1 The empirical study of procedural justice policing in Australia

Highlights and challenges

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1.1 Introduction¹

In 2014, US President Barack Obama established a *Presidential Task Force on 21st Century Policing*. This was borne out of concern over the mounting tensions between America's police and racial minority communities. Numerous police shootings of unarmed black men pointed to a widespread cultural problem of racism in American police agencies. The violent Black Lives Matter Protests that occurred in the US in 2020 reveal this problem has still not been resolved. The President's Task Force released its final report in 2015 (President's Task Force 2015). The report cited research—including Australian research—espousing the virtues of *procedural justice policing*. Procedural justice policing is a style of policing that emphasises the fair and respectful treatment of citizens. The report cited evidence linking police use of procedural justice to citizens' enhanced trust and confidence in the police. At the same time, the report also recognised the normative importance of procedural justice for policing, highlighting that 'trust between law enforcement agencies and the people they protect and serve is essential in a democracy' (p. 1). Thus, the Task Force recommended that procedural justice should be a guiding principle on which quality policing should be based.

In Australia, a long history of strained relationships between police and minority communities also exists. Chan (1997, pp. 108–115) explored police–minority relations in NSW in the mid-1990s and noted—as in the US—that the culture of the NSW Police Service supported widespread racism toward minority communities. Australian police agencies have since made a concerted effort to recognise the value of procedural justice for improving police–community relations. The Queensland Police Service (2017) specifies, as a key research priority, the strengthening of its relationship with the community and highlights procedural justice as important for achieving this goal. However, as evidenced by the 2020 Black Lives Matter protests that occurred in Australia issues regarding police racism still remain in Australia.

Since the release of the President's Task Force report in 2015, the empirical study of procedural justice in policing has proliferated exponentially. Scholars have sought to measure public perceptions of the police, with the aim of ascertaining the value of procedural justice for improving citizen experiences with

police (e.g. Nix et al. 2015). Some scholars have also focused on whether police officers can be trained to support and be procedurally just in interactions with the public (e.g. Skogan, van Craen & Hennessy 2015), and others have sought to understand the situational contexts under which procedural justice policing matters most to citizens (e.g. Wolfe et al. 2016).

Prior to this new wave of empirical research, a large number of procedural justice policing studies had already emerged from Australia, including studies with minority communities. This chapter presents an overview of the procedural justice policing scholarship that has been undertaken in Australia both before and after the Presidential Task Force released its final report. Drawing on these Australian studies, the chapter will discuss how procedural justice has typically been measured in Australian research and why the police should be concerned with procedural justice. The chapter then highlights key empirical findings from Australian research. Overall, findings show that procedural justice is important to Australians and can strengthen positive relations between the police and the public. Finally, the challenges associated with undertaking empirical research of this nature will be discussed before some reflections are made about the future direction of procedural justice policing research. Before doing this, the following sections provide an overview of what procedural justice is and why procedural justice has gained prominence in policing research.

1.2 What is procedural justice policing?

Procedural justice in policing refers to the quality of the interpersonal treatment people receive from police and the fairness of the procedures police use to make decisions (see Tyler 1990, p. 7). Tyler (1990, p. 7) noted that four key elements are required for a police–citizen interaction to be considered as procedurally just. These four elements are: *trustworthiness*, *respectful treatment*, *neutrality*, and *voice*. A police officer who displays sincerity in being helpful, honest and open, and who acts consistently and in the best interests of citizens is an officer who will be viewed as *trustworthy*. *Respectful treatment* refers to police behaviour that displays respect for people’s rights and exemplifies dignified and polite treatment. People are particularly sensitive to signs that they are being treated respectfully by police, and they respond very negatively to signs of rude behaviour. In fact, rude behaviour from police typically attracts the largest number of citizen complaints in Australia each year (Porter & Prenzler 2017, p. 874). Police convey *neutrality* when they treat all individuals and groups in the community equally, and refrain from acting on biases or pre-existing views about people when making decisions. The over- or under-policing of certain communities can be perceived as police not providing neutral treatment across society (Tyler & Wakslak 2004, p. 254). Finally, *voice* refers to the ability of citizens to have a say in a situation that involves them. Having the opportunity to air a concern or explain one’s side of the story to a police officer before a decision is made, and being genuinely listened to, are indicators of procedural justice. Being consulted in police

decision-making processes also constitutes an important element of voice. For example, research on Muslim communities shows that the provision of voice is an extremely important feature of Muslims' interactions with police in counter-terrorism. A major criticism that Muslims have of police engagement efforts is that police do little in the way of consulting Muslims or involving Muslims in genuine discussions about how radicalisation in the Muslim community should be dealt with (Cherney & Murphy 2016, p. 491).

1.2.1 Deterrence versus procedural justice?

Policing is grounded on a deterrence-based model of crime control, where the focus is on detecting and apprehending lawbreakers (Mazerolle et al. 2014, p. 57). A deterrence-based model of policing assumes that people are rational actors who will be deterred from disobeying police or breaking the law because the consequences of being non-compliant will be detrimental to their welfare. In other words, people weigh up the costs and benefits of obeying police or the law. If the perceived costs of non-compliance outweigh the perceived benefits, then compliance will be the rational choice. A deterrence-based model assumes that police can best promote law-abiding behaviour through displaying power, effective enforcement and creating severe sanctions for non-compliance (Nagin 2013, pp. 205–206).

