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Procedural Justice and Police Legitimacy: An examination of the process-based model in understanding what influences suspect perceptions

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Abstract

The process-based model posits that police legitimacy stems more from fair treatment and fair decisions than instrumentally based considerations such as the risk of capture, punishment or overall police performance. This study is one of the first to examine procedural justice within England and Wales addressing a gap in the literature. It draws on the procedural justice hypotheses to examine suspect perceptions whilst in police detention of police legitimacy, cooperation with the police and compliance with rules. Many suspects, who may or may not be ultimately classified as offenders, are routinely re-arrested and the process-based model is examined to evaluate efficacy at building suspect perceptions of police legitimacy to aid in the cessation of that harmful cycle. Survey data was collected over a six week period, with the resultant sample ($N = 100$) derived through a multi-stage approach. Data was obtained through face-to-face administration of a closed questionnaire whilst participant's remained within police detention. Data underwent principal components analysis to ensure valid scales, subsequently being evaluated by use of Cronbach's alpha. Control variables, such as gender and educational attainment, were observed to have statistically significant influence on suspect perceptions of legitimacy. However, correlation and regression analysis empirically evidenced positive and statistically significant findings between procedural justice and police legitimacy that were far stronger than amongst other variables. Suspects who perceived the police as legitimate were more willing to cooperate in enquiries. The study concludes that the process-based model has the potential to foster positive suspect perceptions of police legitimacy and that the model can be generalised in a British context.

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Chapter One: Introduction

The process-based model posits that the way in which the police exercise their powers during encounters with members of society is at the heart of the creation of legitimacy. The existing research claims that those individuals who believe they have been treated with dignity and respect and who consider they have received fair decisions will view the police as legitimate and help in policing their communities. If fair and transparent procedurally just processes build police legitimacy and wider compliance (Tyler 1990, 1996, 2003, Sunshine and Tyler 2003, Reisig 2009), then the experience of those arrested is critical. If those individuals under arrest truly believe they have been treated with dignity and respect, receiving fair decisions, then a substantial body of those arrested may never come to police attention again. This has been empirically observed with domestic violence suspects (Paternoster et al 1997) and drink drivers (Tyler et al 2007). Alternatively, “unfairness in the exercise of authority will lead to alienation, defiance and non-cooperation” (Sunshine & Tyler 2003 p514) potentially invoking further transgression leading to additional arrest.

Legitimacy is important as it enables institutions to be seen as worthy of being obeyed requiring citizens to “bring their behaviour in line with the dictates of an external authority” (Tyler 1990 p25). Legitimacy results in those who have power exercised over them agreeing to be subjugated by that power. Critically, it also enables the individuals and organisations who exercise power to be deferred to and obeyed because they are seen as possessing a “moral rightness” (Tankebe 2009, p9). In this way legitimacy is not simply seen as a belief system (Weber 1968), but also as an obligation to conform (Beetham 1991). Social scientists have long recognised that legitimacy and the items that facilitate its existence are not universal. What is pertinent in one society may not be at all relevant in another. This is important, as it

can help shape interactions and processes between groups as one size does not fit all (Beetham 1991).

Studies of the process-based model have predominantly occurred within the United States. However, with increasing frequency research is taking place in other jurisdictions examining the model in culturally diverse environments, such as Australia, Ghana and Jamaica. Similarly, although the main body of research has looked at general populations this is also changing with empirical research now including domestic violence, drink driving and prison based populations. However, within the United Kingdom scarcely any studies exist that explicitly test the procedural justice arguments. In England and Wales approximately 48% of suspects entering police custody go no further in the judicial process (Phillips and Brown 1998). This represents nearly three quarters of a million people each year, many of whom are subsequently re-arrested for other offences (*ibid.*). In this study 87% ($n=87$) of participants had been arrested more than once. If one of the core functions of the police and policing is to reduce harm, then it is logical to assess how we can help those who are alleged to have committed harmful acts identify with the police and policing as a legitimate executor of power. In turn, assuming the process-based model is correct, this should have a positive effect on suspect compliance, cooperation, trust and feelings of obligation to obey the law.

Within the British context we have limited empirical knowledge of the generalisability of the procedural justice theory. This study examines suspects' experience of procedural justice whilst in police custody in England and Wales. The study defines custody as spanning from point of arrest to point of release and sets out

to identify if the findings of Tyler et al are replicable or relevant in the UK. In doing this, the study seeks to answer the question of whether procedural justice has the same potential to build police legitimacy and wider compliance in an English context. The rationale of the study is that where suspects can identify with 'fair' treatment and 'fair' processes then harm could be reduced through the decrease in the number of those suspects who are re-arrested. This is because, the process-based theory contends, individuals acknowledge the rule of law, police legitimacy and adapt their behaviour to be more compliant in nature. Participants within the study were drawn from a broad range of offence types and the use of discrimination in participant exclusion was used sparingly and according to a transparent process.

This research uses the process-based model as advocated by Tyler (1989, 1990, 2000, 2003, 2006) as the basis from which to examine suspect perspectives of procedural justice and police legitimacy. The study explores the process-based model firstly by examining the literature. In so doing, it aims to set out the most pertinent aspects of the research relevant to the aims of this work. Chapter 3 outlines the methods used to collect and analyse the data. The results of the analysis are described in Chapter 4 and Chapter 5 discusses the implications of these results for the processed-based model and its applicability to suspects in the United Kingdom. The final chapter summarises these findings and examines the implications of the research for policy and practice.

In summary, this research represents one of the first within England and Wales to specifically assess the process-based model; and is believed to be the first to specifically capture the perspectives of the suspect in a procedural justice context in the UK whilst detained in police custody. The study was conducted in three separate

policing areas and took place over an extended period. The research is empirically based and uses correlation and regression analysis in examining the results. As such it is hoped that a contribution can be made in filling the gap within the existing literature.

Chapter Two: Literature Review

Introduction

This literature review will introduce the academic framework within which this study has placed its focus. It will examine the key elements of the process-based model and set the scene for the subsequent analysis that was undertaken to examine the model in a British context. This research has been done with one objective in mind: harm reduction. If the process-based model is found to be supported in a British context, then the opportunity for developing increased levels of police legitimacy could result in reduced levels of re-arrest for suspects. The chapter builds from an overview of the creation of policing and the need for regulation in a civil society. It develops to examine what constitutes legitimacy and the process-based model. In conclusion it examines the process-based model as a vehicle for increased police empowerment and long-term rule compliance.

Effective Society

For civil societies to function effectively they require order, structure and are dependent on the prevailing ideology of those in power being “widely accepted [by] the population” (Kelman 1969 p278). One component of this structure is represented by the criminal justice process, and in particular policing. Policing in the United Kingdom was formalised in 1829 and critically was formed of the people for the people (Reith 1956) to ensure that the social values (Weber 1968) of society were represented by the police. It was envisioned that these shared values would support the concept of ‘policing by consent’ and that the police would be seen as legitimate executors of the power given to them by the state. Policing was designed to be measured not according to the number of arrests, but rather the absence of crime; and that crime would be defeated by the police and community working together. In

maintaining these founding principles, the police service in the United Kingdom has needed to continually adapt. The police service has to remain in touch with, and reflect the values of, the society in which it exists if it is to be 'of the people'. This adaptive relevance is important to ensure that continued consent is given by the public to the police. Without consistent public legitimatisation the police would lose consent (Tyler 1990) to exercise power over citizens (Beetham 1991). Consent has a substantial bearing on the ability of the police to actively, and on occasion intrusively connect to the lives of people (Tyler 2006).

Building Consent and Legitimacy

When policing by consent is exercised and powers used, this is accepted by the public because they believe the use of this power as "rightful or legitimate" (Beetham, 1991 p3). Legitimate policing creates a "reservoir of support" for the police and policing amongst the population (Tyler 2006 p381). However, this 'reservoir' can also run dry. Racial profiling or the use of unnecessary force, as two examples, diminish public perceptions of the police and result in decreased public support (Tyler & Waksalak 2004). To ensure public support remains high, or to learn the lessons if it does not e.g. the Scarman Report following the 1981 riots in Brixton, it is important for the police to remain in touch with the normative values of the population over which they exercise power. This was a founding principle at the inception of the modern police service and has been echoed through time. Thucydides in the 5th Century BC wrote that the power relationship between those in control and those under control meant "the strong do what they can, [whilst] the weak suffer what they must" and that this was normal for that time. In contemporary democratic societies legitimate power is perceived to be exercised by those who have "moral justifiability" (Beetham 1991,

p5) and that this arises from the idea that the power is exercised according to “rationally defensible normative principles” (ibid. p5). Beetham (1991) argues that normative principles will be different across cultural and societal divides and that consequently what is legitimate in one context will not be universally applicable in others. This normative idea of legitimacy also allows understanding of the separation between morality and legitimacy. Weber (1968) saw legitimacy as being an internalised value system and that power relationships were appropriate because individuals “believe them to be so” (Weber 1968, p213). Through this Weberian idea societies can undertake action that they perceive as legitimate even if it violates their moral codes e.g. the extermination of Jews by the Nazis. Although legitimacy and morality are interconnected, they are differentiable (Tyler 2006). More contemporary social scientists have come to be critical of Weber, considering that his work insufficiently takes cognisance of time and space, (Beetham 1991) and for failing to explore the notion of whose subjective rules or standards should dominate (Herz 1978).

A further criticism of Weber is that the idea of legitimacy he proposed is too narrow and that it is the combination of three factors acting together that influence legitimacy rather than simply ‘beliefs.’ These factors are: how the power was acquired; how representative are the rules in expressing the values and belief system of the society at that time; and what actions are taken to represent these values and beliefs (Beetham 1991). When these three factors co-exist then legitimacy can be seen not simply as a belief system, but as an obligation to conform (Beetham 1991). Contemporary research has developed this idea seeing personalised beliefs and the process based system as failing to adequately examine the endogenous legitimisation activities that

institutions, in particular the police, undertake (Tankebe 2009). The idea that legitimacy enables institutions to be worthy of being obeyed requires citizens to “bring their behaviour in line with the dictates of an external authority” (Tyler 1990 p25) when they are comfortable for it to exercise power over them. In a legitimised environment the individual should feel and receive a message of inclusion (Paternoster et al 1997, Tyler & Lind 1992, Tyler 1989) and in this circumstance the police possess a “moral rightness” (Tankebe 2009, p9). Where a process violates the persons self perception and normative principles, then their view regarding the fairness of the process is diminished and can often result in a claim of procedural flaw undermining perceptions of legitimacy (Mayer 2009).

Do Fair Processes Build Legitimacy?

The contention that fair process inevitably gives rise to legitimacy has not always been the case. Early examination of procedural justice contended that two controlling elements were important. The first, ‘decision control,’ was about how much influence the individual brought to bear on the outcome, the second, ‘process control’ related to the individual having an opportunity to speak and subsequently inform eventual decisions (Thibaut and Walker 1975). Of the two it was considered that ‘decision control’ was of more importance. Subsequent research to Thibaut and Walker (1975), proposes that the importance of process control has been understated (Tyler, Rasinski & Spodick 1985). Leventhal (1980) acknowledged the role of ‘process control’ but also found that experiences that were not at all control based were also important, such as the removal of bias, and the presence of accuracy and consistency in decision making.

The debate developed through Tyler's (1990, 2006) research entitled, "*Why do People Obey the Law.*" Tyler disagreed with the findings of other social scientists, such as Hyde (1983), who had dismissed the notion that legitimacy had any effect on behaviours. Tyler set out to establish through the use empirical evidence the relationships between procedural justice, legitimacy and compliance (Tyler 2006). His findings set the scene for the development of debate for virtually the next thirty years ultimately articulating that "social relationships and ethical judgements" (Tyler 2006 p270) were the primary motivation in legal authorities securing cooperation rather than an emphasis on punishment. This conflicted with the traditional instrument of choice for social control which had consistently remained focussed on punishment. Punishment represented the dominant establishment philosophy in maintaining order throughout the twentieth century (Nagin 1998). The instrumental punishment based approach had been costly to manage and operate, often failing to rehabilitate offenders – as they continue to offend after release - and therefore indirectly encouraged recidivism (Luna 2003).

Legitimacy is "more influential [in peoples compliance] than [is] the risk of being caught and punished for rule breaking" (Tyler 2006, p270) even to the extent that when the risk of capture was small, people still follow rules believing them necessary. Conversely where the primary control measure of behaviour is instrumentally based, such as with the illegal downloading of music from the internet, they are consistently less effective (Jensen 2003) than a shared value based system. In examining shared value systems, Tyler sought to identify the relative importance of the "justice of the procedures" (2006 p272) in building common notions of the 'rightness' of behaviour. This was done on the premise that shared value based systems should reflect the

legitimate values of society, because (in Weberian theory) people ‘believed them to be so.’ The emphasis was a focus on the law and process rather than the ultimate outcome or court based decisions. This approach, Tyler argued, had direct connection to the theories of Weber about social order and why people obey rules. Tyler hypothesised that legitimacy comes from procedural fairness. What ultimately constituted procedural fairness would be decided by the subjective evaluation of the justice dispensed. This idea of the personalised evaluation of the prevailing rules and those who exercise power can be seen as a ‘bottom up’ or ‘mass’ approach to legitimisation (Beetham 1991, Coicaud 2002, Tankebe 2008) and has a dynamic quality allowing for changes over time and changing cultural environments (Beetham 1991). In this context Tyler posited that individuals follow the law, not because they fear its sanction, but because they consider it to be legitimate (Tyler 2003, 2006) and that this legitimacy has its genesis in the fairness of the procedures used.

What influences fair process?

The research seeks to identify what individuals consider to be the most representative aspects of fair processes and fair interactions. One proposed component is that individuals identify with a wider “group-value order,” (Paternoster *et al* 1997 p165) where the individual considers they have an intrinsic value in society (Tyler & Lind 2001). This is important as it represents the individual’s perceptions of their self-worth within that society, and can be seen as a relative or relational model (Tyler 2000). It therefore denotes what is or is not acceptable to that individual. The relational model sets the boundaries within which the individual would normally operate their value system and “communicate[s] information about their status within groups” (Tyler & Lind, 1990 p140). Fair treatment by the process confirms that the

individual belongs to this wider group and helps to structure the individual's compliance with the wider group norms (Tyler 1990). This comprehension of 'oneself' in relation to normal behaviour ensures appropriate behaviour is understood and carried out (Bottoms 2002; Tyler & Bladder 2005; Rock 2007) or recognised as deviant where it crosses the line. This facilitates and encourages individual self-regulation and compliance within rules.

