Procedural justice in stop and search

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Long read: tracking procedural justice in stop and search encounters

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Stop and search is one of the most controversial police powers. While some studies suggest it may reduce crime, it often comes with significant costs.

Poorly targeted searches have a negative impact on police-community relations, especially with children and minority groups (His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, 2021). Often, it's not just the legality of the search that matters but also how officers conduct it. For instance, a study in London revealed that individuals who perceive fair treatment during stop and search encounters are no less likely to trust the police in the future (Jackson and others, 2012). Therefore, improving the quality of stop and search procedures is crucial.

While completing an Applied Criminology Masters degree at the University of Cambridge, I had the chance to delve deeper into this complex issue. Police forces, including my own in Dorset, have faced significant criticism over their use of stop and search.

Although efforts have been made in recent years to reduce disproportionality and improve the search grounds, there is still a need to focus more on the quality of these encounters. Therefore, I set out to examine the behaviour of police officers during stop and search. I then looked to find ways to promote procedurally just policing to lessen the impact of this contentious power.

Literature review

What is procedural justice and why does it matter?

How police officers treat people affects their responses (Tyler, 2006). Procedural justice theory proposes that when the police are fair and respectful, they gain trust, legitimacy and cooperation. The four elements of procedural justice are all relevant to stop and search.

- Voice: encouraging people to be heard and participate yields positive outcomes. Individuals report higher satisfaction when they can explain their side of the story and participate in decisions, even if they cannot determine the outcome. This could be as simple as an officer asking someone to

recount events before conducting a search or inviting questions at the end of a search.

- Dignity and respect: the public react negatively when officers display dismissive or demeaning behaviour (Murphy and Barkworth, 2014). This includes using a loud voice, interrupting and making critical or condescending comments (Jonathan-Zamir and others, 2015). On the other hand, treating people with dignity and respect conveys a sense of value and social worth (Tyler, 2004). This is particularly crucial when exercising such an intrusive power as stop and search.

- Trustworthy motives: people want to believe that the police are sincere and focused on their needs and concerns. Trustworthy motives concern how police justify their power to the public. For example, when using stop and search in an area suffering from high knife crime, officers should emphasise that searching people and removing knives from the streets is in the community's best interests.

- Neutrality: the public wants to know that they have been stopped and searched based on objective information rather than any personal characteristics. Officers should clearly explain to the individual why they have been stopped, the grounds and the object of the search (Tyler, 2004).

Tracking procedural justice in stop and search

Despite the divisive nature of stop and search, very little is known about how officers exercise this power. Official police records do not comment on the quality of interpersonal treatment. While most forces review body-worn video (BWV) footage of searches, this process lacks consistency and sample sizes are often small (Ali and Champion, 2021). Additionally, few forces, including my own, track procedural justice. Therefore, my first challenge was to find a reliable measure.

Early studies used surveys to measure perceptions of stop and search (what individuals say about their treatment), but these can be unreliable as they depend on people's recollections. More recently, studies have used officer BWV to observe stop and search encounters virtually.

In the first study of this kind, Nawaz and Tankebe (2018) tracked procedural justice in 100 searches recorded on BWV in one area of Manchester. While most officers scored highly on dignity and respect, they failed to display trustworthy motives. The value of this study is that, for the first time, it allowed researchers to accurately measure the elements of procedural justice without being physically present and potentially influencing the interaction. My study adopted a similar

methodology.

Data and methods

My data came from viewing 140 randomly selected stop and search encounters captured on officer BWV between January and December 2021. In addition to measuring procedural justice, I also wanted to compare officers' behaviour in high-crime versus low-crime areas. Previous research has shown that officers are more likely to arrest people if they perceive an area to have more crime (Alpert and others, 2005). I wanted to see if there was a similar effect on stop and search. Therefore, half of the videos were from low-crime areas and half from high-crime areas.

Next, using a procedural justice scoring scheme, I asked four police supervisors and 14 members of the public to view the videos and score how well the searches adhered to the four dimensions of procedural justice. I wanted to see whether the police and the public had similar views of what was acceptable, so both groups watched the same videos.

Findings

- Key finding 1:?Dorset Police officers deliver high levels of procedural justice during stop and search. However, there are variations in the levels of respect, neutrality, voice and trustworthy motives.

Procedural justice index	Percentage
Overall procedural justice score	83%
Voice	83%
Neutrality	79%
Dignity and respect	94%
Justification (trustworthy motives)	77%

Table 1 shows that officers demonstrated high levels of procedural justice during stop and search (eight out of 10 searches scoring 80% or more). However, there were significant variations across

the four dimensions, with officers scoring highest on dignity and respect but lowest on trustworthy motives.

Dignity and respect

Even though the balance of power inevitably rests with the police during stop and search, most officers spoke politely, courteously and non-aggressively. They listened to individuals and were sensitive to their feelings, such as offering to take them out of public view when searching to avoid embarrassment.

