

PROCEDURAL JUSTICE

August 12, 2015 Presentation to
Spokane Regional Law and Justice Council

Procedural Justice

Fairness Voice Respect Equal “Golden Rule” Humane Effective Evidence-Based
Trust Neutrality Understanding Helpfulness Compliance Recidivism “Low Cost”
Legitimacy Communication Inexpensive Concern “Do Unto Others” Processes
Justice Fair Evidence-Based Equal Respect Legitimacy Recidivism Trust

- Mary Lou Johnson, Smart Justice Spokane, Executive Committee Co-Chair
- Judge Ellen Kalama Clark, Spokane Superior Court
- William Keizer, Housing & Education Director, Revive Reentry Services LLC
- Chief Frank Straub, Spokane Police Department
- With thanks to Chyla Aguiar, Ph.D-C Washington State University

SMART JUSTICE SPOKANE



- **30 community organizations and individuals**
- **Unifying Goals:**
 1. Reduce the jail population with alternatives to incarceration and reserve jail beds for those individuals that present a danger to the community;
 2. Create an offender-based system using a strong RNR approach throughout;
 3. Use evidence-based practices and programs;
 4. Eliminate racial disparity; and
 5. Achieve better outcomes for victims and offenders.
- **Activities:** Research, education, collaboration
- **Current top priority:** Helping Spokane County WIN the MacArthur Grant

<http://smartjusticewashington.org/index.php/spokane/>

Center for Court Innovation (CCI)

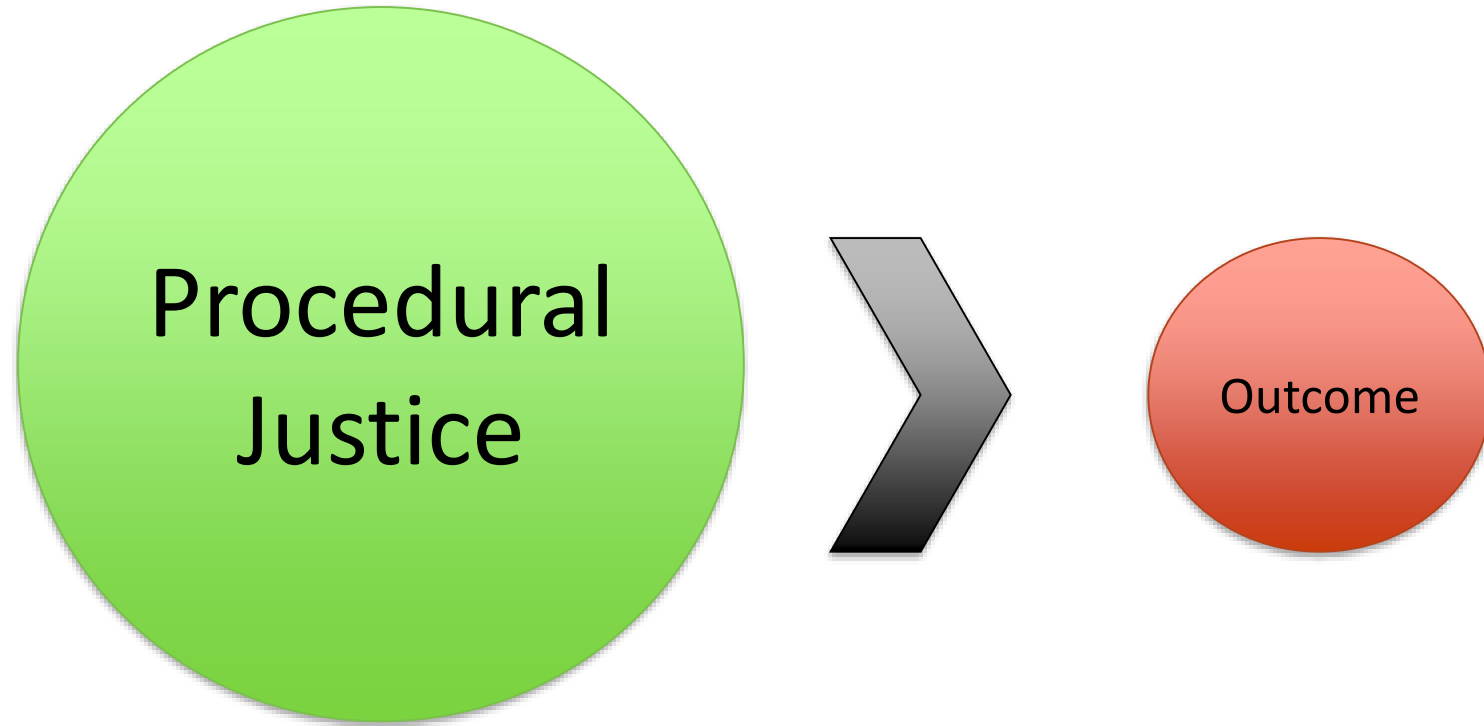
- Goal of creating a more effective and humane justice system
- Designs and implements operating programs and performs original research
- Starts with data and analysis
- One of 4 organizations providing technical assistance on the MacArthur Safety + Justice Challenge Grant

