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# Police Procedural Justice, Lawyer Procedural Justice, Judge Procedural Justice, and Satisfaction With the Criminal Justice System: Findings From a Neglected Region of the World

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## Abstract

Although the impact of procedural justice on citizens' satisfaction with the police and other branches of the criminal justice system has been tested in several geopolitical contexts, this is the first study to examine the relative impacts of police procedural justice, lawyer procedural justice, and judge procedural justice on satisfaction with a country's criminal justice system. To assess the universal applicability of procedural justice, scholars must carry out research in all geopolitical regions. However, sub-Saharan Africa appears to be a region that scholars have neglected for far too long. As a result, the current study assesses the relative impacts of three strands of procedural justice—police, lawyer, and judge—on satisfaction with the criminal justice system in Kenya. Using a sample of 523 students from a prominent Kenyan university, we found that all three strands of procedural justice predicted satisfaction with Kenya's criminal justice system under the country's new Constitution, although judge procedural justice exerted the strongest influence on satisfaction. Also, less highly educated students (first-year students, compared to sophomores, juniors, and seniors) and male students were more satisfied with Kenya's criminal justice system. The study's implications for policy and future research are discussed.

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## Keywords

police procedural justice, judge procedural justice, lawyer procedural justice, satisfaction with the criminal justice system, policing in Kenya, policing in sub-Saharan Africa, courts in sub-Saharan Africa

## Introduction

This article adds to the extant literature by examining the relative effects of police procedural justice, judge procedural justice, and lawyer procedural justice on satisfaction with the criminal justice system in Kenya. The effect of procedural justice on satisfaction and cooperation with police and other components of the criminal justice system has been tested around the globe, but many of these studies did not disaggregate procedural justice into its various strands, such as police procedural justice, judge procedural justice, and lawyer procedural justice. Based on our review of the literature, we believe that this is the first study to evaluate the relative effects of police procedural justice, judge procedural justice, and lawyer procedural justice on satisfaction with a country's criminal justice system. Apart from the fact that carrying out procedural justice studies in different geopolitical contexts would provide a solid footing for procedural justice as a dominant theory for cultivating government–public relations (Hinds & Murphy, 2007; Pryce, 2018; Sunshine & Tyler, 2003), understanding the relative effects of the different strands of procedural justice would also add to knowledge about how procedural justice specifically operates through justice actors such as the police, lawyers, and judges.

Procedural justice theory suggests that positive police–public interactions are dependent on the fairness of the procedures deployed by the police (Murphy, 2015; Solomon, 2019; Tyler et al., 2010; Wolfe et al., 2016; Woo et al., 2018). Indeed, the process-based model of policing focuses more on the *process* of the interactions between the police and the public than on the *outcomes* of those same interactions (Grant & Pryce, 2019; Nix, 2017; Tyler & Huo, 2002). If the police apply fair procedures in their encounters with community members, the latter are more likely to respond favorably to the police (Johnson et al., 2014; Maguire et al., 2016; Sunshine & Tyler, 2003). Distinguishing between procedural justice considerations for youths and adults in an Australian study, Murphy (2015) observed that procedural justice mattered more for youths than for adults in eliciting cooperation with police. This is an important finding because, in the Kenyan context, much of the post-election violence, discussed later in this article, involved young people who felt marginalized by the country's leaders (Klopp & Kamungi, 2008; Roberts, 2009). Thus, procedural justice from legal actors—including the courts and the police—may prevent future post-election unrest and violence in Kenya and other parts of the African continent. As Murphy (2015) explicated, “. . . procedural justice may be particularly important to those who feel marginalised by society” (p. 69).

General deterrence and specific deterrence continue to be important concepts underpinning law enforcement strategies (Harcourt, 2001). However, after many decades of research on the process-based models of policing and the courtroom

experience, social scientists have argued that the process-based models would lead to greater citizen satisfaction and cooperation with law enforcement and court actors. The ability to invoke an internalized sense of obligation to cooperate and comply with legal authorities (e.g., the police and judges) may be more effective than eliciting cooperation and compliance through fear of punishment. Indeed, the process-based models of policing and courtroom experience have gained wide acceptance because multiple studies have confirmed their usefulness in improving law and order in local communities in many regions of the world (Hinds & Murphy, 2007; Murphy, 2015; Sunshine & Tyler, 2003; Tyler, 2007). For the process-based model to gain an even wider acceptance, it must be studied in different geopolitical contexts, and this article adds to the few studies that have taken place in sub-Saharan Africa (Akinlabi, 2017; Boateng, 2016; Pryce et al., 2018). More importantly, this article is the first to delineate and assess the relative effects of different strands of procedural justice on satisfaction with a country's criminal justice system.

## Background

In addressing the relative impacts of police procedural justice, lawyer procedural justice, and judge procedural justice on satisfaction with Kenya's criminal justice system, it is apt to address post-election conflict in Kenya. Indubitably, Kenya's 2007 post-election violence was an example of a perilous intra-national conflict that almost consumed the country. The post-election disputes were eventually resolved, but not before hundreds lost their lives and thousands were internally displaced. Court procedural justice would have been an important avenue for resolving the 2007 post-election disputes in Kenya, but with the executive branch "towering over" the legislative and judicial branches of the government (Calas, 2008; Mutua, 2008), as is the case in many sub-Saharan African countries, the weakened judicial branch was not given the chance to bring the disputants to the negotiating table. In fact, it took external interventions to pressure the political parties to allow peace to prevail.

Thus, the courts can become important avenues for resolving major disputes in sub-Saharan Africa, such as when presidential election results are rejected by one or more contestants. Research has shown, for example, that when contestants believe that the adjudication process was fair, they were more likely to accept the arbiter's decision immediately (Kitzman & Emery, 1993; Lind et al., 1993, 1998) and over time (Pruitt et al., 1990, 1993).

