Procedural justice, compliance with the law and police stop-and-search: A study of young people in England and Scotland

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Abstract

The policing of young people, especially through stop-and-search, has been rigorously debated in the context of rising violence in the UK. While concepts based on procedural justice theory and perceptions of police fairness are directly relevant to these debates, these have rarely been tested on young people, nor have they taken account of the impact of stop-and-search. This paper examines young people's experiences of stop-and-search in two Scottish and two English cities, and tests the relationship between these experiences, their trust in the police, their perceptions of police legitimacy and their compliance with the law. The study finds that Scottish adolescents, who experienced higher volume stop-and-search, had more negative attitudes to the police and perceived them to be less procedurally fair than English adolescents. Structural equation modelling confirms that principles of procedural justice theory do apply to young people in this UK sample. However, our findings suggest that stop-and-search may damage trust in the police and perceptions of police legitimacy, regardless of the volume of police stop-and-search, and this may result in increased offending behaviour. With ongoing calls to increase the use of stop-and-search in response to recent increases in knife crime in England, we argue that its use needs to be carefully balanced against the, as yet poorly evidenced, benefits of the use of the tactic.

Introduction

Police use of stop-and-search is a highly contentious issue, especially when it comes to searching children and young people. There is very little demonstrable proof that it deters offending or reduces crime, and a growing body of evidence to show that it damages public relations with the police, especially when used indiscriminately and frequently. Nevertheless, during periods of public anxiety about rising levels of youth violence and knife crime – such as that seen currently in London and other parts of England – an increase in stop-and-search is often presented as the obvious solution by police officers, politicians and the media alike. In Scotland, where youth violence has declined significantly in recent years, policy development around stop-and-search has focused closely on reducing the volume of searches, and using the tactic proportionately and fairly. This approach is more in keeping with the theory that procedurally just modes of policing will increase normative acceptance of, and compliance with, the law. Research in this area has however, tended to focus on adults, giving little consideration to young people's perceptions of procedural fairness in policing, or how this may impact on their likelihood to comply with the law. Nor has procedural justice theory accounted for the role that stop-and-search plays in this complex relationship. During a period in which young people are, once again, the focus of attention in the UK for their involvement in violence and knife crime, this paper applies procedural justice theory to examine how differential practice in police use of stop-and-search in England and Scotland was associated with young people's compliance with the law.

Policy background

For decades, the use of stop-and-search in England has generated strong public debate, and followed a cycle of crisis and reform, 'lurching from riots through public inquiries to legal challenges, back to (more) riots, legal challenges and public inquiries' (Lennon and Murray, 2018: 167). Both the Scarman Report (1981), commissioned in the wake of the 1981 Brixton

riots, and the Stephen Lawrence Inquiry (1999), which investigated the actions of the

Metropolitan Police in response to the murder of a black teenager, underlined the damaging

impact of disproportionate stop-and-search on relationships between minority communities

and the police. And yet, disproportionality remains an enduring problem: in 2017/18 black

people were more than nine times as likely to be stopped and searched as white people

(Home Office, 2019).

Following the 2011 riots in London and other English cities, UK Government policy

acknowledged the risks to public confidence associated with stop-and-search, and placed

greater weight on police effectiveness and fairness. In 2013, a report by HM Inspector of

Constabulary (HMIC) prompted the then Home Secretary, Theresa May, to describe police

misuse of the tactic as an 'unacceptable affront to justice' and conclude that very few forces

'could demonstrate that use of stop-and-search powers were based on an understanding of

what works best to cut crime' (2013: 8). HMIC recommendations included a need to establish

what constitutes effective and fair exercise of stop-and-search powers, as well as

improvements in monitoring, supervision and training, intelligence-gathering, complaint

procedures and recording standards. Further reforms announced in 2014 included the

introduction of the Best Use of Stop-and-search (BUSS) scheme, aimed at improving police

practice and accountability, and revisions to PACE Code A to clarify the definition of

'reasonable suspicion'. In 2015, a follow-up HMIC inspection reported that many officers

still lacked understanding of the impact of searches on young black people's lives, prompting

further criticism from Theresa May: 'I have been clear that the police use of sensitive stop-

and-search powers must be properly targeted, based on reasonable grounds and accountable

to citizens and communities' (cited in The Telegraph, 2015). Subsequently, recorded stop-

and-search rates in England and Wales fell from 25 searches per 1,000 people in 2009/10 to

five per 1,000 in 2017/18 (Home Office, 2019).

In Scotland, stop-and-search regulation, policy and practice has taken a very different path to England. The modern history of stop-and-search in Scotland can be broadly split into two distinct periods, pre- and post-2015, each characterised by differing standards of accountability and scrutiny. Prior to 2015, accountability for stop-and-search in Scotland was either absent or, at best, weak. No records are available before 2005, although a study of stop-and-search commissioned in the wake of the Stephen Lawrence Inquiry showed that young (mostly white) people did feel harassed and alienated by the police (Reid Howie Associates, 2001). From 2005 onwards, the eight Scottish police forces were instructed to record searches in order to comply with the Race Relations (Amendment) Act 2000 (Murray, 2015). Recording practice was somewhat patchy across forces; however, the available data shows that recorded search rates in Scotland steadily increased from 2005 onwards, progressively outstripping those in England and Wales. From a position of parity in 2005/6, by 2012/13 the overall recorded search rate in Scotland was seven times higher than that in England and Wales (Murray, 2015). Policing practice predominantly targeted white teenage boys, especially in the West of Scotland. Within the Strathclyde police force area, for example, the number of recorded searches of sixteen-year olds well outstripped the actual number of sixteen-year olds, indicating that many were searched multiple times (Murray, 2014). Interestingly, however, there has been little evidence of racial discrimination in the use of stop-and-search – or in policing generally - in Scotland (Reid Howie Associates 2001; Murray 2014; McVie 2019).

The dramatic increase in the use of stop-and-search in Scotland can be attributed to four related factors. Firstly, police chiefs in Scotland received political support for intensive stop-and-search, mainly due to Scotland's unenviable reputation for high rates of violence (McVie 2017). Whereas government policy in England and Wales took a broadly reforming path from around 2011 onward, the high (albeit declining) rate of homicide and other

violence in Scotland encouraged the Scottish National Party administration to frame the tactic as a deterrent (Scottish National Party, 2011: 18). Second, Scottish police officers made unrestricted use of informal non-statutory searches, i.e. searches without any legal authority or reasonable suspicion. Between 2005 and 2015, non-statutory searches accounted for around 70% of all recorded searches in Scotland, a practice outlawed in England and Wales in 2003. Third, the introduction of numerical targets and key performance indicators based on the use of stop-and-search in some forces drove up numbers substantially. Finally, a lack of accountability or meaningful scrutiny allowed police practice to go unchecked.

The amalgamation of Scotland's eight legacy forces into a single force (Police Scotland) in April 2013 brought an unprecedented level of media and political scrutiny to Scottish policing (Murray and Harkin, 2015). Stop-and-search came to the fore following the publication of research that for the first time exposed the scale of recorded searches (Murray, 2014) and sparked a controversy that led to a damning inquiry by HMIC for Scotland (2015), the establishment of an Independent Advisory Group (Scott 2015) and a wholesale reversal of Scottish Government and Police Scotland policy. In late 2015, the Scottish Parliament passed the Criminal Justice (Scotland) Act, which abolished non-statutory search and introduced a statutory Code of Practice, similar to the Police and Criminal Evidence Act (PACE) Code of Practice. Within three years, the policing ethos and culture in Scotland had transformed from one of 'stop-and-search' to one of 'stop and engage'. As a result, recorded search rates fell significantly and, by 2018/19, the rate in Scotland was around seven searches per 1,000 people, only marginally higher than England in the previous year, at around five searches per 1,000 people (Home Office, 2018).

