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## **Instrumental and normative pathways to compliance: results from field research on moped drivers**

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### **Citation**

Terpstra, B. L. (2022, March 31). *Instrumental and normative pathways to compliance: results from field research on moped drivers*. Meijers-reeks. Retrieved from <https://hdl.handle.net/1887/3281271>

Version: Publisher's Version

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**Note:** To cite this publication please use the final published version (if applicable).

## The Influence of Police Treatment and Decision-making on Perceptions of Procedural Justice: A Field Study<sup>■</sup>

### ABSTRACT

*Objectives:* This study examines whether police behaviour that signals higher quality of treatment or decision-making leads to higher perceived procedural justice.

*Methods:* Analyses are based on data collected during police traffic controls of moped drivers in two Dutch cities over a period of six months. Police behaviour was measured through systematic social observation (SSO), and data on perceived procedural justice were collected through face-to-face interviews immediately after the encounters.

Linear regression analysis with bootstrap estimates was used (n=218), with an overall perceived procedural justice scale as the dependent variable in all regressions. Independent variables included an overall observed procedural justice index and four separate scales of police treatment and decision-making.

*Results:* We find no evidence that police behaviour that signals fairer treatment or decision-making leads to higher perceived procedural justice.

*Conclusions:* Our findings add to the currently very limited empirical evidence on an important question, and raise questions about a central idea, that more procedurally just treatment and decision making by authorities leads to an increase in perceived procedural justice and enhanced compliance. The first of these requires more research.

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■ This chapter is based on: Terpstra, B. L., & van Wijck, P. W. (2021). The Influence of Police Treatment and Decision-making on Perceptions of Procedural Justice: A Field Study. *Journal of Research in Crime and Delinquency*.

### 3.1 INTRODUCTION

In recent years, an increasing number of studies have been published on the fairness of procedures used by the police and other authorities. Overall these studies find that if citizens feel that they are treated more fairly by legal authorities, they ascribe more legitimacy to justice institutions and tend to be more inclined to abide by the law and to cooperate (Murphy, 2005; Tyler, 1990; Winter & May, 2001). The research on this relationship and the fairness of these procedures, termed 'procedural justice' (Cropanzano & Ambrose, 2001), suggests that perceptions are based on two related components: quality of treatment and quality of decision making (Blader & Tyler, 2003; Gau, 2013; Reisig et al., 2007; Reisig & Lloyd, 2009; Sunshine & Tyler, 2003; Tankebe, 2009b; Tyler, 1990, 2003). The research seems to imply that an improvement in the quality of treatment and decision-making by police officers leads citizens more likely to view the police as a legitimate institution, and in turn, are more likely to comply with the law and cooperate with police.

However, studies on procedural justice and compliance are generally based on survey data, so refer to perceived procedural justice rather than to actual treatment and decision-making by the police, thus essentially being about what individuals say about how they were treated rather than being about how they were actually treated, so this conclusion cannot be clearly drawn. Although one would expect that higher quality of treatment and decision-making results in higher perceived procedural justice, research on the relationship of actual behaviour to perceptions of it is limited (Nagin & Telep, 2017). Establishing whether actual police treatment and decision-making influence perceived procedural justice, requires study of the relationship between data on police behaviour and data on citizen perceptions. Due to the labour-intensity of the field-research necessary for this, the current body of research on this relationship is very limited and, in the studies that exist, the results are not consistent (Nagin & Telep, 2017). This inconsistency leads to fundamentally different conclusions. Mazerolle et al. (2013), for example, conclude that short police-citizen interactions in traffic stops can be highly influential on perceptions of procedural justice, while Worden and McLean (2017) conclude that it would be surprising if one single interaction such as a traffic stop materially altered perceptions of procedural justice.

The main purpose of the present study is to extend the research on the relationship between police behaviour and perceptions of procedural justice by answering the following research question: to what extent does police behaviour that signals higher quality of treatment or decision-making lead to higher perceived procedural justice? To answer this, we investigated interactions between police officers and citizens at police traffic controls of moped drivers in two Dutch cities over a period of six months, using instruments derived from previous studies to collect data on both perceived procedural justice and on treatment and decision-making by police officers. Data on perceived procedural justice were collected using questionnaires taken from the literature (Gau, 2013; Jackson, Bradford, Hough, Myhill, et al., 2012; Sunshine & Tyler, 2003; Tyler, 1990), and data on actual treatment and decision-making were collected using a systematic observation protocol taken from the literature (Jonathan-Zamir et al., 2015).

In the next section, we present a short review of previous research on perceived procedural justice and the relationship of these perceptions with the quality of treatment and decision-making by the police. Following that, we present a more detailed description of the current study, a description of the data and the plan of analysis, the results, and conclude with a discussion of the implications and limitations.

### 3.2 PRIOR RESEARCH

This section presents an overview of prior research regarding the relation between variations in the quality of treatment and decision-making and perceived procedural justice. Generally, a distinction is made between four ingredients of procedural justice: (1) participation, (2) neutrality, (3) dignity and respect and (4) trust in the motives of the police.

First, we discuss two studies that systematically observed the four ingredients and constructed a procedural justice index (Dai et al. (2011), Jonathan-Zamir et al. (2015)). The strength of these studies is that an observation protocol is used and that a validated instrument is developed. The weakness is the lack of a subjective assessment of procedural justice.

Second, we discuss three experimental studies investigating the relation between police behaviour and perceptions of procedural justice (Mazerolle et al. (2012), MacQueen and Bradford (2015), Sahin et al. (2017)). These studies compare an explicitly procedural just treatment with a business-as-usual treatment. For the procedural just treatment, police officers use a concise script. The strength of the studies is the explicit experimental design. An important weakness is the use of a short script, implying that there was limited capacity to capture the full range of a procedurally just encounter.

Third, a study that combines observational data and data on perceptions of procedural justice (Worden and McLean (2017)) is discussed. The combination of these types of data is the strength of this study. The main weakness is that data on perceptions of procedural justice are based on a survey administered after 2 to 5 weeks. This led to a low response rate and potentially a less accurate reproduction of the encounter.

This study aims to build on the strengths of previous studies while avoiding the weaknesses.

### 3.2.1 The role of procedural justice

Demonstrating that people are more willing to defer to unfavourable court decisions when they feel that the court procedures used to arrive at these outcomes are perceived as fair, Thibaut and Walker (1975) discussed the meaning of procedural justice in terms of control over the outcome. In their instrumental model, people seek maximal attainment of favourable outcomes and prefer fair procedures because these procedures are most likely to provide favourable (economic) outcomes in the long run (Cropanzano & Ambrose, 2001).