The problem with a deterrence-based policing approach, however, is it cannot explain why people still comply with police and the law when there is little chance of being detected breaking the law or when sanctions for non-compliance are minimal (Murphy, Bradford & Jackson 2015, p. 103). It also cannot explain why contact with the criminal justice system can increase re-offending. Anwar and Loughran (2011, p. 673), for example, noted that persistent offenders respond differently to deterrence. They showed that serious offenders reported being less concerned with sanction risk when compared to less persistent offenders. Deterrence perspectives are particularly problematic when explaining discretionary forms of law-related behaviour. Discretionary law-related behaviours include contacting police to report a crime or victimisation, or assisting police in crime prevention activities. Discretionary law-related behaviours are essential to the effective operation of the criminal justice system. Without such forms of behaviour, crimes would not be identified, witnesses would not come forward to provide evidence, and police would be unable to work with communities to promote and maintain order. Deciding not to engage in these behaviours will not—in most cases—result in a sanction. Yet most people engage willingly in these types of discretionary behaviour. At the same time, research with marginalised groups (e.g. crime victims, racial/ethnic minorities, those living in high crime neighbourhoods) finds these groups often avoid contact with police even in times of need (e.g. Murphy & Barkworth 2014, p. 178). Using the threat of punishment with individuals who do not engage in discretionary activities is likely to exacerbate disengagement.

Procedural justice scholars have therefore responded to the limitations of deterrence-based policing by arguing that most people cooperate and comply with legal authorities and laws because they believe it is right to do so, not because they fear the consequences of doing otherwise. For discretionary forms of law-abiding behaviour, procedural justice scholars suggest that concerns about fair treatment and respect are likely to be particularly salient in motivating people's decisions to engage with police.

According to the procedural justice perspective, law-related behaviour is driven by normative and relational concerns, not instrumental concerns. Here, people cooperate and comply because they believe in the legitimacy of police and believe police and laws are entitled to be obeyed. In other words, the procedural justice perspective is underpinned by the normative assumption that authorities who treat people fairly have earned their rightful position to govern others, are entitled to be regarded as legitimate and have the right to request law-abiding behaviour from citizens (e.g. Hinds & Murphy 2007, p. 27). Studies demonstrate that an authority's legitimacy can be damaged when an authority behaves badly. An authority that abuses its power or treats its citizens poorly will be distrusted by the community, resulting in an unwillingness of citizens to volunteer information, or to cooperate or comply with the authority and its laws (e.g. Murphy, Mazerolle & Bennett 2014, p. 408).

1.3 Why should procedural justice be of concern to police?

There are three main reasons why police should be concerned with procedural justice. The first reason is based on an *instrumental* argument. Mazerolle et al. (2014, p. 3–5) argue that authorities that govern with procedural justice will be better able to foster compliance and discretionary cooperation from citizens and will have to rely less heavily on deterrence. It has also been suggested that procedurally just dialogue is a more low-cost and time-efficient strategy for obtaining compliance when compared to deterrence (Drahoš & Krygier 2017, p. 5). Put simply, procedural justice can be cheaper and more effective than deterrence. An instrumental argument has appeal for police agencies because they are increasingly being tasked to do more with less.

The second reason why police should be concerned with procedural justice is based on a *normative* argument. 'A widely shared normative expectation about the appropriate use of legal power is that justice officials should act in accordance with the principles of fair treatment and impartial decision-making' (Trinkner, Jackson & Tyler 2018, p. 281). Police have a moral obligation to exercise their authority in a procedurally fair way, irrespective of any instrumental benefit such an approach may have in facilitating their role in maintaining cooperation and compliance. In other words, procedural justice should be viewed as a common good in itself. While authorities can view procedural justice as an instrumental tool to gain cooperation or compliance from citizens, citizens have clear expectations of how police should behave in interactions with the community. As noted

earlier, citizens confer legitimacy upon an authority if authorities act in ways that adhere to the values and expectations of the community. Procedurally just treatment helps to engender the sense among citizens that police are legitimate and entitled to be obeyed. Hence, authorities should commit to being procedurally just because it is expected of them and because it is the right thing to do.