<http://www.courtinnovation.org/who-we-are>

Evidenced-based Strategies for Working with Offenders

- **ASSESSMENT** Use validated screening and assessment tools to determine offender risks and needs.
- **TREATMENT** Apply risk-need-responsivity (RNR) principles when matching offenders to interventions
- **DETERRENCE** Impose certain and consistent consequences in response to noncompliance.
- **PROCEDURAL JUSTICE** Establish fair and consistent procedures and treat offenders respectfully.
- **COLLABORATION** Obtain the buy-in and participation of multiple criminal justice agencies, including both top-level officials and line staff.

Rempel, Michael, "Evidenced-based Strategies for Working with Offenders," (April 2014), www.courtinnovation.org/sites/default/files/documents/Evid%20Based%20Strategies.pdf



Tyler, Tom R., "Procedural Justice: Why It Matters So Much," [Community Justice 2012: the International Conference of Community Courts](http://www.courtinnovation.org/research/why-procedural-justice-matters-tom-r-tyler-community-justice-2012-0). Video 2.1.12, www.courtinnovation.org/research/why-procedural-justice-matters-tom-r-tyler-community-justice-2012-0

Five Critical Components of Procedural Justice

Voice Person has an opportunity to be heard.

Respect Person is treated with dignity and respect.

Trust/Neutrality Person perceives decision makers as neutral and competent and their decisions as unbiased and accurate.

Understanding Person understands decisions including the reasons for those decisions.

Helpfulness Person perceives that decision makers have a genuine interest in their needs and personal situation.

Rempel, Michael, "Evidenced-based Strategies for Working with Offenders," (April 2014),
<http://www.courtinnovation.org/sites/default/files/documents/Evid%20Based%20Strategies.pdf>

Why is procedural justice important for the criminal justice system?

- 1) Procedural justice is evidence based, increases offender compliance and reduces offender recidivism
- 2) Offering procedural justice is a low cost intervention
- 3) Offering procedural justice increases perception of legitimacy

1) Procedural Justice is Evidence Based, Reduces Offender Recidivism and Increases Compliance

- Robust effect
- Simple changes can improve people's sense that they received procedural justice
- Deliver justice but build support for legitimacy of authority
- The acceptance of decisions continues over time
- It works with felons and across entire criminal justice system

Tyler, Tom R., "Procedural Justice: Why It Matters So Much," [Community Justice 2012: the International Conference of Community Courts](#). Video 2.1.12, www.courtinnovation.org/research/why-procedural-justice-matters-tom-r-tyler-community-justice-2012-0

Other Research Findings

- **Mental Health Courts:** Recidivism reduction for participants in mental health courts are caused in part by judge using elements of procedural justice.

HW Wales, et.al., “Procedural justice and the mental health court judge's role in reducing recidivism,” International Journal of Law and Psychiatry, Volume 33, Issue 4, September–October 2010, Pages 265–271,

www.sciencedirect.com/science/article/pii/S0160252710000555

- **Drug Courts:** Prevention of crime and substance use is greatest among participants whom the judge treats with respect and spends time with.

Rossman, Shelli, et al., “The Multi-site Adult Drug Court Evaluation: Executive Summary,” Urban Institute, (2011), www.urban.org/publications/412353.html

- **Community Court:** Community Court perceived by participants to be more fair than traditional court. Quality of communication is important with Judge having the most important role.

Frazer, M. Somjen, "The Impact of the Community Court Model on Defendant Perceptions of Fairness," (Sept. 2006),
www.courtinnovation.org/sites/default/files/Procedural_Fairness.pdf

- **Domestic Violence:** The use of fair procedures on the part of police officers called to the scene of a domestic assault inhibits subsequent assault even in the face of adverse outcomes.

Paternoster, Raymond, et.al., "Do Fair Procedures Matter? The Effect of Procedural Justice on Spouse Assault," *Law & Society Review*, Vol. 31, No. 1 (1997), pp. 163-204

