ABSTRACT

Legal authorities gain when they receive deference and cooperation from the public. Considerable evidence suggests that the key factor shaping public behavior is the fairness of the processes legal authorities use when dealing with members of the public. This reaction occurs both during personal experiences with legal authorities and when community residents are making general evaluations of the law and of legal authorities. The strength and breadth of this influence suggests the value of an approach to regulation based upon sensitivity to public concerns about fairness in the exercise of legal authority. Such an approach leads to a number of suggestions about valuable police practices, as well as helping explain why improvements in the objective performance of the police and courts have not led to higher levels of public trust and confidence in those institutions.

This essay presents and defends a process-based model of regulation (Tyler and Huo 2002). The model addresses two key concerns underlying effective regulation. The first is with the ability of the police and the courts to gain immediate and long-term compliance with decisions made by legal authorities in situations in which members of the public deal with legal authorities about particular issues. For example, when the police are called and intervene in a domestic dispute by telling someone to stop beating his or her spouse it is important that they be able to stop the aggressive behaviors that are occurring. It is further desirable if they can intervene in a way that discourages similar behavior in the future.

Tom R. Tyler is University Professor of Psychology, New York University. He thanks Cheryl Fischman, Ayelet Kattan, Michael Tonry, and several anonymous reviewers for comments on a draft of this chapter.

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The second concern is with the ability of the legal system to encourage general compliance with the law and cooperation with the police. For example, the law tells people not to speed, not to run red lights, and not to murder their neighbors. To be effective, such laws need generally to be widely obeyed by members of the public in their everyday lives (Tyler 1990). The police and courts depend upon public cooperation for their effectiveness. For example, the police need community help in identifying criminals and fighting crime.

The process-based model argues that both aspects of the public's law-related behavior outlined above are powerfully influenced by people's subjective judgments about the fairness of the procedures through which the police and the courts exercise their authority (Tyler 1990; Tyler and Huo 2002). In particular, people's reactions to legal authorities are based to a striking degree on their assessments of the fairness of the processes by which legal authorities make decisions and treat members of the public. Drawing on both psychological research on procedural justice (Lind and Tyler 1988; Tyler and Lind 1992; Tyler et al. 1997; Tyler and Smith 1997; Tyler 2000) and on studies of the police and courts (Tyler 1990; Tyler and Huo 2002), the model suggests that people's willingness to accept the constraints of the law and legal authorities is strongly linked to their evaluations of the procedural justice of the police and the courts.

The key elements of the model are shown in figure 1. The focus is on two consequences of public feelings about law and legal authorities:

![Fig. 1.—Process-based regulation (compiled by author)](image-url)
variations in willingness to accept decisions and differences in the level of general cooperation. Each is linked to process-based judgments of procedural justice and motive-based trust. Those process-based judgments, in turn, flow from antecedent assessments of two procedural elements: quality of decision making and the quality of treatment.

This model is explicitly psychological, viewing subjective judgments on the part of the public about the actions of the police and the courts as central to the effectiveness of legal authorities. In particular, it is concerned with the social science question of why people do or do not comply with legal authorities. Viewed from an organizational perspective, compliance is important because it facilitates the ability of the authorities in a group, organization, or society effectively to manage those within the group (Tyler and Blader 2000). The ability to secure compliance increases the efficiency, effectiveness, and viability of the group.

As a psychological model, the model does not address normative issues concerning whether people ought to defer to legal authorities and generally obey the law. These issues are the focus of much of the philosophical literature on obedience (see, e.g., Raz 1979). The philosophical literature seeks to define conditions under which people ought to feel an obligation to obey the law.

Similarly, social theorists have argued that issues of hierarchy and structural inequality have created objective social conditions that are unfair and that the disadvantaged might reasonably respond to such conditions by ignoring or defying social authorities and rules (Tyler and McGraw 1986; Jost and Banaji 1994; Sidanius and Pratto 1999). If the social structure is viewed as fundamentally unfair by particular people or groups, then their willingness to comply might be regarded as "false consciousness"—that is, as a willingness that should be discouraged (Parkin 1971; Haney 1991). These issues are not addressed here.

This review focuses instead on empirical support concerning the importance of process-based judgments in the context of the social regulatory activities of the police and the courts. That support comes from studies in which people are interviewed about their attitudes, values, and behaviors toward law and legal authorities. These studies consider the views of people who have had personal experiences with the police and the courts and are making judgments about those experiences and the views of community residents evaluating the overall behavior of the police. In the context of personal experiences, the issue of concern is
why people defer to or resist the decisions and directives of legal authorities, both in the immediate situation and over time. With people's general judgments about law and legal authorities the question is why, in their everyday lives, people obey the law, cooperate with legal authorities, and support the empowerment of those authorities.

The key argument of the process-based approach is that, while the police can and often do compel obedience through the threat or use of force, they can also gain the cooperation of the people with whom they deal. Cooperation and consent— "buy in"— are important because they facilitate immediate acceptance and long-term compliance. People are more likely to adhere to agreements and follow rules over time when they "buy into" the decisions and directives of legal authorities.

In the context of particular encounters with police officers and judges, people are more likely to consent and cooperate if they feel that they have been fairly treated. Procedural justice judgments consistently emerge as the central judgment shaping people's reactions to their experiences with legal authorities. As a consequence, the police and courts can facilitate acceptance by engaging in strategies of process-based regulation—treating community residents in ways that lead them to feel that the police and courts exercise authority in fair ways.

People also accept the directives of police officers and judges because they believe that such legal authorities are entitled to be obeyed. This feeling of obligation is rooted in a general judgment that the police are legitimate or in features of the situation or the actions of particular police officers that create feelings of legitimacy within the context of particular settings and particular legal authorities. However such feelings are formed, to the degree that people do regard the police and courts as legitimate, they are more willing to accept the directives and decisions of the police and courts, and the likelihood of defiance, hostility, and resistance is diminished.

What encourages legitimacy? Studies again suggest that the public is very sensitive to the manner in which authorities exercise their authority—that is, to issues of procedural justice. Views about legitimacy are rooted in the judgment that the police and the courts are acting fairly when they deal with community residents. Interestingly, this is true both when the public makes general evaluations of the police and the courts in their community and when particular members of the public are reacting to their personal encounters with police officers or judges. On both levels, issues of process dominate public evaluations of the police, the courts, and social regulatory activities.
Finally, preexisting legitimacy is found to shape the judgments that people make within the context of their particular experiences with police officers or judges. If people believe that legal authorities are legitimate, they are more likely to defer in encounters with particular members of those groups of authorities because they act fairly. This makes it easier for specific police officers or judges to enact process-based strategies of regulation. In other words, prior general views facilitate or hinder the social regulatory efforts of particular legal authorities. Hence, there is a favorable or unfavorable spiraling effect, with each personal contact with a legal authority being one in which it is progressively more or less likely that authorities will be able to gain deference through the use of fair procedures. When they do, they also build legitimacy, making process-based regulation more likely to be effective in the future. When they do not, and have to move to the use of a force- or sanction-based orientation, they are less able to act in ways that will be experienced by people as being fair. This undermines legitimacy and makes the likelihood of effectively using a process-based approach less likely in the future.

This essay first considers, in Section I, the types of public behavior relevant to regulation and regulatory authorities. These include immediate and long-term compliance with decisions and general compliance with law and cooperation with legal authorities in everyday life. The reasons for such public behavior are then examined in Section II, first in the context of compliance with decisions and then with general cooperation with legal authorities. Section III contrasts the influence of instrumental reasons with those of process-based judgments and assessments of legitimacy. The goal in Sections IV and V is to show that process-based models have substantial influence and can be the basis for effective strategies of regulation. Racial profiling is then used in Section VI to illustrate the policy implications of process-based regulation. Finally, the relationship of process-based regulation to other models of regulation is examined in Section VII.

I. Compliance
The ability to secure compliance is always a central issue in discussions of regulation. Legal authorities must often resolve disputes in ways that lead people to receive outcomes that are less than they want and may be less than they feel they deserve. Similarly, when enforcing the law, authorities may be called upon to tell people to cease behavior
that they enjoy and may not feel is morally inappropriate. In such situations, gaining public compliance is always problematic.

A. Immediate Compliance

When judges or police officers deal with members of the public in particular situations involving regulation, their primary goal is to enforce the law. That goal leads them to want to gain immediate compliance with their decisions. Law is about the regulation of people’s conduct, and its success rests on the ability of particular legal authorities effectively to shape people’s behavior during personal encounters between legal authorities and members of the public. When the police, for example, tell someone to stop drinking beer in public or cease abusing his or her spouse, or if a judge directs someone to pay child support, an important measure of the success of those authorities is whether the behavior changes.1

Concern about compliance leads to an interest in understanding how legal authorities might act so as to encourage voluntary deference to their decisions. In other words, police officers and judges are often unsure whether they can issue directives and expect that they will be obeyed. They must focus on understanding how they might encourage consent and cooperation with their decisions through their own behavior. This raises questions about how particular legal authorities can through their actions facilitate acceptance of their decisions.

These concerns draw attention to the psychology of deference. We want to understand why people are willing to cede authority over their behavior to legal authorities, allowing those authorities to resolve disputes and regulate behavior. In particular, we want to understand how to gain public “buy in,” so that people continue to follow decisions even when the authorities are no longer present and are less directly observing people’s behavior.

The assumption underlying our concern over compliance is that people will naturally resist the efforts of legal authorities to restrict and regulate their behavior and to sanction them for past wrongdoing. Simple self-interest suggests that people will resist complying when the

1 While our discussion is framed in terms of regulation, Tyler and Huo (2002) found that the primary form of contact that people had with the police came as a result of members of the public calling the police for help. In such situations the caller, at least, did not see the issue as one of restricting their own behavior to conform to the law. However, regulatory situations are central to discussions of the effectiveness of legal authorities, since resistance to law is often strong when authorities are acting as regulators.
actions involved are not in their own personal interest. Hence, the job of regulatory authorities is an inherently difficult one, and one that by its very nature generates public resistance.

These models are important for policing, since compliance by members of the public can never be taken for granted. As Mastrofski, Snipes, and Supina suggest, “Although deference to legal authorities is the norm, disobedience occurs with sufficient frequency that skill in handling the rebellious, the disgruntled, and the hard to manage—or those potentially so—has become the street officer’s performance litmus test” (1996, p. 272). Similarly, Sherman (1993) highlights the problem of defiance by the public and the need to minimize resistance to the directives of the police.

The Mastrofski, Snipes, and Supina (1996) study, in which social scientists observed police encounters with the public in Richmond, Virginia, provide some evidence about the frequency of such problems. They found an overall noncompliance rate of 22 percent: 19 percent of the time when the police told a person to leave another person alone, 33 percent of the time when the police told a person to cease some form of disorder, and 18 percent of the time when the police told a person to cease illegal behavior. A replication in Indianapolis, Indiana, and St. Petersburg, Florida, found an overall noncompliance rate of 20 percent: 14 percent of the time when the police told people to leave another person alone, 25 percent of the time when the police told a person to cease some form of disorder, and 21 percent of the time when the police told a person to cease illegal behavior (McCluskey, Mastrofski, and Parks 1998).

The studies described look at immediate compliance—whether the person did as instructed—not at whether people willingly accepted the decisions made by the authorities, buying into their resolution to a problem, or understanding why the restrictions on their behavior that are occurring are appropriate and reasonable. As the researchers note, “citizens who acquiesce at the scene can renege” (Mastrofski, Snipes, and Supina 1996, p. 283). People may renege in their future behavior if they have complied in the face of coercive power. If they do so, this requires further police intervention at future times.

B. Long-Term Compliance

In the immediate presence of a police officer, or when in court in front of a judge, people are likely to comply with the decisions made by these legal authorities. When the authorities are present, and the
person's behavior is observable, the possibility of bringing the power of legal authorities to bear is the greatest, and people are likely to defer in the face of such displays of potential coercion.

Such compliance might continue over time because authorities continue to be present. However, legal authorities are seldom in a position from which they are able easily to maintain such surveillance, so long-term decision acceptance is an additional concern that legal authorities must consider. If people return to their prior behavior once they are beyond the surveillance of the authorities, the police have to continually revisit issues they have dealt with when dealing with problem people, and the courts have to keep reordering people to engage in desired behavior. When this happens, the effectiveness of regulatory authorities is diminished.

Hence, a second goal of legal authorities is to obtain long-term compliance with decisions. Such long-term compliance is more strongly voluntary in character, since legal authorities are seldom able to maintain the physical presence that makes the risk of being sanctioned for wrongdoing immediate and salient. Instead, they must rely more heavily upon self-regulatory motivations among the members of the public whose continued compliance is being sought. Of course, the possibility of sanctioning is never totally absent when dealing with authorities of any type, but it is less realistic and salient when authorities are not present.

C. Everyday Law-Related Behavior

While compliance during personal encounters with members of the public is a key issue to legal authorities, it is not all that the legal system wants or values. The legal system seeks to promote three types of desirable general public behavior among the public. These are compliance with the law, cooperation with legal authorities, and support for the empowerment of the law.

One key public behavior is everyday compliance. It is important that people generally comply with the laws that apply to their everyday lives. Such general compliance is central to the effectiveness of the legal system, since the authorities are not able to control the entire population via sanctioning strategies. If they can rely on most people to comply with the law voluntarily, they can direct a more limited set of resources at a small group of problematic people (Ayres and Braithwaite 1992).

The need for legal authorities to be able to secure compliance has
been widely noted by legal scholars and social scientists, who have argued that, "The lawgiver must be able to anticipate that the citizenry as a whole will . . . generally observe the body of rules he has promulgated" (Fuller 1971, p. 201). This is because the effective exercise of legal authority requires compliance from most citizens most of the time (Easton 1975). Decisions by police officers or judges mean very little if people generally ignore them, and laws lack importance if they do not affect public behavior (Tyler 1990).

The issue of gaining public compliance has gained heightened attention for several reasons. One is that confidence in the institutions of the legal system has declined, and people are less likely to express "trust and confidence" in law and legal authorities than in the past. This declining confidence in law and legal authorities may lead to declining feelings of obligation to obey the police, the courts, and the law (Tyler 1998), raising the possibility that compliance may be increasingly problematic. The popular press has noted this possibility, commenting on seeming increases in law-breaking behaviors ranging from not paying taxes to speeding and running red lights to widespread drug use.

In addition to trying to encourage public compliance, legal authorities seek the voluntary cooperation of members of the public in their efforts to combat crime and community problems. It has always been recognized that the police and courts benefit when those in the communities they regulate cooperate with them in a joint effort to enforce the law and to fight crime and criminal behavior. Recent research emphasizes this point and even raises questions about whether legal authorities can effectively manage the problems of community crime control without public cooperation (Sampson and Bartusch 1998). As Moore notes, "The loss of popular legitimacy for the criminal justice system produces disastrous consequences for the system's performance. If citizens do not trust the system, they will not use it" (Moore 1997, p. 17).

Legal authorities also seek empowerment from the public. Such empowerment involves the public's legitimization of policing activities and of the role of the police. In particular, the public must be willing to accept the use of discretion by legal authorities. In democratic societies such as the United States, the line between an abridgement of personal freedom and a legitimate policing activity is often controversial and contested. Hence, one important issue is the degree to which the public is willing to empower the police to undertake policing activ-
ities. Those activities give the police and the courts discretionary authority to decide whom to arrest and question, and how to dispose of criminal and civil cases.

