



Justice Speakers Institute
SPEAKING, TEACHING & TRAINING - WORLDWIDE

Evidence-Based Sentencing

Hon. Peggy Fulton Hora
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Queensland Sentencing Advisory Council
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Brisbane, QLD, Australia

PROCEDURAL FAIRNESS/ PROCEDURAL JUSTICE

Posits that the **manner** in which justice is done is just as important and the outcome

“...bridges the gap that exists between familiarity and unfamiliarity and the differences between each person...”

www.ProceduralFairness.org

Burke, Kevin and Steve Leban, “Procedural Fairness: A Key Ingredient in Public Satisfaction,” *Court Review* American Judges Association (2007)

PROCEDURAL FAIRNESS/JUSTICE

www.JusticeSpeakersInstitute.com

Procedural Fairness

Voice: the ability to participate in the case by expressing their viewpoint;

Neutrality: consistently applied legal principles, unbiased decision makers, and a “transparency” about how decisions are made;

Procedural Fairness, cont.

Respectful treatment: individuals are treated with dignity and their rights are obviously protected;

Trustworthy authorities: authorities are benevolent, caring, and sincerely trying to help the litigants—this trust is garnered by listening to individuals and by explaining or justifying decisions that address the litigants' needs.

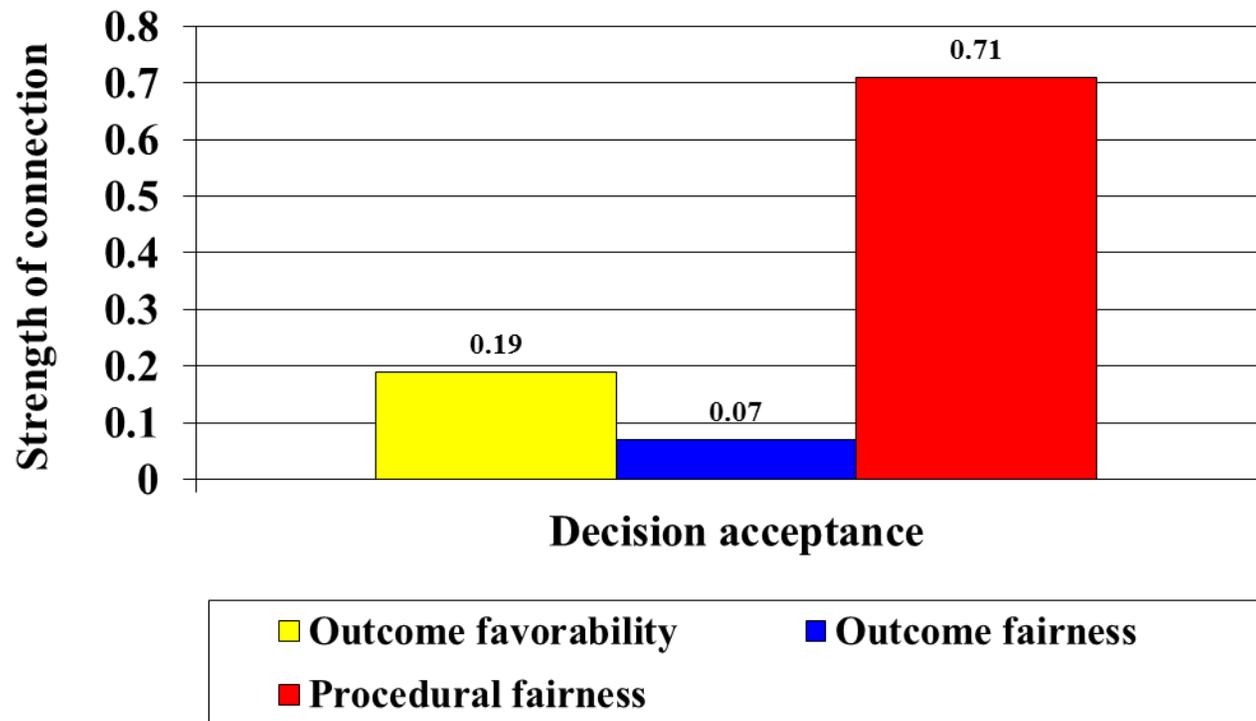
Tyler, "Why People Obey the Law" 22 (2006)

Fairness is Key

People will accept an unfavorable ruling if they feel the process is fair.

