

Policing and ethnic minorities: A Procedural Justice Perspective

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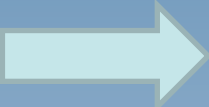

What I' ll discuss

- Procedural justice theory
- Findings from the 5th European Social Survey
- Procedural justice and ethnic minorities
- Work part-funded by two FP7 projects – Euro-justis and Fiducia
- Work with Ben Bradford, Jon Jackson, Tom Tyler and others

Why do we obey the law?

- Instrumental vs normative narratives
 - The control of crime through deterrent threat?
 - Or social motivations to behave decently?
 - Normative commitment to the rule of law?
- What sustains this commitment?
- Mainly moral values, supported by..
- A sense that the justice system has *legitimate authority*
- Legitimacy and authority: central concepts

Trust, legitimacy and consent to the rule of law: the theory

- Fair and respectful treatment  Trust
- Trust  Legitimacy
- Legitimacy  Compliance
- Legitimacy  Cooperation

- Normative compliance is better and less costly than instrumental compliance

Definition: the justice system has (empirical) legitimacy when:

1. Citizens offer their *willing* consent to the to the police and the justice system
2. Not just *coerced* consent
3. This consent derives from 'moral alignment' between the justice system and citizens
4. And from belief that the system acts legally and fairly

Drivers of legitimacy: a summary of PJ research

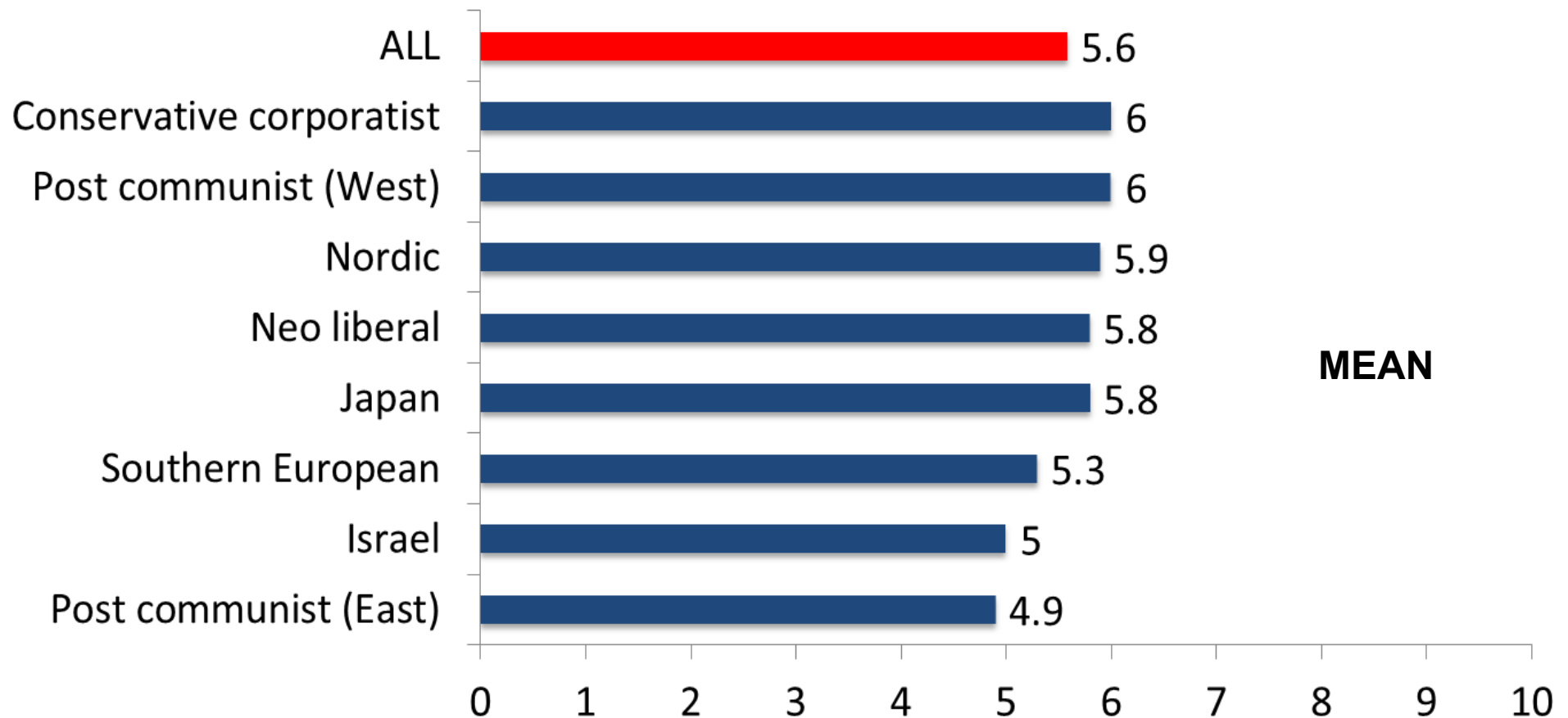
- Effectiveness ... sometimes
- Outcome fairness ... sometimes
- Procedural fairness ... usually
 - Sticking to the rules
 - Fair and respectful treatment
 - Giving explanations
 - Permitting 'voice'