Similar to police services, court services provided by judges and lawyers are important to the peace and security of a nation (Boateng & Makin, 2016). A primary role of the courts is to adjudicate the cases brought before them and to render judgment in accordance with law. As Tyler (2007) has argued, the courts exist to address and resolve disputes. The courts also provide an avenue through which community members "can obtain justice as it is defined by the framework of the law. This is the traditional concern of judges, and the goal emphasized in legal education—the correct application of the law to particular legal disputes" (Tyler, 2007, p. 26). The work of judges and other court actors is particularly important in democratic societies, where the rule of law is

respected. If the courts were no longer able to authoritatively, but fairly, issue their decisions, then their relevance in any society would be lost. It is for this reason that this article addresses Kenyan citizens' views of court procedural justice in the aftermath of the ratification of the country's newest constitutional amendment, which occurred in 2010. Like most sub-Saharan African countries, Kenya has been on a slow, but steady, path toward democratizing its society and institutions, with the eventual goal of strengthening the judicial branch and giving it the autonomy that it deserves. Indeed, the Government of Kenya pursued the ratification of the 2010 Constitution to, among other things, improve the delivery of criminal justice services to its people, who, just a decade earlier, had been bitterly divided along tribal lines. Not unlike police procedural justice, court procedural justice influences people's willingness to accept court decisions, both immediately and well into the future (Tyler, 2007). Court procedural justice also plays an important role in how citizens evaluate the performance of judges, other court actors, and the overall judicial system (Tyler, 2007).

### *Kenya: Constitution, Society, Police, and the Courts*

Kenya's fledgling democracy has meant that national elections have not always been conducted fairly, with vote-rigging and the concomitant violence being notable complaints from ordinary Kenyans and the international community alike. The unpredictable outcomes of presidential elections have dampened Kenyan citizens' belief that the country's leaders can be trusted. Indeed, Kenya's more recent presidential elections led to widespread discontent among the citizenry, and the most recent election held in October 2017 had a similar outcome: there were allegations of vote-rigging in favor of the incumbent, President Uhuru Kenyatta.

Shortly after the 2007 presidential elections were held, violence broke out; in the aftermath of the violence, 1,500 people lost their lives, 3,000 innocent women were sexually assaulted, and 300,000 Kenyans fled their homes (Roberts, 2009). Roberts (2009) argued that one of the sources of the 2007 post-election conflict was the country's weak Constitution, which "lacked a healthy checks and balances system between the executive, legislative and judicial branches of government. Over the span of three decades, amendments to the constitution were made to systematically erode these balances in favor of strengthening presidential powers" (p. 2).

Because of past post-election turmoil, the nation adopted a new Constitution in 2010, with hopes of building trust between the people and their government and to strengthen citizens' faith in the Kenyan police. In spite of these efforts, the relationship between the police and the community remains strained. The police's inability to keep crime under control is a microcosm of the country's inept leadership. This ineffectual leadership, in turn, has dealt the police a severe blow in their efforts to provide adequate safety and security for all Kenyans. As Klopp and Kamungi (2008) have observed, citizens' dissatisfaction with Kenya's police goes beyond crime control. It also includes concerns about the police's inability to tame the rampaging gangs that wreak havoc in the slums of Nairobi (Klopp and Kamungi, 2008). With such odious names as the Taliban, Baghdad Boys, and Mungiki, these brutal gangs feed on ethnic

and tribal alignments to draw followers and remain active (Klopp and Kamungi, 2008). With the country experiencing such a high crime rate, many citizens, including university students, hold strong, divergent views about the effectiveness of their country's police force. For example, Sulemana (2015) observed that, of 20 African nations, Kenyan citizens had the highest levels of fear of crime. The high crime rate and the presence of vicious gangs mean that Sulemana's (2015) findings were not surprising. Indeed, Sulemana's (2015) research provided an empirical connection between the high crime rate and fear for personal safety/wellbeing among the Kenyan people.

Although Kenya's police leadership is determined to stem the tide of crime and increase citizens' safety and security, the force is hampered by several problems, including worsening crime (Akech, 2005; Gastrow, 2011; Osse, 2016; Ruteere & Pommerolle, 2003). The Kenyan police have also been accused of ignoring distressed citizens' requests for assistance, bungling criminal investigations, and mishandling traffic in the large towns and cities (Osse, 2016). Moreover, the police tend to upend citizens' attempts to protest the actions of the government (Osse, 2016), thereby further weakening the pillars of the country's fledgling democracy. The Kenyan police, like the police in the rest of sub-Saharan Africa, mistreat citizens who stand up for their rights, engage in extrajudicial killings clandestinely, and use brute force to gain false confessions from persons in custody (Omeje & Githigaro, 2012; Osse, 2016; Ruteere, 2011; Ruteere & Pommerolle, 2003). These accusations against the country's police weaken citizens' confidence in and satisfaction with the police. Furthermore, the chronic underfunding of the police (Osse, 2016) prevents even dutiful officers from carrying out their mandate to protect and serve local communities, thereby weakening citizens' confidence in the police.

Moreover, poor police preparedness enervates the force's readiness to combat crime and disorder in the community (Akech, 2005; Osse, 2007, 2016). Osse (2016) added that abusive officers tended to be transferred rather than disciplined, further eroding citizens' satisfaction with the police. And police supervisors were largely not different from their subordinates in abusing their fellow citizens. These manifold problems mean that Kenyans worry about officially reporting police misconduct, because not only do they not believe that such complaints would be acted upon by police supervisors, but such reporting could result in dire consequences for those doing the reporting.

Turning to the courts, we argue that courts are essential to the smooth functioning of any criminal justice system. Alda et al. (2019) summarized, matter-of-factly, the importance of the courts within the larger criminal justice system when they noted,

Court personnel review the facts of an alleged criminal event and determine if a person should be punished for their behaviour, and if so, what that punishment ought to be. In doing so, they have the power to take away a person's assets, incarcerate them and even, in the most extreme cases, end their life. (p. 1)

As a result, courts' fairness affects how citizens perceive the courts. Indeed, courts must maintain a high level of credibility for their decisions to be accepted by the

communities they serve (Alda et al., 2019; Buckler et al., 2007). Although the police are the criminal justice system's gatekeepers (Dunn, 2010; Siegel & Senna, 1997), which means that most people are more likely to encounter the police before they encounter judges, the courts play an important role in sub-Saharan Africa in particular because the region is noted for presidential election irregularities and disputes, which have sometimes led to violence and further exacerbated citizens' lack of trust in their governments. In spite of the revisions to the Constitution in 2010, Kenyan courts have not enjoyed the independence required of an impartial judiciary (Akech, 2011). According to Akech (2011), Africa's democratization efforts were designed to enhance "ballot-box democracies," which consolidated executive power at the expense of other branches of government.