Lind and Tyler (1988) proposed a different view on the role of procedural justice. In their group-value model, a procedurally just treatment emphasizes the perception of a shared group membership; and how authorities communicate with members of a group conveys information about the status of those members (Smith et al., 1998; Tyler & Lind, 1992). Here, a procedurally just treatment sends the message that people are valued by society (Lind & Tyler, 1988), strengthening the justification for obedience to an authority. The acceptance of an authority, or more specifically, the 'belief that legal authorities are entitled to be obeyed and that the individual ought to defer to their judgments', is known as legitimacy (Tyler & Huo, 2002, p. xiv). Legitimacy, in turn, leads to more

respect for laws, rules and regulations issued by the authority, and the obligation to comply with these laws and cooperate with authorities (Blader & Tyler, 2003; Jackson, Bradford, Hough, & Murray, 2012; Sunshine & Tyler, 2003; Tyler & Fagan, 2006).

Many studies confirm the importance of procedural justice, that people are more inclined to cooperate with the police and abide by the law when they feel treated in a fair, respectful and impartial manner (Hertogh, 2015; Hough et al., 2013; McCluskey, 2003; Murphy et al., 2008; Sunshine & Tyler, 2003; Tankebe, 2009a; Tyler, 2004; Tyler & Wakslak, 2004).

### 3.2.2 Procedural justice ingredients

Procedural justice is generally thought to be based on information on the quality of treatment and on the quality of decision-making. Quality of treatment involves people's assessments about whether, and to what extent, they believe police treat citizens with dignity and respect, while quality of decision making refers to people's perceptions of police as reaching decisions based on objective indicators such as facts, law, and reason rather than on personal beliefs (Gau, 2011).

Tyler (2004), Schulhofer et al. (2012) and Mazerolle et al. (2014) propose that four essential ingredients make up the quality dimensions of procedural justice. The first is citizen participation in the proceedings prior to an authority reaching a decision. According to Goodman-Delahunty (2010), decision-making processes are viewed as fairer when citizens are given the opportunity to voice their views and opinions. This opportunity is generally characterized as 'participation' or 'voice'.

The second is perceived neutrality of the authority in his/her decision-making, with neutral behaviour signalling that police are playing by the rules set forth in the law, so indicating unbiased decisions and a fair decision-making process (Huq et al., 2011; Tyler, 2004). The third ingredient is whether or not the authority showed dignity and respect throughout the interaction. According to Tyler and Lind (1992), 'dignity and respect' is the core ingredient to procedural justice. The underlying hypothesis is that when people are treated with respect, politeness and dignity, evaluations of fair treatment, so of procedural justice, improve. The fourth ingredient is whether or not the authority conveyed trustworthy motives. Tyler (2004, 2008) proposes that citizens infer the fairness of police treatment from the motives they are able to understand from what they observe. In this reasoning, when an authority shows

care for the wellbeing of a citizen and society at large, its treatment is likely to be viewed as fairer.

### 3.2.3 Police behaviour and perceived procedural justice

As the field-studies necessary to study the relationship between police behaviour and perceptions of procedural justice are labour-intensive, studies investigating police behaviour in terms of the four procedural justice ingredients are scarce.<sup>1</sup> There are, however, a few. The first, a study by Dai et al. (2011), found that, in terms of police demeanour and citizen voice, the impact of procedurally fair behaviour of the police was to significantly increase citizen behaviours of respect and compliance towards the police (though the impact of other procedurally just behaviour by police had a less consistent effect on citizen behaviour). The second study, conducted by Jonathan-Zamir et al. (2015), of 233 police-citizens encounters between June and December 2011 in Everdene, a small suburban American city, used an observation protocol to systematically observe the four ingredients of procedural justice, (1) participation, (2) neutrality, (3) dignity and respect and (4) trust in the motives of the police. Based on the scores on these categories, the authors develop an “overall procedural justice index”. As they found this index correlates significantly with observed satisfaction with the police handling of the situation, they argue it supports the validity of their measurement approach.

The results from Dai et al. (2011) and Jonathan-Zamir et al. (2015), that procedural justice increases satisfaction and cooperation with the police, are similar to the studies based on survey instruments. Both studies, however, lack subjective survey assessments on procedural justice, making it impossible to investigate to what extent higher quality in treatment and decision making by the police leads to higher perceived procedural justice.

The relation between police behaviour and perceptions of procedural justice has also been investigated in a number of experimental studies. The first is the Queensland Community Engagement Trial (QCET) by Mazerolle et al. (2012). The second is a replication of the QCET study performed by MacQueen and Bradford (2015), the Scotland Community Engagement Trial. The third was an experiment conducted by Sahin et al. (2017) with the help of Turkish police.

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1 For a good overview, see Jonathan-Zamir *et al.* (2015).

The studies focus on police behaviour during traffic controls. The setting in the three studies is slightly different: Drivers at Random Breath Test stationary operations (a routine-alcohol check), drivers stopped at routine vehicle stops, and drivers stopped by traffic officers for speeding violations.

The three studies are characterized by an experimental design. The experiment group received a “procedurally just” treatment based on a concise script, and the control group received a “business-as-usual” treatment. To investigate differences in perceived procedural justice, surveys were used. In the first two studies the survey was distributed to all drivers at the end of the encounter and the drivers were also provided with a stamped address envelope and asked to return the survey. In the last study drivers were interviewed after completion of the traffic stop.

The studies lead to contrasting results on the relation between police behaviour and perceptions. Mazerolle et al. (2012) and Sahin et al. (2017) find that drivers in the procedural justice treatment condition scored significantly higher on perceived procedural justice than the drivers in the business-as-usual condition.<sup>2</sup> MacQueen and Bradford (2015) however, find that procedurally-just police vehicle stops decreased citizen trust in police officers and reduced satisfaction with police conduct compared to routine police vehicle stops. One potential explanation for the difference in the findings, is the that in the first two studies drivers were stopped at routine checks, whereas in the last study drivers were stopped by traffic officers for speeding violations. The contrasting results can also be explained by a difference in policing context between the different countries.

But it also draws attention to some important lessons for research. Traffic controls, such as alcohol checks, generally lead to short encounters between drivers and police officers. It appears to be very difficult to incorporate the full range of the key procedural justice ingredients into a short experimental script. To use of extensive scripts incorporating variations in the ingredients, would lead to encounters that take substantially longer than business-as-usual. Even with concise scripts, the duration of the fair treatment tends to be longer than the duration under BAU conditions, hence (small) differences in perceived proce-

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2 Different articles based on the same data of the Queensland Community Engagement Trial show comparable results (Mazerolle et al., 2013; Murphy et al., 2014; Sargeant et al., 2016).



dural justice between the groups may be caused by the duration factor rather than the procedural justice elements from the script. Another lesson from these studies is that the use of paper surveys leads to a low response rate and tends to be biased towards no-offenders. Furthermore, if there is a time-interval between the event and the survey, that may affect the answers in the survey.

Overall, the experimental studies do not appear to be very successful in combining data on the full range of the key ingredients of procedural justice and data on perception of procedural justice.

