

## Citizens' Subjective Experience and Police Action

When previous survey research has analyzed the effects of procedural justice in police-citizen encounters, it has with few exceptions been with the (usually implicit) presumption that citizens' subjective experience bears a fairly strong relationship to what police officers actually do in those encounters. When citizens report that police treated them with dignity and respect, respected citizens' rights, and paid attention to what they had to say, research has generally taken those reports at face value. When citizens report that police were impolite, did not consider their views, or did not make their decision based on facts, research has again taken those reports at face value. Inferences have been drawn from this body of evidence that if police were to improve their performance in these process-based terms, then citizens would have more positive experiences, police legitimacy would improve, and citizen cooperation and compliance would in turn improve. In this way, presumably, police can "create" legitimacy through their interactions with citizens.

Some previous research gives us reason to question this presumption, though any doubts about the strength of the connection between subjective experience and procedural justice in action are seldom reflected in the conclusions drawn from the evidence. As we discussed in chapter 3, panel surveys have shown that legitimacy and other global attitudes toward the police tend to be stable over time. A single contact with the police has a fairly modest impact on subsequent attitudes; the subjective experience in that contact, however, is substantially shaped by the citizen's prior attitude. The effects of prior attitudes could reflect the operation of selective perception by citizens, seeing what they expect to see—for better or for worse—from the police, and/or the effects of prior attitudes on citizens' behavior

in their encounters with the police, to which officers respond. Most extant evidence does not extend to whether and how subjective experience is affected by the overt behavior of police.

Some empirical evidence on this question has recently accumulated in experimental studies of traffic enforcement. In the first study of this kind, the Queensland Community Engagement Trial (QCET), police were directed to follow scripts in their administration of roadside breath tests at traffic checkpoints; the scripts were formulated to provide for the elements of procedural justice. To date, the QCET design has been replicated in two published studies (and a third unpublished study of which we are aware), though its findings have not been replicated. Notwithstanding the inconsistent findings, this body of research warrants our attention, and we will consider it first.

We thereafter turn to our analysis of the subjective experience of citizens who were interviewed about their contacts with Schenectady police, and whose encounters were captured in video and audio recordings that we used to code features of the interactions. We begin by reexamining the relationships estimated in chapter 4, for all 1,800 sampled contacts, among only the 411 encounters for which both of our observers were able to identify the primary citizen. We reestimate the same model of subjective experience, using the additive index of procedural justice formed from the survey items. We then examine the relationships between citizens' subjective experience, on one hand, and the scales of procedural justice and injustice in action—hereafter simply officers' procedural justice and injustice—and other actions of the police, on the other hand. We thereupon build a more complete model of subjective experience, which incorporates the observed behavioral constructs, so that we can further contribute to filling the gap in extant evidence on the effects of police procedural justice.

#### EXPERIMENTAL STUDIES OF PROCEDURAL JUSTICE

The Queensland Community Engagement Trial (QCET) was a randomized controlled trial that provided for an experimental treatment in the form of scripted traffic checks for drunk driving. Officers were trained to follow a protocol designed to maximize the procedural justice of the brief interactions occasioned by the random breath testing (RBT). Scripts were formulated to incorporate the components of procedural justice into officers' administration of the RBT; during half of sixty RBT operations, officers were directed to use the experimental script, and senior officers monitored their compliance with the protocol. Ordinarily these RBT encounters were brief—about twenty seconds long—and “very systematic and often devoid of anything but compulsory communication” (Mazerolle et al. 2013, 40). The scripted procedurally just encounters were longer, at ninety-seven seconds on average, but still quite brief. Each driver who was stopped during these

sixty RBT operations was given a survey to be completed later and returned to the researchers. Response rates, for both experimental and control drivers, were about 13 percent. The procedural justice treatment had the hypothesized effects on citizens' judgments, and of course a randomized trial has the unique virtue of strong controls for the effects of citizens' prior attitudes and other potentially confounding factors. The QCET's design but not its results have been replicated, however (Alpert 2015; MacQueen and Bradford 2015; Sahin 2014).

An experimental treatment applied randomly, as in QCET, allows us to assume that the confirmation biases in citizens' subjective judgments are distributed evenly across treatment and control groups and thereby isolate the effect of the procedural justice treatment. How much potential everyday policing allows for experimental scripting and direction is questionable. Traffic checkpoints that involve very brief encounters between police and citizens are susceptible to such prescriptions, but police-citizen encounters in most domains of police work—and especially in those with the potential for contentious interactions—do not lend themselves to such experimental manipulation. The QCET and studies like it cannot be written off as irrelevant eccentricities of police research, but we believe that a properly grounded understanding of the dynamics and outcomes of police-citizen interactions, including but not limited to the subjective and (more) objective features of procedural justice, will require the application of nonexperimental approaches that provide for two forms of data: data on citizens' subjective experiences, the likes of which have been collected through postcontact surveys of citizens; and data about police and citizen behaviors independently coded by observers.

#### A MODEL OF SUBJECTIVE EXPERIENCE, REVISITED

In chapter 4 we estimated the parameters of a model of subjective experience, based on survey responses and police records (e.g., concerning the nature of the call, arrest charges, and the like) for all of the encounters in Schenectady and Syracuse about which we interviewed citizens. Our analysis, however, omitted the behavior of police. It revealed that citizens' satisfaction is driven by subjective procedural justice and subjective outcomes, and holding those factors statistically constant, satisfaction is only weakly related to citizens' background characteristics or characteristics of the situation. Subjective outcomes are shaped by and large by subjective procedural justice. Finally, subjective procedural justice is driven mainly by how the encounter is initiated and especially by the use of police authority: searches or frisks, and the type and disposition of an arrest. Citizens' race, employment, and age also affect procedural justice.

We estimated the parameters of that same model of subjective experience for only the contacts in Schenectady. The regression coefficients are very similar—many are identical—to those based on an analysis of both sites. One of the few

exceptions is the estimated effect of the citizen's race on subjective procedural justice; among encounters in both sites, Blacks rated procedural justice less favorably than whites did, other things being equal, but among the Schenectady encounters, race bears no independent relationship to subjective procedural justice.