While the concept of separation of powers in a Constitutional democracy does not mean a rigid separation of powers between the executive, legislative, and judicial branches of government, "a differentiation of the functions of different departments of government is an invariable feature of all written constitutions" (Vyas, 1992, p. 130). Vyas (1992) pointed out that the pre-independence judiciaries in Third World countries were designed to support the executive, whose primary interest was maintaining order and security. In many Third World countries, even long after independence, the executive branch has continued to dominate the judiciary and the legislature (Vyas, 1992). This explains why the judicial arm of government is relatively weak in Kenya and continues to be viewed with suspicion by a section of the populace. There is also corruption within the judiciary (Akech, 2011), which has contributed to the culture of mob justice because the people cannot rely on these state actors to deliver rulings impartially (Gimode, 2001; Omeje & Githigaro, 2012).

One final point: the belief by the executive that it supersedes the judiciary continues to undermine the rule of law in Kenya. Shortly after the August 2017 presidential election was annulled by the country's Supreme Court because of voting irregularities, President Kenyatta publicly chided members of the judiciary, reminding them that they were unelected officials. According to Fick (2017), "the decision to annul the [August 2017] election was unexpected and unprecedented in Africa where governments often hold sway over judges" (p. 1). Although Kenyatta would win the second election held in October 2017, his public utterances and veiled threats showed his disdain for the judiciary and may have undermined citizens' faith in the courts, as a result.

## **Review of the Literature**

### *Satisfaction With Kenya's Criminal Justice System Under Kenya's New Constitution*

Improving police-public relations is important to scholars, practitioners, community members, police officers, and police agencies, which is why scholars pursue research studies to better understand the factors that promote citizen satisfaction with police agencies and the larger criminal justice system (Furstenberg & Wellford, 1973; Hinds & Murphy, 2007; Pryce, 2018; Reising & Parks, 2000; Scaglione & Condon, 1980; Tyler & Folger, 1980; Weitzer & Tuch, 2005; Wells, 2007). Research on citizen satisfaction

with police has continued to expand into many geopolitical contexts, thus increasing scholars' understanding of how different communities around the globe view the police. This stream of comparative research is essential because it allows researchers and practitioners to "expand knowledge about the applicability of findings in other jurisdictions, and also to expand U.S.-based knowledge by confirming existing findings, or modifying existing knowledge and suggesting new or modified areas for research" (Hinds & Murphy, 2007, p. 30).

Pryce (2018), in his study of Ghanaian immigrants' satisfaction with the U.S. police, noted that assessing "public satisfaction with the police is important because, on the one hand, police services are not really subject to the principles of a market economy" (p. 32). Because community members in need of police services are unable to choose between competing agencies—the services the police provide must be accepted for what they are, even if deemed unsatisfactory (Cheurprakobkit & Bartsch, 2001)—there is the need to continually understand what factors would improve police–community relations, as well as increase citizen satisfaction with the police. On the other hand, citizens' satisfaction with police services is important to both local communities and police agencies (Butler, 1992; Tyler & Folger, 1980). For example, businesses may experience economic stagnation, or financial loss, if customer service deteriorates, but the police would not experience a similar outcome because they hold a *public service* designation, thus making research studies designed to improve police–community relations even more essential. The police in most communities are interested in providing satisfactory service to their *customer base*—that is, citizens and residents of the community—but the police do not suffer any economic losses if their services do not satisfy the public, because police work is not dictated by the vagaries of the market. In buttressing the preceding argument, Stojkovic et al. (2008) observed that market forces do not apply to the work of police officers and agencies; instead, officers' and agencies' success is measured by how effectively they respond to citizen complaints and fight crime. Officers' effectiveness is also measured by how objectively they dispense justice in the community.

### *Police Procedural Justice*

While the role of procedural justice in enhancing positive relations between the police and the public was theorized in large part by Tyler and his colleagues (Sunshine & Tyler, 2003; Tyler & Huo, 2002), the policing literature now contains a large number of studies linking procedural justice with other elements of the process-based model of policing (Nix, 2017; Tyler et al., 2010). When the public receives just and respectful treatment from police officers, they are more willing to cooperate with the police (Pryce, 2016; Pryce et al., 2017; Sunshine & Tyler, 2003) and are more satisfied with the police (Hinds & Murphy, 2007; Pryce, 2018). Citizens' behavior and actions are intricately connected to the values they hold dear and also share with others and with authority figures, so citizens are more likely to cooperate with the police and be more satisfied with the police and the criminal justice system if they believe that the actions of legal authorities and agents of social control are legitimate (Johnson et al., 2014; Tyler et al., 2010). Indeed, findings from the extant literature have shown that if the



police act in a procedurally fair manner, police–citizen interactions would be more successful, leading to greater satisfaction with the police (Hinds & Murphy, 2007; Mastrofski et al., 1996; Pryce, 2018).

Police procedural justice is comprised of four components: participation, neutrality, dignity and respect, and trustworthy motives. *Participation* occurs when an officer acknowledges a citizen's input during an interaction, with the interaction being generally conversational. *Neutrality* occurs when an officer, while interacting with a citizen, makes his or her decisions based on legal expectations rather than on personal feelings. *Dignity and respect* occur when there is a positive encounter between the officer and the citizen, with the officer honestly affirming the personhood of the citizen with whom the encounter took place. *Trustworthy motives* highlight an officer's readiness to assist a citizen during an encounter. This form of assistance includes such simple things as providing directions and offering advice. The officer is also expected to demonstrate a general interest in the citizen's wellbeing. The first two components—participation and neutrality—fall under *quality of decision-making*, and the last two—dignity and respect and trustworthy motives—are classified as *quality of treatment* (Nix, 2017; Sunshine & Tyler, 2003). The *perception* of police procedural justice by citizens also means that, absent one or more components of procedural justice during police–citizen interactions, officers may receive less-than-desirable cooperation and compliance from citizens. While this four-component conceptual framework of police procedural justice is a staple in the extant criminological literature, police procedural justice is usually operationalized as quality of decision-making and quality of treatment (Pryce, 2019; Sunshine & Tyler, 2003; Tyler & Huo, 2002).

