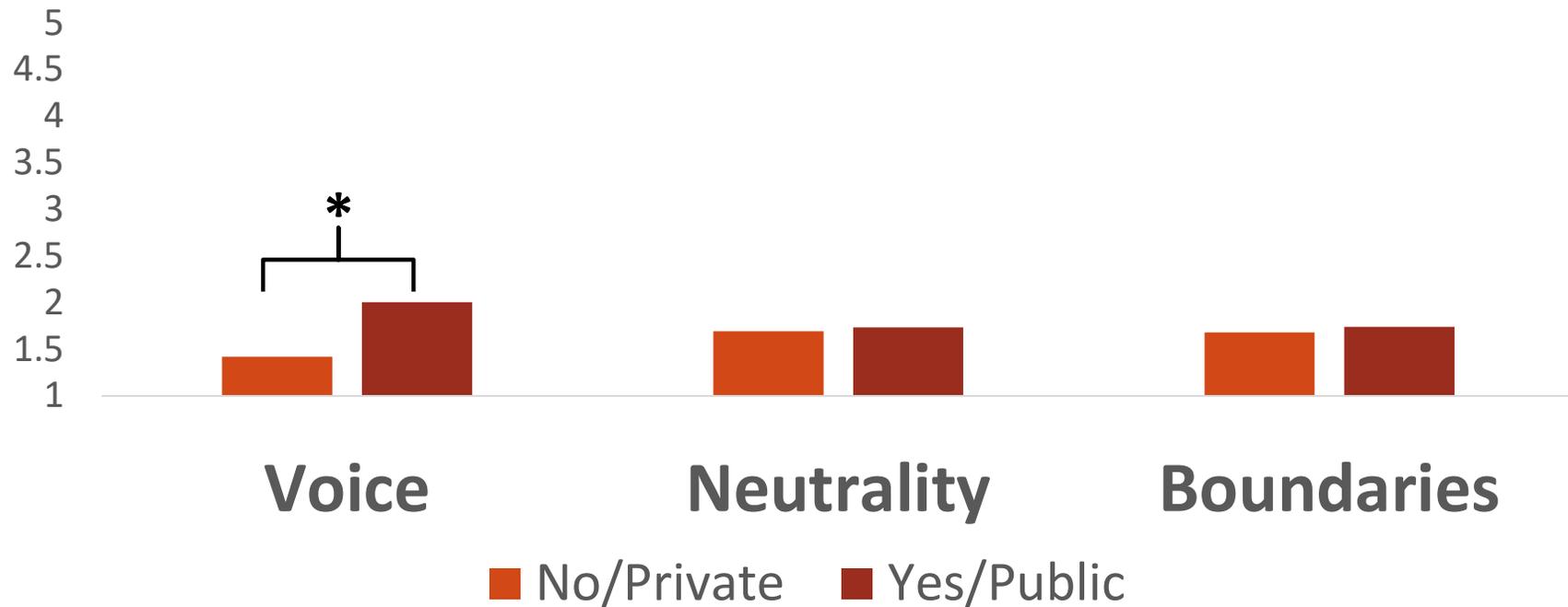
- Social desirability
- Age
- White vs. non-White
- Political Ideology
- Sex
- Employment
- Student Status

