

Procedural Fairness in Justice Adjudication of Motor Traffic Offences in Cape Coast Metropolis, Ghana

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Abstract

The kind of treatment people receive in court is of more concern to most people than winning or losing a particular case. Though many traffic offences end up in court, studies concerning satisfaction of victims from literature reveal the area has not been proportionately researched into generally in Ghana, and particularly in the Cape Coast Metropolis. This study therefore looks at the degree of satisfaction among drivers who have been found culpable of traffic offences and have been tried in the law court, with reference to the six basic elements of procedural fairness, viz. neutrality, publicity, voice, respect, time and trust. Though the target population was 246 the purposive sampling method was employed to sample 41 subjects. A questionnaire and interview schedule was used. Chi-square, cross-tabulations, skewness, frequencies, percentages and tables were employed as descriptive tools using Statistical Package for the Social Sciences (SPSS) software package, version 21, for the analysis. The study revealed skewness of responses ranging between 0.241 and 1.287 with the exception of “period within which adjudication ended” and “publicity of judgment of traffic offences in general” which were -0.13 and -0.806 respectively. Aggregate responses showed that about 56 percent had very low satisfaction level; 39 percent low; and 4.9 percent high satisfaction levels. The paper therefore recommends that stakeholders should holistically and aggressively organize education programs such as conferences, forums, colloquia, workshops and seminars for court officials to deal with the judicial procedural fairness challenge in the Metropolis.

Keywords: court; fair; neutrality; publicity; respect; trust; voice.

1.0 Introduction

The realism of test of the performance of the judiciary is whether the public and litigants who they serve are satisfied with the fairness of court procedure (Rottman, 2005). Though both attorneys and judges view judicial performance in terms of court outcomes, litigants and the public perceive court performance in terms of court procedure (Tyler, Callahan & Frost, 2007; Tyler, 2006). Various researchers have shown the truism of this phenomenon (Heuer, Blumenthal, Douglas & Weinblatt, 1999; Van den Bos, Lind, Vermunt, & Wilke, 1997; Tyler, 1996; Tyler, 1994; Greenberg, 1990; Greenberg, 1986; Greenberg & Folger, 1983;) no matter how wrong-headed or unreasonable it appears to be (Tyler, 2006; Lind & Tyler, 2000; Tyler, 2000; 1988). For example, it has been found that among Americans, the single most pertinent source of dissatisfaction in the legal system is the perception of unfair or unequal treatment (Sunshine & Tier, 2003}. Procedural fairness is therefore an important element in terms of how litigants or victims express their interaction with the legal environment, how they interpret their experiences with the court system and the evaluation of the system in whole (Burke & Leven, 2007).

In their interactions with the court people expect that the judicial system will be fair to them. The fairness with which they are treated is with respect to court procedure. This is because citizens see fair procedure as a means to achieving fair outcomes, and equitable outcomes for that matter (MacCoun, 2005; Sunshine & Tyler, 2003; Tyler, Boeckmann, Smith & Huo, 1997; Tyler, Casper, & Fisher, 1989; Casper, 1988).

Fair procedure has been identified with elements such as voice, neutrality, respect and trust (Tyler, 2007) and publicity (Warren, 2004). In the trial process, individuals, attorneys, witnesses, victims, litigants should be given the right to express their views. Enough time should be given without the slightest of intimidation or coercion. The system should also be unbiased, as neutral as will portray the system as fair to litigants. Legal principles should be consistently applied to litigants, whether between individuals or an individual and the state. The dignity and the rights of individuals must be respected and protected for that matter. Finally litigants and individuals must have trust in both the system and the authorities. It is expected that both system and authorities must conspicuously be seen as being caring, beneficent and sincere by listening to individuals through explanation and justification of decisions that helps the litigants (Frazer, 2006: Rottman, 2005; Casper, Tyler & Fisher, 1988).

Litigants go to court with myriad of issues and of diverse social and ethnic background and many may not be satisfied as far as procedural fairness is concerned. For example, one report in the United States disclosed that traffic court is one particular source where dissatisfaction of procedural fairness could be easily identified (Lind & Tyler, 1988). This study was carried in two California communities, Oakland and Los Angeles.

Cases that are tried in traffic courts are manifold. However research concerning citizens' views of courts is empirically and generally scarce in scrutiny. Even in the US, such studies have been restricted to the US

Supreme Court. In general studies investigating public perceptions of the lower courts have been disproportionately investigated (Myrstol & Lepage, 2012).

In Ghana studies in this area appear to be gray. In the Cape Coast Metropolis no study from literature search was identified. Though many traffic offences end up in the court, studies concerning satisfaction of victims from literature reveal the area has not been proportionately researched into. In terms of demographics in relation to procedural fairness it appears no reports avail. This study therefore looks at the degree of satisfaction among drivers in Cape Coast Metropolis who have been found culpable to traffic offences and have been tried in a law court. The study further seeks to establish relationships between demographic parameters of the drivers with reference to five basic elements of procedural fairness; voice, respect, neutrality, trust and publicity.

