

FIRST SLIDE

Rough justice – offender perceptions of IOM police action

Examine how a group of prolific offenders perceived the fairness and legitimacy of IOM police action.

NEW SLIDE [2]

1. Procedural justice, legitimacy and policing

- Theoretical and practical importance of legitimacy and procedural justice in the policing arena.

2. Integrated offender management

- The scheme

3. Method

- Methods adopted during the study

4. Findings

- Continuation of police cultural practices
- The experiences of IOM offenders – regularity, nature, quality and fairness of their treatment.
- How they understand their treatment within the broader context of procedural justice and police legitimacy

5. Concluding thoughts

- Discussion of ‘rough justice’, limitations of the study and further research

NEW SLIDE [3]

Why do people comply with the law?

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

NEW SLIDE [4]

Instrumental legitimacy / compliance

- Police generate legitimacy by
 - (i) Creating a credible risk of sanction for rulebreakers;
 - (ii) Effectively managing crime; and
 - (iii) Fairly distributing police resources across the communities (Sunshine and Tyler (2003: 514).

NEW SLIDE [5]

Normative legitimacy / compliance

- Compliance/cooperation with the police stems from belief that they have rightful/moral authority (legitimacy).
- This belief is driven by judgements about the fairness of the processes through which the police make decisions and exercise authority (procedural justice):
 - (i) Participate in the decision-making processes to which the police are subjecting them

- (ii) View the police as neutral arbiters,
- (iii) Trust the motives of the police and that officers will act within the limits of their rightful authority;
- (iv) Respectful and dignified treatment during interactions with the police

NEW SLIDE [6]

Outward

General outward focus when it comes to the various foundations of legitimacy

- Focus – normative or instrumental – is on judgements made about the behaviour or performance of the police.
- Why is this?
- One explanation could be most procedural justice / police legitimacy studies are primarily built on either survey research or on examination of official records of police complaints.
- Harkin, 2015, describes this as ‘thin’ data, leaving qualitative aspects of the police-citizen relationship un-investigated.
- Few studies seem to 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 [7]

Self-reflection, legitimacy and IOM

- I want to explore whether a relationship exists between people’s sense of self / positioning and their belief in the legitimacy of the police.
- Can a perception of police legitimacy be constructed this way?

- Following case study used, as an example, to explore this question

NEW SLIDE [8]

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
 - Rise and fall of Transforming Probation
- Targets recidivist offenders
- Aim to reduce crime/victims through:
 - Enforcement (traditional policing methods)
 - Support and rehabilitation

NEW SLIDE [9]

Policing within IOM

‘Carrots’ – Police offender managers

- Intelligence gathering / pathway support (education, housing, accessing drugs/alcohol agencies)

‘Sticks’ – Uniformed response officers

- Disruption / enforcement

NEW SLIDE [10]

The Research – 3 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 [11]

Method

400 hours of observations

- Patrol officers (50)
- Offender managers (350)

44 Interviews

- 24 IOM managers / police / workers
- 20 offenders (custody/community)

Cram (2016)

NEW SLIDE [12]

Findings

- Cultural and structural determinants of police decision-making
- Endurance of police cultural themes and practices
- Working assumptions/rules/frames
- Social discipline
- Communicative surveillance

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

(Cram, 2018 – *Policing and Society*)

NEW SLIDE [13]

Implications for police legitimacy

- Tyler (2013) - Encounters with the police ‘should be treated as a socialising experience that builds or undermines police legitimacy’.
- How were encounters experienced by IOM offenders?

NEW SLIDE [14]

Offender narratives

- IOM offenders offered rich personal accounts of contact with IOM uniformed patrol officers and police offender managers

Focus on three aspects of offender experiences:

- (i) Regularity of police attention
- (ii) Nature and quality of treatment; and
- (iii) Fairness of police action

NEW SLIDE [15]

Regularity

Uniformed IOM police

- Excessive frequency of involuntary contacts with uniformed police (stop, account, search and arrest type situations)

“I got stopped four or five 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 like another set of police officers pulled me over and I've showed them and said, "Look I've just been pulled over. They're like "Oh well" and started laughing at me ... like they think they're funny." [IOM offender]

NEW SLIDE [16]

Regularity [2]

Police offender managers

- "Turning up" uninvited

"After court, I went to my girlfriend's house. **They were there waiting for me. I wasn't expecting them.** They just basically turned up and said we're police officers, but we work with probation and we're here to help you. But if you step out of line, we'll send you back to prison before the courts will. Make sure you don't step out of line because we're keeping an eye on you"

- Broadly, perceived as systematic and repeated targeting by IOM police

NEW SLIDE [17]

Regularity [3]

- Procedural justice requires perception that officers use rules and powers objectively / consistently, rather than capriciously (Sunshine & Tyler, 2003; Tyler & Wakslak, 2004; Tyler, 2010).
- Consistent / objective use of powers?