Controversy around stop-and-search in the UK has intensified again, following a marked spike in homicides and knife-related violence in London and several other English cities. This time, the context of the debate is very different insofar as it has highlighted stark

comparisons between Scotland and England. In Scotland, there has been a substantial and sustained fall in violence, especially in Glasgow where gang fights and knife crime amongst young people were previously endemic (McVie 2017). This contrasts with a sharp increase in knife-related assaults and homicides in several English cities, especially London, which has attracted international media attention and prompted calls for violence in England to be treated by politicians as a national emergency (Guardian, 2019). Signalling yet another shift in the reform cycle, in August 2019 UK Prime Minister Boris Johnson announced the extension of enhanced Section 60 powers, which allow police officers to deploy area-based stop-and-search powers when violence is anticipated, without the authorisation of a senior officer, to an additional 8,000 officers in England and Wales (Mail on Sunday, 2019). In Scotland, where violence reduction has been widely attributed to the adoption of a 'public health approach' to policing, others have argued that stop-and-search should be targeted only in violent hotspots to discourage young people from carrying knives, and thus reduce the chances of encounters that lead to fatal outcomes (Independent, 2018). However, a key factor largely overlooked in the current political debate is the extent to which increased stop-and-search is likely to impact on the young people's perceptions of and trust in the police and, in turn, their assessments of police legitimacy and their likelihood to comply with the law.

Theoretical background

Since the mid-1990s, procedural justice theory has made a substantial contribution to our understanding of policing. Procedural justice theory proposes that police fairness – whether officers act respectfully, impartially and adhere to due process – is linked to public trust in the police, perceptions of police legitimacy and, in turn, to people's likelihood to comply with the law (Bradford, 2014; Hough, 2010; Hough et al., 2013; Jackson *et al*. 2012; Bottoms and Tankebe, 2012. 2017; Tyler, 2006, 2011; Tyler and Blader, 2003; Tyler and Huo 2002; Tyler and Fagan, 2006). It proposes that those who trust police officers to act fairly are more

likely to view the police as legitimate and are more willing to cooperate with them. Conversely, if young people believe police officers' treatment of them is not based on their actions, but on their ethnicity, gender or age, young people are likely to question whether they are included and valued, and have been afforded the same rights as others in their community. Poor police conduct and unfair treatment is likely to undermine cooperation with the police and foster cynicism towards the law: in other words, to prompt defiance instead of compliance.

Although adolescence is the critical period in which morality and orientation to social control develops, procedural justice theory has rarely been applied to policing of young people. There is some relevant research, notably Murphy's (2015) small-scale Australian study of teenagers which suggested that procedural justice may be of greater importance to teenagers than to adults (see also Fagan and Tyler, 2005); however, no studies have been conducted in the UK. This omission probably reflects the fact that procedural justice theory is still an evolving discipline, coupled with the relative difficulty of doing empirical research on young people.

In the context of stop-and-search, as Bradford (2015) observes, the fundamental problem is a sense of unfairness or unequal treatment before the law. In practice, the deployment of searches is distributed unevenly across the population, often in ways that are not directly related to the distribution of crime, while the impact on deterrence from offending appears weak (Quinton et al. 2017, Tirattelli et al., 2018). In terms of police-public relations, such encounters matter because the experience of being searched can act as a 'teachable moment' about policing (Tyler *et al.,* 2014; 752) – a key moment in an individual's sense of trust in the police (Jackson et al. 2012) – and one in which the wrong lessons may be learnt. These moments are likely to be shaped by two key dimensions of policing: 'procedural fairness', for instance, being treated respectfully, being given a 'valid,

genuine and credible reason' for the contact (Stone and Pettigrew, 2000: iv) and being given 'voice' (or an opportunity to given explanations to officers); and 'distributive fairness', that is, being treated equally, proportionally and in a non-discriminatory way. The importance of distributive justice has been recognised by others (e.g. Bottoms and Tankebe, 2017) in the processes that result in police legitimation, but this has been arguably under-emphasised in many discussions of procedural justice theory. In practice, procedural and distributive fairness are closely connected. As McVie (2015) observes, repeatedly stopping and searching the same people is likely to have a multiplicative effect on public *dis*trust in, and attitudes towards, the police, such that no amount of courtesy and respect in any given encounter is likely to be viewed positively (see also Bowling and Philips 2007). People are more likely to remember poorly conducted stop-and-search encounters than positive encounters, meaning that the effects are likely to be asymmetrical (Hillyard, 2003; Skogan, 2006). Overall then, it matters not only how officers interact with the public on the street, or the quality of encounters; but also, how officers target stop-and-search across the population as a whole.

Looking at current debates about violence and knife crime in the UK context, a better understanding of the effect of stop-and-search on young people's perceptions of procedural justice is critical if policy makers and practitioners are to make evidence-based decisions on the tactic as a means to reduce young people's involvement in violence. In addition, the very different contextual situations in Scotland and England provides an ideal opportunity to explore whether different stop-and-search policies are likely to influence the relationship between procedural fairness and young people's likelihood to comply with the law. These two key points form the aims of this paper.

Research questions

This paper addresses four research questions:

(1) How did young people experience stop-and-search, did this differ between the Scottish and English cities, and was this associated with their offending behaviour?

(2) Did young people's attitudes towards the police – including trust in the police and perceptions of police legitimacy - differ between the Scottish and English cities?

(3) Did the positive relationships predicted by procedural justice theory between trust, perceived legitimacy and compliance with the law hold for our UK sample of teenagers and, if so, were these relationships mediated by the experience of police stop-and-search?

(4) Did the relationships predicted by procedural justice theory and stop-and-search vary between the Scottish and English samples?

Research design

Data

This paper uses data collected as part of the third International Self-Report Delinquency Survey (ISRD3). The ISRD3 is a cross-sectional city-based survey of school children's experiences of crime and victimisation that has been carried out three times to date, in around 35 countries.[1] The study uses city-based sampling because its research objective is theoretical explanation rather than providing national prevalence rates (see Marshall & Enzmann, 2012). The analysis for this paper is based on data collected in two large English cities (Birmingham and Sheffield) and two large Scottish cities (Edinburgh and Glasgow) between September 2014 and December 2015.[2]

Data collection coincided with a critical time period for stop-and-search across the UK: that is, prior to the widespread legislative and policy reforms in Scotland, when stop-and-search was at its highest; and around the time of the introduction of the BUSS scheme in

England and HMIC criticisms of targeting of black youths through stop-and-search, when use of the tactic was in decline. This timing means that the study provides an ideal opportunity to examine whether search rates experienced by young people in the two Scottish cities were higher, compared to the two English cities, and if so, whether this was reflected in their attitudes towards the police and the likelihood of compliance with the law.

Sample

Each country aimed to recruit 900 students per city, 300 from each grade, following guidelines set by the ISRD Steering Committee (Enzmann et al, 2018). The target population was English year groups 8, 9 and 10 and Scottish secondary school years 2, 3 and 4, which represents equivalent age categories of 12-13 years, 13-14 years and 14-15 years. The sample of classes was randomly drawn using stratified sampling based on school size and grade, with separate sampling frames for each jurisdiction. The expected response rate was 30%, based on school response rates for similar cross-national health risk behaviour surveys in England which ranged from 6% to 25% (Hibell et al, 2012; Brooks et al, 2011). All mainstream secondary schools, including privately-funded independent schools, were included in the sampling frame – although no English private schools chose to take part (Herlitz et al, 2016). School response rates were low in Birmingham and Edinburgh, respectively, 11% and 18%, and close to expectations in Sheffield and Glasgow, both 29%. Within participating schools, response rates were high in both jurisdictions: 367 students (84%) completed the survey in Birmingham and 533 students (85%) in Sheffield; while 841 students (77%) took part in Glasgow and 445 students (85%) in Edinburgh.

Variables

ISRD3 respondents completed an online or paper-based questionnaire, depending on the quality and availability of computing facilities (for details of the survey content see Enzmann et al., 2018). The survey variables relevant to this paper were as follows:

Stop-and-search: Respondents in all grades were asked if they had "ever been stopped and searched by a police officer" and, if so, how often they had been searched in the last 12 months (Herlitz et al., 2016). They were also asked a series of questions about the most recent encounter, such as the behaviour of the police, how the search was carried out and how they felt about the experience. The stop-and-search variables are used to answer all four research questions.

Variables testing procedural justice theory: Because of the complex conceptual nature of the questions, only grade 9 and 10 respondents were asked to complete a module of ten questions, adapted from the module on trust in justice designed for the fifth sweep of the European Social Survey (Jackson et al., 2012). These questions were designed to measure two core constructs: 'trust in the police' and 'perceptions of police legitimacy'. Table 1 provides details of the ten questions, the response options and what constructs they were designed to represent. Trust in the police was conceptualised as a three-dimensional construct, with dimensions of trust in procedural fairness, trust in distributive fairness and trust in police effectiveness. Police legitimacy was also conceptualised as a three-dimensional construct, the key dimensions being 'moral alignment' (i.e. the sense that the police share the respondent's values), 'obligation to obey' or normative obedience (i.e. the sense that there is a moral obligation to obey the police), and police 'lawfulness'. These variables are used to address research questions two, three and four.