It is hoped that recommendations from the study will go a long way to help the judiciary in the Metropolis to identify how and what drivers in their jurisdiction feel in terms of procedures used in adjudicating justice. This will help them do the necessary adjustment. According to Tyler (2006), this will also bring trust and confidences in the court system and enable people willingly accept verdicts whether they lose or win a case. In a democratic country like Ghana this is very relevant for the trust in the rule of law, good governance and subsequent political stability.

2.0 Elements of procedural fairness

The concept of procedural fairness in a court, according to literature, is explained by the fact that disputes handled by the law court is a cardinal factor upon which individuals evaluate their interactional factors and assess their interaction with the court system (Lind and Tyler, 2006). According to Tyler (2006), the management of individuals and their cases in the law courts has greater effect on how fair they perceive to have been treated than the outcome of their case. When fair procedures are adopted there is positive climate. This is more likely to encourage long-term relationships, satisfaction among litigants, and adherence to verdicts (Bryan, 2006; Dillon & Emery, 1996; Emery, Mathews, & Kitzmann 1994; Kitzmann & Emery, 1993).

The concept of procedural fairness is rooted in the fact that though people may lose, they are happy. Though no individual would like to lose in a case there is always the recognition that no one can always win. The willingness to accept losing a case when the court procedure is fair is therefore the fundamental basis of procedural fairness. According to Tyler (2007) procedural fairness reduces the extent to which problems are coined with reference to losing and winning. It also moves the focus of attention towards court procedures instead of outcomes. He explains that this results in yielding gains to both parties instead of one winning and the other losing (Tyler and Hollander-Blumoff, 2008). Thus procedural fairness gives the right and opportunity to individual to seek justice from courts with recognition and acknowledgment to present their story, for instance.

Fairness in court procedure results in desirable experiences among all parties. It also results in stable and lasting solutions when there is conflict thus reducing conflict among parties to a case. It also breeds better relationships among conflicting parties. When people feel that their cases have been managed fairly there is more legitimacy in both authority and the reason. They also become obligated to receive the decision not in pain but rather accept and obey resulting in long-term rule following (Tyler, 2007).

The relationship between fair legal procedure and legitimacy of the law was demonstrated by a study of adult rule following in Australia. The findings were interesting. Those who experienced their hearing as fair, thus perceiving the law as more legitimate four years later re-offended less. The rate of offence was 1:3 to those who experienced their hearing as unfair (Tyler et al, 2007). The striking nature of the fact that individual courtroom experiences, lasting a few hours, can strongly influence people's behavior after several years was passionately expressed by Tyler (2007) as a result of these findings.

The elements of procedural fairness should therefore not be taken for granted. Tyler (2007) identifier four fundamental features of procedure fairness. When then do we say that the procedure through which justice is delivered is fair? According to Tyler (2007) the individual and his/her witness and lawyer should have a voice, they must be respected, should have trust in the judicial system and expect the adjudicator and the judicial system to be fair.

The opportunity for people, their attorneys to communicate with the adjudicator, telling their story and how they view the problem at hand, contributing to the management of the trial by expressing their views and giving suggestions could be invaluable asset to the court procedure to the case. They want to do so in their own words as much as possible. This is true for victims, attorneys and witnesses. The feeling that the judicial system gave them the opportunity and considered the arguments before decisions were made thus giving them right to voice their side of the matter has a positive influence on how people experience the legal system without regard to the outcome of the case (Tyler 2007).

There is a powerful urge, need to express thoughts, experiences or questions, among people. Thus being listened to gives confidence and makes people feel valuable within the society (Heuer, 2005). Consideration through listening is a basic foundation for trust and confidence (Tyler et al, 1993). Research has shown that both pre-decision voice and post-decision voice are perceived as fair though the latter is significantly

fairer (MacCoun, 2005). In a study in California only 19 percent of the public surveyed strongly agreed that the courts presently gave people the opportunity to express their views. This is a demonstration of the degree to which people want to express their views and experiences. It shows the value the public gives to fairness of the judicial system (Rottman, 2005).

People expect judges not to be bias in managing cases in the court. In terms of procedures, judges are expected to be neutral and principled. People expect adjudicators to follow rules and principles and apply them as and when they should. Disputants to the court expect decisions to be made based not on the adjudicators' personal views and opinions. They expect transparency, openness and fairness. When explanations to rules and decisions are given before judgment is made disputants, both winner and loser feel more satisfied (Tyler 1994).

When coupled with neutrality respect for people and their right can be a great encouragement and a better view as to whether they are being treated fairly. People view respect as important and valuable. As duty to represent the state and communicate pertinent messages, legal authorities, both police and members of the judiciary are expected by disputants to show serious concern to them and their problems (Tyler, 2007).

According to Tyler (2007) police officers, court clerks and judges should respect disputants at all stages by treating them with courtesy, politeness, and respecting their rights. He is of the view that people who go to court should be provided with the right and need information concerning what to do, where to go, when to appear, how to act and conform to procedural rules and regulations as a sign of respect to the individual and his/her rights. He adds that disputants see these as fair treatment by the legal system. He goes further to suggest that websites that explains court procedures and help-desks when introduced to disputants go a long way to introduce confidence in the legal system.