When the public is unwilling to give authorities the discretion to make judgments, the actions of legal authorities are constrained. For example, concerns about bias in sentencing by judges have led to the use of sentencing guidelines that constrain judges’ behavior, while concern about leniency has led to mandatory sentencing laws, such as “three strikes” laws. Concerns about bias among the police have led to recent controversy about racial profiling, which focuses on the role of race in shaping police actions. Granting discretion is linked to viewing the police and courts as legitimate authorities who are entitled to make judgments about how the law should be interpreted and enforced.

II. Reasons for Compliance
Social psychologists argue that one way authorities can gain people’s acceptance for decisions that are not in their self-interest is by tapping into people’s desire to see justice done. Such justice motivations include the willingness to accept outcomes if they are viewed as being fair (distributive justice) and the willingness to accept outcomes that are arrived at through procedures that are viewed as being fair (procedural justice). Either of these justice motivations could potentially serve as the basis for gaining acceptance for the decisions of legal authorities (Tyler 2000).

A. Reasons for Immediate Compliance
Studies of decision acceptance suggest that it is usually procedural justice that is especially important in shaping people’s willingness to defer to the decisions made by legal authorities (Lind and Tyler 1988). In other words, while people could potentially be influenced by either the fairness of the outcomes they receive or the fairness of the procedures by which legal authorities exercise their authority, procedural fairness typically shapes both decision acceptance and evaluations of the decision maker (Tyler et al. 1997; Tyler and Smith 1997).

This does not mean that evaluations of decision fairness are irrelevant. Like assessments of the favorableness of outcomes, distributive justice judgments have a role in shaping people’s reactions to their encounters with legal authorities. However, procedural justice judgments consistently are found to have the major influence. In particular, peo-
ple who receive outcomes that they regard as unfavorable or unfair are more willing to accept those outcomes if they are arrived at through procedures they regard as being fair (Tyler 1990).

This procedural justice influence was first demonstrated empirically by Thibaut and Walker (1975) in a series of laboratory studies of simulated trials. Their studies place people in situations in which they are accused of wrongdoing and have the allegations adjudicated using either an adversary or an inquisitorial system of decision making. Their subjects viewed the adversary system as a fairer procedure. In these simulated trials, people are more accepting of verdicts that resulted from fair trial procedures, independent of the favorableness or fairness of those verdicts. This procedural justice effect is linked to the use of the “fairer” adversary, as opposed to the “less fair” inquisitorial, trial procedure.

Subsequent field studies find that when third parties make their decisions in ways that people view as fair, people are more willing to accept them (MacCoun et al. 1988; Kitzmann and Emery 1993; Lind et al. 1993; Poythress 1994; Wissler 1995; Lind et al. 2000). Procedural justice effects are found in real disputes, in real settings. For example, Lind and colleagues (1993) studied the willingness of disputants to defer to mediation decisions reached in federal court and found that the perceived fairness of mediation shaped deference. Similarly, Lind and colleagues (2000) studied employees fired or laid off from their jobs and showed that if the termination process was judged to be fair, employees were less likely to sue. In the context of child custody disputes, Kitzmann and Emery (1993) found that the fairness of mediation hearings shaped parent satisfaction. Hence, the early experimental work of Thibaut and Walker was strongly confirmed in nonexperimental settings (Lind and Tyler 1988).

Tyler and Huo (2002) directly study the basis of public willingness to accept the decisions of legal authorities during their personal encounters with police officers and judges. They do so in an interview-based study of 1,656 people living in Oakland and Los Angeles, California, each of whom had recently had a personal experience with legal authorities. Participants were asked a series of questions about their recent personal experience, and those questions were linked to their willingness to accept the decisions made by legal authorities about how to handle the situation.

The study finds that two types of factors shape people’s deference to legal authorities during personal encounters. The first is linked to
outcomes. People's willingness to accept decisions is based in part on the degree to which they regard the decisions made by legal authorities as being fair or favorable. Not surprisingly, people are more willing to accept decisions that provide them with outcomes that they view as desirable or fair or both. When people feel that they have won, they are more willing to accept the decisions made.

People can potentially have contact with legal authorities either because they seek them out for help with problems or because the authorities approach them. People can potentially deal with the police, the courts, or with both. Tyler and Huo (2002) found that the most frequent form of contact in their study involved people calling the police for help. Most personal contact was with the police (85 percent of encounters). However, irrespective of the type of contact involved or the authority involved, the process-based model best accounted for people's willingness to accept the decisions made.

In this model, people are viewed as influenced by non-outcome-based judgments about procedural justice and motive-based trust. First, they defer to the decisions of legal authorities because those authorities are viewed as exercising their authority in fair ways. Second, people are influenced by their judgments about their trust in the motives of the authorities with whom they deal. People are more willing to defer to authorities when they trust their motives. Tyler and Huo (2002) find that procedural justice judgments and judgments about motive-based trust are more important in shaping both decision acceptance and evaluations of legal authority than are evaluations of the fairness or favorableness of the decisions made by those authorities.

The results of a regression analysis illustrating this are shown in Table 1. The results shown indicate that both procedural justice and motive-based trust influence decision acceptance and satisfaction with the decision maker. Interestingly, those influences occur beyond any influence of outcome issues or concerns. In fact, 44 percent of the variance in people's willingness to accept decisions is uniquely shaped by procedural justice and motive-based trust, while only 1 percent of the variance is uniquely shaped by outcome judgments.

Tyler and Huo (2002) further find that procedural justice and motive-based trust play the same central role among whites, Hispanics, and African Americans. The results suggest that members of these three ethnic groups have similar concerns when evaluating and reacting to their personal experiences with legal authorities. Tyler and Huo (2002) find, as do many prior studies, that minority group mem-
TABLE 1
Procedural Justice, Motive-Based Trust, and Reactions to Legal Authorities

<table>
<thead>
<tr>
<th>Decision Acceptance/Satisfaction with the Decision Maker</th>
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</thead>
<tbody>
<tr>
<td>Beta weights:</td>
</tr>
<tr>
<td>Social motives:</td>
</tr>
<tr>
<td>Motive-based trust</td>
</tr>
<tr>
<td>Procedural justice</td>
</tr>
<tr>
<td>Instrumental motives:</td>
</tr>
<tr>
<td>Distributive justice</td>
</tr>
<tr>
<td>Outcome favorability</td>
</tr>
<tr>
<td>Expected?</td>
</tr>
<tr>
<td>Predictability</td>
</tr>
<tr>
<td>Adjusted R-squared (percent):</td>
</tr>
<tr>
<td>Unique influence of social motives</td>
</tr>
<tr>
<td>Unique influence of instrumental motives</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Source.—Tyler and Huo 2002.

*p < .05.

**p < .01.

***p < .001.

bers are less willing to accept the decisions of legal authorities and less satisfied with those authorities with whom they deal (Meares 1997; Sampson and Bartusch 1998; Stuntz 1998). However, as shown in table 2, when we include ethnicity into Tyler and Huo’s psychological model (2002), we find that ethnicity effects upon decision acceptance disappear. In other words, minority group members are less likely to accept decisions because they feel unfairly treated.

In addition, procedural justice and motive-based trust are the key factors shaping decision acceptance both when the police imposed themselves on members of the public as part of their social regulatory activities and when people called the police for help. This discussion has focused primarily on issues of gaining compliance. However, people are more likely to have personal contact with legal authorities because they have called them to ask for help than for any other reason. This situation, however, has similar psychological dynamics to those concerning compliance, since the police are often unable to solve people’s problems and must seek their acceptance of partial solutions.
TABLE 2
Ethnicity and Decision Acceptance

<table>
<thead>
<tr>
<th>Decision Acceptance/Satisfaction with the Decision Maker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beta weights:</td>
</tr>
<tr>
<td>African American/White</td>
</tr>
<tr>
<td>Hispanic/White</td>
</tr>
<tr>
<td>Social motives:</td>
</tr>
<tr>
<td>Procedural justice</td>
</tr>
<tr>
<td>Motive-based trust</td>
</tr>
<tr>
<td>Quality of decision making</td>
</tr>
<tr>
<td>Quality of treatment</td>
</tr>
<tr>
<td>Instrumental motives:</td>
</tr>
<tr>
<td>Distributive justice</td>
</tr>
<tr>
<td>Outcome favorability</td>
</tr>
<tr>
<td>Adjusted R-squared (percent)</td>
</tr>
</tbody>
</table>

Source.—Tyler and Huo 2002.
*p < .05.
**p < .01.
***p < .001.

These findings support the suggestion that legal authorities should engage in process-based regulation in which they are attentive to how they treat members of the public. If police officers and judges behave in ways that are experienced as fair, this increases their ability to gain immediate voluntary deference.

B. Reasons for Long-Term Compliance

Procedural justice judgments are especially important in shaping people's behavior over time. People are more willing to buy into a decision and adhere to it later if they feel that it was fairly made. Pruitt and his colleagues studied factors that lead those involved in disputes to adhere to mediation agreements that end those disputes. They interviewed both parties to a mediation six months later to determine which elements of the initial mediation predicted compliance six months later. They find that the procedural fairness of the initial mediation session is a central determinant (Pruitt et al. 1990; Pruitt et al. 1993) and is more important than the quality of the agreement itself.

Another example of the ability of procedural justice to encourage compliance over time is provided by Paternoster and colleagues (1997) who interviewed men who had dealt with the police because of domes-
tic violence calls. They examined which aspects of police behavior predict later compliance and found that procedural justice during the initial encounter predicts the extent of future law abiding behavior. This suggests that, if the key issue to the police is to encourage long-term law abidingness among those with whom they deal, they will be more successful if they focus on treating people in ways experienced as fair. This fairness judgment was a better predictor of long-term behavior than were indicators of the severity of police punishment of the initial domestic violence behavior (i.e., whether the police warned or arrested the person, the severity of punishments administered, etc.).

The reason procedural justice is a key antecedent of long-term compliance is that it builds up support for people’s “buy in” to agreements and relationships. Procedural justice shapes people’s feelings of responsibility and obligation to obey rules and accept decisions because it enhances the legitimacy of rules and authorities. Procedural justice also enhances the quality of the relationship among the parties to disputes as well as their mutual relationship to authorities. So, people continue to accept decisions both because of their respect for the law and because of their continued commitment to the relationship underlying the conflict or problem about which they dealt with a third-party authority.

C. Implications for the Exercise of Legal Authority

When people deal with the police and courts, they often receive outcomes that they evaluate as unfavorable, and even unfair. Yet, the success of the legal system depends on the ability of legal authorities to gain deference to those decisions. One promising approach to addressing this compliance issue is to focus on the procedures through which legal authorities exercise their authority. Evaluations of the fairness of the procedures experienced when dealing will legal authorities have a strong influence on people’s willingness to accept their decisions and on their evaluations of those authorities.

These findings help us understand why the public often views legal authorities negatively. Rather than viewing such negative feelings as the inevitable results of being regulatory authorities, they suggest that people’s feelings are linked to how regulation occurs, that is, to how legal authorities act. As Sherman et al. (1997) note, “One of the most striking recent findings is the extent to which the police themselves create a risk factor for crime simply by using bad manners. Modest but consistent scientific evidence supports the hypothesis that the less re-
spectful police are towards suspects and citizens generally, the less people will comply with the law. Changing police ‘style’ may thus be as important as focusing police ‘substance.’ Making both the style and substance of police practices more ‘legitimate’ in the eyes of the public, particularly high-risk juveniles, may be one of the most effective long-term police strategies for crime prevention” (p. 8-1).

These findings also suggest how style might be changed to encourage deference to the legal authorities—by focusing on how people are treated and decisions are made when people deal with legal authorities. To better understand what that style should be, we need to examine what issues shape public views about the fairness of legal procedures.

D. What Leads a Procedure to Be Viewed as Fair?

A wide variety of issues influence the degree to which people evaluate a procedure’s fairness (Lind and Tyler 1988; Tyler 1988). Further, the importance of procedural criteria varies depending upon the situation (Tyler 1988). For example, when the authorities are managing a dispute, the fairness of their approach is linked to whether they allow disputants to participate in finding a solution to the dispute. However, when people are seeking help with their problems, they are not influenced by participation and evaluate fairness more strongly in terms of whether they think the authority made a good faith effort to help them.

Despite these situational variations, studies consistently point to several elements as key. The literature on the antecedents of trust is less extensive but points to the importance of these same elements (Tyler and Huo 2002).

One key element is the quality of decision making. People think that decisions are being more fairly made when authorities are neutral and unbiased and make their decisions using objective indicators, not their personal views. As a result, evidence of even-handedness and objectivity in decision making enhances perceived fairness (Tyler and Lind 1992). Authorities benefit from openness and explanation, because it provides them an opportunity to communicate evidence that their decision making is neutral.

People also value the quality of their interpersonal treatment by the authorities, whether they feel they are being treated with dignity and respect by the authorities with whom they deal. The quality of interpersonal treatment is consistently found to be a distinct element of procedural fairness, separate from the quality of the decision-making
process. Above and beyond the quality of the procedures used in the resolution of their problem, people value being treated with dignity and having their rights acknowledged.

Models of procedural justice focus on two key antecedents of procedural justice: the quality of decision making and the quality of interpersonal treatment. Models of motive-based trust also emphasize these factors and focus on whether people say they understand why the authorities acted as they did and whether people say they share social bonds with those authorities. People are more trusting of the motives of others whose actions they feel they can understand or with whom they feel they have shared social bonds. Trust and procedural justice are closely intertwined—people perceive procedures enacted by those they trust as being fairer, and authorities become more highly trusted when they are seen to exercise their authority in fair ways.

Figure 2 shows an expanded model examining the influence of procedural justice and motive-based trust on decision acceptance and satisfaction with the decision maker. This new model includes the antecedents of procedural justice and motive-based trust that have been

![Figure 2](image_url)

**Fig. 2.**—Conceptual model for the overall influence of process-based judgments (Tyler and Huo 2002).
outlined. The results suggest that both procedural justice and motive-based trust influence decision acceptance and satisfaction with the decision maker. In addition, they show that the quality of decision making, the quality of interpersonal treatment, and the understandability of actions are antecedents of procedural justice. Quality of interpersonal treatment, the strength of social bonds, and the understandability of actions are antecedents of motive-based trust. In both cases, the primary factor shaping how people reacted to their experience is the quality of their treatment by the authority.

The findings shown in figure 2 suggest that an overall outcome factor, which includes outcome favorableness and fairness, predictability, and expectedness, does not shape decision acceptance. This reinforces the argument that people react primarily to their judgments about the fairness of the procedures they experience and the related assessment of whether they trust the motives of the authority with whom they are dealing.

Early discussions of procedural justice emphasized the importance of participation in the process (Thibaut and Walker 1975). Consistent with that emphasis, people are more satisfied with a procedure that allows them to participate by explaining their situation and communicating their views to the authorities about that situation and how it should be handled. This participation effect makes clear why procedures such as mediation are more popular than the courts. Of primary importance is the ability to state one’s views to an authority and to feel that those views are being considered. People are less concerned about their direct control over the decisions made.

Tyler and Huo (2002) suggest that participation does not independently influence assessments of procedural justice. This is consistent with prior analyses of the antecedents of procedural justice (Tyler and Blader 2000). However, participation does have an important indirect influence over procedural justice judgments, because people are more likely to rate the quality of decision making and the quality of interpersonal treatment to be high when the procedure includes opportunities for them to participate. As a result, allowing opportunities to participate is also important in creating fair procedures.