Critical to the relational model are individualised perspective of: (1) their social position; (2) the impartiality of the legal authority dealing with the individual; and (3) an expectation of the legal authority's integrity (Tyler 1989, 1990, 2000). The impartiality of the legal authority requires the absence of bias, prejudice and a willingness to make objective decisions. These biases can take many forms and include age, gender and ethnicity. This unbiased, evidentially based philosophy is critical to forming positive views of police impartiality. Legal authority integrity requires that all those involved in the process have had a 'voice' (Lind 1980). 'Voice' is more than just speaking out. It is about being both listened to and heard. When the individual has the opportunity to actively contribute, and considers they have been listened to, they are more likely to consider that they have been allowed to inform decisions made about them and experience the authority as "benevolent and caring" (Tyler 2000 p 991). As such they are "more likely to consider the procedure as satisfying" (Tankebe 2009 p10). This can result in the individual experiencing less personalised impact from a negative outcome, as they will interpret their experience overall as fair (Hegtvedt et al 2003). The satisfaction generated through consensus about the fairness of process was observed to have a positive impact on recidivism

rates in offences of domestic violence in the United States (Paternoster et al 1997) and drink driving related offences in Australia (Tyler et al 2007).

In a further refinement of the three relational model groupings, Tyler and Bladder (2000) outlined that “quality of decision making” and “quality of interpersonal treatment” captured the essence of the three elements. Decision-making comprised impartiality, consistency and correctability. Interpersonal treatment comprised ethicality, dignity and respect. As such it became increasingly possible to identify the main noninstrumental components of procedural justice. These comprised six elements all of which centre on ensuring ‘fairness’ within the process. They are: “(1) *representation*: [the opportunity to fully state your case and have ‘voice’(Lind 1980)]; (2) *consistency*: [in the way individuals are treated compared to others, and in rule application (Tyler 1990)]; (3) *impartiality*: [the management and minimisation of bias, the removal of favouritism and neutral authorities (Tyler & Lind 1992)]; (4) *accuracy*: [decisions based on dependable, legitimate information, freely shared and transparent made by competent people (Tyler 1990)]; (5) *correctability*: [opportunity for redress (Leventhal 1980)] and; (6) *ethicality*: [treating individuals with dignity and respect (ibid.)]” (Paternoster et al 1997). People are most likely to perceive those who regulate them to be fair, ethical, legitimate, and “deserving of compliance” (Paternoster et al 1997; Tyler 2004) where these six elements coexist.

Why are Procedurally Just Influences Important?

The procedural justice theory has been operationalised to two elements: (1) quality of treatment (that the police treat individuals with dignity and respect) and (2) quality of decision making (police decisions are fair) (Tyler 2003). The contention being that

individuals are most concerned with what they perceive to be justice based decisions and critically this is seen through the fairness of the procedures actually used. The fair procedures are foundation blocks for trust creation, decision acceptance and legitimisation of the police (Tyler 1990, 2000, 2003, 2007). In “*Procedural Justice, Legitimacy, and the Effective Rule of Law*” (2003) Tyler proposed what he described as a “process-based model of regulation” (p283), the essence of which is how legal authorities exercise their power in interactions with the public. This “process based model” (*ibid.*) represents a mechanism for the police to firstly have their decisions obeyed, and secondly to foster compliance with laws. This occurs because individuals who perceive the police as legitimate self identify, and therefore self regulate, within a ‘group-value’ normative domain that both laws and the police represent (Smith 2007). A substantial, and growing, body of empirical evidence supports Tyler’s hypothesis that the heart of legitimacy is the individual’s perception of procedural fairness (Hinds & Murphy 2007; Sunshine & Tyler 2003; Tyler & Huo 2002; Tyler & Bladder 2000). Tyler develops this through the idea that each interaction between the individual and the authority leaves its mark and ultimately this aggregated ‘memory’ will become more important than the single issue at hand (Tyler 2003, 2006). Where either the individual or aggregated interactions are not perceived to be legitimate or fair, then conflict and mistrust between the person and legal authority is a natural outcome. This type of interaction can only serve to increase perceptions of illegitimacy. Alternatively, where the police operate processes in ways that are fair, treating individuals with dignity and respect, then perceptions of police legitimacy should increase (Reisig 2009).

What is the process-based model?

Tyler (2003) visually represented the key components of the process based model, and this is reproduced within figure 1. The illustration shows how the individual experience of quality of treatment and decision making leads to the formation of two psychological states; namely perceptions of fair process and perceptions of the impartiality of the motives of the police. These two psychological states are fundamental in the creation of subjective views about the experience overall and either build or diminish perceptions of legitimacy. In addition Tyler argues that the fairness of the process enables the individual to accept decisions in both the immediate and longer term even if they go against their interests. Within the UK the Police and Criminal Evidence Act (1984) sets out, through codes of practice, what Parliament considers fair process. This Act came into being following revelations regarding significant abuse of police powers within the police service (e.g. fabrication of evidence and race related riots). What Parliament could never legislate for was the disposition of the police officers following the process. The process-based model is cognisant that both fair process and honest, impartial and unbiased motives are equally critical in stimulating perspectives of legitimacy. The process-based model also contends that from fair processes, the institution will also acquire the compliance and cooperation of individuals.

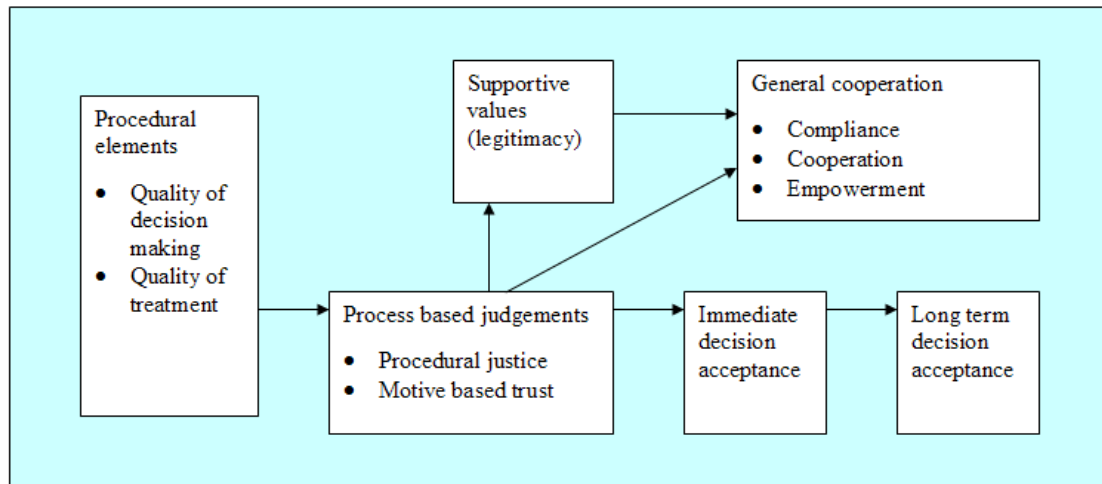


Figure 1: Process Based Model (Tyler 2003, p284)

Examination of the process-based model

The process-based model is a social-psychological framework (Reisig 2009) and as can be seen within figure 1, identifies behaviours and process that influence people's interaction with and support for the police. The model hypothesises that the manner in which the police exercise their power when dealing with the public has a direct influence on perceptions of police legitimacy. The process-based model has two key components: firstly that individuals have defined ideas about how they believe they should be treated by the police and that they should be included within the process that leads to decision-making. Tyler posits that these two procedural justice components are pivotal in building compliance, cooperation and legitimacy. It has been argued that “any evidence of substantial, widespread dissatisfaction among[st]...constituents” (Tyler1990, p171) must be sought out, explored and understood to ensure that the interactions experienced are still relevant to those in receipt of it, ensuring continued ‘policing by consent.’

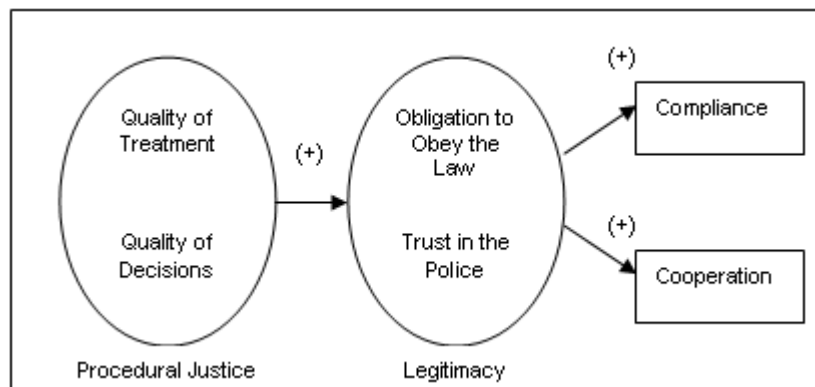
Through a procedurally just, process-based model, values and beliefs are formed that are in-keeping with the concept of legitimacy and therefore increase willingness to

cooperate with the police (Tyler 2003). Tyler previously reported a linear relationship between compliance and legitimacy in his 1990 study of Chicago residents (Tyler 1990). He claimed that a correlation existed between perception of police legitimacy and law abiding behaviour. However, this correlation can not explain the cause of the behaviour or legitimation. Perhaps it is a safer interpretation to see the Chicago findings as illustrating how legitimacy can be eroded as rather than defining what legitimacy is (Smith 2007). Other Tyler studies, comprising fewer participant numbers, identified that where individuals held the belief that the police were legitimate then this was a good predictor of compliance. In these situations there was a “significantly [high] relationship between legitimacy and compliance” (Tyler 1990 p63). Legitimacy, derived from fair processes, suggests that the individual’s internal value system will override other calculations such as the risk of capture, reward or punishment. This personal recognition with the fairness of the process creates an internal obligation to recognise the authority as legitimate, and in turn influences action (Tyler 1990). In this way the process-based theory can be seen as providing an alternative to the instrumentalist theory of compliance (Sunshine and Tyler 2003). This is important for suspects as it could help to diminish the likelihood of subsequent re-arrest as has been shown in domestic violence and drink driving (Paternoster *et al* 1997, Tyler et al 2007).

The relationship between the process-based model with legitimacy and legitimacy with compliance is supported by an increasing body of study (Sunshine & Tyler 2003; Tyler & Fagan 2008; Reisig et al 2007). Sunshine and Tyler (2003) sought to identify what factors informed public perceptions of the police and policing. They found that positive perceptions of police legitimacy were predictor of compliance. Where

members of the public held perceptions of police legitimacy they also found a willingness to further empower the police in the exercise of discretion. Sunshine and Tyler concluded that procedural justice was the dominant factor in shaping legitimacy and that legitimacy consideration is a “social value...distinct from performance evaluations” (*ibid* p534). They considered that these social values should form the foundations for police activity and not instrumental performance measures concluding that in essence peoples “reactions to the police are linked to [the peoples] basic social values” (*ibid* p534). Reisig (2007) visually described the process-based model, simplifying the structure of Tyler (2003) in Figure 1, and this is shown in Figure 2 below. This clearly shows how within the process-based model, procedural justice influences legitimacy and in turn fosters compliance and cooperation.

Figure 2: "The process-based model of Policing" (Reisig 2007, p1007)



Securing Long-Term Compliance & Decision Acceptance

Paternoster et al (1997) reanalysed the Milwaukee Domestic Violence Experiment to assess if the behaviour of police and their use of fair processes had an effect on domestic assault recidivism in the United States. Overall the results provided “moderate support” (*ibid* p192) to the prediction that procedural justice and fair treatment were “important determinants for future conduct” (*ibid* p192). Paternoster was cautious in over emphasising the results, but did see a “recidivism-inhibiting

effect” (ibid p192). The study found that the most important aspect of the whole arrestee experience was not the outcome (in British parlance, ‘charge decision’), but rather the “process by which the outcome is delivered” (ibid p193). Where the process had been delivered in a way that was perceived as unfair, this undermined the very fabric of the system of which the process was a part (Tyler 2003). Similarly in offences of domestic abuse where the process had undermined perceptions of legitimacy this was seen to “reduce inhibitions against...future illegal activity” (Paternoster et al 1997, p193). Whilst the findings of Paternoster are not absolute, they do indicate a general prevalence that where fair processes exist, recidivism is less likely. Tyler (2003) described this long term compliance as “buy in” (p286) believing that people were more likely to comply with requests over time if they felt connected to the “decisions or directives” (ibid p286) of the police, supporting the notion of a ‘reservoir of support’ (Tyler 2006).

The notion of a reservoir of goodwill is important, as the police can not be every where at the same time and the threat of sanction is a lesser motivation than legitimacy in self-regulation (Tyler 2003, 2006, Sunshine and Tyler 2003). Consequently, the compliant behaviour of the individual will in the vast majority of cases be self regulatory rather than police enforced. This is an important consideration when dealing with suspects, especially those who have been arrested on numerous occasions, as their perceptions of police legitimacy may have an impact on buy in and willingness to conform to laws. Instrumental punishment, if it violates the individuals perceptions of fair treatment can actually lead to repeat offending (Luna 2003) and the acknowledgement of this has resulted in alternative strategies being developed. Restorative justice interventions have been used to connect offenders with victims

through carefully controlled and properly facilitated conditions. Both parties explore the consequences and impact of events. The results of these initiatives have been substantial particularly coming from empirically based restorative justice projects in the United States, Australia and the United Kingdom (Strang and Braithwaite 2000; Strang 2002; Tyler et al 2007).