Table 1: Questions measuring trust in the police and perceptions of legitimacy

Questions	Response categories	Dimension
Measures of trust		
10.1) When victims report crimes to the police, do you think the police treat people of different races, different ethnic groups, or of foreign origin equally?	0: "equally" 1: "some worse"	Distributive fairness
10.2) If a violent crime or a burglary happened near where you live and the police were called, how quickly do you think they would arrive at the scene?	0: "extremely slowly" -10: "extremely quickly"	Police effectiveness
10.3) Would you say the police generally treat young people with respect?		
10.4) How often, would you say, the police make fair decisions when dealing with young people?	1: "(almost) never" 2: "sometimes" 3: "often" 4: "(almost) always"	Procedural fairness
10.5) How often would you say the police explain their decisions and actions to young people?		
Measures of legitimacy		
10.6) 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?	0: "not at all my duty" -10: "completely my duty"	Obligation to obey
10.7) To what extent do you agree or disagree with the following statements about the police? a. The police generally have the same sense of right and wrong as I do b. The police generally understand young people's values c. I generally support how the police usually act	1: "disagree strongly" 2: "disagree" 3: "neither/nor" 4: "agree" 5: "agree strongly"	Moral alignment
10.8) Do you think the police take bribes, and if yes, how often?	0: "never" - 10: "always"	Lawfulness

It should be noted that academic views differ on how best to operationalise the construct of subject or empirical legitimacy (or legitimacy seen through the eyes of the policed). Following Beetham (1991) and Jackson et al., (2011), we regard our different dimensions of trust (in procedural and distributive fairness and in effectiveness) as *predictors* of perceived legitimacy, but not as core *conceptual constituents* of legitimacy. For example, it is possible for people to confer legitimacy on the police in the full knowledge that the latter fail to observe requirements of distributive fairness – especially when they stand to benefit from that unfairness. Others, notably Bottoms and Tankebe (2017:73) "suggest a fourfold conceptualisation of the potential components of criminal justice legitimacy, as viewed by those subject to state power, namely: procedural justice, distributive justice, effectiveness and lawfulness". We do not propose to attempt any resolution here, but refer readers to fuller discussions (Jackson et al., 2011; Bottoms and Tankebe, 2017; Sun et al., 2018; Jackson and Bradford, 2019).

Non-compliance: A core module of questions covering thirteen types of offending behaviour was included in the survey. These included questions about violent crime (e.g. assaulting someone, carrying a weapon, robbery and taking part in a group fight) and property crime (e.g. graffiti, vandalism, shoplifting, burglary, personal theft, bicycle and vehicle theft). These variables were combined into a single measure of prevalence of offending to answer research question one, and used to construct a single latent construct of 'non-compliance with the law' in order to test procedural justice theory for research questions three and four.

Demographics: Several demographic variables were included in the analysis as control variables. These included; sex, ethnicity (white or non-white), school grade, country (Scotland or England), family structure (single parent or two parent household) and migrant

status (native born or UK immigrant). We note that some studies of procedural justice theory have controlled for other factors, such as personal morality and perceived risk of being caught; however, we did not have suitable measures for these concepts.

Analysis

The analysis for this paper consists of two main stages. To answer research questions 1 and 2, descriptive analysis and inferential statistics were used. Significant differences (to the level of p<0.05) between the Scottish and English samples were tested using chi-squared tests for categorical variables and t-tests for continuous variables. All analyses were weighted to adjust for sample representativeness according to sex and grade. For research questions 3 and 4, structural equation modelling (SEM) was used to test whether procedural justice theory held in terms of the relationships between young people's experience of stop-and-search, perceptions of trust and legitimacy and their compliance with the law. SEM is preferred over regression modelling for this type of analysis as it allows for the simultaneous inter-relationships between both observed and latent variables to be examined.

As noted above, trust was conceptualised as a multi-dimensional construct incorporating trust in procedural fairness, distributive fairness and police effectiveness; while legitimacy was conceptualised as a multi-dimensional construct including dimensions of moral alignment, obligation to obey and police lawfulness. Three structural equation models (SEM) were constructed. The first model tested the relationships between trust in the police, perceptions of police legitimacy and non-compliance with the law, to determine whether the central tenets of procedural justice theory held in the same way for adolescents as has been found in samples of adults (Jackson et al 2012; Hough et al 2013). The second model added the variable measuring whether someone had ever been searched as an exogenous effect on offending; while the third model tested the mediating effect of trust in the police and perceptions of police legitimacy on the relationship between stop and search and offending.

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Confirmatory factor analysis (CFA) showed that the factor loadings (see Appendix) for each of the variables measuring trust and legitimacy were strong and significant. Thirteen binary variables measuring different types of self-reported offending in the last year were entered into the SEM to construct a latent measure of non-compliance with the law. Confirmatory factor analysis demonstrated that ten of the self-reported offending variables had significant factor loadings for a latent variable of non-compliance with the law. [3,4] Since compliance with the law is also influenced by other factors, the demographic variables listed above were included. Country (England or Scotland) was included as an interaction variable to test whether the relationships established in the model differed across the two jurisdictions.

The cross-sectional nature of the data means that causality cannot be tested using the SEM models; however, the technique does build on the prior analysis by examining both direct and indirect effects of police experience, and perceptions on compliance with the law. Due to the limited sample sizes it was not possible to conduct SEM separately for the English and Scottish cities; however, the impact of jurisdictional differences is tested using an interaction term in the model. The SEM was conducted using unweighted data, as the variables used to construct the weights (sex and grade) were included as control variables.

Results

Young people's experience of stop-and-search in Scottish and English cities

Prevalence of stop-and-search differed significantly between the Scottish (n=1,067) and English (n=851) respondents. As expected, based on the policy context at the time of the fieldwork, the Scottish respondents were more likely to have been stopped and searched by the police than those in the English cities. Indeed, the lifetime prevalence of stop-and-search was almost three times higher for respondents in the Scottish cities (21%) than the English cities (8%).

Boys were more likely than girls to have been searched and experience increased with age. English respondents aged 14-15 were around twice as likely to have been searched compared to those aged 12-13, and Scottish respondents almost three times as likely. In the English cities, there was no difference in likelihood of having been searched according to where young people were born; however, those who were Scottish born were more likely to have been searched than those who migrated to Scotland. In terms of ethnicity, there was no significant difference in lifetime prevalence of stop-and-search between white and non-white respondents in Birmingham or Edinburgh; however, non-white respondents were twice as likely as white respondents to have been searched in Sheffield, whereas the reverse was true in Glasgow.

In an effort to assess the qualitative nature of young people's experiences, those who had been searched within the last 12 months were asked whether the police officers who conducted the (most recent) search behaved in a fair, professional, and polite and respectful manner. Figure 1 compares the perceptions of English (n=73) and Scottish (n=229) respondents about police officer conduct across these three measures. Most people were ambivalent about the way the police conducted themselves, saying that they were 'a bit' fair, professional, and polite and respectful. Where they gave a more decisive response, English respondents were more positive about the behaviour of the police than those in Scotland. For example, young people in England were significantly more likely to say that the police had acted 'very fairly' towards them than the Scottish respondents (29% compared to 16%, respectively). A higher proportion of English respondents also stated that officers behaved 'very professionally' (33%) and were 'very polite and respectful' (30%) compared to those in the Scottish cities (19% and 20%, respectively), although these findings did not quite reach statistical significance. Given that the research took place during an era when high volume stop-and-search was routine in Scotland, these findings could be indicative of a qualitative