The third reason why procedural justice should be of concern to police is based on a *relational* argument. This relational argument is most pertinent to the theme of this book. The relational perspective suggests that procedural justice is important because it strengthens the social bonds and relationships between authorities and those they govern. Exercising authority in a procedurally just way communicates status and value to those on the receiving end of the actions of authorities. Braithwaite (2017, p. 33) suggests that all forms of regulation pose a threat to people's freedom. As such, how authorities wield their power can have negative or positive consequences for social relations. Procedural justice is thought to strengthen relationships because it communicates information about citizens' value and standing within society (Tyler & Blader 2000, p. 15). People place importance on procedurally just treatment because it communicates important information about the quality of the relationship between police and citizens. Procedural features like trustworthiness, neutrality, respectful treatment and voice convey important symbolic information about identity, belonging and position in society (Bradford, Murphy & Jackson 2014, p. 528). The experience of procedural justice thus promotes connection to the authority and the group it represents. People in turn feel more obligated to support and cooperate with the authorities of the groups to which they belong (Bradford, Murphy, & Jackson 2014, p. 528). While procedural justice is related to positive social identities and inclusion, unjust treatment from authorities can have negative consequences for identity formation (Tyler & Blader 2000, p. 15). Those who feel they have been treated in a procedurally unjust way by authorities will view such treatment as reflective of their worth and status in the eyes of that authority. As important representatives of the state, the treatment that police convey toward an individual can also signal how society in general views them. Procedurally unjust treatment signals social exclusion. Social exclusion in turn can result in disengagement from society and its social institutions.

Empirical research also highlights the importance of emotion for understanding why procedural justice matters to people. Felt injustice and unfair treatment at the hands of authorities can trigger strong emotional responses in people, most notably anger. In fact, the discrete emotions of happiness, joy, anger, frustration, guilt, and anxiety have all been linked to perceptions of procedural justice and injustice (for a review see Barkworth & Murphy 2015). This suggests that experiencing procedural injustice from police can damage people's relationship with police due to the negative emotions it can elicit. Hence, procedural justice is important from a relational point of view because it can improve relationships between police and the public and can reduce the hostility individuals direct toward police.

1.4 How is procedural justice policing typically measured in empirical research?

Having established what procedural justice policing is and why police should care about procedural justice, this section presents an overview of how Australian scholars have typically measured procedural justice policing in their research. The vast majority of published procedural justice studies have made use of quantitative-based survey methodology. This is the case for both Australian research and research conducted elsewhere. Hence, this section focuses specifically on how procedural justice has been measured in survey-based research.

It should be highlighted that the measurement of procedural justice in empirical studies has proven to be a source of much debate and criticism. A number of academics have argued that procedural justice research inconsistently operationalises key constructs and has done little to evaluate the construct validity of existing measures (e.g. Gau 2011, p. 489; Reisig, Bratton, & Gertz 2007, p. 1006).² These authors note that measures of procedural justice have often differed substantially between studies. Concern has also been raised about whether measured variables actually reflect their stated concept. Rightly so, these critics argue that when measures are inconsistent between studies, or do not measure what is intended, this can lead to misleading, inaccurate, and conflicting conclusions across different studies. Fortunately, these criticisms can be overcome by utilising similar measures across different studies and by performing statistical techniques on survey data to assess whether different concepts in a study are statistically reliable and have construct validity.

Importantly, almost all of the procedural justice studies undertaken and published by key Australian scholars Kristina Murphy, Adrian Cherney, Elise Sargeant, Lorraine Mazerolle, Emma Antrobus, Sarah Bennett and Natasha Madon have avoided these measurement issues. These scholars typically use similar and standardised measures of procedural justice across their studies. These scholars also use factor analytic statistical techniques to ensure that their procedural justice measures are reliable, have construct validity, and are conceptually distinct from other measures incorporated in the study (i.e. the procedural justice measure is conceptually distinct from measures of police legitimacy, trust in police, satisfaction with police, willingness to cooperate with police, etc.).

Table 1.1 presents the commonly used survey items that have been used to measure procedural justice in surveys conducted in Australia. These items were originally adapted from Tyler's (1990) seminal work in the US, and have been refined and improved over time for use in Australia. These procedural justice measures include a 5-point Likert scale response format, where survey participants indicate their agreement or disagreement to several statements (e.g. '*Police treat people with dignity and respect*': 1 = strongly disagree, 2 = disagree, 3 = neither disagree nor agree, 4 = agree, 5 = strongly agree). These statements assess citizens' *perceptions* of police use of procedural justice, either in general terms or in response to a specific encounter with a police officer. Thus, they are subjective assessments rather than objective assessments of the treatment received

Table 1.1 Survey Items Used to Measure *Perceptions* of Procedural Justice Policing in Australia

<i>General Procedural Justice Measures</i>	<i>Encounter Specific Procedural Justice Measures</i>
<p><i>Based on your experiences or perceptions indicate whether you agree or disagree with the following statements:</i></p> <ul style="list-style-type: none"> • Police try to be fair when making decisions (T) • Police treat people fairly (T) • Police treat people with dignity and respect (R) • Police are always polite when dealing with people (R) • Police listen to people before making decisions (V) • Police make decisions based upon facts, not their personal biases or opinions (N) • Police respect people's rights when decisions are made (R) <p>Cronbach's alpha = 0.89</p>	<p><i>Thinking about your most recent encounter with police, do you think:</i></p> <ul style="list-style-type: none"> • The police officer treated me with dignity and respect (R) • The police officer was polite when dealing with me (R) • The police officer was fair (T) • The police officer gave me the opportunity to express my views (V) • The police officer listened to me (V) • The police officer made decisions based upon facts, not their personal biases or opinions (N) <p>Cronbach's alpha = 0.88</p>
OR	
<p><i>When dealing with people in your community</i></p> <ul style="list-style-type: none"> • Police give people a chance to express their views before making decisions (V) • Police make their decisions based upon facts, not their personal opinions (N) • Police apply the law consistently to everyone, regardless of who they are (N) • Police consider people's views when deciding what to do (V) • Police take account of the needs and concerns of the people they deal with (V) • Police respect people's rights (R) • Police treat people with dignity and respect (R) • Police treat people fairly (T) • Police try to be fair when making decisions (T) • Police are polite when dealing with people (R) <p>Cronbach's alpha = 0.95</p>	