In an Australian study offenders arrested for drink driving were diverted from the traditional criminal process to a restorative justice programme. The hypothesis being that the restorative justice programme would reduce re-offending due to its increased likelihood of delivering effective procedural justice and the probability that it would properly use the psychological methods of 'reintegrative shaming.' The study, undertaken by Tyler et al (2007) used longitudinal data to assess recidivism through both police records and individuals within the programme self-reporting. The programme utilised a reintegrative shaming approach based on the use of the relational model. Participants could assess their actions against normative standards of behaviour, whilst at the same time rebuilding positive perspectives of themselves (Braithwaite 2002; Strang & Braithwaite 2000; Ahmed et al 2001; Von Hirsch et al 2003) through the supportive use of "significant others" (Ahmed 2001). The other important component of restorative justice is that they are seen as procedurally fair by participants. This combination of reintegrative shaming and a procedurally just process is considered to have a beneficial long term effect on reoffending through increased compliance with the law. The findings of the Australian study showed that although incidents of repeat offending were no more successful than the alternatives, there was a positive effect on perceptions of the legitimacy of the law and the impact of offending on others (Tyler et al 2007). The study concluded by setting out that

those who had “experienced greater procedural justice...were found two years later to view the law as more legitimate...[and]...that later, legitimacy, in turn, led to reduced levels of offending” (Tyler et al 2007 p570). Whilst we should be cautious about the overall findings of the study, we can be confident that the research supports the long term compliance with the law by “enhancing supportive attitudes towards the legal system” (ibid p575).

Summary

The contention of Tyler is that those who receive procedurally just treatment are more likely to understand what acceptable social norms and values actually are and comply with these norms. These normative values provide the individual with a moral compass that will both shape and guide their behaviour (Smith 2007). Although a growing body of research exists in support of the process-based model as a mechanism for delivering compliance and legitimacy, the centre of gravity for this research remains within the United States. The research routinely evidences relationships between procedural justice and legitimacy. What is less certain is whether the process-based model can be replicated in other cultural environments (Smith 2007). Notable studies from outside the US do exist, and range geographically from Ghana to Australia and the United Kingdom. However, further research from outside the US has been encouraged by various academics (Reisig 2007, 2009; Smith 2007). A further aspect of virtually the entire body of research, with notable exceptions of Paternoster *et al* (1997) in domestic violence and Tyler *et al* (2007) in the Canberra drink driving research, is that the suspect is seldom asked for their view. If a suspect considers they have been treated unfairly then this, according to the process-based model, will have a negative impact on their perception

of police legitimacy. Conversely, the current research shows, that where suspects perceive the police to have acted fairly then improved levels of legitimacy and compliance should follow (Sunshine & Tyler 2003). What is uncertain is the relevance of these hypotheses in a British context. This seems a significant gap in research.

Chapter Three: Methods

Introduction

This study was designed to explore the relationship between suspect perspectives of procedural justice and police legitimacy within an English police custody context. It used the process-based model as advocated by Tyler (1990, 2000, 2003, 2007) as the basis from which to do this. The research states that the process-based model has a direct impact on perceptions of police legitimacy. This study examined the relationship between the process-based model variables and examines the “truth of knowledge” (Creswell p6) of Tyler’s theory. As such this study’s worldview was postpositive. This worldview aided the design of the research in that it gave focus on the need to reduce Tyler’s theory to a limited number of variables. The process-based model comprises three elements, (1) quality of decision making, (2) quality of treatment and (3) distributive justice. Legitimacy, Tyler (2003) posits, comprises four variables; (1) obligation to obey the law; (2) trust in the police; (3) cooperation with the police; and (4) general compliance. The methodology adopted by this study was informed by Reisig (2007, 2009), Tyler (2003) and Sunshine and Tyler (2003).

Hypotheses

The hypotheses under scrutiny within this research are derived from Tyler’s (2003) social-psychological framework - the process-based model. The hypotheses are:

1. That Procedural Justice (quality of treatment, quality of decision making, distributive justice) is a predictor of suspect perceptions of Legitimacy (perceptions of obligations to obey the law, trust in the police, cooperation and compliance.)

2. Procedural justice is the primary predictor of suspects' judgements of police legitimacy relative to other predictors such as gender, age, ethnicity, education, employment and previous arrest.

Research Sites

Locations

Three sites for the research were chosen. Each site was selected in order to achieve a custody-based population that was representatively heterogeneous, ethnically diverse, and reflected both urban and rural communities. Site selection was also informed by Home Office (2007/08) data on arrests and detentions. Only those force areas that held 'average' arrest rates by population were considered. This 'average' was derived by the Home Office through calculating the number of arrests expressed as a percentage of the whole population residing within each force area. This data was then used to calculate the mean for all 43 forces in England and Wales. The approach adopted by the study to identify 'average' forces was designed to minimise potential data skewness, as arrestees from outside these areas may be subject to either over zealous or overly beneficial arrest regimes. This approach was taken in an attempt to secure a normal distribution of arrest profile within the force areas included in the study.

Custody Suite Environment

The custody suites visited in the three locations were very different in physical design and modernity. The staff at each location were unfailingly polite, supportive of and helpful with the study. One custody suite, location 'B', was reasonably modern, spacious and light containing 16 cells, aged only by the high throughput of individuals

under arrest. It had CCTV throughout capturing both visual and audio records. Toilets were in most cells. Location 'A' had 21 cells and with the exception of the juvenile cells, each had lavatory provision and hand washing facilities. Both were spacious and effective custody suites. Location 'C' was Dickensian in character, containing 56 cells over three floors, having been built in the Victorian era, and from a design perspective was more in keeping with prisons of the same time than a modern police custody facility of a comparable nature. It was also the busiest custody suite of the three locations and had to routinely cope with high a volume of prisoners during the weekend (both violent and drunk, and often both at the same time) as a consequence of proximity to entertainment and bars. Additionally it provided support to the British Transport Police as it was close to a major rail hub. In spite of the Victorian design and spatial constraints, such as a tight wrought iron spiral staircase, the staff were attentive and highly professional towards those in their care, as were those at the other two locations.

Sample Characteristics

Size

Data were collected through a multi-stage sampling approach. Times and days of the week were the main consideration in designing this approach with the purpose of securing the broadest range of offence types and participants. It was not physically possible to attend all sites for protracted periods, and so multiple visits were a pragmatic way to secure a broad range of data. Participant sample size was informed by Mertens (1998) contention that as a "rule of thumb" (p95) there should be fifteen participants per variable in a non-experimental design. The questionnaire was administered in entirety to each participant. One hundred participants were involved

in the study, however not all could contribute to every variable. For example Question 32, “Do you feel that your legal representative was interested in you in custody?” was relevant only to those participants who had elected to have legal representation (e.g. $n = 51$ did have representation). Other methodologies suggest alternative participant numbers, such as the “subjects to variable” (STV) ratio of Bryant and Yarnold (1995) who recommend 5 participants per variable. Others offer ranges of between 100 – 300 participants (Borg and Gall 1989; Norusis 2005). Within the available timeframe it was practicable to remain within the recommendation of Mertens.

Participant Selection

Potential participants were selected for the research after having been arrested by the police and placed within one of the three survey custody locations. The study exercised no influence over which individuals were arrested and contained its interaction entirely to within the custody suite. A data collection plan was developed to ensure a broad range of offenders and offence types were included within the study. Different weekdays and times of day result in typically different offences and offenders e.g. on a Friday night a custody suite will typically have drunk public order offenders under arrest. In this sense the study exercised a purposive intent. There was never certainty as to what the offender or offence demographic would be in each study location prior to survey, however, the chance of certain offence types being present was increased due to the day or time selected. This approach resulted in a degree of discrimination being exercised. A selection criterion was also exercised on potential participants present during study periods. During the study a total of 285 potential participants were present in the custody suites visited. Table 1 describes participant numbers included, refused or excluded from the study by location.

Table 1: Actual Participant numbers and percentage composition at that location

Location	Participants		Refusals		Exclusions		Total Potential Participants
	Number	% of Whole	Number	% of Whole	Number	% of Whole	
A	33	39.76%	5	6.02%	45	54.22%	83
B	30	31.91%	9	9.57%	55	58.51%	94
C	37	34.26%	4	3.70%	67	62.04%	108

Table 2 below provides more detailed explanation for non-participation showing the actual participant numbers with the reason for exclusion. Absolute refusals to participate were low 6.3% ($n = 18$) with the highest filter-out of participants occurring as a result of the custody process itself, such as the participant being in interview or in discussion with their solicitor 15% ($n = 43$). Potential participants who were drunk ($n = 37$, 13%), unable to speak English ($n = 23$, 8%) or who presented too high a risk ($n = 10$, 3.5%) were also excluded.

Table 2: Participant Inclusion and Exclusion with Reason

	Total Number of Potential Participants	Percent
Participated	100	35.1
Excluded because intoxicated	37	13.0
Excluded because of language barrier	23	8.1
Excluded because a juvenile (< 16 years old)	17	6.0
Excluded no process (e.g. arrested on warrant)	37	13.0
Excluded due to custody process in action (e.g. in PACE interview)	43	15.1
Excluded due to Refusal	18	6.3
Excluded due to violent nature/risk profile	10	3.5
Total	285	100.0

Stratification

Stratification of the 2007/08 England and Wales (Home Office Statistical Bulletin: Police Powers and Procedures England and Wales 2007/08 (04/09) recordable offences was completed to ensure that the study recognised what constituted a representative offence sample. This was also completed for gender and ethnicity. It was attempted for age, but direct comparison was not possible due to the lack of transparency in the recording method used by the Home Office. Although always a

contingent option, at no time did the study become deliberately purposive in selecting offenders to compensate for gender or ethnicity deficit, or offence type. The offence range of participants in the study spanned from the most harmful acts (e.g. murder, $N=3$) to substantially less harmful (e.g. common assault $N=1$, public order $N=11$ and shoplifting $N=9$) and the participants themselves were from a broad range of backgrounds and ethnicities.

Offence Categories

The Home Office records 'Notifiable Offences' under nine main headings: (1) Violence Against the Person; (2) Sexual Offences; (3) Robbery; (4) Burglary; (5) Theft and Handling Stolen Goods; (6) Fraud and Forgery; (7) Criminal Damage; (8) Drug Offences; and (9) Other. The study offences were banded into the same categories as the Home Office method and some modest variance between the Home Office breakdown and the study was observed. The study offences were broadly representative of the general offence type population published by the Home Office. Within the study 'criminal damage' was slightly below the national percentage level, and 'theft and handling' was slightly above the national average.

Gender

The study sample comprised 83% men and 17% women aged between 16 and 68 years (age: $M=27.53$, $SD=11.498$). This compares favourably to the most current statistical data published by the Home Office (Home Office Statistical Bulletin: Police Powers and Procedures England and Wales 2007/08 (04/09), with 1,475,266 individuals arrested during 2007/08 of which 82.9% were male ($N=1,223,356$) and

females 17.1% (N=251,910). The gender composition of the study was generally representative of the entire suspect population for England and Wales in 2007/08.

Ethnicity

The ethnic composition of the study was defined across four categories White (59%, N=59), Black (27%, N=27), Asian (14%, N=14) and Other (0%). To ensure the study data was representative its ethnic composition was referenced to total arrestee ethnicity in England and Wales published by the Ministry of Justice for 2007/08 (Statistics on Race in the Criminal Justice System 2007/08). The 2007/08 publication is the most current and available data. The Ministry of Justice data show that the arrestee population in 2007/08 was White (81.9%), Black (9.4%), Asian (5.4%), and Other (3.2%). Consequently when comparing the entire England and Wales arrestee data to the study, individuals from a White ethnic background are underrepresented whilst those of both Black and Asian ethnicity are overrepresented within the study data. Examination of the three study locations in a more local context against Ministry of Justice data shows that over representation of Black and Asian is repeated. This may have adverse impact on the generalisability findings. No ethnicity data was collected for non-participants. The non-participant data may have indicated ethnicity more in keeping with the national profile.

Qualification and Employment

More than half of the participants had no formal qualification (55%, $n = 55$). When you add to the nil-qualification group (55%) qualification obtained through professional employment (NVQ) and mandatory first tier qualifications (GCSE) then participants with either no, professional or basic qualifications was 92% ($n = 92$). Correspondingly the level of unemployment amongst participants was high at 78% (n

= 78). For 72% ($n = 72$) of participants the housing occupied was predominantly not owned by them with the majority of participants living in rented (35%, $n = 35$), council (33%, $n = 33$), homeless (3%, $n = 3$) or residential care (1%, $n = 1$), additionally the majority of participants self defined themselves as 'single' (77%, $n = 77$).

Procedure

Data were collected over a six-week period using a fixed quantitative questionnaire. The questionnaire based method was adopted as the most appropriate due to the non-experimental and deductive nature of the research combined with a need to standardise questions (both in terms of administration and content) to give increased confidence in the generalisability of results. Each questionnaire was administered face to face with participants and by the same person across each of the three locations. This was done to best ensure consistency, to foster participant involvement and remove any potential response bias associated with asking custody staff or other third parties to complete the process. This approach was also taken because the researcher was mindful of the likely difficulties with some suspects not being able to read or write.

The questionnaire comprised 67 questions. Survey questions linked directly to one of the seven procedural justice and legitimacy variables described and were designed in a Likert format. Table 4 contains the questions used in evaluating the study. The questionnaire was subject to peer review and testing with suspects from location 'A' prior to first 'live use' and some revision to clarify question structure and purpose was undertaken. The responses from this review process were not included within the final

study population. Additionally some 'live' scrutiny was applied during the six week period resulting in three additional questions being added in relation to legitimacy (questions 62, 63, 64) following the end of week two. This was done as a consequence of anecdotal information given by participants to the interviewer on police values and behaviour. These unique aspects of 'trust in the police' had not been initially considered, and came about as a consequence of specific UK considerations that were thought sufficiently important to merit inclusion. Those participants who had not answered these later questions were excluded from analysis of the responses to those specific questions. An actual questionnaire is at Annex A to this study.

The administration of the process was completed in the same way for each participant. The first stage involved seeking preliminary consent of the participant whilst in their cell. If consent was given the participant was then taken to a more comfortable room within the custody suite, typically a consultation room but on limited occasions to the medical room, on no occasions was an interview room used. This was to remove any potential for subliminal influence on participants by putting distance between the research process and the criminal investigation. The next stage was to outline the purpose of the research and what the participant would undergo. If they were willing to continue a consent form was completed, then a demographic form and finally the questionnaire was administered. Typically the duration of this entire process was between 30-35 minutes. Although the administration was undertaken by a serving police officer, the potential for bias was minimised through the affirmation to participants of a non-judgemental perspective, and a focus on wanting to listen and hear what the participant had to say. It is impossible to precisely gauge the effect that the interviewer had on the process, however, comments such as "you've a really

positive aura about you,” and “thank you for listening” were positive indications. Similarly, comments such as “I’ve had enough of this shit, I just won’t trust any copper, put me back in my cell” were taken as negative. In the latter example, the suspect refused to participate and was recorded as a ‘refusal.’