There appears to be only one study that successfully combines data on the key procedural justice ingredients and data on perceived procedural justice. This is a study by Worden and McLean (2017).<sup>3</sup> During police patrols in Schenectady, New York, survey data acquired from 411 citizens combined with observational data made with in-car cameras, revealed a significant relation between scales that represent the officers' procedural (in)justice behaviour and perceptions of procedural justice, although the variation in police behaviour only accounted for 12% percent of the variations in procedural justice perceptions. When further controls are added for the nature of the situation and officers' exercise of authority, the estimated effects of the relationship between procedural justice behaviour and perceptions of procedural justice disappear, though procedural injustice still has a small effect.

That study also has some limitations. An important limitation is that the low response rate (10.3%) may lead to sampling bias. Furthermore, the surveys were administered two to five weeks after the encounter with the police, making it difficult to determine if the survey scores are an accurate reproduction of the details of the encounter. It is problematic to determine if the variations in perceptions found were caused by the recent encounter with the police or were more representative of other influences, such as opinions from peers when talking about the encounter or pre-existing attitudes and beliefs formed on the basis of previous encounters with the police, (social) media, friends and family, or other more recent events.

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3 A study by Willits et al. (2019) also combines procedural justice behaviour data with survey data on procedural justice but lacks statistical power due to the limited number of respondents.

### 3.3 THE CURRENT STUDY

As discussed above, there is little evidence that higher quality of police treatment and decision-making leads to higher levels of perceived procedural justice. By combining data on the essential ingredients of procedural justice of police behaviour with data on citizen perceptions of procedural justice, our study investigated the relation between treatment and decision-making by police officers on the one hand, and perceived procedural justice on the other. Following Mazerolle et al. (2012), we focused on police-citizens encounters at routine traffic controls. In consultation with the Traffic department of The Hague unit of the Dutch National Police, the options to set up a field study were assessed. The option of conducting a classic experiment with the full range of the key procedural justice ingredients were limited because it would involve either longer or more varied scripts, both of which would increase the chance of within group variation in the delivery of the treatment. Since we wanted to observe the full range of procedural justice ingredients of police behaviour, we used the systematic social observation (SSO) method used by Jonathan-Zamir et al. (2015) to observe treatment and decision-making. In other words, rather than systematically varying the treatment of moped drivers, we systematically observed actual variations in police behaviour. We did this by using four previously validated scales of police treatment and decision-making extracted from earlier work. Because our observations took place in a setting with encounters substantially longer in duration than random breath tests studied by Mazerolle et al. (2012), we were able to study the full range of procedural justice ingredients.

Information on perceived procedural justice was gathered through questionnaires, administered directly after the traffic controls.

In summary, our study builds on the scarce empirical research where procedural justice is studied in the context of traffic controls. Specifically, we focus on moped traffic control checks. This enables us to observe the full range of procedural justice ingredients using validated scales. It is, of course, an open question whether the results we find in the context of moped traffic controls can be generalized to traffic controls in general or broader contexts.

### 3.3.1 Set-up

Our field research focuses on traffic controls of mopeds and their drivers. Mopeds are two-wheeled motorized vehicles that can be operated by persons over 16 years of age with a valid driving license. Dutch traffic law distinguishes two kinds of mopeds: mopeds with a top speed of 25 km per hour that can be operated without a helmet and mopeds with a top speed of 45 km per hour for which wearing a helmet is compulsory.

In the Netherlands, the National Police regularly set up traffic control check-points for mopeds where they check for a number of traffic law violations: driving a vehicle with a higher top speed than allowed, driving without a valid driving license or insurance, driving under the influence of alcohol, driving without proper lighting, using a mobile phone while driving, and driving without a helmet when required. The nature of these routine checks makes them an appropriate setting for SSO-research because they take approximately 5 minutes, thus relatively short but substantially longer than, for example, random breath tests. In addition, the drivers stopped include both compliant and non-compliant drivers, and variation in the length of the encounters is limited due to the fact that all mopeds are thoroughly inspected.

Two different locations were selected for our research: 'Wasse-naarseweg' in Leiden and '1<sup>ste</sup> Stationsstraat' in Zoetermeer. Both these cities are part of the urban agglomeration in the west of the Netherlands, halfway between Amsterdam and Rotterdam. They were selected because of they are comparable in terms of the population of interest (people driving mopeds), the number of moped drivers passing the location, and the average number of traffic violations per driver stopped by the police.

The research was conducted from January 19, 2017 until August 2, 2017. On average 3 or 4 police officers were present at a traffic control check point, and 1 or 2 additional officers driving around the checkpoint in approximately a 2-mile radius. After being stopped or pulled over, drivers were asked for their license and insurance papers. All mopeds were checked for defects. After visual inspection, all mopeds were placed on a roller test bench to determine the top speed. In the case of detection of a traffic law violation, drivers received a sanction.

During the above standard procedure, the interaction between police officers and drivers was observed by researchers of Leiden University. After the above procedure finished, the drivers were informed by the

police that researchers of Leiden University were present at the location, inviting them to participate in a survey.

### 3.3.2 Perceived procedural justice

Perceived procedural justice was measured directly after the traffic control check, using a survey conducted by a pool of 8 trained interviewers, student-assistants studying criminology or law at Leiden Law School, three or four interviewers per control. All interviewers received 4 hours of training on how to conduct the survey and how to interpret the questions.

To ensure that participants were able to disclose all information, the survey, which were administered through verbal interviews on average 7 minutes long, were conducted approximately 50 meters from the traffic control check. The survey covered a wide range of topics in the field of procedural justice, using questions derived from previous research (Gau, 2013; Sunshine & Tyler, 2003; Tyler, 1990), related both to the traffic control that had just taken place as well as to previous encounters with the police. Most responses were measured using a 7-point Likert scale (answers ranging from 1 to 7, where 1 is 'totally disagree' and 7 'totally agree'). The survey was tested and slightly modified after two pilot traffic controls in November 2016. The main reasons for the modifications were that two items were not representative of the situation of moped checks, one item was difficult to interpret for drivers, and two items were highly correlated with other items ( $r > .95$ ,  $p < .001$ ) so, due to time restrictions, were omitted.

To construct an overall perceived procedural justice scale, we calculated the average of the following six (Likert scale) items: (1) "The officer treated me with respect", (2) "The officer treated me fairly", (3) "The officer took the time to listen to what I had to say", (4) "The officer treated me the same as other people", (5) "The officer made decisions on the basis of the facts of the situation, and not on her/his personal opinions", and (6) "The officer explained her/his actions and decisions to me".

### 3.3.3 Police treatment and decision-making

The observations of treatment and decision-making by the police were performed using a systematic social observation protocol (SSO) by student-assistants who also conducted the surveys. To allow observers

to overhear conversations without influencing them, for each check, two to three observers were placed at a distance of at least 5 meters, on average 7 meters. All observers received 6 hours of training on how to score the systematic observation-protocol. To reduce the potential problem of different scoring methods, inter-observer differences were intensively studied and discussed during this training. These differences were tested during the pilot traffic controls in November 2016 and found to be negligible. This was confirmed during the main phase of the field research, in which some drivers were randomly selected to be observed by multiple observers. Due to the nature of the checks, all interactions between police and drivers lasted longer than one minute.