The majority of studies have combined these two facets of procedural justice into a single independent variable in regression analyses (Nix, 2017; Pryce et al., 2017; Tyler et al., 2010), although a smaller number of studies have probed the relative impacts of these two procedural justice components on legitimacy and willingness to cooperate with the police (Gau, 2011; Reisig et al., 2007; Solomon, 2019).

Lastly, whether in cross-sectional or experimental studies, the importance of procedural justice in improving the relationship between the police and the public has been documented extensively. This study thus adds to the burgeoning procedural justice literature (Boateng, 2016; Bradford et al., 2015; Grant & Pryce, 2019; Johnson et al., 2014, 2017; Jonathan-Zamir et al., 2015; Mazerolle et al., 2013; Murphy, 2015; Murphy et al., 2008; Murphy & Mazerolle, 2016; Nagin & Telep, 2017; Pryce, 2019; Pryce et al., 2017; Pryce & Grant, 2019; Reisig et al., 2018; Solomon, 2019; Tankebe, 2013; Tsushima & Hamai, 2015; Tyler et al., 2010; Tyler & Wakslak, 2004; Wells, 2007; Wolfe et al., 2016), but also examines an unexplored trajectory: the relative impacts of police procedural justice, lawyer procedural justice, and judge procedural justice on satisfaction with the criminal justice system in Kenya.

### ***Court (Lawyer and Judge) Procedural Justice***

The work of the courts (this article examines two primary court actors: lawyers and judges) has become very substantial as populations around the world grow, resources

decrease, and resource distributions become less equitable. Thibaut and Walker (1975) predicted contemporary group conflicts about 44 years ago when they published their seminal work on procedural justice. Notably, the two researchers argued that resolving conflicts and disputes successfully would become increasingly important as the number of conflicts increased, and believed that procedural justice would be an important conduit for resolving these conflicts and disputes. Easton (1965, 1975) observed that citizens were more likely to accept court decisions if they believed that the court acted, or ruled, fairly. This also means that evaluating court procedural justice around the globe would receive greater attention in the 21st century (Baker, 2017; Baker et al 2014; Longazel et al., 2011).

Prior scholarship has shown that police procedural justice was an antecedent of court procedural justice (Baker et al., 2015; Casper et al., 1988). While this distinction between police procedural justice and court procedural justice is important, it also reflects the interconnectedness of the criminal justice system (Atkin-Plunk et al., 2019). Casper et al. (1988), for example, created a procedural justice index that combined 16 questions about lawyer procedural justice, prosecutor procedural justice, and judge procedural justice in their assessment of litigants' satisfaction with the outcomes of their court cases. However, this aggregation of views about court actors' use of procedural justice does not allow scholars to know how each strand of procedural justice influences views of the criminal justice system. The current study thus sets out to examine the relative influence of each strand of procedural justice on satisfaction with Kenya's criminal justice system.

## The Current Study

The current study fills a gap in the extant literature in four important ways: (a) As far as we know, it is the first study to examine the relative effects of police procedural justice, lawyer procedural justice, and judge procedural justice on satisfaction with a country's criminal justice system; (b) it is the first study to examine the relative impacts of police, lawyer, and judge procedural justice in sub-Saharan Africa; (c) it is one of a handful of studies to disaggregate court procedural justice into judge procedural justice and lawyer procedural justice; and (d) it addresses the importance of different strands of procedural justice in enhancing perceptions of the effectiveness of the criminal justice system. The following specific research questions are addressed:

**Research Question 1:** What is the association between police procedural justice and satisfaction with Kenya's criminal justice system under the new Constitution in this sample of Kenyan university students?

**Research Question 2:** Is there a relationship between lawyer procedural justice and satisfaction with Kenya's criminal justice system in this sample of university students?

**Research Question 3:** What is the association between judge procedural justice and satisfaction with Kenya's criminal justice system?

## Data and Method

### *Participants and Procedures*

The data for this study were drawn from a survey of university students at a leading public university in Nairobi, Kenya. The cross-sectional data were obtained from a sample of 523 students who were at least 18 years of age. One of the authors administered the survey questionnaire to pre-law students during normal class sessions. Official permission to conduct the survey was granted by the Dean of the Law School as well as by professors whose students participated in the study. Paper surveys were distributed to the students at the end of their class sessions, and the surveys were completed voluntarily by the students, who were assured confidentiality as part of the survey protocol. The students earned points for completing the survey. The survey took approximately 20 min to complete; 581 surveys were distributed, and 523 were completed and returned for the current study, leading to an overall response rate of 90%.

### *Sample*

The sample was 58% ( $n = 301$ ) female and 42% ( $n = 218$ ) male. The survey respondents were between 18 and 44 years ( $M = 21.04$ ; standard deviation [ $SD$ ] = 2.55). In the sample, there were 284 first-year, 86 second-year, 145 third-year, and 3 fourth-year students. The educational variable was then recoded into first year ( $n = 284$ ) and sophomore or higher ( $n = 234$ ). Finally, 277 students lived off-campus, while 241 lived on-campus. Table 1 displays descriptive statistics for the current study's variables.

### *Dependent Variable*

*Satisfaction with Kenya's criminal justice system under new constitution.* The dependent variable, *satisfaction with Kenya's criminal justice system*, was measured using three items. A 4-point Likert-type scale—(1) *strongly disagree*, (2) *disagree*, (3) *agree*, and (4) *strongly agree*—was employed to measure satisfaction with Kenya's criminal justice system. The scale was coded so that higher scores reflected higher levels of *satisfaction with Kenya's criminal justice system*. The survey items were (1) In general, I am satisfied with the criminal justice system in Kenya; (2) The justice process under the new Kenyan Constitution is working; and (3) The new Constitution will improve criminal justice in Kenya (Cronbach's  $\alpha = .61$ ;  $M = 2.64$ ;  $SD = 0.506$ ). Analysis of the data indicated there were no major deviations from the assumptions of normality, linearity, homoscedasticity, and independence of residuals, as the regression standardized residual for the dependent variable, satisfaction with Kenya's criminal justice system under the country's new Constitution, was normally distributed around a mean of 0. The maximum value for Cook's Distance is .035, which is well below the cutoff value of 1 (Tabachnick & Fidell, 2007).