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

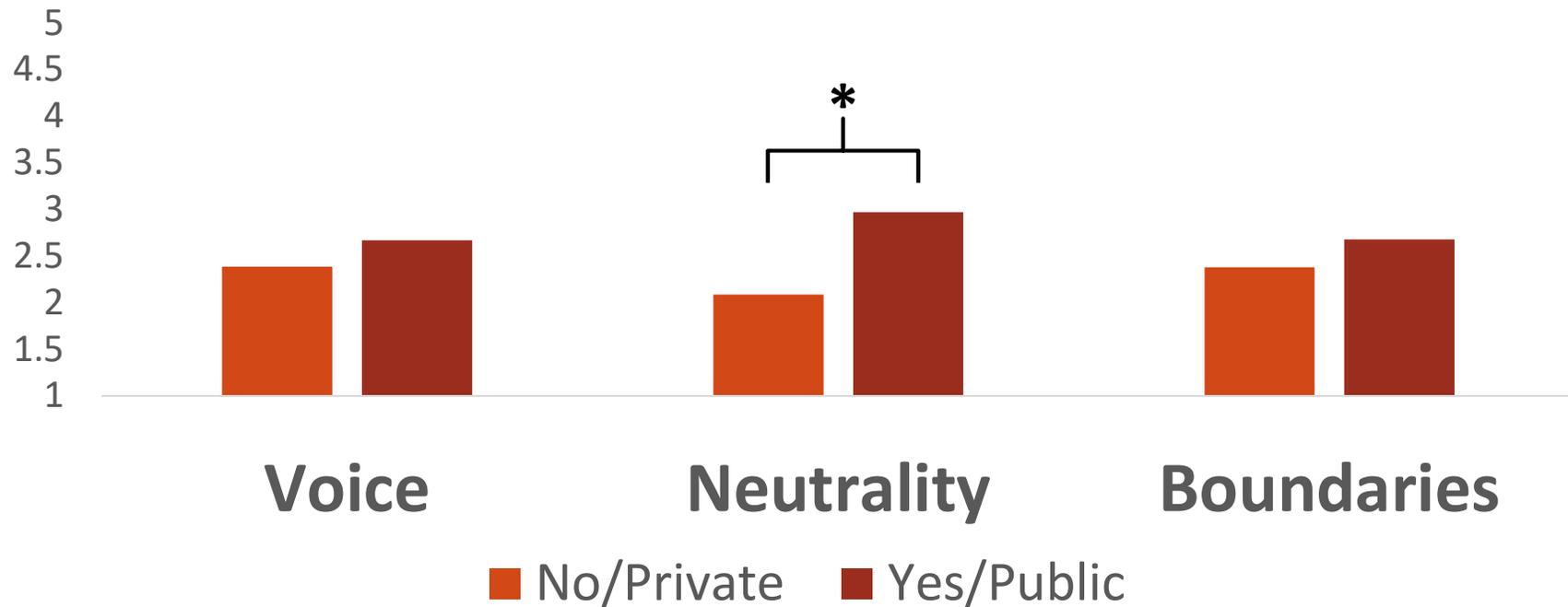
Results: Manipulation Checks

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



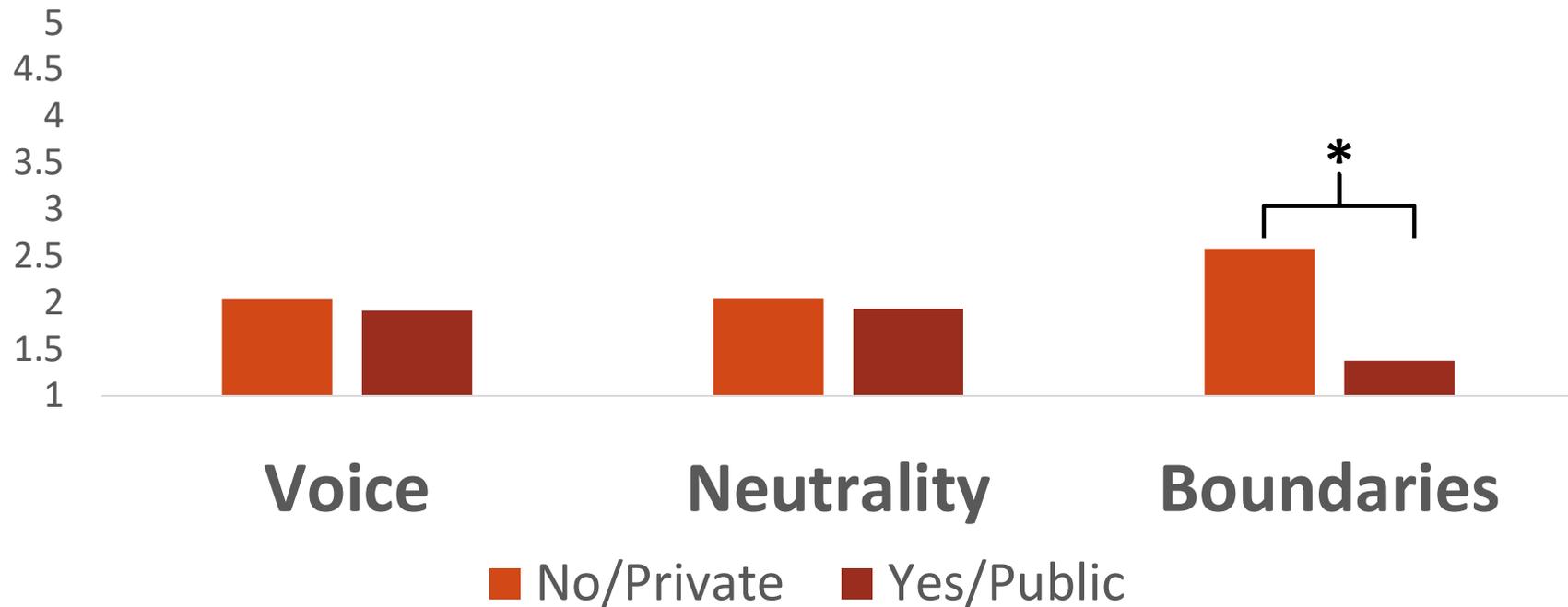
Results: Manipulation Checks

Was the officer evenhanded? (Neutrality)