Targeting can be explained by:

- Risk-profiling (Red, Amber, Green)
- Time spent in hotspots

- Occupation of public space – ‘availability’
- Previous form = more likely to be at it = eye kept on them = high levels of attention on the street, results in discussion in risk-briefings = more police attention

Carrots – less police attention if you’re doing well – some evidence of this

NEW SLIDE [18]

Regularity [4]

- IOM offenders did not make these connections
- Perception among most IOM offenders that they were victims of authoritarian police action, untethered to organisational rules; and
- more closely tied to personal discretion (distilled through police cultural practices)

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Nature and quality of the treatment

- Many offenders felt demeaned and disrespected by patrol officers:
 - “Poke me in the chest for no reason and be very antagonistic”
 - “Some have called me ‘scum’ and ‘fucking divvy’”.
- Confirmed by observations (Cram, 2018)
- Most had experienced informal procedures like the ‘attitude test’ (behaviour influences treatment/outcome).

NEW SLIDE [20]

Nature and Quality [2]

- Most distrustful of police actions – particularly, motives of the OMs – a position shaped by past experiences.

“I’m naturally suspicious of anyone police, just because he’s out of uniform. In my experience they’re never out of uniform.” [IOM offender]

NEW SLIDE [21]

- However, a minority welcomed support (e.g. help with housing, access to drugs services, and education/training) but most experienced the interventions of OMs as a further and intrusive reinforcement of police authority.

NEW SLIDE [22]

Fairness

- Procedural justice emphasises fairness (police officers following fair procedures, making fair decisions, treating people with dignity and respectfully) as a predictor of police legitimacy.

NEW SLIDE [23]

Fairness [2]

- For most offenders IOM police (both patrol officers and offender managers) were viewed as fair when they ‘played by the rules’
- E.g. following procedural rules of evidence

“I’ve met fairish ones over the time. If they haven’t got no evidence, they’ll be straight up about it and say ... I can’t charge you, but I’m after you”.

And

- Exercising authority fairly – a straightforward ‘honest’ approach was valued.

NEW SLIDE [24]

Fairness [3]

- Broadly, unfair treatment reduced to two aspects of the same experience.
 1. Aggressive policing orientated around discipline, communicative surveillance and the maintenance of order;
 2. The illegal nature of the conduct.
- Problematic – ‘Aggressive policing can leave citizens feeling humiliated, violated, or even victimized’, but can also have a significant and negative impact on perceptions of fairness. Gau and Brunson (2009: 256)

NEW SLIDE [25]

Offender perceptions of the legitimacy of IOM police action

- Did the unfair treatment (which appears to be procedurally unfair) delegitimise IOM police action?

Offenders asked:

- What gives IOM the right to intervene in your lives like this; and/or
- For the police to treat you unfairly

NEW SLIDE [26]

Was the ‘unfair’ police action perceived as legitimate?

- “What gives them the right? I’m a prolific offender”
- The treatment was seemingly ‘justified’ / understood as a form of ‘rough justice’ responding to their extensive and prolonged participation in criminality –
- But did not simply mean, I am a prolific offender therefore they can legitimately do what you like.
- It required boundaries: treatment can be rough (with the boundaries of police-offender negotiated / fluid relationships), but it must be just.
- Seems to complicate assumptions about the linkage between procedural justice and legitimacy.

NEW SLIDE [27]

How response be explained?

- Can police action be perceived by as unfair, but justified / legitimate?
- Perhaps we should unpick the notion of ‘unfair’, in this context?
- There is unfairness linked to rule of law ideals – the police, like everyone else, should obey the rules.
- Offenders, felt it was unfair when IOM police did not play by the rules (behaved illegally and disrespectfully)
- However, perhaps other notions of fairness are relevant, where there are no obvious rules to apply, but rather discretion to exercise (frontline policing)
- Tyler’s work points to ‘neutrality’ ‘motive’ and ‘respect’, as foundations of legitimacy.

- Perhaps offenders are drawing out a particular aspect of motive, in this context.
- IOM policing is a response to offending history, which is seen, by offenders, as a legitimate motive.

NEW SLIDE [28]

- Procedural justice research is powerful and not wrong or disproven here;
- Rather that data, from this IOM area, adds some complexity to assumptions made about the relationship between fairness in the maintenance and erosion of police legitimacy.

Why?

- Procedural justice focussed on more traditional police role - maintenance of public, crime investigation.
- Perhaps the diverse nature of interactions between offenders and IOM mean that concepts of fairness and legitimacy here are broader and more diverse than can be captured by Tyler's regime.

NEW SLIDE [29]

Limitations

- Case study of a one IOM area
- Cannot assume the data advances a conclusive snapshot of a broader pattern of IOM practice nationwide, or indeed offender perceptions of police legitimacy.
- Further comparative research, to strengthen/refute the arguments made above.

NEW SLIDE [30]

References