T = trustworthiness; R = respectful treatment; N = neutrality; V = voice

from police. Best practice measures of procedural justice typically include several questions canvassing the four elements of procedural justice (i.e. trustworthiness, respectful treatment, neutrality, voice) which are combined to create an overall procedural justice scale. To test the construct validity of a scale and its reliability, measures are tested via factor analysis and a Cronbach alpha calculation.³ Cronbach alpha scores between 0.8 and 1.0 indicate an internally reliable scale.

1.5 Procedural justice policing research in Australia: findings and highlights

The previous section discussed how procedural justice is typically measured in Australian surveys. The findings from Australian procedural justice policing studies are presented in this section. At the time of writing this chapter, 48 Australian studies had been published in journals or book chapters.⁴ The 48 studies are organised as follows: (a) procedural justice studies with general population samples (including the early published Australian studies); (b) studies undertaken with vulnerable communities (i.e. youth, crime victims, ethnic/racial minorities); (c) counter-terrorism policing studies; (d) neighbourhood-level studies; and (e) applied policing studies. The Appendix to this chapter provides a full list of the authors responsible for these five groups of studies.

1.5.1 Studies undertaken with general population samples

Throughout the 1990s and early 2000s, Tom Tyler and his colleagues empirically tested the importance of procedural justice policing to American citizens' evaluations of police. That survey research revealed that Americans' procedural justice perceptions were strongly and positively associated with their perceptions of the legitimacy of police, their satisfaction with police, their willingness to cooperate with police, and their willingness to comply with laws. It was also found that procedural justice, not instrumental factors (i.e. personal outcomes; perceived ability of police to detect and prevent crime), dominated Americans' concerns when predicting these outcomes (e.g. Tyler 1990, p. 102; Sunshine & Tyler 2003, pp. 525–528). Such findings were viewed as important because they highlighted the fact that police could directly influence public sentiment and behaviour through the way they treated people.

In the mid-2000s, Hinds and Murphy (2007, p. 31) pointed out that the generalisability of the US-based research was unknown. Due to the dearth of procedural justice policing studies outside the US, it was unclear whether the findings linking procedural justice to citizens' enhanced perceptions of police legitimacy, satisfaction with police, and willingness to cooperate with police and comply with laws could be replicated in jurisdictions outside the US. The aim of the early Australian procedural justice policing work, therefore, was to test for the first time the applicability and generalisability of the procedural justice framework in a non-US context.

Six of the early Australian studies were published between 2007 and 2009 by Kristina Murphy and/or Lyn Hinds. Each of these six studies utilised survey data collected from *adult* citizens from the *general population*. Three of the six papers simply sought to replicate key findings from the US, investigating specifically whether citizens' perceptions of procedural justice were positively associated with: (a) perceptions of police legitimacy (Hinds & Murphy, 2007), (b) satisfaction with police (Hinds 2009a; Hinds & Murphy 2007), and c) willingness to cooperate with police (Murphy, Hinds, & Fleming 2008). The studies also examined whether procedural justice concerns, not police effectiveness concerns, dominated citizens' evaluations of police. The other three papers (Murphy 2009a, 2009b; Murphy, Tyler, & Curtis 2009) examined the contextual effects of procedural justice, investigating specifically whether procedural justice effects could vary across groups or situations. Overall, the six early studies confirmed the salience and generalisability of the American procedural justice literature to Australian policing. In each study, procedural justice policing perceptions were positively associated with legitimacy, satisfaction, or self-reported cooperation/compliance levels.

Three notable findings were obtained from the early Australian research. First, Hinds and Murphy (2007, p. 36) revealed that relative to Americans, Australians placed more weight on instrumental concerns when evaluating the police. Specifically, while procedural justice still mattered more to Australians, respondents also focused strongly on whether police were effective. Second, these effects varied across policing context (e.g. Murphy 2009a, p. 172). Murphy (2009a) found that Australians focused most on procedural justice concerns and less on police effectiveness concerns when they were involved in police-initiated contacts. In contrast, when involved in citizen-initiated contacts with police, Australians focused most on police effectiveness and less on procedural justice concerns. Third, the Murphy (2009b) and Murphy et al. (2009) studies revealed that psychological factors could moderate the effect of procedural justice on citizens' evaluations of police. For example, Murphy (2009b, p. 18) found that peoples' propensity to act emotionally to events influenced their receptiveness to procedural justice; specifically, procedural justice resulted in lower defiance levels toward police for those Australians who were low in emotionality. For those who were high in emotionality, procedural justice had little effect in reducing defiance.

