

What gives them the right? Police legitimacy and the self-reflections of prolific offenders on their criminal behaviour.

NEW SLIDE

1. Procedural justice, legitimacy and policing

- Briefly examine how notions of legitimacy and procedural justice have taken on increasing theoretical and practical importance within the arena of policing.
- Present contribution aims to broaden understandings of police legitimacy; particularly where it can be derived from personal value judgments made by prolific offenders' subject to intensive law enforcement practices.

2. Case study Integrated offender management

- The scheme

3. Method

- Methods adopted during the study

4. Findings

- Findings on the impact of police cultural practices on IOM offender's experience of the scheme are used to theorise about the development and maintenance of police legitimacy, through IOM offender's own reflections about their criminal lifestyles.

5. Implications

- Linkage between desistance and the need for compliance with authority – leads to question of whether the continuation of police cultural practices may de-legitimise the scheme in the eyes of IOM offenders

6. Concluding thoughts

- Limitations of the study and further research

NEW SLIDE

Why do people comply with the law?

- Compliance with authority/law based on many factors; including
 - Risk of detection
 - Personal morality
 - Psychological factors
- These things matter/impact, but much empirical evidence suggests the legitimacy of the authority, in question, does too.
- (See, for example, Tyler, 1990, 2000, 2003; Bradford, 2014; Bottoms and Sparks, 1995; Bottoms and Tankebe, 2012; Jackson et al, 2012)

NEW SLIDE

Instrumental legitimacy

- Willingness to comply with the law and cooperate with police officers' stems from the credible risk of being caught and punished for wrongdoing. This in itself stems from a belief that the police are effective in controlling crime / disorder in the community.

NEW SLIDE

Normative Legitimacy

- Compliance/cooperation with law enforcement officials and authority stems from
 - Belief that these officials have rightful/moral authority (legitimacy).
 - This in turn is based on judgements about the fairness of the processes through which the police make decisions and exercise authority (procedural justice).

NEW SLIDE

Outward looking

Here the focus is outward looking (normative or instrumental) judgements about the behaviour or performance of the police.

Why is this?

One explanation could be that lots of studies on procedural justice and police legitimacy primarily, built on either survey research or official records of police complaints.

Few studies take advantage of the insights to be gained from in-depth interviews and observational work, which help explore not just the context and circumstances of police-citizen interactions, but also their meaning for the individuals involved (Clarke et al, 2002; Weitzer 1999, 2000).

NEW SLIDE

Self-reflection, legitimacy and the case of IOM

The question I want to explore today is whether a relationship exists between people's sense of self and their belief in the legitimacy of the police? In other words, legitimacy constructed via reflection.

The following case study is used, as an example, to demonstrate the point

NEW SLIDE

Integrated Offender Management (IOM)

- Multi-agency partnership between 4 main agencies, with some 3rd sector input.
 - Police
 - Probation
 - Prison
 - Drugs intervention services
 - 3rd sector – housing/drug services/health/debt
 -
- Targets recidivist offenders
- Aim to reduce crime/victims through:
 - Enforcement (traditional policing methods)
 - Support and rehabilitation

NEW SLIDE

Policing within IOM

'Carrots'

Plain clothed 'field intelligence officers' (offender managers)
-Intelligence gathering / pathway support

'Sticks'

Uniformed response officers
-Disruption / enforcement

NEW SLIDE

The Research

Three questions:

1. What is shaping police decision-making during interactions with IOM offenders and IOM workers?
2. What are the implications of IOM police decision-making practices for how IOM workers perceive and experience IOM?
3. What further implications are there for the construction of police legitimacy within the context of IOM?

NEW SLIDE

Method

400 hours of observations

- Patrol officers (50)
- Field intelligence officers (350)

44 Interviews

- IOM managers / workers & offenders (custody/community)

Cram (2016)

NEW SLIDE

Findings

- Cultural and structural determinants
- Endurance of police cultural themes and practices
- Working assumptions/rules/frames
- Social discipline
- Communicative surveillance
- Disproportionate infringements of personal privacy
- Broadly, procedurally [unfair] treatment

In short, “Business as usual”, on the part of the police

NEW SLIDE

Implications

The necessary link between desistance and compliance with the law – in this instance engagement with the scheme.

NEW SLIDE

Implications for police legitimacy

Question: Does procedurally unfair treatment delegitimise IOM, in the eyes of offenders?

NEW SLIDE

Procedural justice

- Participation
- Neutrality
- Treated with dignity and respect by legal authorities
- Trust the motives of decision maker

NEW SLIDE

- 'Covert' visits to offender accommodation with probation workers
- Stop, search, account practices
- Surveillance
- Aggressive imposition of authority

NEW SLIDE

Covert visits

- *"You didn't say you were police officers when you came to the door. I can't believe I've got police officers sitting in my lounge" [field note]*

Stop and account practices

- *"I've been stopped 4/5 times on my road. I know it might be a long road, but I've been pulled over by one set of police officers and then walked down the road a bit and another set of police officers pulled me over and so on ... they think they're funny and that"*
[Interview with IOM offender]

NEW SLIDE

IOM offender perceptions of the scheme

In interviews offenders focus on interactions with the police; and

Unfair treatment
Disrespectful treatment
Authoritarian treatment

Broadly, procedurally 'unfair' treatment

NEW SLIDE

Legitimacy of IOM?

What gives them the right?

“I’m prolific offender”

NEW SLIDE

Concluding thoughts

- Despite emphasis in existing literature on the linkage between procedural fairness and legitimacy, procedurally unfair IOM policing strategies, did not have negative implications for police legitimacy, as one might expect.
- Offenders justified their treatment as inevitable part of the prolific offender ‘game’.
- Raises interesting questions as to the extent people’s self-reflections about their own criminality contribute to the development and maintenance of police legitimacy.

NEW SLIDE

Limitations

- In-depth empirical case study of a one IOM scheme, spanning a single English police area.
- We cannot assume, therefore, that the data discussed advances a conclusive snapshot of a broader pattern of IOM practice nationwide, or indeed offender perceptions of police legitimacy.
- To close, I would suggest, further comparative research, to strengthen/refute the arguments made above.

NEW SLIDE

References