Taken together, these findings suggest some key elements in a procedure that will be generally viewed as being fair. Those elements are that decision making is viewed as being neutral, consistent, rule-based, and without bias; that people are treated with dignity and respect and their rights are acknowledged; and that they have an opportunity to
participate in the situation by explaining their perspective and indicating their views about how problems should be resolved.

One important feature of procedures is that there is widespread agreement about the importance of these procedural elements, so that the various parties to a dispute or problem typically have general agreement about the fairness of particular ways of resolving a problem. Studies do not usually find differences in the criteria used to judge the fairness of a procedure that are linked to race, class, or ideology (Tyler 1988, 1994). However, there is not a single procedure that is universally regarded as fair. People's views of the attributes of a fair procedure vary when the procedure is being used to resolve different types of problems. For example, when the police are dealing with a dispute, people rate having opportunities to state their point of view as being key to the fairness of a procedure; but, when the police are trying to solve a problem, people are primarily focused on whether they trust the motives of the officers involved (Tyler 1988).

III. Why Do People Obey the Law and Cooperate with Legal Authorities?
A complicated and interacting set of considerations shapes people's obedience to law and cooperation with legal authorities. These include procedural fairness, legitimacy, and instrumental concerns. We've learned a great deal about these interactions.

A. Instrumental Models of Behavior

Why would people generally comply with, cooperate with, and empower the police or other legal authorities? In this subsection, I contrast three instrumental models—risk, performance, and distributive justice—to the procedural justice that is the focus of this essay.

1. Risk. One straightforward and widely noted perspective on social regulation builds upon the basic set of human motivations that are instrumental or "rational" in character. People, as rational self-interested actors, want to minimize their personal costs and maximize their attainment of rewards when dealing with others. This image of the person underlies deterrence, sanctioning, and social control models of social regulation (Nagin 1998).

Such models focus on the ability of legal authorities and institutions to shape people's behavior by threatening to deliver or actually delivering negative sanctions. To implement such strategies, police officers carry guns and clubs and can threaten citizens with physical injury, in-
capacitation, or financial penalties. Their goal is to establish their authority and "the uniform, badge, truncheon, and arms all may play a role in asserting authority" in the effort to "gain control of the situation" (Reiss 1971, p. 46). The police seek to control the individual's behavior "by manipulating an individual's calculus regarding whether 'crime pays' in the particular instance" (Meares 2000, p. 396). Judges similarly shape people's acceptance of their decisions by threatening fines or even jail time for failure to comply.

Research suggests that the ability to threaten or deliver sanctions is usually effective in shaping people's law-related behavior. In particular, a number of studies on deterrence suggest that people are less likely to engage in illegal behaviors when they think that they might be caught and punished. This core premise of deterrence models is supported by many, but not all, studies examining the factors that shape people's law-related behavior (Paternoster et al. 1983; Paternoster and Iovanni 1986; Paternoster 1987; Tyler 1990; Nagin and Paternoster 1991; Nagin 1998).

Consider a specific policing example. In a study of 346 police encounters with people in Richmond, Virginia, Mastrofski, Snipes, and Supina (1996) asked neutral observers to rate interactions between members of the public and the police. They found that the coercive balance of power between the police and members of the public shaped the degree of compliance on the part of the public. As would be expected based upon a deterrence model, people complied in the face of superior police power.

Studies of deterrence also point to factors that limit the likely effectiveness of deterrence models. Perhaps the key factor limiting the value of deterrence strategies is the consistent finding that deterrence effects, when found, are small in magnitude. For example, in a review of studies of deterrence of drug use, MacCoun (1993) found that around 5 percent of the variance in drug use behavior can be explained by variations in the expected likelihood or severity of punishment. This suggests that much variance in law-related behavior flows from factors other than risk estimates.

A further possible limitation of deterrence strategies is that, while deterrence effects can potentially be influenced by estimates either of the certainty of punishment or its severity, studies suggest that both factors are not equally effective. Unfortunately from a policy perspective, certainty more strongly influences people's behavior than severity, and certainty is the more difficult to change.
When legal authorities heighten the likelihood of being caught and punished or the severity of punishment, they are increasing the objective risks that law-breaking behavior will lead to costs for the law-breaker. The assumption is that these changes will alter people's subjective estimates of the likelihood and severity of punishment for wrongdoing, and, as a consequence, lead to lower levels of rule breaking. Research suggests that deterrence effects are more strongly associated with people's estimates of the likelihood of being caught and punished than they are by the anticipated severity of punishment (Paternoster and Iovanni 1986; Paternoster 1987; Nagin and Paternoster 1991). The implication is that efforts to increase compliance need to focus on increasing the presence of the police to encourage apprehension or on raising the likelihood of conviction in the courts. Efforts to lower the crime rate by intensifying penalties—for example, the recent proliferation of death penalty laws—are likely to be less effective.

Focusing on people's estimates of the likelihood of being caught and punished highlights another reason why deterrence approaches have difficulty shaping public compliance—the occurrence of threshold effects. To influence people's behavior, risk estimates need to be high enough to exceed some threshold of psychological meaningfulness (Teevan 1975; Ross 1982).

In most actual situations, the objective risk of being caught and punished is quite low. For example, according to an analysis of crime and arrest rates, the objective risk of being caught, convicted, and imprisoned for rape is about 12 percent; for robbery 4 percent; and for assault, burglary, larceny, and motor vehicle theft 1 percent (Robinson and Darley 1997). Of course, the psychological or subjective estimates of risk are the key to people's behavior, not the objective risk.

Ross (1982) uses drunk driving to outline the problems associated with using deterrence to shape law-related behavior. He suggests that raising risk estimates to a level that is high enough to lower the rate of law-breaking behavior, while not impossible, involves prohibitively high costs in terms of police manpower and citizen willingness to accept state intrusions into their personal lives. Interestingly, Ross finds that changes in laws can lead to short-term declines in law breaking because the high level of media exposure to police activities leads people to overestimate the risks of being caught and punished. However, as this heightened publicity fades over time, people's actual experience leads them to make more realistic risk estimates, which are lower, and those low risk estimates are not enough to deter law-breaking behav-
ior. These findings make clear that risk estimates, if they are high enough, deter law-breaking behavior, but it is difficult to sustain such high risk estimates with the level of police activity typically associated with efforts to limit everyday crimes.

Ross argues that it is difficult to implement deterrence approaches within the political realities of democratic societies. Ross points out that even the intensive efforts of Scandinavian authorities to create high estimates of risk by using random road blocks and other similar expensive and intrusive law enforcement measures are insufficient to create and maintain subjective risk estimates that are high enough to deter drunk driving over the long term.

Of course, many of the problems associated with deterrence-based strategies are structural and involve variations in the degree to which the police are able to monitor people's law-related behavior. This suggests that there are situations in which deterrence strategies will be more or less effective. The two key variables are the ease of behavioral surveillance and the level of resources that society is willing to devote to surveillance. The influence of the conduciveness of the situation to surveillance on the rate of law-breaking behavior is illustrated by tax payments. If people are wage earners, their income is recorded, and the possibility of hiding cheating is low. In a setting of this type the opportunities for effective deterrence of law-breaking behavior are high.

The issue of societal resources is illustrated by considering the case of murder. The objective risk of being caught and punished for murder is high (around 45 percent; Robinson and Darley 1997) because society has committed considerable resources to resolving this type of crime. The likelihood of being caught is high enough for deterrence to be effective in lowering the murder rate (to be above the threshold at which risk shapes behavior; Teevan 1975).

The example of the deterrence of murder makes clear that one element in any deterrence strategy is the need and the willingness to devote resources to surveillance. Instrumental approaches are not self-sustaining and require the maintenance of institutions and authorities that can keep the probability of detection for wrongdoing at a sufficiently high level to motivate the public.

The effectiveness of "instrumental means of producing compliance always depend[s] on resource limits" (Meares 2000, p. 401). The question is how much of the resources society is willing to deploy to con-
trol crime, and how much power to intrude into people's lives legal authorities are allowed to have. Those resources need to be deployed in strategic and effective ways. Sherman (1998), for example, notes that police resources within the United States are typically deployed more in response to political pressures than to actual crime threats, with the consequence that the ability of the police to deter crime is nonoptimal.

The murder example illustrates another important limit to deterrence strategies. They are more effective in relation to crimes that are committed for instrumental reasons. For example, car theft, burglary, and crimes of this type are typically motivated by calculations about costs and benefits. However, other crimes are more expressively motivated and are, as a consequence, more strongly shaped by a person's emotional state and by events of the moment. Crimes of this type, such as rape and many murders, occur on the "spur of the moment" and in the "heat of passion." Such crimes are less strongly influenced by deterrence considerations, irrespective of the possibility of being caught and punished for wrongdoing.

The problem faced by those responsible for the everyday law enforcement is that, for most crimes, the resources devoted to law enforcement are low and the opportunities for cheating are high. As a consequence, deterrence strategies are unlikely to be a sufficient basis for effective social regulation. Deterrence can form the foundation of efforts to maintain the legal order but cannot be a complete strategy for gaining compliance (Ayres and Braithwaite 1992). To have an effective strategy for dealing with public compliance, we would benefit from being in a situation in which people have additional reasons for obeying the law beyond their fear of being caught and punished for wrongdoing (Tyler 1990; Sherman 1993, 1998, 1999).

2. Performance. A second model links public behavior to evaluations of the effectiveness of the authorities. This perspective argues that people will cooperate with the police and courts when they see those authorities as being able to manage problems in their community. In the case of the police and courts, the problem being managed is social disorder.

As an example of strategies of regulation linked to performance, aggressive policing strategies, such as "zero tolerance" for minor crimes, are based on the view that the key goal of policing is to manage crime in communities effectively. The role of the police, in other words, is to assert authority over minor crimes and "lifestyle" offenses. By so
doing, the police communicate to the public that they can and will manage crime and disorder effectively. The public responds by cooperating with police efforts.

3. Distributive justice. A third model links public behavior and policy support to issues of police fairness in the distribution of their services and protection across the community. Here the issue is whether the police fairly distribute police services, providing "equal protection to all." Sarat (1977) argues that the demand for equal treatment is a core theme running through public evaluations of the police and the courts. He suggests that the "perception of unequal treatment is the single most important source of popular dissatisfaction with the American legal system. According to available survey evidence, Americans believe that the ideal of equal protection, which epitomizes what they find most valuable in their legal system, is betrayed by police, lawyers, judges, and other legal officials" (Sarat 1977, p. 434). This argument roots evaluations of the police and public reactions to them in views about how they distribute public resources and services.

B. Procedural Justice Models of Motivation

The procedural justice model involves two stages. The first involves the argument that public behavior is rooted in evaluations of the legitimacy of the police and courts. People's social values—in this case, their feelings of obligation and responsibility to obey legitimate authorities—are viewed as key antecedents of public behavior. In other words, people cooperate with the police and courts in their everyday lives when they view those authorities as legitimate and entitled to be obeyed.

The second involves the antecedents of legitimacy. The procedural justice argument is that process-based assessments are the key antecedent of legitimacy (Tyler 1990). In this analysis, four indicators—summary judgments of procedural justice, inferences of motive-based trust, judgments about the fairness of decision making, and judgments about the fairness of interpersonal treatment—are treated as indices of an overall assessment of procedural justice in the exercise of authority. These arguments, taken together, lead to the model shown in figure 3.

One particular advantage of procedural justice is that it leads to compliance over time. This suggests that experiencing procedural justice changes people's values concerning the law. The particular value of importance in this discussion is legitimacy—the belief that legal authorities are entitled to be obeyed. In other words, when people expe-
C. Legitimacy

The model outlined is based on one distinct social value—legitimacy. Legitimacy is the property that a rule or an authority has when others feel obligated to defer voluntarily. In other words, a legitimate authority is an authority regarded by people as entitled to have their decisions and rules accepted and followed by others (French and Raven 1959). The roots of the modern discussion of legitimacy are usually traced to Weber's writings on authority and the social dynamics of authority (Weber 1968).

Weber argues that the ability to issue commands that will be obeyed
does not rest solely upon the possession and ability to use power. In addition, there are rules that people will voluntarily obey and authorities whose directives will be voluntarily followed. Legitimacy, therefore, is a quality possessed by an authority, a law, or an institution that leads others to feel obligated to obey its decisions and directives. It is "a quality attributed to a regime by a population" (Merelman 1966, p. 548).

Similar views of responsibility and obligation are also articulated by other social scientists. As Hoffman notes: "The legacy of both Sigmund Freud and Emile Durkheim is the agreement among social scientists that most people do not go through life viewing society's moral norms as external, coercively imposed pressures to which they must submit. Though the norms are initially external to the individual and often in conflict with [a person's] desires, the norms eventually become part of [a person's] internal motive system and guide [a person's] behavior even in the absence of external authority. Control by others is thus replaced by self control [through a process labeled internalization]" (Hoffman 1977, p. 85).

The key issue Durkheim and Freud addressed is the personal taking on of obligations and responsibilities that become self-regulating, so that people acknowledge and act on internal values that lead to deference to society, social rules, and authorities. However, Hoffman, like Durkheim and Freud, focuses on the development of moral values. Those values lead to self-regulatory behavior, but behavior in which people take the responsibility to bring what they do into line with their views about what is right and wrong (Darley, Tyler, and Bilz 2002).

More recently, Beetham (1991) has also addressed issues of legitimacy. Like Weber, Beetham suggests that legitimacy is distinct from issues of rational choice or self-interest and that people relate to the powerful both as moral agents and as self-interested actors. He argues that people cooperate and comply for reasons of legitimacy, and in response to estimates of potential risk or gain from rule following or rule breaking. Beetham suggests that legitimacy is necessary in almost all situations of authority, except for rare cases such as slavery, and that it is central to the maintenance of order, to obtaining cooperation from subordinates, and to effective performance of government.

Sparks and Bottoms (1995) and Sparks, Bottoms, and Hay (1996) support the argument that legitimacy has wide importance by showing that it matters even in highly coercive environments such as prisons. They compare two prison environments, differing in their legitimacy
in the eyes of prisoners. Their work suggests that when prisoners view prison as more legitimate, there is less individual and collective disorder. They argue that legitimacy develops out of the use of fair procedures and the provision of respectful treatment.

Kelman and Hamilton (1989) refer to legitimacy as “authorization” to reflect the idea that a person authorizes an authority to determine appropriate behavior within some situation and then feels obligated to follow the directives or rules that authority establishes. As they indicate, the authorization of actions by authorities “seem[s] to carry automatic justification for them. Behaviorally, authorization obviates the necessity of making judgments or choices. Not only do normal moral principles become inoperative, but—particularly when the actions are explicitly ordered—a different type of morality, linked to the duty to obey superior orders, tends to take over” (Kelman and Hamilton 1989, p. 16).

One way to think about legitimacy is as a property of an institution or group of authorities. For example, studies of confidence in government ask people to rate the overall government, and its institutions and authorities. Studies of the legitimacy of legal authorities similarly ask people to evaluate their general feelings of responsibility and obligation to obey the law and legal authorities.

This essay focus on the internalization of the obligation to obey authorities, as opposed to the internalization of the responsibility to follow principles of personal morality (for discussions of morality, see Robinson and Darley 1995; Tyler and Darley 2000; Darley, Tyler, and Bilz 2002). This feeling of responsibility reflects a willingness to suspend personal considerations of self-interest and to ignore personal moral values because a person thinks that an authority or a rule is entitled to determine appropriate behavior within a given situation or situations.

