

scottish justice matters

POLICING

Reflections on developments and
changes to policing in Scotland

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Scottish Policing and Procedural Justice

TWO EXPERIMENTS

In these two articles, researchers describe experiments to apply and test ideas of procedural justice in relation to police probationary training and road traffic policing.



Police Training and Procedural Justice: Evidence from the Scottish Police and Citizen Engagement (SPACE) Trial

Annette Robertson and Lesley McMillan

A GROWING literature provides evidence of increased awareness of procedural justice concepts and their relevance to policing, but also their potential value in relation to fostering better relations between the police and the public (see Mazerolle, Bennett, Davis, Sargeant and Manning, 2013). It is argued that by using a procedurally-just framework in all interaction with the public, treating everyone fairly and respectfully, having trustworthy motives, and giving them a 'voice', the police will benefit in various ways. On a practical level procedurally-just interaction can result in generally improved public engagement and cooperation with the police, but it can also result in greater support for, and confidence in the police, and the creation of conditions for enhanced police legitimacy.

The concept of procedural justice is increasingly reflected in the values espoused by police organisations around the world, including in Scotland. When the new single service, Police Scotland, came into existence in April 2013, its core values were presented as 'integrity', 'fairness', and 'respect', reflecting the new code of ethics and the police constables' oath taken by all new officers (Police and Fire Reform Act, 2012).

The SPACE Trial

It was within this new institutional framework that the Scottish Police and Citizen Engagement (SPACE) trial was developed, and implemented over August 2013-March 2014 (Robertson, McMillan, Godwin, and Deuchar, 2015). Modelled on the Chicago Quality Interaction Training Programme (Schuck and Rosenbaum, 2011), it tested the effects of introducing specific training on procedural justice, and its relevance to policing, to probationers at the Scottish Police College (SPC).

Two groups of probationers participated in the trial: a control and an intervention group. Both received the established 12-week initial training programme for new

recruits, whilst the intervention group also received additional training on procedural justice. Baseline data were collected using a survey at the beginning of training, which was then repeated at the end of training, along with additional surveys, observations, and focus groups. These were analysed to establish any differences in outcomes between the groups in relation to probationers' attitudes and behavioural intentions, using the key procedural justice indicators of 'respect', 'trust', 'fairness', 'voice', and 'communication' (Schuck and Rosenbaum, 2011; Skogan, 2013).

Results

General results of the trial were favourable over a range of measures for both control and intervention groups, which implied there were no serious underlying attitudinal issues. This also suggested that recruitment methods are largely fit for purpose in terms of taking individuals into police training who already appear to have a reasonable capacity to engage with and implement the key principles of procedural justice.

Differences were found between the control and intervention groups over all the measures, with statistically-significant changes recorded for certain 'communication' and 'respect' measures. Over the course of the project:

- ❖ Four of the eight 'communication' measures changed in a positive direction, all of which were for the intervention group, showing the additional training had a positive impact.
- ❖ Two of the four 'respect' measures changed, both in a negative direction. One applied to both the control and intervention groups, and the other to the intervention group alone. This suggests potential issues with both the basic training programme and the additional SPACE inputs, which warrant further investigation.

Communication

Communication is a vital component of effective policing. SPACE inputs highlighted the importance of communication in all encounters with the public, regardless of how contact is initiated, and also provided practical advice on interacting with specific groups and/or in difficult/sensitive situations. Communication is intrinsically important, but it also underpins all of the other procedural justice principles. For example, a police officer must be able to communicate respect and impartiality in order to build trust and confidence. Consequently, the improvements noted in communication measures for the intervention group were a very positive result.

Respect

Respect is perhaps one of the most challenging values to uphold, given the diverse and demanding nature of police work. Although the procedural justice framework emphasises the approach should apply to everyone (victims, witnesses, and suspects), this may prove challenging at times. For example, it may be difficult to maintain a respectful manner when dealing with someone who is not reciprocating.

As mentioned above two statistically-significant changes were found in the respect measures. The 'respect' measure that became worse for both control and intervention groups was; "Officers should at all times treat people they encounter with dignity and respect". The additional respect measure that worsened for the intervention group only was; "People should be treated with respect, regardless of their attitude". These results indicated that probationers agreed more strongly with both statements at the start of their training than at the end.

This is a concerning outcome in both the shorter (training) and longer term (work) perspective, as 'being respectful' has been found to be directly associated with public perceptions of police professionalism and, therefore, with quality of service evaluations (Mazerolle, Bennett, Antrobus, and Eggins, 2012).