Tyler (2007) further gave trust as one of the principles of procedural fairness. He expressed that studies abound to show that trust, the assessment of the character of the decision maker is a cardinal attribute that shapes public evaluations of the legal system and its officials. This involves caring, sincerity and openness concerning the reasons for official actions, as well as doing the right thing honestly without regard to personal prejudices. In his view, these constitute trust and when portrayed breeds confidence in the judicial system and court procedures and therefore shapes how people view the judicial procedures as fair or otherwise.

According to Warren (2004), for the public to gain satisfaction in the judiciary there is the need to report to the public with regards to its performance. This brings to the fore the concept of judicial accountability towards self examination of the judicial system to the general public.

3.0 Study methodology

The study was conducted in the Cape Coast Metropolis in the Central Region of Ghana. The Metropolis has an area of 122 square kilometers. It is bounded to the South by the Gulf of Guinea, West by the Komenda/Edina/Eguafo/Abrem Municipality, East by the Abura/Asebu/Kwamankese District and North by the Twifu/Heman/Lower Denkyira District. The Metropolis has many transport services including Taxis and minibuses (tro-tro) operated by the Ghana Private Road Transport Union (G.P.R.T.U), private cars and trucks. Others include company buses, motors and pedal-cycles, inter-urban and long-distance transport; and State Transport Company (STC). The Metropolis is greatly linked due to its compact nature and restricted spatial barriers, being the smallest administrative district in the region (Abane, 1992; 1995; Hoyle & Knowles, 1992). Good roads are one of the contributing factors to encouraging active economic activities in the capital (Abane, 1995).

In a country of democratic culture and principles, at least since 1992, the judiciary has a major role to play. The view of the masses in relation to how fair the judiciary is, as already indicated, could contribute to democracy in the country, to a large extent. Since democracy is dynamic, the contribution of the judiciary should not be allowed to regress but progress, through studies to inform on the development, behavior and conduct of the judicial system. The transport system serving the whole masses should not be underestimated as one of the front-line contributors within the general public. The satisfaction of drivers or otherwise in the way the judiciary treats them should therefore be pertinent in ensuring a stable democratic culture. It is therefore important that baseline studies are conducted in this regard to keep the judiciary in particular and the general public in general well informed concerning drivers' satisfaction characteristics in the Metropolis.

All the drivers in the transport industry in the Cape Coast Metropolis formed the study population. A pilot study conducted using taxi drivers indicated that drivers who had actually been taken to court for various traffic offences were about 10 percent. However, the target population involved taxi, private cars, minibuses and truck drivers. Sampling was done using non-random sampling techniques. The total target population was 246, that is, those who were approached using accidental sampling technique. The purposive sampling method was then employed. Out of the 78 taxi drivers, 66 private cars, 44 minibuses drivers and 58 truck drivers who were targeted, 11, 6, 18, and 6 respectively qualified to be selected; that is, those who had on one occasion or the other been found victim of traffic offence and were sent to court for prosecution.

Both questionnaire and interview schedule of two parts, made up of both open and closed questions,

was used. A five-point Likert scale was used in the responses; the highest being extremely satisfied and the lowest, not satisfied. The first part of the questionnaire consisted of demographic variables. These are age; gender; experience in driving; types of vehicle; tribe; region; religion; and highest education attainment. The rest were types of offence and brand of vehicle. The second part of the questionnaire was made of questions relating to judicial procedural fairness. The basic elements of judicial fairness consisting voice, trust, neutrality and respect were considered. Time and publicity were also investigated. Demographic variables were also related to the elements of procedural fairness using cross tabulations and chi-square test in the analysis. Frequencies, percentages, tables and graphs were also employed as descriptive tools using Statistical Package for the Social Sciences software package, version 21, for the analysis.

4.0 Results and discussion

This section is concerned with the demographics of the respondents. It also presents and discusses the results relating to the elements of procedural fairness. It further discusses the relationship between the demographics of the respondents and the combined elements of procedural fairness. Finally it discusses the results of the general satisfaction levels of the respondents.

4.1 Demographics of respondents

A total of 41 drivers participated in the study making up of taxi drivers (26.8 percent), private cars (14.6 percent), minibuses drivers (43.9 percent) and truck drivers (14.6 percent). Thus majority of drivers who had been involved in traffic offences drive minibuses. This is followed by taxi drivers. Both minibus and taxi drivers are commercial vehicles with drivers working as waged workers. Minibus drivers in the city and highways travel longer distances in most part of the day. Taxi drivers however drive mostly in urban areas with a few driving on hired bases outside the metropolis. They are therefore exposed to higher risks than the private and truck drivers. The propensity to dodge traffic, over speed, stop and/or park at where they are not supposed to do so is on the higher side. The tendency also to commit other traffic offences in order to increase their take-home sum is also higher. It is interesting to note that commercial drivers may receive as low as GH¢ 200.00 (about US\$ 50.00) per month.

While most private cars run outside the normal working hours, truck drivers only move when they are hired. The number of errands made in a day is therefore lesser. This may also contribute to the relatively low traffic offence rates as compared to their taxi and minibus counterparts.

Only males had been involved in traffic offences and taken to court to face justice. It therefore appears female drivers are more cautious than the males.