Researchers have measured legitimacy in a variety of ways. In the case of local laws and legal authorities, studies have often used an index of perceived obligation to obey. Typical items from such a scale, in this case drawn from Tyler (1990), include “People should obey the law even if it goes against what they think is right” (82 percent yes); “I always try to follow the law, even if I think it is wrong” (82 percent yes); “Disobeying the law is seldom justified” (79 percent yes); “It is difficult to break the law and keep one’s self-respect” (69 percent yes); “If a person is doing something, and a police officer tells them to stop, they should stop even if they feel that what they are doing is legal” (84
percent); and "If a person goes to court because of a dispute with another person, and the judge orders them to pay money to the other person, they should pay that person money, even if they think the judge is wrong" (74 percent yes).

The perceived obligation to obey is the most direct extension of the concept of legitimacy. This sense of obligation can be directly measured ("I should obey") or it can be asked in a situation of conflict with the person's feelings about what is right or desirable ("I should obey when I disagree"); "I should obey when I think the decision is wrong").

Building on studies by political scientists, and Easton’s conceptual framework (Easton and Dennis 1969), legitimacy has been measured in terms of support, allegiance, institutional trust, or confidence. Drawing on this literature, Tyler (1990) measured legitimacy by asking people's agreement with the statements "I have a great deal of respect for the Chicago police," "On the whole Chicago police officers are honest," "I feel proud of the Chicago police," and "I feel that I should support the Chicago police."

An additional measure, along these same lines, is to measure legitimacy using a thermometer to register positive or negative feeling. Tyler and Huo (2002) ask people to rate the police on a thermometer ranging from zero to ten, with five being the middle rating. People are asked to think about how warmly they feel about the police and to give a temperature rating on this scale.

More recently, legitimacy has been conceptualized as lack of cynicism about the law (Ewick and Silbey 1998). This analysis considers the degree to which people feel that the law and legal authorities represent their interests, as opposed to the interests of those in power. Based upon this model, Tyler and Huo (2002) operationalized cynicism using several items, including "The law represents the values of the people in power, rather than the values of people like me," "People in power use the law to try to control people like me," and "The law does not protect my interests." This approach is designed to establish the degree to which people feel that legal authorities are not motivated to protect their interests (i.e., as not legitimate).

D. Testing the Model

Four studies test the dynamics of the process-based model of regulation. Tyler (1990) reports the results of a panel study of residents in Chicago. Tyler, Casper, and Fisher (1989) report the findings of a panel study of a group of individuals charged with felonies. Sunshine
and Tyler (2003) report the results of two studies of the residents of New York City. Tyler (2001a) presents the results of secondary analyses of four studies of public opinion about the police and the courts.

1. *Tyler* (1990). My early work on regulation explored the antecedents of people's everyday compliance with the law (Tyler 1990). I used the results of telephone interviews conducted with a random sample of Chicago residents to examine the basis of public compliance with the law. The study uses a panel design with 1,575 residents interviewed during wave 1 and 804 reinterviewed one year later. Each was asked about recent personal experiences with the police or courts and about their general views concerning the legitimacy of these authorities.

The results suggest that legitimacy has an important role in shaping compliance with the law. Those members of the public who feel that the law is legitimate and ought to be obeyed, and who have institutional trust in legal authorities, are more likely to follow the law. Using regression analyses, the study examines the ability of a combined measure of legitimacy to influence compliance with the law. Legitimacy is found to have an independent influence on compliance, even when controls are placed upon estimates of the risk of being caught and punished, peer disapproval, the morality of law breaking, performance evaluations of the authorities, and demographic characteristics. This was true both for an analysis of the wave 1 cross-sectional sample of 1,575 and for a panel study of 804 of these respondents reinterviewed one year later.

One particularly compelling test involved examining the relationship between legitimacy and compliance at time 2, controlling for compliance at time 1. This analysis, which makes use of the panel features of the study, is shown in table 3. Again, legitimacy has a unique significant influence on compliance.

Further, it is true of both white and minority group respondents. When separate subgroup analyses were conducted among the three major demographic groups in the sample—whites ($n = 826$), African Americans ($n = 520$), and Hispanics ($n = 154$)—influences of legitimacy on compliance were found among the members of each ethnic group (see table 4). These analyses suggest that legitimacy is an important influence on compliance with the law that is distinct from the influence of risk assessments or demographic background.

The second important finding in that study is that using fair procedures is the way for legal authorities to tap into people's feelings of
TABLE 3
Does Legitimacy Influence Compliance?

<table>
<thead>
<tr>
<th>Beta weights:</th>
<th>Compliance at Time 2 (Beta Weights)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legitimacy at time 2</td>
<td>.11*</td>
</tr>
<tr>
<td>Risk at time 2</td>
<td>.10*</td>
</tr>
<tr>
<td>Race</td>
<td>.00</td>
</tr>
<tr>
<td>Compliance at time 1</td>
<td>.65*</td>
</tr>
<tr>
<td>Adjusted R-squared (percent)</td>
<td>51</td>
</tr>
</tbody>
</table>

SOURCE.—Tyler 1990. Wave 2 findings for panel data.
NOTE.—n = 804.
* p < .05.
** p < .01.
*** p < .001.

Responsibility and obligation to defer to their rules and decisions. Hence, procedural justice is the key to voluntary compliance. Tyler (1990) uses the impact of personal experiences with police officers and judges upon views about the legitimacy of legal authorities to establish this procedural justice influence.

I used the results of the panel analysis to explore the impact of personal experience upon legitimacy and performance evaluations to un-

TABLE 4
Compliance with the Law

<table>
<thead>
<tr>
<th>Beta weights:</th>
<th>Whites (n = 826)</th>
<th>African Americans (n = 520)</th>
<th>Hispanics (n = 154)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legitimacy of legal authorities</td>
<td>.25*</td>
<td>.15*</td>
<td>.19*</td>
</tr>
<tr>
<td>Risk</td>
<td>.13*</td>
<td>.14*</td>
<td>.14</td>
</tr>
<tr>
<td>Income</td>
<td>.07*</td>
<td>.09*</td>
<td>.01</td>
</tr>
<tr>
<td>Education</td>
<td>.03</td>
<td>.08</td>
<td>.00</td>
</tr>
<tr>
<td>Gender</td>
<td>.31*</td>
<td>.25*</td>
<td>.25*</td>
</tr>
<tr>
<td>Age</td>
<td>.08*</td>
<td>.04</td>
<td>.16*</td>
</tr>
<tr>
<td>Adjusted R-squared (percent)</td>
<td>21</td>
<td>14</td>
<td>12</td>
</tr>
</tbody>
</table>

SOURCE.—Tyler 1990. Respondents are those interviewed in wave 1 of the panel data.
NOTE.—n = 1,575.
* p < .05.
** p < .01.
*** p < .001.
understand the procedural justice findings. In the study, 804 residents were interviewed at two times, one year apart. In each interview, respondents were asked to indicate how legitimate they judged legal authorities to be and to assess the quality of their job performance. During the one-year interval, 329 of the 804 respondents had a personal experience with legal authorities. This subsample was asked to evaluate two aspects of their experiences: the outcome and the procedures used to reach those outcomes. In the case of outcomes, respondents evaluated the fairness of the outcome they received (distributive justice), the favorableness of their outcome, and the degree to which that outcome equaled, exceeded, or failed to match their prior expectations. For procedures, respondents were asked to evaluate the fairness of the procedures, and the degree to which that procedure equaled, exceeded, or failed to match their prior expectations.

The results, shown in figure 4, indicate that procedural justice is the aspect of personal experience that most strongly influences legitimacy. Of the five judgments outlined, only procedural justice evaluations play a role in shaping postexperience evaluations of legitimacy. This suggests that a key antecedent of legitimacy is the procedural fairness that people have experienced during their past personal experiences with legal authorities. These procedural fairness judgments are found to affect people's general views about legitimacy. They also affect their performance evaluations.

![Diagram](image)

Fig. 4.—Does procedural justice influence legitimacy? (Tyler 1990; \( n = 804 \))
2. *Tyler, Casper, and Fisher (1989).* Other work also supports this focus on procedural justice. Tyler, Casper, and Fisher (1989) used a panel design to interview 628 people accused of felonies. Those people were interviewed prior to and following the adjudication of their cases. The question addressed was how the experience of going through the criminal justice system influenced people’s views about that system and its authorities.

The results indicate that procedural justice is the key factor shaping people’s overall orientations toward legal authorities, government, and law. Neither outcome fairness nor outcome favorableness separately influenced people’s views about the legal system. Hence, as in Tyler (1990), procedural justice was the key aspect of experience that shaped people’s views about law and legal authorities.

3. *Sunshine and Tyler (2003).* Sunshine and Tyler (2003) explored the role of legitimacy in shaping compliance, cooperation, and empowerment. They did so using the findings of two surveys of residents in New York City. The first, a sample of 483 residents, was asked to evaluate the New York City Police Department (NYPD) during spring-summer 2001. The sample was drawn from registered voters who responded to a mailed questionnaire and was weighted to reflect the city’s ethnic, educational, and gender composition. The second sample was of 1,653 residents asked to evaluate the NYPD during the summer of 2002. This sample was drawn by random digit dialing and weighted to reflect ethnicity.

The study addresses two issues: whether the legitimacy of the police shapes compliance, cooperation, and empowerment; and whether legitimacy is linked to procedural fairness. At both levels, these influences were contrasted to the influence of the three instrumental judgments already outlined: distributive fairness, police effectiveness, and the likelihood of a serious risk of being sanctioned.

The regression analyses shown in table 5 based on data from the first sample indicate that legitimacy independently shapes cooperation, compliance, and empowerment. This is found even when controls are included for each of the three instrumental judgments. Of course, as we might expect, those instrumental judgments are also important. Risks of being caught and punished shape compliance, while judgments of the distributive fairness of the police shape empowerment.

A further analysis suggests that the key antecedent of legitimacy is procedural justice (table 6). It supports the general argument being advanced here by suggesting the key role of procedural justice assess-
TABLE 5
Influences on Compliance, Cooperation, and Empowerment, Study 1

<table>
<thead>
<tr>
<th></th>
<th>Compliance (Tobit)</th>
<th>Cooperation</th>
<th>Empowerment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legitimacy</td>
<td>.22**</td>
<td>.14***</td>
<td>.30***</td>
</tr>
<tr>
<td>Distributive justice</td>
<td>−.09</td>
<td>−.05</td>
<td>−.06</td>
</tr>
<tr>
<td>Performance</td>
<td>−.08</td>
<td>−.06</td>
<td>.11</td>
</tr>
<tr>
<td>Risk</td>
<td>.18***</td>
<td>.07*</td>
<td>.04</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>−.11*</td>
<td>−.14*</td>
<td>−.19***</td>
</tr>
<tr>
<td>Age</td>
<td>.08</td>
<td>.03</td>
<td>.07</td>
</tr>
<tr>
<td>Education</td>
<td>.08</td>
<td>.04</td>
<td>.12*</td>
</tr>
<tr>
<td>Income</td>
<td>.17**</td>
<td>.05</td>
<td>.14*</td>
</tr>
<tr>
<td>Gender</td>
<td>.10*</td>
<td>.13**</td>
<td>−.05</td>
</tr>
<tr>
<td>Adjusted R-squared</td>
<td>9</td>
<td>. . .</td>
<td>14</td>
</tr>
</tbody>
</table>

SOURCE.—Sunshine and Tyler 2003.
NOTE.—All entries are standardized beta weights. Sample is weighted by ethnicity, income, and education.
*p < .05.
**p < .01.
***p < .001.

TABLE 6
Influences on Legitimacy, Study 1

<table>
<thead>
<tr>
<th></th>
<th>Legitimacy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedural justice</td>
<td>.62***</td>
</tr>
<tr>
<td>Distributive justice</td>
<td>.11**</td>
</tr>
<tr>
<td>Performance</td>
<td>.20***</td>
</tr>
<tr>
<td>Risk</td>
<td>−.03</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>.01</td>
</tr>
<tr>
<td>Age</td>
<td>.03</td>
</tr>
<tr>
<td>Education</td>
<td>−.08*</td>
</tr>
<tr>
<td>Income</td>
<td>.05</td>
</tr>
<tr>
<td>Gender</td>
<td>.03</td>
</tr>
<tr>
<td>Adjusted R-squared</td>
<td>73</td>
</tr>
</tbody>
</table>

SOURCE.—Sunshine and Tyler 2003.
NOTE.—All entries are standardized beta weights. They indicate the independent influence each variable has on the dependent variable. Sample is weighted by ethnicity, income, and education.
*p < .05.
**p < .01.
***p < .001.
ments in conferring or undermining the legitimacy of the police. In addition, the police are viewed as more legitimate if they distribute services fairly and if they perform more effectively in fighting crime.

These two analyses are combined into one overall model, shown in figure 5. It supports the basic process-based regulation argument by showing that legitimacy shapes all three forms of public connection to legal authorities—compliance, cooperation, and empowerment. Further, legitimacy is shaped primarily by procedural justice. This analysis does not suggest that instrumental factors are irrelevant, because they are not. Rather it suggests that there is an independent influence of process-based judgments.

This overall analysis was replicated using data from the second sam-
Police performance → Empower police 25%
Risk
Distributive fairness → Cooperate with police 16%
Procedural fairness → Comply with law 8%
Education
Age
African-American
Hispanic
Gender
Income
Legitimacy

Fig. 6.—Structural equation model for study 2: testing the process-based model of regulation (Sunshine and Tyler 2003).

ple. Results are shown in figure 6. Again, the model supports the basic process-based regulation argument by showing that legitimacy shapes all three forms of public connection to legal authorities—compliance, cooperation, and empowerment. Legitimacy is again primarily linked to procedural justice.

Procedural justice matters when people are making general evaluations of the police or courts by expressing their degree of trust and confidence. Such institutional evaluations are important because they express political support for the legal system and its authorities.

4. Tyler (2001a). Tyler (2001a) explored the factors underlying public trust and confidence using data from several survey-based studies of the police and courts. The studies look at the general population rather than focusing on people with personal experiences. Further, people are asked about their overall evaluations of legal authorities, rather than about their willingness to accept particular decisions. The analysis contrasts the influence of performance evaluations (judgments about whether the police are effectively controlling crime) with judg-
ments about the fairness of police treatment of citizens. It compares their importance as antecedents to confidence in the police.

The findings (Tyler 2001a) suggest that people, when evaluating the police and the courts, consider both their effectiveness in controlling crime and their procedural fairness. The major factor, however, is consistently found to be the fairness of the manner in which the police and the courts are believed to treat citizens when exercising their authority.

For example, a study of 346 Oakland, California, residents living in high crime areas found that the primary factor shaping overall evaluations of the police was the quality of their treatment of community residents (which explained 26 percent of the unique variance in evaluations), with a secondary influence of performance evaluations (which explained 5 percent of the unique variance). Similarly, a national survey of 1,826 people’s views about local and state courts shows that the primary source of public discontent is the judgment that people receive poor quality treatment from the courts, rather than that court performance is of poor quality.

E. Implications

These findings on the evaluation of legal institutions also support the process-based model of regulation. We already knew that people shaped their reactions to their personal experiences by focusing on the procedural fairness of their treatment. We now know that they also shape their evaluations of the police and courts as institutions of government by attention to whether they think that these authorities generally treat members of the public fairly.

