

# Legal Cynicism, Legitimacy, and Procedural Justice

Prepared for ICJIA Board Meeting

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# Defining terms

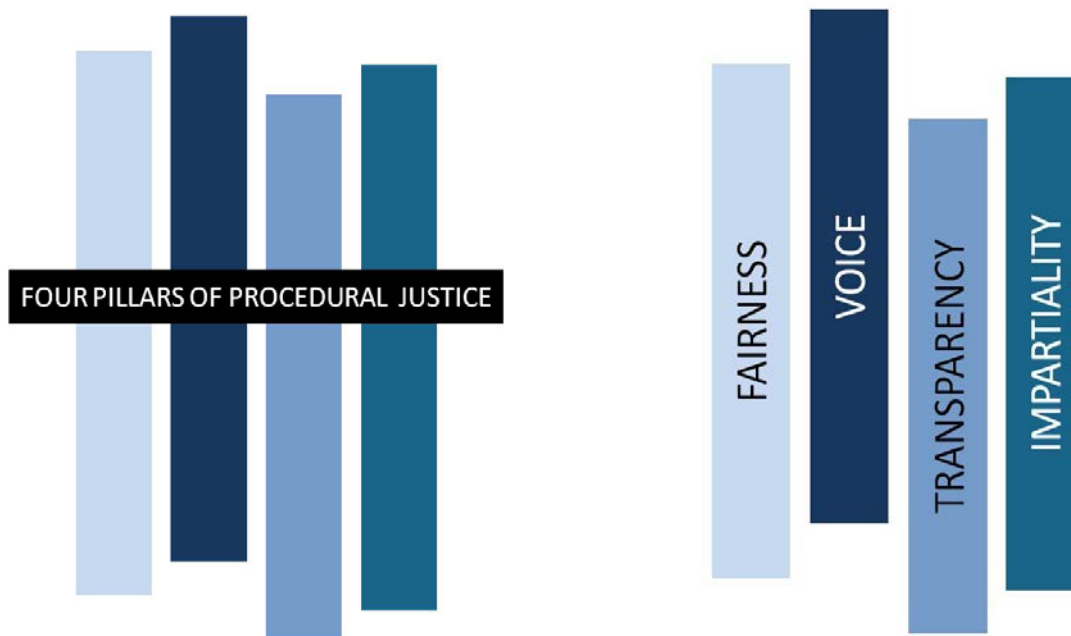
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- ***Legal cynicism** refers to a cultural orientation in which the law and the agents of its enforcement are viewed as illegitimate, unresponsive, and ill equipped to ensure public safety.*
- ***Legitimacy** is generally defined as being valid or proper, either as set forth in the law or in the eyes of cognizant citizens, or both. But legitimacy also connotes the value of social institutions and political processes.*