It is worth noting in this respect that the most common disposal (61% in 2013-14) for complaints made against police officers in Scotland was 'concluded by explanation' (Scottish Police Investigations and Review Commissioner, 2014), which suggests that many complaints could be avoided if both better communication and a more robust engagement with procedural justice concepts were demonstrated.



Tulliallan Police Training College. Photo Jeff Egge.

However the procedural justice approach has more to offer than simply reducing the level of public complaints, desirable as that may be: it provides an opportunity for securing greater public trust and confidence. Although the police in Scotland enjoy comparatively good rates of trust and confidence from the public, these vary across communities. For example those living in the 15% most deprived areas report lower levels of confidence (37%) in the police compared to the rest of the country (49%), and are more likely to agree (43%) that police-community relations in their area are poor compared to other areas (27%) (Scottish Government, 2011).

It was encouraging to find at the end of the trial that many probationers professed to be familiar with the concept of procedural justice and proficient in relation to associated skills and competencies. This was a positive outcome. Probationers reported knowledge and understanding of key skills and approaches related to procedural justice also improved in areas such as:

- ❖ The use of empathy in police work (83% reported a better understanding).
- ❖ The role of active listening in police work (80% reported a better understanding).
- ❖ How procedural justice approaches can help to develop positive relationships with young people (69% reported a better understanding).
- ❖ What procedural justice is and how it applies to general policing (66% reported a better understanding).
- ❖ How procedural justice approaches might be particularly pertinent for victims of sensitive crimes (64% reported a better understanding).

Probationers also highlighted active listening, engaging with young people, effective communication, and empathy as specific aspects of SPACE training that would have an impact on how they did their jobs.

However, only 28% reported that it was 'likely' or 'very likely' that they would use the knowledge and skills covered in SPACE training in their work as police officers, compared to 39% who said it was 'unlikely' or 'not very likely'. There was a tendency by some to dismiss procedural justice as 'common sense', which may indicate some participants were not open to engagement and therefore unwilling to have their perceptions, beliefs, and attitudes challenged.

Overall the evaluation indicated a more procedure-driven approach, perhaps at the expense of procedurally-just approaches, although the two are not mutually exclusive and ideally both would be given appropriate consideration in police training. This would require a greater focus on the 'how' and 'why', as well as the 'what' of policing in basic training. What the police do is clearly important, but how they go about this is perhaps equally, if not more important to the public and may have a significant impact on how the latter perceive the police, engage with them, and rate the service they provide.

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Procedural Justice in Practice: Findings from the Scottish Community Engagement Trial (ScotCET)

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PROCEDURAL JUSTICE THEORY provides a framework through which to understand people's reactions to the use of power and authority (Tyler 2006; Tyler and Huo 2002). The theory stresses the importance of the fairness of the *process* of interaction between citizen and authority figure in shaping trust and confidence in, and judgements on the legitimacy of, that authority. In the context of policing, fairness means being treated with dignity and respect during encounters; being allowed a voice in the interaction; and being given clear information about what is happening and why.

Procedural justice theory is increasingly used to inform the development of policing practice in Scotland and beyond, but with only scarce evidence on how its various elements should be operationalised and what police can do in a practical sense to enhance trust and legitimacy.

The Australian Queensland Community Engagement Trial (QCET) was the first study to utilise a large-scale randomised field trial methodology to test the effect of procedurally fair policing during routine encounters with citizens. It found that the quality of interaction between public and police during random breath testing operations had a direct positive effect on: satisfaction of members of the public with the process and outcome of the encounter; perceptions of police fairness; respect for the police; trust and confidence in the police; and self-reported willingness to comply with police directives (Mazerolle et al, 2012; Mazerolle et al, 2011). Crucially, QCET found that implementing and adhering to a script designed to communicate the core elements of the procedural justice model generated these positive outcomes. The first study to demonstrate a causal link between implementation of procedurally just forms of policing and the formation of public opinion and conferment of legitimacy, QCET made an important contribution to an expanding evidence base that supports the importance of procedural justice, albeit within a specific policing context.

In 2013 the Scottish Government funded ScotCET to address the relative dearth of robust, Scottish-based evidence available to inform policy and strategic development. The QCET findings were to be tested within a Scottish context to inform the implementation of the Reassuring the Public programme within the Justice Strategy for Scotland.

The Trial

Direct replication of QCET was not possible due to legislative and operational differences, so an adapted experimental design was developed in partnership with road police officers working across Scotland. All 20 road police units participated in the final experiment, which took place during the Festive Road Safety Campaign 2013-14. Prior to the campaign, units were randomly assigned to experiment or control conditions.