The observation protocols are derived from Jonathan-Zamir et al. (2015), and bear similarities to protocols used by Worden and McLean (2017) and McCluskey et al. (2003) applied to traffic encounters as well as to a broader range of police-citizen encounters. Based on decades of SSO research, Jonathan-Zamir et al. (2015) developed a systematic observation protocol that assesses items that aim to capture police behaviours that make citizens feel that they have been treated fairly.<sup>4</sup> Based on these items, they constructed four scales of police treatment and decision-making, based on the four essential ingredients that, according to previous research, constitute the quality dimensions of procedural justice: (1) participation, (2) neutrality, (3) dignity and respect and (4) trust in the motives of the police. In the following sub-sections, we discuss these four scales in more detail.

### *Participation*

Jonathan-Zamir et al. (2015) based their construct of participation on observable choices made by police-officers. Following their definition and observation-items, our observers recorded whether citizens were asked for information or viewpoints, and whether they provided information or viewpoints. The 'interest' the officer showed in the information provided was also recorded by looking at confirmatory

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4 By following the method by Jonathan-Zamir et al. (2015), we recognize that the focus is on behaviours that indicate procedurally just treatment. Although previous research has shown that negative experiences have a greater impact on judgements of encounters with the police (Skogan, 2006), our study is not aimed at procedural injustice, rather we investigate, using previously validated instruments, the extent to which police behaviour that signals higher quality of treatment or decision-making leads to higher perceived procedural justice.

and non-confirmatory behaviours such as nodding, humming, summarizing, carrying out other activities during the interaction and ignoring information provided. The items were coded and grouped as follows:

*Participation = The officer asked for information/viewpoint (0 = no; 1 = yes) + The citizen provided information/viewpoint (0 = no; 1 = yes) × The officer expressed interest in the information/viewpoint (on a scale ranging from 0 to 3, where 0 = dismissive listener; 1 = inattentive listener; 2 = passive listener; 3 = active listener, as defined in the coding protocols).*

This formula resulted in a participation scale ranging from 0 (very low) to 4 (very high).

### *Neutrality*

To construct a measure of neutrality, Jonathan-Zamir et al. (2015) used three types of items: the desire for a balanced information-gathering process, the absence of any obvious indication of decision-making bias based upon personal characteristics, and transparency of decision-making by articulating the reasons for the officer's choices. In our study, we used the same observation-items. For example, if an officer explains to a citizen why the traffic control is being conducted, or explicit statements are made that stress the neutrality of the officers in question. We constructed the neutrality measure as follows:

*Neutrality = Officer indicated s/he would seek all viewpoints about the matter at hand (0 = no; 1 = yes) + Officer indicated s/he would not make a decision about what to do until s/he had gathered all the necessary information (0 = no; 1 = yes) + Officer did not indicate that his/her decisions in this situation were influenced by the personal characteristics (race, age, sex) of anyone present (0 = no; 1 = yes) + Officer explained why the police became involved in the situation (0 = no; 1 = yes) + Officer explained why s/he chose to resolve the situation as s/he did (0 = no; 1 = yes).*

This formula resulted in a neutrality scale ranging from 0 (very low) to 5 (very high).

### *Dignity and respect*

The scale measuring dignity and respect was originally constructed by Jonathan-Zamir et al. (2015) with independent measures of respect and disrespect. Due to the lack of observations in the disrespect category, they created a single dignity measure of respect. We extended this by observing speech and gestures indicating (dis)respect, such as using a loud voice, interruptions and belittling remarks as indications of disrespect and greetings, compliments, jovial gestures, saying 'thank you', good-humoured and friendly remarks as indications of respect. The duration or frequency of such actions during the encounter (brief/intermittent/dominant) was also noted, resulting in the following scale:

*Dignity = To what extent did the officer behave respectfully toward the citizen? (on a scale ranging from 0 to 4, where 0 = Officer showed disrespect; 1 = Officer showed neither respect nor disrespect – 'business-like' behaviour –; 2 = Officer showed brief respect; 3 = Officer showed intermittent respect; 4 = Officer showed dominant respect).*

The scale ranges from 0 (disrespect) to 4 (dominant respect), with higher scores indicating higher levels of dignity and respectful behaviours by police officers.

### *Trustworthy motives: showing care and concern*

To construct a concept reflecting trustworthy motives, Jonathan-Zamir et al. (2015) used observation items that note when police officers provide something to citizens that they requested or would unambiguously perceive as beneficial. These behaviours indicate care and concern, reflecting higher levels of trustworthy motives. Police can exhibit such care and concern in several ways: an officer can comfort a citizen, can promise to give the citizen's situation special attention, tell or ask the citizen to call if the citizen's problem recurs, or – at the officer's initiative – provide information or physical assistance, or contact an agency for assistance on the citizen's behalf. The concept is constructed as follows:

*Trust in the motives of the decision-maker: Showing care and concern = The officer asked the citizen about his/her well-being or asked others in a way that the citizen observed it (0 = no; 1 = yes) + The officer offered comfort or reassurance to the citizen (0 = no; 1 = yes) + The officer provided or promised to*

*exert control or influence over another person for the citizen (0 = no; 1 = yes) + The officer filed a report or promised to file a report for the citizen (0 = no; 1 = yes) + The officer acted or promised to act on behalf of the citizen with a government agency or private organization (0 = no; 1 = yes) + The officer provided/arranged or promised to provide/arrange physical assistance to the citizen (0 = no; 1 = yes) + The officer provided or promised to provide advice on how the citizen could handle the situation or deal with the problem (0 = no; 1 = yes).*

The scale depicting trustworthy motives ranges from 0 (very low) to 7 (very high).

#### *Overall observed procedural justice behaviour index*

Following Jonathan-Zamir et al. (2015), we also developed a composite index based on the four separate indices of police treatment and decision-making described above. This composite index is intended to be a broad assessment of the officer's behaviour, its antecedents and its outcomes. The four separate scales were averaged into an overall observed procedural justice index.

