The influence of the elements of procedural justice and speed camera enforcement on young novice driver self-reported speeding

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ABSTRACT

Road policing is an important tool used to modify road user behaviour. While other theories, such as deterrence theory, are significant in road policing, there may be a role for using procedural justice as a framework to improve outcomes in common police citizen interactions such as traffic law enforcement. This study, using a sample of 237 young novice drivers, considered how the four elements of procedural justice (voice, neutrality, respect and trustworthiness) were perceived in relation to two forms of speed enforcement: point-to-point (or average) speed and mobile speed cameras. Only neutrality was related to both speed camera types suggesting that it may be possible to influence behaviour by emphasising one or more elements, rather than using all components of procedural justice. This study is important as it indicates that including at least some elements of procedural justice in more automated policing encounters can encourage citizen compliance.

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1. Introduction

Road policing is a key element in the modification of driver behaviour in most jurisdictions worldwide (Bates et al., 2012). Traditionally deterrence theory has been the most common framework used in the design, implementation and evaluation of road policing countermeasures (Bates et al., 2012; Fleiter et al., 2013). Despite this, there may be value in using a procedural justice framework in addition to the more traditional theoretical frameworks used in road policing (Bates, 2014).

While theories such as deterrence theory are focussed on the outcomes of an interaction or countermeasure, procedural justice refers to the processes associated with the interaction. Thus, deterrence theory relies on encouraging compliance by creating the perception that drivers will be caught and punished if they offend. It therefore implies that people make a rational decision about whether to break traffic laws (such as travelling above the posted speed limit, running red lights etc.) based on the balance of positives and negatives of engaging in the behaviour (Bradford et al., 2015). In contrast, procedural justice suggests that the way

the interaction occurs influences subsequent behaviour. Hence, drivers who have a positive interaction with police as a result of their offending behaviour (such as travelling above the posted speed limit etc.), even if it results in a penalty or sanction, are more likely to comply with road rules in the future. Research suggests that when individuals consider the fairness of the interaction, compared to the outcome of the interaction, they indicate that fairness is more important (Murphy, 2004; Tyler, 2011). Procedural justice can occur in a range of interactions in a criminal justice context including policing (e.g. Bradford, 2014; Elliott et al., 2014; Gau and Brunson, 2010), the courts (e.g. Knox Mahoney, 2013; Thibaut and Walker, 1978) and prisons (e.g. Beijersbergen et al., 2015).

1.1. Procedural justice

Procedural justice is proposed to consist of four components: voice, neutrality, respect and trustworthiness (Goodman-Delahunty, 2010; Sargeant et al., 2012). Voice refers to citizens being provided with the opportunity to communicate their view prior to the authority making a decision (Bates, 2014; Murphy and Barkworth, 2014). Neutrality occurs when the police make judgements based on facts rather than any pre-existing biases or beliefs (Murphy et al., 2014). Transparency is an important part of neutrality (Goodman-Delahunty, 2010). It is also important that citizens are treated appropriately and politely, which is captured by the

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respect component (Murphy and Barkworth, 2014; Murphy et al., 2014). Trust occurs when individuals believe that the police are genuinely concerned about their well-being and that they are trying to do their best for the citizen (Bates, 2014; Goodman-Delahunty, 2010). It is more important for these four principles to be incorporated in interactions that are initiated by police when compared with those initiated by citizens (Murphy, 2009; Skogan, 2005).

Additionally, procedural justice can occur at both a global and a local level. Global procedural justice occurs when a generalised evaluation is made of a decision-making power at a group level (Gau, 2014). These perceptions are shaped in a range of ways which may have little to do with actual interactions between police and citizens. For instance, the media, friends and family may be sources of information on which relevant perceptions are based. Specific procedural justice occurs when individuals make an evaluation of an authority based on a particular encounter (Gau, 2014). Thus, specific procedural justice is based on a particular interaction between police and citizens and whether the officer demonstrated voice, neutrality, respect or trustworthiness.

Ethnicity does appear to affect procedural justice (Sargeant et al., 2014b; Tyler, 2005, 2011), with, for example, procedural justice less useful in fostering cooperation with police for individuals with a Vietnamese or Indian background when compared with a general Australian population group (Sargeant et al., 2014b). Social identity, where individuals explore and make sense of belonging to a particular social group, also appears important (Oliveira and Murphy, 2015; Sargeant et al., 2014a, online first). Oliveira and Murphy (2015) found that social identity was more important than ethnic status in predicting attitudes towards police. Research, with participants still studying at school, identified that procedural justice was important for young people in terms of the impact on cooperation with police (Murphy, 2015) and for their perceptions of police legitimacy (Akinlabi, 2015, online first).