Findings from the 5th European Social Survey

- 27 countries surveyed in 2010/11
- 52,000 respondents
- + Japan (+ US + South Africa)
- Samples of around 2,000 per country
- High quality standardised methods
- Trust in justice module: 45 items
- Concepts measured by scaled items

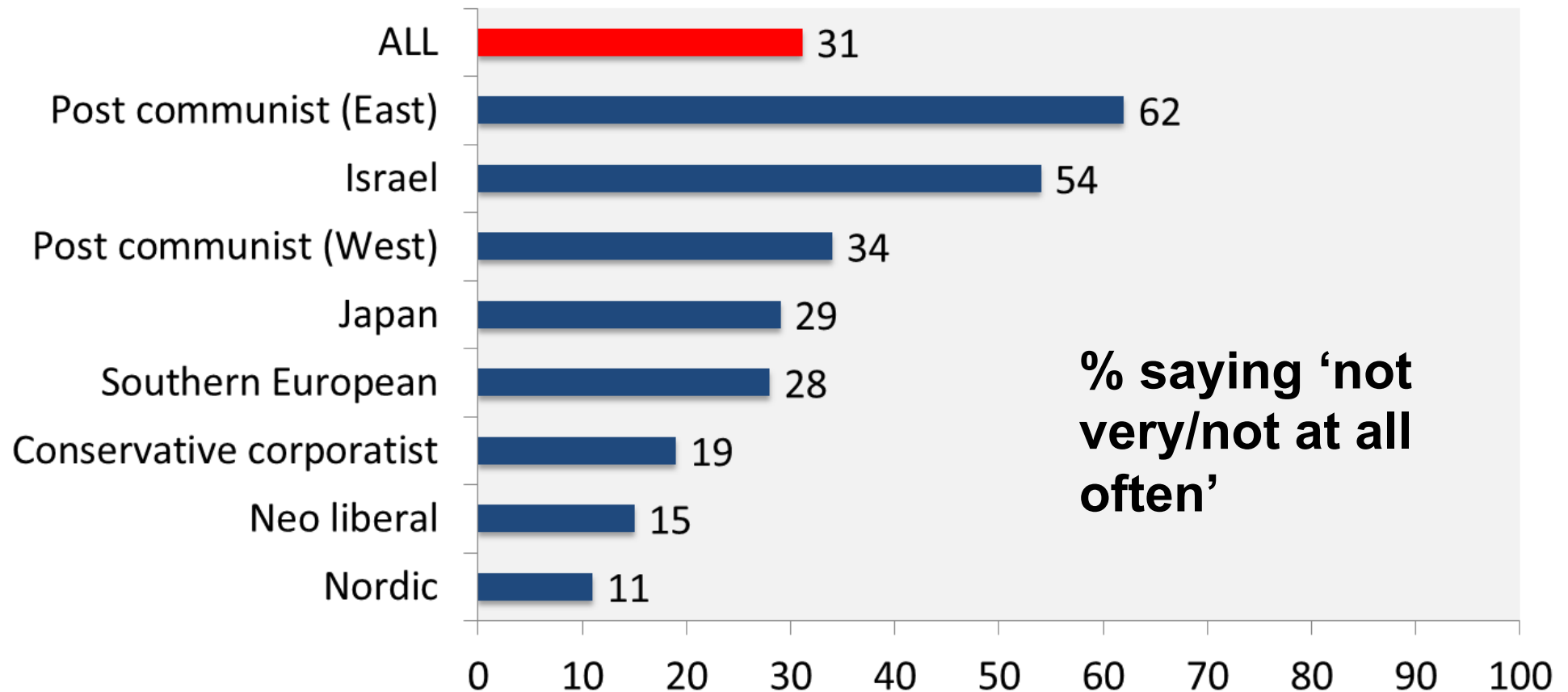
Trust in police effectiveness

“If a violent crime or house burglary were to occur near to where you live and the police were called, how slowly or quickly do you think they would arrive at the scene?” (Scale: 0-10, running from slow to quick.)