Ethics and code of practice

This research was undertaken in accordance with the ethical code of practice laid down by the British Society of Criminology (www.britsoccrim.org/ethical.htm). Of most importance was the issue of informed consent. Each participant was fully informed about the nature of the research and a number withdrew their consent during the process. Additionally, where present, the legal representative of the potential participant was consulted to explain the research purpose and to ensure that they had no objection for the research to take place with their client. No objections were raised.

Individual participant identity and custody location have been protected and research material and data destroyed following the submission of the research. Destruction of personalised information was a condition under which the interview was framed and formed an aspect of voluntary participation. During the introductory stages to the research, each participant had the purpose of the research explained to them on presentation of a ‘Participant Information Sheet’ (see Annex B) and once in agreement to continue participation they were presented with a consent form (see Annex B) and requested to sign. The consent form contained four clauses that participants were required to acknowledge, and four clauses that participants were requested to answer, these are clearly visible at Annex B. Participants would then sign the consent form and voluntarily take part in the study.

The research also proactively sought to exclude two potential participant types on the basis of ethical considerations. These were individuals below the age of 16 years (e.g. < 15 years, 364 days old) and those with any condition connected to mental health (no person with mental health conditions was in police detention during the study periods). A further ethical consideration involved the management of any sensitive disclosure during interview, for example an allegation of mistreatment by way of suspect assault during arrest by the police. The researcher planned to formally capture any allegation of this type by writing it on the suspect custody record. However, no issues of this or any other type were presented by participants.

Method

Variables

Variables were titled according to the descriptive titles used by Tyler (2003), Sunshine and Tyler (2003), Paternoster et al (1997) and Reisig (2007, 2009) and were constructed according to the process-based model. Each is examined in turn below. Control variables were used to ensure robust observation between variables and facilitate examination of additional factors that may influence findings. All variables were measured using a five point Likert scale ranging from a low (1) negative point of “strongly disagree” to a high (5) positive point of “strongly agree.”

Procedural Justice was examined using three sub-scales:

1. ‘*Quality of Treatment*’ was measured by seven questions (Cronbach’s $\alpha^1 = 0.867$, $m = 3.56$, $s.d. = 0.82$). Questions such as “You have been treated with

¹ Cronbach’s α had a 0.7 threshold however this was not achieved in every case. This is discussed later.

dignity and respect in custody,” and “The police have treated you courteously” were used in this scale.

2. *‘Quality of Decision Making’* comprised seven questions (Cronbach’s $\alpha = 0.714$, $m= 3.03$, $s.d. = 0.78$). Questions such as “The police have made decisions on you based on the facts” and “The police explained to you the basis for their decisions” were used to measure this subscale.
3. *Distributive Justice* was measured by three survey questions (Cronbach’s $\alpha = 0.736$, $m= 2.87$, $s.d. = 0.74$) Questions such as “The decision to charge you was fair” were used in this subscale.

Legitimacy was examined using four subscales:

1. *“Obligation to obey the law”* (Cronbach’s $\alpha = 0.663$, $m= 3.17$, $s.d. = 0.87$) was measured by four questions such as “You should always do what the police ask you even if they are wrong.”
2. *“Trust in the police”* (Cronbach’s $\alpha = 0.789$, $m= 2.81$, $s.d. = 0.79$) was measured by five questions such as “The police always act lawfully.”
3. *“Cooperation”* (Cronbach’s $\alpha = 0.763$, $m= 2.90$, $s.d. = 1.13$) was measured by three questions such as “would you help the police by reporting a crime.”
4. *“Compliance”* (Cronbach’s $\alpha = 0.518$, $m= 2.40$, $s.d. = 0.96$) was measured by two questions, “do you ever buy stolen goods,” and “do you take drugs.”

Control Variables were introduced to the statistical analysis to support the study by protecting against false findings. Where required dummy variables were used to create categorical data that was dichotomous in nature e.g. ethnicity (1=White, 0=Non-white) and educational attainment (1=no qualifications, 0=formal qualifications). Data that was already dichotomous e.g. gender (1=male, 0=female), employment status (1=employed, 0=unemployed), previous arrest (1=no previous, 0=previous arrests) were treated as such. Dichotomous and continuous data (e.g. age) were included within the regression analysis directly without transformation to dummy variable.

Distribution

Evaluation of the normal distribution for each variable was undertaken. Skewness showed modest deviations from the central tendency with all values $< \pm 1$ and none possessing statistical significance. Table three sets out the number of participants and the means within each of the scales examined for distributive skewness. These deviations are important as they indicate participants' responses in an area of research never before undertaken within the UK.

Table 3: Evaluation of Normal Distribution for Collapsed Measures

	Participants	Mean	Std. Deviation
Procedural Justice	100	3.30	0.70
Quality of Treatment	100	3.56	0.82
Quality of Decisions	100	3.03	0.78
Distributive Justice	100	2.88	0.74
Legitimacy	76	2.80	0.53
Obligation to obey the Law	100	3.17	0.87
Trust in the Police	76	2.81	0.79
Cooperation	100	2.90	1.13
Compliance	100	2.40	0.96

Examination of *z-score* values showed one variable 'Quality of Treatment' (-2.87) as having a value > 2 . All other variables were within the ± 1 to ± 2 range. Values that are

>2 are potentially problematic although not always critically so (Field 2009). In order to understand the potential impact of the 'Quality of Treatment' logarithmic transformation of the variable was undertaken. This showed that variable direction remained constant and no change in the statistical significance of findings was observed. Due to the minimal difference between the original and transformed data, the original data were retained. The one non-normal distribution was countered through use of Spearman's rho and is discussed within Bi-Variate Correlations below.

Scale Homogeneity

Operationalisation of the variables to measure procedural justice and legitimacy was in part based on previous research by Tyler (2003), Sunshine and Tyler (2003) and Reisig (2007, 2009). Custody specific questions were also included in recognition of the English and Welsh system of suspect management (e.g. Police and Criminal Evidence Act and the Codes of Practice). Factor analysis was used to assess the homogeneity of the instruments within the seven subscales comprising the variables. This was done by use of Principal Components Analysis (PCA) to identify variance firstly on a linear basis and then through Varimax rotation within SPSS to derive orthogonal factors ensuring each sub-scale measured one latent construct. The incorporation of PCA in this way is considered to be a sound process to examine psychometric measures (Field 2009). Kaiser criterion (Kaiser 1960) was adopted for Eigenvalues, and only those variables with a value greater than 1 were selected. Scree plots for visual representation were also used. Initially, all coefficients with an absolute value of greater than 0.1 were used in order to provide transparency. Ultimately a higher absolute value of 0.4 was used to ensure weaker items were excluded. Alternatives were considered (e.g. common factor analysis) but dismissed

as it was felt this method would not lead to substantially different results to that of principal components analysis which is also recognised as being generally preferred for data reduction (Wilkinson, Blank and Gruber 1996).

Initially 67 instruments were available for inclusion within the subscales. The results of the Principal Components Analysis made it clear that scale refinement was necessary. A parsimonious approach enabled the identification of the fewest variables with the greatest degree of common variance within each subscale of the study. Instruments which were weak were parsed out and some variables were reversed scored to ensure scale direction and to support homogeneity of variance (q54 “The way in which you have been treated will make you more likely to break the law in future” and q20 “Your treatment has made you feel resentful towards the police.”) The scale refinement also resulted in redundant information being removed from within the subscales. Redundant information leads to “harmful levels of collinearity and misleading significance results” (Reisig 2007 p1011). This approach reduced survey items by more than one half, reducing the total from 67 to 31. The result was greater manageability of the data within the seven variables and ensured that each discreet subscale measured the same thing. It was then possible to create collapsed measurements for each factor allowing correlation and regression testing of the process-based model across the variables.

The resulting sub-scales and their constituent instruments operationalised procedural justice through ‘quality of treatment,’ ‘quality of decision making’ and ‘distributive justice,’ these were the independent variables. Legitimacy was operationalised by ‘obligation to obey the law,’ ‘trust in the police,’ ‘cooperation,’ and ‘compliance,’ the dependent variables. The questions comprising each variable are set out in table 4

below. Three variables contain a limited number of instruments (Distributive Justice, Cooperation and Compliance) and although numerically small represent the recommended minimum constituency (Kim and Mueller 1978). Quality of treatment and quality of decision making contained seven instruments; obligation to obey the law comprised four instruments; and trust in the police five instruments.

Cronbach's alpha was used to further assess the internal consistency and subscale reliability to ensure a "unidimensional latent construct" (Field 2009 p 675) existed within each variable. This test of reliability was used because of the "psychometric properties" (Reisig 2007 p 1008) of the variables within the process-based model. Poor Cronbach's alpha scores would have suggested uncorrelated instruments within the variable. The benchmark for subscale measurement was set against a minimum alpha value of 0.7 (Kline 2000), although alpha scores below this value would not be automatically excluded. The subscale level was used for alpha calculation as this reduces the distorting influence that high numbers of latent variables can bring to the calculation. Monte Carlo simulation has shown that when the number of items in a scale increases the alpha can also increase (Green, Lissitz and Mulaik's, 1977).

Bi-Variate Correlations

Spearman correlation (2-tailed) was used to examine the variance between instruments and establish Spearman's rho (ρ) for each subscale. Spearman's rho was used due to the use of ordinal data and because 'Quality of Treatment' was not normally distributed. In these conditions rho provides as much information as alternatives and has wider validity (Altman 1991). The correlation between effects was benchmarked against traditional measures, the operational definition being: Small 0.1 – 0.23; Medium 0.24 – 0.36; Large \geq 0.37 (Field 2009). Correlations were

statistically significant at the 0.01 level across a number of variables. These are set out and discussed in detail in the results analysis chapter. Examination of the square of the correlation coefficient (R^2) was completed in order to understand the strength of the variation between variables and is also discussed in chapter three. Within the variables the observations of procedural justice and legitimacy exposed many statistically significant relationships. Control variables were also included within the regression analysis to ensure other considerations regarding observed effects could be made.

Table 4: Sub-scales and associated questions with means, standard deviation and skewness

Procedural Justice					
Item	Survey #	Instrument	M	SD	Skew
Quality of Treatment ($\alpha=0.867$)			3.56	0.82	-0.69
1	14	When you were booked in the officers account was fair & accurate	3.62	1.09	
2	17	The way in which you have been treated in custody is fair	3.62	1.14	
3	36	How did you feel the person who locked your door treated you	3.49	1.00	
4	37	How do you feel you have been treated in the custody suite overall	3.55	1.02	
5	48	You have been treated with dignity and respect in custody	3.58	1.13	
6	49	The police apply the law equally and fairly to those in custody	3.51	1.02	
7	60	The police have treated you courteously	3.55	1.06	
Quality of Decision Making ($\alpha=0.714$)			3.03	0.78	0.19
8	6	Do you believe that at arrest the officers listened to you with an open mind	2.65	1.37	
9	8	Do you feel that the reasons for your arrest were valid	3.01	1.43	
10	21	Previous arrests make a difference to the way you are treated in police custody ^a	2.54	1.37	
11	44	The police have made decisions on you based on the facts	3.51	1.00	
12	45	The police explained to you the basis for their decisions	3.33	1.12	
13	46	The police get decisions more right than wrong in custody	3.15	1.03	
14	59	Do you believe that the police always try to make fair decisions	3.35	1.05	
Distributive Justice ($\alpha=0.736$)			2.88	0.74	0.26
15	23	What has happened to you is fair according to the law	2.55	1.18	
16	65	The decision to charge you was fair	3.1	0.80	
17	67	The charge(s) you have been given are fair	2.98	0.79	
Legitimacy					
Obligation to obey the law ($\alpha=0.663$)			3.17	0.87	-0.03
18	52	You should always do what the police ask you even if they are wrong	3.04	1.26	
19	53	Is not doing what the police ask ever justified	2.84	1.09	
20	54	The way in which you have been treated will make you more likely to break the law in future ^a	3.68	1.21	
21	55	If you break the law you lose your self-respect	3.11	1.39	
Trust in the Police ($\alpha=0.789$)			2.81	0.79	0.45
22	40	Do you feel the police are competent	3.26	1.13	
23	41	Do you believe the custody staff are competent	3.88	0.99	
24	62	The police understand what's important to you (b)	2.25	1.15	
25	63	The police always act lawfully (b)	2.49	1.10	
26	64	The values that the police represent reflect my values (b)	2.39	1.07	
Cooperation ($\alpha=0.763$)			2.90	1.13	0.03
27	20	Your treatment has made you feel resentful towards the police ^a	3.18	1.41	
28	56	Would you help the police by reporting a crime	2.90	1.34	
29	57	Would you help the police to find a criminal	2.63	1.39	
Compliance ($\alpha=0.518$)			2.40	0.96	0.14
30	3	Do you ever buy stolen goods	2.27	1.10	
31	4	Do you take drugs	2.53	1.23	

^a Reversed scored

B Question added 24/09/09

Two decimal place rounding convention used: =>5 round up.

Chapter Four: Results

Introduction

This chapter will present the results of this research firstly by examination of the correlation between the predictor variables (quality of treatment, quality of decision making, and distributive justice) and the dependent variables (obligation to obey the law, trust in the police, cooperation and compliance). A full correlation table is set out in table 10. The chapter then explores the data through regression analysis. Regression analysis is completed by examination of each hypothesis in turn to ensure focus on the null-hypothesis is maintained. Summary coefficient data are contained at table 12, page 63, below. Control variables are ultimately included to ensure that no findings are found that could be explained by other considerations.

Correlation of the Dependent Variables

Obligation to obey the Law

The internal correlation between the four questions comprising the subscale is positive and statistically significant, with an internal range of $\rho = 0.20$ ($p < 0.05$) to $\rho = 0.42$ ($p < 0.001$), with the mean interitem $\rho = 0.339$. The internal consistency of the subscale was slightly below the desired level ($\alpha = 0.66$) but was sufficiently robust to merit inclusion.

Table 5: Correlation of ‘Obligation to Obey the Law’ with Predictor Variables

Obligation to Obey the Law Sub-Scale Correlation Table		Obligation to Obey the Law	Quality of Treatment	Quality of Decisions	Distributive Justice
Spearman's rho	Obligation to Obey the Law	1.000			
	Quality of Treatment	.405**	1.000		
	Quality of Decisions	.319**	.534**	1.000	
	Distributive Justice	-.240*	-.497**	-.545**	1.000

** . Correlation is significant at the 0.01 level (2-tailed).

* . Correlation is significant at the 0.05 level (2-tailed).

