



Reforming the Criminal Legal System through the Lens of Procedural Justice

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In the last decade, some within the US criminal legal system have sought to strengthen their agency's legitimacy by embracing procedural justice.

Procedural *injustice* is a term used to describe unfair treatment in the criminal legal system.

People perceive the justice system as unfair when they feel they are

treated with disrespect, do not understand the judicial process, have little opportunity to be heard, and believe that decision-makers (e.g., police, judges) are biased.



Figure 1 Photograph provided by the first author

“Last weekend we were cooking outside. The cop came out the car and kicked my grill over ... knocked all of my food over and said, “You all have to eat that.” I'm not about to feed my kids nothing off the ground (...) Treat me like I'm a human being. I'm a man, I just happen to be a dark complexion.”

Highlights

Participants described a succession of mistreatment as they came into contact with police, courts, and corrections.

Participants described antagonistic, abusing, and dehumanizing treatment by police and detention—often depicted as racially motivated.

Methods

We interviewed 84 Black adults across three points of contact—police, courts, and corrections in Newark, New Jersey and Cleveland, Ohio. All participants were older than 18, had a criminal court case in the last 2 years, or had been released from jail or prison in the last 2 years. During the interview, we asked participants about encounters with police, courts, and corrections.

Results

- Justice-system agents were said to engage in antagonistic, abusive, and dehumanizing behavior.
- Police mistreatment and inhumane conditions of confinement were significant participant concerns.
- Mistreatment was often described as systematized, racially motivated, and institutionally sanctioned.

HOW DID A COMMUNITY PSYCHOLOGY PERSPECTIVE INFORM YOUR WORK?

As Community Psychologists, we are often interested in the lived experiences of historically marginalized communities and seeking ways to address systems that are oppressive. Toward this goal, Community Psychology training should promote more experiential knowledge of the social systems (e.g., law enforcement, courts) and settings in which we conduct our research (e.g., under-served communities). Community Psychology should not fall into the “ahistorical trap.” We need historical perspectives that contextualize contemporary systems and practices—many of which are rooted in slavery and Jim Crow and enables state-sanctioned social control and preservation of racial hierarchies.

What Does This Mean For?

Research and Evaluation: We need a better understanding of the cumulative impact of criminal legal system involvement on mental health and trauma including qualitative work to capture justice-involved persons' narratives and lived experiences.

Practice: More work is needed to ensure the legitimacy of the criminal legal system. Our participants did not view the criminal legal system as legitimate or fair, and that those opinions are largely shaped by their individual interactions with the justice-system actors. Their view of the justice system was also influenced by the over-policing of minor crimes, a court and penal system excessively focused on punishment, and a lack of accountability of criminal justice agents.

Social Action: Police departments could mandate all officers to participate trainings for effective and nonviolent communication, distress/trauma, conflict management, and de-escalation with minimal use of force. Prosecutors have significant discretion in deciding if and how to prosecute cases and can promote reforms such as court-based diversion initiatives. Finally, de-carceration can reduce the number of people entering detention and exposed to inhumane conditions such as by limiting the use of pretrial detention and minimizing the use of detention for technical violations of probation.

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