



Procedurally just cooperation: Explaining support for due process reforms in policing

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ABSTRACT

Purpose: We explore criminal justice workers' (CJW) support for due process reforms in policing. We build on and integrate four related literatures—scholarship analyzing 1) process-based regulation, 2) the generality of procedural justice, 3) the bilateral and dialogical nature of legitimacy, and 4) the tensions between the due process versus crime control models of criminal justice. We hypothesize that when citizens exercise procedural justice in their decisions about how to respond to legal authorities' inquiries and directives it enhances "rights legitimacy" and increases CJW's support for the due process model of criminal justice.

Methods: We analyze data from a nationwide sample ($N = 579$) of CJW. We examine whether CJW's perceptions that citizens are fair and respectful toward police are associated with their support for due process reforms.

Results: Procedurally just cooperation predicts support for due process reforms among police officers and other CJW, both before and after a highly publicized negative police-citizen encounter (the police killing of Michael Brown), and regardless of respondents' race, gender or career length.

Conclusions: The findings support the generality of the process-based model and the bilateral and dialogical nature of legitimacy.

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Just as with achieving compliance by the public, so with the police: we need to change what they want to do.—Schulhofer et al. (2011, p. 357).

Policing in America is at a crossroads (Schulhofer et al., 2011; Weitzer, 2015). Recent years have borne witness to an intense and ongoing debate about the appropriate level of police power and discretion, as well as criticism of questionable police policies and practices (Silver & Pickett, 2015). Citizens, pundits and scholars have voiced concerns about racial/ethnic bias resulting both from stop and frisk policies (Meares, 2014) and police enforcement of immigration law through Section 287(g) "Memorandum of Understanding" agreements, the Secure Communities program, and the "papers, please" provision in Arizona's SB 1070 (Pickett, 2016). Against this backdrop, several highly publicized incidents of police use of deadly force against citizens have fostered an unprecedented level of popular outrage and a deepening division between police officers and members of the public (Weitzer, 2015). There is a growing demand for meaningful reforms designed to reduce police bias and misconduct and, more broadly, to improve police-citizen relations (Schulhofer et al., 2011).

A number of potentially promising policing reforms have been identified, including civilian review boards, early intervention systems, sensitivity training and racial diversification (President's Task Force on 21st Century Policing, 2015). The principal barrier to successfully implementing and sustaining such reforms, however, is resistance and resentment among police officers and other criminal justice workers (CJW) (Armacost, 2004; Chanin, 2015). Police officers are "skeptical about programs invented by civilians ... [and] are particularly hostile to programs that threaten to involve civilians in defining their work or evaluating their performance" (Skogan, 2008, p. 26). Likewise, police officers view any effort to impose stricter limits on the use of force or implement early intervention systems for detecting misconduct as "an intrusion on their discretion" and an attempt simply "to catch and discipline officers" (Walker, 2012, pp. 82–3). Perhaps most importantly, even when such policies are fully implemented, their capacity to prevent police misconduct solely through the deterrent effect of sanction threats is limited (Bayley, 1995; Schulhofer et al., 2011; Tyler, Callahan, & Frost, 2007).

The requisite for any successful reform of American policing, then, is positive motivation on the part of the police to change (Schulhofer et al., 2011; Tyler, 2011). This also includes other CJW who might report, investigate, charge, or try in court police officers who engage in misconduct, or who may exert an influence on legal or police culture. This positive motivation is not spontaneous, however, because accountability

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and misconduct reforms all entail further expanding what Packer (1968) terms the “due process model” over against the “crime control model” of criminal justice. Police officers, and other CJW, tend to be strong proponents of the crime control model (Armocost, 2004; Skolnick, 2011). They signed up as public servants tasked with fighting crime, and they want to do that job (Skogan, 2008). The due process model often seems foreign and dubious to them (Bayley, 1995; Goldschmidt, 2008; Skolnick & Fyfe, 1993), because it consists of a set of externally imposed obstacles to efficient crime control (Schulhofer et al., 2011; Skolnick, 2011). An important question for reformers, then, is how to increase the legitimacy of the due process model in the eyes of the police and other CJW?

The contribution of the current paper is to analyze one potentially vital but overlooked source of legitimation for the due process model: fair and respectful treatment of police (and other CJW) by citizens. Prior research on process-based regulation (Tyler, 1990, 2011) has shown that when authorities exercise their authority using procedurally just actions it increases their “audience legitimacy,” and thus their ability to motivate subordinates’ compliance and willing cooperation (Mazerolle, Antrabus, Bennett, & Tyler, 2013; Sunshine & Tyler, 2003; Tyler & Jackson, 2014). A handful of recent studies have also found that when authorities experience fair treatment by their supervisors, it increases their own perceived “power-holder legitimacy,” and improves their attitudes and behaviors toward citizens (Bradford & Quinton, 2014; Haas, Van Craen, Skogan, & Fleitas, 2015; Tankebe, 2014; Wolfe & Piquero, 2011). The explanation for these findings is that decision-making based on a “joint commitment to using fair procedures” (Tyler, 2011, p. 1) positively impacts individuals’ group identification, sense of social inclusion, values and attitudes (Bradford, Murphy & Jackson, 2014; Tyler & Jackson, 2014). Importantly, the positive effects of procedural justice are neither limited to legal settings, nor to decision-making by authorities (Lind, Tyler, & Huo, 1997; Trinkner & Cohn, 2014). Rather, they reflect a “general human response to social decision-making procedures” (Lind & Tyler, 1988, p.129).

Legal authorities in democratic societies are “servants of the people”; they are accountable to the rule of law, which derives its power “from below, not from above” (Skolnick, 2011, p. 18). Further, legitimacy is a property of power arrangements, not just of authority, and is bilateral and dialogical in nature (Bottoms & Tankebe, 2012, 2013). “Legitimacy signifies that rulers and ruled are responsible to each other, before each other”; it necessitates a “relationship of reciprocity” founded on mutually agreed upon values, such as the principle that all persons deserve to be treated fairly and respectfully (Coicaud, 2002, p. 39). Building on this theoretical scholarship and the literature on process-based regulation, we hypothesize that the legitimacy of procedural law – or what we term “rights legitimacy” – will be enhanced when citizens respond to authorities’ inquiries and directives in a procedurally just manner. We test this hypothesis using national survey data that permit us to estimate separate models for police officers and other CJW, while controlling for instrumental concerns and other relevant factors.

1. Competing models of criminal justice and “rights legitimacy”

Legitimacy, Tyler (2011, p. 34) explains, is “a property that a rule or an authority has when others feel obligated to voluntarily defer to that rule or authority”; it entails the view that a law or power arrangement is “appropriate, proper, and just” (Tyler, 2006, p. 376). Power is seen as legitimate when it is exercised in accordance with normatively valid rules (i.e., rules that conform to collective values), serves a common interest, and is affirmed by the expressed consent of subordinates (Beetham, 2013; Coicaud, 2002). Legitimacy is not rigid, however, and can be lost if power-holders fail to respect the norms and values that validate their power or if they breach the limits placed on them by prevailing rules (Beetham, 2013, pp. 35–36). Legitimacy is thus best conceptualized as a “perpetual discussion” (Bottoms and Tankebe, 2012, p. 129) between authorities and subordinates about whether their

cooperative relationship satisfies the reciprocal expectations set forth by their shared social values (Coicaud, 2002).