As Table 5 above illustrates correlation between each of the three processed-based model variables exposed an overall relationship of medium effect size (Cohen 1988). Quality of Treatment ($\alpha = 0.87$, $\rho = 0.41$, $p < 0.01$) had according to the operational definition adopted by this study a large effect size, Quality of Decision Making ($\alpha = 0.71$, $\rho = 0.32$, $p < 0.01$) a moderate effect size and Distributive Justice ($\alpha = 0.74$, $\rho = -0.24$, $p < 0.05$) a negative and small effect size. A collapsed measure of the process-based model (Quality of Treatment + Quality of Decisions) was correlated to 'Obligation.' The result was an improved effect size overall, that was large and statistically significant ($\rho = 0.38$, $p < 0.001$). This suggests that 'Obligations to obey the law' and 'Procedural Justice,' as two variables, share a common variance of 14.4% ($0.38^2 = 0.144$) (Thompson 2004).

Trust in the Police

The subscale comprised five questions. The internal correlation between each of the questions was positive and predominantly statistically significant. The internal consistency of the subscale was within the target parameters ($\alpha = 0.79$) with an internal correlation range from $\rho = 0.16$ ($p > 0.05$) to $\rho = 0.68$ ($p < 0.001$) with the mean interitem $\rho = 0.43$. Table 6 below shows correlations for the three processed-based model predictor variables. Two relationships were large in effect size (quality of treatment and quality of decisions) and one of a negative and small effect size (distributive justice) (Cohen, 1988). Each effect size was of statistical significance. Quality of Treatment ($\alpha = 0.87$, $\rho = 0.46$, $p < 0.001$), Quality of Decision Making ($\alpha = 0.71$, $\rho = 0.41$, $p < 0.001$) and Distributive Justice ($\alpha = 0.74$, $\rho = -0.26$, $p < 0.05$).

Table 6: Correlation of ‘Trust in the Police’ with Predictor Variables

		Trust in the Police	Quality of Treatment	Quality of Decisions	Distributive Justice
Spearman's rho	Trust in the Police	1.000			
	Quality of Treatment	.458**	1.000		
	Quality of Decisions	.414**	.534**	1.000	
	Distributive Justice	-.261*	-.497**	-.545**	1.000

** . Correlation is significant at the 0.01 level (2-tailed).

* . Correlation is significant at the 0.05 level (2-tailed).

A collapsed measure of the process-based model (Quality of Treatment + Quality of Decisions) was correlated to ‘Trust’ and had a large effect size that was statistically significant, ($r = 0.51$, $p < 0.001$). ‘Trust in the Police’ and ‘Procedural Justice,’ as two factors, share a common variance of 26% ($0.51^2 = 0.26$) (Thompson, 2004).

Cooperation

The subscale was made of three questions. The internal correlation between the three questions of the subscale was positive and statistically significant. The Cronbach’s alpha for the subscale was within target parameters ($\alpha = 0.76$). The subscale had an internal correlation range from $\rho = 0.35$ ($p < 0.001$) to $\rho = 0.82$ ($p < 0.001$) with the mean interitem $\rho = 0.53$.

As Table 7 below shows, the correlation between the three processed-based model variables with ‘cooperation’ indicated an overall relationship of moderate effect size (Cohen 1988) but with two statistically significant findings: Quality of Treatment ($\alpha = 0.87$, $\rho = 0.45$, $p < 0.001$), Quality of Decision Making ($\alpha = 0.71$, $\rho = 0.33$, $p < 0.01$) and Distributive Justice ($\alpha = 0.74$, $\rho = -0.18$, $p > 0.05$). To supplement these correlations a collapsed measure of the process-based model (Quality of Treatment + Quality of Decisions) was correlated to ‘Cooperation.’ This showed a large effect size

and was statistically significant, ($\rho = 0.42$, $p < 0.001$). ‘Trust in the Police’ and ‘Procedural Justice,’ as two factors, share a common variance of 18% ($0.42^2 = 0.176$) (Thompson 2004).

Table 7: Correlation of ‘Cooperation’ with Predictor Variables

		Cooperation	Quality of Treatment	Quality of Decisions	Distributive Justice
Spearman's rho	Cooperation	1.000			
	Quality of Treatment	.445**	1.000		
	Quality of Decisions	.328**	.534**	1.000	
	Distributive Justice	-.182	-.497**	-.545**	1.000

** . Correlation is significant at the 0.01 level (2-tailed).

Compliance

The correlation between the two subscale questions is positive ($\rho = .36$, $p < 0.001$) and is statistically significant. The internal consistency of the subscale was below the desired level ($\alpha = 0.52$) but was included.

Table 8: Correlation of ‘Compliance’ with Predictor Variables

		Compliance	Quality of Treatment	Quality of Decisions	Distributive Justice
Spearman's rho	Compliance	1.000			
	Quality of Treatment	-.164	1.000		
	Quality of Decisions	-.159	.534**	1.000	
	Distributive Justice	.112	-.497**	-.545**	1.000

** . Correlation is significant at the 0.01 level (2-tailed).

As can be seen from Table 8 above the correlation indicated a general relationship of a small effect size (Cohen 1988): Quality of Treatment ($\alpha = 0.85$, $\rho = -0.16$, $p > 0.05$), Quality of Decision Making ($\alpha = 0.71$, $\rho = -0.16$, $p > 0.05$) and Distributive Justice ($\alpha = 0.74$, $\rho = 0.11$, $p > 0.05$). A collapsed measure of the process-based model (Quality of Treatment + Quality of Decisions) was correlated to ‘Compliance’ and produced a negative and small effect size, ($\rho = -0.17$, $p > 0.05$). No statistical significance was observed.

Operational definition for Effect size: Small 0.1 – 0.23; Medium 0.24 – 0.36; Large ≥ 0.37 .

Legitimacy

A collapsed measure of legitimacy (obligation to obey the law + trust in the police) was used to examine the correlation between the three predictor variables (quality of treatment, quality of decisions, distributive justice) and with the procedural justice variable (quality of justice + quality of decisions). Additionally, legitimacy was correlated to both cooperation and compliance. This was completed to further evaluate the process-based model as outlined in figure 1 (Tyler 2003) and figure 2 (Reisig 2007).

Table 9: Collapsed Legitimacy Measure Correlated with Variables

Spearman's rho	Legitimacy	Compliance	Cooperation	Procedural Justice	Distributive Justice	Quality of Treatment	Quality of Decisions
Legitimacy	1.000						
Compliance	-.201	1.000					
Cooperation	.604**	-.305**	1.000				
Procedural Justice	.535**	-.203*	.428**	1.000			
Distributive Justice	-.298**	.047	-.168	-.583**	1.000		
Quality of Treatment	.440**	-.169	.412**	.879**	-.448**	1.000	
Quality of Decisions	.475**	-.185	.331**	.865**	-.572**	.521**	1.000

As can be seen from Table 9 the correlation between legitimacy with cooperation is large ($\rho = 0.60$, $p < 0.001$) and statistically significant. This is also found in the correlation between the collapsed measure of procedural justice and legitimacy ($\rho = 0.54$, $p < 0.001$). Both quality of treatment ($\rho = 0.44$, $p < 0.001$) and quality of decisions ($\rho = 0.48$, $p < 0.001$) have a large effect size with legitimacy. Distributive justice has a negative and moderate effect size that was statistically significant ($\rho = 0.44$, $p < 0.01$).

Table 10: Spearman's rho (ρ) Correlations for Collapsed Measurement Scales

	Procedural Justice	Quality of Treatment	Quality of Decisions	Distributive Justice	Legitimacy	Obligation to Obey the Law	Trust in the Police	Cooperation	Compliance
Procedural Justice	1.000								
Quality of Treatment	.857**	1.000							
Quality of Decisions	.864**	.534**	1.000						
Distributive Justice	-.590**	-.497**	-.545**	1.000					
Legitimacy	.535**	.440**	.475**	-.298**	1.000				
Obligation to Obey the Law	.381**	.405**	.319**	-.240*	.709**	1.000			
Trust in the Police	.506**	.458**	.414**	-.261*	.706**	.386**	1.000		
Cooperation	.416**	.445**	.328**	-.182	.766**	.493**	.497**	1.000	
Compliance	-.174	-.164	-.159	.112	.223	-.223*	-.157	-.270**	1.000

** . Correlation is significant at the 0.01 level (2-tailed).

* . Correlation is significant at the 0.05 level (2-tailed).

Regression Analysis

Introduction

To explore the theory of the process-based model, that procedural justice has an impact on suspect perceptions of police legitimacy, a series of regression analyses was performed on the variables. Dependent variables were Obligation to Obey the Law, Trust in the Police, Cooperation and Compliance. Independent variables were Quality of Treatment, Quality of Decision-Making and Distributive Justice, as well as demographic variables of gender, ethnicity, qualification and employment. Additional regressions were performed on collapsed measures of Procedural Justice and Legitimacy to assess if these aggregated variables had the same relationship with the dependent variables as with the disaggregated components.

Regression Analysis of the Hypotheses

Hypotheses One: Procedural Justice (quality of treatment, quality of decision making, distributive justice) predicts suspect perceptions of Legitimacy (perceptions of obligations to obey the law, trust the police, cooperation and compliance.)

In examining the null-hypothesis (that procedural justice had no influence on legitimacy) the constituent elements of the process-based model were examined through regression analysis of the effect of the independent variables against each dependent variable, and the schedule for this is set out in 1a, 2a, 3a, and 4a of table 11 below.

Hypotheses Two: Procedural justice is the primary predictor of suspects' judgements of police legitimacy relative to other predictors such as gender, age, ethnicity, education, employment and previous arrest.

In examining the second null-hypothesis (that procedural justice is not the primary predictor of police legitimacy) the dependent variables were examined through regression analysis against each demographic (predictor) variable. The variables within each regression are set out in more fully at 1b, 2b, 3b, and 4b within table 11 below. To enable focus, only those variables that produced statistically significant results are reported here.

Table 11: Regression Schedule of the Variables

	Dependent Variables	Independent Variables
Regression 1a	Obligation to obey the Law	Quality of Treatment Quality of Decisions Distributive Justice
Regression 1b	Obligation to obey the Law	Age Gender Ethnicity Employment Status Education Previous Arrests
Regression 2a	Trust in the police	Quality of Treatment Quality of Decisions Distributive Justice
Regression 2b	Trust in the police	Age Gender Ethnicity Employment Status Education Previous Arrests
Regression 3a	Cooperation	Quality of Treatment Quality of Decisions Distributive Justice
Regression 3b	Cooperation	Age Gender Ethnicity Employment Status Education Previous Arrests
Regression 4a	Compliance	Quality of Treatment Quality of Decisions Distributive Justice
Regression 4b	Compliance	Age Gender Ethnicity Employment Status Education Previous Arrests

This approach was adopted in order to be able to individually scrutinise each level of the null-hypothesis. A summary of the regression data is contained within table 12, page 63.

Obligation to Obey the Law

The regression with Obligation to obey the Law as the dependent variable, and Quality of Treatment, Quality of Decision Making and Distributive Justice as the independent variables was able to explain 17.1% ($R^2 = 0.171$) of the observed variance. Each independent variable was added into the model one at a time using the 'forced entry' method. This approach showed that Quality of Treatment accounted for 14.6% of the variance, Quality of Decision Making 2.5% and Distributive Justice 0% (17.1% variance in total). Analysis of the coefficients between the variables revealed that 'Quality of Treatment' had a statistically significant relationship ($\beta = 0.29$, $p < .05$). As can be seen through the correlation between the three variables (see table 10 above) there was a large effect size between 'quality of treatment' ($\rho = 0.41$), and 'obligation' and this reinforces the statistically significant regression finding. 'Quality of decisions' was moderately correlated and 'distributive justice' was small and negatively correlated. Neither 'Quality of Decisions' ($\beta = 0.19$, $p = 0.117$) nor Distributive Justice (were $\beta = 0.02$, $p = 0.865$) were significant predictors for this model. However, 'Quality of Treatment' ($\beta = 0.29$, $p = 0.01$) is a significant predictor for the 'Obligation to Obey the Law' variable within the sample.

A separate regression model was created to explore the relationship between the control variables and obligation to obey the law. Firstly, gender, although only explaining a small proportion of the variance ($R^2 = 0.083$) had a statistically significant coefficient relationship ($\beta = 0.29$, $p < .01$). Secondly, education was observed as possessing a statistically significant coefficient relationship with the dependent variable ($\beta = -0.208$, $p < .05$) although it accounted for only a small variation ($R^2 = 0.043$). Sample size for both predictor variables was 100 participants.

Both gender (male/female) and education variables (no qualifications/qualification) were captured in dichotomous format and were not subjected to transformation through the use of dummy variable. These findings suggest that there is a significant relationship between education and gender with obligations to obey the law.

Trust in the Police

A further regression analysis was completed with 'Trust on the Police' as the dependent variable and the same three predictor variables. The three predictor variables explained 29% ($R^2 = 0.289$) of the observed variance. Each predictor variable was layered into the model one at a time and showed that Quality of Treatment accounted for 22.5% of the observed variance, Quality of Decision Making 6.4% and Distributive Justice 0.0% (28.9% variance in total). Analysis of the coefficients showed that both 'Quality of Decision Making' ($\beta = 0.35, p < 0.01$) and 'Quality of Decisions' ($\beta = 0.28, p < 0.05$) had a statistically significant relationship with 'Trust in the Police.' This finding is reinforced by the correlation (see table 10) between these variables where large effect size exist. Quality of Treatment and Quality of Decisions can be seen as significant predictors of 'trust' within this model.

Following the introduction of control variables in the regression analysis of 'trust in the police' two statistically significant results were revealed. Firstly education had a statistically significant relationship ($\beta = -0.27, p < .05$) and explained a modest portion of the variance ($R^2 = 0.07$). Secondly previous arrests had a statistically significant negative relationship ($\beta = -0.45, p < .01$) and good portion of variance ($R^2 = 0.20$). Sample size was reduced within this regression ($n = 76$) due to the 'Trust in the Police' sub scale construction, as discussed in the methods chapter. It should be

noted that within the study population 87% of participants had at least one previous arrest. Never-the-less, both education and previous arrests can be seen as significant predictors of trust in the police within the sample.

