



## Psychopathy and perceptions of procedural justice



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### ABSTRACT

**Objectives:** Recognizing that individuals with psychopathic traits are more likely to interact with legal authorities, interact with legal authorities in unique ways, and evaluate these interactions differently from other individuals, we posit that psychopathic personality traits affect the formation of perceptions of procedural justice.

**Methods:** Using a sample of adolescent offenders, we use multilevel models to investigate how psychopathy and its various dimensions (i.e., callous-unemotional, grandiose-manipulative, and impulsive-irresponsible) identified through the Youth Psychopathic Traits Inventory (YPI) are related to changes in perceptions of procedural justice. Then, we use within-level interaction terms to analyze how psychopathy and its dimensions condition the effect of involuntary interactions with police and courts on subsequent perceptions of procedural justice.

**Results:** Results suggest that psychopathic individuals hold lower perceptions of procedural justice, but they experience greater increases in their perceptions after involuntary contacts with legal authorities. Specifically, individuals who display more psychopathic traits on the impulsive-irresponsible dimension experience a greater increase in perceptions of procedural justice after involuntary encounters with police.

**Conclusion:** Future research should continue to acknowledge the importance of personality in formation of perceptions of procedural justice, and legal authorities should use available instruments to identify psychopathic personality traits to inform citizen-justice agent encounters.

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Research demonstrates that perceptions of procedural justice affect cooperation with legal authorities (e.g., Paternoster, Brame, Bachman, & Sherman, 1997; Penner, Viljoen, Douglas, & Roesch, 2014; Sunshine & Tyler, 2003) as well as positive legal attitudes including legitimacy (e.g., Fagan & Tyler, 2005; Gau & Brunson, 2010), which in turn are related to cooperation with the law and legal directives (e.g., Mazerolle, Bennett, Antrobus, & Eggins, 2012; Reisig, Tankebe, & Mesko, 2014). Moreover, instilling positive perceptions of procedural justice is a worthy goal in and of itself because it is based on the fair and ethical treatment of citizens. As such, the procedural justice doctrine provides a clear road map for the development of strategies aimed at increasing citizen cooperation (Tyler, 2015) and is promoted by federally funded initiatives to enhance trust between the public and the criminal justice system (e.g., National Initiative for Building Community Trust and Justice) as it is crucial to the success of legal authorities in a new era of public safety (Attorney General Holder; Department of Justice [DOJ], March 12, 2015).

While efforts to provide procedurally just experiences are worthwhile endeavors in their own right, we should not lose sight of the fact that individual *perceptions* of procedural justice are largely responsible for positive legal attitudes and cooperative behaviors, and these perceptions are subjective in nature (e.g., Tyler, 2003). Thus, while

legal reforms and efforts to train criminal justice personnel in the elements of procedural justice are useful, it is the subjective perception of procedural justice that is particularly important to initiatives aimed at increasing citizen cooperation with legal authorities. This is not to say that engaging in the elements of procedural justice will not promote positive perceptions of procedural justice, but legal authorities including the police and judges need to be cognizant that while they may be objectively engaging in procedurally just practices, the subjective evaluation by a citizen may not always align with the objective reality (e.g., Brown & Coulter, 1983; Dai, Frank, & Sun, 2011; Tyler, 2003).

In this vein, research is needed to understand the factors that shape subjective perceptions of procedural justice, and we suggest that individual differences in the form of personality traits might contribute to these subjective perceptions (e.g., Wolfe, 2011). In accordance with this notion, psychopathy is a particularly important construct to consider. Individuals with psychopathic traits tend to engage in more serious types of offending and offend at a much higher rate than their non-psychopathic counterparts (Gretton, Hare, & Catchpole, 2004). Not only does this increase the likelihood that individuals with psychopathic traits will come into contact with the justice system, but it may also influence how deeply they penetrate the system spurring additional contacts with legal authorities (Vaughn, Howard, & DeLisi, 2008) that can affect perceptions of procedural justice. Moreover, individuals with psychopathic traits are likely to exhibit interpersonal styles and cognitive biases that can have deleterious effects on their interactions with legal