Our assessment of the observation sample against the larger survey sample suggested that the observed encounters resembled the incidents from which they were sampled (see the methodological appendix). As reassuring as that is, we also estimated the parameters of the model for only the observed encounters in Schenectady.<sup>1</sup> The pattern of effects in the observed subset of Schenectady encounters is very similar to that found among all of the Schenectady encounters, though a number of the coefficients that achieve statistical significance in the latter analysis do not achieve statistical significance at a conventional level among observed encounters, given the smaller *N*, and a few differences among call types emerge that were not found among all of the Schenectady encounters. But the story remains much the same in this subset of encounters: satisfaction is driven by citizens' judgments about procedural justice and about outcomes, which explain all but a small fraction of the variation in satisfaction. Subjective outcomes are for the most part a function of citizens' perceptions of procedural justice. Subjective procedural justice is shaped mainly by how the encounter is initiated and the use of police authority, among the observed encounters as among all of the contacts about which citizens were interviewed. Thus this comparison of regression results further suggests that the observed encounters are fairly representative of police-citizen contacts in Schenectady, aside from the underrepresentation of routine traffic stops.

#### AN EXTENDED ANALYSIS

Our analysis of subjective experience in chapter 4 omitted a construct of signal importance: the behavior of police, and particularly the degree to which officers' actions toward the citizen either conform to or violate principles of procedural justice. Like previous research that relies mainly or exclusively on citizens' responses to survey questions about their experience, we must make assumptions about the correspondence of citizens' judgments to officers' behavior in order to draw inferences about how police can enhance police legitimacy through their contacts with citizens. With data on how officers act that are independent of citizens' reports, however, we can instead treat as testable empirical propositions the connections between officers' behavior and citizens' subjective experience.

The model first presented in chapter 4 includes officers' procedural justice (see figure 6). We have already considered some of the hypothesized relationships between features of the situational context and citizens' backgrounds, on the one hand, and officers' procedural justice, on the other hand, in the analyses presented in chapter 6. Here we consider, not the antecedents of officers' procedural justice,

but rather its consequences. We posit that the most immediate effects of officers' procedural justice are on citizens' subjective procedural justice and outcomes. We further posit that the effects of officers' procedural justice on citizens' satisfaction are mediated by subjective procedural justice and outcomes, though we will later allow for the possibility that officers' procedural justice has direct effects on citizens' satisfaction, in addition to any indirect effects that it may have. We begin with a detailed examination of the relationship between officers' procedural justice and citizens' assessments of procedural justice.

### *Subjective Procedural Justice*

Measured by the procedural justice index, the procedural justice that citizens perceive and experience—which we simply call “subjective procedural justice”—correlates in expected ways with the procedural justice that we observed in police-citizen encounters, but the correlations are only of rather weak-to-moderate magnitude. The correlation of subjective procedural justice with the procedural justice with which the primary officer treated the primary (surveyed) citizen is only 0.14. Subjective procedural justice is inversely correlated, at -0.31, with the procedural injustice with which the primary officer acts. As previous research on citizen satisfaction might be taken to imply, the inverse correlation of subjective procedural justice with procedural injustice is larger in magnitude than the positive correlation of subjective procedural justice with procedural justice. Subjective procedural justice is also inversely correlated with procedural injustice by other officers, and correlated with procedural injustice toward other citizens in the encounter, though the coefficients (-0.15 and 0.11, respectively) are weaker still. Subjective procedural justice is also inversely correlated with the use of police authority—verbal and physical force, searches of persons and vehicles—with coefficients ranging from -0.2 to -0.27.

The modest magnitude of the correlations between subjective procedural justice and procedural justice seems to stem mainly from rather generous characterizations of officers' performance by citizens. Figure 7 shows a cross-tabulation of citizens' subjective judgments about procedural justice and the primary officers' behavior, in bar-chart form, such that each segment of each bar depicts a cell in a cross-tabulation. Comparing subjective procedural justice (along the vertical axis) to officers' procedural justice (along the horizontal axis), more than 40 percent of the cases overall are found in four segments (the blue and green in the upper left of the figure) that encompass police behavior of low-to-moderate procedural justice and subjective assessments of high-to-very-high procedural justice. In 50 percent of the cases of *low* procedural justice by officers, citizens rated procedural justice *very* highly. In nearly two-thirds of the cases of only moderate procedural justice by officers, citizens assessed procedural justice as very high. Conversely stingy judgments—low-to-moderate subjective procedural justice despite high-to-very-high procedural