Cooperation

'Cooperation' underwent regression analysis as the dependent variable with the same three predictors. The three predictor variables accounted for 19.7% ($R^2 = 0.197$) of the observed variance. The predictor variables were again layered in individually with Quality of Treatment representing 17% of the variance, Quality of Decisions 1.9% and Distributive Justice 0.8% (19.7% in total). Analysis of the coefficient relationship between the variables shows that 'Quality of Treatment' ($\beta = 0.35$, $p = 0.002$) and 'Cooperation' had a statistically significant relationship. The correlation between these two variables (see table 10) is also large in effect size. Neither 'Quality of Decisions' ($\beta = 0.21$, $p = 0.080$) nor Distributive Justice (were $\beta = 0.11$, $p = 0.333$) were significant predictors for this model. However, 'Quality of Treatment' ($\beta = 0.35$, $p < 0.01$) is a significant predictor for 'Cooperation' within the study sample.

Cooperation then underwent regression analysis following the introduction of control variables and three statistically significant results were observed. Firstly, gender, although showing a modest variance ($R^2 = 0.07$) had a significant relationship with cooperation ($\beta = 0.26$, $p < .01$). Secondly education had a modest sample variance ($R^2 = 0.11$) but a significantly negative relationship with cooperation ($\beta = -0.32$, $p < .01$). Lastly, previous arrest had a modest variance ($R^2 = 0.10$) and a statistically significant negative relationship with cooperation ($\beta = -0.31$, $p < .01$). The population sample size for each regression was 100. These results show that gender, education and

previous arrests all have a significant relationship with cooperation for suspects within the sample.

Compliance

Bi-variate analysis showed that none of the independent variables were correlated with compliance. However regression analysis was completed with 'Compliance' as the dependent variable. 'Quality of Treatment', 'Quality of Decisions' and 'Distributive Justice' formed the predictor variables. The regression was able to explain 5% of variance ($R^2 = 0.050$), meaning that it was a weaker regression model than the others described above. Predictor variables accounted for the following percentage of variance: Quality of Treatment, 2.9%; Quality of Decisions 1.2%; and Distributive Justice 0.9% (5% in total). The correlation between the variables (see table 10) illustrated that only small correlations exist and of those, quality of treatment and decisions were negative. Neither 'Quality of Treatment' ($\beta = -0.123$, $p = 0.303$), 'Quality of Decisions' ($\beta = -0.187$, $p = 0.155$) nor Distributive Justice (were $\beta = -0.115$, $p = 0.356$) were significant predictors for this model.

Regression was then completed by the introduction of control variables, and this identified two relationships of statistical significance. The first, ethnicity, had a small variance ($R^2 = 0.05$) and a statistically significant relationship with compliance ($\beta = -0.22$, $p < .05$). The second, education, had a modest variance ($R^2 = 0.11$) and a statistically significant relationship with the dependent variable ($\beta = 0.33$, $p < .01$). Sample size for the fourth series of regressions was constant at 100 participants. Ethnicity and education can all be seen to have a significant relationship with compliance within the sample.

Table 12: Summary coefficients of variables during regression

		β	Mean	Std Dev.	R ²	Participant number(n)
Obligation to Obey the Law	Quality of Treatment	0.29*	3.56	0.82	0.15	100
	Quality of Decisions	0.19	3.03	0.78	0.03	100
	Distributive Justice	0.02	2.88	0.74	0.00	100
	Age	0.10	27.53	11.50	0.01	100
	Gender	0.29**	1.17	0.38	0.08	100
	Ethnicity	0.10	1.41	0.49	0.01	100
	Employment Status	-0.11	1.78	0.42	0.01	100
	Education	-0.21*	1.67	0.47	0.04	100
	Previous Arrest	-0.03	1.87	0.34	0.00	100
Trust in the Police		β	Mean	Std Dev.	R ²	n
	Quality of Treatment	0.35**	3.46	0.78	0.23	76
	Quality of Decisions	0.28*	2.93	0.66	0.06	76
	Distributive Justice	-0.002	2.87	0.53	0.00	76
	Age	-0.08	26.25	11.03	0.01	76
	Gender	-0.02	1.14	0.35	0.00	76
	Ethnicity	0.05	1.46	0.50	0.00	76
	Employment Status	-0.20	1.78	0.41	0.04	76
	Education	-0.27*	1.68	0.47	0.07	76
Previous Arrest	-0.45**	1.83	0.38	0.20	76	
Cooperation		β	Mean	Std Dev.	R ²	n
	Quality of Treatment	0.35**	3.56	0.82	0.17	100
	Quality of Decisions	0.21	3.03	0.78	0.02	100
	Distributive Justice	.11	2.88	0.74	0.01	100
	Age	-0.06	27.53	11.50	0.06	100
	Gender	0.26**	1.17	0.38	0.07	100
	Ethnicity	0.07	1.41	0.49	0.01	100
	Employment Status	-0.20	1.78	0.42	0.04	100
	Education	-0.32**	1.67	0.47	0.11	100
Previous Arrest	-0.31**	1.87	0.34	0.10	100	
Compliance		β	Mean	Std Dev.	R ²	n
	Quality of Treatment	-0.12	3.56	0.82	0.03	100
	Quality of Decisions	-0.19	3.03	0.78	0.01	100
	Distributive Justice	-0.12	2.88	0.74	0.01	100
	Age	-0.16	27.53	11.50	0.02	100
	Gender	-0.19	1.17	0.38	0.04	100
	Ethnicity	0.22*	1.41	0.49	0.05	100
	Employment Status	-0.12	1.78	0.42	0.01	100
	Education	0.33**	1.67	0.47	0.11	100
Previous Arrest	0.07	1.87	0.34	0.01	100	

** . Correlation is significant at the 0.01 level (2-tailed).

* . Correlation is significant at the 0.05 level (2-tailed).

- Note: On each of the four dependent variables mult-collinearity was tested and was not found to be an issue VIF < 2 throughout.
- All numbers are rounded to two decimal places. Convention used: if =>5 round up.

Hypotheses explored using a collapsed measure of Procedural Justice

In order to further examine the null hypothesis a collapsed measure was created through mathematical technique comprising two sub-scales; Quality of Decisions and Quality of Treatment. This enabled a consolidated ‘Procedural Justice’ view on the relationship between this independent variable and the four dependent variables.

The ‘Procedural Justice’ variable was found to have an influence on each of the dependent variables. The variation for each dependent variable is set out within table 13. Of greatest variance is ‘Trust in the Police’ with 29% ($R^2 = 0.289$) and the least variance is compliance with 4% ($R^2 = 0.041$).

Table 13: Variance between collapsed measure (Procedural Justice) and Dependent Variables

Dependent Variable	Predictor	R Square	Std. Error of the Estimate
Obligation to Obey the Law	Procedural Justice	0.169	.79907
Trust in the Police	Procedural Justice	0.289	.67329
Cooperation	Procedural Justice	0.183	1.03064
Compliance	Procedural Justice	0.041	.94102

The correlation between procedural justice and obligation to obey the law was large and statistically significant ($\rho = 0.381$, $p < 0.01$) and collinearity was within an acceptable range. However, there was a large increase in the amount that this collapsed measure of procedural justice contributed to predicting each dependent variable: ‘Obligation to Obey the Law’ ($R^2 = 0.169$, $\beta = 0.411$, $p < 0.01$), ‘Trust’ ($R^2 = 0.289$, $\beta = 0.537$, $p < 0.01$), ‘Cooperation’ ($R^2 = 0.183$, $\beta = 0.428$, $p < 0.01$), and ‘Compliance’ ($R^2 = 0.041$, $\beta = -0.203$, $p < 0.05$). This suggests that these were better regression models than those described above. These findings, which are summarised in table 14 below, evidence a relationship between procedural justice and the dependent variables within the study at statistically significant levels.

Table 14: Summarised Coefficients for Procedural Justice and the Dependent Variables

Dependent Variable	Predictor Variable	Un-standardised Coefficients		Standardized Coefficients
		B	Std. Error	Beta
Obligation to Obey the Law	Procedural Justice	.511	.115	.411**
Trust in the Police	Procedural Justice	.695	.127	.537**
Cooperation	Procedural Justice	.693	.148	.428**
Compliance	Procedural Justice	-.277	.135	-.203*

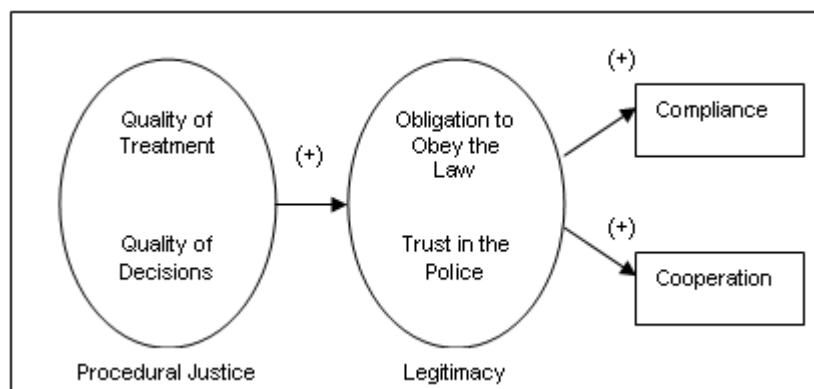
** . Correlation is significant at the 0.01 level (2-tailed).

* . Correlation is significant at the 0.05 level (2-tailed).

Hypotheses explored using a collapsed measure of Procedural Justice & Legitimacy

The collapsed measure of legitimacy was examined according to the structure as described by Reisig (2007) set out within figure 3. This was done as the model illustrated by Reisig was considered to more neatly visualise the core structure of the process-based model than that of Tyler (2003). Each finding is set out within a consolidated format at table 15, page 66. Legitimacy was established as the dependent variable and regression run using procedural justice as the predictor variable. The regression displayed an observed variance of 29% ($R^2 = 0.286$) and evidenced that within this model procedural justice was a statistically significant predictor of legitimacy ($\beta = 0.535, p < 0.001$).

Figure 3: "The process-based model of Policing" (Reisig 2007, p1007)



In a further examination of the process-based model, legitimacy was then introduced as a predictor variable for both compliance and cooperation. Analysis of the

coefficient relationship showed that legitimacy was a statistically significant predictor of cooperation within the model ($R^2 = 0.365$, $\beta = 0.604$, $p < 0.001$) but that this was not the case for compliance.

Control variables were introduced as predictor variables to legitimacy. Although the variance was observed to be small three control variables possessed statistically significant relationships with the collapsed measure of legitimacy. Employment status ($R^2 = 0.05$, $\beta = -0.232$, $p < 0.05$), Education ($R^2 = 0.09$, $\beta = -0.299$, $p < 0.01$) and Previous Arrests ($R^2 = 0.126$, $\beta = -0.355$, $p < 0.01$) can therefore be seen as significant predictors of legitimacy.

Distributive justice also underwent regression with legitimacy. Distributive justice was found to share a small degree of variance with the collapsed measure of legitimacy ($R^2 = 0.09$), however the standardised coefficient evidenced that as a predictor distributive justice was a statistically significant but negative indicator of legitimacy within the model ($\beta = -0.298$, $p < 0.01$).

Table 15: Summary of the collapsed measures of Procedural Justice and Legitimacy

Predictor	Dependent Variable	R Square	Std. Error of the Estimate	Standardized Coefficients (β)
Procedural Justice	Legitimacy	0.286	0.56	0.535**
Legitimacy	Compliance	0.040	0.86	-0.201
Legitimacy	Cooperation	0.365	0.85	0.604**
Distributive Justice	Legitimacy	0.089	0.64	-0.298**

** . Correlation is significant at the 0.01 level (2-tailed).

* . Correlation is significant at the 0.05 level (2-tailed).

Summary

This chapter set out to examine the process-based model through both correlation and regression analysis. This approach has shown that the process-based model has statistically significant relationships with legitimacy within a police custody context. However, it has also revealed that other variables also have statistically significant predictor characteristics in relation to legitimacy. Never-the-less, the strongest predictor of legitimacy within this research came from the independent variables which explained the greatest degree of the observed sample variance. The implications of these results and for the process-based model are discussed in detail within the next chapter.

Chapter Five: Discussion

Introduction

The process-based model posits that police legitimacy is dependent on the quality of treatment and the quality of decisions during dealings with individuals rather than the instrumental alternatives such as the risk of capture (Clarke and Felson 1993), punishment (Nagin 1998) or overall police performance. Due to the nature in which legitimacy is created within the process-based model, through participation and mutual trust, it supports the individual's perspective of their self-worth relative to the society in which they exist and the power exercised over them by that authority (Paternoster et al 1997; Tyler and Lind 1990; Bottoms 2002; Tyler 1990, 2000, 2003). This in turn fosters the belief amongst the population that the authority is "rightful and legitimate" (Beetham 1991 p3) ensuring appropriate behaviour is more likely to be understood and carried out (Bottoms 2002; Tyler and Bladder 2005; Rock 2007). In this way legitimacy is considered considerably more influential in developing compliance than the instrumental alternatives (Tyler 2006).

This study sought to examine the process-based model to assess the theory applicability in understanding suspect perceptions of police legitimacy in a British context. In looking at the perceptions of suspects it aimed to achieve one thing, harm reduction. If the process-based model were relevant in a British context and to suspects, many of whom are routinely re-arrested (Phillips and Brown 1998), then the wider consideration and inclusion of the underlying components of this social-psychological framework could help to stop individuals from further arrest. Within the study sample the majority of participants had been arrested on more than one occasion (87%) and this is repeated across the UK even though nearly half of those

arrested leave police custody without charge (Phillips and Brown 1998). With that objective in mind, this research was framed around two hypotheses:

1. That Procedural Justice (quality of treatment, quality of decision making, distributive justice) is a predictor of suspect perceptions of Legitimacy (perceptions of obligations to obey the law, trust in the police, cooperation and compliance.)
2. Procedural justice is the primary predictor of suspects' judgements of police legitimacy relative to other predictors such as gender, age, ethnicity, education, employment and previous arrest.

The findings of which are discussed throughout the remainder of this chapter.