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authorities (e.g., Blackburn & Lee-Evans, 1985; Salekin, Leistico, Trobst, Schrum, & Lochman, 2005). Therefore, this research considers how psychopathic traits affect perceptions of procedural justice as well as how they may condition the effect of involuntary interactions with police and courts that lead to the updating of judgments of procedural justice (Augustyn, 2015; Tyler, 1990; Fagan & Piquero, 2007).

## 1. Procedural justice

Instead of focusing on why people offend, Tyler (1990) used an approach similar to Hirschi (1969) and asked, “why people obey the law?”. Building upon this question and grounded in roots of social psychology, Tyler and his colleagues were interested in factors associated with general cooperation with legal authorities (Lind & Tyler, 1988; Sunshine & Tyler, 2003; Tyler, 1990; Tyler & Huo, 2002). This cooperation can be in the form of compliance with directives, empowerment and support for authorities, and compliance with the law that authorities represent. This discussion facilitated a process-based model of regulation based on normative considerations (i.e., individual morality, procedural justice, and legitimacy) which calls particular attention to procedural factors in authority decision-making and how these factors, in turn, affect individual evaluations of legal authorities, legal attitudes including perceptions of legitimacy,<sup>1</sup> and cooperation with legal authorities (Tyler, 1990, 2003; Tyler & Huo, 2002).

At the heart of the process-based model of regulation is procedural justice. Procedural justice refers to the quality decision-making and quality interpersonal treatment by decision-makers (Blader & Tyler, 2003; Leventhal, 1980; Mazerolle et al., 2012). Initial insights into procedural justice highlighted that citizen judgments regarding the “fairness” of court proceedings were based on an individual's ability to use one's “voice” and state his or her case in the matter at hand (Thibaut & Walker, 1975). Over time, the idea of procedural justice expanded to include other elements of the quality of decision-making including neutrality, factual-based decisions, and transparent processes (Leventhal, 1980; Tyler, 1988; Tyler, 2003; Tyler, Jackson, & Bradford, 2014). Arguably the most important aspect of procedural justice is the quality of interpersonal treatment, which refers to authorities treating individuals with dignity and showing a genuine respect for citizen rights (Mazerolle et al., 2012; Lind & Tyler, 1988, 1992).

Research consistently demonstrates that the perception of procedural justice affects legitimacy in the form of trust in authorities and the obligation to obey the law (see Mazerolle, Bennett, Davis, Sargeant, & Manning, 2013 for a review). Furthermore, procedural justice has both a direct and indirect effect (through legitimacy) on cooperative behaviors including compliance with police directives (Reisig, Tankebe, & Meško, 2012; Sunshine & Tyler, 2003; Tyler & Jackson, 2014) and compliance with the law among offenders and non-offenders alike (Fagan & Piquero, 2007; Fagan & Tyler, 2005; Paternoster et al., 1997; Penner et al., 2014; Reisig et al., 2011; Tyler, 1990; Tyler, Sherman, Strang, Barnes, & Woods, 2007). These two avenues of research provide support for the process-based model of regulation.

Perceptions of procedural justice are also important in their own right because they constitute citizen evaluations of legal authorities and reactions to legal institutions (Lind & Tyler, 1988). In fact, they are used to inform general perceptions of treatment by legal authorities and reveal overall citizen satisfaction with legal authorities including the police and courts (Hinds & Murphy, 2007; Murphy, 2009).

