

Procedural Justice

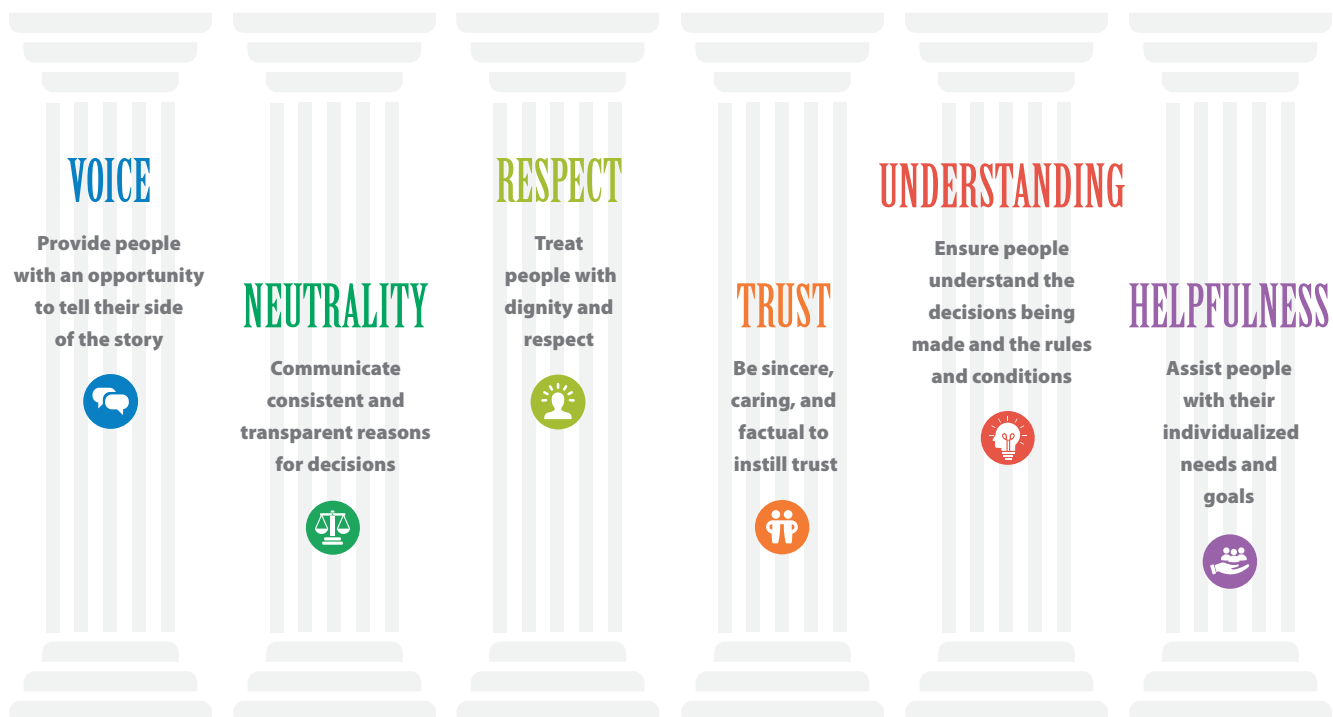
Procedural justice is based on a body of research that indicates people are more likely to accept an outcome (even if they disagree with it) if they perceive they were treated fairly. For example, if a person violates probation and receives a sanction but they understand the consequences and feel heard and respected, they are more likely to comply with the sanction and less likely to protest the outcome. More importantly, they will have a more positive view of authority if they are given a voice in the process and believe decision makers are neutral and transparent.

Additional positive outcomes of procedural justice include:

- Increased law-abiding behavior
- Less resistance, increased compliance with court conditions, and fewer complaints
- Increased community well-being and safety
- Improved community relations and reduced public criticism
- Increased staff safety
- Reduced stress and improved staff morale

The Six Pillars of Procedural Justice

Translating procedural justice research into practice requires justice system professionals to identify opportunities to educate, inform, engage, and actively involve people in the justice system process and to follow six pillars.



How can you positively impact procedural justice?

Everyone can practice procedural justice regardless of their role in the justice system. Consider doing the following:

VOICE

- Remind people who are justice-involved that their input is important.
- Provide them with an opportunity to explain.
- Ask open-ended questions.
- Ask if there is other information you should consider.

NEUTRALITY

- Maintain consistent courtroom decorum.
- Be consistent in offers and decisions.
- Use matrices to determine rewards and responses to noncompliant behaviors.
- Explain why variations occurred.

RESPECT

- Use people-centered language (use people's names, not "the defendant" or "the offender").
- Be respectful of people's time.
- Discuss sensitive issues in private.
- Be invested and focused during interactions.
- Use body language that conveys respect.

TRUST

- Introduce yourself.
- Be honest and sincere in demonstrating that you care and are trying to do what is right.
- Explain why something did or did not occur.
- Follow through with promises.
- Be consistent and transparent.

UNDERSTANDING

- Explain the purpose of each interaction.
- Explain the court process, rules, and conditions.
- Clearly explain the benefits of compliance.
- Use plain language (minimize legal jargon).
- Clearly explain reasons for decisions.
- Invite questions.
- Use reflections and summarize understanding.

HELPFULNESS

- Ask people if there is anything else they need.
- Tailor responses to people's individual needs.
- Show empathy.
- Help people problem solve.
- Provide lists of helpful resources and make referrals when appropriate.
- Follow up to see if resources and referrals met people's needs.

**People's acceptance of
court decisions and authority
has more to do with their perceptions
of procedural justice than
outcome favorability.**