In democratic societies, the relationship between legal authorities and citizens is one of mutual subordination (Bayley, 2006). The public, through its legislative and judicial representatives (Shapiro, 2011), decides the law (both substantive and procedural) and represents the source of its authority (Beetham, 2013; Skolnick, 2011).¹ Citizens are subordinates of legal authorities who enforce substantive law; legal authorities are accountable under procedural law, which constrains their exercise of power (Bayley, 2006; Skolnick, 2011). Procedural law, by conferring due process rights, grants suspects the power, should they choose, not just to force the criminal justice process to become an adversarial struggle between independent actors, but also to transform it into one with more evenly matched participants (Packer, 1968).

The extant literature analyzing criminal justice legitimacy has focused on “audience legitimacy” and “power-holder legitimacy” (Bottoms & Tankebe, 2012, 2013). Both pertain primarily to substantive criminal law. Audience legitimacy is the belief among citizens in the moral persuasiveness of substantive law and the right of legal authorities to uphold that law (Tyler, 1990, 2011). Power-holder legitimacy is the belief among legal authorities that their power to enforce substantive law is morally justified (Bottoms & Tankebe, 2012, 2013). In democratic societies, however, there is necessarily a third type of legitimacy that encompasses a belief in the moral rightness of procedural law, and it should directly influence support for the due process versus crime control model of criminal justice.² This “rights legitimacy,” as we term it here, involves the belief that authorities have a moral obligation to voluntarily obey, not just observe, procedural law and to proactively protect, not just take into account, legal subordinates’ due process rights. Stated differently, rights legitimacy entails a belief in the moral rightness of protecting citizens from any unjustified or excessive exercise of legal power by authorities.

Rights legitimacy is important for explaining legal authorities’ orientation toward the due process versus crime control model of criminal justice (Skolnick, 2011). The due process model places greater moral weight on procedural than substantive law. At the heart of the model is a set of *anti*-authoritarian values that prioritize citizens’ rights to liberty, privacy, equality, and fair treatment (Packer, 1968). The model gives foremost importance to controlling the coercive power of the state and protecting the “dignity and inviolability of the individual,” even at a cost to the efficiency of law enforcement (Packer, 1968: 179). When rights legitimacy is high, legal authorities should be more likely to view themselves as representatives of community values (see Jackson & Sunshine, 2007), rather than just crime fighters, and their support for the due process model should be higher (Skolnick, 2011).

The crime control model, by contrast, is underpinned by a value system that gives greater moral weight to substantive than procedural law; it emphasizes that “the repression of criminal conduct is by far the most important function to be performed by the criminal process” (Packer, 1968: 158). As a result, the model stresses the need for efficiency, speed, discretion and informality in police investigations, which it depicts as the most important and reliable stage of the criminal justice process (Packer, 1968). The model’s policy implications for policing are six-fold: 1) criminal justice operations should be based on a presumption of guilt; 2) all forms of electronic surveillance should be permitted; 3) probable cause should not be required for search, seizure, or arrest; 4) interrogations should occur without legal counsel or family members present; 5) no hard rules should be placed on police interrogators’ behaviors; and 6) all evidence should be admissible (Packer, 1968, pp. 160–199).

Rights legitimacy is often low among police officers (Bayley, 1995). They “draw a moral distinction between criminal law and criminal procedure” (Skolnick, 2011, p. 176), such that in their view, “the procedural rule ... [is] not a morally persuasive condition” (p. 204). This, in turn, along with the cultural norms and job pressures associated with policing, fosters a strong preference for the crime control model among

law enforcement. Many police officers come to view procedural rules as an “utterly unjustifiable” infringement on their expertise and ability to control crime (Skolnick, 2011, p. 181); they believe they need “to cut through the ‘bullshit’ of legal procedures in order to provide the safety that the public desperately wants” (Bayley, 1995, pp. 101–2). When rights legitimacy is low, police assess their performance primarily in terms of whether they are effective at enforcing substantive criminal law; they become more likely, in turn, to use deceitfulness and extra-legal methods to further their effectiveness (Armocost, 2004; Goldschmidt, 2008; Skolnick & Fyfe, 1993). The same is true for other CJW as well. This includes, but is not limited to, judges, prosecutors and correctional officers (see, e.g., Alschuler, 1972; Gibbons & Katzenbach, 2006; Schoenfeld, 2005).

2. Procedurally just cooperation and rights legitimacy

To cultivate positive motivation among CJW against duplicity, abuse, and other forms of misconduct, and to increase their support for the due process model and associated reforms, it is important to identify ways to enhance rights legitimacy. Research on process-based regulation has found strong evidence that procedural justice in decision-making is positively associated with the perceived legitimacy of rules and authority (Mazerolle et al., 2013; Sunshine & Tyler, 2006; Tyler & Jackson, 2014). This relationship has been observed in familial, school, business, political, and legal settings (Trinkner & Cohn, 2014; Tyler, 2006), and among diverse populations, including citizens, inmates, and the police (Baker et al., 2015; Bradford & Quinton, 2014; Tyler, 2011; Tyler et al., 2007). Procedural justice pertains to the quality of both decision-making and interpersonal treatment, and occurs when persons are treated respectfully, fairly, equally, and given an opportunity to voice their concerns before decisions are made (Tyler, 1990). It bolsters legitimacy because it communicates respect and increases identification with and loyalty to the social group, feelings of social inclusion, moral value congruence, and favorable attitudes to the group’s rules and representativeness (Tyler, 2011).

Importantly, extant research demonstrates the “generality of procedural justice” (Lind & Tyler, 1988, p. 129). Indeed, the use of procedural justice is helpful even for informal efforts to resolve dyadic disputes between friends (Lind et al., 1997). This finding supports fairness heuristic theory, which posits that people, regardless of their power or position, use fairness judgments to guide their interpretations of others’ motives and decide whether to prioritize social versus instrumental/self-interested concerns (Lind, 2001). The concept of procedural justice, then, is “applicable far beyond the legal context in which most of the early work was done,” because individuals “appear always to make procedural justice judgments and these judgments are always important to them” (Lind & Tyler, 1988, pp. 140–41). Procedural justice is thus not merely a method for administering justice, but rather is a general approach to decision-making that has broad relevance to human interactions (Lind & Tyler, 1988; Tyler, 2006, 2011).

Building on the above theoretical and empirical work, we posit that procedural justice is also important in decision-making by legal subordinates, who are empowered by procedural law and represent the source of its authority (Skolnick, 2011). Theoretically, citizens’ use of procedural justice when deciding how to respond to legal authorities’ inquiries and directives should increase rights legitimacy through several mechanisms. First, “procedurally just cooperation,” as we term it here, should communicate respect and a sense of social inclusion to legal authorities, and, in turn, encourage them to identify more strongly with citizens, rather than exclusively with other authorities (see Bradford, Murphy et al., 2014; Tyler, 2011). This is particularly important for promoting rights legitimacy among police officers, because of the tendency for “a sense of us versus them [to develop] between cops and the outside world” (Armocost, 2004, p. 517). Indeed, Skogan (2008: 26) observes that an “insider versus outsider” orientation” dominates American policing. Additionally, police officers often hold

especially negative attitudes toward procedural law (Bayley, 1995; Skolnick, 2011). Strong evidence exists, however, that procedural justice can have positive effects even among persons who feel socially excluded, have low trust in decision-makers, or question the legitimacy of the law (Antrobus, Bradford, Murphy, & Sargeant, 2015; Murphy, 2004; Murphy, Tyler, & Curtis, 2009).