Research suggests that there a number of benefits associated with procedurally just policing. These include citizens being more likely to believe that the police are legitimate (Bradford et al., 2014; Jonathan-Zamir and Weisburd, 2013; Mazerolle et al., 2013b; Sunshine and Tyler, 2003), cooperate with police (Bradford, 2014) and for them to have trust in police (De Cremer and Tyler, 2007; Tyler, 2005). One study with male domestic violence perpetrators considered whether the use of procedural justice in interactions with offenders affected subsequent offending. Even when the interaction with police for the perpetrator's first offence had an adverse outcome, if the interaction incorporated the principles of procedural justice they were less likely to reoffend (Paternoster et al., 1997).

Most studies in the area of procedural justice policing have focussed on interpersonal interactions (Murphy, 2009). Despite this, one study has indicated that confidence in police can be enhanced by non-interpersonal interactions. Within the United Kingdom, a field quasi-experiment found that a letterbox drop could enhance public confidence with police (Hohl et al., 2010).

1.1.1. Procedural justice and road policing

Given the importance of procedural justice in police-citizen interactions for a range of outcomes, there is a need for a greater understanding of the role of procedural justice within a road policing context. This is because of the significant number of interactions that occur between police and citizens at traffic stops or in other road policing situations (Allen et al., 2006; Engel, 2005; Hoover et al., 1998; Roberts and Indermaur, 2009; Skogan, 1990). Despite the significant body of research examining procedural justice, very little has occurred within a road policing context (Bates, 2014). One extensive study that did so was the Queensland Community Engagement Trial (QCET).

QCET was a randomised criminological field experiment that examined the impact of police officers using the principles of procedural justice in their interactions with drivers at a routine traffic stop, the random breath test. QCET involved 20,985 participants that completed either a standard or a procedurally just random breath test with police officers. A standard routine breath test in Queensland can be administered in either a stationary (roadblock) or mobile (interception by a police vehicle) mode. However, in the QCET trial, the police used a stationary operation which involves setting up checkpoints in assorted places. Motorists who travelled past these checkpoints were randomly selected and breath tested by police. Drivers exhaled into a plastic tube attached to a device that measured their blood alcohol level. It is a very short and standardised interaction between drivers and police (Ferris et al., 2013). In the procedurally just QCET random breath test, police were briefed by senior officers prior to each breath testing operation that they were going to explicitly incorporate the four principles of procedural justice into each interaction. The police were provided with a small cue card that contained relevant prompts for them to encourage the incorporation of the elements of procedural justice (Mazerolle et al., 2013a). Drivers that were in the procedurally just interaction condition were more likely to report that their views on drinking and driving had changed. Additionally, they reported higher levels of satisfaction with police and greater compliance during the encounter (Mazerolle et al., 2012). Drivers' perceptions of police were more positive for both the specific encounter and more broadly (Mazerolle et al., 2013a). However, a replication of QCET undertaken in Scotland (ScotCET) did not improve general trust in police or police legitimacy possibly indicating the difficulties in translating police interventions across contexts (McQueen and Bradford, 2015).

Undertaking a procedurally just road policing interaction does appear to take more time. A standard interaction within QCET averaged 25.51 s (sd = 4.84 s) while a procedurally just interaction averaged 99.11 s (sd = 30.01 s). Interestingly, research does suggest that when the interaction was longer than 1 min and 50 s there was a reduction in the positive perceptions of police performance (Mazerolle et al., 2015). It also appears as if a procedurally just encounter affects police perceptions as well as drivers with police who conduct procedurally just random breath tests more likely to report that this program is about deterring drivers from drinking and driving and showing a police presence in the community (Bates et al., 2015a).

Another Australian study involved 148 participants who completed a 20 min online survey examining the use of procedural justice within a speeding scenario. Participants were randomly allocated to either a procedurally just or a procedurally unjust scenario. Both scenarios involved participants being pulled over by police for travelling five kilometres above the speed limit. In the procedurally just scenario the police officer engages with the driver in a manner that is courteous and friendly. They explain why the driver was pulled over and provide an opportunity for them to explain their speeding behaviour. In contrast, in the procedurally unjust scenario, the police officer is rude and uses disrespectful language, does not explain why they were pulled over and the driver does not have the opportunity to explain their behaviour. Those participants allocated to the procedurally just scenario were more likely to indicate that they would comply in the future. However, it does appear that negative emotions mediate this relationship (Barkworth and Murphy, 2015).

Research suggests that the perceived legitimacy of police enforcement for different types of driving behaviours varies. A study with a sample of Australian drivers identified that of four behaviours, driving without a seatbelt, driving while fatigued, speeding and driving under the influence of alcohol, there was less perceived legitimacy for the enforcement of speeding and driving