# Defining terms

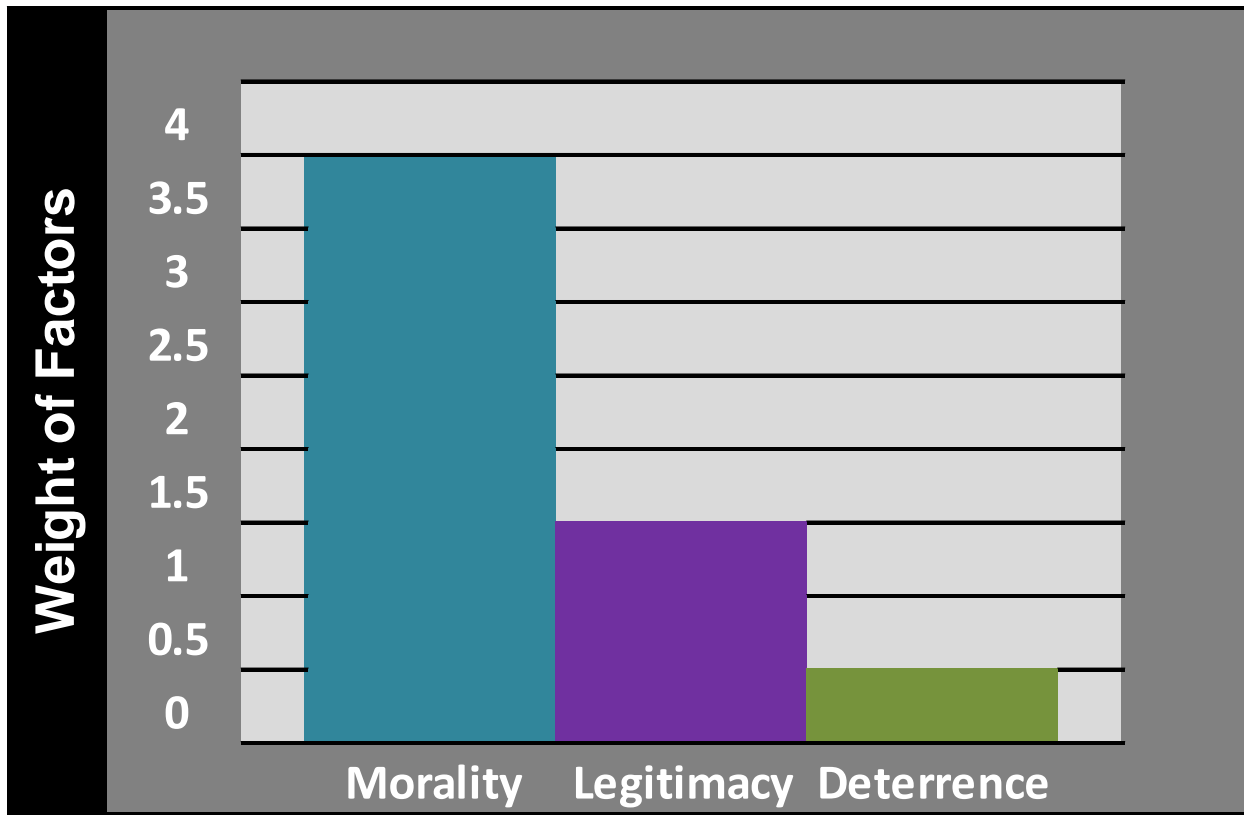
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- ***Procedural Justice*** is concerned with making and implementing decisions according to fair processes. People feel affirmed if the procedures that are adopted treat them with respect and dignity, making it easier to accept even outcomes they do not like.