Second, procedurally just cooperation should reaffirm the social values that underpin procedural law (Packer, 1968). When citizens in democratic societies decide how to respond to legal authorities’ inquiries and directives they are exercising their due process power.³ As Coicaud (2002, p. 41) explains, legitimacy requires that power is, in fact, exercised in a way that reifies and promotes those social values that define “the duties that each person owes to himself and to others” — that is, “the principles of liberty, equality, and fraternity ... cannot be normative without being, to a certain extent, descriptive.” Beetham (2013, p. 36) likewise observes that to maintain legitimacy, those with power must “respect the basic principles that underpin the rules or system of power.” Procedural law is underpinned by the principles of fairness, equality, and the dignity and inviolability of the individual (Packer, 1968). Injustice toward legal authorities by citizens contradicts precisely the same social values that constitute the normative justification for procedural law, and should therefore undermine its moral persuasiveness.⁴

Third, when power is exercised in a way that either breaches the limits set by normatively valid rules or appears harmful to the general interest, it erodes legitimacy (Beetham, 2013). Injustice toward authorities by citizens does both. Fundamental to the due process model is the belief that the state cannot compel individuals to cooperate with its efforts to build a case against them (Packer, 1968). At the same time, however, there are limits on citizens’ discretion; they are not granted the right to disrupt or obstruct the fact-finding process, or to mistreat or defy state officials (Dobbs, 1971; Rushworth & Nolan, 1990). This fact is evidenced in the law of contempt, which reflects the principle that legal authorities must always have the “power to preserve the orderliness of the decision-making process” (Dobbs, 1971, p. 185). Similarly, police view disrespect and obstruction by citizens — so-called “contempt of cop” — as “a threat, not only to them individually, but to the very social order” (Armocost, 2004, p. 516); such behavior “signifies defiance of the larger social institutions the officer represents” (Miller, 2004, p. 36), and thus is seen as “a symbolic attack on law itself” (Bayley, 1995, p. 101). By contrast, when legal citizens act fairly and respectfully toward authorities they are exercising their due process power in a way that accords with prevailing rules and is not threatening to the common interest in public safety, which should increase rights legitimacy. Stated differently, procedurally just cooperation meets the “due performance” criterion for rights legitimacy (Beetham, 2013).

To summarize, police and other CJW may be cross-pressured by the rule of law and the norm of efficiency in crime control (Skolnick, 2011). The due process model rests, in part, on rights legitimacy; the crime control model does not (Packer, 1968). We posit that CJW’s support for the due process model and associated reforms will be a positive function of their perceptions of procedurally just cooperation by citizens. Prior research examining the so-called demeanor hypothesis supports the plausibility of our theoretical arguments; this work shows that citizen disrespect shapes police behavior within, and the outcomes of, police–citizen encounters (see Engel, Sobol, & Worden, 2000; Engel, Tillyer, Klahm, & Frank, 2012; Mastrofski, Jonathan-Zamir, Moyal, & Willis, 2016). Many police officers report in surveys that citizens with bad attitudes are more likely to be arrested (Weisburd, Greenspan, Hamilton, Williams, & Bryant, 2000). Studies also document that citizen disrespect toward police is more common than police disrespect toward citizens, and is the strongest predictor of the latter (Mastrofski, Reisig, & McCluskey, 2002; Reisig, McCluskey, Mastrofski, & Terrill, 2004; Worden & McLean, 2014).

Building on the above work, we extend the analytic focus beyond the outcomes of individual police–citizen encounters. We directly test the

hypothesis that higher perceived procedural justice in cooperation by legal subordinates will be associated with greater support among CJW, both police and non-police alike, for policing reforms that expand the due process model of criminal justice.

3. Data and methods

Our data derive from a nationwide survey of CJW that was administered by the National Criminal Justice Training Center (NCJTC) in 2014. Unfortunately, one difficulty in surveying police officers and other CJW is the lack of a complete national sampling frame for either population in the U.S. or in other countries. As a result, researchers often must rely on convenience samples and/or samples recruited from a single city to survey these groups (e.g., Bradford & Quinton, 2014; Bradford, Quinton, Myhill and Porter, 2014; Haas et al., 2015; Nix & Wolfe, 2015, 2016; Tankebe, 2014; Tyler, 2011; Tyler et al., 2007). We are likewise limited to analyzing survey data from a nonprobability, although national, sample of CJW. Despite being limited in terms of external validity, we believe the data are useful; no other existing data contain such a rich set of unique measures with which to operationalize the relevant theoretical constructs.

The NCJTC coordinates various training programs for a large number of local, state and national criminal justice agencies. The training programs are arranged by participants' hosting agencies, and the training participants are a mix of line-level personnel and supervisors. The Host agency contacts NCJTC for training/classes, and also certifies individual participants. Individuals cannot attend NCJTC training without certification from a Host agency. Over the past twenty years, CJW from every U.S. state and territory have participated in NCJTC training on applied topics, such as investigative techniques and defensive tactics. The NCJTC maintains a large Listserv containing the email addresses of individuals who have taken part in its programs. For the present survey, the NCJTC emailed an invitation to complete a voluntary and anonymous online questionnaire to the Listserv on July 8, 2014; a reminder email was sent on August 13, 2014. Following previous research (e.g., Tyler et al., 2007), we also incorporated a chain snowball sampling technique in which we encouraged respondents to forward the survey link to others in their criminal justice agency.⁵

A total of 636 CJW completed the questionnaire. The analytic sample, after excluding cases with item nonresponse on relevant measures, includes 579 CJW from 47 states. Among these persons, 282 (or 49%) are sworn (local, state or federal) law enforcement officers, and 297 (or 51%) work or have worked in the criminal justice system in another capacity (e.g., correctional officer, probation officer, judge, prosecutor, dispatcher, court administrator, victim advocate, non-sworn law enforcement officer); 314 (or 54%) are men; 447 (or 77%) are non-Hispanic Whites; 305 (or 53%) have at least a Bachelor's degree; the average age is 45 and the average criminal justice career length is 17 years. We estimate separate models for sworn law enforcement officers and other CJW.⁶

3.1. Independent variable: procedurally just cooperation

Procedural justice involves high quality treatment and decision-making (Tyler, 1990, 2011). It requires that decision-makers: 1) treat individuals with respect and dignity, and 2) make decisions fairly, with neutrality, and only after everyone involved has had an opportunity to voice their concerns. Researchers have developed several survey questions gauging perceptions of whether legal and non-legal authorities use procedural justice when making decisions (Mazerolle et al., 2013; Trinkner & Cohn, 2014; Tyler, 2011). Building on this work, we created a similar set of items to measure CJW's perceptions of whether citizens exercise procedural justice when interacting with police. In designing the questions, our goal was to focus on those citizens who are most relevant to, and potentially most disruptive of, police crime control activities. The questions thus focused on youth interactions with police

on the street. Police officers deal disproportionately with youth, because young persons have especially high rates of offending (Hirschi & Gottfredson, 1993). Rates of noncompliance and disrespect also tend to be higher among youth than among older citizens (McCluskey, Mastroski, & Parks, 1999; Reisig et al., 2004, but see Engel, 2003).

Respondents were asked how much they agreed or disagreed (1 = strongly agree, 5 = strongly disagree) with six statements capturing the different elements of procedural justice. To minimize bias from stylistic responding (see Pickett & Baker, 2014), each element of procedural justice was measured using both positively and negatively valenced questions. The first two items measured dignity and respect: 1) "youth on the street often disrespect and insult the police"; 2) "youth on the street are normally polite when dealing with the police" (reversed). The next two items measured fairness and neutrality: 3) "youth on the street treat the police worse than they treat other adults"; 4) "youth on the street treat all police officers equally, regardless of officers' gender or race (reversed)." The final two items measured police officers' voice in subordinates' decision-making process: 5) "youth on the street normally listen to the police before jumping to conclusions in incidents" (reversed); 6) "youth on the street will ignore or walk away from the police when officers try to explain a situation." The responses were recorded so that higher scores indicated greater perceived procedural justice, and then standardized and averaged to generate a mean index, *Procedurally Just Cooperation* ($\alpha = 0.783$). Table 1 presents the descriptive statistics for this variable and those described below.