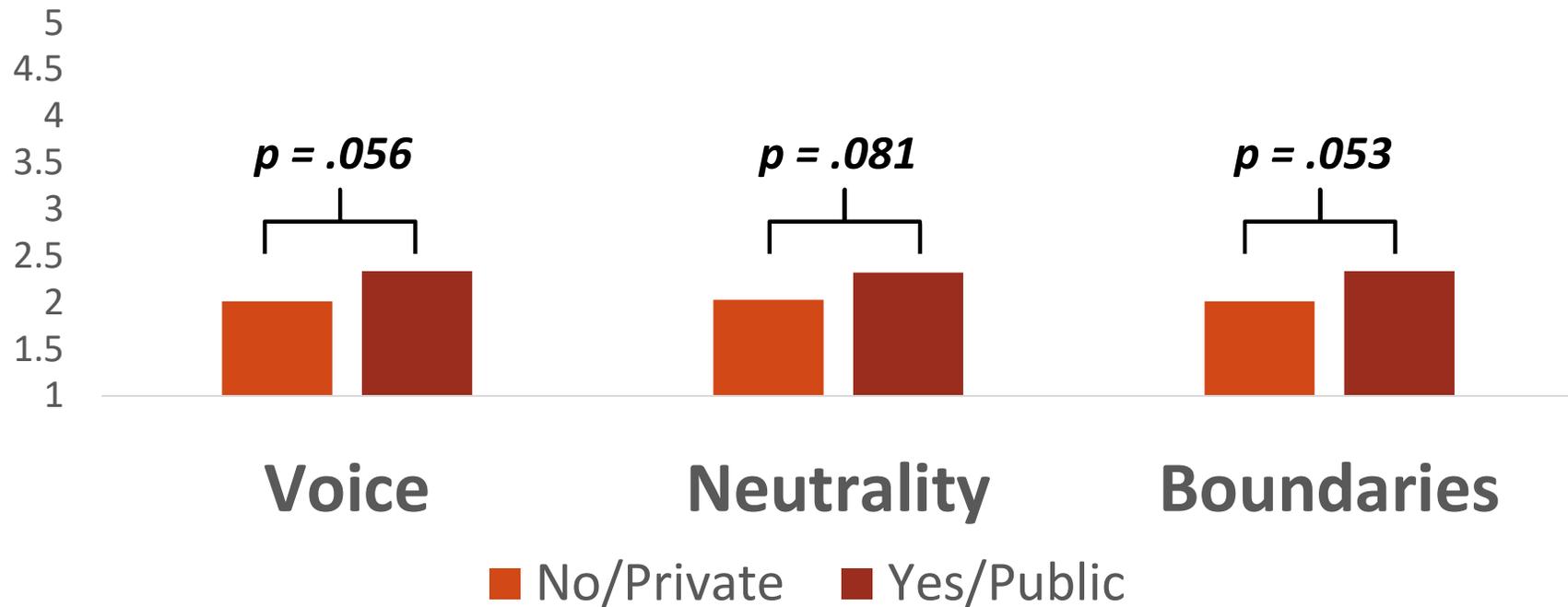
Results: Manipulation Checks

How private was the location? (Boundaries)