difference in the nature of how searches were conducted; although, caution is required due to the small sample size.
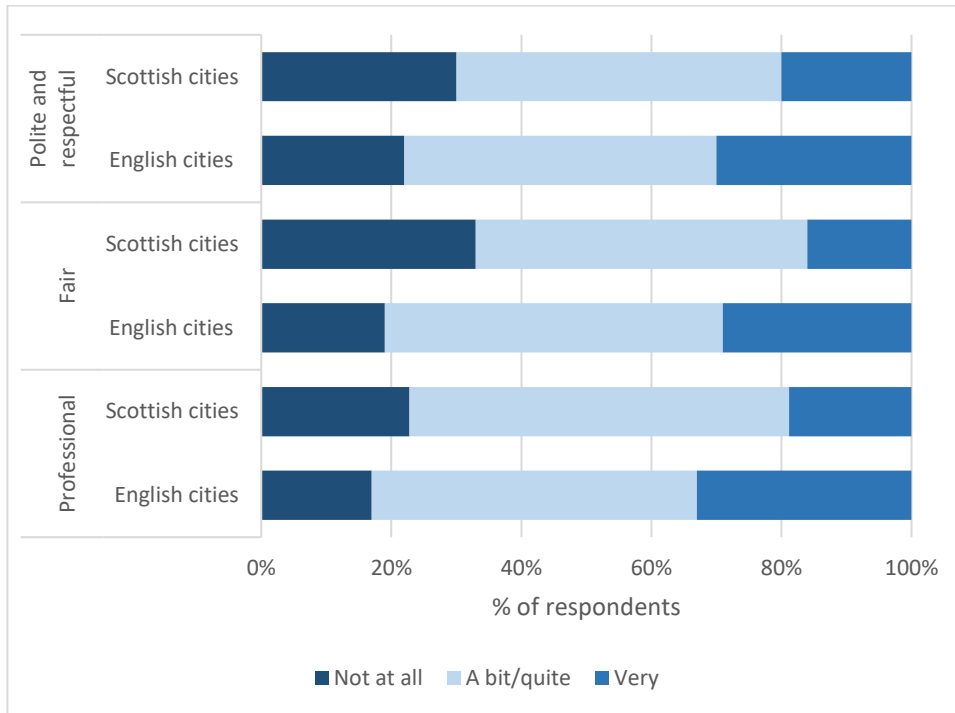

Figure 1: Perceptions of police conduct during the most recent search in the last 12 months, by country

Those searched during the last 12 months were also asked to what extent they felt 'annoyed', 'worried or scared', 'embarrassed', and 'safer on the streets' during their most recent encounter. Again, Figure 2 compares the responses of the Scottish and English respondents. By far the most common reaction was annoyance. Overall, 33% of respondents who were searched within the last 12 months felt 'very' annoyed and a further 44% felt 'quite' or 'a bit' annoyed. Almost two-thirds (62%) of those who felt very annoyed said that the officers had not explained the reason for the search. Other reactions to being searched were more ambivalent. Fewer than one in ten said that they felt 'very' embarrassed (9%),

'very' worried/scared (8%), or that being searched made them feel 'very' safe on the streets

(8%). Despite the differences in prevalence of stop-and-search and perceived satisfaction

with the police officers who conducted the search, the Scottish and English respondents were

very similar in terms of how the most recent experience of being searched made them feel.

The Scottish respondents were more likely to say that they were 'not at all' worried or scared

by the experience, but otherwise there were no significant differences to their English
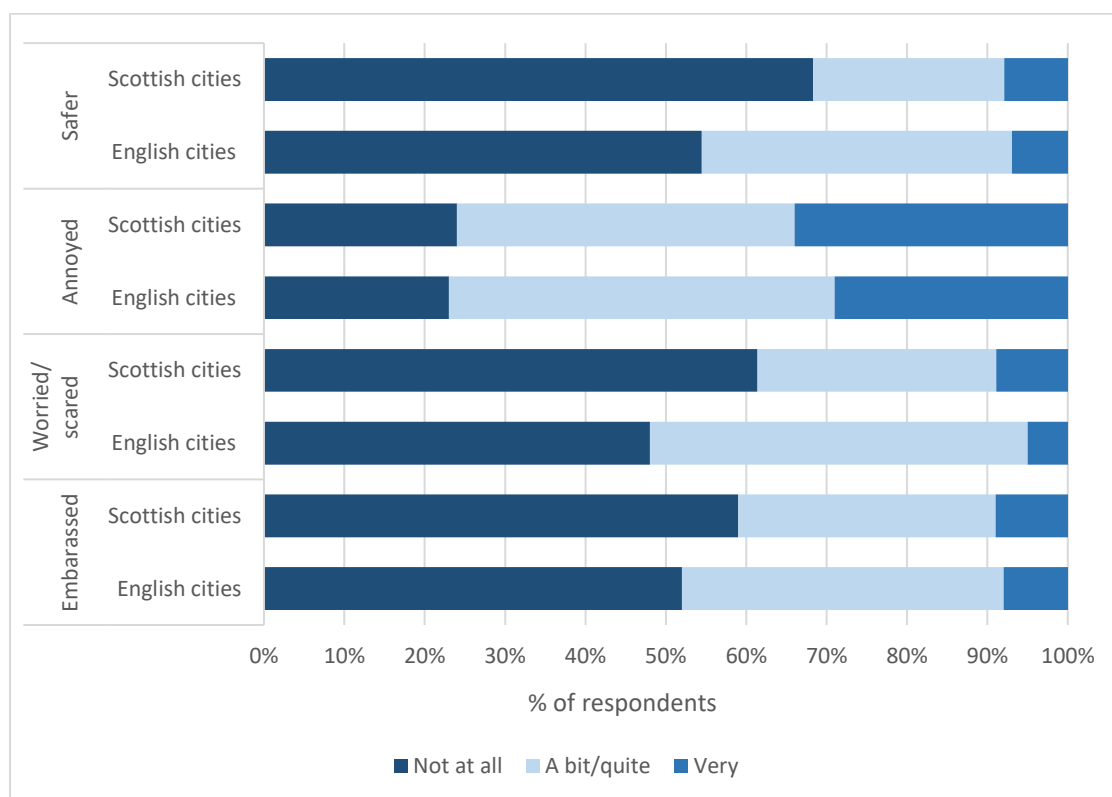
counterparts.

Figure 2: How respondents felt about being stopped and searched, by country

The association between stop-and-search and self-reported offending

Almost half (47%) of all young people said they had ever committed one of thirteen types of

offending included in the survey. This figure was slightly higher for young people in

Scotland (48%, n=1198) compared to England (45%, n=912); however, the difference was

not statistically significant. Not surprisingly, there was a strong association between being

stopped-and-searched and self-reported offending. Amongst those who had ever been stopped-and-searched, 72% said they had committed at least one offence at some time in their lives, compared with 44% of those who had never been stopped-and-searched. A similar picture emerged when looking at the relationship between being searched and involvement in offending within the last year (62% and 35%, respectively). Despite the variation across countries in prevalence of stop-and-search, there was no significant difference in terms of its association with offending: 75% of the English respondents and 71% of the Scottish respondents who had ever been stopped and searched admitted committing at least one offence in their lifetime.

Perceptions of police trust and legitimacy across countries

Procedural justice theory proposes that there is a relationship between trust in the police and perceptions of police legitimacy; specifically it argues that trust in procedural fairness is a centrally important predictor of perceived legitimacy, as distinct from other forms of trust (e.g. in distributive fairness or effectiveness).

Referring to the variables listed in Table 1, which were asked only of those aged 14-16, analysis revealed both similarities and differences between the English (n=490) and Scottish (n=784) respondents in terms of levels of trust in the police. The Scottish respondents were slightly (although not significantly) more positive about the distributive fairness of policing (Q10.1): 63% thought the police treated victims of different races, ethnic groups or foreign origin equally compared to 59% of English respondents. Young people in Scotland were also more positive about police effectiveness than those in England (Q10.2). Applying a scale from 0 (extremely slowly) to 10 (extremely quickly) for how quickly the police would likely respond to a violent crime or burglary in their local area, Scottish respondents scored a significantly higher average of 5.77 compared to 5.42 for the English. However, across the three measures of trust in procedural fairness (Q10.3-10.5) – which