3.2. Dependent variable: support for due process reforms

There is considerable disagreement in the literature about how to operationalize legitimacy (Tyler & Jackson, 2013), and recent work illuminates the limitations of focusing on expressions of obligation to obey (Reisig, Bratton, & Gertz, 2007; Tankebe, 2013). The extant literature makes clear, however, that what is most important about legitimacy, both theoretically and for policy, is that it drives citizens' willingness to cooperate with and empower legal authorities (Tankebe, 2013; Sunshine & Tyler, 2003; Tyler, 2011; Tyler & Jackson, 2014). Similarly, in the current study, the principal concern is with understanding CJWs' willingness both to cooperate with citizens to reduce police misconduct, and to empower citizens by restricting police discretion. Our assumption is that support for due process reforms among CJW signifies

Table 1

Descriptive statistics and bivariate correlations between independent and control variables and support for the due process reforms.

Variables	Mean	SD	r
Support for due process reforms	0.003	0.524	–
Procedurally just cooperation	0.010	0.691	0.231***
Crime control centrality–police size	3.718	1.032	–0.071
Crime control centrality–police style	3.446	1.033	0.256***
Crime increasing	1.845	0.796	–0.076
Victimization risk	–0.013	0.797	–0.122**
Sworn police officer	0.487	0.500	–0.495***
CJ career length	16.731	9.331	–0.153***
White	0.772	0.420	–0.287***
Male	0.542	0.499	–0.337***
Age	45.136	9.565	0.083*
Education	3.375	1.228	0.195***
Conservatism	3.269	0.830	–0.452***
Crime victim	0.587	0.493	–0.132**
Southern	0.339	0.474	–0.051
After Ferguson	0.556	0.497	–0.053
N		579	

ABBREVIATIONS: CJ = criminal justice; SD = standard deviation.

* $p < 0.05$.

** $p < 0.01$.

*** $p < 0.001$ (two-tailed).

that they view procedural law and due process rights as being legitimate.

Recall that the due process model emphasizes the importance of protecting individual rights, limiting official power, and ensuring impartiality and nondiscriminatory treatment (Packer, 1968). Respondents were asked to indicate how much they supported or opposed (1 = strongly support, 5 = strongly oppose) thirteen reforms that would either restrict or expand the due process model: 1) “using a computerized early warning system to flag police officers who receive multiple complaints from citizens” (reversed); 2) “making it easier for police officers to search juvenile suspects’ homes”; 3) “reducing civilian oversight on police officers”; 4) “requiring police officers to have more than a ‘reasonable suspicion’ to stop and search youth on the street” (reversed); 5) “allowing police to put surveillance cameras in public areas where youth hang out”; 6) “using police meetings with community leaders to guide police objectives and patrols” (reversed); 7) “reducing the amount of time police spend in sensitivity training”; 8) “allowing police officers to use more force against youth who resist arrest”; 9) “requiring parents to be present whenever police officers interrogate juvenile suspects” (reversed); 10) “reducing the amount of time police spend in diversity (or ‘crosscultural’) training”; 11) “requiring all interactions between police officers and juvenile suspects to be audiotaped or videotaped” (reversed); 12) “making sure that the racial makeup of a police department is the same as that of the local community” (reversed); 13) “eliminating affirmative action preferences for minority applicants in the hiring of police officers.”⁷ These items are similar to questions used in prior research (Pickett, 2016; Weisburd et al., 2000; Weitzer & Tuch, 2006), and correspond closely with the types of police policies and practices that Packer (1968) argues distinguish the due process versus crime control models. We included both positively and negatively valenced items to reduce bias from stylistic responding (Pickett & Baker, 2014). We recoded the items so that higher scores indicated greater support for the due process model, and then standardized and averaged them to generate a mean index, *Support for Due Process Reforms* ($\alpha = 0.781$).

3.3. Control variables

Consistent with prior research on process-based regulation (Bradford & Quinton, 2014; Tyler, 2011; Tyler et al., 2007), we control for several instrumental judgments or concerns that may influence CJWs’ support for the due process model. First, we control for respondents’ perceptions of the importance (or centrality) of policing for controlling crime. This is important because CJW may be less supportive of due process reforms that jeopardize police efficiency if they believe that the police are the “last best hope” for lowering crime rates (Armocost, 2004; Bayley, 1995; Skolnick, 2011). The survey questions asked: “Please think about the factors that influence crime rates in this country. How small or large of an impact does each of the following factors have on crime rates ... 1) the number of police on the street, 2) the style of policing (e.g., community policing, problem-oriented policing) used by police departments?” Respondents answered on an ordinal scale: 1 = very small, 2 = small, 3 = medium, 4 = large, and 5 = very large. The answers to these two questions are only moderately correlated ($r = 0.344$), and thus we include each item as a separate predictor in the models (*Crime Control Centrality–Police Size*; *Crime Control Centrality–Police Style*).

Similarly, anxieties about personal victimization risk or rising crime rates may lead CJW to support the crime control model out of self-interest or for instrumental reasons. We thus control for respondents’ perceived victimization risk. The specific survey question was: “On a scale from 1 to 7, where 1 means ‘not at all likely’ and 7 means ‘very likely,’ how likely is it that someone will try to commit the following crimes against you or a member of your family in the next five years: 1) steal money or property from you?; 2) break into your house?; 3) attack you on the street?; 4) murder you?” We standardized and averaged

the items to create an index, *Victimization Risk* ($\alpha = 0.819$). Another question in the survey asked whether, over the past ten years, the juvenile crime rate had 1 = decreased greatly, 2 = decreased, 3 = stayed about the same, 4 = increased, or 5 = increased greatly. Although the question focused on juvenile crime, we believe the responses are nonetheless useful for controlling for whether respondents generally perceive that crime in the U.S. is declining or on the rise. Because only three respondents said crime had decreased greatly, we recoded responses so that 0 = decreased greatly or decreased, 1 = stayed about the same, 2 = increased, and 3 = increased greatly (*Crime Increasing*).

Beyond controlling for instrumental concerns, we also include controls for a wide range of other factors that may influence attitudes toward due process reforms. This is important for minimizing the potential for omitted variable bias. We control for the respondents’ total number of years working in the criminal justice system (*CJ Career Length*). The standard demographic controls are also incorporated in the models: race/ethnicity (non-Hispanic White = 1), gender (Male = 1), Age in years, Education, Conservatism, and region of residence (Southern = 1). Education is coded: 1 = high school degree or less, 2 = some college, 3 = Associate’s degree, 4 = Bachelor’s degree; 5 = Master’s degree or JD, and 6 = PhD. Conservatism is a measure of respondents’ political ideology, and is coded: 1 = very liberal, 2 = liberal, 3 = middle of the road, 4 = conservative, and 5 = very conservative. We also control for respondents’ victimization experience (*Crime Victim* = 1). The survey question asked: “Over the past five years, has anyone in your immediate family been a victim of a crime.” Finally, because the highly publicized police killing of Michael Brown in Ferguson, Missouri, occurred during the survey administration period, we control for whether respondents completed the questionnaire before or after the event (*After Ferguson* = 1). We also estimate separate models examining whether procedurally just cooperation has a similar effect both before and after that event, and we did this using two different time period cutoffs (see below).