'Most procedural justice scholars assume that procedural justice effects are always positive or "invariant" across people, groups and contexts' (Murphy 2017a, p. 430). Certainly, much of the empirical procedural justice policing research has revealed that procedural justice matters equally to people from different demographic groups (e.g. Wolfe et al. 2016, p. 253). The Australian findings cited above reveal, however, that procedural justice effects can vary.

There are several explanations for why differences have been observed in Australia but not in the US research. Two are offered here. The US research examined differences in procedural justice effects between demographic groups. Those studies did not consider the potential influence of individual-level psychological

factors and how these can shape people's receptiveness to procedural justice. In the justice literature, it has been proposed that justice is a subjective-affective construct (van den Bos, 2003, p. 483). This suggests that justice perceptions result from how people feel emotionally after experiencing justice or injustice. It follows that individual differences in a person's personality or predispositions should influence how they respond to procedural justice and injustice. Indeed, the Murphy (2009b, p. 18) study cited above confirmed that emotional disposition did influence how Australians reacted to procedural justice.

It also makes sense from a psychological point of view that people will focus more on procedural justice in police-initiated contacts, while concerns about the effectiveness of police should dominate in citizen-initiated contacts. Police-initiated contacts tend not to be entered into voluntarily. Hence, they can be perceived by individuals in a suspicious or adversarial way. The more adversarial nature of police-initiated encounters can evoke unpleasant emotions and uncertainty regarding how the event will unfold. To reduce feelings of uncertainty, people tend to focus on relational aspects of encounters with authorities. In other words, they place greater emphasis on signs they are being treated justly by authorities. When people contact police for assistance, in contrast, the hope is that police will take action that results in a positive outcome for the individual. The emphasis here is likely to be on whether police are effective in dealing with the citizen's concerns. While procedural justice is also appreciated in this context, the primary concern will be with the officer dealing with the issue at hand.

Following the publication of the six early Australian studies, five additional papers using general population samples were published. These five studies sought to further understand when and why procedural justice mattered to Australian citizens. Four of the five studies focused on the relational properties of procedural justice and its ability to enhance identity and reduce negative emotions and defiance. Bradford, Murphy, and Jackson (2014, p. 538) revealed that procedural justice enhanced Australians' identity as law-abiding citizens, with those who identified more strongly as law-abiding perceiving police as more legitimate and entitled to be obeyed. Barkworth and Murphy (2015, p. 268) confirmed that procedural justice could reduce negative affect, and Murphy (2016, p. 101) showed that procedural justice could reduce defiance toward police. Using longitudinal survey data, Sargeant, Murphy, and Madon (2017, p. 131) also demonstrated that if citizens held defiant attitudes toward police when entering into an interaction this had an impact on their perceptions of procedural justice and, in turn, their satisfaction with the encounter (p. 132).

1.5.2 Studies undertaken with vulnerable communities

The second group of procedural justice studies in Australia focused on the importance of procedural justice to vulnerable population groups. This work built upon the early Australian studies presented in the previous section and aimed to better understand the different contexts under which procedural justice policing was effective or ineffective.

Of the 15 studies published in this group, four focused on *youth* (Hinds 2007; Hinds 2009b; Murphy 2015; Bates, Allen & Watson 2016), four focused on *crime victims* (Elliott, Thomas & Ogloff 2011, 2012; Murphy & Barkworth 2014; Barkworth & Murphy 2016), one focused on the *LGBTI community* (Miles-Johnson 2013), and six focused on *ethnic/racial minority communities* (see Appendix for a full list of these authors). Almost all of these studies confirmed that procedural justice policing was positively associated with citizens' trust in police, their perceptions of the police as legitimate, their satisfaction with the police, or their willingness to voluntarily cooperate with the police. However, one study revealed that procedural justice policing had a negative effect on ethnic minorities' cooperation with police (Murphy & Cherney 2011, p. 248). Sargeant, Murphy, and Cherney's (2014, p. 513) study also revealed that procedural justice had little impact in building Vietnamese immigrants' trust in police, but it mattered a great deal for Indian immigrants and non-minority respondents. For Vietnamese immigrants, concerns regarding police effectiveness dominated their trust in police.

In other studies, Murphy and Barkworth (2014, pp. 193–194) also revealed that procedural justice had a stronger positive effect for certain types of crime victim (i.e. domestic violence, burglary, vandalism victims), while for other types of crime victim (i.e. motor theft victims) the perceived effectiveness of police mattered more when deciding to report future victimisation. Murphy (2015, p. 53) also revealed that young people placed more importance on procedural justice than adults, and Madon, Murphy, and Sargeant (2017, p. 624) found that procedural justice mattered most to disengaged individuals when evaluating the legitimacy of the police. Finally, Murphy (2013, p. 193) revealed that ethnic minorities who identified more strongly with their ethnic identity placed more importance on procedural justice when deciding to trust the police. Together, these studies challenge the view that all population groups respond equally to procedural justice; that is, that procedural justice effects are invariant across different demographic groups.