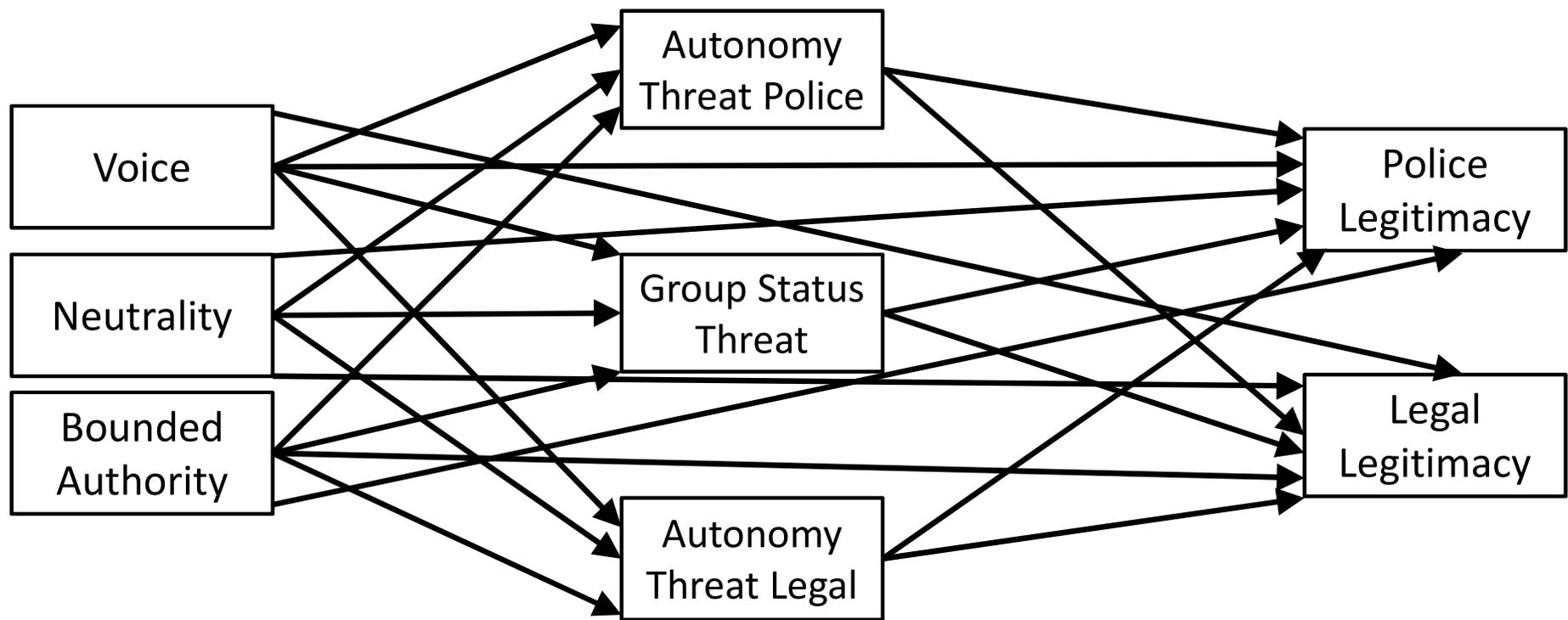


Results: Manipulation Checks

Fairness of the interaction