4. Results

Before proceeding to the multivariate results, it is instructive to first investigate whether at the bivariate level there is an association between perceived procedurally just cooperation and support for due process reforms. The correlation between the respective variables in the full sample, which is presented in Table 1, is positive and significant, indicating that greater perceived procedural justice in cooperation by youthful citizens is associated with more favorable attitudes toward the due process model among CJW.

We turn now to our central research question, namely whether procedurally just cooperation is associated with support for due process reforms among both sworn police officers and other CJW, once controls are included for other relevant factors. The outcome variable, *Support for Due Process Reforms*, is a normally distributed continuous measure, and thus we estimate the models using ordinary least squares regression. Table 2 presents the multivariate regression results for sworn police officers (Model 1) and other CJW (Model 2). As hypothesized, sworn police officers, as well as other CJW, who perceive that citizens exercise procedural justice in their cooperation decisions tend to be significantly more supportive of due process reforms ($b = 0.087, p = 0.012$ and $b = 0.103, p = .007$, respectively). Inspection of the standardized beta coefficients reveals that among sworn police officers, procedural justice in cooperation is more strongly associated with attitudes toward due process reforms (Beta = 0.142) than any of the instrumental concerns; indeed, it is the third strongest predictor in the model behind political ideology (Beta = -0.289) and age (Beta = 0.244). The slope difference test recommended by Paternoster, Brame, Mazerolle, and Piquero (1998) reveals that the coefficients for the effect of procedurally just cooperation among sworn police officers and other CJW are statistically identical ($Z = 0.314, p = 0.754$).

Table 2

Regression models predicting support for the due process model among sworn law enforcement officers and other criminal justice workers.

Variables	DV = support for due process reforms					
	Model 1: sworn law enforcement officers			Model 2: other CJ workers		
	<i>b</i>	SE	Beta	<i>b</i>	SE	Beta
Procedurally just cooperation	0.087*	0.034	0.142	0.103**	0.038	0.145
Crime control centrality–police size	–0.052*	0.023	–0.128	–0.026	0.027	–0.054
Crime control centrality–police style	0.039	0.024	0.093	0.089**	0.026	0.187
Crime increasing	0.015	0.032	0.026	–0.003	0.031	–0.005
Victimization risk	–0.019	0.034	–0.032	–0.033	0.031	–0.059
CJ career length	–0.005	0.005	–0.092	–0.003	0.003	–0.064
White	–0.117	0.065	–0.098	–0.213***	0.053	–0.204
Male	–0.039	0.059	–0.037	–0.115*	0.053	–0.112
Age	0.012*	0.005	0.244	0.006*	0.003	0.122
Education	0.027	0.020	0.072	0.045*	0.020	0.124
Conservatism	–0.174***	0.034	–0.289	–0.160***	0.031	–0.282
Crime victim	–0.082	0.050	–0.091	–0.105*	0.048	–0.110
Southern	0.090	0.050	0.099	0.015	0.054	0.015
After Ferguson	0.060	0.048	0.067	–0.057	0.050	–0.060
Adjusted <i>R</i> -squared		0.211			0.309	
<i>N</i>		282			297	

ABBREVIATIONS: *b* = unstandardized coefficient; beta = standardized coefficient; CJ = criminal justice; DV = dependent variable; SE = standard error.* $p < 0.05$.** $p < 0.01$.*** $p < 0.001$ (two-tailed).

Next, it is important to examine whether procedural justice in cooperation has similar effects among White and non-White CJW, and among male and female CJW, because these groups may differ in terms of both their sensitivity to and experiences with prejudice and discriminatory treatment. Theoretically, procedural justice should have similar attitudinal effects, regardless of respondents' race or gender (Tyler, 1990). Previous studies focusing on audience legitimacy largely confirm that the effects of citizens' perceptions of police procedural justice are invariant across race and gender (Sunshine & Tyler, 2003; Wolfe, McLean and Pratt, 2016; Wolfe, Nix, Kaminski and Rojek, 2016). We undertake a similar analysis for CJWs' perceptions of procedural justice in cooperation. Because the effect of procedurally just cooperation is statistically identical across sworn police officers and other CJW (see above), we combine these groups into a pooled sample of CJW for the subsequent analysis. This gives us greater statistical power to detect meaningful differences, should they exist, in the effect

of procedurally just cooperation across racial and gender groups. In the models, we control for whether the respondent is a sworn law enforcement officer (*Sworn L.E. Officer* = 1).

Tables 3 and 4 present the results by race and gender, respectively. Inspection of the results in Table 3 reveals that there is a highly significant positive association between perceived procedural justice in cooperation and support for due process reforms among both White (Model 1: $b = 0.078$, $p = 0.005$) and non-White CJW (Model 2: $b = 0.166$, $p = 0.005$). The relevant coefficients for Whites and non-Whites are statistically identical ($Z = 0.831$, $p = 0.406$). Similar findings emerge when the sample is disaggregated by gender (Table 4). Perceived procedural justice in cooperation is positively and significantly associated with support for due process reforms among male (Model 1: $b = 0.090$, $p = 0.006$) and female CJW (Model 2: $b = 0.095$, $p = 0.016$). And the magnitude of the effect of procedurally just cooperation is statistically identical for male and female CJW ($Z = 0.098$, $p = 0.922$).

Table 3

Regression models predicting support for the due process model in the pooled sample, by race.

Variables	DV = support for due process reforms					
	Model 1: white CJ workers			Model 2: non-white CJ workers		
	<i>b</i>	SE	Beta	<i>b</i>	SE	Beta
Procedurally just cooperation	0.078**	0.028	0.112	0.166**	0.058	0.193
Crime control centrality–police size	–0.033	0.019	–0.069	–0.069	0.040	–0.138
Crime control centrality–police style	0.050*	0.020	0.101	0.134**	0.040	0.276
Crime increasing	–0.022	0.026	–0.035	0.057	0.045	0.087
Victimization risk	–0.029	0.027	–0.045	–0.021	0.043	–0.033
Sworn L.E. officer	–0.314***	0.047	–0.320	–0.318***	0.087	–0.279
CJ career length	–0.000	0.003	–0.006	–0.007	0.004	–0.125
White	–	–	–	–	–	–
Male	–0.057	0.044	–0.058	–0.100	0.086	–0.090
Age	0.008**	0.003	0.163	0.002	0.005	0.025
Education	0.025	0.016	0.061	0.078*	0.031	0.170
Conservatism	–0.169***	0.025	–0.291	–0.158**	0.050	–0.220
Crime victim	–0.102**	0.038	–0.103	–0.130	0.073	–0.117
Southern	0.067	0.040	0.065	–0.030	0.082	–0.025
After Ferguson	–0.032	0.039	–0.032	0.057	0.076	0.052
Adjusted <i>R</i> -squared		0.379			0.480	
<i>N</i>		447			132	

ABBREVIATIONS: *b* = unstandardized coefficient; beta = standardized coefficient; CJ = criminal justice; DV = dependent variable; LE = law enforcement; SE = standard error.* $p < 0.05$.** $p < 0.01$.*** $p < 0.001$ (two-tailed).

Table 4
Regression models predicting support for the due process model in the pooled sample, by gender.

