PROCEDURAL JUSTICE IN POLICING:
Insights, Complexities and Future Priorities

ABSTRACTS

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HOW THE RUBBER HITS THE ROAD; DELIVERING A VALUES-BASED POLICE SERVICE IN SCOTLAND
Chief Inspector Ian Moffatt, Police Scotland

Procedural justice focuses on the way police and other legal authorities interact with the public, and how the shape of those interactions influence the public’s views of the police and their willingness to obey the law.

The established Values for Policing in Scotland, and our Code of Ethics, sets out the standards expected of all of those who contribute to policing in Scotland. This is neither a discipline code nor an unattainable aspirational tool but is a practical set of measures, which reflect the values of Police Scotland and sets out both what the public can expect from us and what we should expect from one another.

Police Scotland is a values-based organisation - how we serve our communities and interact with each other is as important as the results we achieve. Establishing values for Police Scotland, promoting the need and demonstrating use of them within and out with the service are key to making Police Scotland relevant, trustworthy and upholding of our societal need to police by consent.

This input will explore the journey of Police Scotland as it seeks to be a values based organisation that provides a modern, relevant approach to policing, both now and as the service changes in the future.

EXAMINING THE RELATIONSHIP BETWEEN PROCEDURAL JUSTICE AND COMPLIANCE IN THE NIGHT-TIME ECONOMY
Dr Sara Grace, University of Salford

The procedural justice model has considered the relationship between procedurally fair treatment, legitimacy and compliance. When people are treated in a manner that is thought to be procedurally fair – that is, they are given a voice and are treated respectfully, with officers believed to be trustworthy and acting with neutrality – it increases the perceived legitimacy of the decision maker which, in turn, encourages compliance. This is a more efficient route to social order than resort to repressive sanctions (Hough et al. 2010).

Drawing on 130 hours police observation this paper explores whether procedurally fair treatment was antecedent to compliant behaviour during police-citizen encounters in the night-time economy, with particular regard to whether compliant behaviour was willing or unwilling. Observation data are supplemented with analysis 79 surveys and semi-structured interviews with 7 people who received penalty notices for disorder. This paper has two aims: to explore whether and how procedural fairness is operationalised in the NTE; and, whether procedurally just policing has the predicted impact on citizens’ willingness to obey the police. In exploring what informs compliance/decision acceptance this paper draws on Braithwaite’s work on motivational postures to consider the range of deferent and defiant responses to the police and the causes thereof.
An analysis of the developing attitudes of new recruits to the police service is important in order to more fully understand the day-to-day encounters of the police and the public and through that, police legitimacy. This presentation seeks to do this through an analysis of qualitative data obtained through a four year longitudinal research project of an English police force.

Emerging from the findings was two quite distinct areas of interest. The research portrays new officers who are keen to learn and motivated to make a difference. It also portrays officers who place ‘public protection’ and ‘safeguarding’ at the forefront of their role and with that, seek to utilise the tools of communication and empathy rather than physical strength and authority. However, what also emerged was an enthusiasm for assisting victims of crime but within the context of culturally defined notions of what a ‘victim’ might constitute. Officers linked certain neighbourhoods and certain people with the categories of ‘undeserving’ victims of crime. Those at the economic margins, what might be considered to be the ‘urban poor’, are treated as communities of the ‘undeserving’ and therefore ‘ingenuine’ victims. Their credibility as ‘victims’ is called into question. Whole communities can come to be characterised as the ‘types of people’ who are a legitimate target for crime and therefore suffer the “benign neglect” (Liska and Chamlin, 1984: p.395) or even the deliberate neglect of policing institutions.