The age distribution of the respondents ranged from 22 years to 61 years. About 5 percent of the drivers were below 22 years; 14.6 percent were in the range of 26-35 years; 36.6 percent were between 36 and 45 years; 26.8 percent were also between 46 and 55 years; while 17.1 percent were above 56 years. Thus 51.2 percent of the respondents were between the ages of 26 and 45, the most productive age group. Those between 22 and 61 were 85.4 percent in contrast to national working class (15 – 64) of about 58 percent. This may be due the fact that not many industries are located in the Metropolis. Most workers are tradesmen such as drivers.

Driving experience of respondents was also studied. This ranged from 3 to 38 years. About 7 percent was less than 5 years; 12.2 percent was between 6 and 10 years; 22 percent was between 11 and 15 years; 29.3 percent between 16 and 20; 14.6 percent between 21 and 25; 9.7 percent between 26 and 30; and 4.9 percent more than 30 years.

Tribally, Fanti comprised the majority of about 66 percent, followed by Asante, Ewe, Akwapim, Dagomba and Denkyira 4.9 percent each; and the rest were Assin, Dagarti, Akyim and Frafra, 2.4 percent each. The high percentage of Fanti drivers may be attributed to the fact that the Metropolis is located in Fanteland.

Seventy-three percent of the respondents were from the Central Region, where the metropolis is located. About 7.3 percent were from the Eastern Region; 4.9 percent each from Ashanti, Northern, and Volta Regions. About 2 percent were located in Upper East and Upper West Regions each. These two regions are the farthest to the metropolis in terms of proximity. The closest regions to the metropolis are Ashanti and Eastern Regions. The Northern and Volta regions are moderately farthest from the Metropolis. Migrated settlement due to proximity may be the reason for the relative distribution of drivers from the regions.

Majority of the respondents were Christians (80.5 percent). The rest were Muslims (17.1 percent) and Traditional Africa religion (2.4 percent). This is in contrast with the 2010 census figures of 71.2 percent Christians, 17.6 percent Muslims and 5.2 percent Traditional (GSS, 2010). The relatively higher proportion of Christians could be attributed to the missionaries who first settled in the region in the then Gold Coast.

In terms of highest educational attainment, majority of the respondents were in the Secondary/Vocational/Technical bracket. Those with no formal education constituted 4.8 percent; basic education was 24.4 percent while Tertiary education was 7.3 percent.

Vehicle brand used by respondents are variegated. These include Benz, Golf, Ford, Hyundai, DAF,

Kia, MAN, Mazda, Mitsubishi, Nissan, Opel, Samsung and Toyota. Toyota vehicles are the most used, making up 29.3 percent; followed by Nissan vehicles 21.9 percent.

Types of traffic offences committed among respondents are air pollution, careless driving, crashing, cracked screen, exchanging words with the police, insecurity among passengers, over-loading, loading on the street and driving without license. The rest are parking at unauthorized places, refusing to stop when instructed by the police, knocking pedestrian, driving without seat belt and running over traffic light signal. Collision of vehicle (crashing) constituted majority of the traffic offences making up about 30 percent. Overloading was the second most committed offence making up about 22 percent. Wrong parking was 19.5 percent being the third on the offence list. About 95 percent of the respondents had committed traffic offence at least once; with 4.8 percent falling victim on two occasions. This creates an impression that only few drivers who are sent to court and prosecuted may commit traffic offence again. Taking legal measures against drivers therefore appear to give a positive impact in reducing traffic offences in the Metropolis.

4.2 Elements of procedural fairness

Three parameters under voice as an element to procedural justice were considered. These are attention given to accused witness when giving testimony in the court; right given to look for a defense counsel and prepare for defense; and the degree to which accused was carefully listened to by the court. For attention given witness and accused when given testimonies, about 50 percent of respondents were not satisfied, 20.5 percent were somewhat satisfied, 17.5 percent were very satisfied while 12.5 were very satisfied (refer Table 1); with frequency decreasing as dissatisfaction increases. On the right given to look for a defense counsel and prepare for defense 63.4 percent, 17.1 percent, 14.6 percent and 4.9 percent of the respondents were respectively not satisfied, somewhat satisfied, satisfied and very satisfied. This means the satisfaction of respondents decrease with increase in terms of the voice parameters (Table 2).

Table 1: Time and attention given to witness and accused when giving testimony

Response	Frequency	Percent
Not satisfied	21	52.4
Somewhat satisfied	8	20
Satisfied	7	17.5
Very satisfied	5	12.5
Extremely satisfied	0	0
Total	41	100

(Source: Field data, 2015).

Table 2: Time given to look for counsel or prepare for defense

Response	Frequency	Percent
Not satisfied	26	63.4
Somewhat satisfied	7	17.1
Satisfied	6	14.6
Very satisfied	2	4.9
Extremely satisfied	0	0
Total	41	100

(Source: Field data, 2015).

With the degree to which accused drivers were carefully listened to by the court, 29.3 percent, 29.3 percent, 34.1 percent, 4.9 percent and 2.4 percent were respectively not satisfied, somewhat satisfied, satisfied, very satisfied and extremely satisfied. This also implies that the satisfaction level of respondents decreases with increase in the voice parameters, (Table 3). Thus generally, the degree of satisfaction of respondents decreases with increase in the voice variable.