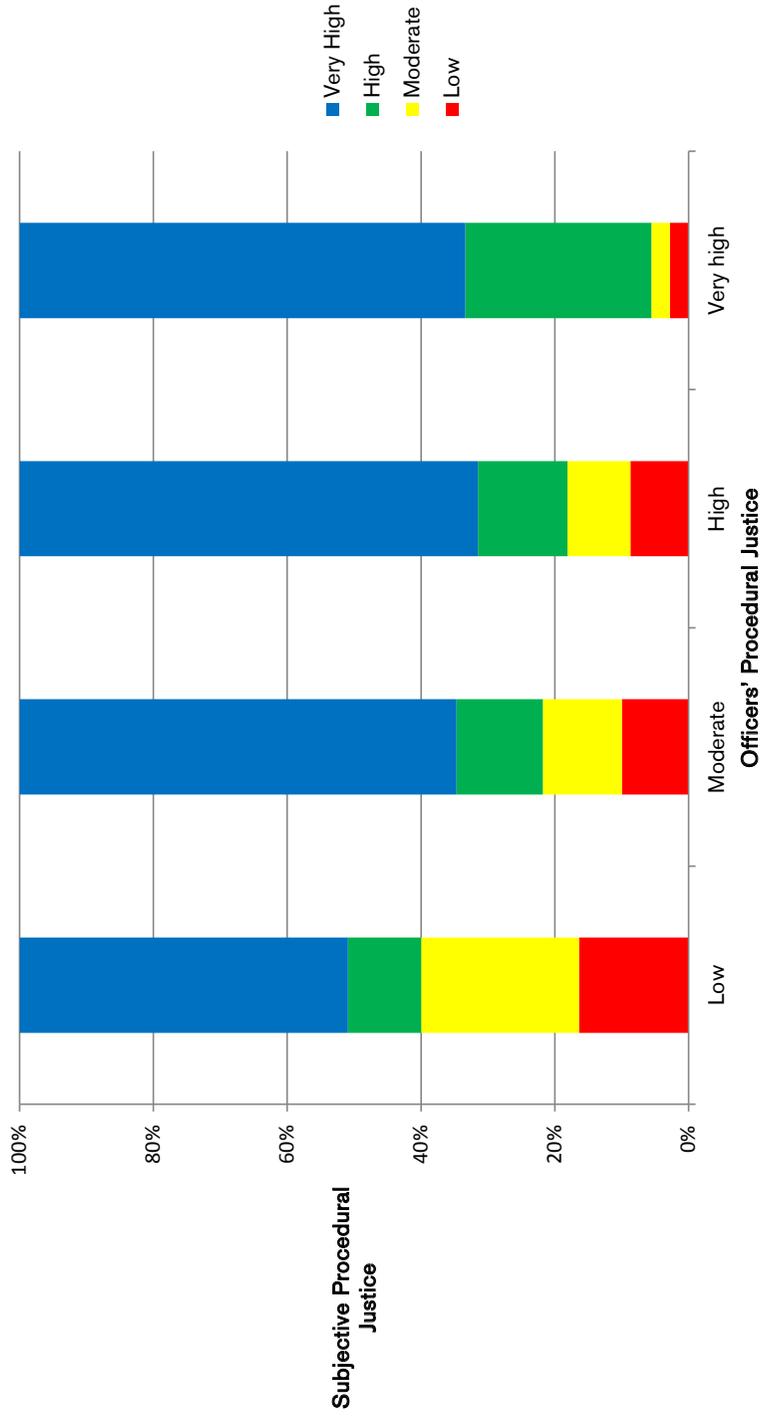


FIGURE 7 . Subjective Procedural Justice by Officers' Procedural Justice.

justice by officers—were much less common (7 percent of all of the cases), found in the lower right segments. Overall, in these bivariate terms, positive ratings of procedural justice by citizens do not appear to be very responsive to officers' overt behavior, inasmuch as half to two-thirds of the citizens rated procedural justice very highly regardless of officers' observed behavior.

Citizens were somewhat less likely to overstate the procedural justice with which officers acted when officers behaved in procedurally *unjust* ways. When officers acted with moderate-to-high procedural injustice (the two bars in the right of figure 8, below), citizens rated procedural justice as high or very high about half of the time.

Arrestees, as a group, are less generous in their assessments, and their scores on the subjective procedural justice index bear a closer correspondence with police behavior. Among cases in which observations showed procedural justice to be low, less than one-quarter of the arrestees rated procedural justice very highly, while nearly one-third judged it to be low. Positive ratings of procedural justice among arrestees appear more closely tied to overt behavior, with a larger spread in the proportion of very high ratings, from 23 percent to 58 percent.

Overall, these results contradict the phenomenon to which Wesley Skogan (appropriately) draws our attention: that negative experiences with the police have more powerful detrimental effects on global attitudes than the beneficial effects of positive experiences, and more generally that “bad is stronger than good.” If we think of citizens' perceptions that are incongruent with observed procedural justice as errors, then the false positive errors are far more numerous than the false negative errors. Our data allow us only to speculate on why many citizens make what appear to be overly charitable characterizations of how police performed in their contact with them, but piecing together these findings with those in chapter 3 on the generally favorable attitudes of the survey respondents, and the findings of previous research on the powerful effects of prior attitudes on subjective experience, we could reasonably, albeit only very tentatively, attribute the false positives to citizens' prior attitudes.

We can examine false negative errors more closely, though the subsample is small and the information limited. Fourteen (unweighted) respondents have scores on the procedural justice index that place them in the “low” category, yet the officers' procedural justice was high or very high and procedural injustice was low or moderate. Thirteen of the fourteen answered open-ended questions about their reasons for dissatisfaction. The most common reason, cited by five, concerned outcomes. Two of those five, and one other respondent, cited listening, and three other respondents cited respect.

Regression analysis shows that together the scales of officers' procedural justice and injustice explain no more than 12 percent of the variation in subjective procedural justice; see the column for model I in table 5. Such explanatory power as