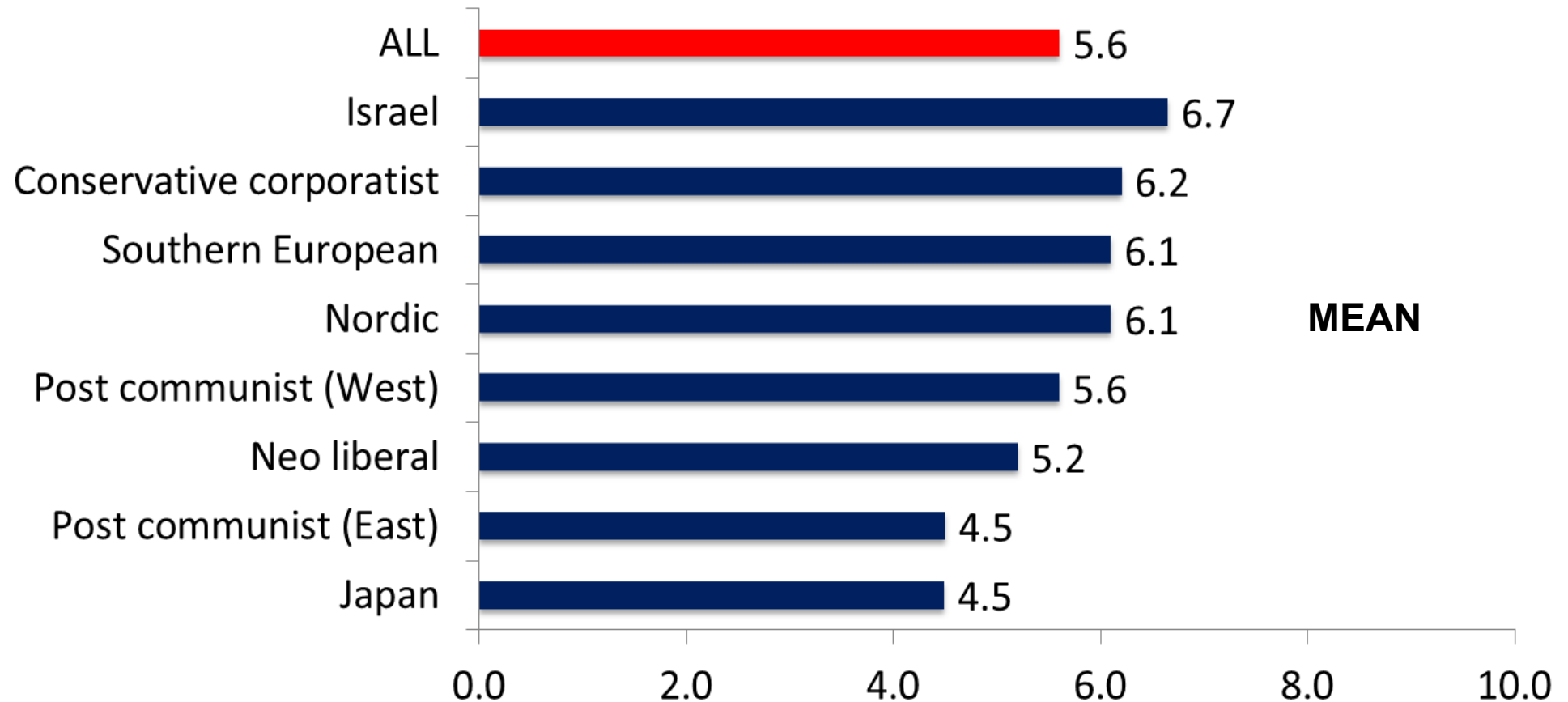
Trust in police fairness

“How often would you say the police generally treat people in [country] with respect?” (4-point scale, not at all often, not very often often, or, very often?)