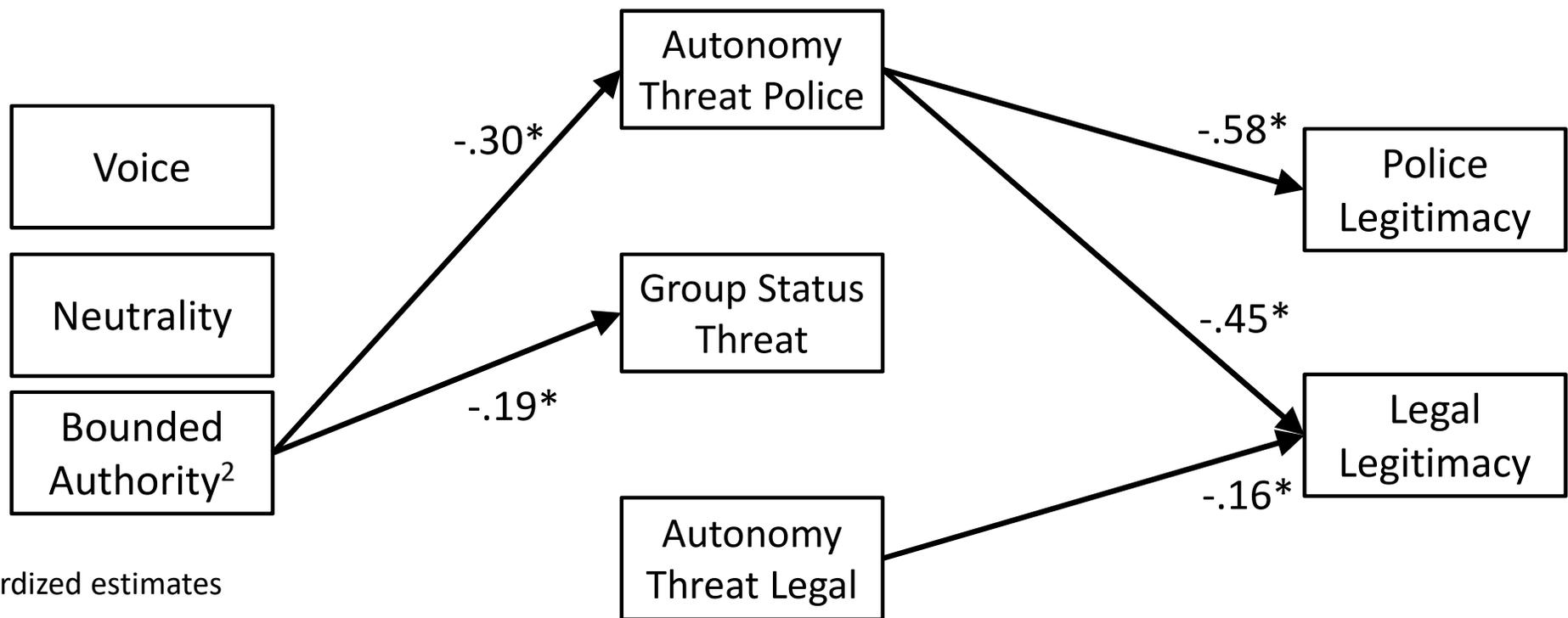


Results: Path Analysis¹



¹Controlling for socially desirable responding (not shown)