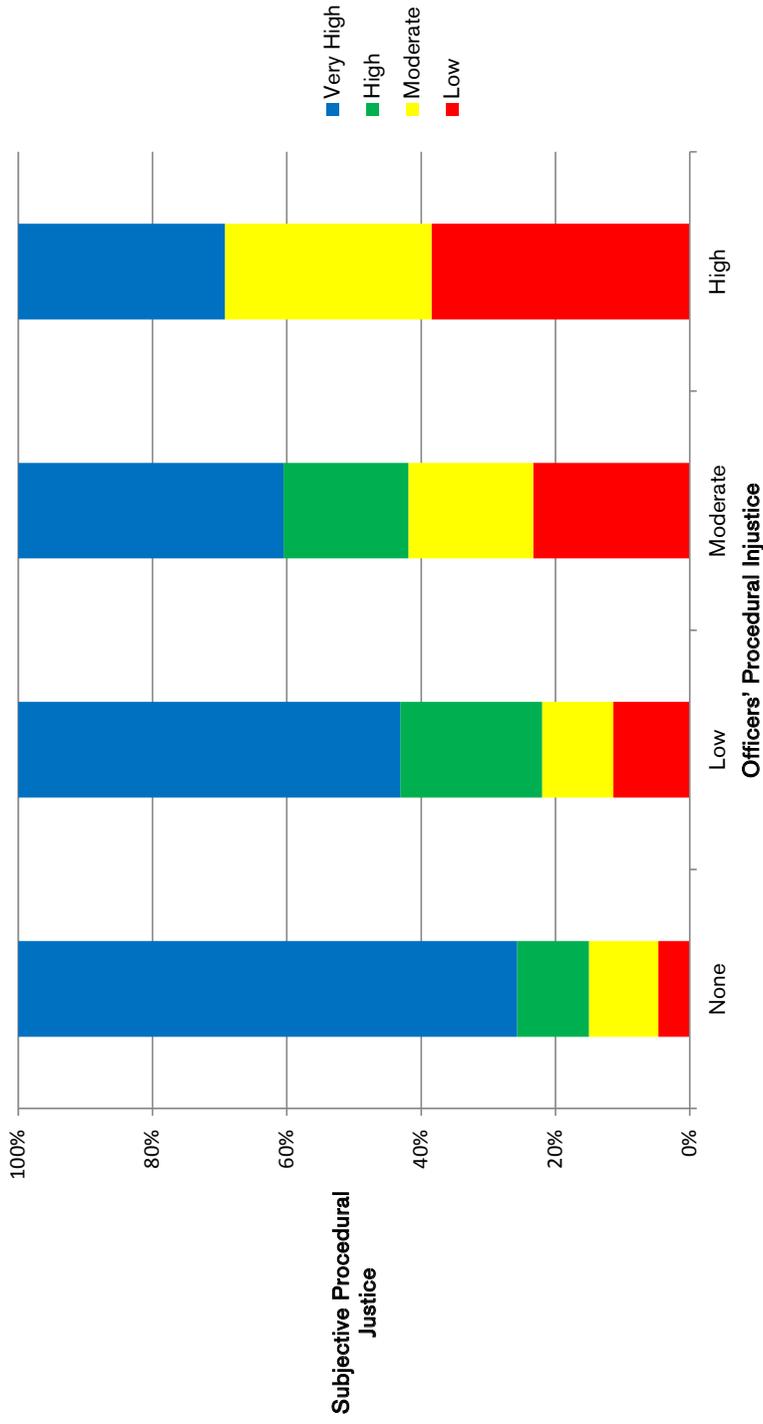


FIGURE 8. Subjective Procedural Justice by Officers' Procedural Injustice.

TABLE 5 Five Models of Subjective Procedural Justice

	I	II	III	IV	V
Constant	6.37*	5.27*	4.81*	3.56	3.70
PC x PO: procedural justice	0.40*	0.33*	0.28**	0.20	0.20
PC x PO: procedural injustice	-1.73*	-1.31*	-1.01*	-1.16*	-0.72**
PC x OO: procedural justice	-0.38	-0.28	-0.30	-0.31	-0.24
PC x OO: procedural injustice	-0.84	-0.59	-0.45	-0.38	-0.45
OC: procedural justice	-0.11	-0.14	-0.07	-0.12	-0.06
OC: procedural injustice	-0.33	-0.40	-0.55	-0.64	-0.45
Citizen called for service	—	3.39*	3.54*	2.27	1.51
Police-initiated	—	0.58	1.42	2.46	1.50
Citizen arrested	—	-3.53**	-1.29	-1.46	-0.86
Search/frisk person	—	—	-3.56**	-4.33**	-4.57*
Search vehicle	—	—	-6.21*	-6.07*	-5.97*
Citizen consent search/frisk	—	—	5.88*	5.19*	4.94*
Citizen consent vehicle search	—	—	4.92	4.40	3.31
Verbal force	—	—	1.29	1.39	1.16
Physical force	—	—	-2.06	-1.95	0.45
Evidence	—	—	-0.96	-1.00	-0.99
Citizen male	—	—	—	2.11*	2.41*
Citizen's age	—	—	—	0.04	0.05
Citizen black	—	—	—	-0.23	0.32
Citizen Hispanic	—	—	—	-0.90	0.12
Response time	—	—	—	1.96*	1.95*
Neighborhood disadvantage	—	—	—	-0.38	-0.46
Citizen disrespect	—	—	—	—	-3.24*
Citizen resistance	—	—	—	—	-6.58*
Adjusted R <sup>2</sup>	0.12	0.18	0.21	0.25	0.28

NOTE: PC = primary citizen; PO = primary officer; OO = other officer(s); OC = other citizen(s)

\* p < .05

\*\* p < .10

can be attributed to what officers do stems primarily from the procedural *injustice* with which they act, which has fairly strong effects when those actions are directed toward the primary citizen. Procedural *justice* in this model has a substantively modest but statistically significant effect. As modest as these relationships are, they could be partially spurious, inasmuch as officers' procedural justice is associated with other factors that drive citizens' subjective experience. The effects of procedural injustice are attenuated some by the inclusion of how the encounter was initiated and especially arrest in model II; all else being equal, subjective procedural justice is more favorable when the citizen calls for police assistance and less favorable when the citizen is arrested. The estimated effect of procedural injustice is further attenuated by the inclusion of officers' use of authority in model III; subjective procedural justice is less favorable when police search the citizen and/or

his/her vehicle (without consent) and when they use physical force.<sup>2</sup> But even controlling for these actions by police, procedural *in*justice toward the primary citizen affects that citizen's judgments. Model IV adds the assessed response time and demographic variables: the citizen's sex, age, race, and ethnicity, and the level of neighborhood disadvantage. Among the demographic variables, only sex has a large or statistically significant effect on citizens' subjective procedural justice, and response time has a substantively significant effect.<sup>3</sup>

Finally, model V adds indicators of citizen resistance and disrespect, respectively, both of which have a large bearing on subjective procedural justice.<sup>4</sup> The inclusion of these variables attenuates but does not eliminate the estimated effect of the officer's procedural injustice on citizens' judgments about procedural justice, however, from which we would cautiously infer that the effects of prior attitudes on subjective experience found in previous research may reflect the combined influences of citizens' selective perception *and* of citizens engaging in behavior that evokes from police a response that citizens judge unfavorably. If resistance or disrespect by citizens who hold negative attitudes toward the police were the mechanism that accounts for the relationship between prior attitudes and subjective experience, then the inclusion of these variables in a model of subjective experience would substantially reduce or eliminate altogether the estimated effect of officers' procedural justice. When citizen resistance and disrespect are added to the model, the coefficients for procedural injustice are reduced in magnitude to a degree but not eliminated; the coefficient for the use of physical force is also substantially reduced, as one would expect insofar as resistance is the factor that (should) prompt the use of physical force. Citizens who resist police authority tend to evoke the use of physical force by police and thus to rate the procedural justice of their contact less favorably. But holding resistance and disrespect constant, the pattern of other relationships is largely unchanged.