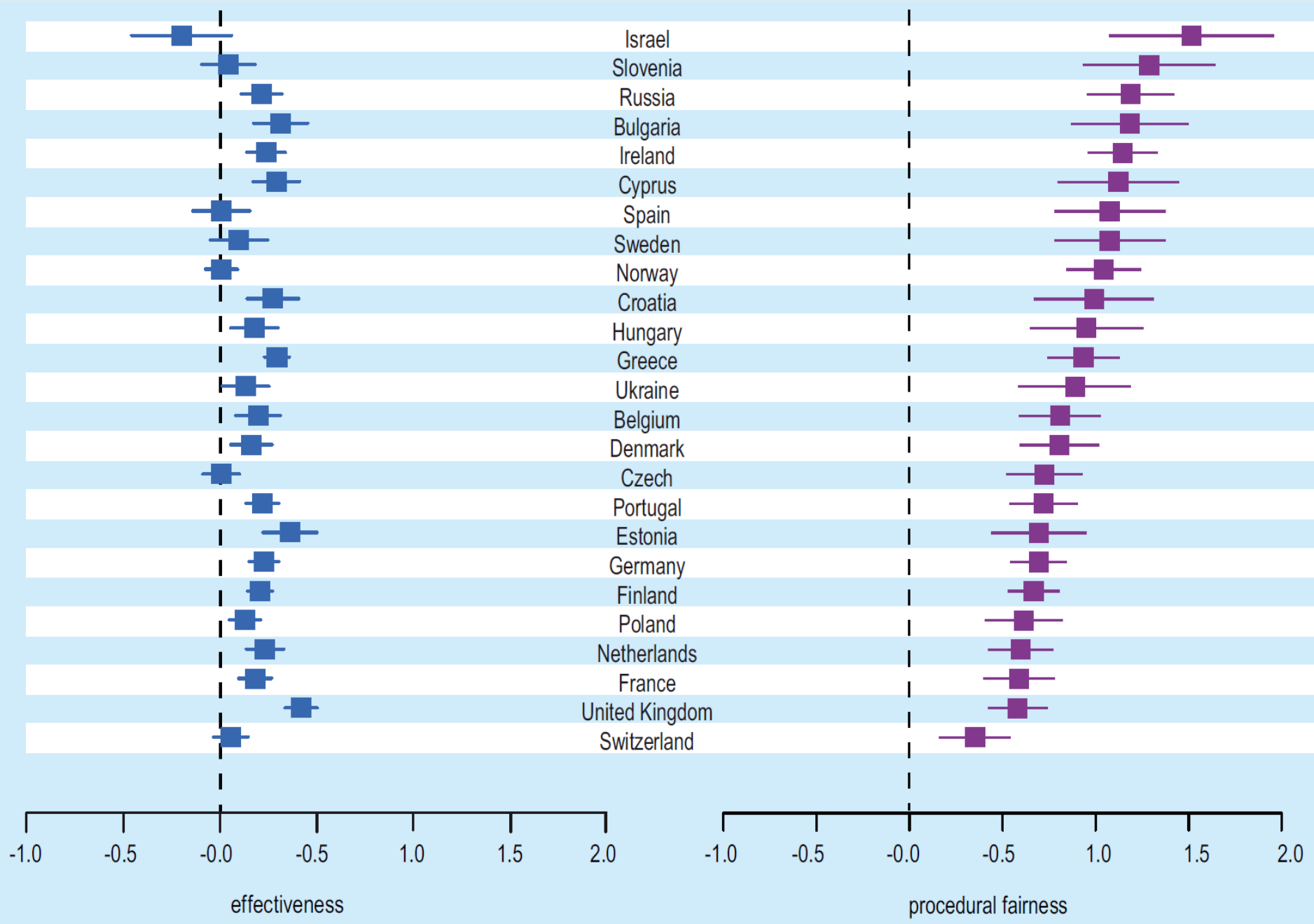


Perceived legitimacy – obligation to obey

“To what extent is it your duty to do what the police tell you even if you don’t understand or agree with the reasons?” (Scale: 0-10, running from ‘not at all’ to ‘completely’.)



▼ Figure 3. Relationships between forms of trust in the police and felt obligation to obey



Experience of police contact really matters

- Police contacts are “teachable moments”
- Quality of contact shapes perceptions of legitimacy
- Vicarious contact is also important
- Bad experiences damage trust more than good experiences build trust
- Stop-and-search as a corrosive tactic
- Eroding legitimacy

Trust comes on foot, leaves on horseback



Tough and decisive action can win battles and lose wars



The risks of losing legitimacy



The aftermath of the 2011 UK riots

- The riots were triggered by the police shooting of a suspected offender
- The riots were caused *in part* by a legitimacy deficit – sense of over-policing in some areas
- Calls to re-examine police/community relations
- And especially use of stop-and-search
- Just like in 1981 and 1999.....
- Why does history keep on repeating itself?

A tale of two cities: contrasting policing styles

- Inner city areas in metropolitan forces
- Ethnically diverse
- Histories of community tensions and riots
- Historically toxic dynamics between black youth and police
- But striking differences in style and 'feel'
 - a. Adversarial/street control
 - b. Rule of law/procedural justice

A commitment to street control style in Area A

“We just have to accept that here we will never be in the right, or liked. We are damned if we do a lot of searches and damned if we don’ t.”

“I would rather stop and search more young people and stretch the boundaries of reasonable suspicion than turn up at a parent’ s front door to tell them their child is either dead or in hospital.”

