Procedural justice and technologically-mediated encounters: future-proofing the concept?

Helen Wells

Optimism

"[Increasing automation will] render obsolete the litigation, public criticism, and academic critique centering on the illicit use of police discretion" (Joh, 2007 : 216).

"It is the first time in human history that we have the opportunity to experience forms of control that do not take into account any category of social division. Age, sex, race, beauty and attire are irrelevant and, what is equally important, guaranteed to be so." (Lianos and Douglas 2000 : 108)

My (lack of) progress to date (1)

Speed cameras
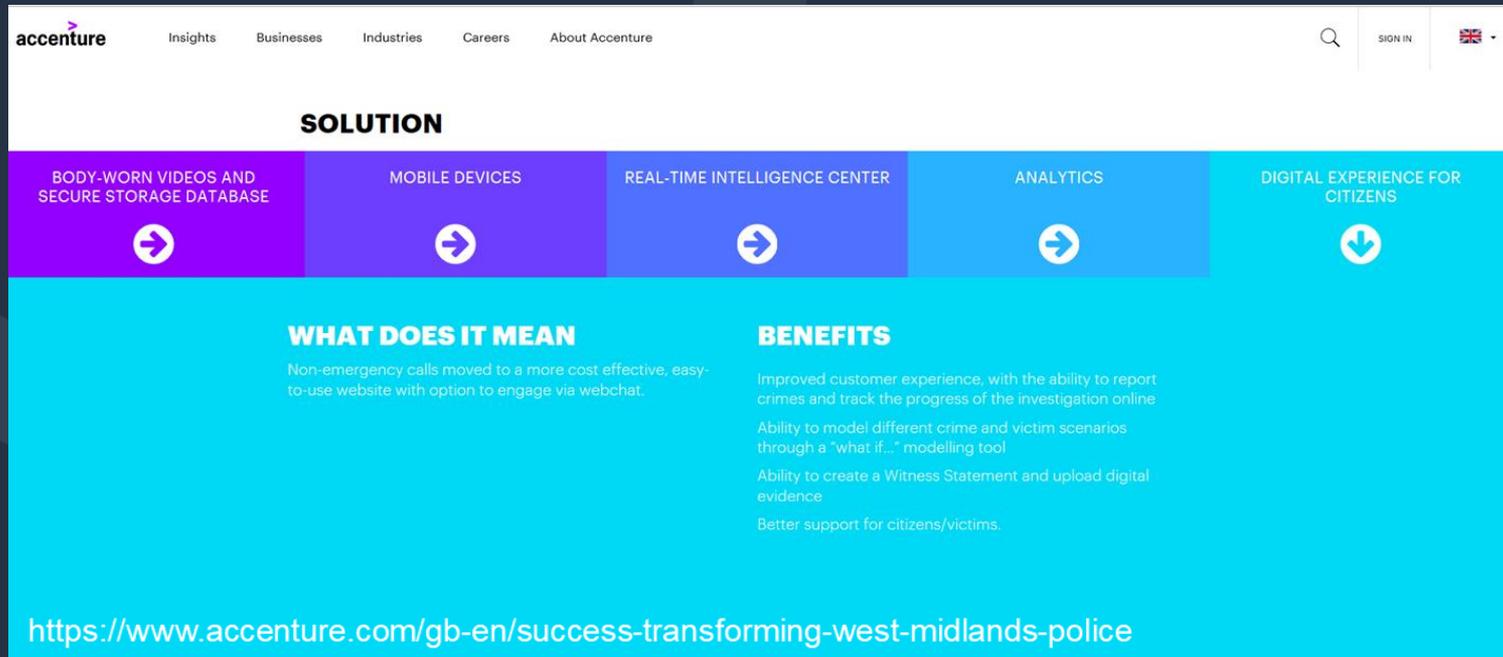
Entirely automated process, but also an 'unfair' one:

- Consistency, impartiality, neutrality? (plenty of it)
- Capacity for *politeness* and *respect* and *voice?* (not so much)
- Perceived disrespect of individuality, identity and context
- Desire to be heard, not necessarily to influence decision