relate specifically to how the police deal with young people – the Scottish respondents were significantly more negative overall. Figure 3 shows that the pattern of responses from the Scottish and English respondents was broadly similar. For all three measures of procedural fairness, by far the most common response was 'sometimes', which accounted for between 45% and 51% of responses. However, the Scottish respondents were significantly more likely to say that the police 'almost never' treated young people with respect (21%), made fair decisions when dealing with young people (19%) or explained their decisions and actions to young people (26%) compared to their English counterparts (13%, 12% and 16%, respectively). Overall, therefore, young people in Scotland appeared to more negative than those in England about procedural fairness relating specifically to young people, but a little more positive on other dimensions of trust.
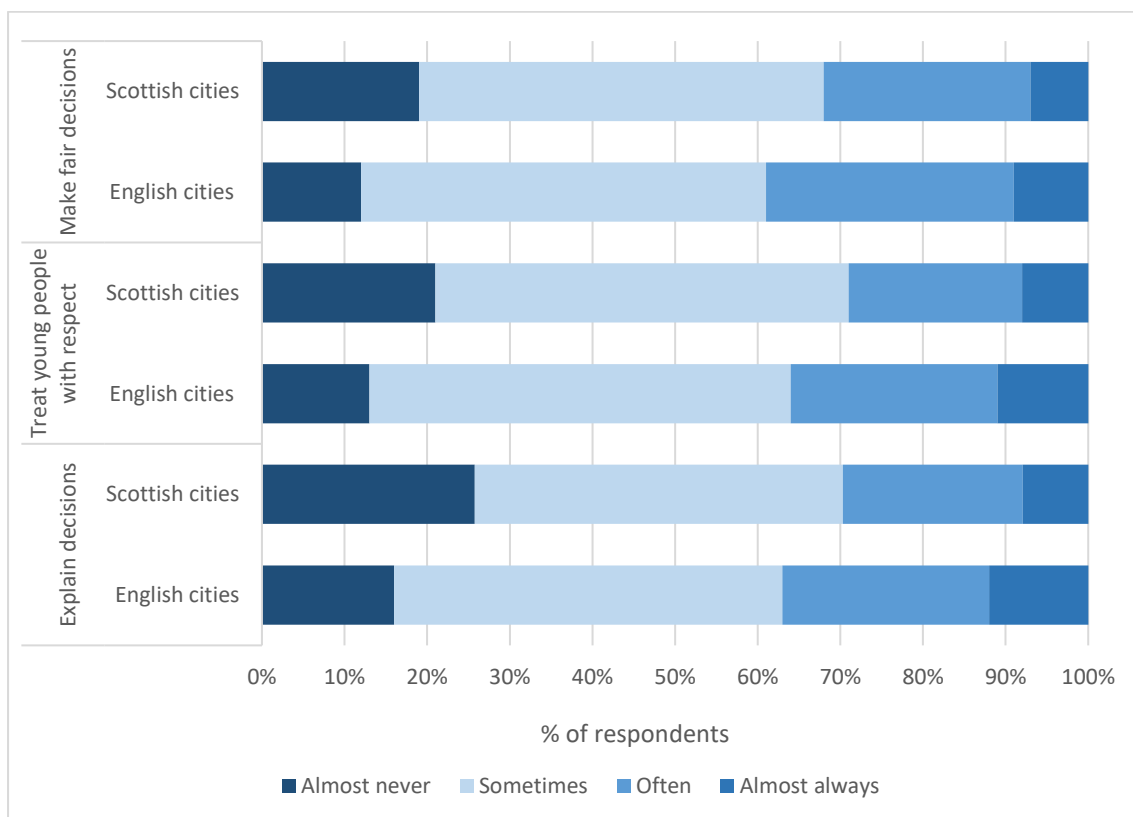

Figure 3: Perceptions of procedural fairness amongst young people, by country

Regarding measures of police legitimacy, there was no significant difference in mean scores between the Scottish and English respondents in terms of their responses to the questions about belief in their duty to obey the police (Q10.6), even when they didn't agree with or understand their reasons (6.11 versus 6.40, respectively); or in their belief that the police take bribes (Q10.8) (3.26 and 3.04, respectively). The pattern of responses to the three measures of moral alignment (Q10.7) is summarised in Figure 4, which shows that the Scottish respondents were significantly more likely to 'disagree' that the police had 'the same general sense of right and wrong' (18%), that the police were 'appreciative of how young people think' (36%), and that they would 'generally support how the police usually act' (25%), compared to those in the English cities (12%, 26% and 18%, respectively). So, like trust in procedural fairness, young people in the Scottish cities were somewhat less receptive to the notion of police legitimacy. Interestingly, though, the question that specifically mentioned young people in relation to police appreciation of what they think received the least positive responses overall. Again, this may suggest that young people's general beliefs in the ability of the police to act in a legitimate way are influenced by whether or not the interaction involves young people.
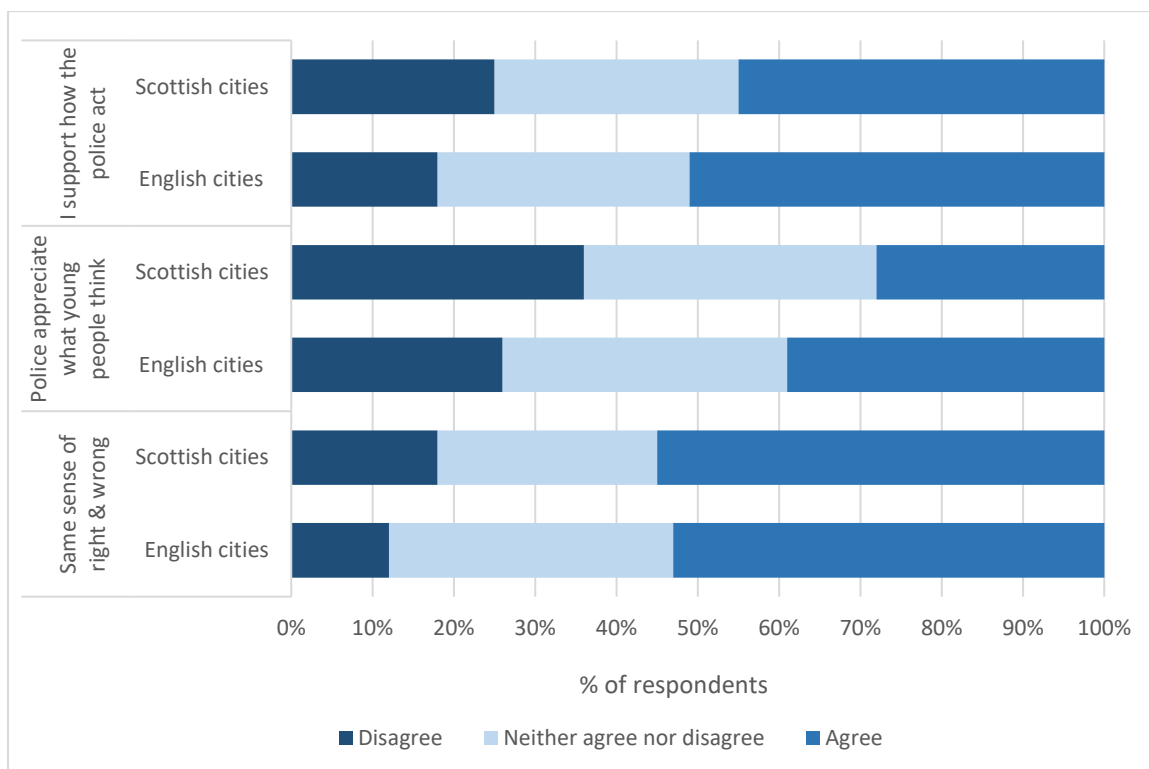
Figure 4: Perceptions of moral alignment with the police amongst young people, by country

In summary, the analysis presented so far has shown that young people in the Scottish cities had a substantially higher prevalence of stop-and-search in 2014/15 and their experiences of stop-and-search and their attitudes towards the police across a range of procedural justice measures were more likely to be negative, compared to those in the English cities. However, young people who were stopped and searched in the last year were as likely to have been involved in offending and had similar reactions to being stopped and searched, particularly in terms of feeling annoyed, in both jurisdictions. In addition, the reactions to questions about the policing of young people tended to elicit the most negative results overall. Therefore, it is difficult to determine from these general descriptive data whether the relationship between aspects of procedural justice and compliance with the law amongst young people would be similar to that found in adults, whether this relationship would be influenced by experience of stop-and-search, and whether these findings would

vary according to jurisdictional context. These issues are addressed in the next section of the article.

Modelling trust, legitimacy and stop-and-search amongst young people in England and Scotland

The final stage in the analysis for this paper addresses research questions three and four using three structural equation models (SEM). Because these analyses only involved data collected for those aged 14-16 (for whom the procedural justice theory questions were asked), the sample size was reduced to n=1,274. In addition, it was not possible to model the individual dimensions of trust and legitimacy separately, which would have been preferable in terms of theory testing.