Both Sunshine and Tyler (2003) and Tyler (2001a) found that these conclusions apply equally strongly to white and minority respondents. Those within both groups evaluate legal authorities in basically the same way. It might be speculated, for example, that whites would be less concerned about fair treatment, since minorities are the primary target of disrespect by the police and courts. However, no such evidence is found. Both whites and minorities are influenced by quality of treatment issues and judgments of procedural justice.

Of course, it is important to remember that these findings are linked to the subjective fairness of the procedures people experience. They are concerned about regulation as it is experienced by the people being regulated. From the perspective of the legal authorities, the thoughts and feelings of members of the public are primarily important because they shape whether those people comply with the law and cooperate
with the authorities. In this sense, personal experiences can be thought of as adult socialization experiences that teach people about the nature of legal authority. These evolving views about law and legal authority, in turn, shape people’s law-related behaviors.

While these findings suggest that the key to socialization during personal experience is the fairness of the procedure experienced by members of the public when they deal with legal authorities, the subjectivity of such experiences directs our attention to the psychology of procedural justice. When we look at the fairness ratings of various legal forums, it becomes clear that such subjective judgments can deviate from procedural justice as it is thought of by legal scholars. For example, Tyler, Casper, and Fisher (1989) examined criminal justice procedures and found that people rate plea bargaining to be fairer than a trial, while studies of civil justice often find that people rate mediation to be fairer than a trial (Tyler 1988). Hence, subjectively fair procedures should not be viewed as equivalent to normatively fair procedures. However, they are the procedures that shape people’s behavior. For example, mediation encourages compliance (McEwen and Maiman 1984).

IV. The Impact of Legitimacy on Decision Acceptance during a Personal Experience

One argument for the importance of general legitimacy is that it influences what people do during personal interactions with police officers and judges. The question is whether people’s views about the legitimacy of these legal authorities influence how people act during their personal experiences, how they evaluate those experiences and the authorities with whom they have them, and whether they cooperate and defer to the decisions made by the police officers with whom they are dealing.

We would expect, based upon theories of legitimacy, that people who view legal authorities as more legitimate, and hence more entitled to be obeyed, would be more likely to defer to legal authorities, accepting their decisions about how to resolve problems or how to restrict their own behavior. We would predict that consent and cooperation would be greater when people think authorities are legitimate. Further, we would predict that such cooperation is more likely to result in continued adherence to the decisions and agreements made during those personal encounters. Authorities want to gain cooperation and consent in the immediate situation.
Tyler and Huo (2002) found that, as predicted, people are more willing to accept the decisions of police officers and judges in a given situation if they regard those authorities as being generally legitimate legal authorities (see table 7). Hence, general legitimacy facilitates decision acceptance.

This study illustrates the potential benefits of legitimacy for legal authorities. If a police officer or judge comes into a personal encounter representing an institution that people regard as more legitimate, they are more likely to accept decisions. So, as predicted by theories of legitimacy, legitimacy encourages consent and cooperation.

Tyler and Huo (2002) found that the procedural justice has an important role in shaping people's willingness to consent and cooperate with the police. People who view authorities as legitimate generally decide whether to accept the decisions of police officers based upon whether they are fairly made. People who view authorities as illegitimate generally decide whether to accept the decisions of police officers based upon whether they perceive those decisions to be fair or favorable. This is shown in table 8 by the presence of an interaction between legitimacy and procedural justice, and in table 9 by differences in the weight given to procedural justice in the high and low legitimacy subgroups. Since the police are often in situations in which they cannot provide people with outcomes that they view as fair or favorable, the police benefit if people defer to their decisions because those decisions are fairly made.
### TABLE 8
What Shapes Reactions to Personal Experiences with Legal Authorities?

<table>
<thead>
<tr>
<th></th>
<th>Willingness to Accept the Decision/Satisfaction with the Decision Maker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beta weights:</td>
<td></td>
</tr>
<tr>
<td>Procedural fairness in the situation (A)</td>
<td>.77*</td>
</tr>
<tr>
<td>Favorability/fairness of the outcome in the situation (B)</td>
<td>.11*</td>
</tr>
<tr>
<td>Overall legitimacy of legal authorities (C)</td>
<td>.05*</td>
</tr>
<tr>
<td>A * C</td>
<td>.06*</td>
</tr>
<tr>
<td>B * C</td>
<td>-.01</td>
</tr>
<tr>
<td>Adjusted R-squared (percent)</td>
<td>80</td>
</tr>
</tbody>
</table>

**Source.**—Tyler and Huo 2002.

**Note.**—n = 1,656.

* p < .05.

** p < .01.

*** p < .001.

### TABLE 9
Subgroup Analysis

<table>
<thead>
<tr>
<th></th>
<th>Decision Acceptance/ Satisfaction with the Decision Maker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low legitimacy:</td>
<td></td>
</tr>
<tr>
<td>Beta weights:</td>
<td></td>
</tr>
<tr>
<td>Process judgments</td>
<td>.74</td>
</tr>
<tr>
<td>Outcome judgments</td>
<td>.10</td>
</tr>
<tr>
<td>Adjusted R-squared (percent)</td>
<td>75</td>
</tr>
<tr>
<td>High legitimacy:</td>
<td></td>
</tr>
<tr>
<td>Beta weights:</td>
<td></td>
</tr>
<tr>
<td>Process judgments</td>
<td>.83</td>
</tr>
<tr>
<td>Outcome judgments</td>
<td>.00</td>
</tr>
<tr>
<td>Adjusted R-squared (percent)</td>
<td>75</td>
</tr>
</tbody>
</table>

**Source.**—Tyler and Huo 2002.

**Note.**—Separate regression analyses for subgroups representing those high and low in general legitimacy.

* p < .05.

** p < .01.

*** p < .001.
In other words, Tyler and Huo (2002) demonstrated that legitimacy changes the basis upon which people decide whether to cooperate. They contrast two reasons for deferring to the decisions made by police officers and judges: first, because the decisions are viewed as desirable—they are seen as being a fair resolution to the issues involved in the encounter or as providing desirable outcomes such as letting the person go free without arrest, and, second, because the police officers or judges involved are seen as exercising their authority in fair ways. The findings suggest that those who view legal authorities as more legitimate rely more heavily on procedural justice judgments when deciding whether to accept decisions.

These findings show that legitimacy has two positive influences on policing. The first is that people who view the police to be legitimate are generally more willing to defer to the directives of particular police officers. The second is that people who view the police to be legitimate evaluate particular police officers in more strongly procedural terms. For both of these reasons, Tyler and Huo (2002) advocate a proactive strategy of regulation in which the police act in ways that build and maintain legitimacy.

Separate analyses among the various ethnic groups studied by Tyler and Huo (2002) suggest that these legitimacy effects are found among whites, African Americans, and Hispanics. Within each group, the willingness to accept the decisions made by particular police officers is linked to people's views about the overall legitimacy of law and legal authorities. If people view the police as legitimate, they are more willing to accept decisions. Further, within each group, legitimacy facilitates process-based deference to particular police officers.

While Tyler and Huo (2002) focused on the police, interactions with the courts were also considered. The police became the primary focus of attention because 85 percent of subjects' personal experiences were with the police. However, the psychological processes underlying acceptance or resistance to decisions were found to be similar irrespective of which type of authority was involved, suggesting that the arguments apply equally strongly to the police and the courts. Many other studies of courts also strongly support a process-based model (MacCoun et al. 1988; Tyler, Casper, and Fisher 1989; Lind et al. 1993; Wissler 1995).

V. The Idea of a Self-Regulating Society

The distinction between instrumental judgments and legitimacy as antecedents of compliance with the law highlights the possibility of two
types of legal culture. The first builds public compliance on the basis of people's concerns about the possibility of being caught and punished. Such a deterrence-based society depends upon the ability of legal authorities to create and maintain a credible threat of punishment for wrongdoing. The studies outlined demonstrate that, while deterrence influences law-related behavior, the social context of democratic societies makes it difficult for authorities to engage in the levels of surveillance needed to sustain a viable legal system simply based upon deterrence.

The important role legitimacy plays in shaping people's law-related behavior indicates the possibility of a self-regulating society in which citizens internalize values that lead to voluntary deference to the law and to legal authorities. Such a society is based upon consent and cooperation. That cooperation develops from people's own feelings about appropriate social behavior and is not linked to risks of apprehension and punishment. Tyler (2001a) refers to such a society as a law-abiding society. The studies outlined make clear that such a society is possible. If people think authorities are legitimate, they are more likely to obey them.

A law-abiding society cannot be created overnight through changes in the allocation of resources within government agencies, changes that would alter the expected gains or risks associated with compliance. It depends upon the socialization of appropriate social and moral values among children and the maintenance of those values among adults (Tyler and Darley 2000; Tyler 2001b).

Evidence suggests that a core element to the creation and maintenance of such social values is the judgment that legal authorities exercise their authority following fair procedures. This is true both during personal experiences with the police and the courts and in general evaluations of these authorities.

While the process-based approach to regulation proposed here is based upon the results of studies of public reactions to the police and the courts, similar argument have been advanced by others based upon their observations of police interactions with members of the public. Wilson (1968) described a service style of policing that is similar in many ways to the process-based model. Similarly, Muir's (1977) discussion of what constitutes a good police officer notes the importance of treating people with dignity and respect.

The difference in the approach taken here lies in the effort to provide empirical support for the value of a particular style of policing as part of a broader effort to provide an empirically grounded model of
effectiveness in regulation, as one element in a broader "evidence-based" approach to crime prevention (Sherman et al. 2002). This effort involves assessing the impact of policing on the members of the public who deal with the police.

This approach constitutes a useful general approach to the exercise of police authority. While not all people respond to fair processes, the work outlined suggests that such an approach is broadly effective. In particular, it is effective within the subgroup of the population that is the particular target of policing activity—the young minority male.

VI. Racial Profiling as an Example
Issues of racial profiling have recently been central to public discussions of police-community relations. President George W. Bush has condemned racial profiling. Both Congress and a number of states have considered or passed laws designed to lessen racial profiling. More than 80 percent of Americans have said that they "disapprove" of racial profiling (Gallup poll, December 1999). Racial profiling has been blamed for a variety of ills, from friction between the police and minority communities to overall decreased confidence in and cooperation with the police.

Racial profiling—situations in which legal authorities act, at least in part, based on the race of a person—can be considered from a number of perspectives. Legal scholarship focuses on whether and when profiling based on ascribed characteristics such as race, gender, or age is or ought to be illegal (Kadish 1997; Harris 1999; Thompson 1999; Meeks 2000; Knowles and Persico 2001). Criminologists try to determine how often profiling based upon ascribed characteristics occurs (Lamberth 1998; Rudovsky 2001). Police institutions have focused on profiling as a reflection of possible racism among legal authorities that leads to "bias based" policing (Fridell et al. 2001). These perspectives differ in their specific focus, but all define racial profiling in terms of the behavior of legal authorities.

This analysis approaches profiling from a psychological perspective (see Tyler and Wakslak 2002 for an extended discussion). It treats profiling as an attribution or inference made by a member of the public that the motivation for the behavior of a legal authority lies in ascribed characteristics of the people with whom that authority is dealing, rather than in their actual behavior. In other words, this analysis treats profiling as a subjective judgment made by a member of the public
about the motives behind the actions of legal authorities—about why legal authorities are acting as they are.

This psychological approach is different from other treatments of racial profiling. In contrast to the usual focus on profiling behavior, we argue that the subjective experience of receiving police attention based upon one’s race (profiling)—regardless of whether profiling has actually occurred—is responsible for many of the negative effects associated with profiling. It is the perception of profiling, not the objective reality, that may be the important psychological issue.

Observational studies suggest that legal authorities seldom make overt statements that link their behavior to racial profiling. They do not say, for example, “I stopped you because you are black” (Sherman 1999). When authorities do provide reasons or explanations for their actions, those reasons legitimize their actions, as when the police say that the person “fits the description of someone who is wanted for a crime.” Hence, a person stopped by the police must make an inference as to why he or she was stopped, often based on unclear, ambiguous cues. From this perspective, the key issue is not the motivation or behavior of legal authorities, but how their actions are understood by the members of the public.

We can view the subjective experience of racial profiling as an aspect of people’s more general desire to understand why events happen to them. Inferences about observed desire behavior are central to the social psychology of attribution (Heider 1958), which recognizes that a key task of social inference is to infer motivations underlying the observed behavior of others (Fiske and Taylor 1991; Nisbett and Ross 1980). People are constantly engaged in an effort to understand the social world by inferring the reasons underlying actions, and profiling is a subset of such efforts. We hypothesize that the key to people’s reactions to authorities lies in their attributions of motives to those authorities.

A core distinction made by attribution theory is between causes that are “achieved,” that is, that are due to the person’s actions, and causes that are linked to “ascribed characteristics” of the person—their race, age, or gender. People have considerable control over their actions and therefore feel responsible and accountable for behavior they choose to engage in. Ascribed characteristics, however, are not generally the result of choice and are not within the person’s control. People do not feel responsible and accountable for ascribed characteristics. Hence, people are typically more comfortable and accepting of being judged by others based upon what they choose to do rather than on aspects
of who they are, such as their race, gender, or age (Fiske and Taylor 1991).

In the case of an encounter with legal authorities, people might infer that their own actions have led to or caused the behavior of the authorities ("The police stopped me because I was speeding"). This attribution for the actions of the police puts the causality for the police action in the actions of the person, in the things he or she was doing. Conversely, people might infer that the actions of authorities were motivated by their ascribed characteristics ("The police stopped me because I am black, a woman, a young person, etc."). This judgment that authorities are acting in reaction to ascribed characteristics is the core of an attribution of profiling.

In each encounter between a legal authority and a member of the public, the actions of the authority are possibly based upon ascribed characteristics and possibly based upon behavior. The person must make an inference about the cause of the police behavior. Our focus is not on the validity of that inference but, rather, on the factors that shape inferences and the consequences of inferences, when made, on attitudes toward the police. We focus not upon the actual motivations of the police, as revealed in their behavior, but on the perceived motives of the police, as revealed in inferences about their behavior drawn by members of the public.

A. Profiling as an Inference about Police Behavior

Treating profiling as an attributional inference allows us to address important questions not addressed when treating profiling as a behavioral occurrence (such as, asking "Are people being profiled?"). First, what are the consequences of a person making a profiling attribution for the behavior of the police? Does this inference, independent of its validity, have negative organizational consequences for police institutions? The studies described below test the hypothesis that attributions made about behavior shape reactions to that behavior.

Second, what are the factors that shape inferences of profiling? What variables are people relying on when they make judgments about the reasons for police behavior? The studies presented here test the process-based hypothesis that people use procedural cues to assess the motives of legal authorities. In other words, they test the value of using a process-based approach to dealing with issues of racial profiling.

These issues become vital when thinking of the consequences of defining profiling as an attribution made by the public. One might sup-
pose, and would be supported by conventional treatments of racial profiling, that the best way to stop all problems associated with racial profiling is to stop profiling from occurring. This is obviously the tack taken by legislative bodies that have created laws making racial profiling illegal.

The psychological treatment of profiling, however, argues that if people feel that they are being profiled, it may not be sufficient "actually" to stop it. If profiling inferences are responsible for negative consequences to the police, police and other authorities must make sure that they not only deal with actual profiling, but also with the public's perception of profiling. It is easy to imagine a situation in which objective profiling is eliminated, but people still think that they are being profiled. Thus, knowledge of the factors that shape whether a person will make a profiling attribution becomes crucial.