"The antecedents of consistency, neutrality and impartiality have so far been considered in the context of the 'respect', 'politeness' (Tyler 1990:7) and 'opportunities to voice' (Lind and Tyler 1988: 170-2) also considered vital to a procedurally just experience and provided by systems that inevitably centre on scenarios in which humans interact. In the case of the technofix, such interpersonal interaction does not necessarily occur." (Wells, 2008)

My (lack of) progress to date (2)

Keele
UNIVERSITY

West Midlands police

- Pursuing two (parallel?) agendas
  - *Fairness* on the one hand, and *technological enablement* on the other
  - Moving more contact online, seeking more automation
  - NPCC Digital police contact portfolio

https://www.accenture.com/gb-en/success-transforming-west-midlands-police

PILLAR 1:
WE TRUST OUR PEOPLE

GOAL

Better understand the environment: location, victim, offen
Increase public confidence, participation and satisfaction
Improve the fairness of WMP
Understand neighbourhood policing units effectiveness
Service design with citizens at the heart

MOBILE DEVICES

"Unless we're updating someone over the airwaves or over a help desk, we've had to go into the station and manually log on to a computer and update a log with the result of what we have done and what has happened. We can do that on mobiles now ourselves, I can access emails or logs and I can update things whilst I'm out and about."

WEST MIDLANDS POLICE OFFICER

CITIZEN PORTAL

"It logs and tells you just how far you have got with your case and all the important details you need to know, it tells you how long it may take the police to get back in touch with you, it keeps you up to date and lets you know exactly what you want to know. To me the idea is fantastic, this is one of those things I can see making a really big change on how the police and community engage."

WEST MIDLANDS CITIZEN

DRIVING
DIGITAL POLICING

By creating an Innovation and Integration Partnership (IIP) with Accenture, WMP was able to share accountability, risk and outcomes while enhancing flexibility and knowledge right from the start.

https://www.accenture.com/gb-en/success-transforming-west-midlands-police

Other challenges/opportunities

- Body Worn Video

- Drones

- Online NIPs

- Social Media

- Single Online Home

"The NPCC envisages that the "single online home" could offer users basic incident reporting, transactional services, personalised content – including an individual history of police interactions – and also a means of contacting the police anonymously. For officers, the platform should provide a means to develop relationships with the public and communicate with citizens, as well as tools for monitoring the progress of ongoing interactions".

"[The NPCC wishes to] test the hypothesis that engagement can and should be managed online and will increase confidence, satisfaction and take-up."
https://www.publictechnology.net/articles/news/police-chiefs-explore-'single-online-home'-standardise-all-forces'-interactions-public

Can technology 'do' emotion?

Automated apologies

- Train platforms
- Call-waiting
- Broken web links
- Building sites

Predictive responses

- Gmail

Reintroducing humans

- The 'online chat'

Literature (a selection…)

Body Worn Video

- (Mitchell et al, 2018) Creates equilibrium and reduces complaints
- (Demir, 2018) Public perceive positive effects on quality of treatment
- (McClure et al, 2017) Procedural justness of encounter more significant than wearing a BWV

Drones

- (Rosenfeld, 2019) Acceptability challenge (public and organisational). Privacy issues.
- (Wall, 2013) 'Vertical passification'

Social Security

- (Adler and Henman, 2001) Technology increases bureaucratisation, reduces discretion, changes the way decisions are made and changes how they can be challenged.

Literature (a selection…)

Online dispute resolution (Rabinovich-Einy and Katsh, 2014)

- Transformative, convenient and efficient
- Increase in reported disputes (but more data means more potential to prevent…)
- "Erosion of the physical" – pros and cons
- Generally reserved for "simple, non-emotional disputes".
- Technology as the 'fourth party' – agency of the technology

"when disputants know that a facilitative process is performed by software, as opposed to a human, they still expect the process to comport with procedural justice components, but have different expectations as to what would fulfil such criteria."

Luggage screening (Spain, 2009)

- Polite system viewed as more reliable and trustworthy than impolite system
- Polite system secured more compliance

The last slide

- Is this what is *artificial* about artificial intelligence?

- Technology *mimics*, but can you fake manners?

- Is a pre-programmed message about worth *meaningless?*

- Does it depend on whether the technology is
  - Simulating?
  - Automating?
  - Augmenting?

- What is the relative importance of "neutrality" and "dignity"?
  - Does the relative importance differ for different populations?

It's the Keele difference.