### 3.4 DESCRIPTION OF THE DATA

In the period between January 19, 2017 and August 2, 2017, 687 moped drivers were stopped at traffic control checks, 299 of whom participated in the survey (43.5% response rate). Of the 687 drivers stopped, 590 were observed. Not all drivers who participated were also observed as, on several occasions, the number of drivers stopped exceeded the number of observers present. Ultimately, 218 of the collected surveys could be matched to an observation and were included in our sample. Of these matches, 210 drivers were observed once, and four drivers were observed twice. Not all respondents who completed the interview answered every question. More specifically, with only four exceptions, the missing data relates to the questionnaire item about the police officer taking the time to listen, which was unanswered in 25 of 218 questionnaires. According to Little's multivariate-test, ( $\chi^2(26) = 12.740, p = .986$ ), for all missing data, the likelihood of missingness depends neither on the observed data nor on the missing data. Consequently, due to the reduced sample size, ignoring missing data will increase the SE of the



sample estimates rather than introducing bias (Dong & Peng, 2013). To respond to this, missing data was substituted using the expectation maximization algorithm (Dempster et al., 1977), based on all questionnaire-items on procedural justice and 50 iterations. This algorithm provides unbiased parameter estimates and improves statistical power of analyses when only a very small part of that data is missing (in this case 2.2%) (Enders, 2001; Scheffer, 2002).<sup>5</sup>

The details of the observed population who participated in the survey are presented in Table 3.1. Interestingly, the descriptives of the total observed population (N=590) are similar to the descriptives of the sample that was observed and participated in the survey (N=218). For example, in the total observed sample, the ratio of offenders to non-offenders was 18.1%, compared to 21.1% in the sample of observed drivers who also participated in the survey ( $\chi^2(1) = .192, p = .340$ ); and the ratio of males to females in the total observed sample was 58 %, compared to 56.4% in the sample that also participated in the survey ( $\chi^2(1) = .155, p = .693$ ). Kruskal-Wallis Tests were also conducted to examine whether observed police behaviour differed in the total observed population compared to the sample with drivers that were observed and participated in the survey. No significant differences in participation ( $\chi^2(1) = 2.171, p = .141$ ), neutrality, ( $\chi^2(1) = .0951, p = .758$ ), dignity and respect ( $\chi^2(1) = .120, p = .729$ ), and trustworthy motives ( $\chi^2(1) = .594, p = .441$ ) were found. Based on these tests, we conclude that there are no systematic differences between the observed population and the population that participated in the survey.

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5 Alternative methods of handling missing data, such as full information maximum-likelihood (FIML) and multiple imputation (MI), have been applied to the data and resulted in comparable results. EM was chosen because it allows for data imputation independently of model estimations.

Table 3.1: Descriptive statistics of the sample of drivers that were observed and participated in the survey (N=218)

Variable	Score
Age in years: mean (SD)	33.0 (16.1)
Sex: % male	56.4
Person with a migration background: % <sup>a</sup>	17.1
Household income: median class <sup>b</sup>	€ 20,000-30,000
Education: median class <sup>c</sup>	High school 2
Sanctioned by police during current traffic control: % yes	21.1

a. The Central Bureau of Statistics in the Netherlands defines a person with a migration background as someone with (at least) one of his/her parents born abroad.

b. Income was measured by asking respondents to classify their gross household income in 2016: € 0-10,000, € 10,000-20,000, € 20,000-30,000, € 30,000-50,000, € 50,000+ and unknown.

c. With respect to their education respondents were asked about the highest achieved level of schooling, which was then classified as: elementary, vocational, high school levels 1, 2 and 3, college/university and unknown.

### 3.4.1 Perceived procedural justice

The dimensionality of the perceived procedural justice scale was examined using different techniques. Table 3.2 shows the correlations and descriptives of the items on perceived procedural justice used in the questionnaire, together with the overall procedural justice scale. The mean inter-item correlation for the items is .453 (range: .225 to .798). Mean-item total correlation is .737 (range: .645 to .803). This suggests that all elements are well presented by the overall scale. A third indicator used to gauge the internal consistency of the perceived procedural justice scale, Cronbach's coefficient alpha, is .819 in this case. Acceptable values of alpha range from 0.70 to 0.95 (Nunnally & Bernstein, 1994).

Factor-analytic techniques were used to further investigate whether the six survey items loaded on the perceived procedural justice scale. We used principal axis factor analysis because it corrects for measurement error by using more conservative score reliability estimates (Velicer & Jackson, 1990). The Kaiser-Meyer-Olkin measure of sampling adequacy is .817, indicating that the data are appropriate for factor-analytic techniques (Comrey & Lee, 2013). The factor results indicate a one factor solution: a single factor with an eigenvalue ( $\lambda=3.295$ ) above the Kaiser-Guttman criterium ( $\lambda>1$ ) and a scree plot supporting this conclusion. The techniques we used to investigate the dimensionality of the perceived procedural justice scale all indicate one dimension.

Table 3.2: Correlation matrix and descriptive statistics of the six items of perceived procedural justice and the perceived procedural justice scale (N=218)

	1	2	3	4	5	6	7
1. Perceived procedural justice scale	1						
<i>Items</i>							
2. The officer treated me with respect	.768*	1					
3. The officer treated me fairly	.803*	.758*	1				
4. The officer took the time to listen to what I had to say	.794*	.552*	.565*	1			
5. The officer treated me the same as other people	.645*	.324*	.360*	.432*	1		
6. The officer made decisions on the basis of the facts of the situation, and not on her/his personal opinions	.740*	.437*	.542*	.529*	.450*	1	
7. The officer explained her/his actions and decisions to me	.671*	.380*	.412*	.444*	.225*	.390*	1
Range	2.33-7	1-7	1-7	1-7	1-7	1-7	1-7
M	6.289	6.42	6.44	6.19	6.18	6.40	6.11
SD	.732	.981	.862	.998	1.121	.864	1.192

\* p < .01

Figure 3.1 depicts the distribution of the scores on the perceived procedural justice scale, based on the six questionnaire items, showing a negatively skewed distribution with a relatively high mean. Although comparison of this pattern of perceived procedural justice to those reported in previous research on police-citizen contacts is complicated by differences in sampling, for example the reason for contact with the police, overall, it appears that citizens’ subjective experiences in our sample are similar to those reported in previous research on routine traffic stops.

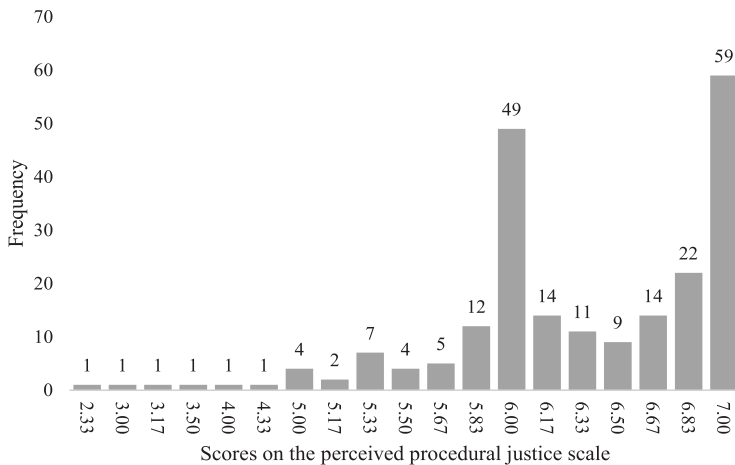


Figure 3.1: Frequency distribution of scores on the perceived procedural justice scale

### 3.4.2 Police treatment and decision-making

The distribution of the observation-scores of the four categories of police behaviour are shown in Figure 3.2. Most observations of 'participation', are in the categories 'high and very high'. We see no need to alter the construct. The distribution of 'neutrality' has most observations in categories 'very low' and 'low'. In the category 'very high', there is only one observation. For the purpose of our study, we regrouped the categories and merged 'very high' with 'high'. The distribution of 'dignity and respect' shows most of the scores in the category 'dominant respect', a single observation in the category 'brief respect', and the absence of scores in the category 'disrespect'. A more detailed overview of the different items used to construct the four categories of observed police behaviour is provided in Table 3.3. These details do not fundamentally alter the construct. We did merge brief respect with business-like respect.