B. Consequences of Profiling Attributions

The police rely heavily on the cooperation of the public. They depend on voluntary deference to police decisions (Tyler and Huo 2002), on general everyday compliance with the law (Tyler 1990), and on active cooperation with police officers to control crime (Sunshine and Tyler 2003). These forms of cooperation diminish when the public becomes less supportive of the police (Sunshine and Tyler 2003). It is predicted that racial profiling, with its implications that the police are biased, will lead the public to show less support for the police. A first hypothesis therefore is as follows: attributions of racial profiling undermine the legitimacy of and support for the police and, in doing so, negatively affect the public's compliance and cooperation with police authorities.

C. Antecedents of Profiling Attributions

Based on the expectation that inferences of racial profiling lead to negative consequences for police institutions, it becomes obvious that it is in the best interests of the police to reduce the occurrence of profiling attributions. But what determines whether a person stopped by the police will make a profiling attribution? Put more broadly, the issue is when people will view themselves as being the targets of discrimination (negative treatment linked to membership in a stigmatized group).

Work by many researchers has focused on factors that influence whether a person will feel that he or she has been discriminated against
(Major and Crocker 1993; Major, Quinton, and McCoy 2002). There is reason to suspect that the situation I am describing, of being stopped by a police officer, is one that may be particularly subject to an interpretation of discrimination. Work by Steele and his colleagues (Steele, Spencer, and Aronson 2002) on social identity threats suggests that members of frequently stigmatized groups are especially sensitive to cues that allow them to judge whether their identity as a member of a stigmatized group is relevant to the situation.

Cues that may not be meaningful to others can nonetheless signal to members of frequently devalued groups that a negative stereotype associated with their social identity is a possible explanation for their behavior. For example, cues signaling the subjective nature of evaluation by authorities may cause identity threat in members of traditionally stigmatized social groups who may worry that their devalued identity may influence subjective evaluations.

Based on this logic, the experience of being stopped by the police is a situation that entails a high level of potential identity threat for minority group members. It is a situation that is very subjective, with the choice of whom to stop being largely in the hands of the police, and the criteria used being unclear. It is a situation in which the person stopped has very little control over the situation, and lack of control increases social identity threat (Steele, Spencer, and Aronson 2002).

Finally, and perhaps most importantly, police-citizen interactions have been publicized in the media as ones tinged with bias, so people enter into the interaction with identity concerns highly salient. There has been much recent publicity about racial profiling in particular (Harris 1999; Meeks 2000; Knowles and Persico 2001) and tension-riddled police-minority relations in general (Fridell et al. 2001). The simple fact that a police officer has stopped a member of a minority group may in itself be a cue that a negative stereotype about the person stopped may be relevant to the situation. Given the current dynamic between the police and minorities, a profiling attribution may be one that is particularly easy for people in the minority community to make.

Can the police do anything to inhibit people from making profiling attributions? One suggestion is that people's belief in the fairness of the manner in which the police exercise their authority might prevent them from making profiling attributions, as a profiling attribution is a judgment that the police are in some way being unjust. But what determines whether people will find the police fair?
The procedural justice model argues that people judge fairness based on several process-based criteria (Tyler et al. 1997). Fair process has been argued here to consist of two primary categories: quality of decision making—perceived neutrality and consistency—and quality of treatment—being treated with dignity and respect, having one’s rights acknowledged, and having one’s needs acknowledged and considered (Tyler and Blader 2000).2

As I have already explained, the procedural justice perspective has been widely applied to the issue of regulation. The process-based model of regulation (Tyler and Huo 2002) hypothesizes that people will evaluate the actions of the police against criteria of procedural justice (Tyler et al. 1997; Tyler and Smith 1997). In particular, one hypothesis is that exercise of legal authority via fair procedures minimizes inferences of bias (Tyler and Huo 2002). The model implies that the way the police exercise their authority when they stop people—both in terms of quality of their decision making and the quality of their treatment of people—shapes the attributions those people make about whether they are being racially profiled.

The process-based hypothesis is that procedural justice information acts as a cue that bias is or is not taking place. It provides people, especially people who are potentially vulnerable to stereotyping, with cues suggesting that their identities are or are not secure and will or will not be challenged or diminished by evidence of bias or application of stereotypes (Tyler and Blader 2002). Experiencing fair procedures reassures people that they are not the target of a negative stereotype. I believe these factors will be enough largely or completely to override any cues inherent in the situation that would lead a person to conclude that profiling had taken place.

Another model of justice, the instrumental model (Thibaut and Walker 1975), makes a different argument. It argues that people’s decisions are affected by their outcomes. In other words, people evaluate their experience based on the fairness or the favorableness of the outcomes they receive and the desirability of those outcomes. The model argues that people evaluate the police based on issues related to their

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2 In our previous discussion we treated procedural justice and motive-based trust as two parallel inferences developing from the quality of decision making and quality of interpersonal treatment that people believe characterizes the police. In this discussion of racial profiling we will focus on issues of procedural justice. Motive-based trust will be used as a check on our argument that attributions about why behavior occurs shape inferences about the character of authorities.
outcome—including both the favorableness of outcomes and distributive fairness—and this evaluation affects the likelihood that they will believe that the police are engaging in racial profiling.

Many studies have found instrumental concerns to be important predictors of people's feelings of justice (Tyler 1990; Tyler and Huo 2002), although procedural justice factors have often been found to be even more influential (Tyler et al. 1997). Thus, our second argument is the following: both instrumental factors and procedural justice will influence people's profiling attributions, but procedural justice factors will have a stronger influence.

D. Empirical Tests of the Profiling Argument

We test these two hypotheses—(1) that inferences of profiling have negative consequences for police institutions because they undermine acceptance of the actions of the police and (2) that police can lessen the occurrence of inferences that their behavior results from profiling through exercising their authority via fair procedures—through three studies. The first tests these arguments using people's inferences about the causes of their own personal experiences with the police. It is based upon a study of a sample of the residents of Oakland and Los Angeles, California. The second study, using a sample of registered voters in New York City, tests the same arguments using people's judgments about the general prevalence of profiling. Finally, the third study tests these arguments on both levels. It is based upon a study of a sample of young people living in New York City.

1. Study 1. Study 1 examines people's personal experiences with the police and the judgments they make about those experiences. It examines the extent to which people attribute their being stopped to behavioral or profiling factors and the effect that this attribution has on two aspects of public support for the police: willingness to accept the decision made by the police and satisfaction with the police. Additionally, it treats attributions about the experience as a dependent variable, examining possible factors that affect the attribution people make. These factors include procedural justice factors (overall procedural justice, quality of treatment, and quality of decision making), distributive justice factors (fairness of outcome, and objective and subjective favorableness of outcome), and a number of demographic variables. We expect that attributions of profiling will lead to less acceptance of police decisions and satisfaction with the police and that these attributions will be most affected by procedural justice information.
Telephone interviews with residents of the two cities in California were used to explore the inferences that people make about their personal encounters with the police in situations in which they are stopped by the police while on the street or in their cars. Residents of Oakland and Los Angeles were drawn from the population using a sampling frame that oversampled from minority areas. Subjects were screened for recent personal contacts with the police or courts to produce a sample of 1,656 respondents, each of whom had recent personal contact with one of these authorities. Each was interviewed about their most recent contact. This analysis focuses on those 521 respondents whose most recent contact was being stopped by the police: 163 were white, 186 African-American, and 172 Hispanic.

People were generally slightly more likely to make profiling attributions (28 percent) than behavioral attributions (23 percent). Minority respondents were significantly more likely to make profiling attributions (34 percent of African Americans and 33 percent of Hispanics vs. 15 percent of whites), while the frequency of behavioral attributions did not vary across ethnic groups.

To test the argument that attributions shape inferences about motives, we measured people's assessments of the trustworthiness of the motives of the police officers involved in their personal experience. As expected, we found that attributions shaped inferences of trustworthiness (adjusted $R$-squared = 28 percent). Those making behavioral attributions judged the police to be more trustworthy (beta = 0.37, $p < .001$), while those making profiling attributions judged the police to be less trustworthy (beta = $-0.34$, $p < .001$). Hence, attributions shaped inferences of trustworthiness.

The first argument is that when people make profiling attributions, they will view police actions less favorably and will become more resistant to accepting the decisions of the police. Regression analysis was used to test this argument. The dependent variables were the willingness to accept the decision and evaluation of the authority. The independent variables were attributions and demographic variables. Table 10 shows the results of the regression analysis. People who made a behavioral attribution were more willing to defer to authorities (beta = 0.32) and evaluated them more positively (beta = 0.35). Those who made a profiling attribution were less willing to defer (beta = $-0.33$) and evaluated authorities more negatively (beta = $-0.35$).

The second argument is that the police shape the attributions that people make by the way they treat them. In particular, the procedural
TABLE 10
Attributions for Event and Reactions to the Event, Study 1

<table>
<thead>
<tr>
<th></th>
<th>Willingness to Accept the Decision</th>
<th>Evaluation of the Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Beta weight:</strong></td>
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<td></td>
</tr>
<tr>
<td>Behavioral attribution</td>
<td>.32***</td>
<td>.35***</td>
</tr>
<tr>
<td>Profiling attribution</td>
<td>−.33***</td>
<td>−.35***</td>
</tr>
<tr>
<td>Hispanic/white</td>
<td>−.10***</td>
<td>−.07**</td>
</tr>
<tr>
<td>African American/white</td>
<td>−.13***</td>
<td>−.12***</td>
</tr>
<tr>
<td>Age</td>
<td>.08***</td>
<td>.08***</td>
</tr>
<tr>
<td>Gender</td>
<td>.03</td>
<td>.03</td>
</tr>
<tr>
<td>Adjusted R-squared (percent)</td>
<td>23</td>
<td>26</td>
</tr>
</tbody>
</table>

Source.—Tyler and Wakslak 2002.

Note.—If a person thinks that the behavior of the police was caused by their behavior, they are more willing to accept police decisions, and they feel more positively about the police. If they think the behavior of the police was caused by profiling, they are less willing to accept police decisions and feel more negatively about the police.

* p < .05.
** p < .01.
*** p < .001.

justice model argues that the fairness of police actions shapes people’s judgments about those actions. The findings, shown in table 11, strongly support this perspective. Irrespective of whether procedural justice is assessed as an overall procedural justice scale, as evaluations of the quality of decision making, or as evaluations of the quality of interpersonal treatment, people are significantly less likely to make profiling attributions when they are treated fairly (average beta = −0.39). They are also less likely to make profiling attributions when they receive fair outcomes (average beta = −0.13) or outcomes that are favorable (average beta = −0.09). Conversely, they are more likely to make behavioral attributions when procedures or outcomes are fair and when outcomes are favorable.

The findings in table 11 also show an interesting distinction between profiling attributions and behavioral attributions. If people feel that they are fairly treated, they are much less likely to say they were profiled (average beta = −0.39). However, they are not correspondingly strongly more likely to say that they caused the police actions by their own behavior (average beta = 0.22). Hence, we need to distinguish blaming the police from taking personal responsibility for one’s actions, since the two are not mirror images. People are more likely not
### TABLE 11
Influence of Police Behavior on Profiling Attributions, Study 1

<table>
<thead>
<tr>
<th></th>
<th>Profiling Attributions</th>
<th>Behavioral Attributions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Beta weights:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procedural fairness</td>
<td>-.35***</td>
<td>.21***</td>
</tr>
<tr>
<td>Quality of decision making</td>
<td>-.47***</td>
<td>.16***</td>
</tr>
<tr>
<td>Quality of treatment</td>
<td>-.45***</td>
<td>.35***</td>
</tr>
<tr>
<td>Distributive fairness</td>
<td>-.07**</td>
<td>.01</td>
</tr>
<tr>
<td><strong>Outcome favorability:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Objective</td>
<td>-.09**</td>
<td>.15***</td>
</tr>
<tr>
<td>Subjective</td>
<td>-.12</td>
<td>.08</td>
</tr>
<tr>
<td><strong>Race</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>.05</td>
<td>.08**</td>
</tr>
<tr>
<td>African American</td>
<td>.02</td>
<td>.06*</td>
</tr>
<tr>
<td>Age</td>
<td>.01</td>
<td>.02</td>
</tr>
<tr>
<td>Gender</td>
<td>.03</td>
<td>-.06*</td>
</tr>
<tr>
<td><strong>Adjusted R-squared (percent)</strong></td>
<td>13</td>
<td>9</td>
</tr>
</tbody>
</table>

**Source.**—Tyler and Waksal 2002.

**Note.**—If people evaluate the procedures to be fair, they are less likely to make profiling attributions and more likely to make behavioral attributions. If they receive an outcome they think is fair, they are less likely to make profiling attributions and more likely to make behavioral attributions. If they receive a favorable outcome, they are generally less likely to make profiling attributions and generally more likely to make behavioral attributions. Minorities are more likely to make both profiling and behavioral attributions. Women are less likely to make behavioral attributions.

* *p < .05.
** **p < .01.
*** ***p < .001.
to blame the police when treated fairly than they are to take personal responsibility for their actions. Nonetheless, people are more likely to take personal responsibility for their actions when they feel fairly treated. And, from the perspective of the police, the key issue is that people do not blame them for having been profiled.

When people think the police are profiling them, it hurts the authority of the police and makes it more difficult to gain public deference to their decisions. However, there are clear policing strategies that effectively minimize the likelihood of profiling attributions. In particular, the police are less likely to be viewed as profiling if they treat people fairly.

This procedural justice finding can be divided into two distinct components corresponding to the two components of procedural justice (Tyler and Blader 2000). The first is linked to issues of decision making. People are less likely to infer that they are being profiled if the police make their decisions in neutral, objective, consistent ways. This points to the value of “transparency” in police activities—that is, of making decisions in ways that make clear that the authorities are acting neutrally. If the police make such efforts, they are less likely to be viewed as profiling. We speculated earlier that the possible subjectivity of the situation acts as a cue that increases social identity threat in minority members; perhaps transparency inhibits evaluations of discrimination by removing that subjectivity.

The second aspect of procedural justice is linked to issues of quality of treatment. It is striking that if the police treat people politely and respectfully, those people are less likely to infer that the police stopped them due to ascribed characteristics. So, by acting respectfully, the police can minimize inferences about their behavior that undermine trust and confidence. This finding is striking because whether the police are respectful has no direct connection to their motivations in stopping people on the street. Nonetheless, people connect the two issues and are less likely to say that they have been profiled when they are treated with respect.

2. **Study 2.** Study 1 focused on people’s personal experiences with the police. Study 2 examines people’s general judgments about the police. Here we examine the effect of people’s general judgments about the prevalence of profiling on support for the police by looking at judgments of police legitimacy and performance in fighting crime. Legitimacy has been previously conceptualized as a measure of obligation
to obey, confidence in the police, and positive affect toward the police (Tyler 1990; Tyler and Huo 2002).

We also look at possible antecedents of people’s judgments about the prevalence of profiling, including procedural justice (general procedural justice, quality of treatment, and quality of decision making), instrumental judgments about the police (crime rate and fear of crime), and several demographic variables. We predict that judgments of profiling will be associated with less support for the police and that these profiling judgments will be most affected by judgments of procedural justice.

In study 2, questionnaires were mailed to a random sample of registered voters, who completed and returned them by mail. A subset of 586 (22 percent) completed and returned the questionnaires. This resulted in a diverse sample of respondents (57 percent white, 15 percent Hispanic, 22 percent African American, 75 percent female, mean age 48). Because of the low response rate, the sample collected is not representative of the population of New York City. It is more heavily white and more highly educated than the general population. For this reason, we used a weighted subsample of respondents that was weighted by ethnicity, education, and income to reflect the population of New York City. This weighted subsample included the 483 respondents who were both members of one of the three major ethnic groups (white, Hispanic, and African American) and who provided education and income information.