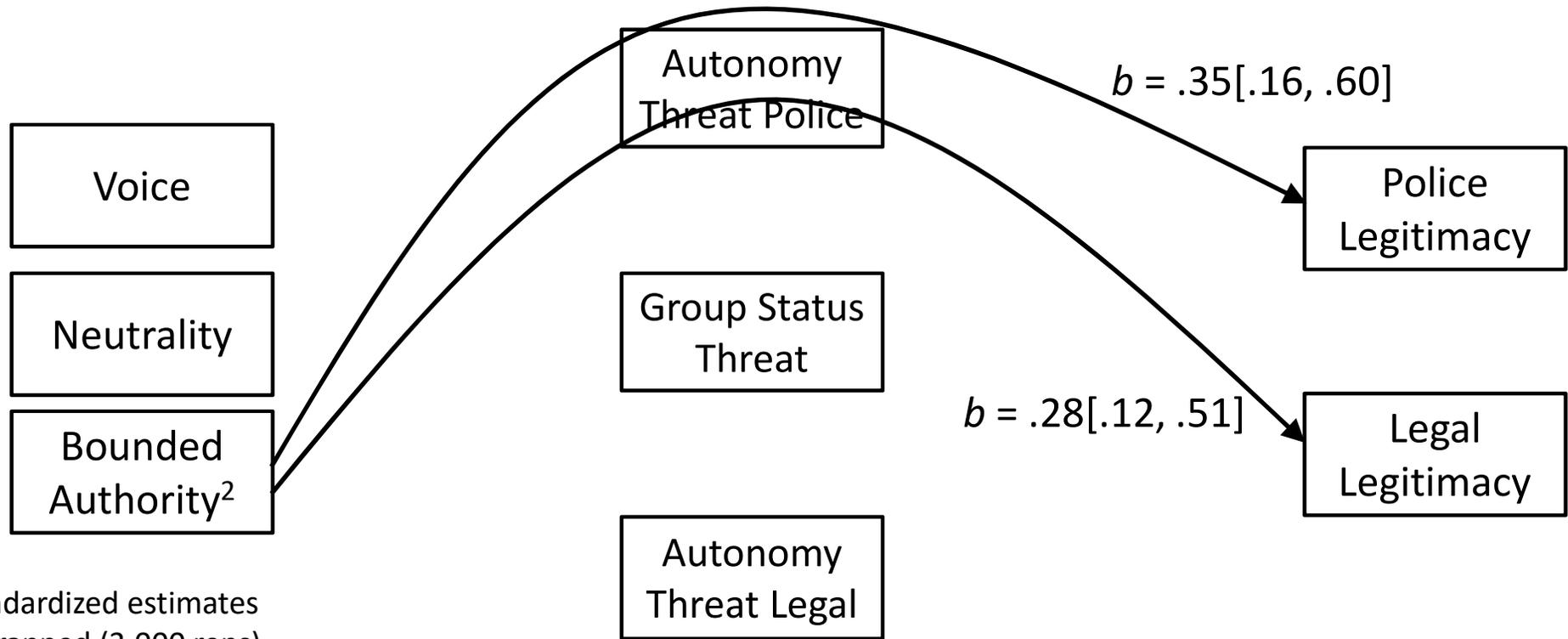
Results: Path Analysis¹ (only sig. paths shown)



Note:
-Standardized estimates

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

Results: Indirect effects



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

¹Controlling for socially desirable responding (not shown); ²Private=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. Lifestyle¹
- Legal orientations (instrumental, social, principled)?²

¹Turiel, 1983; ²Tapp & 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 Model¹
- Fairness Heuristic Theory²
- Dialogic Approach³
- Deservingness Perspective⁴

¹Thibaut & Walker, 1975; ²Lind, 2001; ³Bottoms & Tankebe, 2012; ⁴Heuer 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

¹Friedman, 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

¹With Mike Scott

Thank you!
Comments?
Questions?