The first SEM model tests whether the relationships between trust in the police and perceived legitimacy are met using these data (see Figure 5). The model fit statistics indicate that the model provides a good fit to the data (the RMSEA score is well below 0.05, while the TLI and CFI are both greater than 0.95). All the terms within the model are highly significant, even when accounting for the effect of the control variables on non-compliance. There is a strong positive correlation (.53) between the latent variables measuring trust in the police and perceived legitimacy. In other words, a high level of trust in the police is positively associated with perceived police legitimacy. In addition, both latent variables have a negative association with non-compliance with the law, as measured by our latent construct of offending. Although we cannot test causality using these data, Figure 5 indicates that those with strong feelings of trust in the police and who perceived the police to act legitimately were also more likely to comply with the law.

FIGURE 5 ABOUT HERE

These findings indicate strongly that the relationships between trust in the police and perceptions of police legitimacy identified amongst adults by scholars such as Hough et al. (2013) may apply equally well to young people. Nevertheless, the negative association between trust and offending is considerably stronger than that between legitimacy and offending. If this relationship were found to be causal, it would suggest that efforts aimed at increasing young people's trust in the police to deal with them fairly would have a greater influence on their offending behaviour than improving their moral beliefs about how the police operate more generally.

The second SEM, presented in Figure 6, takes into account whether the young person had been stopped and searched by the police during the previous year, which is modelled as an additional exogenous variable. As expected from the descriptive analysis, the model shows a strong positive relationship between stop-and-search and offending. After including the search variable in the SEM, the relationship between legitimacy and offending is slightly less significant (although the reduction in the effect size is marginal) and the association between trust and legitimacy remains significant but is moderately weaker. However, the negative relationship between trust and offending shown in Figure 6 is considerably weaker than that in Figure 5 (the strength of effect declines by about a third). This suggests that the experience of being searched may mediate the relationship between trust in the police and non-compliance with the law. In other words, when taking account of a person's experience of stop-and-search, the relationship between trust and offending appears to be weakened. Failing to account for young people's experiences of stop-and-search, therefore, may present a partial or skewed portrayal of the effect of policing on offending behaviour.

The third model went a step further by aiming to identify any potential mediating effect of both trust and legitimacy on the relationship between being searched and offending. Therefore, it retained the exogenous 'search' variable and tested for both its direct effect of on offending, and any indirect effects, as mediated through feelings of trust and perceptions of legitimacy. The results, presented in Figure 7, were the best fitting of the three models, suggesting it was the most robust fit for the data. There was little or no change in the estimates of the strength of relationship between trust and legitimacy, and the direct effect of both trust and legitimacy on non-compliance appeared very stable. However, there is a strong and significant negative association between search and both trust in the police and police legitimacy. In addition, the strength of the direct association between stop search and offending reduced by 23%. The third SEM, therefore, suggests that the experience of being searched is negatively associated with both trust in the fairness and effectiveness of the police, and perceptions of police legitimacy. The reduction in the size of the direct association between search and non-compliance suggests that this relationship may be significantly mediated by a young person's wider beliefs about the likelihood of the police to act in a procedurally just and fair way. In other words, if these relationships were found to be causal, they would suggest that the experience of being stopped and searched could strongly increase a young person's likelihood of taking part in offending, but the strength of that influence would increased or decreased depending on their wider perceptions of the police.

Interestingly, it also appears that the mediating effect of police legitimacy is far stronger than that of trust in the police, while the direct effect is much smaller. If it was possible to determine that these relationships were causal, this would suggest that being searched reduces young people's trust in the police and – especially – their perception that

the police act in a legitimate manner, but it is their lack of trust in the police that would have

a bigger influence on their likelihood to offend.

For Figures 6 and 7, we tested for jurisdictional differences in the effect of stop and

search by including Country as an interaction term (results are not shown); however, we

found no significant interaction effect. Therefore, we are unable to conclude that the

different policing practices and experience of stop-and-search in Scotland made any

difference to the relationships between the variables in the SEM compared to England.

FIGURE 7 ABOUT HERE

Discussion

At the time of writing, the direction of government policy in England seems clear. Public

concern over rising rates of recorded violence – especially knife crime - in London and some

other English cities have encouraged police leaders to make the connection between

increasing numbers of searches and falls in violent crime. The Commissioner for the

Metropolitan Police Service, Cressida Dick, has asserted that a 30% increase in stop-and-

searches between 2017/8 and 2018/19 contributed to a 25% reduction in homicides and 15%

reduction in knife injuries (Guardian, 2019). Yet in the absence of any hard data to back up

these claims, it is impossible to draw any causal connections between these two trends.

Nevertheless, such figures have found significant traction on political decision making in the

context of a highly unstable political climate caused chiefly by the Brexit process. Indeed,

the new Prime Minister, Boris Johnson, has escalated the debate around law and order by

pledging £1.1bn to recruit an additional 20,000 police officers and promising to extend police

powers to increase their use of stop-and-search (Mail on Sunday, 2019). In the course of

these highly charged political debates, academic experts have been written-off as 'left-wing

criminologists' despite the plethora of rigorous research evidence to show that stop-and-search plays little, if any role, in reducing crime rates. And there has been little commentary on the potentially damaging effects on the communities involved in terms of police-public relations, especially for young people who are the most likely recipients of this now imminent rise in the use of stop-and-search. In Scotland, on the other hand, where a new code of practice and significant new legislation around stop and search was introduced just two years ago, there has been a sceptical response from HMICS, and little or nothing from Police Scotland and Scottish Government ministers.

In the context of these debates, this paper sought to examine the impact of stop-and-search on young people's willingness to comply with the law, taking into account their wider belief in the fairness and legitimacy of the police. Importantly, it sought to do so in two jurisdictions with very different approaches to stop-and-search in order to determine if this made a difference to the results. Using ISRD3 survey data, the analysis showed marked differences in young people's experiences of policing in two English cities (Birmingham and Sheffield) and two Scottish cities (Edinburgh and Glasgow), notably in the prevalence of stop-and-search, which was three times higher in the Scottish cities. This variation was not associated with differences in the prevalence of self-reported offending, but was, we suggest, more likely to reflect the use of intensive stop-and-search as a tactic for addressing violence in Scotland prior to 2015, which involved the highly disproportionate targeting of young people (Murray 2014). In addition, Scottish respondents reported less positive search encounters in terms of police professionalism, fairness and respect compared to their English counterparts. Nevertheless, while it is likely that the intensive stop-and-search policy in Scotland at the time of the fieldwork significantly affected young people's attitudes towards the police, the actual experience of being searched elicited similar reactions from young people in both jurisdictions. This was principally one of annoyance and was most

pronounced amongst those who said that the police had not given an explanation for conducting the search.

The results presented in this paper suggest that increased levels of stop-and-search in Scotland did have a negative impact on young people's attitudes towards the police compared to those in England. Higher prevalence and frequency of stop-and-search in the Scottish cities corresponded with lower levels of satisfaction about police officers' professionalism, fairness and respect during such encounters compared to young people in the English cities. In addition, ratings on individual aspects of procedural fairness that related specifically to how the police dealt with young people were significantly lower amongst the Scottish than the English respondents. Scottish youths reported lower levels of trust in the police – especially in police procedural fairness – and also lower perceptions of police legitimacy. Although this does not provide *clinching* evidence that high volume stop-and-search strategies damage young people's trust in the police and their perceptions of police legitimacy, it is strongly suggestive of this possibility.

Testing for the impact of experience of stop-and-search in the context of research on procedural justice in policing is an important conceptual addition to theory and formed a core aspect of this paper. Using structural equation modelling, this paper is the first to demonstrate that young people's compliance with the law is associated with both their experience of stop-and-search and their wider beliefs about aspects of procedural justice within policing. Procedural justice theory provides a valuable lens through which to understand the impact of the quality of encounters between the public and the police; however, the ISRD3 survey is one of the first studies to test its value in understanding the policing of adolescents. Specifically, the data provided by the Scottish and English respondents allowed the relationship between perceptions of trust and legitimacy in policing and non-compliance with the law to be examined, while testing for the mediating effect of

young people's experiences of being searched, in two very different policing contexts. We found that the broad relationships between trust, legitimacy and compliance identified in tests of procedural justice theory with most adult samples was replicated for adolescents – although the association between trust and non-compliance was stronger than that between legitimacy and non-compliance. After including experience of stop-and-search as an exogenous variable, the relationship between both legitimacy and, especially, trust and non-compliance weakened. While our results cannot test for causality, the findings indicate that the experience of being stopped and searched could potentially have a direct effect on increasing a young person's likelihood to offend.