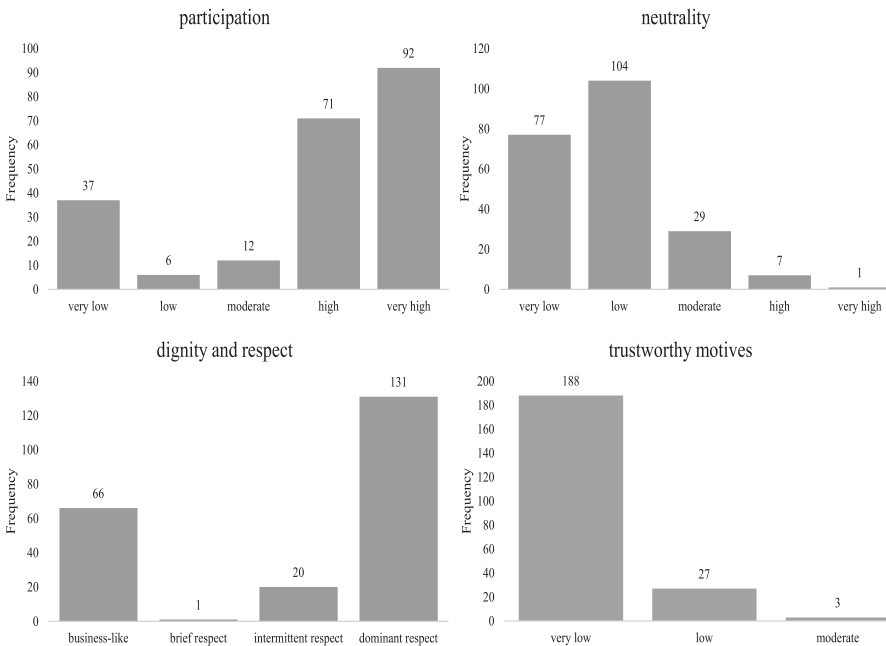


Figure 3.2: Frequency distributions of scores on 'participation', 'neutrality', 'dignity and respect' and 'trust in the motives of the decision-maker: showing care and concern' in police-citizen encounters

The construct of 'trustworthy motives' of the decision-maker is of more concern. In Figure 3.2, we see that the majority of the scores is in the category 'very low'. The reason can be seen in Table 3.3, where we see

that two of the items used in the construct have not been observed in our study. In addition, for the observed behaviours that did occur during our study, we see that the only item of significance concerns advice on handling the situation. Due to the low number of observations in the category ‘moderate’, we merged this with the category ‘low’.

The distribution of the scores on the overall observed procedural justice scale, based on the four separate indices of police treatment and decision-making described above, is depicted in Figure 3.3. Note that that the ‘observed procedural justice scale’ is based on observations by researchers using an observation protocol, whereas the ‘perceived procedural justice scale’ is based on perceptions of citizens as revealed in survey research.

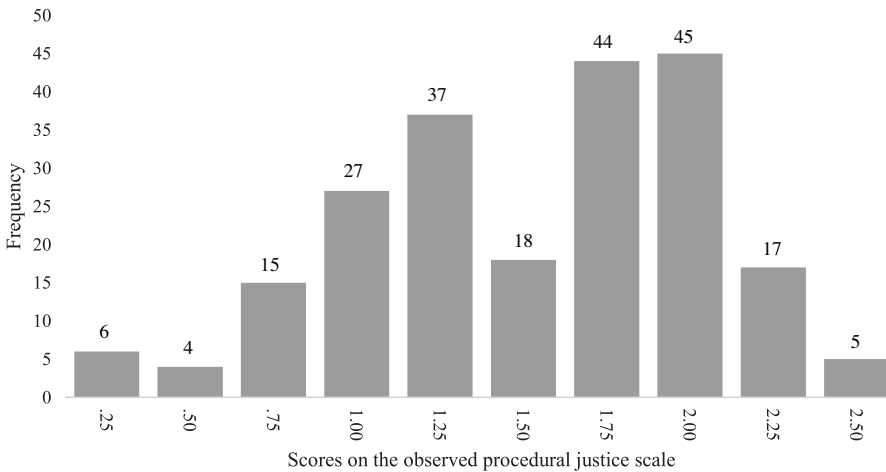


Figure 3.3: Frequency distribution of scores on the overall observed procedural justice scale

Jonathan-Zamir et al. (2015) argue persuasively that, rather than reflecting an underlying construct, the four ingredients form a construct, which implies that they are not expected to develop from a single latent variable. The various behaviours are viewed as tapping different facets of treatment and decision-making, and are not expected to be intercorrelated. Consequently, the dimensionality analysis is restricted to polychoric correlation coefficients for the four constructs of police behaviour together with the overall observed procedural justice scale (Muthén & Kaplan, 1985).

Table 3.3: Descriptive statistics of the individual observation items composing the four categories of police behaviour (N = 218)

	Values	%
<i>Participation</i>		
Officer asked the citizen to provide information/viewpoint	Yes	76.6
Citizen provided information/viewpoint	Yes	81.2
Officer expressed interest in information/viewpoint	Dismissive	.5
	Inattentive	2.8
	Passive	52.7
	Active	44.0
<i>Neutrality</i>		
Officer expressed desire to hear all viewpoints	Yes	5.0
Officer indicated he would not make a decision about what to do until s/he had gathered all the necessary information	Yes	3.7
Officer indicated that his decisions in this situation were influenced by the personal characteristics (race, age, sex) of anyone present (reversed)	Yes	.9
Officer explained why the police carries out routine moped checks	Yes	17.0
Officer explained why s/he chose to resolve the situation ass/he did	Yes	59.3
<i>Dignity and respect</i>		
Officer showed respectful behaviours to this citizen during the encounter	Yes	70.2
Duration of the officer's respectful behaviours	Brief	1.4
	Intermittent	33.5
	Dominant	65.1
Officer showed disrespectful behaviours to this citizen during the encounter	Yes	.0
<i>Trustworthy motives: Showing care and concern</i>		
Officer asked about citizen's well-being	Yes	.5
Officer offered comfort or reassurance to this citizen	Yes	1.8
Officer provided or promised to exert control or influence over another person for the citizen	Yes	.5
Officer filed a report or promised to file a report for the citizen	Yes	.5
Officer acted or promised to act on behalf of the citizen with a government agency or private organization	Yes	.0
Officer provided/arranged or promised to provide/arrange physical assistance to the citizen	Yes	.0
Officer provided or promised to provide advice handling the situation/problem	Yes	11.9

The results in Table 3.4 show mostly low and insignificant inter-item correlations (range  $-.074$  to  $.364$ ), and medium to strong item total correlations (range  $.470$  to  $.793$ ). The Kaiser-Meyer-Olkin measure of sampling adequacy is  $.461$ , indicating that, overall, the four constructs have too little in common to warrant a factor analysis (Comrey & Lee, 2013). Since this supports the view that the four ingredients are not reflective of an underlying construct, we find no reason to deviate from the four categories proposed in previous research (Jonathan-Zamir et al., 2015; Schulhofer et al., 2012; Sunshine & Tyler, 2003; Tyler, 2004).