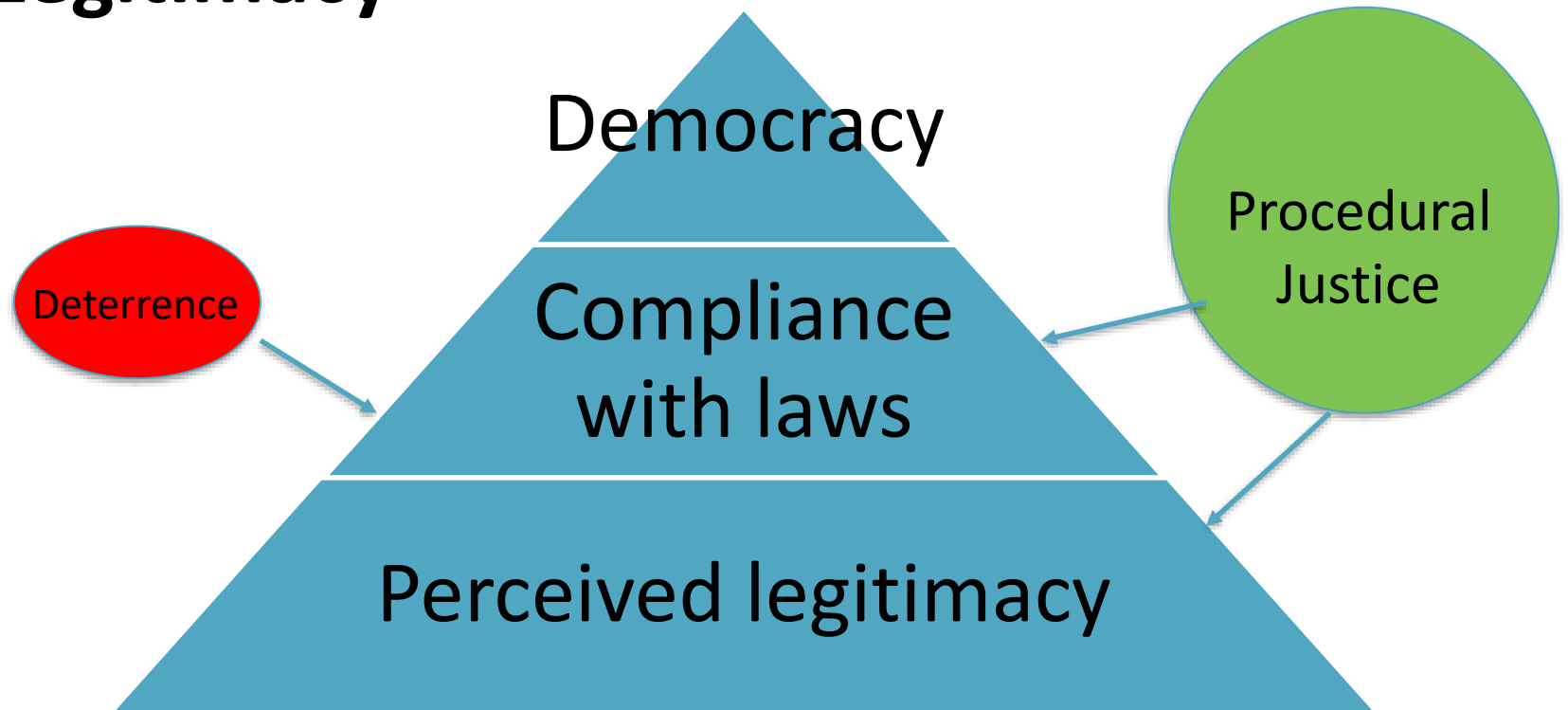
2) Offering Procedural Justice is a Low Cost Intervention

Cost: to teach what it is, measure if it is delivered, and evaluate outcomes.

In 2011 California began a 5 year initiative for use of procedural fairness in Traffic, Small Claims, Family and Juvenile Court

Procedural Fairness in California - 5 year Procedural Fairness Initiative,
www.courtinnovation.org/sites/default/files/documents/Procedural_Fairness_CA.pdf

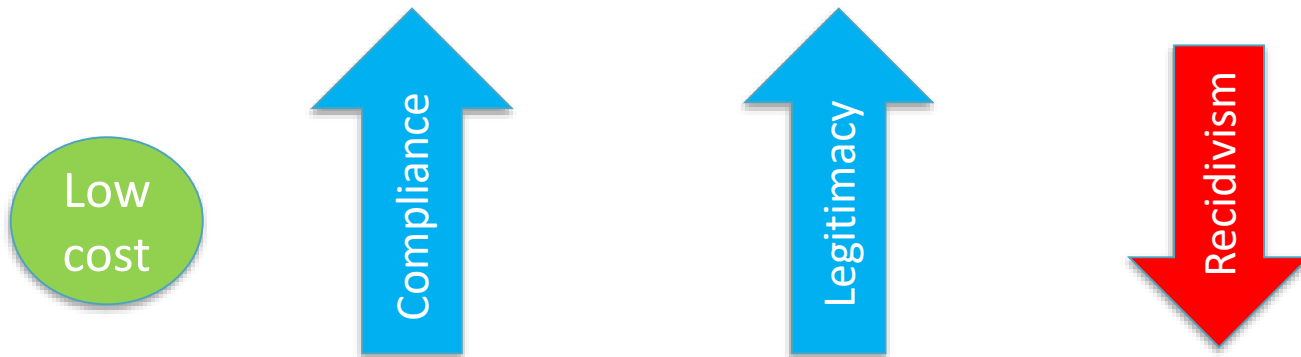
3) Procedural Justice Increases Perception of Legitimacy



Tyler, Tom R., Why People Obey the Law, Princeton University Press, (2006)

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Achieve Mission to “build a healthy and strong community”

PANEL

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Questions/Comments?

Thank You!