Disaggregated Level

Obligation to Obey the Law

At the disaggregated level, the components of procedural justice (quality of treatment and quality of decision making) when correlated to 'obligation to obey the law' had a positive and statistically significant relationship. During regression analysis, however, only quality of treatment was a statistically significant predictor of obligation. This means that the quality of treatment and not the quality of decision making was a better predictor of obligation to obey the law. This could be due to suspects having an expectation of how they should be treated because of the Police and Criminal Evidence Act 1984, defining a minimum service level expectation during their time in custody and that this is seen as a 'contractual' agreement. Also the influence of 'group-values' (Paternoster et al 1997) and feelings of inclusivity for the suspect will

influence wider compliance with rules (Tyler 2003) and diminish the importance of outcomes. Finally, the influence of an incomplete custody process may have influenced this finding, with some participants during the research interaction not having been told of the charging decision or investigative outcomes. Anecdotally, what was of greatest concern for suspects was their personalised need for the promotion of their dignity and whether they felt respected. These findings are in keeping with previous process-based model research where identification and inclusion within the “group-value order” (Paternoster et al 1997) was critical to subsequent reoffending in cases of domestic violence. Additionally a message of inclusion is conveyed and this is important for the suspect idea of their social position as it helps them to identify that a line has been crossed and that in future they would be more able to identify with what constitutes normal behaviour (Bottoms 2002; Tyler & Bladder 2005; Rock 2007). In this way, obligation to obey the law would appear to be promoted when individuals are treated with dignity, respect and humanity rather than labelled as deviant sitting outside the normal boundaries of society. This finding is supported by other procedural justice based research such as the reintegrative shaming approach to rehabilitating drink drivers in Australia (Tyler et al 2007) where participants were supported by peers and the lawful authority alike.

Regression analysis showed that ‘obligation to obey the law’ was significantly predicted by the control variables, gender and education, but to a lesser extent than the procedural justice variables. Whilst the precise reasons for this are not clear, it may be that gender influences result in a greater degree of empathy and willingness to defer to authority by females, or that overall their offences were of a lesser severity than male participants and this had an effect (Steffensmeier and Allan, 1996). An alternative

explanation may be that the female participants within the study were victims of relational motivation to commit crime, with men initiating their involvement (ibid) supporting their dependents through criminal activity (Gilfus 1992; Miller 1986; Pettaway 1987; Steffensmeier 1983; Steffensmeier & Terry 1986), with the importance of these “social relationships” (Tyler 2006 p270) representing the primary endogenous motivation for women. However, none of these ideas are supported by the empirical evidence within this research, and the effect of gender as a predictor of obligation to obey the law requires further research. Education also was found to be statistically significant, and again the precise reasons for this are unclear. The influence of leaving formal education with no qualification was not examined within this study but a large body of literature exists pertaining to life chances and education. Further research is required to assess if a lack of attainment within school indicates a general prevalence to fall outside normative social constructs undermining ‘buy in’ to wider society and as a consequence the obligation to obey the laws of that society. Alternatively an explanation could simply be that in a British society without qualification employment chances are limited and that criminality offers an alternative income. However, as with gender the influence of education on obligations to obey the law requires further research.

In summary, the most significant predictors of obligation to obey the law at the disaggregated level within the study sample were quality of treatment and quality of decisions in keeping with the process-based model. However, the influence of both gender and education as predictors of obligation require further research.

Trust in the Police

Quality of treatment, quality of decision making and distributive justice all had statistically significant correlations with 'trust of the police.' Distributive justice had a negative relationship suggesting that trust was inversely correlated to outcomes. However, during regression analysis the influence of distributive justice as a predictor of trust was not statistically significant. Both quality of treatment and quality of decision making as predictor variables during regression contributed to the large variance observed and were statistically significant. This is seen as indicating that in order to build trust in the police, individuals need to not only feel they have been treated with dignity and respect as discussed above, but also that they have been included within the decision making process giving rise to positive perceptions of the decision quality. This finding is seen to support the process-based model in that it connects to need for the minimisation of bias, inclusion of the suspect in the process allowing for their 'voice' to be heard and for fair treatment to be dispensed within the process. Additionally it supports the contention made by Tyler (2003) that outcomes (distributive justice) are not as influential in shaping perceptions of legitimacy as other variables.

As with obligation to obey the law, a further set of regressions were completed with the control variables to examine 'trust in the police.' Education again had a statistically significant relationship as did previous arrest. Education has been considered above however trust is a psychological state of mind and the interaction between a lack of formal education qualification and trust of the police may come as a result of experiences between participants and the police during schooling years. The

study was unsighted as to educational challenges, such as dyslexia, that may influence participant qualification it was equally unsighted on other issues such as truancy and the history between participants and the police during school years, or indeed any intervening years. In relation to previous arrest, the design of the study did not examine historical treatment following previous arrests. This research is not attempting to suggest that these factors bring to bear any influence on trust in the police. It raises them in recognition of the potential influence of ‘aggregated’ memory (Tyler 2003, 2006) for participants over many years which may taint the reality in which they dwelt during the survey period. In this way perhaps the findings of the regression supports the process-based model. However this was outside the scope of this research design and requires additional research to develop knowledge in this area.

In relation to building trust in the police, both the correlation and regression analysis supported the process-based model theory in that it was most strongly influenced by quality of treatment and quality of decision making.

Cooperation

Two statistically significant correlations were observed, quality of treatment and quality of decisions. During regression analysis only quality of treatment was found to be a significant predictor of cooperation. This is seen as suggesting that the inclusiveness of the ‘group value order’ (Paternoster et al 1997) has value in capturing cooperation as consideration of normative standards are thought through by suspects. Quality of treatment in this sense creates a “moral justifiability” of police action and this in turn fosters the perception that legitimacy is more than a shared value system (Weber 1968) but also that the legitimate entity is worthy of being helped, ensuring

behaviour complies with “the dictates [of the] external authority” (Tyler 1990 p25). The cooperation of the suspect is achieved due to their perception of having been included within the process who then consider that because of the way they have been treated the entity possesses a “moral rightness” (Tankebe 2009 p9) and is worthy of being cooperated with. Cooperation is given in these circumstances due to an obligation to conform (Beetham 1991; Tyler 1990). Cooperation can also be seen as a proxy expression of legitimacy by suspects, suggesting that cooperation will reduce as perceptions of legitimacy also diminish. In this sense what makes the police legitimate can be seen to possess a living component representing the personalised evaluation of the rules and police reflecting Tyler’s notion that legitimacy is formed of “social relationships” (2006, p270) and “social values” (Sunshine and Tyler 2003 p534) enabling ‘bottom up’ legitimisation of the police (Beetham 1991, Coicaud 2002, Tankebe 2008).

During regression analysis of cooperation with the control variables, three items were observed to contain statistical significance. Gender, education and previous arrest all explained small portions of the observed variance (of less than 11%) but nevertheless were statistically significant. This again evidences that other variables may exercise influence over the levels of cooperation provided to the police. However, in support of the process-based model the two most notable variables which predicted cooperation were quality of treatment and quality of decision making. This finding goes some way to support the process-based model in a British custody context.

Compliance

This variable did not have any statistically significant relationships with the three predictor variables during correlation or regression analysis. This was surprising in consideration of the strength of the other findings. However, whilst this finding may suggest that the relationship between compliance and the other variables is insignificant it may also be as a result of flaws in the scale used to measure compliance. The scale comprised of only two questions and these related to general behaviours not stimulated as a consequence of the suspect experience in custody. Additionally, no longitudinal data was captured covering a period that spanned the suspect's period in detention. This longitudinal data would be important to gauge general compliance, but also causal compliance following detention. In Australia, longitudinal data empirically evidenced compliance that ultimately came about as a consequence of procedurally just treatment (Tyler et al, 2007). In further study, improved scales and longitudinal approaches (such as follow-up interviews post release or checks made on the Police National Computer) would be required. However, the results do suggest that suspect compliance is not predicted by any of quality of treatment, quality of decisions or distributive justice variables. This is at odds with the process-based model as no influence can be seen from the fairness of the process. Many factors may influence this and these fall outside of the process-based model, such as the prevailing economic climate necessitating theft in order to survive (Clarke and Felson 1993). The fact that all participants were already in police custody and had been arrested in the exercise of police based bias, as they believe the suspect to be the perpetrator of a crime, may also have brought taint to responses – with excessive use of force, or the removal of liberty (as examples) building anger

within the participants that had not dissipated during interview. However, this finding with the compliance variable is not at odds with other studies. The reintegrative shaming research in Australia found that the intervention did not reduce subsequent offending when compared to the alternatives, but it did provide a platform for increased perceptions of police legitimacy and then in time more compliant behaviour (Tyler et al 2007). This may be what this study has also unearthed. It is impossible to be certain within this work as the study has no mechanism to capture longitudinal evaluation of suspect perspectives, although this would form part of subsequent methodological design.

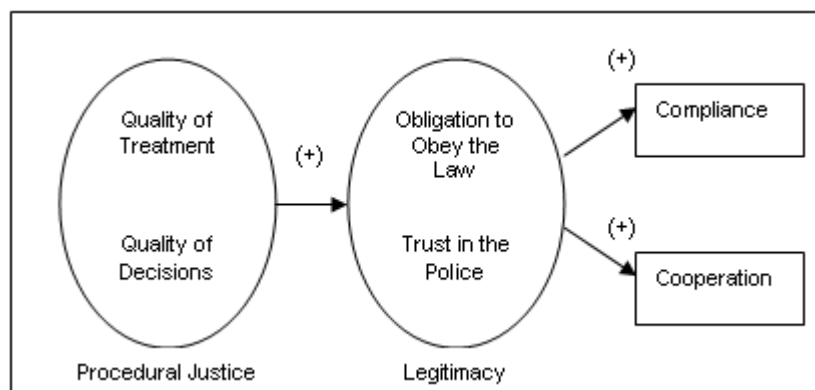
Although within the main series of regressions no statistically significant findings were observed, with the control variable regressions this was not the case. Ethnicity and education both explained a small part of the variance but they had statistically significant relationship with compliance. These are interesting findings, but caution is advised when interpreting the result. The construction of the scale could be enhanced and further research is needed in this area. However, it is possible that cultural influences are important in building compliant behaviour and that within the predominantly white Anglo-Saxon English criminal justice framework, participants with ethnicity other than white (all of whom were over represented within this study, see page 37) feel excluded from the “group-value order” (Paternoster et al 1997 p165) and that nothing positive is communicated about “their status within [the dominant] group” (Tyler & Lind 1990 p140). Further research is needed to evaluate this and to examine the dominance of white Anglo-Saxon values within the custody process. If revised scale construction and additional research were completed, and the findings concurred with this research then this would not necessarily be at odds with the

process-based model. It would reflect the fact that quality of treatment and quality of decisions need to be exercised with greater emphasis on cultural considerations, because the process-based model advocates fairness of the process for individuals (Hinds & Murphy 2007; Sunshine & Tyler 2003; Tyler & Huo 2002; Tyler & Bladder 2000; Reisig 2009).

Aggregated Level

The process-based model as articulated by Tyler (2003) and Reisig (2007) both collapse key variables into condensed measures. Figure 4 shows the collapsed measures of procedural justice and legitimacy are shown. In order to examine the null-hypotheses further regression analysis was completed to explore the process-based construct.

Figure 4: Aggregated Measures of Procedural Justice and Legitimacy with hypothesised outcomes



Procedural Justice with Legitimacy

Multiple regression of the collapsed measure of both procedural justice and legitimacy confirmed that the first null-hypothesis was not proven and that Tyler's hypothesis was applicable to suspects held in police detention in the UK. Procedural justice was observed to be a significant predictor of legitimacy. This is an important

finding as it can be seen to support the process-based model in a new socio-demographic environment. Additionally it is important to the main purpose of this study, that of harm reduction. Improvement to the way in which the police treat suspects whilst in detention, should result in a corresponding increase in obligations to obey the rules and trust in the police. The creation of “trust and confidence” amongst communities is at the forefront of contemporary policing in the UK and the process-based model would seem to provide one opportunity to achieve this within a suspect population, or put another way nearly one and a half million people every year who come into police custody. Additionally recognition of the process-based model as a basis to develop trust and rule obligation may help to reduce incidence of crime and this in turn reduce the number of victims.

Distributive Justice with Legitimacy

Regression analysis of the distributive justice measure revealed it was a weaker predictor of legitimacy than procedural justice, although it was also statistically significant. Consequently outcomes clearly play a part in the formation of legitimate perspectives of the police. What is less clear from the results is why. Where quality of treatment and decisions is diminished then it is possible to understand the increasing prominence of outcomes as a benchmark of justice for suspects. Poor treatment or exclusion from the decision-making process may be something that the suspect participants of this study believed they were experiencing and this would have an adverse effect on perceptions of legitimacy. Other studies have also found that distributive justice has an impact, but less so than procedural justice (Reisig 2007) suggesting that in cultural settings outside of the United States outcomes have increased status for participants. This should be seen as a welcome observation. If

properly incorporated into the procedural justice construct then the considerations that have informed outcome decision should be transparent, freely shared, consensual and understood.

Legitimacy with Compliance and Cooperation

Legitimacy was not observed to be a significant predictor of compliance during analysis of the multiple regressions. This was a surprising finding, but in light of the points raised above concerning the scale construction perhaps should not be the case. The participant demographic also clearly contributed to this finding. A substantial body of the participants had numerous previous arrests, and would have brought their associated aggregated memory (Tyler 2003, 2006) into the custody suite. Additionally the two questions were limited in scope and on reflection did not adequately reflect 'compliance,' being limited to drug consumption and purchasing stolen goods. Clearly there are other measures that indicate general patterns of compliant behaviour beyond these two. Further study to examine compliance is required with a broader more comprehensive scale to examine the variable. This finding clearly does not support the growing body of empirical evidence (Sunshine & Tyler 2003; Tyler & Fagan 2008; Reisig et al 2007) and may have occurred either through poor method or the unique custodial setting of the research. Only further examination and study will be able to clarify this potential theoretical conflict.

Was the Process-Based Model Supported?

The process-based model was supported in that legitimacy was a very strong predictor of cooperation amongst suspects. In other words, where suspects felt they had received quality of treatment and decisions, then they trusted the police and felt obliged to follow the rules by cooperating. Although the control variables possessed

significance, the strongest findings throughout were within the independent variables explaining the largest observed variance. Also, because of the environmental setting of this research – the custody suite – legitimacy and in turn cooperation was not at all influenced by performance measures typically used within contemporary British policing. Offenders are not interested in ‘popular punishment’ nor recorded detections, but they were interested in being treated with dignity and respect. This supports the broad base of research suggesting that instrumental controls to build legitimacy are limited and that “social relationships and ethical judgements” (Tyler 2006, p270) are critical in improving suspect perceptions of police legitimacy. This is not an argument for the police to befriend suspects. Rather it is a contention that the rigidity of the current police doctrine captured within the Police and Criminal Evidence Act 1984, and the aligned Codes of Practice, has served to promote a mechanistic process and in doing so has unintentionally diminished the personality and discretion of the police officer during suspect interactions in custody.