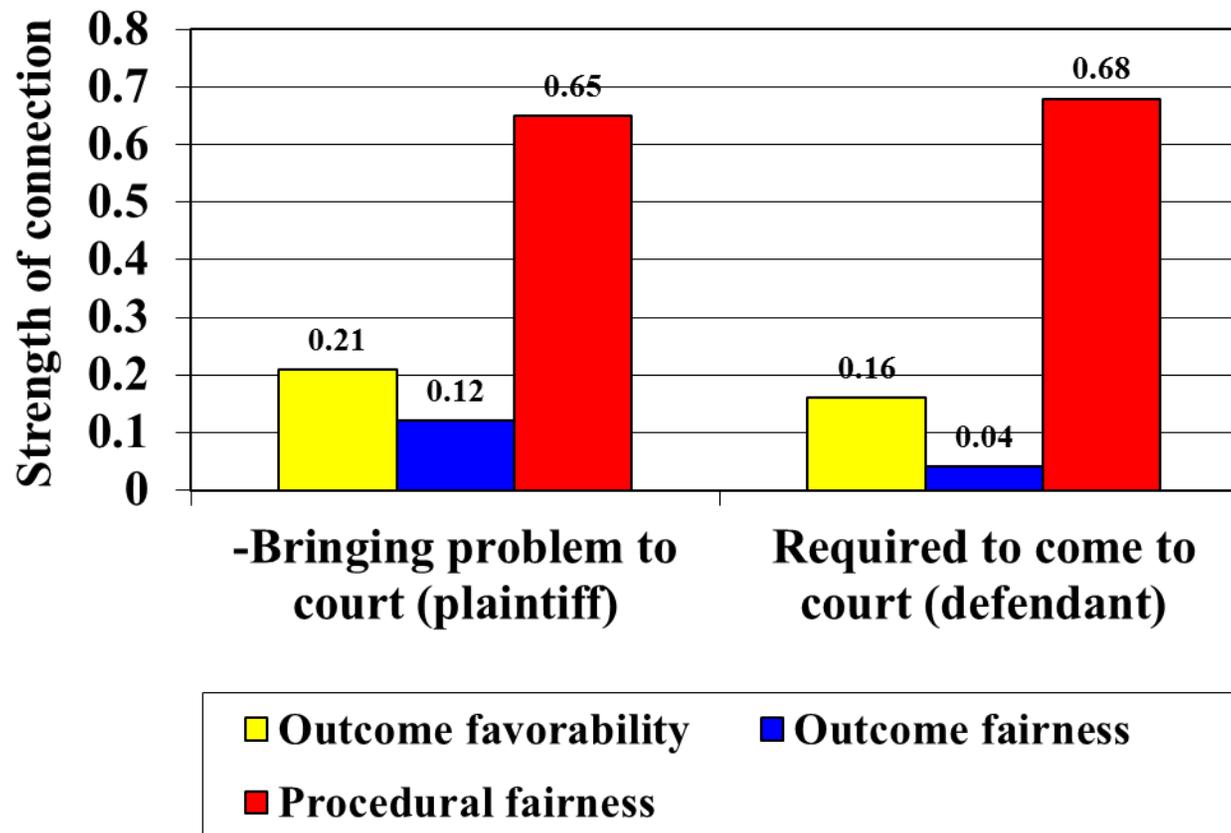
People who win but who do not feel they were treated fairly are unhappy with the procedure

Why do people accept court decisions?



Tom Tyler, Procedural Fairness, COSCA 2011

Willingness to accept decisions based upon reason for being in court.



R-E-S-P-E-C-T

Proactive trouble shooting

Judge directly address progress

Open courtroom

All observed consequences

Genuine, caring, consistent, and firm

John J. Petrucci, "Respect as a Component in the Judge-Defendant Interaction in a Specialized Domestic Violence Court that Utilizes Therapeutic Jurisprudence." CRIMINAL LAW BULLETIN
(2002)



- Active listening
- Rogerian approach (warmth, empathy, and genuineness)
- Shared respect

Procedural Justice, cont.

but another way, the 3 “Vs”:

a chance to tell their story to the decision-maker.

if they feel heard and listened to then more likely to feel a sense of validation.

voice + validation = experience the procedure as less coercive .

Greater compliance with the law.

(Ronner, 2001)

Maya Angelou



“People may not remember what you say but they will always remember how you made them feel.”

BEHAVIORAL CHANGE

4 Steps for Imposing Incentives & Sanctions

Certain- respond to all defined rule-breaking and positive behaviours.

Swift- apply the sanction or reward as soon as possible after behavior has occurred.

Predictable- sanctions and rewards need to be real and consistently applied to all participants.

Proportionate- sanctions and rewards need to be fair and proportionate to the seriousness of the behaviour.

(Man, Shephardson, & Byrne, 2004)

Resources

National Institute of Justice, Crime Solutions

<https://www.crimesolutions.gov/>

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