Each of the studies cited above provided explanations for the differing effects of procedural justice across groups. While there is no space in this chapter to go through all the explanations, two noteworthy suggestions are offered. For the studies involving ethnic minority and immigrant groups, the finding that procedural justice mattered little to some groups can be explained by examining the historical and cultural legacies of some minority groups. For some migrant groups, immigration to Australia was driven by a need to flee war or communist regimes (e.g. Vietnamese immigrants). Given their experiences of war and oppression, immigrants from these types of countries may place more attention on the ability of police in their host country to keep them safe; whether they are treated respectfully or not is of less concern. Procedural justice studies conducted in African contexts show similar findings. Tankebe (2009, p. 1265) showed that people in Ghana placed little importance on procedural justice when judging the legitimacy of police, instead focusing on whether the police were effective. Tankebe argued that police effectiveness becomes particularly important to people when personal security is of concern.

When explaining why some groups may be *more* positively affected by procedural justice than others, we can draw from prior research in non-policing domains. Prior research suggests that when people feel more uncertain about how authorities might view or treat them, procedural justice concerns become particularly salient (Van den Bos 2003, p. 483). This again points to the important relational aspects of procedural justice. Procedural justice can act as an uncertainty reducer (DeCremer, Brebels & Sedikides, 2008, p. 1524), allaying people's anxiety about how authorities view them. This is because procedural justice can promote relationships between those in authority and those they govern. Prior psychological research on prejudice also reveals that minority group members who identify strongly with their own minority group are more sensitive to signs of discrimination and bias (Operario & Fiske 2001, p. 550). Identifying strongly with a minority group heightens expectations of unfair treatment and injustice. It might be the case that youth, those who see their ethnicity as more central to their identity, those who feel more disengaged, and domestic violence victims, may feel particularly anxious and uncertain about how police might view them; and this explains why they responded more positively to procedural justice in the Australian studies.

1.5.3 Counter-terrorism policing studies

Emerging from the Australian procedural justice work on ethnic minority communities was the next wave of Australian research, examining procedural justice concerns in the counter-terrorism policing context. While terrorism can be perpetrated by any group or individual, the focus of the Australian studies centred on Muslim communities. Research abroad had revealed that police struggle to engage Muslim communities in counter-terrorism due to Muslims reporting suspicion and resentment of counter-terrorism policing and laws, and due to Muslims feeling stigmatised by the association of Islam with terrorism (Innes 2006, p. 237).

In a series of seven studies, Adrian Cherney and Kristina Murphy, and others (Cherney & Murphy 2013, 2017; Madon, Murphy & Cherney 2017; Murphy & Cherney 2017; Murphy, Madon & Cherney 2017, 2020; Murphy, Cherney & Teston 2019), found that procedural justice policing was extremely important to Muslims living in Australia. Using survey data collected from 800 Muslims living in Brisbane, Sydney, and Melbourne, Cherney and Murphy (2017) confirmed that many Muslims did feel stigmatised by Australia's policing response to Islamist-inspired terrorism (p. 1026). They also revealed that when counter-terrorism police were perceived to be adhering to procedural justice principles, Muslims trusted the police more and were more willing to report terror threats to them (p. 1031). In one recent study, Murphy, Madon, and Cherney (2020, p. 370) revealed that procedural justice was particularly important for promoting a willingness to report terror threats to police for those Muslims who felt most stigmatised. These findings again highlight the relational aspects of procedural justice. DeCremer and Sedikides (2005, p. 157) showed that when people hold greater doubts about their inclusiveness in a group they will be more sensitive

to signs of procedural justice and injustice. Those who feel more stigmatised by others are likely to hold greater doubts about their acceptance in society. Through their interactions with the police, Muslims can construe their perceived worth and standing within the broader community by how the police treat them; as procedural justice conveys to highly stigmatised individuals that police value them and value their input in the fight against terrorism. Overall, these studies revealed that even in the challenging domain of counter-terrorism policing—where Muslims feel highly stigmatised, and police are often viewed with high levels of suspicion and scepticism by Muslims—procedural justice can promote closer relationships and mutual trust.

1.5.4 Neighbourhood-level studies

In the fourth group of studies, Sargeant, Mazerolle, and Wickes (2016), Sargeant and Kochel (2018), and Antrobus et al. (2015) considered community-level factors for understanding how police are perceived in Australia. A long history of US-based research demonstrates that ‘place’ matters when explaining people’s views of police (e.g. Reisig & Parks 2000, p. 607; Weitzer 1999, p. 841). Unlike in the US, the Australian studies revealed that attitudes toward police and their perceived use of procedural justice varied little between neighbourhoods (although Sargeant and Kochel (2018, p. 832) did reveal that neighbourhood characteristics and procedural justice perceptions both explained the variation in Australians’ willingness to cooperate with police). Two explanations are offered for why neighbourhood factors may matter less in Australia. First, policing in Australia operates in a very centralised manner at a state and territory level. Thus, each state and territory police agency has a single policing function. By contrast, policing is much more fragmented in the US. There are over 14,000 policing agencies across three levels of government (county, state, and federal) (FBI 2004), with agencies at each level being responsible for a different function. Australia’s centralised policing model means less potential for interagency rivalry and greater intrastate consistency in policing roles, legal responsibilities, service delivery, and performance criteria. Second, violent crime rates across suburbs in Australia tend to be significantly lower than in the US and vary less between suburbs. In the US, many neighbourhoods are also characterised by enduring levels of violent crime. Police in these high crime American neighbourhoods often adopt a very different approach to those in low crime neighbourhoods; they typically rely more heavily on the use of force, and they place a strong emphasis on deterrence (Weitzer 1999, p. 822). Unsurprisingly, community attitudes toward police therefore vary greatly in the US between high and low crime neighbourhoods.