The use of police authority, and particularly searches, has a powerful impact on citizens' subjective procedural justice. One previous study, Meares et al. 2012, suggests that it is not the legality of the search but rather the procedural justice with which police act that shapes citizens' assessments of the propriety of police action. We might expect, therefore, that citizens' judgments that the police search was legitimate mediate either the effects of searches on citizens' subjective procedural justice and/or the effects of officers' procedural justice. When citizens' judgments that the search was legitimate are included in model IV, however, we find that the estimated effects of citizens' consent to searches are attenuated, but otherwise the pattern of effects is not altered. The search or frisk of the citizen continues to have a large coefficient (-4.92, compared with -4.33 in model IV), as does a vehicle search (-5.70, compared with -6.07). The primary officers' procedural injustice remains significant (a coefficient of -1.06, compared with -1.16 in model IV). We infer that citizens' judgments about the propriety of police searches are associated

with citizens' *perceptions* of procedural justice, but they do not mediate the effect of officers' use of authority or their procedural justice on citizens' subjective procedural justice.

We note that we have approached tests of statistical significance in a conservative fashion, using two-tailed tests. If instead we applied one-tailed tests when the direction of expected effects was clear, the citizen's consent to a vehicle search and procedural injustice toward other citizens would be significant at the .10 level in model IV. We also acknowledge that all of these estimated relationships are attenuated due to measurement error. The survey data contain error, just as the survey data collected in previous research contained error. The observational data contain error, just as observational data collected in previous studies using systematic social observation contain (inestimable) error. So we could suppose that the effects of procedural justice and injustice are somewhat greater than the estimated effects, and we could suppose that the effects of other variables—the use of physical force, searches, consent to search—are also understated in these results as a consequence of measurement error. But even taking account of attenuation due to measurement error, the strength of the relationships between subjective procedural justice and officers' procedural justice is modest—much too modest to support the inferences that have been drawn from previous analyses that rest on only survey data.

The weak to null effects of officers' procedural justice on citizens' subjective procedural justice probably has to do with the high ratings that citizens tend to give police even when officers' behavior represents low-to-moderate levels of procedural justice. At the margin, better performance in procedural justice terms by the police cannot improve citizens' subjective assessments very much.

Officers' procedural justice might be expected to have different effects on subjective procedural justice in different types of police-citizen contacts; in particular, we might expect that procedural justice would have pronounced effects in police-initiated contacts and encounters involving an arrest. Analyzing each subset of encounters separately allows us to check for effects that are contingent on the type of contact, though it also compromises the statistical power of the analysis. Few effects that are contingent on the type of contact emerge from those analyses.

Among citizen-initiated contacts, and contrary to our expectations, procedural injustice has stronger effects than it has in either police-initiated contacts or in those ending in arrest. Some differences in subjective procedural justice can be seen across types of calls, which in this analysis rest on measures derived from the observational data; compared with citizens who called about public nuisances, citizens who called for assistance with respect to nonviolent crimes, interpersonal conflicts, suspicious circumstances and traffic problems were more positive, while those who summoned police with respect to a violent crime were less positive.<sup>5</sup> Men who called for assistance were more positive about procedural justice than

women. Response time was also a factor in citizens' judgments about procedural justice in citizen-initiated contacts.

Among those whose contacts were initiated by police, neither procedural justice nor procedural injustice by officers has a detectable impact on citizens' subjective procedural justice. Searches, however, detract from subjective procedural justice. Among those who were arrested, regardless of how the encounter was initiated, searches detracted from procedural justice. Procedural injustice toward other citizens in the encounter detracts from arrestees' sense of procedural justice, though officers' procedural justice toward other citizens has no effect.

A somewhat more complicated picture emerges when subjective procedural justice (the procedural justice index) is regressed on the procedural justice subscales in lieu of the combinatory scales, allowing for the four domains of procedural justice to have varying effects. When the subscales are included in the analysis, we find, first, that the effect of procedural injustice by the primary officer is comprised of the effects of three of the four procedural justice domains. Untrustworthy motives have an unexpectedly positive coefficient, but the estimate is statistically unreliable and not significant. Second, and moreover, the procedural justice subscales have detectable but countervailing effects, as trustworthy motives and quality of treatment improve subjective procedural justice, while neutrality detracts from it, though only two of the effects achieve statistical significance.

The negative effect of neutrality is anomalous on its face, but it may reflect the situationally contingent nature of police behavior, as officers act in accordance with the demands of individual situations, and the fact that procedural justice in action is not entirely an exogenous variable. Higher scores on the neutrality subscale mainly reflect officers' efforts to explain their decisions, in general, and to a lesser extent their efforts to explain more particularly the legal standards on which they based their actions. Higher scores on this subscale are associated with police-initiated encounters, problems concerning either traffic or interpersonal conflict, arrests, and evidence of criminal wrongdoing by the citizen. Scores on this subscale are higher when the citizen is a suspect or disputant, and lower when the citizen is a victim or service recipient. We would speculate that officers act in these more procedurally just ways when the situation demands it, and that these situations are by their nature situations in which citizens are less likely to be pleased with the contact; indeed, officers might extend themselves to explain when citizens send signals that an explanation is expected. As plausible as this account may be, and although the primary citizens' requests for leniency (for him/herself or others) have a fairly substantial relationship to subjective procedural justice, it does not appear that citizens' requests mediate the effect of neutrality, the estimated magnitude of which is largely unaffected by the inclusion of citizens' requests.

These effects are of fairly modest magnitude, and together the procedural justice subscales together (and alone) explain no more than 12 percent of the variance

in subjective procedural justice. These results indicate that what officers do—that is, both the justice and the injustice with which officers act—is not entirely lost on citizens as they assess their contacts with police, but as we found previously, the effects of officers' procedural justice on citizens' subjective experience are quite modest. When further controls are added for the nature of the situation and officers' exercise of authority, the estimated effects of several subscales are attenuated somewhat, though the addition of controls for citizens' backgrounds does not alter the pattern of effects.