Variables	DV = support for due process reforms					
	Model 1: male CJ workers			Model 2: female CJ workers		
	<i>b</i>	SE	Beta	<i>b</i>	SE	Beta
Procedurally just cooperation	0.090**	0.033	0.136	0.095*	0.039	0.123
Crime control centrality–police size	–0.012	0.023	–0.028	–0.082**	0.027	–0.160
Crime control centrality–police style	0.029	0.023	0.065	0.116***	0.028	0.223
Crime increasing	–0.026	0.029	–0.047	0.038	0.035	0.053
Victimization risk	–0.024	0.034	–0.037	–0.017	0.031	–0.028
Sworn L.E. officer	–0.261***	0.055	–0.257	–0.365***	0.063	–0.293
CJS career length	–0.004	0.003	–0.080	–0.000	0.004	–0.005
White	–0.079	0.061	–0.064	–0.238***	0.057	–0.207
Male	–	–	–	–	–	–
Age	0.009**	0.003	0.188	0.006	0.003	0.110
Education	0.027	0.019	0.068	0.058**	0.022	0.143
Conservatism	–0.208***	0.033	–0.320	–0.133***	0.031	–0.223
Crime victim	–0.117*	0.046	–0.124	–0.082	0.051	–0.076
Southern	0.036	0.047	0.037	0.061	0.057	0.054
After Ferguson	0.000	0.046	0.000	–0.034	0.052	–0.032
Adjusted <i>R</i> -squared		0.325			0.430	
<i>N</i>		314			265	

ABBREVIATIONS: *b* = unstandardized coefficient; beta = standardized coefficient; CJ = criminal justice; DV = dependent variable; LE = law enforcement; SE = standard error.

* $p < 0.05$.

** $p < 0.01$.

*** $p < 0.001$ (two-tailed).

The findings thus support the notion that the significant positive relationship between procedurally just cooperation and support for the due process model is invariant by race and gender.

We also explore whether procedural justice in cooperation has different effects on support for the due process model, depending on how long respondents have worked in the criminal justice system. The concern here is that perceived procedural justice in cooperation may have less influence on respondents' policy attitudes as they gain greater criminal justice experience or become more deeply entrenched in their peer group or organizational culture. We disaggregated the sample at the median of the *Criminal Justice Career Length* variable.⁸ Table 5 presents results from separate models estimated for CJW with careers that are shorter than the median (Model 1) and CJW with careers equal to or longer than the median (Model 2). Procedural justice in cooperation is positively and significantly associated with support

for the due process model in both groups ($b = 0.094$, $p = 0.017$, and $b = 0.100$, $p = 0.003$, respectively). The respective coefficients are statistically identical ($Z = 0.117$, $p = 0.907$), indicating that the magnitude of the effect of procedural justice in cooperation does not vary by career length.

Our survey was in the field when the highly publicized police killing of Michael Brown in Ferguson, Missouri occurred. Theoretically, however, procedural justice should have positive effects, regardless of the social or political climate (Tyler, 1990, 2011). In a seminal study, for example, Sunshine and Tyler (2003) demonstrated that the effects of citizens' perceptions of police procedural justice were similar both before and after the September 11, 2001 attack on the World Trade Center towers. Likewise, Jonathan-Zamir and Weisburd (2013) found that the effect of police procedural justice on audience legitimacy persisted even in times when the public faced immediate security threats.⁹

Table 5
Regression models predicting support for the due process model in the pooled sample, by career length.

Variables	DV = support for due process reforms					
	Model 1: CJ workers <16 years			Model 2: CJ workers 16+ years		
	<i>b</i>	SE	Beta	<i>b</i>	SE	Beta
Procedurally just cooperation	0.094*	0.039	0.117	0.100**	0.033	0.140
Crime control centrality–police size	–0.040	0.025	–0.080	–0.042	0.024	–0.082
Crime control centrality–police style	0.057*	0.027	0.109	0.077**	0.024	0.160
Crime increasing	–0.022	0.035	–0.032	0.028	0.029	0.045
Victimization risk	0.013	0.032	0.020	–0.057	0.032	–0.085
Sworn L.E. officer	–0.379***	0.058	–0.335	–0.268***	0.058	–0.255
CJS career length	–	–	–	–	–	–
White	–0.296***	0.057	–0.245	–0.100	0.058	–0.078
Male	–0.044	0.054	–0.040	–0.136*	0.057	–0.126
Age	0.004	0.003	0.070	0.010**	0.003	0.132
Education	0.056**	0.021	0.130	0.025	0.019	0.060
Conservatism	–0.159***	0.031	–0.258	–0.176***	0.032	–0.268
Crime victim	–0.095	0.050	–0.088	–0.097*	0.047	–0.094
Southern	0.021	0.054	0.018	0.064	0.049	0.060
After Ferguson	0.075	0.052	0.069	–0.056	0.046	–0.055
Adjusted <i>R</i> -squared		0.464			0.415	
<i>N</i>		273			306	

ABBREVIATIONS: *b* = unstandardized coefficient; beta = standardized coefficient; CJ = criminal justice; DV = dependent variable; LE = law enforcement; SE = standard error.

* $p < 0.05$.

** $p < 0.01$.

*** $p < 0.001$ (two-tailed).

Table 6

Regression models predicting support for the due process model in the pooled sample, by interview date.

Variables	DV = support for due process reforms					
	Model 1: before Ferguson			Model 2: after Ferguson		
	<i>b</i>	SE	Beta	<i>b</i>	SE	Beta
Procedurally just cooperation	0.122**	0.039	0.150	0.071*	0.033	0.100
Crime control centrality–police size	–0.043	0.027	–0.080	–0.048*	0.023	–0.099
Crime control centrality–police style	0.109***	0.028	0.205	0.028	0.023	0.057
Crime increasing	0.009	0.034	0.012	0.012	0.030	0.020
Victimization risk	–0.015	0.033	–0.022	–0.033	0.031	–0.053
Sworn L.E. officer	–0.400***	0.064	–0.359	–0.250***	0.054	–0.251
CJS career length	0.002	0.004	0.039	–0.007*	0.003	–0.139
White	–0.120*	0.057	–0.097	–0.264***	0.058	–0.207
Male	–0.080	0.058	–0.072	–0.063	0.052	–0.063
Age	0.007	0.004	0.110	0.008**	0.003	0.158
Education	0.029	0.021	0.065	0.047*	0.019	0.117
Conservatism	–0.184***	0.030	–0.300	–0.149***	0.032	–0.228
Crime victim	–0.047	0.052	–0.041	–0.135**	0.045	–0.136
Southern	0.051	0.062	0.038	0.042	0.045	0.042
After Ferguson	–	–	–	–	–	–
Adjusted <i>R</i> -squared		0.507			0.401	
<i>N</i>		257			322	

ABBREVIATIONS: *b* = unstandardized coefficient; beta = standardized coefficient; CJ = criminal justice; DV = dependent variable; LE = law enforcement; SE = standard error.

* $p < 0.05$.

** $p < 0.01$.

*** $p < 0.001$ (two-tailed).

Some commentators have suggested that negative publicity surrounding the shooting of Michael Brown was so pronounced that it created a socially threatening environment for law enforcement and affected their levels of motivation and day-to-day activities—the so-called “Ferguson Effect” (see Wolfe & Nix, 2015). We therefore investigate whether the effect of procedural justice in cooperation is similar both before and after Ferguson. Table 6 presents results from separate models estimated for CJW who took the survey before (Model 1) or after (Model 2) the shooting of Michael Brown. Procedural justice in cooperation is positively and significantly associated with support for the due process model among both groups ($b = 0.122$, $p = 0.002$ and $b = 0.071$, $p = 0.030$, respectively). The respective coefficients are statistically identical ($Z = 0.998$, $p = 0.318$), indicating that the magnitude of this relationship is similar in both time periods.