**Table 1.** Descriptive Statistics of the Variables.

Items	Responses	M	SD	Minimum	Maximum
<b>Satisfaction with Kenya's Criminal Justice System Under New Constitution</b>					
In general, I am satisfied with the criminal justice system in Kenya.	519	1.95	0.740	1	4
The justice process under the new Kenyan Constitution is working.	520	2.85	0.705	1	4
The new Constitution will improve criminal justice in Kenya.	520	3.14	0.633	1	4
<b>Police Procedural Justice</b>					
Kenya police officers treat everyone the same regardless of the person's age	521	1.49	0.659	1	4
Kenya police officers treat Africans and non-Africans the same.	521	1.50	0.694	1	4
Kenya police officers treat everyone fairly regardless of the person's income.	522	1.26	0.487	1	4
Kenya police officers treat males and females the same.	520	1.69	0.682	1	4
Kenya police are respectful toward all people.	520	1.61	0.662	1	4
<b>Lawyer Procedural Justice</b>					
Kenya lawyers treat everyone fairly regardless of the person's income.	520	1.87	0.820	1	4
Kenya lawyers treat males and females the same.	520	2.53	0.862	1	4
<b>Judge Procedural Justice</b>					
Kenya judges sentence everyone fairly regardless of the person's income.	519	2.24	0.903	1	4
Kenya judges sentence males and females the same.	520	2.46	0.813	1	4
<b>Personal Experience</b>					
I had a negative encounter with a police officer in the past 12 months.	520	.38	0.487	0	1
<b>Gender</b>					
0 = female; 1 = male	519 (301/218)	.42	0.494	0	1
<b>Age</b>					
	508	21.06	2.547	18	44
<b>Housing Type</b>					
0 = off-campus, 1 = on-campus	518 (277/241)	.47	0.499	0	1
<b>Educational Level</b>					
0 = sophomore or higher; 1 = first-year student	518 (234/284)	.55	0.498	0	1

## Independent Variables

*Police procedural justice.* Police procedural justice was measured using five items. A 4-point Likert-type scale—(1) *strongly disagree*, (2) *disagree*, (3) *agree*, and (4) *strongly agree*—was employed to measure police procedural justice. The scale was coded so that higher scores reflected higher levels of *police procedural justice*. The survey items were (1) Kenya police officers treat everyone the same regardless of the person's age, (2) Kenya police officers treat Africans and non-Africans the same, (3) Kenya police officers treat everyone fairly regardless of the person's income, (4) Kenya police officers treat males and females the same, and (5) Kenya police officers are respectful toward all people. These items were then combined into a police procedural justice index (Cronbach's  $\alpha = .7$ ;  $M = 1.51$ ;  $SD = 0.415$ ).

*Lawyer procedural justice.* Lawyer procedural justice was measured using two items. A 4-point Likert-type scale—(1) *strongly disagree*, (2) *disagree*, (3) *agree*, and (4) *strongly agree*—was employed to measure lawyer procedural justice. The scale was coded so that higher scores reflected higher levels of *lawyer procedural justice*. The survey items were (1) Kenya lawyers treat everyone fairly regardless of the person's income and (2) Kenya lawyers treat males and females the same (Cronbach's  $\alpha = .62$ ;  $M = 2.20$ ;  $SD = 0.715$ ).

*Judge procedural justice.* Judge procedural justice was measured using two items. A 4-point Likert-type scale—(1) *strongly disagree*, (2) *disagree*, (3) *agree*, and (4) *strongly agree*—was employed to measure judge procedural justice. The scale was coded so that higher scores reflected higher levels of *judge procedural justice*. The survey items were (1) Kenya judges sentence everyone fairly regardless of the person's income and (2) Kenya judges sentence males and females the same (Cronbach's  $\alpha = .64$ ;  $M = 2.35$ ;  $SD = 0.737$ ).

## Control Variables

The following control variables—gender, age, housing type, and educational level—were employed in the current study, as demographic variables are important to the study of the police (Boateng, 2016; Gau et al., 2012). We also controlled for respondents' direct experiences with the police.

*Gender:* Gender was measured as: Male = 1; Female = 0.

*Age:* Age was measured as a continuous variable.

*Housing type:* This variable was measured as: On-campus = 1; Off-campus = 0. We hypothesize that students living on-campus would be more satisfied with the criminal justice system because college campuses may "shield" students from inner-city crime.

*Educational level:* This variable was recoded into freshman = 1; sophomore or higher = 0.

*Personal experience with the police:* This is a dichotomous variable (yes = 1; no = 0). The single survey item was: I had a negative encounter with a police officer in the past 12 months ( $M = .38$ ;  $SD = 0.487$ ).

## Appropriate Tests and Analytic Plan

### Factor Analysis

To test for factor loadings of the items employed in the current study, we subjected all items simultaneously to principal components analysis, with direct oblimin rotation (see Table 2; also, see articles by Baker et al., 2014, 2015; Blasko & Taxman, 2018; Hinds & Murphy, 2007; Reisig et al., 2007 that employed a similar factor analytic strategy to test the process-based model). The Bartlett's Test of Sphericity reached statistical significance and the Kaiser–Meyer–Olkin measure of sampling adequacy was .800 (Bartlett, 1954; Kaiser, 1970, 1974). These findings pointed to the suitability of the data for factor analysis. Additional tests—Cattell's (1966) scree test and Horn's Parallel Analysis (Choi et al., 2001)—confirmed the number of factor extractions. Table 2 displays the variables employed in the regression analyses, based on the factor analytic results.

As noted earlier, preliminary analyses were conducted to ensure that there was no violation of the assumptions of normality, linearity, and homoscedasticity. The absence of outliers was also checked by inspecting the Mahalanobis distances. Tolerance and variance inflation factor (VIF) values, for example, were all within acceptable ranges (Pallant, 2010). Finally, from Table 3, none of the correlations between the dependent and independent variables and between any two independent variables exceeded .70 (Pallant, 2010), so all of the independent and dependent variables were retained for analysis. In fact, the highest correlation of .388 was between judge procedural justice and lawyer procedural justice. Hierarchical (sequential) multivariate regression was employed to test the relationships among the variables. This approach allowed us to enter “our variables in steps or blocks in a predetermined order (not letting the computer decide, as would be the case for stepwise regression)” (Pallant, 2010, p. 163). Entering the variables in blocks allowed us to statistically control for some variables while examining the effects of the predictor variables on the outcome variable in the models. In effect, the use of regression analyses to test all models accomplished two goals: (a) to help determine the relative influence that each independent variable had on the dependent variable and (b) to help reach the conclusion that the influence of any one independent variable was independent of the influence of the other independent variables in the regression equations (Sunshine & Tyler, 2003).