In view of previous research, we have compelling reason to suppose that the omission of citizens' prior attitudes from these models leaves them misspecified; prior attitudes toward the police generally have a strong effect on subjective procedural justice. Thus we added our measure of legitimacy—the trust index—to the model in order to gauge the extent to which the estimated relationships are biased by the omission of prior attitudes. It is of course true that the trust index is not a measure of *prior* attitudes, as it is based on responses to the survey that followed the encounter in question, and it could instead be specified as an effect of subjective procedural justice rather than its cause. But based on previous research, it is fairly safe to say that the postcontact trust score is nearly the same as the precontact trust score, since global attitudes like this one tend to be stable, and moreover, the effect of the citizen's subjective procedural justice on trust is likely much weaker than the effect of trust on subjective procedural justice.

With only the officers' procedural justice and the trust index in the model, the pattern of procedural (in)justice effects resembles that estimated earlier: procedural injustice detracts from subjective procedural justice, while procedural justice contributes little. Trust bears a moderately strong relationship to subjective procedural justice, controlling for the officers' procedural (in)justice. The coefficient for trust is unaffected by the addition of controls for the officers' use of authority. Furthermore, the estimated effect of trust is stable with the addition of controls for citizens' characteristics and for citizens' behavior (resistance and disrespect), respectively. The effect of trust is not diminished by the addition of citizen resistance and disrespect, suggesting that the effect of global attitudes on subjective experience is mainly a matter of selective perception by citizens, and is not mediated by citizens' behavior.

The coefficient for trust, like those in all of the cross-sectional research, reflects the reciprocal effects of prior attitudes (for which we treat the trust index as a proxy) and subjective procedural justice on one another, but given the much greater magnitude of the effect of prior attitudes, we can surmise that most of this relationship is probably attributable to that effect. Moreover, the effects of officers' procedural (in)justice on subjective procedural justice remain asymmetrical and, on balance, fairly small.

TABLE 6 Five Models of Subjective Outcomes

	I	II	III	IV	V
Constant	0.47*	-0.58*	-0.43**	-0.10	-0.03
PC x PO: procedural justice	0.04	0.01	0.02	0.02	0.02
PC x PO: procedural injustice	-0.21*	0.06	0.07	0.05	0.07
PC x OO: procedural justice	-0.08*	-0.02	-0.02	-0.05**	-0.05*
PC x OO: procedural injustice	-0.08	-0.01	-0.02	-0.02	-0.00
OC: procedural justice	0.02	0.02	0.02	0.02	0.02
OC: procedural injustice	0.11	0.10	0.11*	0.09**	0.10**
Subjective procedural justice	—	0.13*	0.14*	0.14*	0.14*
Citizen called for service	—	—	-0.44*	-0.41**	-0.46*
Police-initiated	—	—	0.44	0.44	0.40
Citizen arrested	—	—	-0.36	-0.37	-0.36
Search/frisk person	—	—	0.34	0.38	0.34
Search vehicle	—	—	0.29	0.25	0.16
Citizen consent search/frisk	—	—	-0.01	-0.10	-0.11
Citizen consent vehicle search	—	—	-0.53	-0.47	-0.41
Verbal force	—	—	-0.33	-0.26	-0.22
Physical force	—	—	0.10	0.07	0.15
Evidence	—	—	0.04	0.04	0.02
Citizen male	—	—	—	0.05	0.07
Citizen's age	—	—	—	-0.01	-0.01**
Citizen black	—	—	—	-0.24	-0.22
Citizen Hispanic	—	—	—	-0.17	-0.16
Response time	—	—	—	0.07	0.07
Neighborhood disadvantage	—	—	—	0.04	0.04
Citizen disrespect	—	—	—	—	-0.52*
Citizen resistance	—	—	—	—	0.05
Adjusted R <sup>2</sup>	0.03	0.55	0.58	0.61	0.62

NOTE: PC = primary citizen; PO = primary officer; OO = other officer(s); OC = other citizen(s)

\*  $p < .05$

\*\*  $p < .10$

### *Subjective Outcomes*

Our model posits that officers' procedural justice shapes citizens' judgments about their outcomes. For the most part, however, subjective outcomes are not a function of procedural justice: together the scales of procedural justice explain 4 percent of the variation in citizens' assessments of whether the outcome they received was the outcome they deserved; see table 6. The primary officer's procedural injustice detracts from citizens' judgments to a modest degree, and other officers' procedural justice also (and independently) detracts from the citizen's judgment that the outcome was deserved. But in the main, citizens' assessments of outcomes are not a reflection of officers' procedural justice.

Citizens' judgments about procedural justice, however, have a powerful impact on subjective outcomes, independent of the officers' procedural justice, and when subjective procedural justice is controlled, officers' procedural justice has no effect on citizens' judgments about their outcomes (see model II in table 6); the effect of officers' behavior—and especially the injustice with which they act—is mediated entirely by citizens' subjective procedural justice. The nature of the situation affects citizens' judgments only to a small degree, and officers' use of authority (controlling for subjective procedural justice) has no detectable effects (in model III). Likewise, citizens' backgrounds add little to the explanation (model IV), and the inclusion of citizen disrespect and resistance (in model V) also does not alter the pattern of effects. The hypothesized effect of subjective procedural justice on subjective outcomes is confirmed, but the hypothesized effects of officers' procedural justice on subjective outcomes are not confirmed.

### *Citizen Satisfaction*

Our model holds that the effect of officers' procedural justice on citizens' satisfaction is mediated by citizens' judgments about procedural justice and outcomes, but we nevertheless estimate the parameters of regression equations that include officers' procedural justice; insofar as officers' behavior has effects on citizens' subjective experience, we think it valuable to have a full accounting of them. Officers' procedural *injustice* affects citizen satisfaction; that effect is mediated for the most part, but not entirely, by citizens' subjective procedural justice. Officers' procedural justice, by itself, accounts for no more than 11 percent of the variation in citizens' satisfaction. The addition of subjective procedural justice pushes the explained variation up to 78 percent. Further additions to the model—for example, officers' use of authority and citizens' backgrounds—add nothing further to the explanation of satisfaction.