This paper is intended to offer an alternative perspective to the on-going debates concerning the legitimacy of policing, through their procedural justice interactions with the public. These debates have gained considerable theoretical and empirical support from many academics-most notably Tyler (2006), and they demonstrate the importance for the police to treat the public with respect and dignity and how, in doing so, it may reinforce their legitimacy. However, Bottoms and Tankebe (2012) suggested that insufficient attention had been paid to the power-holder perception of legitimacy. Drawing upon empirical data from PhD research, this paper seeks to offer a perspective based upon police narratives drawn from their own perceptions of police practices, sources of authority, and whether they perceive that the morality of their conduct-through the virtues of their procedural justice interactions with the public, may reinforce their legitimacy. Narrative analysis of oral history interviews with 16 police officers serving between 1965 and 2015 provides challenging evidence to suggest that officers who recently commenced service are frustrated in their efforts to deliver positive procedural justice outcomes. Their narratives highlight that competing priorities categorised under ‘threat, harm and risk’ cause them to revert to a more instrumental way of thinking to conform to policy directives. This coupled with a strong belief that the source of their authority derived from their oath of allegiance to the Crown, allows them to justify these beliefs on the basis that they are not answerable to the community.
Procedural justice theory (PJT) is now considered to be a key part of Metropolitan Police Service (MPS) practice, which is reflected in PJT being an integral part of the police effectiveness, efficiency and legitimacy assessment and the new police degree entry holder programme. Many studies have concluded PJT can lead to positive perceptions of police legitimacy, however research is scant and inconclusive when applied to ethnic minority groups. Moreover, PJT research is heavily reliant on quantitative cross-sectional survey data which divorces PJT from its true roots, and has participants which are from compliant members of the general population (Hough 2012; Harkin 2015; Radburn and Scott 2018). This project will carry out an ethnographic study which will re-connect PJT to its true contextual roots and will test the effectiveness of PJT when applied to ethnic minority groups in London and their interactions with the MPS.

In contrast to policing practices in many parts of the world, the Nepali Police mediates reported case of spousal violence. Very little, however, is known about how victims and suspects receiving this policing intervention perceive it. This study, using 100 case observations of mediation and in-depth interviews with 82 victims and 73 suspects, explores how victims, suspects and an independent observer experience mediation in terms of procedural justice. Findings will demonstrate the phenomenological nature of procedural justice through a comparative analysis of the perceptions of similar events by victims, suspects and an independent observer. The links between procedural justice, satisfaction and reoffending will also be presented. This research will suggest the role of procedural justice within policing in the context of a developing country.

In 2017, Eurostat found the Finnish police to be the most trusted policing organisation in Europe. In 2018, a survey of the general population conducted by the Finnish Police University College, gave the Finnish police a 95% approval rating. As a pilot for a doctoral research project, a small-scale study addressing attitudes and values found among Finnish policing professionals was conducted. This was done in an attempt to discover how or why such positive findings may be the case. Participants represented a variety of professions including administration staff, forensic examiners and police detectives. Among the less predictable findings was that participants showed little or no interest in the judicial outcomes of cases they had worked on, suggesting instead that impartiality and adherence to SOP’s was the cornerstone of their particular form of policing. The purpose of this presentation is to consider to what extent, if any, the reported attitude to policing is the result of the rigorous application of procedural justice theory on the part of the police authority. Alternatively, are there societal influences beyond the organisational structure of the police that are contributing to the outward appearance of a procedural approach. If this is the case, to what extent will the Finnish police be able and or prepared to adapt their approach to policing in accordance with societal change.
‘MISSING’ PROCEDURAL JUSTICE
Amy Humphrey, University of Dundee

Missing persons is a substantial aspect of UK policing practice, with over 370,000 related calls in 2015/16. Being missing has been linked to myriad harms, from child exploitation & human trafficking, to suicide and mental health crises. Yet with current data showing less than 4% of such case having confirmed links to such harms, it remains in volume, a key feature of ‘non-crime’ police work (all data from NCA, 2017). The nature of control or authority to be ceded in this instance is complex, with multiple stakeholders – those reporting someone missing, those who are reported, wider communities and actors from other jointly responsible agencies. An outline of work uncovering what such actors expect from policing while experiencing a missing incident will be presented in the first instance.

Legitimate policing actions, and even presence is contested in missing persons by the police themselves. After Bottoms & Tankebe (2012), this presentation will also engage with the flip side of procedural justice dialogue, to explore what and to what boundaries police officers see as successful, and therefore legitimate missing person police work. Findings from empirical work in two UK police areas will be presented in support.

This work argues that a focus on criminal justice has meant police non-crime work has been relatively omitted from considerations of procedural justice and legitimacy, and that a more concerted inclusion of such could strengthen this already robust concept to reflect more of what the police do day to day in the UK.