# What does research tell us?

## *Why People Obey the Law (Tyler, 1990)*

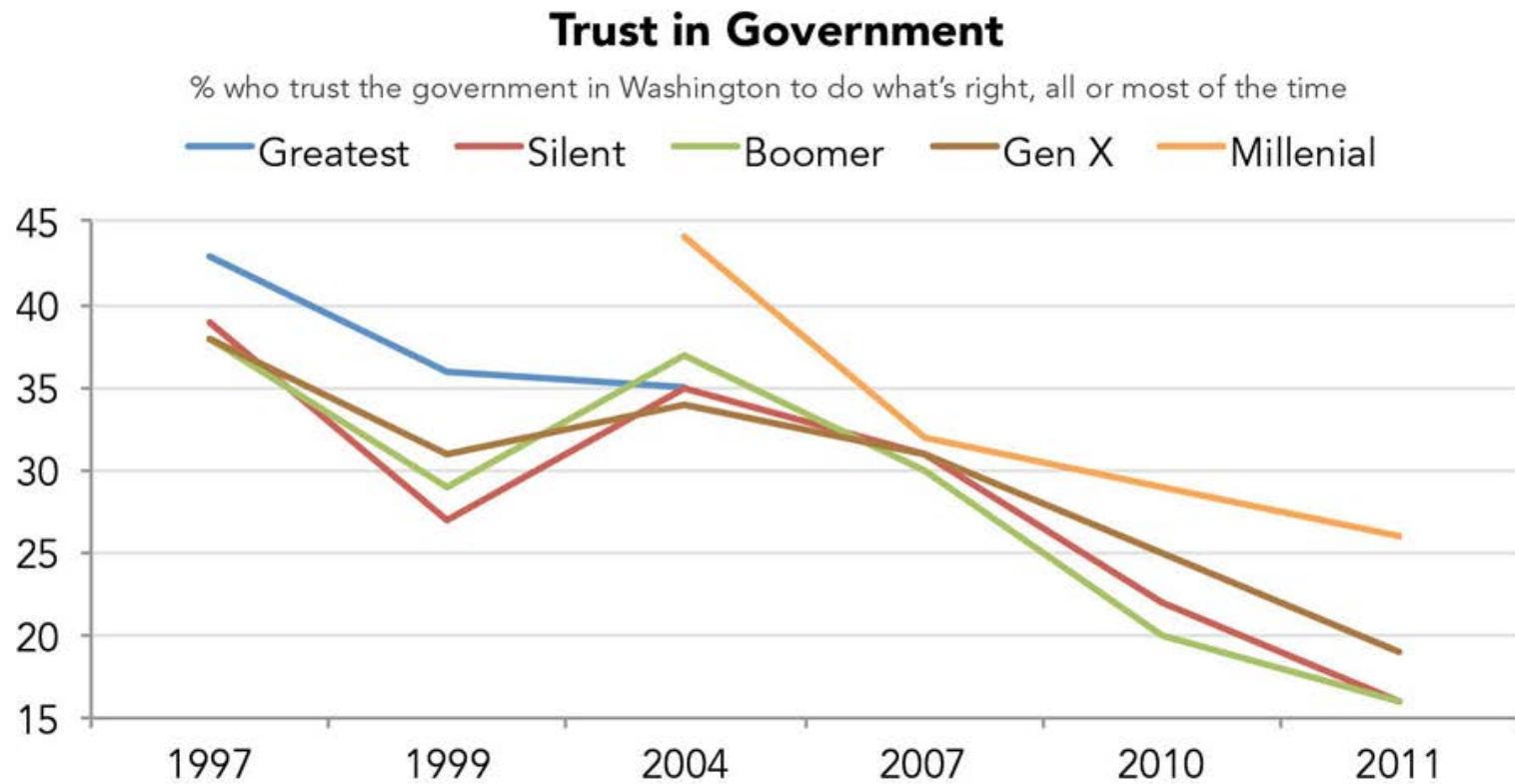


# What does research tell us?

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- Most research suggests that political trust is composed primarily of evaluations of public officials, political institutions, and satisfaction with public policies.
- We are currently experiencing a crisis of political trust and government legitimacy; trust is the lowest it has been in 50 years.
- Trust varies by age, race and ethnicity.