The mean prevalence of profiling is shown in table 12. The results shown indicate that people generally feel that profiling occurs (mean = 4.08). Further, as would be expected, minority group members are significantly more likely to say that they feel that profiling occurs (mean = 4.30 vs. 3.89; t(441) = 4.21, p < .001).

As in study 1, we can test the argument that profiling attributions shape inferences of trustworthiness using our index of trust in the motives of the police. That analysis found that prevalence estimates shaped motive inferences (adjusted R-squared = 28 percent, p < .001), with those who think the police profile more often indicating that the motives of the police are less trustworthy.

The first prediction is that support for the police is undermined if the police are viewed as profiling. A regression analysis was used to test this argument. Two dependent variables were considered: police legitimacy and police performance. The results indicate that profiling
TABLE 12
Items for the Scale Indexing the Public's Judgment of Frequency of Police Profiling, Study 2

<table>
<thead>
<tr>
<th></th>
<th>All Respondents</th>
<th>White Respondents</th>
<th>Minority Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Some people say that the police</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>treat people differently based on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>their ethnicity. How much do</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>you think that the police consider</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a person's race or ethnicity when</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>deciding . . .</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Which cars to stop for possible</td>
<td>4.28 (1.47)</td>
<td>4.06 (1.47)</td>
<td>4.55 (1.42)</td>
</tr>
<tr>
<td>traffic violations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Which people to stop and question</td>
<td>4.40 (1.42)</td>
<td>4.17 (1.38)</td>
<td>4.68 (1.42)</td>
</tr>
<tr>
<td>in the street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Which people to arrest and take</td>
<td>4.12 (1.48)</td>
<td>3.90 (1.47)</td>
<td>4.38 (1.46)</td>
</tr>
<tr>
<td>to jail</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Which people in the neighborhood</td>
<td>3.78 (1.54)</td>
<td>3.62 (1.51)</td>
<td>3.97 (1.55)</td>
</tr>
<tr>
<td>to help with their problems</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Which people in the neighborhood</td>
<td>4.24 (1.54)</td>
<td>4.15 (1.47)</td>
<td>4.34 (1.61)</td>
</tr>
<tr>
<td>to patrol the most frequently</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Which calls for help to answer first</td>
<td>3.63 (1.58)</td>
<td>3.42 (1.51)</td>
<td>3.88 (1.62)</td>
</tr>
</tbody>
</table>

Note.—High scores indicate more profiling (6 = "a great deal"; 1 = "not much at all").

was negatively related to both. Those respondents who viewed profiling as more prevalent viewed the police as less legitimate (beta = −0.45) and gave the police lower performance ratings (beta = −0.26). These results are shown in table 13.

What can the police do to minimize public judgments that they are profiling? The procedural justice prediction is that the police can maintain their legitimacy by exercising their authority in fair ways. Study 1 found support for this argument in the context of personal experiences. This study tests it in terms of general evaluations of the police. Again, regression analyses were used to test the argument, and the results are shown in table 14. Three aspects of police procedural fairness were examined: general procedural justice judgments, judgments about the quality of police decision making, and judgments about the quality of treatment that people receive.

The results support the argument with each of the three indices of procedural justice. In each case, people were less likely to feel that profiling occurs if they say that the police exercise their authority using
### TABLE 13
Impact of Profiling, Study 2

<table>
<thead>
<tr>
<th></th>
<th>Legitimacy of the Police</th>
<th>Performance Evaluations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beta weights:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prevalence of profiling</td>
<td>-.45***</td>
<td>-.26***</td>
</tr>
<tr>
<td>Race</td>
<td>-.18***</td>
<td>-.24***</td>
</tr>
<tr>
<td>Age</td>
<td>.16***</td>
<td>.06</td>
</tr>
<tr>
<td>Gender</td>
<td>.02</td>
<td>.01</td>
</tr>
<tr>
<td>Adjusted $R$-squared</td>
<td>30</td>
<td>15</td>
</tr>
</tbody>
</table>

**Source.**—Tyler and Wakslak 2002.

**Note.**—High scores indicate high legitimacy, high performance evaluations, high prevalence of profiling, being minority, being old, and being male.

* $p < .05$.

** $p < .01$.

*** $p < .001$.

### TABLE 14
Police Behavior and Profiling Inferences, Study 2

<table>
<thead>
<tr>
<th></th>
<th>Prevalence of Profiling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beta weights:</td>
<td></td>
</tr>
<tr>
<td>Police generally act in fair ways</td>
<td>-.41***</td>
</tr>
<tr>
<td>Police make decisions fairly</td>
<td>...</td>
</tr>
<tr>
<td>Police treat people fairly</td>
<td>...</td>
</tr>
<tr>
<td>Estimated crime rate</td>
<td>.06 .03 .01</td>
</tr>
<tr>
<td>Fear of crime</td>
<td>.04 .04 .10*</td>
</tr>
<tr>
<td>Race</td>
<td>.05 .02 .07</td>
</tr>
<tr>
<td>Age</td>
<td>.00 .05 .02</td>
</tr>
<tr>
<td>Gender</td>
<td>.03 .02 .02</td>
</tr>
<tr>
<td>Adjusted $R$-squared (percent)</td>
<td>17 27 26</td>
</tr>
</tbody>
</table>

**Source.**—Tyler and Wakslak 2002.

**Note.**—High scores indicate high prevalence of profiling, that the police act fairly, that the crime rate is high, that one is afraid of crime, being minority, being old, and being male.

* $p < .05$.

** $p < .01$.

*** $p < .001$. 
fair procedures (average beta = −0.49). In other words, by being seen as making their decisions in neutral ways and treating people with dignity and politeness, the police lead members of the public to infer that they are not profiling.

Study 1 explored people’s interpretations of their personal experiences. When people had a personal experience with the police, they had to infer why that experience occurred. If they inferred that it was due to profiling, their response to the encounter was more negative than if they inferred that it was due to their behavior. Which of the two attributions they made was found to be related to procedural justice factors. Study 2 looks not at personal experiences, but at general judgments. If people judge that police profiling is widespread, they make more negative evaluations of the police. Profiling judgments are related to judgments of whether the police act in a fair manner. Hence, both on the personal and on the general levels, procedural justice is related to profiling judgments, and profiling judgments are harmful to the police.

3. Study 3. Study 3 examines both general views of the police and personal experiences. It looks at the effects of feeling that profiling is prevalent and feeling personally profiled on support for the police; it examines the effects of two types of support: judgments regarding the quality of the police’s performance and those regarding police-minority relations. It also looks at factors influencing profiling judgments, including procedural justice (respect) and instrumental judgments about the police, and a number of demographic variables. We predict that profiling judgments will influence support for the police and will themselves be influenced most strongly by procedural justice factors.

In January of 2001, a New York Times poll of New Yorkers focused on the NYPD. The poll completed 721 interviews with a sample of residents between the ages of eighteen and twenty-six. This age group was targeted because young people are the frequent focus of policing activities. The sample was interviewed over the telephone. Of those interviewed, 37 percent were white, 25 percent African American, 27 percent Hispanic, and 11 percent other races or ethnicities.

Profiling was indexed in two ways: first, the judgment that profiling occurs and, second, the personal experience of feeling that one has been profiled. The results shown in table 15 suggest that both profiling inferences undermine performance evaluations and judgments of the quality of the relationship between the police and the minority community.
If the police are procedurally fair, are they less likely to be viewed as profiling minorities? This issue is addressed using regression analysis. The results are shown in table 16. They suggest that when people experience unfair treatment, they are both more likely to say that they were profiled and to indicate that profiling is prevalent. Hence, as in

| TABLE 15 |
| Influence of Profiling Attributions on Performance Evaluations, Study 3 |

<table>
<thead>
<tr>
<th>Performance</th>
<th>Relations with Minorities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beta weights:</td>
<td></td>
</tr>
<tr>
<td>Prevalence of profiling</td>
<td>-.27***</td>
</tr>
<tr>
<td>I was profiled</td>
<td>. .</td>
</tr>
<tr>
<td>Race</td>
<td>-.15***</td>
</tr>
<tr>
<td>Gender</td>
<td>-.13***</td>
</tr>
<tr>
<td>Adjusted R-squared (percent)</td>
<td>13</td>
</tr>
</tbody>
</table>

NOTE.—High scores indicate high performance, positive relations with minorities, high prevalence of profiling, having been profiled, minority status, and being male.

* p < .05.
** p < .01.
*** p < .001.

| TABLE 16 |
| Behavior of the Police and Inferences of Profiling, Study 3 |

<table>
<thead>
<tr>
<th>Prevalence of Profiling</th>
<th>I Was Profiled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beta weights:</td>
<td></td>
</tr>
<tr>
<td>I was treated procedurally fairly (respectfully) by the police</td>
<td>-.28***</td>
</tr>
<tr>
<td>Instrumental judgments about the police (feel safe, not fearful around the police)</td>
<td>-.14**</td>
</tr>
<tr>
<td>Race</td>
<td>.16***</td>
</tr>
<tr>
<td>Gender</td>
<td>.12**</td>
</tr>
<tr>
<td>Adjusted R-squared (percent)</td>
<td>8</td>
</tr>
</tbody>
</table>

SOURCE.—Tyler and Wakslak 2002.

NOTE.—High scores indicate feeling that profiling is prevalent, that one has been profiled, that treatment was fair, that the police are safe, not dangerous; being minority; being male.

* p < .05.
** p < .01.
*** p < .001.
studies 1 and 2, the experience of profiling was damaging to the police because it led the people personally involved to have more negative views about the police, as well as leading the public generally to have more negative views about the police. This study replicates both prior effects in the context of one study.

E. Discussion

The results presented suggest that people react negatively to attributions of profiling, irrespective of whether they think that profiling occurs in their own personal experience or generally during policing activities in their neighborhood and city. This supports the hypothesis that there are widespread negative consequences when people think that they have been profiled or that profiling occurs. The inference of profiling hurts the police. These findings support the first prediction, the attributional hypothesis, by showing that people’s inferences about the motives underlying police behavior shape their reactions to the police.

To test the argument, and demonstrate that the attributions measured are related to judgments about the motives of the police, both studies 1 and 2 tested the impact of attributions on motive inferences. In both studies, attributions significantly shaped people’s views about the trustworthiness of the motives of the police. In study 1, this reflected judgments about particular police officers, while in study 2 it reflected judgments about the police in general. When profiling is inferred to be occurring, people evaluated the motivations of the actors involved as being less trustworthy. This supports that key attributional argument that it is motive inferences that are the key antecedent to people’s reactions to authorities.

Since profiling has received wide public exposure, has attracted considerable political attention, and is rated by police chiefs as one of the central issues in policing today (Fridell et al. 2001), these findings suggest the value of psychology as a framework within which to approach issues of policing and regulation. In many ways it is the subjective experience of profiling—the first-person accounts of people’s experiences of being stopped by the police—that has drawn so much attention. These experiences are not necessarily linked to actual profiling, so efforts to eliminate actual profiling may or may not resolve public beliefs that the police profile members of the minority community. It is difficult to know exactly what is going on inside a police officer’s head at the moment of a stop. A psychological perspective, like the one
discussed here, argues that regardless of the objective truth, racial profiling is a serious issue. People certainly feel that profiling exists, and that feeling has been linked to a marked decrease in support for the police.

In addition, the results support the hypothesis that the procedural justice framework is valuable in understanding how to manage issues of profiling. The core conclusion of the studies reported is that when people indicate that they have experienced fair procedures when dealing with the police, or when they indicate that the police generally use fair procedures when dealing with members of their community, they are less likely to infer that profiling occurs. Hence, the police can manage their relationships with members of the communities they serve through their behavior when dealing with members of the public. These findings, therefore, support the general argument about policing made by Tyler and Huo (2002)—that process-based regulation has important advantages for the police and for policing.

Two aspects of procedural fairness—quality of decision making and quality of treatment—were found to affect significantly the inferences people make about their interactions with the police. Quality of decision making refers to the degree to which the police make their decisions in neutral, objective, and consistent ways. Profiling, by definition, is a nonneutral way of making a decision. It is thus intuitively logical that quality of decision making is related to inferences of profiling. The finding does, however, highlight the value of transparency, of making decisions in ways that make clear that authorities are acting neutrally.

The finding that people are less likely to infer that they have been profiled when they are treated with politeness and respect by the police is especially striking. The quality of interpersonal treatment is not necessarily an indicator of the manner in which police make decisions. We can imagine an officer who is not a neutral decision maker but still treats people with dignity and respect. At the same time we can imagine an officer who is a neutral decision maker but treats people without dignity and respect.

Yet, people do not treat these two issues as distinct and draw inferences about profiling from indicators of respect. It is therefore critical that police officers realize the messages that their method of interaction sends. For a police force to be considered fair by the public, it must make decisions in an objective, consistent manner, while also being careful to treat citizens with dignity and respect. The process-
based model of regulation (Tyler and Huo 2002) advocates an environment of fairness that incorporates both of these objectives.

Stuntz (2002) argues that in order to deal effectively with racial distrust of the police in the minority community, it is important to regulate not only whom the police stop, but how they conduct stops. According to his argument, this perspective may also offer one way of dealing with the complex issue of profiling in a post-9/11 world. Many maintain that suddenly the normative question of profiling is a lot less clear (Gross and Livingston 2002). Should all profiling, including that of potential terrorists, be disallowed?

Stuntz (2002) argues that in the type of situation faced post 9/11, in which it is unclear whether prohibiting profiling is an appropriate thing to do, we should focus on the manner in which people are stopped. Regulating the manner of stops made by the police is a way to limit the harm associated with profiling independent of whether one believes actual profiling should be prohibited under all circumstances. Of course, I am not advocating that the police simply treat people fairly and not act to reduce profiling itself. Instead, my point is that since there are some situations, like combating terrorism, in which profiling may be important and, hence, may be allowable under law, approaching the situation from a psychological perspective is especially advantageous in reducing public dissatisfaction about profiling.

Throughout this essay my main focus has been the benefits to the police of treating the people they deal with fairly. However, I wish to emphasize that a policing model focused on fairness is first and foremost beneficial to the community the police serve. The public gains from an increasingly neutral and respectful police force. In addition, process-based regulation creates an environment of fairness that fosters cooperation and a sense that the police are acting on behalf of the community. Increasing support for the police allows the police to function more effectively, better focusing their efforts on serving the community, a result that benefits both the police and the public.

The importance of fair procedures is particularly central in interactions between authorities and minority group members. People who belong to groups that are potentially stigmatizable are especially sensitive to social cues concerning the motivations underlying the behavior of others. If people feel that the authorities are exercising their authority fairly, they are less likely to believe that prejudices, stereotypes, or personal biases are guiding their actions. While members of minority groups vary in their sensitivity to race-based rejection, people in
groups vulnerable to the application of stereotypes are generally more sensitive to such social cues and therefore especially likely to react to evidence of race-based practices such as profiling (Mendoza-Denton et al. 2002).

Of course, these findings do not apply only to the minority community. Everyone views being stopped by the police as an ambiguous situation that has the potential for negative social implications. So all members of the community are sensitive to how they are treated by police officers, judges, and other public officials. As representatives of the group, the actions of authorities such as the police carry an important message about one’s position and status in the group, and thereby communicate to that person whether their identity is secure (Tyler and Blader 2002). The findings reported in this essay support the hypothesis that procedural justice is the cue that people use most heavily when evaluating their reactions to social authorities.