To reflect previous research by Worden and McLean (2017) and research by Jonathan-Zamir et al. (2015), on which we based our observation protocol, we also retain the overall observed procedural justice scale used in their research.

*Table 3.4: Polychoric correlation coefficients and descriptive statistics of the four categories of police behaviour and the overall observed procedural justice scale (N = 218)*

	1	2	3	4	5
1. Overall observed procedural justice index	1				
2. Participation	.793*	1			
3. Neutrality (revised)	.542*	.191	1		
4. Dignity and respect (revised)	.648*	.319*	-.026	1	
5. Trustworthy motives: care and concern	.470*	.051	.364*	-.074	1
Range		0-4	0-3	0-3	0-1
M		.281	.850	2.300	.140
SD		1.442	.784	.906	.345

\*  $p < .05$

### 3.5 PLAN OF ANALYSIS

In order to answer the research question ‘To what extent does police behaviour that signals higher quality of treatment or decision-making lead to higher perceived procedural justice?’, we used linear regression analysis. The most commonly used regression technique, Ordinary Least Squares (OLS), requires that residuals are random and normally distributed (Field, 2013) but this assumption does not hold true in our analyses. Since a transformation of the data did not solve the problem, we used bootstrapping, a nonparametric approach to effect-size estimation and hypothesis testing that makes no assumptions about the shape of the distributions of the variables or the sampling distribution of the statistic (Efron, 1982).<sup>6</sup> The results presented in the next section are therefore based on 1000 bootstrap iterations using bias-corrected and accelerated (BCa) bootstrap intervals (Efron & Narasimhan, 2020).

<sup>6</sup> Different transformations of the dependent variables were also applied, but all possible solutions still violated the normality assumption of normally distributed residuals. Dichotomization of the dependent variable was also considered but not executed because it often yields misleading results (MacCallum et al., 2002).

The dependent variable in all regressions is the overall perceived procedural justice scale. In our first analysis, the independent variables are the four scales of police treatment and decision-making: participation, neutrality, dignity and respect and trustworthy motives. All four scales were coded using dummy variables with the lowest category as the reference category, i.e. for participation, the category 'very low' is the reference category, and four dummy variables represent the categories 'low', 'moderate', 'high' and 'very high'. Similarly, for neutrality and trustworthy motives, 'very low' is the reference category. For dignity and respect, 'business-like' acts as reference category.

If one or more of the estimated parameters of these dummies proves to be significant, it is evidence that variations in treatment and decision-making by police officers affect perceived procedural justice. Based on previous research, we expected the parameters to be positive, i.e. when police officers exhibit more behaviour that transmits signals of fairer treatment and decision-making, we expected perceived procedural justice to increase.

We also performed a second regression in which the independent variable is the overall observed procedural justice index. This index is useful to obtain a broad assessment of the officer's behaviour (Jonathan-Zamir et al., 2015). We expected this relationship to be positive, i.e. when police officers exhibit overall more behaviour that transmits signals of fairer treatment and decision-making, we expected perceived procedural justice to increase.

Both the first and the second regression were performed with and without covariates on age, sex, income, education and a dummy variable that depicts whether or not a driver was sanctioned during the traffic control checks. The sanction dummy was added because previous research has shown that perceptions of procedural justice can be attenuated by the outcome of an encounter with the police (Worden & McLean, 2017).

A statistical power analysis was performed using G\*Power 3.1 (Faul et al., 2009) to determine the minimal detectable effect (MDE) identifiable by our study. With an alpha of .05 and power of 0.80, the MDE ( $f^2$ ) with our sample size ( $N=218$ ) ranges between .0363 for the model with the single overall observed procedural justice scale and .0836 for the regression with the four procedural justice scales including covariates.



Thus, depending on the model, we are able to identify small ( $f^2 \geq .02$ ) or medium ( $f^2 \geq .15$ ) effect sizes (Cohen, 1988).

### 3.6 RESULTS

In this section, we discuss the results of the regressions. We first present the regression results with the four scales of police treatment and decision-making as independent variables, then we present the results of the regressions with the overall observed procedural justice as independent variable. Our results do not support the idea that higher quality of police treatment and decision-making leads to higher levels of perceived procedural justice. In Table 3.5, the results of the regression with the four scales of police treatment and decision-making (Model A) show that most relevant coefficients are insignificant. We find a significant relationship only between neutrality and perceived procedural justice. This specific relationship is not consistent with our expectations. When the neutrality of treatment and decision-making by police officers is low, compared to it being very low, drivers' perception of procedural justice declines. This indicates that drivers perceive a slight improvement in neutrality from the lowest level of neutral behaviour as a signal that they are being treated less procedurally fairly.

Importantly, the proportion of variance of the regression that is explained is relatively small. Only 8.5% of the variation in perception can be explained by the variation in actual treatment and decision-making, and just 4.1% when looking at the adjusted R-squared value. This implies that the vast majority of perception of treatment by the police and, more specifically, perceived procedural justice is determined by factors other than the elements of procedural justice observed in this study.

In model B in Table 3.5, the sanction dummy and demographic and socio-economic characteristics are included.<sup>7</sup> However, the relationships between the added covariates and the perception of procedural justice are all insignificant, causing a larger loss in degrees of freedom

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7 For reasons of space, in Table 3.5 we have omitted the estimates for the demographic and socio-economic characteristics, which were mostly insignificant, and followed a rather erratic pattern as far as they were significant.

compared to the loss in sum of squared errors, hence a lower F-value. Adding the covariates to the model does not cause a better fit.