### Results of Regression Analyses

Table 4 presents results from four ordinary least-squares (OLS) regression models. In this table, *satisfaction with Kenya's criminal justice system under the new Kenyan Constitution* is the dependent variable. In Model 1, the effects of the control variables (age, educational level, sex, housing type, and personal experience with police) on satisfaction with Kenya's criminal justice system were tested. In other words, Model 1 regressed satisfaction with Kenya's criminal justice system on age, educational level, sex, housing type, and personal experience. Educational level was statistically signifi-

**Table 2.** Direct Oblimin-Rotated Principal Components.

Scales and items	Pattern matrix
Satisfaction with the Kenya Criminal Justice System	
In general, I am satisfied with the criminal justice system in Kenya.	.446
The justice process under the new Kenyan Constitution is working.	.802
The new Constitution will improve criminal justice in Kenya.	.796
Police Procedural Justice	
Kenya police treat everyone fairly regardless of the person's income.	.725
Kenya police officers treat everyone the same regardless of the person's age.	.653
Kenya police officers treat Africans and non-Africans the same.	.624
Kenya police officers treat males and females the same.	.523
Kenya police officers are respectful toward all people.	.631
Judge Procedural Justice	
Kenya judges sentence everyone fairly regardless of the person's income.	.678
Kenya judges sentence males and females the same.	.678
Lawyer Procedural Justice	
Kenya lawyers treat everyone fairly regardless of the person's income.	.694
Kenya lawyers treat males and females the same.	.744

Note. Only factor loadings  $>.40$  are displayed.

cantly related to satisfaction with Kenya's criminal justice system ( $\beta = .159$ ,  $p = .001$ ). Thus, first-year students were more likely than sophomores, juniors, and seniors to be more satisfied with the criminal justice system under the new Constitution. Also, males were more likely than females to be more satisfied with the country's criminal justice system ( $\beta = .193$ ,  $p = .000$ ). Respondents who had a negative experience with the police were less satisfied with the criminal justice system ( $\beta = -.120$ ,  $p = .007$ ). Age and housing type were not significantly related to satisfaction with the criminal justice system. The model is statistically significant and explains 8% of the variation in satisfaction with Kenya's criminal justice system.

In Model 2, all the variables in Model 1 were retained and *police procedural justice* was added to the regression model. Once again, educational level was statistically significantly related to satisfaction with Kenya's criminal justice system ( $\beta = .129$ ,  $p = .006$ ). Thus, first-year students were more likely than sophomores, juniors, and seniors to be more satisfied with the criminal justice system under the new Constitution. Also, males were more likely than females to be more satisfied with the country's

**Table 3.** Bivariate Correlation Results.

Scale items	1	2	3	4	5	Skewness	SE	Kurtosis	SE
1. Satisfaction with CJ System <sup>a</sup>	1					-.341	.108	.571	.215
2. LawyerProcJustice	.199**	1				.153	.107	-.221	.214
3. JudgeProcJustice	.289**	.388**	1			.116	.107	-.096	.214
4. PoliceProcJustice	.283**	.269**	.221**	1		.891	.108	1.798	.215
5. Personal experience	-.115**	-.028	-.083	-.089*	1	.484	.107	-1.772	.214

Note. CJ = criminal justice.

<sup>a</sup>The skewness and kurtosis values for the variables are near normal (less than an absolute value of 1, except for the kurtosis values for police procedural justice and personal experience), even though some scholars argue that near-normality extends to an absolute value of 2 (see, for example, Reisig et al., 2007). According to Tabachnick and Fidell (2007), skewness and kurtosis will not substantively affect the analysis of the data if the sample size is larger than 200, which is the case in the current study. Thus, multivariate regression analysis is an appropriate methodology for analyzing the data.

\* $p < .05$ . \*\* $p < .01$  (two-tailed).

criminal justice system ( $\beta = .165, p = .000$ ). Respondents who had a negative experience with the police were less satisfied with the criminal justice system ( $\beta = -.106, p = .015$ ). Finally, respondents who perceived that the police were more procedurally just were likely to be more satisfied with the country’s criminal justice system ( $\beta = .218, p = .000$ ). Age and housing type were not significantly related to satisfaction with the criminal justice system. The model is statistically significant and explains 13% of the variation in satisfaction with Kenya’s criminal justice system.

In Model 3, all the variables in Model 2 were retained and *lawyer procedural justice* was added to the regression equation. Educational level predicted satisfaction with Kenya’s criminal justice system ( $\beta = .130, p = .006$ ). Thus, first-year students were more likely than sophomores, juniors, and seniors to be more satisfied with the criminal justice system under the new Constitution. Also, males were more likely than females to be more satisfied with the country’s criminal justice system ( $\beta = .167, p = .000$ ). In addition, respondents who had a negative experience with the police were less satisfied with the criminal justice system ( $\beta = -.104, p = .007$ ). Moreover, respondents who perceived that the police were more procedurally just were likely to be more satisfied with the country’s criminal justice system ( $\beta = .193, p = .000$ ). Finally, respondents who perceived that lawyers were more procedurally just were likely to be more satisfied with the country’s criminal justice system ( $\beta = .107, p = .017$ ). Age and housing type were not significantly related to satisfaction with the criminal justice system. The model is statistically significant and explains 15% of the variation in satisfaction with Kenya’s criminal justice system.