## TALES FROM THE FIELD

Since percentages and coefficients can tell only part of the story of police-citizen interactions, as we commented in chapter 6, we offer here a couple of illustrations of incongruence between observed police behavior and citizens' subjective experience, which may serve to put some descriptive flesh on the numerical skeletons of charts and regression parameters. We begin with a case in which the observations were indicative of fairly high procedural justice (a score of 11), no procedural injustice (a score of zero), and a citizen's judgment that represented an unfavorable subjective experience (with an index score of -11).

### CASE 7-1

O<sub>1</sub> (male) was driving through a residential neighborhood during daytime. O<sub>1</sub> stopped next to a house and greeted C<sub>1</sub> (female) by saying, "How are you doing,

hun?" O1 asked how C1 was doing and asked if she wanted to talk to him away from C1's children. O1 asked C1 what was going on and C1 told him she was picking up her daughter from her ex-husband/boyfriend and an altercation ensued. C1 said her ex was flagrantly insulting her, and she responded by pushing him. He pushed her back, and C1 said she punched him in the face after being pushed. C1 told O1 he hit her back, and followed that statement with showing the officer her reddened ear. C1 then said she hit him a "good number of times" after being hit by her ex. O1 then told C1 he would be honest with her, and told her that because there was no visible injury and because she had told O1 she had hit her ex multiple times while holding her child, she was going to be arrested. C1 was noticeably confused, and asked the officer if he was serious. O1 told her she was endangering the welfare of a child. C1 protested by saying her ex had put hands on her as well, and O1 responded by saying she had no visible injuries and from her story, she was the primary aggressor. O1 told C1 he would not arrest her in front of her children, and asked who was home with C1 at the time. C1 said her stepfather was home. C1 asked if she was going to stay the night in jail, and O1 said there was no bail. O1 then called to another police car to have them contact the ex so he could pick up his child. C1 calmly told the officers her actions were in self-defense, and O1 told her that was not the case according to her description of events. O1 told C1 that after seeing both C1's face and C1's ex's face, and because he knew C1 was holding her child during the incident, the police determined C1 was the primary aggressor. O1 sympathized with C1 and explained as best he could why C1 was being arrested.

O1 was explaining the basis for C1's arrest when C2 (male, C1's stepfather) came to speak to C1 and the officers. C1 told C2 she was being arrested for endangering the welfare of a child, and C2 seemed confused and slightly angry. He said, to no one in particular, that C1's ex had pushed her first. O1 said it did not matter. C2 then said C1 was holding the baby, and O1 told him that was what mattered. C2 told O1 that C1's ex had a history of being abusive. O1 explained to C2 that C1 had caused substantial physical injury to C1's ex while holding her child, which was a greater offense than C1's ex's actions. C2 began to bring up other possible scenarios in which C1's ex may have been determined to be the primary aggressor, and O1 told him he was not going to discuss it any further. C2 said the officer had to talk to him, and O1 said he did not.

O1 asked C1 to give her child to her father so O1 could speak to her for a minute. O1 told her if she wanted to press harassment charges against her ex, she may do that. O1 warned her that if she were to press harassment charges, Child Protective Services would get involved and may remove the child. O1 continued to explain to C1 that he fully understood the situation, and he understood that C1's ex was not a good person. O1 said he was going to call his sergeant to see if they could press the issue of harassment. O2 (male, unknown arrival time) began to speak to C1 and slowly went over the sequence of events during the incident. O2 pointed out that C1 hit her ex first, and continued to hit him after he hit her back. C1 then told the officers that her ex had accidentally hit her child as well.

O1 explained to C1 that NYS laws stated that when a child is endangered in a situation that at least meets the criteria for a misdemeanor, an arrest must be made. O1 told C1 the officers would have had more flexibility if the child had not been

involved. C1 then said her ex should be facing the same charges, and O1 told her that was not the case as C1 was holding the child during the incident.

C1 asked to change clothes before being taken to the police station, and O1 said they were not worried about her fleeing, and that she could go inside and speak to her stepfather about the situation.

C1 went inside to speak to her father. O1 and O2 spoke to each other about what options there were that would allow them to arrest C1's ex. While talking to C1 both officers demonstrated their understanding of the situation, and stressed to her that her descriptions of events forced them to make the decision that she was the primary aggressor.

O1 went inside and asked C1 for her child's identifying information. O1 asked C2 if he could take care of the child after they left. O1 told C2 he was going to try to put the issue of child endangerment on C1's ex, but it was not a promising option. O1 told C1 that he did not want to arrest C1, and that he wished the laws of New York were different. O1 also told C1 that he appreciated her honesty.

O1 told C2 they were going to leave C1's daughter with him. O1 said that the officers talked to their supervisor and C1 must be considered the primary aggressor. O1 said he had to contact Child Protective Services to let them know about the incident, but he would explain to them that C1's actions could have been in defense of herself and her child. O2 then confirmed that C2 could take care of the child while C1 was in jail. O1 then asked C2 for his identifying information. O1 explained where C1 would be arraigned in the morning and that he may bring an attorney for C1 if he wished.

O1 asked C1 if she had anything in her pockets, to which she said she did not, before putting her in the back of his vehicle and leaving the scene with O2 in the passenger seat.

During the ride C1 told the officers she believed she had an order of protection against her ex that expired the day of the incident. O1 told C1 he did not think she was a bad person, or that she did more wrong than her ex during the incident, and he said he believed she was the better parent when compared to her ex. C1 told the officers she thought her mother was going to her house to pick up her daughter, and O2 said that her father would be taking care of C1's daughter that night. C1 made a small joke by asking the officers if she could ride in the car with them while on patrol instead of spending the night in jail.

Considering the circumstances, both officers made a considerable effort to comfort C1 and assure her they were doing everything in their power to help her. They were friendly, calm, and honest with C1 about every aspect of the situation.

The officers were courteous and sympathetic toward the citizen, explained the constraints of the law, showed concern for her (and her child's) welfare, and showed other consideration in allowing her to change her clothes. Yet the citizen's judgments, as they are captured in her survey responses, reflect none of these elements of procedural justice.