1.5.5 Applied policing studies

The final collection of studies from Australia canvass collaborative work undertaken between academics and police agencies, most notably the Queensland Police Service. Murphy (2017b, p. 54) recently noted ‘a burgeoning area of study

in the procedural justice field has involved researchers working closely with regulators to evaluate procedural justice effects in applied settings'. The Australian studies: (a) assessed how police officers perceived the efficacy of procedural justice, (b) tested whether police could be trained to be more procedurally just in encounters with the public, and (c) used randomised controlled trials to evaluate the effects of procedural justice policing in the field. Randomised controlled trials can overcome some of the limitations of survey research by clarifying the *causal relationships* between predictor variables (e.g. procedural justice) and outcome variables (e.g. trust in police). Twelve Australian studies have been published in this area to date (see Appendix for the full list of studies).

In general, the studies revealed that training police officers to be more procedurally just in encounters with the public (i.e. training them how to be more respectful, to allow citizens a voice, to be neutral in encounters, and to express trustworthy motives) had a positive effect on how the public perceived their interactions with police. Specifically, the studies revealed that providing training to police about the importance of procedural justice did enhance citizens' trust in police (Murphy, Mazerolle, & Bennett, 2014, p. 405); perceptions that police were legitimate (e.g. Sargeant et al. 2016, p. 797); satisfaction with a police encounter (e.g., Mazerolle et al. 2012, pp. 358–359); and willingness to cooperate with police (e.g. Murphy et al. 2014, pp. 417–418). Importantly, the studies also revealed that training police in procedural justice made police more aware of their own behaviour (e.g. Bates et al. 2015, p. 442) and influenced their attitudes regarding the efficacy of procedural justice (e.g. Bond, Murphy & Porter 2015, p. 229).

1.6 Reflections on the challenges of doing empirically based procedural justice research and directions for future research

This final section provides a brief discussion of the challenges associated with doing empirically based procedural justice research. Following this will be some reflections on where empirical research on procedural justice policing might be headed in the future.

There are several challenges associated with doing empirical procedural justice research. The first challenge relates to the *cost of quality sampling*. Applied survey research can be very expensive and can be prohibitive to many researchers. If one's aim is to extrapolate findings to the wider population and to inform actual police practice, it is important to ensure that the target sample being studied is as representative as possible of the population from which it is drawn, and that sufficient numbers have been sampled to provide reliable results. Otherwise the validity of one's findings and conclusions can be challenged. Recruiting a large representative sample can be particularly challenging when surveying small hard-to-reach minority communities or where language or cultural barriers exist. To access such groups, researchers typically require the services of a reputable third party survey provider that specialises in recruiting culturally and linguistically diverse population groups. These research companies have the resources to

employ and train non-English speakers to recruit and interview participants, but they come with a significant economic outlay to the researcher, which can be prohibitive for many researchers.

The second challenge relates to *measurement*. As already noted, many studies in the procedural justice field have been criticised for failing to pay attention to measurement issues. The conclusions drawn from studies can be questioned if measured constructs have not been rigorously created or validated. While the vast majority of Australian studies cited in this chapter did pay attention to measurement issues, some did not. Often scholars who indirectly study procedural justice make use of available survey datasets that were not originally designed to measure procedural justice or its associated constructs. This practice must be avoided as unreliable measures can produce results that conflict with prior research.

Third, *embedding procedural justice into actual police work* is not without its challenges. Organisational factors operating within police agencies (e.g. lack of resources, or a culture that opposes the use of procedural justice) can inhibit the reliable uptake of strategies that draw on a procedural justice-based policing model. External factors pertaining to the public and political demands on police can also undermine innovation in policing. When police are placed under increasing pressure to achieve value for money in service delivery, anything that adds to the time they spend on their duties (i.e. procedural justice initiatives such as taking time to build trust, allowing citizens a voice, etc.) may be set aside as it distracts them from detecting and apprehending criminals. Media and political discourse surrounding crime control and the need to ‘get tough’ on crime, and the dominance of the deterrence-based model of policing, are likely to be other significant barriers to the uptake of procedural justice policing. Procedural justice may be perceived as the ‘soft on crime’ approach despite research revealing that it benefits police in both a relational and instrumental sense. As Mazerolle et al. (2014, p. 70) argue, changing police culture to adopt procedural justice into service delivery ‘requires organizational support, training, and willingness on the part of police’ to adopt and test procedural justice in different operational settings. As the Black Lives Matter Movement also highlights, police need to pay due attention to procedural justice if they wish to improve relations with Australia’s ethnic and racial minority communities.