Summary

This chapter has discussed the findings and proposed some explanation for how they may have occurred. The research within this study supports the process-based model and has found that the first null-hypothesis was not proved. The second hypothesis requires further evaluation, as the findings indicate that other factors may also be influencing perceptions of legitimacy, such as gender and education, although to a substantially lesser extent than the independent variables associated with procedural justice. However, there is clear support to suggest that the quality of treatment and inclusivity within the decision making process with suspects whilst in police custody builds police legitimacy and this in turn fosters at least wider suspect cooperation.

This study was designed to examine the process-based model in order to evaluate its efficacy for wider replication in a British custody based context. The findings within this research support the process-based model believing that it has generalised to the British custody context. Consequently the study recommends the process-based model for wider consideration and incorporation in the custody process as a mechanism to generate suspect perceptions of police legitimacy and stimulate improved suspect-police relations. Were this to occur, the findings of this research suggest that the police would not only be seen as increasingly legitimate, but would also experience wider cooperation from suspects. This should be seen as both positive and progressive, and as in the case of the Australian reintegrative shaming research (Tyler et al 2007) suggests that in time repeat arrests could diminish, potentially reducing harm within British society.

Chapter Six: Conclusion

Overview

This research sought to examine the process-based model and its generalisability within a British context. It did this to examine the efficacy of the model in building suspect perceptions of police legitimacy, as this could increase levels of cooperation with the police and compliance with rules. In turn, assuming the process-based model was correct, this would support the reduction of harm to both suspects and victims. The predominance of instrumental mechanisms to deliver civil society has routinely been recognised as being less effective than shared values (Kelman 1969; Weber 1968; Beetham 1991; Tyler 1990, 2006). Never-the-less a reliance on instrumental mechanisms has been at the centre of western ideology for most of the twentieth century (Nagin 1998). However, this instrumental approach has often failed to rehabilitate individuals in essence stimulating recidivism (Luna 2003). This study sought to explore the process-based model because it theorised that the model stimulated improved perceptions of ‘rightness’ (Tankebe 2009) of individual action and connection to normative acceptable standards of behaviour (Bottoms 2002; Tyler & Bladder 2005; Rock 2007). These foster obligations to follow rules and the instructions of entities such as the police, because they are perceived as legitimate and therefore worthy of being obeyed (Beetham 1991; Tyler 1990). As such the study was one of the first to empirically examine the process-based model in the UK, and is believed to be the first to capture suspects’ perceptions of the elements of this model whilst still in police detention for a broad range of offences within an English and Welsh jurisdictional framework.

Next Steps?

There were areas within the methodology that could be improved. The scale measure of compliance was sub-optimal and future research will require improvement, particularly in relation to capturing longitudinal data. However, overall the method was informed by standard analytical procedure and was cognisant of other process-based model methodologies. In creating the sub-scales, variables from other studies were identified as being of relevance. In particular the approaches used by Tyler 2003, Sunshine and Tyler 2003 and Reisig 2007 have been influential. In addition a large body of questions were created to examine the unique aspects of both British policing and the British custody setting.

Anecdotally, interaction with the participants provided fascinating insight to their custody experience, with many having also been arrested not only in the UK but other jurisdictions. One participant had knowledge of a different European custody system and was grateful to not have to use a bucket in the corner of his cell as a lavatory nor be subjected to physical punishment as a coercive influence to gain confession. The role of the Police and Criminal Evidence Act 1984 was welcomed by those participants whose arrest profile spanned decades or had experience of having been arrested outside of the UK.

The 1984 Act requires the process within British custody suites to be formulaically absolute. However, one conclusion from this research is that this formulaic approach of policing is worthy of review, as within the twenty first century it is perhaps not as applicable as it was in the mid 1980's. That is not to say that the police do not require clear procedures. The 1984 Act sets out a clear framework which has substantially

increased the likelihood that suspects will be treated fairly – at least when benchmarked against suspect treatment prior to the invocation of the Act. Rather it is an acknowledgement that the police have perhaps become too fixated on these procedures believing that simple compliance with them will legitimate their activity rather than more endogenous and humanistic approaches to legitimisation such as recognition of the social values and needs of suspects. In this way adoption of the process-based model in the UK could evolve beyond simple utilitarian use (Tankebe 2009). The process-based model suggests that individual police officers are key to building perceptions of their authority as “benevolent and caring” (Tyler 2000 p991) with individuals subsequently considering that the “procedure [is] satisfying” (Tankebe 2009 p10) and that the authority is legitimate and merits being obeyed (Tyler 2003, 2006). In this conclusion there is much to be gained from placing people first within the process, and not promoting the process above all other considerations merely for its own sake.

The analysis most strongly evidenced that the fairness of the process built perceptions of legitimacy. In this sense the process-based model can be seen as a sound platform from which to develop legitimate perceptions of the police within a broad suspect population in the United Kingdom and in turn secure wider cooperation and harm reduction. Evaluation of this outcome was the purpose of the research. This strongly concurs with the process-based model theory of Tyler and with research from other parts of the world such as Australia, Jamaica and Ghana. These jurisdictions have colonial pasts, but have developed contemporary cultures distinct from either the United Kingdom or the United States. In that sense the process-based model has been tested in a variety of situations and has been observed to be relevant in each. This

provides reassurance, but additional research is still required in the United Kingdom. However, procedural justice has been found to be highly influential in shaping suspect perceptions of police legitimacy. If the police service in the United Kingdom desires to achieve harm reduction through the reduction of repeat arrests, and the creation of increasing legitimacy then the process-based model merits inclusion within the custody suite process.

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Annexe A

Questionnaire used within the Study

In the 3 months before your arrest would you:

1. Normally park your car legally

Very Infrequently	Infrequently	Neither	Frequently	Very Frequently
1	2	3	4	5

2. Do you ever speed

Very Infrequently	Infrequently	Neither	Frequently	Very Frequently
1	2	3	4	5

3. Buy stolen goods

Very Infrequently	Infrequently	Neither	Frequently	Very Frequently
1	2	3	4	5

4. Take drugs

Very Infrequently	Infrequently	Neither	Frequently	Very Frequently
1	2	3	4	5

5. Were you given the opportunity to explain your version of events before arrest

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

6. Do you believe that at arrest the officers listened to you with an open mind

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

7. Do you feel the reasons for your arrest were explained to you

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

8. Do you feel that the reasons for your arrest were valid

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

9. Have you been arrested before

No	Yes
1	2

10. At the time of your arrest was force used against you

None at all	Hands only	Handcuffs only	Slight struggle	Full on fight
1	2	3	4	5

11. When you were booked into the cells you were given the opportunity to explain your side of the story

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

12. At booking in you were listened to with an open mind

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

13. The decision had already been made by the Police regarding how to deal with you

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

14. When you were booked in the officers account was fair and accurate

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

15. Were you interviewed by the officers who arrested you

No	Yes
1	2

16. Your interview was fair overall

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

17. The way in which you have been treated in custody is fair

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

18. Do you feel angry about what has happened to you today

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

19. Are you worried about what will happen to you next

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

20. Your treatment has made you feel resentful towards the police

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

21. Previous arrests make a difference to the way you are treated in police custody

Very Unlikely	Unlikely	Neither	Likely	Very Likely
1	2	3	4	5

22. The way you have been treated is reasonable

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

23. What has happened to you is fair according to the law

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

24. You have been treated differently because of your race

Very Unlikely	Unlikely	Neither	Likely	Very Likely
1	2	3	4	5

25. You have been treated differently because of where you live

Very Unlikely	Unlikely	Neither	Likely	Very Likely
1	2	3	4	5

26. You have been treated differently because of who you are

Very Unlikely	Unlikely	Neither	Likely	Very Likely
1	2	3	4	5

27. Do you think that rich people would be treated differently

Very Unlikely	Unlikely	Neither	Likely	Very Likely
1	2	3	4	5

28. Did the police officers who arrested you know you

Very Unlikely	Unlikely	Neither	Likely	Very Likely
1	2	3	4	5

29. The police have respected your rights whilst you have been in custody

No	Yes
1	2

30. In custody the police should be able to do what they want to you

No	Yes
1	2

31. The police generally arrest the right people for the right reasons

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

32. Did you feel your legal representative was interested in you in custody

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

33. Did you feel that your legal representative explained your argument well

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

34. You were listened to in the custody process and had a 'voice'

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

35. How did you feel when you were put in your cell

Very Disrespected	Disrespected	Neither	Respected	Very Respected
1	2	3	4	5

36. How did you feel the person who locked your door treated you

Very Disrespected	Disrespected	Neither	Respected	Very Respected
1	2	3	4	5

37. How do you feel you have been treated in the custody suite overall

Very Disrespected	Disrespected	Neither	Respected	Very Respected
1	2	3	4	5

38. The police had made up their minds before interviewing you as to your guilt/innocence

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

39. The police treat all people equally in custody

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

40. Do you feel the police are competent

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

41. Do you believe the custody staff are competent

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

42. You were represented in the best way by your legal representative or yourself

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

43. All the facts of your case were laid out and openly discussed

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

44. The police have made decisions on you based on the facts

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

45. The police explained to you the basis for their decisions

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

46. The police get decisions more right than wrong in custody

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

47. Do you believe that you could correct a bad decision in custody

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

48. You have been treated with dignity and respect in custody

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

49. The police apply the law equally and fairly to those in custody

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

50. Did being arrested bother you at all

No	Yes
1	2

51. Were you arrested in front of others

No	Yes
1	2

52. You should always do what the police ask you even if they are wrong

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

53. Is not doing what the police ask ever justified

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

54. The way in which you have been treated will make you more likely to break the law in future

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

55. If you break the law you loose your self-respect

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

56. Would you help the police by reporting a crime

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

57. Would you help the police to find a criminal

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

58. If you break the law you have increased status within your community/peer group

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

59. Do you believe that the police always try to make fair decisions

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

60. The police have treated you courteously

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

61. Do you care more about how you are treated or the charging decision

Treatment	
Charging Decision	

62. The police understand what's important to you*

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

63. The police always act lawfully*

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

64. The values that the police represent reflect my values*

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

65. The decision to charge you was fair (OR)

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

66. The decision to release you NFA/Bail was fair

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

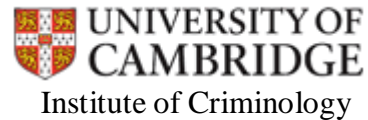
67. The charge(s) you have been given are fair

Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1	2	3	4	5

* Question inserted 24/09/09

Annex B

XXXXXX
Applied Criminology Masters – Thesis Research



Sidgwick Avenue, Cambridge, CB3 9DA, Telephone: 01223 335360, Fax: 01223 335356
 E-mail: io217@cam.ac.uk

Consent Form

To be read or given to the interviewee after showing them the information sheet and before collecting their contact details.

This form is here to help you decide whether to take part in this study. I am undertaking research from the University of Cambridge and I wish to interview you for a study of the police custody process.

It is important that you know:

- Your participation is entirely **voluntary** and the information you provide is **confidential**.
- The only exception to this is if you tell me things that suggest you may seriously harm yourself or someone else.
- Any data collected for the research will **not** be used in any way that could identify you.
- If you decide to take part, you are free to **withdraw** at any time and without giving a reason.

Have you read the information sheet for participants?	Yes*	No*
Have you had a chance to ask questions and discuss this study?	Yes*	No*
Have you received enough information about the study? (You can have more details if you ask.)	Yes*	No*
Do you understand that you are free to stop the interview at any time, without giving a reason?	Yes*	No*
	* Delete as appropriate	

I have read and understood the information sheet and agree to be interviewed.

PRINT NAME.....

Signature **Date**.....

Interviewer’s Statement:

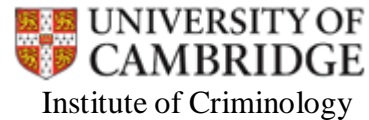
I confirm that I have explained the nature, demands and foreseeable risks of the proposed study to the participant.

PRINT NAME: XXXXXX

Signature **Date**

I consent to the processing of my personal information for the purposes of this research study. I understand that such information will be treated as strictly confidential and handled in accordance with the provisions of the Data Protection Act 1998.

XXXXXX
Applied Criminology Masters – Thesis Research



Sidgwick Avenue, Cambridge, CB3 9DA, Telephone: 01223 335360, Fax: 01223 335356
E-mail: io217@cam.ac.uk

Participant Information Sheet

You are being asked to take part in a study of the processes in police custody. The research is being conducted by XXXXXX from the University of Cambridge. This is an impartial organisation. However, you should also know that XXXXXX is a serving Police Officer. Everything you tell him is confidential, with two exceptions – intent to harm others or harm yourself - and therefore will not be used against you or linked to you.

What is the study about?

The aim of my study is to hear what you think about the fairness of the current custody process. It is hoped that the results will the current make practice in custody more effective. The study will be undertaken in more than one force area to see if the findings are applicable more widely.

What will taking part involve?

The researcher, XXXXXX, is spending time in the custody area and will talk with you and others in the custody suite. He would like to talk to you informally about your experiences of the police custody process, including your experiences with police officers and police staff. He will try to understand how you feel you have been treated during your time in custody. If you agree to participate, Ian will arrange a meeting at a time that will not interfere with your detention. The information that you provide will be recorded but will be used against you.

Will anyone know that I have taken part?

Any information collected during the research is confidential. Only XXXXXX will read the notes taken during the process. Your participation is entirely voluntary. You should only take part if you want to and you feel that you have the time. Choosing not to take part will not disadvantage you in any way. If you decide to take part, you are free to withdraw at any time and without giving a reason.

What will happen to the information that I give?

The information you give will be used to contribute to a report about police custody. You will not be identified, but parts of the field notes may be included in the report. Initially, all data will be stored in a locked location or on a password protected computer. After the study has ended, all field notes will be destroyed. At the end of the research, a copy of the final report can be obtained from XXXXXX whose contact details are included.