Table 3.5: Regression results with ‘perceived procedural justice’ as dependent variable and the four scales of police treatment and decision-making as independent variables (N=218)

	Model A						Model B						
	B	Bias	S.E.	Sig.	BCa 95% C.L.		B	Bias	S.E.	Sig.	BCa 95% C.L.		
					Lower	Upper					Lower	Upper	
Constant	6.530	-.010	.155	.001	6.238	6.794	6.534	-.012	.218	.001	6.088	6.949	
Observed participation low	-.192	.011	.339	.543	-.875	.505	-.149	.026	.276	.569	-.801	.460	
Observed participation moderate	.226	.004	.201	.245	-.203	.638	.270	.004	.220	.201	-.197	.707	
Observed participation high	-.110	.015	.142	.442	-.425	.240	-.138	.018	.146	.349	-.434	.182	
Observed participation very high	-.092	.009	.130	.485	-.326	.199	-.059	.004	.137	.687	-.307	.226	
Observed neutrality low	-.301	.004	.103	.011	-.518	-.083	-.301	.013	.111	.018	-.565	-.028	
Observed neutrality moderate	.072	.010	.132	.605	-.177	.355	.081	.008	.136	.549	-.192	.381	
Observed neutrality high	-.168	.010	.295	.562	-.770	.379	-.063	.008	.309	.843	-.694	.529	
Observed respect intermittent	.244	.003	.170	.149	-.089	.563	.256	.000	.177	.155	-.111	.612	
Observed respect dominant	-.012	.006	.128	.910	-.298	.284	-.043	.002	.134	.755	-.333	.237	
Observed trust in motives low	-.256	-.011	.171	.135	-.627	.044	-.286	-.013	.176	.095	-.655	.012	
Demographic and socio-economic characteristics							....	....	....	....	....	....	
R <sup>2</sup>				.085							.160		
adj. R <sup>2</sup>				.041							.050		
F-value				1.925							1.461		
p				.044							.081		

Note. Estimated parameters are based on 1000 bootstrap iterations using bias-corrected and accelerated (BCa) bootstrap intervals.

The results in Table 3.6 show that when we take the overall observed procedural justice index as independent variable, the results do not change. As with the different categories of behaviour, a broad assessment of the officer’s behaviour also does not significantly influence perceptions of procedural justice.

Table 3.6: Regression results with ‘perceived procedural justice’ as dependent variable and the overall observed procedural justice index as the independent variable (N=218)

	Model A						Model B					
	B	Bias	S.E.	Sig.	BCa 95% C.L.		B	Bias	S.E.	Sig.	BCa 95% C.L.	
					Lower	Upper					Lower	Upper
Constant	6.548	.003	.143	.001	6.238	6.857	6.542	.010	.225	.001	6.084	7.036
Overall observed procedural justice	-.163	-.002	.093	.079	-.353	.019	-.155	-.002	.101	.116	-.364	.039
Demographic and socio-economic characteristics							....	....	....	....	....	....
R <sup>2</sup>				.013						.084		
adj. R <sup>2</sup>				.009						.011		
F-value				2.924						1.156		
p				.089						.306		

Note. Estimated parameters are based on 1000 bootstrap iterations using bias-corrected and accelerated (BCa) bootstrap intervals.

### 3.7 DISCUSSION AND CONCLUSION

A considerable volume of research has shown that citizens are more likely to comply with rules and regulations and to cooperate with the police when they believe that the police act in a procedurally just manner. However, little is known about the relationship between how people are treated and perceptions of procedural justice. Investigating this requires data on both police behaviour and perceptions of procedural justice. We therefore investigated interactions between police officers and citizens, here moped drivers, at police traffic controls in two Dutch cities over a period of six months. We collected data on police behaviour using systematic social observation, and data on perceived procedural justice using a survey administered directly after the traffic controls. Both of the methods, systematic observation and of survey items, were derived from previously validated research.

In police-citizen encounters at routine traffic controls, we found no evidence that police behaviour that signals fairer treatment or decision-making leads to higher perceived procedural justice. Conversely, when police behaviour that signals neutrality, we found that drivers perceive a slight improvement in neutrality from the lowest level of neutral behaviour as a signal that they are being treated less procedurally fairly. Our results on police treatment of moped drivers are in line with previous

research by Worden and McLean (2017) on the relationship between police behaviour and perceptions of procedural justice. Based on a more diverse sample of encounters, they concluded that police behaviour in a single encounter does not substantially influence perceptions of procedural justice. As discussed before, Worden and McLean may have been influenced by the low response rate and by the fact that they gathered their survey data two to five weeks after the interaction between police officers and citizens. As, on the one hand, memory decay may give rise to random errors and, on the other hand, events after the encounter with the police, such as discussions with peers of the encounter, may influence the recollection of the encounter, we tried to minimize such potential problems by administering our surveys immediately after the traffic control check.

Our results can probably be attributed to the high ratings of perceived procedural justice, even when officers' behaviour represents low-to-moderate levels of quality of treatment and decision-making. This implies that once a certain level of perceived procedural justice is reached, better quality of treatment or decision-making cannot improve citizens' subjective assessments very much, and other factors become more important in further enhancing the perception of procedural justice. As Gau (2013) noted, these elements can consist of pre-existing attitudes and beliefs that have formed based on previous encounters with the police, (social) media, friends and family, or other socialization processes.

The study also has limitations. The first is that the setting of the field study was neither longitudinal nor a true experiment. This limits the control over interference from variables that were not included in our analysis, such as pre-existing beliefs about the police. A second limitation is the external validity of the results. Our findings are based on the behaviours of Dutch police officers during routine moped traffic control checks. This setting is well suited for observing the full range of procedural justice ingredients of police behaviour, since an encounter takes 5 minutes on average and the sample of drivers stopped, consisting of both offenders and non-offenders. However, the specific setting of moped drivers makes it difficult to extrapolate our outcomes to formulate a general theory on the relationship between treatment and decision-making on the one hand, and perceived procedural justice on the other.

These limitations, however, do not override the fact that, with our study we intended to add to the literature on an underexposed element in procedural justice research, i.e. the relation between specific categories of behaviour of the police and perceived procedural justice. In a real-life setting in which we were able systematically observe the full range of procedural justice ingredients of police-behaviour and decision-making, with a high response rate and the absence of an offender-bias, we did not find that higher quality of police treatment and decision-making leads to higher levels of perceived procedural justice.

Our findings raise questions about one of the main ideas in the procedural justice literature: that more procedural just treatment and decision making by authorities leads citizens more likely to view the police as a legitimate institution, and in turn, are more likely to comply with the laws and cooperate with police. A single encounter with police may be less important than assumed in shaping the pathway from procedural justice perceptions to compliance. This does not imply that police officers should not be concerned with respectful treatment, voice, trustworthiness or neutrality, rather that we need to further investigate how these behaviours can contribute to the accumulation of influences on perceptions of procedural justice.

Two lines of future research on this relationship are likely to be fruitful. The first is more research based on the full range of procedural justice ingredients of police behaviour combined with perceptions on procedural justice. The main improvement of SSO-research over experimental studies is its ability to incorporate all procedural justice ingredients of behaviour without asking too much of the police officers involved. Results from different settings and larger sample sizes: different settings may contribute to a better understanding of the conditions under which police behaviour can influence perceptions, and larger sample sizes could contribute by being able to detect smaller differences at the margin. The second line of research would be to use multiple points of measurement over time to accurately investigate how changes in perceptions due to police encounters are influenced by other elements such as pre-existing attitudes and beliefs, (social) media and friends and family.