“The local residents need to decide what they want, aggressive policing that keeps kids alive or ‘nicey nicey policing’ and more dead or injured kids.”

Trapped in adversarial policing?

Police find 3 black teenagers smoking cannabis in a car and search the car

They say they'll issue an (informal) warning

“you won't tell my mum?”

Then mum appears on the scene

“I have no respect for you whatsoever. .. I'm his mother, you can't tell me to go no fucking where... fucking racist pigs’

Boys start getting abusive.....

Professional policing – Area B

More personal distance in encounters

Polite and respectful, but impersonal

Explaining

Listening

Apologising

How to shift from adversarial to professional policing?

What are the obstacles to adopting PJ?



Obstacles to policy shift

- Who could object to principles of fairness and respect in policing?
- Cops who believe ends justify means?
- Politicians who want crime crack-downs?
- Street-cops who face challenges to their authority?
- Challenges that are threatening and difficult for young men wielding authority

Obstacles to policy shift

- Options for handling authority challenges
 - Overwhelm the challenge – Dirty Harry
 - Trade and negotiate – possible but risky
 - Back down - disastrous
 - Defuse the challenge – needs social skills in de-escalation
- Finding a persuasive vocabulary to win over front-line cops
- Rewarding professionalism

Obstacles to policy shift

- Links between procedural justice and organisational justice within the police
- Fairness *within the organisation* may be requirement for fair treatment of policed
- Internal organisational values are important
- Idea of “self legitimacy”

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