The procedural justice research described in this chapter has made important contributions to policing in Australia. Sarre (2016, pp. 7–8) notes it as one of the top ten ‘big bangs’ that have made a difference to Australian policing in the past three decades. With this in mind, it is worth mentioning some future directions that research on procedural justice policing might take. First, procedural justice is particularly important for vulnerable groups. Domestic violence victims, for example, place a great deal of importance on procedural justice when deciding whether to report future victimisations to police. There is still more to learn about how and when procedural justice policing can improve the quality of life and justice needs of victims of violent crime. Likewise, ethnic/racial minorities respond very well to police adhering to procedural justice. There is still more to learn about how, when and why minority groups respond to procedural justice.

Second, there are still unanswered questions regarding whether procedural justice actually changes people's compliance behaviour. The vast majority of procedural justice studies rely on survey methods. The associations made between self-reported views and behaviour in these studies obscure the causal relationships between variables. It is unclear, for example, whether procedural justice results in greater compliance with the law or whether those who are more compliant rate police as more procedurally just. Therefore, demonstrating that there is a measurable impact of procedural justice on actual legal compliance behaviour is a matter for further study. Third, scholars have begun to focus attention on police and how they think about procedural justice and its effectiveness, their willingness to use it in the field, and the barriers to its implementation. More of this type of research is warranted as changing police officers' attitudes to procedural justice can influence how police provide their service to the community. Finally, police increasingly rely on the use of technology to do their work. It is unclear, for example, what impact the rollout of body-worn video cameras has on street-level policing and frontline police–citizen interactions. Examining the impact of the use of technology in policing on public perceptions of procedural justice is an area ripe for study.

1.7 Conclusion

To conclude, this chapter has provided a summary of the significant body of procedural justice policing research undertaken in Australia. The chapter has discussed how procedural justice has been defined and operationalised in Australian research and how the empirical study of procedural justice reveals that procedural justice policing can have a number of positive instrumental, normative, and relational benefits for police and the public. While this research has not been without its limitations and challenges, it appears on balance that procedural justice policing offers police agencies the opportunity to improve their relationship with the public. The groundswell of interest in procedural justice policing research is yet to wane, and so this chapter concluded with some reflections on possible future directions for the field. Police have the power to change their relationship with the public. Adhering to procedural justice principles enables police to move from a relationship based on deterrence and coercion, to one based on reassuring the public that they are there to serve their communities.

Appendix

The appendix presents a list of the 48 published Australian procedural justice policing studies canvassed in this chapter.

Studies with general population samples

Hinds & Murphy (2007)
 Murphy, Hinds & Fleming (2008)
 Hinds (2009a)
 Murphy (2009a)

Murphy (2009b)
Murphy, Tyler & Curtis (2009)
Bradford, Murphy & Jackson (2014)
Barkworth & Murphy (2015)
Murphy, Sargeant & Cherney (2015)
Murphy (2016)
Sargeant, Murphy & Madon (2017)

Counter-terrorism policing studies

Cherney & Murphy (2013)
Cherney & Murphy (2017)
Madon, Murphy & Cherney (2017)
Murphy, Madon & Cherney (2017)
Murphy & Cherney (2017)
Murphy, Madon & Cherney (2018)
Murphy, Cherney & Teston (2019)

Vulnerable community studies

Hinds (2007)
Hinds (2009b)
Murphy & Cherney (2011)
Elliott, Thomas & Ogloff (2011)
Elliott, Thomas & Ogloff (2012)
Murphy & Cherney (2012)
Miles-Johnson (2013)
Murphy (2013)
Murphy & Barkworth (2014)
Sargeant, Murphy & Cherney (2014)
Murphy (2015)
Bates, Allen & Watson (2016)
Barkworth & Murphy (2016)
Murphy & Cherney (2017)
Madon, Murphy & Sargeant (2017)

Neighborhood-level studies

Antrobus, Bradford, Murphy & Sargeant (2015)
Sargeant, Mazerolle & Wickes (2016)
Sargeant & Kochel (2018)

Applied policing studies

Mazerolle, Bennett, Antrobus & Eggins (2012)
Mazerolle, Antrobus, Bennett & Tyler (2013)

Murphy, Mazerolle & Bennett (2014)
 Bond, Murphy & Porter (2015)
 Bates, Antrobus, Bennett & Martin (2015)
 Fildes, Murphy & Porter (2016)
 Sargeant, Antrobus, Murphy, Bennett & Mazerolle (2016)
 Antrobus & Pilloto (2016)
 Murphy (2017a)
 Bennett, Newman & Sydes (2017)
 Murphy & Mazerolle (2018)
 Antrobus, Thompson & Ariel (2019)

Notes

- 1 I acknowledge the funding support of the Australian Research Council (Grant Number FT180100139).
- 2 Construct validity refers to the degree to which something measures what it claims, or purports, to be measuring.
- 3 Cronbach's alpha is a statistical calculation performed on survey data and is a measure of internal consistency; that is, it measures how closely related a set of items are as a group. It is considered to be a measure of scale reliability.
- 4 Additional papers have been written in Australia but they were discussion pieces, relied on qualitative interview data, were contained in conference proceedings, or examined the relevance of procedural justice in non-policing contexts. Hence, they are not reviewed in this chapter.

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