On testing for the mediating effect of trust and legitimacy on the relationship between stop search and non-compliance, we found a strong and significant negative association between searching and both trust and legitimacy, while the strength of the direct association between searching and non-compliance reduced by around 23%. These findings strongly support the inclusion of stop-and-search as a key conceptual dimension in procedural justice theory, at least with regards to young people. Again, we cannot draw conclusions about causality; however, these findings suggest that the experience of being stopped and searched may have both a direct effect on offending behaviour, but also an indirect effect which is mediated by their wider perceptions of the police. Being searched was associated with significantly lower levels of trust in the fairness and effectiveness of the police and, more especially, in the perception that the police act legitimately, which were, in turn, associated with an increased likelihood of offending. The results of these structural equation models are important for theoretical development as they suggest that the relationships typically found in procedural justice research may represent only a partial picture as they do not take account of the lived experience of being subject to policing. Moreover, they are of relevance to policy

makers and practitioners involved in the current debate about how to reduce youth violence in London and other English cities, and the role that stop-and-search should play in that process.

Despite the very different contexts of stop-and-search in Scotland and England at the time of the fieldwork, we found no evidence of an effect on the models. Therefore, while the descriptive analysis showed that policing practices in the Scottish cities appeared to have a more negative relationship with young people's experiences of stop-and-search and their wider perceptions of and attitudes towards the police compared to the English respondents, the modelling did not find that this influenced the relationships between stop-and-search, trust, legitimacy and compliance. This could indicate that the impact of stop-and-search on offending behaviour within the context of procedural justice theory holds regardless of the level of policing practice within the jurisdiction under scrutiny. However, the models would have to be tested on Scottish and English data separately to determine if this is the case, which was not possible due to small sample sizes.

Strengths and limitations

These data were not longitudinal, so no causality can be inferred by the relationships found in the modelling. In addition, the analysis in this paper was limited to small city-based samples within each country and school response rates were poor, which meant sample sizes were relatively small and the models could not be run separately for the Scottish and English cities. The results clearly need to be validated through further surveys, preferably in other jurisdictions with differing search policies, and to be examined from a qualitative perspective. Nor are our measures of trust and legitimacy as robust as those used in other studies of procedural justice. The module on trust was based on that used in the fifth European Social Survey (Jackson et al., 2012; Hough et al, 2013) but constraints of space meant that single items rather than scales were used to measure some constructs. Constraints on space in the ISRD3 meant that wider questions pertaining to procedural justice theory could not be

included. In addition, it has not been possible to consider related issues, such as legal socialisation or the asymmetry of police-public relations, in this paper. Nevertheless, this paper constitutes a significant first step in the empirical testing of procedural theory on adolescents and in understanding the association between trust, legitimacy and compliance within the context of other controversial aspects of policing, namely the use of stop-and-search.

Conclusion

In a period of heated public and political debate about increased police use of stop-and-search to reduce violence and other crime in parts of England, this paper presents important evidence about the impact this may have on the behaviour of young people. The results of this study suggest that procedural justice theory – which highlights the importance of procedurally fair encounters between the public and the police in maintaining compliance with the law – could apply equally well to young people as it has been found to apply to adults. However, the inclusion of lived experience of policing, in the form of experience of stop-and-search, could strengthen the theory and demonstrate the significantly damaging effects of such high-profile tactics. If the results of this study prove to be causal, it is highly likely that more stop-and-search in communities already impacted by violence and disorder will further damage relations between the police and young people, and potentially increase rather than reduce compliance with the law.

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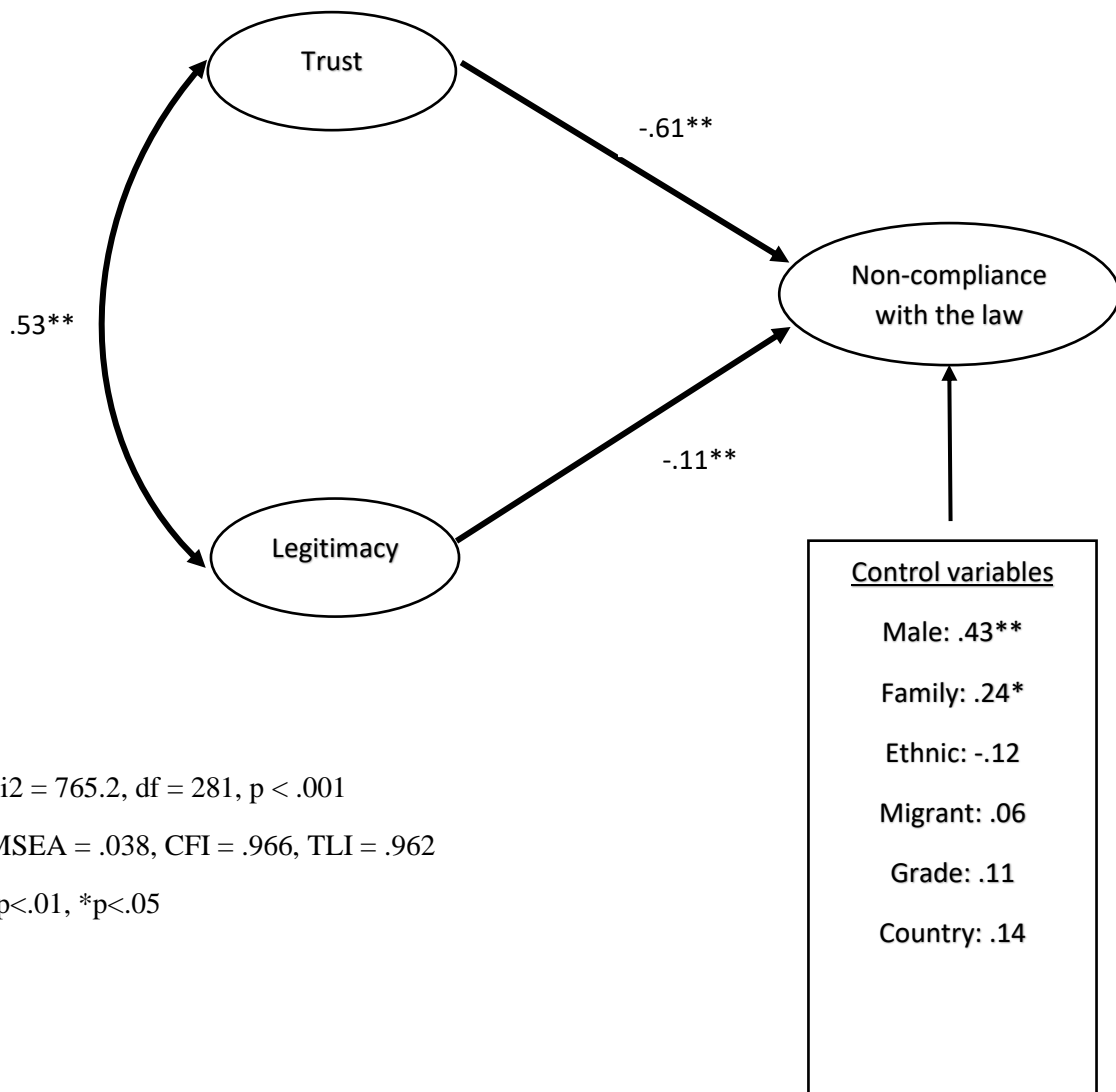
Appendix 1: Confirmatory factor analysis for three latent variables

	Factor Loading
Trust *(see Table 1 for wording)*	
Q10.1	1.000
Q102	1.930
Q10.3	1.813
Q10.4	1.994
Q10.5	1.788
Legitimacy *(see Table 1 for wording)*	
Q10.6	1.000
Q10.8	-0.805
Q10.7a	0.420
Q10.7b	0.575
Q107.c	0.593
Self-reported offending (In the last 12 months, did you [do the following])	
Graffiti	1.000
Vandalism	1.015
Shoplifting	0.904
Bicycle theft	1.017
Theft from vehicle	0.863
Robbery	0.870
Theft	0.647
Carry a weapon	0.884
Take part in a group fight	0.938
Assault someone	0.942
Sell drugs	0.974

Notes:

1. Factor loadings are model estimates for unstandardized categorical variables assuming a probit link

2. Full wording of self-report items available in Herlitz et al., 2016.

Figure 6: Direct effect of Trust and Legitimacy on Self-Reported Offending

Trust

-.61**

Non-compliance
with the law

.53**

Legitimacy

-.11**

Control variables

Male: .43**

Family: .24*

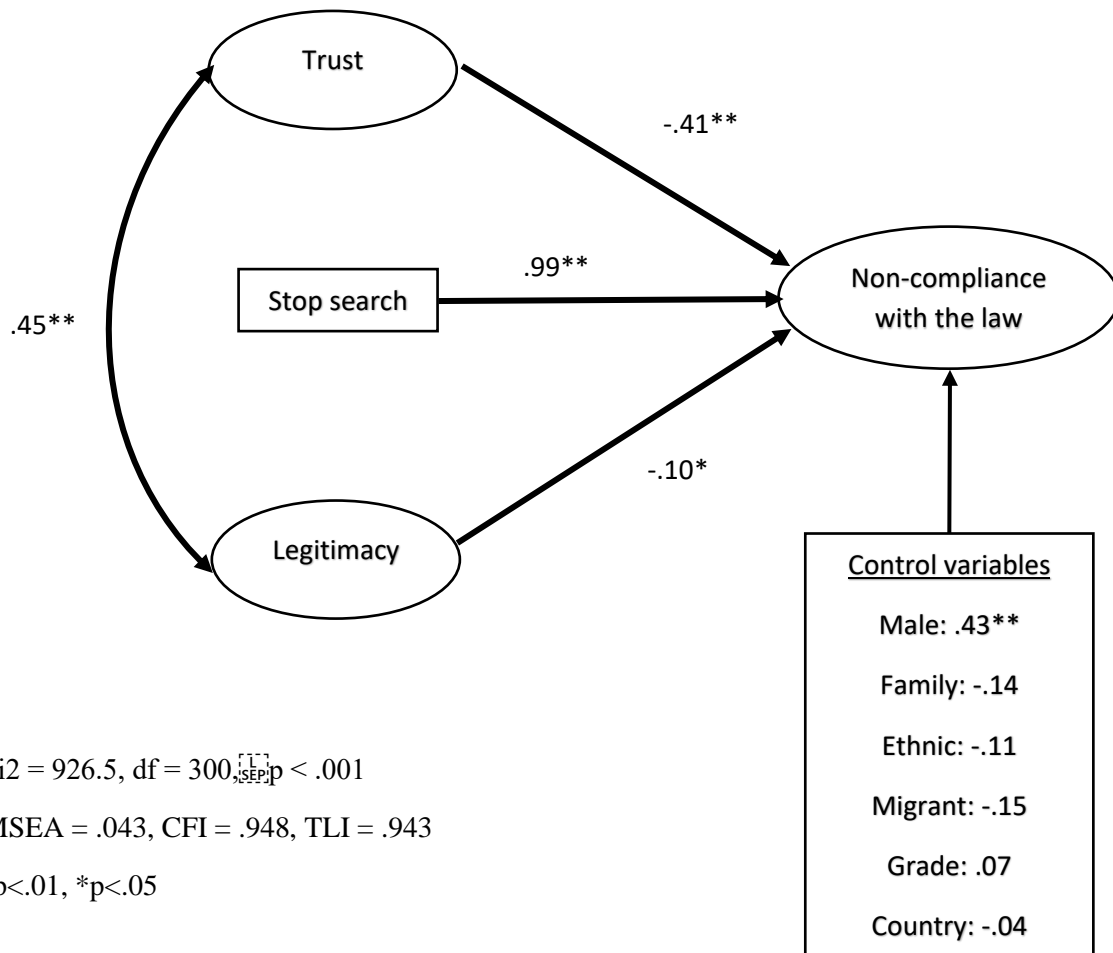Ethnic: -.12

Migrant: .06

Grade: .11

Country: .14

Chi2 = 765.2, df = 281, p < .001

RMSEA = .038, CFI = .966, TLI = .962

**p<.01, *p<.05

Figure 7: Direct effect of Trust, Legitimacy and Search on Self-Reported Offending
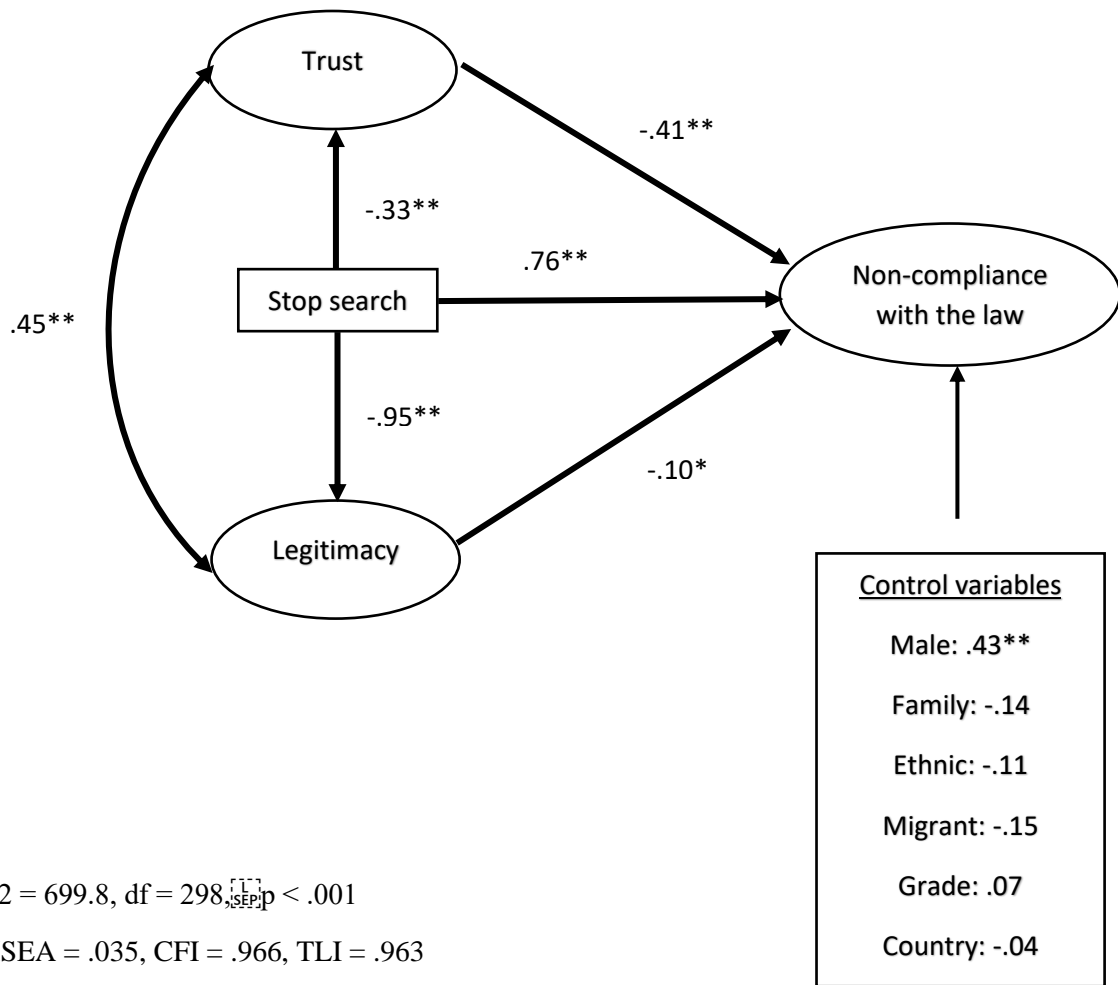

Trust

-.41**

.45**

Stop search .99**

Non-compliance
with the law

-.10*

Legitimacy

Control variables

Male: .43**

Family: -.14

Ethnic: -.11

Migrant: -.15

Grade: .07

Country: -.04

Chi2 = 926.5, df = 300, p < .001

RMSEA = .043, CFI = .948, TLI = .943

**p<.01, *p<.05

Figure 8: Direct and Indirect Effects of Stop-and-search on Self-Reported offending

Chi2 = 699.8, df = 298, p < .001

RMSEA = .035, CFI = .966, TLI = .963

**p<.01, *p<.05

Notes

1. See Junger-Tas et al. (1994), Marshall and Enzmann (2012), Enzmann et al., 2018).

2. Estimated populations for each city based on mid-2015 figures: Birmingham=1,112,950; Glasgow=606,340; Sheffield=569,177 and Edinburgh=498,810 (Office for National Statistics, 2018).

3 Three of the offending variables (burglary, vehicle theft and robbery) could not be used in the analysis as there were insufficient respondents who answered 'yes' to support inclusion in the latent variable.

4 Factor loadings are not shown in this paper due to lack of space, but for full details of the CFA details please contact the corresponding author.