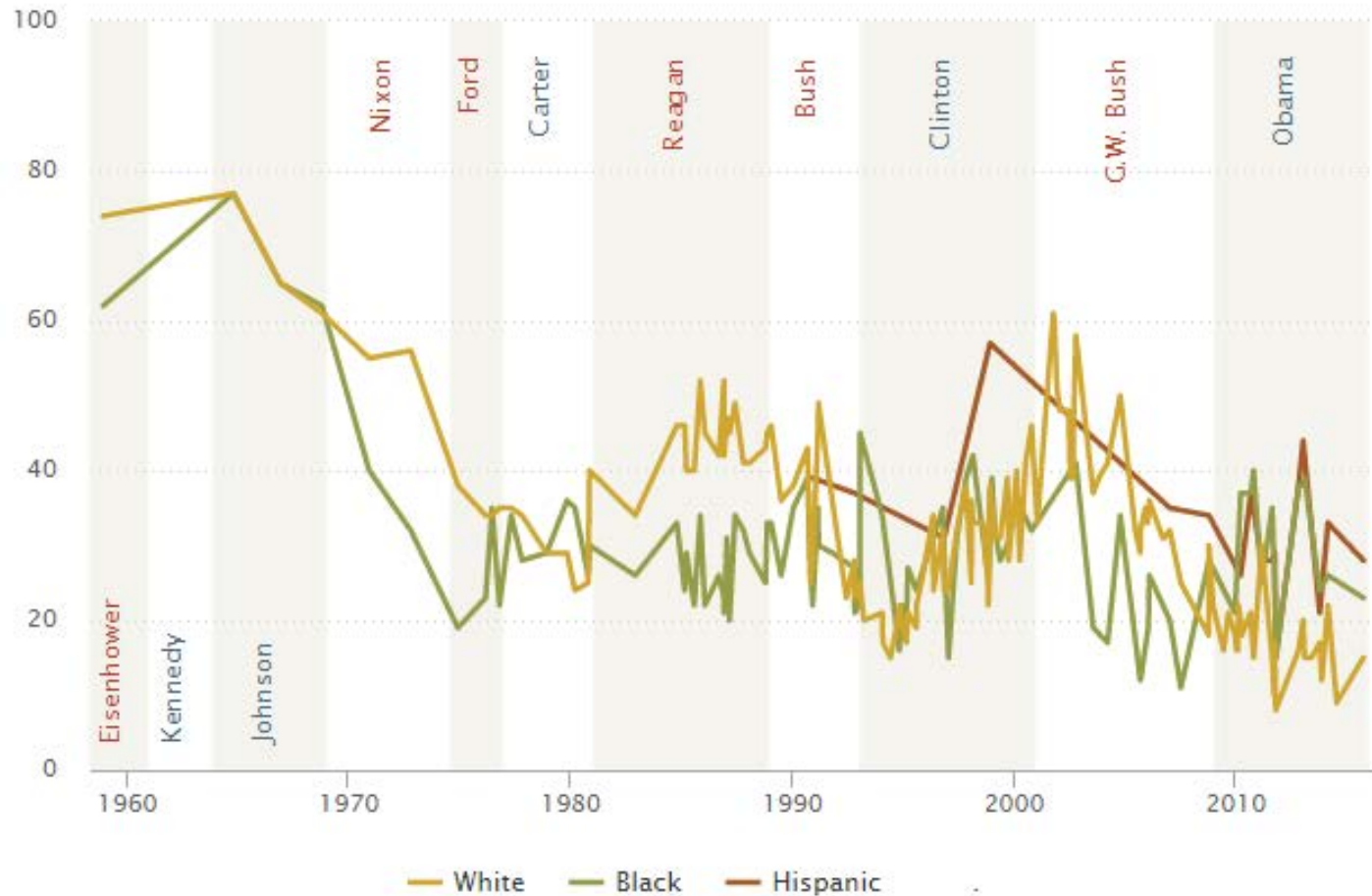
# What does research tell us?



Source: Pew Research Center for the People & the Press

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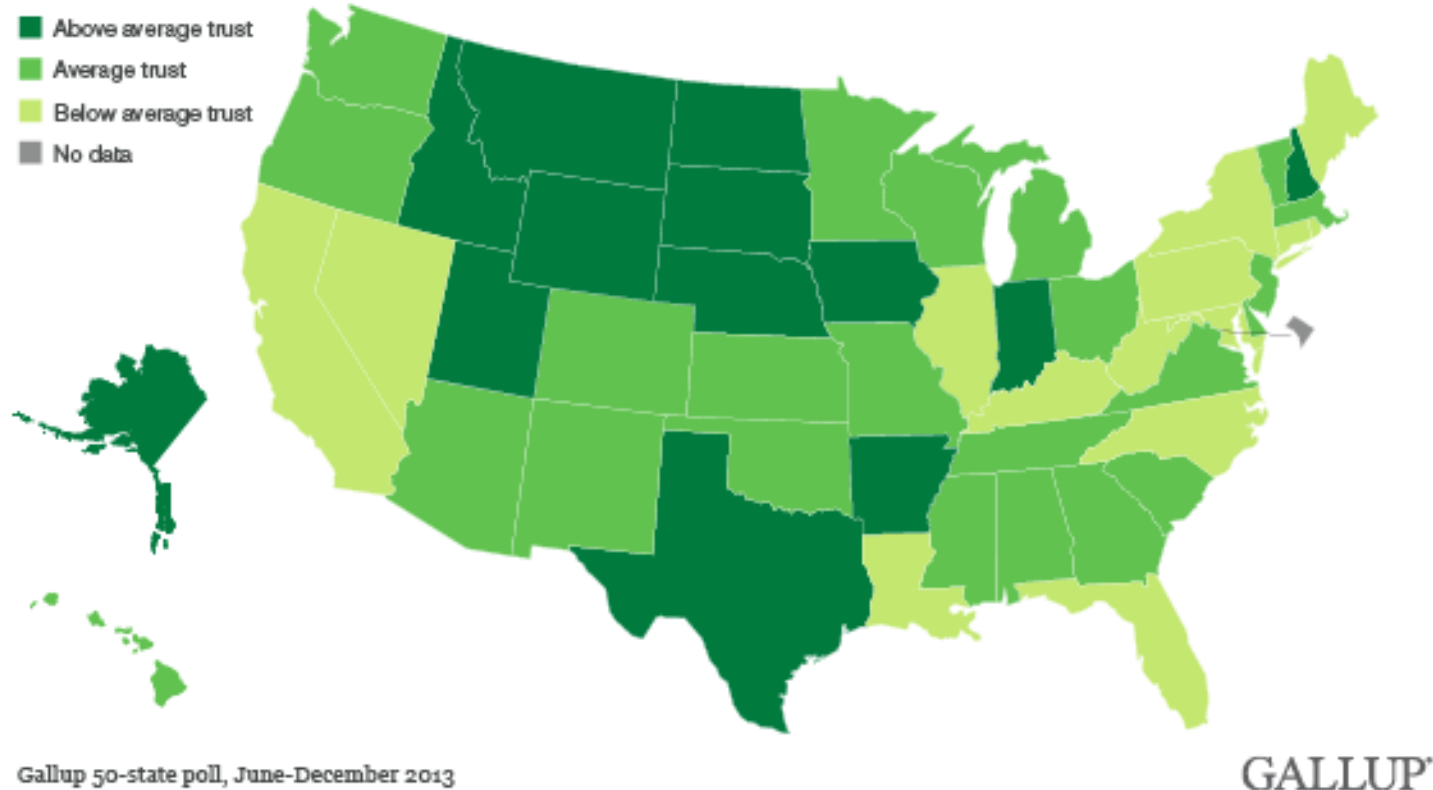
*% who trust the govt in Washington always or most of the time*