As opposed to just being polite, there was also evidence of officers using dignity and respect to gain compliance. Some officers used it as a reward to encourage good behaviour, for example saying, 'You're being decent with me, and if you stay like that, I won't handcuff you,' or 'If you keep calm, I'll do this search as quick as possible.' Other positive examples included officers seeking the person's cooperation, such as 'Please, can you get out of the car?') as opposed to compelling them to do something such as 'Take off your coat!'. Using dignity and respect, the officers maintained control while appearing less threatening.

Trustworthy motives

This was the lowest-scoring component and may relate to how officers prioritise aspects of an encounter. For example, Worden and McLean (2017) showed that when police officers evaluate their behaviour, they concentrate on legal issues (Was I acting within the law? Was the use of force proportionate?) and less on the quality of an encounter. Similarly, in this research, assessors noted that while most searches were lawful and necessary, often the officers did not spend sufficient time explaining and justifying their actions to the detained person. Nor did they explain how the enforcement was linked to broader safeguarding needs.

An example of this came when officers detained a youth in a town centre following reports of a knife fight. The youth was unhappy and demanded to know why the officers were picking on him. Unfortunately, the officers did not explain their actions.

The area was suffering high levels of anti-social behaviour. Youths had been seen carrying weapons and a significant police presence was needed to prevent further violence. However, instead of explaining this and telling the youth they were there to act in the community's best interests and keep him and his friends safe, the officers just said he fit the suspect's description.

Consequently, while the search was lawful and justified, it ended negatively. The youth felt the officers had mistreated him and the officers missed an opportunity to build trust and confidence.

- Key finding 2: when comparing the same searches, police supervisors rated voice and trustworthy motives significantly lower than members of the public.

Police supervisors were more critical of their colleagues than the public assessors. I expected to find discrepancies, as previous research shows that social groups experience procedural justice differently (Bates and others, 2015). However, the direction of the effect was surprising. I expected the public to take a more stringent view, but the findings showed the opposite, with the police supervisors rating the officers' conduct more negatively.

The most likely explanation relates to the public's expectations regarding stop and search. Only one public assessor had first-hand experience of being searched. Therefore, the rest of the panel may have based their opinions on what they had heard in the media. Consequently, they possibly held a negative view of stop and search before their assessment and expected to find serious misconduct.

However, Dorset Police receive a relatively low number of complaints about stop and search each year, with only 24 complaints recorded in 2023/24 (Independent Office for Police Conduct, 2024). As a result, having watched the searches, many of the group commented that they were 'a lot less interesting' than they expected or that the officers were 'a lot nicer' than they thought. As the officers exceeded their initial expectations, this may have inflated their scores compared to the police supervisors who observe searches daily.

- Key finding 3: officers working in low-crime areas delivered significantly more procedural justice than those working in high-crime areas.

Results showed that the area may influence whether an officer engages in procedural justice, with officers in low-crime areas delivering significantly more procedural justice. There are several possible explanations.

The first relates to stereotypes that an officer may hold about an area. Research into police culture has found that officers often categorise people into groups, which affects their treatment (Bowling and others, 2019). The same thinking may apply to areas. For instance, officers may categorise

people in high-crime areas as less deserving, leading to procedurally unjust policing.

The second explanation could relate to the type of crime in an area. The high-crime areas all had busy night-time economies where most crimes were alcohol or drug-related. In these situations where compliance is not readily achievable, safety is a priority. Officers may need to be more assertive and use physical force, removing opportunities for procedural justice.

Finally, the low scores in high-crime areas could result from compassion fatigue. Officers in high-crime areas frequently work with traumatised victims or deal with violent confrontations. This may make it harder for them to empathise with others, inhibiting their ability to display trustworthy motives.

Recommendations and next steps

Establishing a regular public scrutiny panel for stop and search

As a result of this research, I set up a regular stop and search public scrutiny panel. Public feedback on stop and search offers an opportunity to align practices and policies more closely with the community and foster trust, confidence and legitimacy.

The study also highlighted differences in perceptions between the police and the public and, therefore, the value of external views. The panel meets every quarter, is independently chaired and includes representatives from diverse Dorset communities to ensure a thorough and inclusive review process. The panel's findings are integrated into officer training and are **publicly available on the force's website**.

Incorporate the principles of procedural justice into stop and search training

This study marks a significant milestone for Dorset Police. It is the first time procedural justice in stop and search has been tracked. The findings, while predominantly positive, have identified areas for improvement.

For instance, officers were found to be proficient in conveying dignity and respect. However, they often failed to offer justifications for their actions linked to broader safeguarding needs. This could be due to officers' focus on the legal aspects of the search, potentially overlooking this dimension of procedural justice. To address this, procedural justice is now an integral part of stop and search

training, demonstrating the force's commitment to continuous improvement.

In conclusion, the police cannot afford to get stop and search wrong. My study's findings have helped improve the delivery of this controversial tactic. This has led to the creation of Dorset's first procedural justice public scrutiny panel, which is developing practices and policies more aligned with our community's needs.

To access more materials on this subject,?**become a member of the National Police Library**. Membership is available to all serving UK police officers and staff.?

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