During the first week of the campaign all officers conducted 'business as usual', with the addition of distributing questionnaires to drivers. Subsequently, half of the units began operating under experimental conditions, delivering a set of key messages during encounters and distributing a leaflet designed to enhance perceptions of procedural justice. The key messages aimed to introduce a level of consistency to encounters such that each included *all* of the core elements of the procedural justice model, whilst allowing officers to protect their responsivity and 'natural' style of interaction. The leaflet was designed to reinforce the key messages and 'collective' nature of campaign. The remaining units continued to operate 'business as usual' to provide the control group. All units continued to hand out questionnaires to the drivers they stopped.

The overarching hypothesis for ScotCET was that the positive findings from the original QCET would be replicated. Analyses of the survey data asked, in essence, whether receiving the experimental intervention shifted perceptions of procedural justice, and levels of satisfaction, trust and confidence and legitimacy, in a positive direction.

Over the course of the trial, 12,431 questionnaires were issued. In total 816 questionnaires were returned by the cut-off point in April 2014: 305 in the baseline ('pre' period), comprising 122 responses from the units assigned to the experiment condition and 183 from those assigned to the control condition; and 511 in the 'post' period (176 responses from the experiment and 335 responses from the control). The overall response rate is 6.6 per cent. Of the responses achieved, the majority were male drivers (63%) and the mean age was 50.7. Three quarters (75%) of the sample were owner-occupiers, and 40% had a first degree or higher. There were no significant differences pre to post trial, or between experimental or control groups, on any of the demographic measures used.

Results

Overall driver opinion about the police in terms of each of the key constructs measured was highly favourable. With regard to procedural justice, over 80% of respondents answered that the police 'completely' met each criterion of interest. Similarly, the overwhelming majority 'agreed' or 'strongly agreed' with the indicators of trust in police officers and around 90% of respondents reported being 'very' or 'fairly' satisfied with officer conduct, personal treatment and encounter outcome.

However, examining the effect of the experimental intervention revealed interesting results.

Across the control areas there was a consistent pattern of improvement in scores on the key constructs over the course of the campaign. Yet this pattern was not repeated in the experiment areas, and driver assessments of procedural justice during encounters and subsequent driver satisfaction fell in the experiment areas *relative to* the control areas. The experimental intervention appeared to diminish drivers sense of procedural justice during their encounters with roads police, and led to a relative decrease in driver satisfaction (in other words, the *opposite* of the effect predicted). Perceptions of general trust and conferment of legitimacy were shown to be similar across both groups.

Overall, the experimental intervention had some unintended detrimental impact on policing practice, which led to some small but significant negative effects on public perception. These findings are unexpected.

The experiment was designed in line with existing evidence on procedurally just modes of policing and effective police-public communication, led by previous successful experimental intervention in the field (Mazerolle et al, 2011; 2012) and incorporating the fundamental elements of the procedural justice model: treating drivers with dignity and respect; demonstrating neutrality of decision making and trustworthy motives for action; and presenting drivers with opportunities to be an active participants during and after the encounter (Tyler, 2006; Tyler and Huo, 2002; Murphy et al, 2008). Moreover, those police officers responsible for implementing the experimental intervention were key contributors to its design. For this to have had a detrimental effect on perceptions of procedural justice and satisfaction is surprising.

The experimental intervention appeared to diminish drivers sense of procedural justice during their encounters with roads police

As yet, nothing in the data gathered explain *why* the observed effects occurred.

Nevertheless, our results lead us to suggest that, in policing contexts where police/ citizen interaction and satisfaction are already high, it is not enough to simply up the 'dosage' of procedural justice to positively 'shift' perceptions. An encounter may contain all of the appropriate 'ingredients' for a procedurally just encounter, but here encounters where key ingredients may have been missed and excluded fared better. Contrary to the messages emerging in the growing literature (Mazerolle et al 2013; 2014), there appears to be more to successful operationalisation of the procedural justice model than simply 'adding in' the components through verbal dialogue and written messages. On their own, these are not sufficient to improve, or even maintain, public perceptions of the police.

At a time when procedural justice theory is rapidly being developed into a model of policing and practice, we have shown that the implementation of a procedural justice model of policing is not a straightforward matter. While QCET demonstrated the apparent ease with which such a model could be successfully implemented and incorporated into practice, our research suggests that, at least in policing contexts where interaction and satisfaction are already high, other factors, for example subtleties and nuances of communication context, content and style, can intervene. Failure to acknowledge and provide for these in attempting to operationalise the procedural justice model may, perversely, undermine public trust and police legitimacy. Future research must explore these further to establish the critical elements of communication and interpersonal skill required to implement procedurally just policing.

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