Source: Pew Research Center – U.S. Politics and Policy

# What does research tell us?

## Trust in State Government, by State







# What does research tell us about criminal justice?

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- The **process** of criminal justice interactions shapes opinions far more than the **outcomes** of those interactions (Tyler, 1990).
- **Time** is a critical element in criminal justice interactions – time for voices to be heard and time to feel valued (Mezzerole, Antrobus, Bennett & Tyler, 2012).
- As the most visible aspect of the American criminal justice system, the **police** are far more influential in shaping the views of criminal law than are the courts or other domains of the criminal justice system (Fagan, 2012).

# What does research tell us?

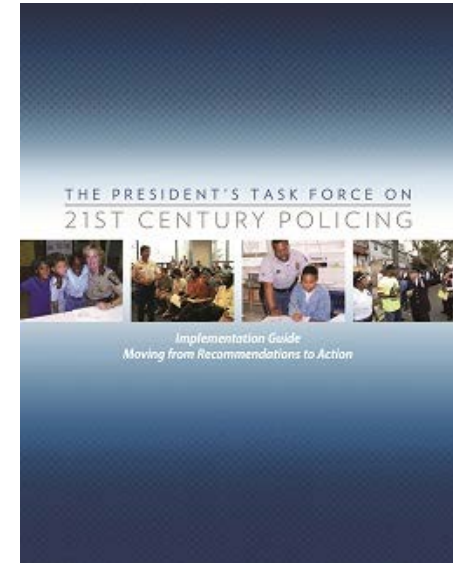
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- If criminal justice institutions are perceived to be legitimate, then the public's ***law-abiding behavior, cooperation, and compliance levels*** increase (Tyler, 1990; Tyler and Fagan, 2008; Bottoms and Tankebe, 2012).
- ***Informal contacts*** with criminal justice system actors help increase legitimacy of those institutions with the public (NIJ, 2003).

# What does this mean in today's context?

- **National Discourse:**

- Police use of force
- Sentencing reform
- Over incarceration
- Wrongful convictions
- People with mental illness in jails & prisons
- Debtors' prisons / overuse of fines & fees
- Balancing privacy and security
- Police interactions with people with mental illness
- Police reform, police unions, and body worn cameras



# What does this mean in today's context?

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- **Illinois Discourse:**

- Illinois State Commission on Criminal Justice & Sentencing Reform
- U.S. Department of Justice Civil Rights Division investigation of the Chicago Police Department
- Police training & police reform (SB 1304)



# Thank you!

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