PROCEDURAL JUSTICE AND TECHNOLOGICALLY-MEDIATED ENCOUNTERS: FUTURE-PROOFING THE CONCEPT?
Dr Helen Wells, University of Keele

To date, procedural justice thinking and research appears to have implicitly assumed that the experiences we are discussing are interpersonal – based on an interaction between two humans. However, increasingly, policing is looking to, and promoting the ability of, technology to mediate interactions between itself and its public. Examples of this tendency include: encouraging online reporting; moving towards online completion of a Notice of Intended Prosecution; ‘techno-fixes’ such as the speed camera, or the drone; the use of social media; the introduction of mobile data terminals; the use of body worn video. In some cases the technology replaces one of the humans that procedural justice research assumes is present, and in others it is an additional presence alongside two or more co-present humans. The assumption of human co-presence is not insignificant, given that some of the antecedent elements of a procedurally just experience are, we might suggest, peculiarly human: the ability to show respect, politeness, or to enable voice. Perhaps the presence of a machine where we have assumed a human, or in addition to the human we have assumed, is not critical, but perhaps now is the time to look and see whether our assumptions about procedural justice are readily transferable across to these new contexts and new ‘actors’?
Although Community Policing (CP) is not easy to define (Mackenzie and Henry, 2009), CP emphasises the role of the public, with local communities identifying policing issues (O’Neill, 2010; Brogden and Nijhar, 2005), so communication and information sharing are central. Procedural justice (PJ) can facilitate improved cooperation and legitimacy in the police (e.g. Jackson et al. 2012). However, PJ has not focused on the role of information sharing in the relationship between citizens and the police, and there has been limited attention to online communication. This paper explores barriers and facilitators to sharing information with the police online across Europe in a CP context. Structured interviews (n=243) were conducted with members of young minority groups, intermediaries (who work with minorities) and police across nine UNITY project partner countries. Low trust and confidence are key barriers to sharing information with the police, particularly where negative consequences are feared. Whilst there is a willingness to share information, people are concerned about personal privacy and are keen to share anonymously. Face-to-face communication, accessibility and long term engagement is important in building trust, underlying the importance of traditional CP. However, technological solutions which allow users to protect their identity during two-way dialogue may provide an opportunity for police to exemplify a just approach online and build trust. The relevance of other elements of equity theory (beyond PJ), such as distributive justice and information justice may be useful in examining trust and confidence in the police and information sharing in an online CP environment.

ADAPTING PROCEDURAL JUSTICE SKILLS INTO A COUNTER-TERRORIST STOP & SEARCH ENVIRONMENT
Dr Alistair Fildes, Griffith University

One method of integrating procedural justice principles into policing practice is through a skills-based approach. Instead of checklists or scripts as the intervention, a skills-based approach seeks to teach officers behaviours that they can use throughout all their interactions with the public. These skills include awareness of body language, methods of managing dialogues, and verbal de-escalation techniques. Procedural justice skills such as these have been incorporated into recruit training, however it is unclear if they are effective in confrontational situations between the police and the public. One such environment is Counter-Terrorist Stop & Search.

Counter-Terrorist Stop & Searches are challenging interactions for police officers to manage. Officers seek to conduct searches with subjects that can be non-compliant or aggressive. To what degree procedural justice is likely to have a positive effect on either the subject’s behaviour or perceptions of police legitimacy is unclear. Nevertheless, if procedural justice is effective in such an adversarial encounter, then there is scope for the principles to be applied throughout all types of police-public interactions.

This presentation will discuss the development of a procedural justice skills package for police Counter-Terrorist Stop & Search. It will outline the elements of procedural justice skills, the challenges faced in marrying academic theory and operational practice, and ultimately how these skills were adapted to the Counter-Terrorist operational environment. The presentation will be of interest to academics and/or practitioners considering a procedural justice intervention within a police force.
PUBLIC RESPONSES TO POLICE USE OF FORCE: THE PROMISE AND THE LIMITS OF ‘POLICING BY CONSENT’
Professor Ben Bradford, UCL Jill Dando Institute of Security and Crime Science

Procedural justice theory converges with the dominant ideology of British policing in emphasizing (a) the need for police to earn the consent of the policed, and (b) that this consent can be withdrawn as a result of unfair, aggressive or generally non-normative police behaviour. There is indeed much to suggest that police activity considered outside of acceptable boundaries of fairness and probity will result in a loss of trust and legitimacy. Yet, while the history of British policing over the last half century has been marked by incidents of excessive force, illegal behaviour and sometimes worse, the police remain one of the most trusted state institutions, and public support for more aggressive styles of policing can be widespread. The current paper addresses this apparent paradox by stressing the role of trust, legitimacy and particularly identity in promoting support for police activity involving the potential or actual application of force. While the need to maintain legitimacy constrains police behaviour, legitimacy and the social processes that sustain it also empower police in potentially problematic ways.