Experiences, both personal and vicarious, serve as sources for perceptions of procedural justice. Interactions with legal authorities serve as a pivotal factor in the formation of perceptions of procedural justice as “encounters with authorities provide a teachable moment in which people learn about the law and legal authorities” (Fagan & Piquero, 2007, p. 719; see also Gau, 2010; Tyler, 1990, 2003; Tyler, Fagan, & Geller, 2014). While important, direct interactions with legal authorities are not the sole source of such perceptions. To be sure, vicarious encounters through family members, peers, or the media influence our

perceptions of procedural justice (Fagan & Tyler, 2005), especially among those without any interactions with legal authorities. Nonetheless, personal contacts are particularly important to this perception formation. In fact, research indicates that involuntary contacts with police directly affect attitudes towards the police, and this relationship tends to be negative among conventional (primarily non-offending) samples of adolescents (Hough, Jackson, & Bradford, 2013; Leiber, Nalla, & Farnworth, 1998; Schuck, 2013).

The majority of research on procedural justice queries subjects about their most recent contact with legal authorities in order to measure perceptions of procedural justice at one given time (Tyler, Goff, & MacCoun, 2015) and does not investigate how interactions (voluntary or involuntary) with legal authorities lead to changes in perceptions of procedural justice over time. However, recent research by Augustyn (2015) found that arrests serve as one of these teachable moments as they lead to a positive change, on average, in perceptions of procedural justice among a sample of adolescent offenders, and these personal experiences of arrest were a stronger source for change compared to the arrest experiences of family members and peers. It is also likely that involuntary contacts with the court system will lead to changes in perceptions of procedural justice as well since they bring citizens into contact with legal authorities who make decisions affecting individual outcomes (e.g., prosecutors and judges).

The majority of research devoted to procedural justice focuses on subjective perceptions of fairness of procedures that people experience (Dai et al., 2011; Tyler, 2003; Tyler et al., 2015; for an exception see Jonathan-Zamir, Mastrofski, & Moyal, 2015). The focus on subjective perceptions is due to the realization that “[w]hat is objectively just or unjust may not be subjectively perceived that way” (Dai et al., 2011, p. 160, emphasis added). It is not necessarily the case that we can import individual perceptions or changes in perceptions of procedural justice from the actual behaviors of legal authorities in interactions with citizens. Thus, it is important to be cognizant of the fact that subjective perceptions of procedural justice are informed by more than just the objective behaviors of legal authorities, and this leads to the search for factors that affect this perception formation.

Individuals cognitively process and internalize information based on pre-existing factors (Dai et al., 2011; Piquero, Gomez-Smith, & Langton, 2004). For instance, research demonstrates that people interpret the procedural fairness of police based on prior judgments (Brandl, Frank, Worden, & Bynum, 1994), and more recent research suggests that global perceptions of procedural justice are informed by prior judgments of procedural justice in addition to new interactions with legal authorities (Augustyn, 2015; see also Livingston et al., 2014). Unfortunately, given the lack of objective evaluations of procedural justice in tandem with subjective perceptions, it is not known if subjects' prior perceptions of procedural justice lead them to elicit certain reactions from legal authorities that, in turn, affect police and court actors' administration of fair procedures and then subsequent perceptions of procedural justice (see Mastrofski, Reisig, & McCluskey, 2002) or if prior perceptions of procedural justice simply color the interpretation of objective procedural fairness in subsequent interactions.

Research also suggests that social contexts and individual factors contribute to perceptions of procedural justice. In fact, perceptions of procedural justice likely vary across personal demographics (Lind & Tyler, 1988; Tyler, 1990) due to the varying nature of citizen-police encounters across race/ethnicity and socioeconomic status interacting with entrenched attitudes including animosity or hostility towards legal authorities across these same dimensions. For example, research indicates that males, minorities, and those of lower socioeconomic status are more likely to perceive their treatment by the police, courts, or the entire justice system as unfair (Buckler, Unnever, & Cullen, 2008; Engel, 2005; Hagan, Shedd, & Payne, 2005; Sampson & Bartusch, 1998; Sun & Wu, 2006; Weitzer & Tuch, 2002, 2005), with marked differences in perceived biases among adolescent male minorities (Matsueda & Drakulich, 2009).

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