Table 3: Degree to which subject was carefully listened to

Response	Frequency	Percent
Not satisfied	12	29.3
Somewhat satisfied	12	29.3
Satisfied	14	34.1
Very satisfied	2	4.9
Extremely satisfied	1	2.4
Total	41	100

(Source: Field data, 2015).

Table 4: Honesty of proceedings of the adjudicator

Response	Frequency	Percent
Not satisfied	12	29.2
Somewhat satisfied	18	43.9
Satisfied	8	19.5
Very satisfied	2	4.9
Extremely satisfied	1	2.4
Total	41	100

(Source: Field data, 2015).

The element of trust with reference to judicial procedural fairness was analyzed in terms of honesty of proceedings of the adjudicator on one hand and trust by the victim to the adjudicator on the other. With reference to honesty proceedings of the adjudicator, 27.5 percent, 45.0 percent, 20 percent, 5 percent and 2.5 percent were not satisfied, somewhat satisfied, satisfied, very satisfied and extremely satisfied respectively (Table 4).

When trust by the victim to adjudicator were analyzed, 29.3 percent, 43.9 percent, 17.1 percent and 9.8 percent were respectively not satisfied, somewhat satisfied, satisfied and very satisfied (Table 5). A chi – square (Pearson) test analysis gave significance value of 0.009 at alpha value of 0.05. This implies that the proportion of respondents who were generally satisfied or otherwise was not significantly different with reference to their trust in honesty of proceedings of the adjudicator and the trust by the respondents to adjudicator in the judicial court.

Table 5: Trust by the suspect to the adjudicator

Response	Frequency	Percent
Not satisfied	12	29.3
Somewhat satisfied	18	43.9
Satisfied	7	17.1
Very satisfied	4	9.8
Extremely satisfied	0	0
Total	41	100.00

(Source: Field data, 2015).

Complete investigation by the investigator as part of the procedural fairness and the period within which adjudication ended were considered under the time element. The period within which adjudication ended is the period between when victim was arrested by the law enforcing body and the day sentence was passed. For the former, 58.5 percent, 9.8 percent, 24.4 percent and 7.3 percent of the respondent were respectively not satisfied, somewhat satisfied, satisfied and very satisfied (Table 6). Concerning the latter, about 51.1 percent were satisfied, 29.3 were not satisfied, 9.8 percent somewhat satisfied, 7.3 were very satisfied and 2.4 percent extremely satisfied (Table 7). At alpha value 0.05, the Pearson chi-square was 0.035. This implies that the proportions of respondents in the satisfactory scale in terms of the two parameters were not significantly different giving an indication of coherence between the two variables.

Table 6: Complete investigation by the investigator

Response	Frequency	Percent
Not satisfied	24	58.5
Somewhat satisfied	4	9.8
Satisfied	10	24.4
Very satisfied	3	7.3
Extremely satisfied	0	0
Total	41	100

(Source: Field data, 2015).

Table 7: Period within which adjudication ended

Response	Frequency	Percent
Not satisfied	12	29.3
Somewhat satisfied	4	9.8
Satisfied	21	51.1
Very satisfied	3	7.3
Extremely satisfied	1	2.4
Total	41	100

(Source: Field data, 2015).

The degree of respect by the court including the adjudicator to the victim was also measured in terms of satisfaction. About 24 percent of the respondents were not satisfied, 39 percent were somewhat satisfied, 29.3 percent were satisfied and 7.3 percent very satisfied (refer Table 8). For those not satisfied, somewhat satisfied,

satisfied and very satisfied respectively it appears there is decrease of satisfaction on the respect scale.

The neutrality of the adjudicator as a measure of bias showed that 31.7 percent were satisfied, 46.3 percent were somewhat satisfied, 9.8 percent satisfied, 9.8 percent very satisfied and 2.4 percent extremely satisfied (refer table 9). From the analysis it appears frequency of satisfaction level decreases in relation to neutrality of the court (Table 9).

Table 8: Degree of respect given to suspect

Response	Frequency	Percent
Not satisfied	10	24.4
Somewhat satisfied	16	39.0
Satisfied	12	29.0
Very satisfied	3	7.3
Extremely satisfied	0	0
Total	41	100.00

(Source: Field data, 2015).

One model includes the publicity of judgment of (traffic) offences as an element of judicial procedural fairness (Warren, 2005). The study showed that 14.6 percent of the respondents were not satisfied, 19.5 percent somewhat satisfied with non-extremely satisfied in terms of publicity of judgments of traffic offences (Table 10). Majority (about 61 percent) of the respondents were however satisfied and 4.9 percent extremely satisfied.

Table 9: Impartiality of judgment/neutrality of the court

Response	Frequency	Percent
Not satisfied	13	31.7
Somewhat satisfied	19	46.3
Satisfied	4	9.8
Very satisfied	4	9.8
Extremely satisfied	1	2.4
Total	41	100

(Source: Field data, 2015).

Table 10: Publicity of judgment

Response	Frequency	Percent
Not satisfied	6	14.6
Somewhat satisfied	8	19.5
Satisfied	25	61.0
Very satisfied	2	4.9
Extremely satisfied	0	0
Total	41	100

(Source: Field data, 2015).