Since there is a major ethnic group gap in trust and confidence in the law and the police, these findings have particular relevance to the task of managing the relationship between the police and the minority community. The procedural justice findings point to a clear strategy that the police can use to create and sustain the trust and confidence of minority group members. Members of minority groups have been of greatest concern to legal authorities since they have consistently been found to be the most disaffected and defiant members of our society. It is especially striking, therefore, that the three studies, like the findings of Tyler and Huo (2002), equally characterized the majority and minority populations.

Because the focus of this section is on racial profiling, an issue that is important in the context of regulation (Tyler and Huo 2002), the focus has been on the willingness of people to defer to legal authorities. This focus can be expanded to general rule following and cooperation with authorities. Results of studies of general rule following suggest that general rule following is also linked to the overall fairness of group procedures (Tyler 1990; Tyler and Blader 2002). Similarly, studies of cooperation find that this, too, is linked to perceptions of procedural fairness (Sunshine and Tyler 2003).

A broadened focus is important because authorities want more from the public than deference to laws and the decisions of legal authorities. They also want proactive involvement. Studies of crime and urban disorder emphasize that the community must play an active role for the police to control crime effectively in their communities (Sampson,
Raudenbush, and Earls 1997; Sampson and Bartusch 1998). Hence, the authorities also want to motivate proactive behavior on the part of those within their groups. A broader implication of these findings is that procedural fairness motivates proactive behavior on the part of group members. In this case, broader behavior involves cooperation with the police.

The issue of antiterror profiling illustrates how the police and community can gain from treating people fairly and building their legitimacy within minority communities. People of Middle Eastern appearance are often the targets of profiling antiterror efforts. At the same time, authorities depend upon the cooperation of the members of the Arab community to warn the authorities about terrorist activities. The key to successful terrorism is the ability to blend into the minority community without detection. As with community cooperation in fighting everyday crime, community cooperation is important in fighting terrorism. And, in both cases, cooperation flows from the belief that the police are legitimate social authorities.

This point can be extended beyond the police to represent a general management strategy. People’s willingness to cooperate with groups is generally facilitated by their judgments that the group functions using fair procedures (Tyler and Blader 2000). As a consequence, authorities in groups should generally recognize the importance of creating and maintaining organizational integrity in the eyes of citizens, employees, or other group members. This should be equally true of community residents dealing with the police and courts, of employees dealing with managers, of students dealing with teachers, and of citizens dealing with political leaders.

The importance of cooperation from the public makes clear that the concern when dealing with minority group members is not just with encouraging their deference to authorities and institutions. We are more broadly interested in understanding how authorities and institutions can encourage the members of vulnerable minority groups to engage in society behaviorally and psychologically. The willingness to work with others in one’s community is one example of such engagement, as are achievement in school and integration into the workforce. Research on this broader engagement suggests that people in minority groups are more willing to engage in groups when they experience those groups and their authorities as acting using fair procedures (Davis and Tyler 2002). Hence, more broadly, organizations that are
characterized by procedural fairness are better able to encourage the engagement of minority group members in themselves.

Some researchers have suggested that attributing a negative event to discrimination may, in fact, benefit members of stigmatized groups by protecting their self-esteem (Major and Crocker 1993), an argument that is at odds with the claim that attributions to profiling are harmful for minority group members. We examined this possibility using the data in study 1 by looking at the relationship between attributions concerning the cause of being stopped and general measures of self-esteem and respect for others. This allows us to determine whether one attribution has more positive implications for well-being. In the case of being stopped by the police, it is not clear that feeling one has been stopped because of one’s behavior ("I was breaking the law") has more positive implications than being stopped due to one’s race. Consistent with this, we found no differential effects of attribution in study 1. In other words, being stopped by the police has small, but identifiable, negative effects on measures of self-worth. But the magnitude of these effects was similar irrespective of which attribution was made about the cause of the event.

F. Profiling as an Example of the Value of a Procedural Justice Perspective

The results of the profiling studies suggest that people react negatively to the inference of profiling, irrespective of whether it occurs in their own personal experience or is generally viewed as occurring during policing activities in their neighborhood and city. The results also support the argument that the psychology of procedural justice is a valuable framework within which to understand how to manage issues of profiling. When people indicate that they have experienced fair procedures when dealing with the police, or when they indicate that the police generally use fair procedures when dealing with members of their community, they are less likely to infer that profiling occurs. Hence, the police can manage their relationships with members of the communities they serve through their behavior when dealing with members of the public.

It is especially striking that people are less likely to infer that they have been profiled when they are treated with politeness and respect. The quality of interpersonal treatment is distinct from the manner in which the police make decisions, and we can imagine that police offi-
cers could be nonneutral and biased, and could make decisions based upon personal prejudices, while still treating people with dignity and respect. However, people do not treat these two issues as distinct. Instead, they infer that they have not been profiled if they are treated more politely.

VII. The Relationship of the Procedural Justice Approach to Other Models
Legitimacy and procedural justice together make up one of three major conceptual initiatives of the 1980s and 1990s that have influenced thinking about the criminal justice system. Restorative justice and community policing are the others.

A. Restorative Justice
The suggestion that the maintenance of internal values in community residents is important to effective policing is also made by the literature on restorative justice (see Braithwaite 1989, 1999, 2002; Strang and Braithwaite 2000, 2001). The core argument is that the police and courts should behave in ways that "restore" people to law-following behavior. The goal is to reconnect offenders to an awareness of their own social values and to their stake in maintaining social relationships. This awareness will discourage them from law-breaking behavior in the future because they will recognize that their behavior violates personal values that define appropriate conduct. They will see that rule breaking damages social relationships with friends, family, and the community.

The effectiveness of this model is being tested in a set of restorative justice field experiments being conducted in Canberra, Australia. Those studies explore the long-term impact of restorative justice experiments on law-abiding behavior. While data on long-term behavior are still being collected, data already available suggest that people who experience restorative justice conferences express greater respect for the law and view the police as more legitimate than do those whose cases are processed via traditional court procedures (Sherman 1999).

Like procedural justice, restorative justice is oriented toward future conduct. Both models suggest that one important goal for legal authorities is to encourage activation of people's internal values so that they will feel personally responsible for rule-abiding conduct in the future. Restorative justice focuses on people's feelings of shame, which are linked to their relationships to others in the community. Most people
TABLE 17
Self-Regulatory Motivations

<table>
<thead>
<tr>
<th>Model</th>
<th>Focus</th>
<th>Motivation That Is Activated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedural justice models</td>
<td>Legitimacy of authority</td>
<td>Obligation</td>
</tr>
<tr>
<td>Restorative justice models</td>
<td>Relationships to others</td>
<td>Shame</td>
</tr>
<tr>
<td>Moral development models</td>
<td>Principles of right and wrong</td>
<td>Guilt</td>
</tr>
</tbody>
</table>

feel a responsibility to act in ways that will be respected by others and are ashamed when they have let others down. Restorative justice seeks to communicate to offenders that they are valued and respected people who have positive relationships with others. While condemning the law-breaking actions that occurred and trying to find appropriate ways to make up for the harms done, restorative justice also tries to increase the offender's motivation to act in appropriate ways in the future.

Procedural justice does not focus on shame. It focuses on obligation and responsibility. However, both shame and obligation are internal motivations for self-regulatory behavior. We can combine these with a third motivation mentioned earlier—morality—to identify three self-regulatory motivations. These are shown in table 17. While all three are united in their goal of activating people's internal values, they focus on different issues. Procedural justice focuses on feelings of obligation and responsibility to authorities. Restorative justice is concerned with people's relationships to others and the shame that occurs when people disappoint others. Moral values lead to guilt when a person violates his own personal standards of right and wrong.

B. Community and Problem-Oriented Policing

Many of the ideas outlined here are also part of the community and problem-oriented approaches to policing. Those approaches emphasize police efforts to move beyond reacting to committed crimes to making efforts to work proactively with communities to solve community problems.

Studies suggest that people value having the police talk to citizens and cooperate with citizens to solve community problems. They support more bike and pedestrian patrols because they "like to perceive the police as friends and helpers and they would support endeavours to improve the work of the police force much in the sense of what
community and problem oriented policing propose” (Weitekamp, Kerner, and Meier 1996, p. 16). Similarly, a study of public complaints about the police showed that the two primary reasons for complaining were “rude, arrogant, unfriendly, over-casual treatment” (38 percent) and “unreasonable, unfair behavior” (46 percent) (see Skogan 1994).

These findings suggest that people would like to improve the relationships between citizens and the police, a core concern of problem-oriented and community policing. Weitekamp, Kerner, and Meier (1996) proposed a restorative problem-solving police prevention program that views reconciliation between victims, the community as a whole, and perpetrators as a key goal. They argue that four groups—the police, the community, the offender, and the victim—should be involved in efforts to reconcile following wrongdoing. All of these groups should be jointly concerned to make their community safer, reduce fear, prevent future crime, improve the quality of life, and increase interpersonal harmony among the people in communities.

Several conceptual issues underlay the distinctions among restorative, problem-oriented, and community policing. One is what the appropriate responsibilities of the police should be. Traditionally the police are responsible for enforcing the law by regulating public behavior and apprehending lawbreakers. Those people are evaluated and potentially punished by the courts. Recently there have been arguments for an expanded police role in helping to solve community problems and helping communities to solidify themselves as communities. These arguments stem in part from the recognition that the police cannot effectively control crime without community assistance (Sampson, Raudenbush, and Earls 1997; Sampson and Bartusch 1998), and in part from the suggestion that at least some members of the public would prefer the police play a broader role in the community than just rule enforcement and crime control.

A second issue is who should deal with rule breaking. Within modern societies, the state has the central authority for deciding how to react to rule breaking, with the police and courts deciding whom to arrest, how to determine wrongdoing, and how much to punish. This has led to a variety of types of discontent. Victims of crime feel excluded from the determination of punishment and would like to have a greater role in deciding how to deal with criminals. Communities would also like a greater role, in part because they feel that the punishments of the formal legal system depart from the communities’ feelings
about what is right and wrong (Robinson and Darley 1995). These groups have argued for greater opportunities to participate in determinations of how to deal with crime and criminals.

Finally, there is the question of how crime should be dealt with. The current legal system emphasizes determinations of guilt and the application of punishment. However, approaches such as restorative justice argue for the value of seeking to rehabilitate offenders—emphasizing the encouragement of future law-abiding behavior as the goal over punishment for past wrongs. This leads to efforts to work with the families and communities affected by the crime to encourage the criminal to come into compliance with community norms and values. Restorative justice itself is a model for the goal that should shape reactions to wrongdoing. It does not speak to the issue of who—the community, the police, the courts—should have the authority to manage responses to deviant behavior. In the RISE experiments conducted in Australia, for example, the police managed restorative justice sessions (Braithwaite 1999, 2002). However, in many of the traditional dispute resolution approaches from which restorative justice draws its inspiration, the community and community leaders were the key authorities. The restorative justice approach is a model for how to react to wrongdoing, rather than a model of policing, but it can be applied to policing if the police adopt a restorative justice approach to their dealings with wrongdoers.

The goal of law, legal institutions, and legal authorities is to regulate effectively the behavior of those within society. If the law is to be effective, most people must accept the directives of the law most of the time, they must generally cooperate with legal authorities, and they must support the empowerment of those authorities. Gaining such cooperation is always difficult, since legal authorities are often in the position of restricting people’s behavior or asking people to take actions that benefit the community rather than themselves.

This essay presents a perspective on how public cooperation can be secured. It argues that people evaluate and react to the law and to legal authorities in large part by evaluating the processes through which legal institutions and authorities exercise their authority. In particular, people evaluate the actions of authorities and institutions by applying an ethical framework and assessing the justice of the manner in which these institutions and authorities make decisions and treat people.

This process-based perspective suggests that the authorities need to
be concerned with understanding the ethical frameworks through which their actions are viewed by the public. In particular, they need to be sensitive to people's judgments about what makes legal procedures fair. Assessments of procedural justice, more than any other aspect of public judgments, shape reactions to the police, the courts, and the law. This is true both when people are reacting to their personal experiences and when they are making general evaluations of the police and the courts. Together with judgments about the trustworthiness of the motivations of legal authorities, the other important process-based judgment about legal authorities, procedural justice judgments are the key antecedent of deference to decisions and cooperation with legal authorities.

One procedural element consistently found to shape evaluations of procedural justice and inferences of motive-based trust is the quality of decision making. When people judge that legal authorities and institutions are making their decisions fairly, they view those authorities as more legitimate and more willingly defer to and cooperate with them in personal encounters and in their everyday law-related behaviors. Quality of decision making involves making decisions in neutral and unbiased ways using objective information, and not personal biases and prejudices. In neutral decision making, authorities make decisions based upon rules consistently applied across people and situations. Because neutrality involves the use of objective information about the situation, people are more likely to view procedures as neutral when they are given an opportunity to present evidence and explain their situation.

A second procedural element that shapes evaluations of procedural justice and inferences of motive-based trust is the quality of the interpersonal treatment that people experience when dealing with authorities. This includes treatment with dignity and respect, acknowledgment of one's rights and concerns, and a general awareness of the importance of recognizing people's personal status and identity and treating those with respect, even while raising questions about particular conduct. As with neutrality, one factor that accords respect is allowing people to voice their concerns. In addition, people value having the reasons for the actions of authorities justified and explained, and having their right to appeal unfair decisions affirmed.

While both process-based elements play an important role in shaping people's reactions to the police, the courts, and the law, it is partic-
urally striking that many studies find that a key issue to people when dealing with legal authorities is the respect and dignity with which they are treated. This aspect of quality of treatment is found by Tyler and Huo (2002) to be the most important antecedent of both procedural justice assessments and judgments about the trustworthiness of the motives of legal authorities. The studies of public evaluations of the police and courts outlined always find that assessments of how these authorities treat community members are important elements in overall evaluations of performance and legitimacy, and a major antecedent of compliance, cooperation, and empowerment.

These findings have clear implications for the exercise of legal authority. They suggest that in addition to their concerns about performance and effectiveness in fighting crime and urban disorder, legal authorities need to be sensitive to the need to manage the public in ways that accord respect to and acknowledge the rights and concerns of community residents.

It is ironic that, while appearing to be increasingly successful in dealing with crime, legal authorities have not achieved greater legitimacy in the eyes of the public. Legitimacy and cooperation, however, are not solely, or even primarily, shaped by performance. Rather, the views of the public are shaped to an important degree by the manner in which the police exercise their authority.

Consider a concrete example. The New York City Police Department feels considerable pride in their adoption of innovative policing techniques, such as COMPSTAT, which have enabled them to fight crime more effectively. However, views about the NYPD continue to be widely negative, especially among members of the minority community. This frustrates police officials, whose underlying assumption is that the public links their views to estimates of the crime rate, fear of crime, or judgments about police performance in fighting crime. If the public focuses instead on issues of process, then policies such as aggressive policing or racial profiling may have the consequence of undermining public support, even if they effectively lower crime. Increased attention to quality of treatment, if accepted as a goal in and of itself, would enhance public views.

The argument for increased attention to process-based issues is not intended to replace efforts to manage crime and urban disorder effectively. Rather, the goal is to create a second criterion against which the police and courts might evaluate themselves—a “fairness” criterion re-
flecting public views about how those authorities exercise their authority. Inevitably an effort to implement such a strategy involves focusing on what fairness means to people in the community.

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