On the other hand, and as we noted above, sometimes citizens' judgments give police more credit for procedural justice than independent observation suggests is warranted. Consider case 7-2, in which the observation-based scores for

procedural justice and injustice were 4.5 and 5.5, respectively, and in which the primary citizen gave police high ratings:

CASE 7-2

O<sub>1</sub> and O<sub>2</sub> stopped on the street in front of a house with three citizens on the porch and another citizen walking by. O<sub>1</sub> got out of his vehicle and he immediately shouted, "Yo bro, get over here" to the citizen walking down the street (C<sub>1</sub>). As the officers approached C<sub>1</sub> he attempted to give a name, but did so with exceptionally slurred speech. O<sub>1</sub> told C<sub>1</sub> to put his hands behind his back and handcuffed him. C<sub>1</sub> asked what happened and O<sub>1</sub> responded by saying C<sub>1</sub> was drinking on the street, which is illegal, and he was harassing people for money. C<sub>1</sub> asked who he was harassing, and O<sub>1</sub> responded by telling him people had called about C<sub>1</sub>. O<sub>1</sub> asked C<sub>1</sub> if he had anything in his pockets before he frisked C<sub>1</sub>. C<sub>1</sub> did not respond. O<sub>1</sub> frisked C<sub>1</sub> and found two daggers. When asked what he needed the daggers for C<sub>1</sub> told the officers he found them in his girlfriend's house. C<sub>1</sub> told the officers he was fixing the house for his girlfriend, but most of C<sub>1</sub>'s words were slurred and unintelligible. O<sub>1</sub> further restrained C<sub>1</sub> by putting him on his knees, and C<sub>1</sub> told O<sub>1</sub> he was not going to fight back. O<sub>1</sub> asked if he had any ID or warrants, and C<sub>1</sub> produced an ID and said he did not have any warrants. C<sub>1</sub> handed the ID to O<sub>2</sub>, who briefly tested C<sub>1</sub> on the information from the ID. C<sub>1</sub> apologized for drinking on the street. O<sub>1</sub> then walked C<sub>1</sub> over to the police vehicle and poured out C<sub>1</sub>'s alcohol. O<sub>1</sub> told C<sub>1</sub> he was going to get a ticket and then placed him in the back of the car. The officers then left the scene with C<sub>1</sub> in custody.

Approximately a hundred feet down the street the officers were hailed by two citizens on the side of the street. The officers told them they had someone in the back and if the citizens wished to make a complaint they must contact the station. The officers then continued towards the police station. C<sub>1</sub> asked if he was being brought in for the drinking, to which O<sub>1</sub> replied he was bringing him in to give him a ticket, but he would not be locked up. C<sub>1</sub> told the officers his name, and asked for O<sub>1</sub>'s name. O<sub>1</sub> gave C<sub>1</sub> his name, which was the same name as a popular video game. Upon hearing this C<sub>1</sub> told the officer, "No disrespect, but I'm sorry." O<sub>1</sub> then told C<sub>1</sub> the main issue was not the fact that he was drinking on the street, but that he did not tell the officer he had two daggers. O<sub>1</sub> told him he was going to let him go until he found the daggers. C<sub>1</sub> attempted to explain how he came across the daggers in his girlfriend's house and took them because he liked them. C<sub>1</sub> continuously told O<sub>1</sub> he understood and he was being honest. O<sub>1</sub> reprimanded C<sub>1</sub> for lying about the daggers, to which C<sub>1</sub> told him he did not lie, and only did not answer.

The video ended when they arrived at the station.

It is certainly possible that, in responding to our survey a few weeks after the sampled incident, the citizen in case 7-2 suffered greater memory decay than the average respondent, given that he had been drinking. Memory decay can affect any respondent's judgments, even with the passage of only two or three weeks' time. We would suppose that any gaps in citizens' recollection tend to be filled by their prior attitudes toward the police, to either the benefit or the detriment of the

police, and that citizens who are intoxicated at the time of their encounter with police would be all the more susceptible to such bias.

#### SUMMARY

Extant empirical evidence leaves as an open question the degree to which officers' behavior in police-citizen encounters affects citizens' subjective experience; instead, such hypotheses are typically treated as assumptions, because research has relied exclusively on survey data on the citizens. We subjected these hypotheses to empirical testing here. We found that officers' procedural (in)justice has effects on citizens' judgments about procedural justice, though the effects are fairly modest in magnitude and they are asymmetrical: procedural injustice has substantially greater negative effects on citizens' judgments than procedural justice has positive effects. The procedural justice with which officers act accounts for a rather small fraction of the variation in subjective procedural justice. Furthermore, officers' procedural justice has very small effects on citizens' judgments about outcomes, and they are mediated by subjective procedural justice. Similarly, officers' procedural justice has little direct effect on citizen satisfaction.

These findings are quite compatible with the findings of previous research concerning the effects of citizens' prior attitudes on subjective experience; moreover, the effects of officers' procedural justice on subjective experience do not appear to be mediated to a large degree by citizens' behavior, in the form of resistance or disrespect, suggesting that previous findings about the effects of prior attitudes stem from citizens' selective perception and not from citizens' behavior toward police.

This is not to say that officers' behavior has no effect on subjective experience. The use of police authority has a bearing on subjective experience, independent of the procedural justice with which authority is exercised. Searches especially have a strongly negative effect on subjective experience, which is by and large neutralized when citizens consent to a search, and the use of physical force also appears to influence citizens' subjective experience.

The asymmetrical effects of procedural (in)justice do not spring from a negativity bias, however. To the contrary, it appears that citizens are rather generous to police in their judgments about procedural justice, relative to the more concrete accounts of officers' actions by trained, independent observers. Insofar as citizens tend to overstate the procedural justice of their interactions with police when officers do not exhibit high levels of procedural justice, we do not find that subjective experience is responsive when police act with higher levels of procedural justice. Police can detract somewhat from the subjective experience of citizens through procedural injustice, but they do not add substantially to subjective experience through procedural justice.