4.3 Demographic Variables and Combined Elements of Procedural Fairness

Cross tabulations of demographic variables against combined elements of procedural fairness with reference to drivers in the Cape Coast Metropolis are discussed in this section (Table11). Pearson chi-square significance values are also provided for each cross tabulation. In addition, the minimum expected counts for the cross tabulations are given.

Table 11: Chi – square results of demographic variables and combined procedural fairness

	A	B	C	D	E	F	G	H	I
ρ	0.963	0.000	0.257	0.48	0.003	0.628	0.006	0.112	0.942
Min Exp Count	21.7	16.85	0.68	0.6	24.06	12.25	9.44	8.66	1.36

Legend: A = Age; B = Experience in driving; C = Type of Vehicle D = Tribe; E = Region; F = Religion; G = Highest Educational Attainment; H = Type of Offence; I = Brand of vehicle. (Source: Study data, 2015).

The cross tabulation of age against combined elements of procedural fairness showed that those under 25 years and between 26 and 35 had 100 percent of respondents having low or very low satisfaction levels; being the groups that had the lowest score in satisfaction level. The group of 56 years and above had the highest satisfaction level in terms of percentage value of 85.6. It therefore appears that the satisfaction level in terms of age increases with increase in age. With a minimum expected count of 21.7 and significance value 0.963 the result is not significantly different. This means that the proportions of satisfaction in the year groups are not significantly different from each other.

Majority of the respondents who were dissatisfied had driven between 6 and 10 years (100%) followed

by those with between 11 and 15 years experience (87.5 percent) and those between 26 and 30 years (86.1 percent). Those who were least satisfied were in the 16 – 20 years experience bracket. A cursory look at the distribution appears to give no apparent trend. Nevertheless the minimum expected count obtained was 16.85; at 0.000 significance level. This implies that the result is significantly different from each other in terms of experience in driving.

The cross-tabulation between types of vehicles and the combined elements of procedural fairness yielded a chi-square significance level of 0.046. However the minimum expected count was 0.6. A relationship could therefore not be established between the respondents in terms of the types of vehicle used. This may be due to the sample size or the variegated types of vehicles which were 12 in number or both. The types of vehicles include Nissan, Toyota, Benz, DAF, Ford, Hyundai and Kia. The rest are MAN, Mazda, Mitsubishi, Opel and Samsung.

Similarly the cross-tabulation between tribe and the combined elements could not yield any relationship. Though significance level was 0.048 the minimum expected count was 0.2. This may also be as a result of the size of the sample or the number of tribes that happened to be involved in the study or both. These tribes of consideration are Akwapim, Akim (Akyim), Asante (Ashanti) and Denkyira. The rest are Fante, Ewe, Dagomba, Dagarti and Frafra.

The relationship between Region from which respondents came from and the combined elements of procedural fairness gave interesting results. Though 7 regions were involved a relationship could be drawn between the two variables. It appears the farther the region the more they are dissatisfied. For example 100 percent from Northern, Upper West and Upper East had very low satisfaction levels while 83.2 percent and 95.1 percent of Eastern and Central Region respondents were low in satisfaction. The chi-square analysis gave a significance level of 0.003 and minimum expected count of 24.06. It can hence be deduced that the proportions of satisfied respondents from the regions are significantly different from each other.

The study revealed that 96.9 percent of Christians were very low or low in satisfaction; 85.6 percent of Muslims were also very low or low in satisfaction and 100 percent Traditionalist were very low in satisfaction. With minimum expected count of 12.25 and Pearson chi-square significance level of 0.628, the result was not significant. The implication is that the proportions of respondents in the groups who are dissatisfied are not significantly different from each other.

In terms of the relationship between highest educational attainment and combined elements of procedural fairness, 100 percent of those with no formal education were dissatisfied; 100 percent of respondents with basic education were also dissatisfied; 96.1 percent of those in the Sec/Voc/Tech category were dissatisfied while about 50 percent of respondents with tertiary background were dissatisfied. It therefore appears that the level of dissatisfaction decreases with increase in highest educational attainment. The chi-square test gave a significance level of 0.006 with minimum expected count of 9.44. This means that the result was significant. Thus the result affirms that the proportions of respondents in various groups who were dissatisfied are significantly different from each other.

It was found from the study that the chi-square significance level was 0.112 while the minimum expected count was 0.05, when relationship between type of offence and combined elements of procedural fairness was intended to be established. The value obtained from the minimum expected was not feasible. This may be as a result of the size of sample or the number of offences that happened to be involved in the study or both. Offences include crashing, overloading, wrong parking, knocking of pedestrian and disobeying traffic light signal. Others are over speeding, careless driving, and air pollution. The rest are, driving without license, driving without using seat belt and cracked wind screen.

The cross-tabulation of brand of vehicle and the combined elements of procedural fairness gave a Pearson chi-square significance level of 0.942. However the minimum expected count was 0.05. Thus a relationship between the two variables could not be deduced. The size of the sample, the number of brands that happened to be part of the study or both could be the contributory factor(s) to this development. In a similar vein a relationship could therefore not be established between type of offense and satisfaction.