In supplementary models (not shown), we used a delayed time indicator, which contrasted those respondents who completed the survey before or in the days immediately after the shooting to those who completed the survey at least one week or more after the shooting. Respondents completing the survey a week or more after the shooting had greater opportunity for exposure to media coverage of and public discourse about the incident. Similar results emerged; the effect of procedurally just cooperation was significant or marginally significant in both time periods ($b = 0.093$, $p = 0.002$, and $b = 0.095$, $p = 0.065$, respectively), and the coefficients were statistically identical across the two time periods ($Z = 0.034$, $p = 0.973$).

5. Discussion and conclusion

America is currently in the midst of a policing crisis (Weitzer, 2015). Public confidence in the police is lower than it has been in more than twenty years (Jones, 2015), and a fervent popular demand now exists for meaningful police reforms (Weitzer, 2015). “This is an ideal moment to reconsider the principles that guide American policing” (Schulhofer et al., 2011, p. 274). It is also an ideal moment, we argue, to begin a conversation about the principles that should guide citizens’ cooperation decisions in their interactions with police and other CJW. Of particular importance are the principles of fairness, equality, and the dignity and inviolability of the individual. These principles normatively validate procedural law (see Beetham, 2013; Packer, 1968), which constrains legal authorities’ exercise of power (Bayley, 2006; Skolnick, 2011). Thus, the extent to which the principles are reaffirmed and championed

through the concrete actions of citizens should have implications for the legitimacy of due process rights – or what we term “rights legitimacy” – in the eyes of legal authorities (see Coicaud, 2002).

The above principles are manifested and promoted through use of procedural justice in decision-making, which also fosters feelings of shared identification, social inclusion, and common purpose (Tyler, 1990, 2011). We therefore hypothesized that procedural justice in cooperation by legal subordinates would increase support for the due process model of criminal justice among CJW. The findings from regression models estimated with a nationwide sample of CJW were consistent with our hypothesis. We found that perceived procedurally just cooperation is positively and significantly associated with support for the due process model of criminal justice among both sworn police officers and other CJW. Further, the magnitude of this relationship was invariant by race, gender, and criminal justice career length. It was also statistically identical among respondents who completed the survey both before and after the highly publicized police killing of Michael Brown in Ferguson, Missouri.

From a theoretical standpoint, our findings indicate that the generality of the process-based model is even greater than previously thought. Specifically, they suggest that procedural justice is important not just in decisions by authorities and their supervisors, where it affects “audience legitimacy” and “power-holder legitimacy” (Bradford & Quinton, 2014; Nix & Wolfe, 2015; Tyler, 1990, 2011), but also in decisions by legal subordinates, where it impacts “rights legitimacy” and CJW’s (and perhaps citizens’) support for due process reforms. Similarly, the results herein offer further corroboration that the importance of procedural justice extends beyond any particular demographic group or political/social context. Previous studies have largely confirmed the invariance thesis in regard to police procedural justice and audience legitimacy (Wolfe, Nix et al., 2016; Jonathan-Zamir & Weisburd, 2013; Sunshine & Tyler, 2003; Wolfe, McLean et al., 2016). However, the current research suggests that the invariance thesis is also valid in the case of other forms of procedural justice and legitimacy. Not least, our findings support the theoretical argument that criminal justice legitimacy is bilateral and dialogical in nature, and entails an ongoing relationship between legal authorities and subordinates that is informed by procedural justice perceptions on both sides (Bottoms & Tankebe, 2012, 2013).

The key policy implication of our findings is that it may be possible to cultivate positive motivation among CJW for reducing misconduct and discrimination by increasing citizens’ use of procedural justice in their

cooperation decisions. Although this may seem like a lofty goal, we believe progress toward improving how members of the public, and particularly youth, act toward police is feasible. There is evidence that many adults make efforts to socialize young persons to use procedural justice “conduct norms” in their dealings with the police (Brunson & Weitzer, 2011; Weitzer & Brunson, 2009). It is highly likely that such preparation has positive benefits, given the strong evidence of pro-social impacts from other forms of socialization aimed at preparing youth for dealing with stressful and unwelcomed interactions (see Burt, Simons, & Gibbons, 2012). More generally, there is strong evidence that attitudes toward the police and the perceived legitimacy of legal authorities are part of a developmental process, in which parents and potentially other adults play a strong socializing role (Fagan & Tyler, 2005; Piquero, Fagan, Mulvey, Steinberg, & Odgers, 2005; Piquero, Bersani, Loughran, & Fagan, 2016; Wolfe, McLean & Pratt, 2016). Therefore, policies and programs that encourage and support such informal socialization efforts would be advisable.

Prior research also suggests that interventions that foster positive intergroup contact between police and youth may increase youths’ trust in and respect for police, as well as their desire to treat police more favorably in future interactions (Broadbuss et al., 2013; Fusoni, 2005; Goodrich & Anderson, 2014). Promising strategies might include, for example, sponsoring community activities (e.g., citizen–police basketball or softball games) and events (e.g., BBQs, block parties) where officers can interact informally with citizens (Duda, Klofas, & Drake, 2011). Interventions targeted at youth may be especially beneficial because age is inversely related both to involvement with the legal system and attitudes toward the police. Specifically, research consistently shows that teenagers and young adults are more likely than older citizens to lack respect for the police and to perceive them as unfriendly, unfair, and ineffective (Roberts & Stalans, 1997: 137). Nonetheless, efforts to design interventions to improve adults’ interactions with CJW are also warranted. More generally, there is evidence that citizens’ sentiments are sensitive to political and media influence (Enns, 2016; Ramirez, 2013). It is thus plausible that communication campaigns emphasizing appropriate “conduct norms” for interacting with the police could have meaningful impacts on police–citizen interactions.

It is important to acknowledge several limitations of our analysis, which represent opportunities for future research. First, similar to previous studies, we were forced to rely on a nonprobability sample of CJW. Additionally, other than sworn police officers, there were too few CJW from specific occupations (e.g., correctional officer, judge) to allow us to estimate separate models for subgroups of CJW. Therefore, a key question is whether the findings observed herein generalize beyond our sample to CJW generally, to specific subgroups of CJW, or perhaps to members of the public. We nominate this line of inquiry as a priority for subsequent studies. It does bear noting, however, that, as discussed above, extant theory and research suggests that procedural justice effects are largely invariant across groups. Our results for the comparison of police officers to other CJW are consistent with this prediction. At present, pending evidence to the contrary, there appear to be stronger reasons to anticipate than doubt the generalizability of the effects observed herein.

Likewise, we measured procedural justice in cooperation using survey questions that asked about police interactions with “youth on the street.” The phrase “on the street” may suggest a particular type of individual or behavior (e.g., unemployed, loitering, gang involved). It would be helpful for future research to compare the effects of using alternative phrasings for this question, such as “youth in the community.” Additionally, it would be useful if researchers considered alternative measures of procedural justice in cooperation, which focus on police interactions with citizens of various ages and backgrounds. For instance, recent work suggests that police officers believe that residents of low- versus high-crime areas cooperate for different reasons (Nix, 2015). Therefore, asking about police interactions with residents (adult and juvenile) of both low- and

high-crime areas may provide a more comprehensive measure of procedurally just cooperation. It would also be useful to examine the effects of procedurally just cooperation in other contexts besides police–citizen encounters, such as interactions between correctional staff and inmates, or between court actors and defendants.