In Model 4, all the variables in Model 3 were retained and *judge procedural justice* was added to the regression equation. Once again, educational level was statistically significantly related to satisfaction with Kenya’s criminal justice system ( $\beta = .128, p = .005$ ). Thus, first-year students were more likely than sophomores, juniors, and



**Table 4.** Predictors of Satisfaction With Kenya's Criminal Justice System Under New Constitution.

Independent Variables	Model 1	Model 2	Model 3	Model 4
<b>Control Variables</b>				
Age	-.049 (.009)	-.058 (.009)	-.060 (.008)	-.034 (.008)
Education	.159*** (.046)	.129** (.046)	.130** (.046)	.128** (.045)
Sex	.193*** (.044)	.165*** (.044)	.167*** (.043)	.148*** (.044)
Housing	-.009 (.045)	-.006 (.044)	-.001 (.044)	.001 (.043)
Personal Experience	-.120** (.045)	-.106* (.044)	-.104** (.044)	-.092* (.043)
Police Procedural Justice		.218*** (.052)	.193*** (.053)	.170*** (.052)
Lawyer Procedural Justice			.107* (.031)	.031 (.032)
Judge Procedural Justice				.212*** (.031)
$R^2$	.084	.132	.146	.184

Note.  $N = 474$ . Entries are standardized coefficients, and standard errors are in parentheses.

\* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

seniors to be more satisfied with the criminal justice system. Furthermore, males were more likely than females to be more satisfied with the country's criminal justice system ( $\beta = .148, p = .001$ ). Also, respondents who had a negative experience with the police were less satisfied with the criminal justice system ( $\beta = -.092, p = .033$ ). Furthermore, respondents who perceived that the police were more procedurally just were likely to be more satisfied with the criminal justice system ( $\beta = .170, p = .000$ ). Finally, respondents who perceived that Kenyan judges were more procedurally just were likely to be more satisfied with the country's criminal justice system ( $\beta = .212, p = .000$ ). In this final model, lawyer procedural justice, age, and housing type were not significantly related to satisfaction with the criminal justice system. It appears, then, that judge procedural justice reduced the impact of lawyer procedural justice in the model. This finding is addressed in greater detail in the "Discussion" section. The final model is statistically significant and explains 18% of the variation in satisfaction with Kenya's criminal justice system.

## Discussion

We tested in this article the antecedents of satisfaction with the criminal justice system in Kenya. It is important to note that this study examined these antecedents in the

context of a ratified 2010 Constitution that highlighted the importance of criminal justice reform as a conduit for peace and security in the country. Our examination of the extant literature shows that this may be the first article to examine the relative effects of police procedural justice, lawyer procedural justice, and judge procedural justice on satisfaction with the criminal justice system of any country. Compared to lawyer procedural justice, we found both police procedural justice and judge procedural justice to be strong predictors of satisfaction with Kenya's criminal justice system.

In answering our first research question, we note that police procedural justice was statistically significantly related to satisfaction with the criminal justice system. This result is not surprising, as the effect of police procedural justice on satisfaction, compliance, and cooperation with police is clearly established in the criminological literature (Mazerolle et al., 2013; Murphy et al., 2008; Pryce, 2018; Pryce et al., 2017; Sunshine & Tyler, 2003; Tyler et al., 2010; Wolfe et al., 2016). Kenyan students who believe that the country's police officers act in a procedurally just manner are more satisfied with and confident in the country's criminal justice system. Because the police act as the criminal justice system's gatekeepers (Dunn, 2010), their role in enhancing citizens' views about both the police and the larger criminal justice system cannot be overemphasized. Improved police-citizen relationships may translate into the police enjoying better compliance and cooperation from citizens. This is unquestionably one of the goals of local police agencies around the globe.

In answering our second research question, we observe that lawyer procedural justice was significant in Model 3, but its significance disappeared once judge procedural justice was introduced in Model 4. This suggests that, in the minds of the respondents, judge procedural justice plays a more pivotal role than lawyer procedural justice in engendering satisfaction with the country's criminal justice system. We surmise that citizens view judges as more important than both lawyers and the police. While lawyers serve on opposite sides of the litigation bench, it is the Kenyan judge who rules either for or against a suspect/defendant. We also speculate that citizens' interactions with lawyers may be sporadic; as a result, citizens' perceptions of lawyer procedural justice may not be as strong as their perceptions of judge procedural justice. This state of affairs may explain why lawyer procedural justice did not have the same type of influence/effect as judge procedural justice in the minds of Kenyan university students. Indeed, a procedurally just judge may establish himself/herself as an impartial interpreter of law, which may dampen any negative feelings some citizens may have toward lawyers on opposite sides of the court case brought before the judge.

In answering our third research question, we observe that, like police procedural justice, judge procedural justice is significantly related to satisfaction with the criminal justice system in Kenya. Historically, sub-Saharan African countries' leaders subjugated their judiciaries to "second-class" status (Calas, 2008; Mutua, 2008), especially if the judiciary failed to show support for landmark decisions by the executive (Fick, 2017). As noted by Fick (2017), President Kenyatta publicly lambasted his country's judiciary in August 2017 after the Supreme Court, in an unprecedented move, annulled the results of a presidential election they had considered riddled with irregularities.

Because sub-Saharan African presidents are not used to their judiciaries standing up to them, especially in the aftermath of closely contested elections, Kenyatta may have been taken aback by the Supreme Court's bold stance. When, two months later, Kenyatta won fresh elections, his victory may have had a silver lining: the country's faith in its fledgling democracy and the Supreme Court may have begun to be restored. Indeed, judge procedural justice may be important to the peace and stability of an entire nation. It is noteworthy, then, that in the current study judge procedural justice exerted a stronger effect on satisfaction with the criminal justice system than police procedural justice did (see Model 4 in Table 4).

We are not surprised by the current study's findings because, in Kenya and the rest of sub-Saharan Africa where the judicial branch has been stifled by the executive for far too long, citizens may be yearning for a stronger judiciary, whose impartial interpretation of law, to include boldly annulling rigged elections, is necessary to ensure widespread peace and tranquility. Citing Tyler (2006), Baker et al. (2015) noted that "individuals rely more heavily on procedural justice perceptions when evaluating perceptions of the courts versus perceptions of the police" (p. 434). This may be true insofar as a country's wider peace and stability are called into question. While a single police officer's actions are unlikely to destabilize a nation, a judge's unfair ruling can send a nation into a downward spiral of violence, simply because a judge's authority is broader than a police officer's.