The study tried to establish the coherence of the variables in trust, time and voice using Pearson chi-square significance level (p). Chi-square tests for honesty of proceedings of the adjudicator, and trust by the victim to the adjudicator gave p as 0.10 indicating that the two variables are incoherent as far as the sample is concerned. Thus the result was significantly different. The proportion of respondents who were dissatisfied was therefore different for the two variables.

The coherence between the period within which adjudication ended, and time given to look for a lawyer or prepare for defense, was positive. P -value was 0.923 with 26.7 minimum expected count. This implies that the result was not significantly different. The proportion of respondents who were dissatisfied for the two variables in time, were not therefore significantly different from each other implying.

As already indicated voice had three variables: complete investigation by the investigator, the degree to which one is carefully listened to and time and attention given to witness and accused when giving testimony.

The Freidman non-parametric test was used to access the coherence among the three variables. The mean ranks were 1.3, 1.74 and 1.86 for time given to look for a lawyer or prepare for defense, time and attention given witness and accused and when giving testimony and the degree to which one is carefully listened to in the court respectively. It appears there is a decrease in that order. However with a significance level (ρ) of 0.762 there is no significant difference in the three variables. This implies that the proportions of dissatisfied respondents in the three variables of voice are not significantly different from each other suggesting positive coherence among the three variables.

4.4 General discussion

According to Lind & Tyler (1988) there is very high dissatisfaction in traffic courts even where stakes are low, in terms of procedural fairness. They are of the view that procedural fairness is therefore important to the public no matter how trivial the issues at stake may be.

Generally, the findings of this study are in agreement with the finding as indicated by Lind & Tyler (1988). Majority of respondents are dissatisfied with the procedural fairness in the traffic court(s) in the Metropolis. The skewness of the distribution ranged between 0.241 to 1.287 with the exception of responses to “the period within which adjudication ended” and “Publicity of judgment of traffic offences in general” which were -0.13 and -0.806 respectively (refer Table 12). The highest dissatisfaction skewness, 1.287 was for “time given to look for lawyer or prepare for defense”. In the view of the respondents most courts are partial. They are bias towards the state more than the individuals who belong to the state bearing in mind that traffic offence involves the state and the individual. The least skewness value of 0.241 is in relation to “degree of respect given to the individual” at the court. The implication to this finding is that though respondents are dissatisfied with the respect given to them at the court the level is not as strong in relative terms. The “degree of dissatisfaction of time given to look for defence” is about 5.3 times that of dissatisfaction of “respect given to suspect”. The overall skewness was 0.791 showing a moderately dissatisfaction level, using Cramer’s (1997) criteria.

Table 12: Dissatisfaction level according to skewness

	A	B	C	D	E	F	G	H	I	J	K
Skewness	0.815	0.771	0.906	1.075	- 0.13	1.287	0.241	0.627	0.444	- 0.806	0.791

Legend: A= complete investigation by the investigator; B = Time and attention given witness and accused when giving testimonies; C = honesty of proceedings of the adjudicator; D = impartiality of judgment; E = The period within which adjudication ended; F = Time given to look for counsel or prepare for defense; G = degree of respect given to suspect; H = Trust by the suspect to the adjudicator; I = The degree to which you were carefully listened to; J = Publicity to judgment of traffic offence in general; K = Combined Satisfaction level. (Source: Field data, 2015).

Table 13 shows the combined responses of the respondents in the study. About 56 percent had very low satisfaction level; the satisfaction level of 39 percent was low; while only 4.9 percent had high satisfaction level. The combined satisfaction level was determined by first calculating the average satisfaction grade on the Likert scale. A new grading system was developed as shown in table 13 with satisfaction level less than 1.99 considered very low; 2 - 2.99 considered as low; 3 - 3.99 considered as high; and greater than 4 as very high. There is no middle ground on the new scale used. This result further affirms the earlier findings using skewness (table 12) to show that generally, traffic offence victims in the Metropolis are not satisfied with procedures involved in adjudication of justice of cases in the courts.

Table 12: Combined satisfaction level scale

Grading	Average frequency	Percent
<1.99 (very low)	23	56.1
2–2.99 (low)	16	39.0
3–3.99 (high)	2	4.9
>4(very high)	0	0
Total	41	100

Note: Minimum level is 1; maximum level is 5.
 (Source: Authors model, 2015).

Legend (based on Likert scale)

- 1 = satisfied
- 2 = somewhat satisfied
- 3 = satisfied
- 4 = very satisfied
- 5 = extremely satisfied

5.0 Conclusion and recommendations

The performance of the judiciary largely depends on whether the public and litigants they serve are satisfied with how fair courtroom procedure can be (Rottman, 2005). Litigants and the public therefore view court performance with reference to court procedures (Tyler, Callaham & Frost, 2007; Tyler, 2006). Heuer, Blumenthal, Douglas & Weinblatt (1999) and Van den Bos, Lind, Vermunt, & Wilke, (1997) for example have shown the realism of this principle. Procedural fairness is therefore an important element in relation to victims’ interaction with the legal system and interpretation of acquaintances with and the evaluation of the court system as a whole (Burke &

Leven, 2007). Fortunately the fairness of the court system can be determined in terms of respect to the victim; trust for the adjudicator; neutrality of the court; publicity of proceedings, period of adjudication and voice of the victim. Based on the responses of the respondents in the study, therefore, the following conclusions are drawn:

- In terms of age, the proportions of dissatisfaction in the year groups are not significantly different.
- With reference to driving experience, the proportions of dissatisfaction in the year groups are significantly different.
- With respect to regions where respondents come from, the proportions of respondents in the various regions who are dissatisfied are significantly different from each other.
- The proportions of respondents by educational attainments who are dissatisfied are not significantly different from each other.
- The proportions of respondents by religion who are satisfied are not significantly different from each other.
- The proportions of respondents in the three variables of voice are not significantly different from each other suggesting positive coherence.
- The proportions of respondents in the two variables of time are significantly different from each other, suggesting incoherence.
- The proportion of respondents in the two variables in trust, are not significantly different from each other, suggesting coherence.
- Generally about 56 percent of the respondents had very low satisfaction level; the satisfaction level of 39 percent was very low; while only 4.9 percent had high satisfaction level.
- The skewness of the distribution ranged between 0.241 to 1.287 with the exception of responses to “the period within which adjudication ended” and “Publicity of judgment of traffic offences in general” which were -0.13 and -0.806 respectively.
- The highest dissatisfaction skewness, 1.287 was for “time given to look for lawyer or prepare for defense.”
- The least skewness value of 0.241 is in relation to “degree of respect given to the individual” at the court.
- The court is bias towards the state more than the individuals who belong to the state.

In the opinion of Rottman (2007) procedural fairness is the organizing theory of which court reforms has been waiting for in the 21st century. In contrast with previous theories as observed by Rottman (2007) procedural fairness presents a reform program to the judiciary with the aim of solidifying the judiciary-public relationship. The purpose is to bring together the organizational activities of the courts to a certain pedestal in order to create satisfaction, court order compliance and trust by the public not forgetting that there has been constant politicization to the judiciary. Procedural fairness therefore needs to be extolled, esteemed and dealt with in a holistic manner. Burke & Leben (2007) thus outlines recommendations that could help project the full advantages of procedural justice.

In this regard they suggest that the individual judge as the boss of the court, the court itself, court administrators, researchers, judicial educators, and court leaders have roles to play in enhancing the principle in the law courts. Firstly, there is the need to explain in intelligible terms what the court would do to jurors, witnesses, and litigants. This must be a culture practiced by the individual judge. He/she should be a good listener by first doing good self-analysis and learning to improve on their listening skills through literature. It is the duty of the individual judge to explain court procedures and his/her own conclusions in a manner that is understandable to participants of the court. The judge should always remind themselves that the virtue of patience must be practiced at all cost if litigants would see procedures in the court as fair.

Secondly, the court must view traffic offences as one of the troublesome areas of which procedural fairness has usually been attacked. For this reason the trial judge should see change as a dynamic venture that is never constant. He must therefore be ready to change court procedures and how to conduct the court room itself. Whether litigants who normally are poor, minority and overwhelmed by the court processes have a lawyer or not, neutrality could be enhanced by ensuring that the system works for all parties. Changing procedures and structures (to enhance neutrality) must not be seen as official weakness. Courtroom communications should provide relaxed atmosphere for litigants. Communications should be such that all necessary facts which will give rise to high-quality decision-making could be optimally reached.

Thirdly, court administrators must treat employees fairly. The likelihood of unfairly-treated employees to also slash their frustrations on other victims could be very high. Environments that breed cynicism to court employees, for that matter, should be totally condemned and eschewed. Research papers must be shared and discussed in relation to procedural fairness. Platforms must be created, both formal and informal for such sharing and discussions to take place. Court-wide training should be provided on procedural fairness and directed towards how to treat litigants within the period they spend in the courtroom. Court administrators need to have

programs that create opportunities for public interactions in terms of the court providing for care and respect as well as how these could be improved. All stakeholders such as litigants, judges, court staff, attorneys and the general public should be engaged in such programs.

Researchers have a role to play by making research findings on judicial procedural fairness available to those who need; judges, court employees, attorneys in particular as well as litigants and the general public. More research in this area in both lower and higher courts should be organized.

Fifthly, judicial educators could make information on judicial procedural fairness available to both primary and secondary stakeholders. In-service training workshops, colloquium and conferences should be organized for judges and court officials regarding procedural fairness through an integrated approach with other related judicial-education subject areas. Leadership training when included in such programs could help improve judicial procedural fairness in the law courts.

And finally, the Association of Magistrates and Judges of Ghana as one of its objectives should encourage conferences that will dwell on the issue of procedural fairness in order to encourage the perfection of the subject matter. The association should realize that effective case management that practices procedural fairness to litigants is the soul of court administration. Inviting courts in the Metropolis by the association to plan for a national conference on the subject matter would be a step in the right direction.

Dealing with procedural fairness in the metropolitan courts by ensuring judicial accountability and probity in terms of trust for the judiciary, period of judgment, neutrality, voice, respect and publicity of outcomes of proceedings is the surest way by which a judge can confidently claim that his/her people who appeared in their court have felt satisfied (Burke & Leben, 2007). In a world of high degree of mistrust and dishonesty, the practice of procedural fairness becomes a tool for conflict management. It provides reliable decisions as well as builds and further sustains trust and confidence within judicial circles and jurisprudence (Tyler, 2007).

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