Another limitation of our study is that we were unable to include measures of respondents’ role orientations, stress levels, or perceptions of their supervisors. Prior research has found that these factors exert an influence on various attitudes (Paoline, 2004; Paoline, Myers, & Worden, 2000). It is thus possible that these factors may also affect perceptions of procedural justice cooperation and/support for due process reforms. Additional studies are needed that explore this possibility. Relatedly, one Reviewer suggested a need for future research to control for the characteristics of the beats or neighborhoods in which the police typically interact with citizens.¹⁰ Perceptions of procedurally justice cooperation may mediate the effects of beat- or neighborhood-level factors on police officers’ attitudes.

There are other promising directions for future research seeking to build on our analysis. First, researchers might explore whether procedurally just cooperation impacts CJWs’ power-holder legitimacy. Bradford and Quinton (2014), for example, found evidence that police officers who perceived higher public support and cooperation (e.g., “The public agree with the tactics we use”; “The people I deal with tell me about suspicious activity”) tended to have stronger beliefs in the moral rightness of their own power to enforce the law. It seems reasonable to expect that citizens’ use of fair and respectful procedures to make cooperation decisions when dealing with the police may similarly enhance officers’ sense of moral authority. Future studies might also examine whether members of the public believe that how they interact with the police and other CJW influences whether legal authorities support due process reforms. For instance, despite the overwhelming evidence that procedural justice is more important than police performance in shaping audience legitimacy and citizen cooperation, surveys show that police officers believe citizens are most concerned with their effectiveness in fighting crime (Jonathan-Zamir & Harpaz, 2014; Nix, 2015). It may be that the public likewise misunderstands the factors that influence rights legitimacy in the eyes of CJW.

Finally, additional research is needed to examine how police officers’ and other CJWs’ interactions with members of the public and offenders caught up in the legal system shape their perceptions of procedurally just cooperation and support for the due process model of criminal justice. For example, evidence suggests that interactions with the police and courts impact citizens’ attitudes (Mazerolle et al., 2013; Wenzel, Bowler, & Lanoue, 2003), particularly when those interactions are negative (Skogan, 2006; Worden & McLean, 2014). Likewise, it may be that negative interactions with citizens have a greater influence than positive interactions on CJWs’ perceptions of procedurally just cooperation. It may also be that CJWs’ perceptions are most influenced by their interactions with offenders who are caught up in the legal system, rather than with citizens broadly. More generally, future studies should explore the antecedents of CJWs’ perceptions of procedurally just cooperation. The literature on citizens’ and offenders’ perceptions of police and court procedural justice finds that respondents’ demographics as well as neighborhood factors influence such perceptions (Baker et al., 2015; Nix, Wolfe, Rojek, & Kaminski, 2015; Sunshine & Tyler, 2003). Similar relationships may characterize CJWs’ perceptions of citizen’s use of procedural justice.

To conclude, our study provided initial evidence supporting the hypothesis that legal subordinates’ use of procedural justice in cooperation decisions is important for explaining the legitimization of suspects’ due process rights. If future research confirms this finding, there would be important implications for how to cultivate the necessary positive motivation among CJW for successfully reducing police misconduct and discrimination. Specifically, the current popular demand for better treatment in police–citizen encounters cannot focus exclusively on

officers; there is need for improvement on both sides. Recall that citizen disrespect toward police is still far more common than vice versa, and is most often the cause rather than outcome of police disrespect (Mastrofski et al., 2002; Reisig et al., 2004; Worden & McLean, 2014). Skolnick (2011, p. 220) argues that the “ultimate responsibility for the quality of law and order in American society [is] on the citizenry”; he explains that the police are unlikely to change their views about due process rights “without widespread support for the rule of law” within the civic community. Skolnick (2011) is primarily referring to the public’s role in shaping the incentives for the due process versus crime control models of policing. However, his general point rings true too, we believe, in the case of citizens’ choices about how to behave in encounters with police officers. There is arguably no greater expression of support for the rule of law than to act in accordance with the principles that normatively validate it.

Notes

¹ Considerable evidence exists that public opinion exerts a heavy influence on the policy activity of the Supreme Court, House of Representatives, Senate, and President (Casillas, Enns, & Wohlfarth, 2011; Erikson, Mackuen, & Stimson, 2002; McGuire & Stimson, 2004). Public opinion also strongly shapes criminal justice policymaking and practice (Enns, 2016).

² Although we focus on CJW, the construct of rights legitimacy is also relevant to members of the public; it should likewise influence their support for the due process model of criminal justice.

³ This power includes, but is not limited to, the rights 1) to refuse to answer police officers’ questions, 2) to refuse to self-incriminate, 4) to have counsel; 4) to be free from unlawful search, seizure, or arrest; and 5) to ask justification questions of law enforcement.

⁴ One Reviewer insightfully noted that procedurally just cooperation also has implications for the social contract. When citizens behave in normatively appropriate ways toward legal authorities it upholds their end of the social contract.

⁵ Unfortunately, it is not possible to calculate the response rate for this survey, which was probably very low, or to assess whether the CJW who participated in the survey differ in important ways from those who did not. This is normal in studies using snowball samples (see, e.g., Tyler et al., 2007). There are five reasons, however, why we believe the data are still useful. First, a low response rate is uninformative about nonresponse bias (Groves & Peytcheva, 2008). As Kroshnick et al. (2015, p. 6) explain in their report on survey research to the National Science Foundation: “nonresponse bias is rarely notably related to [the] nonresponse rate.” Second, the geographic and job heterogeneity in our sample strengthens confidence in the generalizability of our findings (Blair, Czaja, & Blair, 2014; Shadish, Cook, & Campbell, 2002). For example, it is evident that our findings are not limited to CJW in any specific department, city, or state, because the respondents come from different departments, cities, and states. Third, both prior research and our findings suggest that in most cases, the effects of procedural justice are invariant across groups. Thus, even if the CJW in our survey differ from other CJW on some factor, it seems unlikely that it would moderate the strength of the relationship between procedurally just cooperation and support for due process reforms. Fourth, it is unlikely that the participation decision was driven by views about due process, because neither the research questions nor any of the specific survey variables were mentioned in the survey invitation. This is important because selection bias is most concerning when there is selection on the outcome variable. Fifth, extant evidence suggests that in web surveys, the survey topic has very little, if any, influence on response propensity (Tourangeau, Conrad, & Couper, 2013).

⁶ We coded three individuals as “Other CWP” who were volunteers (e.g., “volunteer/advocating for endangered youth”) at the time of the survey. We include these individuals in the analysis. However, substantively identical results are obtained when these persons are excluded from the models.

⁷ Although some readers may question the connection between racial diversification and the due process model, Weitzer (2015, p. 477) explains that “commentators have almost universally assumed that racial diversification of police departments will reduce misconduct ... [and] the interim report of President Obama’s policing task force similarly recommended diversification.” Weitzer (2015, p. 478) argues that racial diversification is a “necessary condition [for building public confidence]—providing a foundation on which to build trust, coupled with other needed reforms.”

⁸ We also tested whether there was an interaction between the continuous version of the *Criminal Justice Career Length* variable and *Procedurally Just Cooperation*. To do so, we created a product term between these two variables and included it in the full model for the pooled sample. The coefficient for the product term was not significant, indicating that career length does not moderate the effect of procedural justice in cooperation.

⁹ In a recent study, Metcalfe, Wolfe, Gertz, and Gertz (2016) found that legitimacy was significantly lower among Israelis who believed that police officers focused too much attention on homeland security at the expense of dealing with crime.

¹⁰ Research suggests that neighborhood characteristics influence crime perceptions (Hipp, 2016; Swatt, Varano, Uchida, & Solomon, 2013). Thus, our control for perceived victimization risk should help to account for differences across respondents in neighborhood context.

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