A primary allure of the legal profession is its promise of stateliness. Judges are placed on a pedestal—literally and metaphorically—by the people over whom they preside in court. There is good reason why judges' seats are elevated above those of their courtroom listeners. These elevated seats signify the power of the state that is vested in the arbiter whose legal training gives him/her the power to render judgment. This power of judgment includes the ability to take away the liberty of a fellow citizen, impose a hefty fine for graft or other ignoble behavior, award custody of a minor to one parent against the wishes of the other, rule against politicians in closely contested elections, and carry out a compendium of other important assignments that pit one person against another or one group against another. A judge has so much power vested in him/her, which is why judges must carry out their duties in a procedurally fair manner. The white wig worn by Kenyan judges, while a vestigial accoutrement of colonialism, remains a symbol of judges' elevated position in Kenyan society. In fact, the color of the wig is no accident; it epitomizes knowledge and sagacity, noble qualities that the profession's practitioners are expected to possess. This imagery may propel Kenyan citizens to have very high expectations of their judges and to see them as wise and well versed in jurisprudence.

As Tyler (2007) has argued, citizens were far more likely to accept court decisions if they believed that courtroom judges performed their duties in a procedurally fair manner. Other researchers have found similar results: when disputants believe that the court process was fair, they were more likely to accept the judge's decision immediately (Kitzman & Emery, 1993; Lind et al., 1993, 1998) and over time (Pruitt et al., 1990, 1993; Tyler, 2007). Indeed, when judges behave in a procedurally just manner, their prestige would likely receive a boost, which may translate into more positive

views of the courts and the larger criminal justice system. While citizens are more likely to interact with the police than with judges, citizens in sub-Saharan Africa hold judges in higher esteem than they do the police. To have the judiciary be on equal terms with the executive branch of the Kenyan government would be important to strengthening the courts in their decision-making. A stronger judiciary means it would be able to stand up to the executive branch if the latter attempted to usurp the power of the people through rigged elections. That was the case in Kenya in 2017.

Whether it is the police, who are on the frontlines of the criminal justice system, or judges who preside over cases in a courtroom, procedural justice remains a key aspect of the processes that citizens hold dear. Judge procedural justice appears to be even more important than police procedural justice, as the current study shows. Thus, the role of judges in maintaining peace and security in the community is vital to the smooth functioning of the criminal justice system. Based on the results of the current study, judges' use of procedural justice in their decision-making would enhance positive views of the entire criminal justice system in Kenya. Our study also adds to the literature by disaggregating procedural justice into police procedural justice, lawyer procedural justice, and judge procedural justice. Overall, our article not only adds to knowledge about the near-universal influence of procedural justice in effectuating improved government–community relations (Cherney & Murphy, 2013; Murphy et al., 2008; Murphy & Mazerolle, 2016; Nagin & Telep, 2017; Pryce et al., 2017, 2018; Reising et al., 2018; Tsushima & Hamai, 2015), but also points out the relative influences of different strands of procedural justice—police, lawyer, and judge—on community members' satisfaction with governmental actors.

The current study, while it makes a significant contribution to the literature, has a number of limitations. First, employing student data means that the findings may not be generalizable to the larger Kenyan population, as university students' awareness of social-justice issues may be stronger than that of ordinary Kenyans. Even if Kenyan university students and ordinary citizens held similar perceptions and values, more definitive findings may be reached from future research that employs a representative sample to study the same concepts in Kenya and in other parts of sub-Saharan Africa. Second, because this study examined the antecedents of satisfaction with Kenya's criminal justice system on a single university campus, caution is required before generalizing the results to other Kenyan universities. Third, we employed cross-sectional data, which means we cannot make any claims about causal relationships from our findings. Causality can be established from future research that examines the same concepts in the Kenyan student population using a longitudinal study. Fourth, our survey questions on *lawyer procedural justice* do not allow us to differentiate between prosecutors, government-appointed defense attorneys, and private lawyers. This lack of distinction may be overcome in future studies by further delineating the roles of the legal profession. Fifth, for our three procedural justice variables, we employed items that differ slightly from those typically used in the extant literature (see, for example, Sunshine & Tyler, 2003), although our approach is not novel. In addition, while some scholars used eight or more items to test procedural justice, others have used six items or less (see, for example, Cherney & Murphy, 2013; Pryce & Grant, 2019). Sixth,

some of our Alpha values were slightly lower than .7, which may have affected the robustness of our results, although we argue that others had employed Alpha values similar to or even smaller than our own (for example, see Baker et al., 2015; Tyler, 2006; Tyler & Huo, 2002). Still, we strongly encourage others to employ more robust measures to strengthen the validity and reliability of measures in future studies on satisfaction with the criminal justice system. Seventh, we were unable to control for ethnicity (e.g., Kikuyu, Luo, Luhya) in our regression analyses, as our survey instrument did not include a measure for this variable.

## **Conclusion**

The results of the current study hold important policy implications for the criminal justice system in Kenya and in other countries in sub-Saharan Africa. One policy implication is the continued need for the Kenyan police to be procedurally fair in their dealings with the population. Indeed, the current study, like other studies on the process-based model of policing, shows how important police procedural justice is in enhancing community members' satisfaction with the larger criminal justice system. A second policy implication our research has pointed out is the need for greater judge procedural justice in Kenya. Because Kenya's ratified 2010 Constitution had as one of its goals an improvement in citizens' satisfaction with the criminal justice system, the current study shows that evaluations of judge procedural justice are vital to maintaining a trusted and respected judiciary within the larger criminal justice system. We strongly suggest that the executive branch in Kenya practice what the Constitution preaches: a genuine separation of powers between the executive, legislative, and judicial branches of government. An emboldened judiciary that is constitutionally protected from "assaults" by the executive branch may be more inclined to render decisions that are procedurally fair. As judge procedural justice is enhanced, citizen trust in the judiciary would increase. This would, in turn, increase positive views about the larger criminal justice system and increase the legitimacy of the governmental actors in the criminal justice system.

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**Note**

1. A Cronbach Alpha value increases as more items are added to a scale (Green et al., 1977; Reisig et al., 2007). This may explain why some of the Alpha values are below .70 in the current study, as some of our substantive variables were two-item indexes. In comparison, other researchers have reported Alpha values of .60 or lower (for example, see Baker et al., 2015; Tyler, 2006; Tyler & Huo, 2002). Cortina (1993) argued that a scale with a larger number of items will have a larger Cronbach Alpha value than a scale with fewer items. Thus, we argue that the composite index that forms our dependent variable, based on the results of factor analysis and the tests of normality, is methodologically sound.

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