

Procedural justice, compliance and the ‘upstanding citizen’: a study of community protection notices

BLACK, Alex <<http://orcid.org/0000-0002-5910-0108>> and HEAP, Vicky <<http://orcid.org/0000-0003-4311-1758>>

Available from Sheffield Hallam University Research Archive (SHURA) at:
<https://shura.shu.ac.uk/29433/>

This document is the Accepted Version [AM]

Citation:

BLACK, Alex and HEAP, Vicky (2021). Procedural justice, compliance and the ‘upstanding citizen’: a study of community protection notices. The British Journal of Criminology. [Article]

Copyright and re-use policy

See <http://shura.shu.ac.uk/information.html>

Manuscript

Procedural justice, compliance and the ‘upstanding citizen’: a study of Community Protection Notices

Abstract

This article explores procedural justice and motivational postures theories through the lens of Community Protection Notices (CPN), civil measures used to tackle anti-social behaviour in England and Wales. Through a qualitative study of CPN recipients, this article adds to our understanding of the social identity aspect of procedural justice theory by examining the impact on self-identified ‘upstanding citizens’ issued with a CPN for behaviours that they disputed on moral grounds. In order to renegotiate this anti-social label, participants explored other social categories to create distance between themselves and the authorities and challenged their role as representatives of the ‘law-abiding majority’. Ultimately, participants felt ‘compelled’ to comply with the requirements of their CPN, which in turn damaged perceptions of legitimacy.

Key words

Anti-social behaviour, compliance, legitimacy, motivational postures, procedural justice, social identity

Introduction

This article examines social identity as a mediator between procedural justice and compliance through the lens of Community Protection Notices (CPNs); civil measures used to tackle anti-social behaviour (ASB) in England and Wales. Drawing on empirical data from semi-structured interviews with recipients of a CPN, we aim to broaden the theoretical understanding of procedural justice theory through a qualitative exploration of the role that social identity plays in legitimacy and compliance behaviour. This study makes three significant contributions. First, this article responds to the call by Radburn and Stott (2019) to broaden the theoretical and methodological understanding of procedural justice theory by focusing on the lived experience of operational police practice. Through interviews with the recipients of CPNs, this article will add to our understanding of how and in what ways social identity is communicated through policing interactions, how citizens renegotiate their sense of self within this relational context and what this implies about the authorities as representatives of broader social groups. Second, by understanding compliance through motivational postures, it is the first study to apply Grace’s (2020) extended motivational postures theory, through consideration of a sixth posture - compulsion; compliance but with resistant and

moral detachment from the authorising body. The impact of compulsion on long-term legitimacy will be considered. Third, the study presented here is the first to investigate recipients' experiences of CPNs, with initial findings related to the preventive and coercive nature of the power presented elsewhere (see Heap et al., 2021). The purpose of this analysis is to shed light on the impact of these notices, which are being increasingly used to sanction behaviours perceived to be anti-social (Manifesto Club, 2020).

With a sample of participants who viewed themselves primarily as 'upstanding citizens', we argue that procedurally just practices have significant consequences for achieving voluntary compliance whilst maintaining legitimacy. Without procedurally just practices, participants reasserted their self-identity as law-abiding citizens through compliant behaviour in line with a compulsion posture, which delegitimised the policing body. CPNs are issued by authorised bodies such as police officers, local council officers and others with designated authority. The 'policing' in this article is therefore reflective of the broader plural policing family rather than specifically the 'police' (Loader, 2000). The term *policing body/bodies* will be utilised throughout to reflect this. The article commences with an overview of CPNs in relation to morality and the expanding net of ASB sanctions. The theoretical framework then examines the intersections of social identity and procedural justice with reference to notions of compliance, morality and the upstanding citizen, drawing on motivational postures to highlight the complex forms of compliance behaviour and its impact on legitimacy. Following a summary of the methodology, the results are presented within the following themes: morality, social identity and the 'upstanding citizen'; CPNs and procedural justice; and compliance and compulsion.

Community Protection Notices, morality, and the widening net of anti-social behaviour

In England and Wales, ASB legislation was significantly revised through the Anti-Social Behaviour, Crime and Policing Act (2014), when high profile and controversial policies such as the Anti-Social Behaviour Order (ASBO) were removed. The existing nineteen powers were streamlined and replaced with six new tools to sanction behaviours perceived to be anti-social; defined as conduct which 'caused, or is likely to cause, harassment, alarm or distress to any person' (Anti-Social Behaviour, Crime and Policing Act 2014, Section 2 (1a)). Within a housing context, this definition is elaborated to include behaviour *capable of causing* nuisance or annoyance ((Anti-Social Behaviour, Crime and Policing Act 2014, Section 2 (1b&c)). Perhaps the most flexible of the new powers is the Community Protection Notice (CPN), which is the focus of this article. A CPN is a civil behavioural notice that can be issued to an individual aged 16 or over, or an organisation, which requires the recipient to undertake or cease specific actions or behaviours. The grounds to issue a CPN have a

lower behavioural threshold than the legal definition of ASB and can be applied if 'the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and the conduct is unreasonable' (Anti-Social Behaviour, Crime and Policing Act Section 43 (1)).

Importantly, CPNs also require a lower standard of proof than previous ASB tools and powers and can be issued by any authorised body without having to go to court. Breach of a CPN is a criminal offence, punishable by a £100 fixed penalty notice, or a fine of up to £2500 on conviction (£20,000 for organisations). Recipients can appeal a CPN within 21 days of issue if they believe the behaviour did not take place, was not unreasonable, or that any of the requirements are unreasonable (Home Office, 2021). However, there is no legal provision for CPNs to be varied or discharged, despite occasions of them being rescinded in practice (Heap et al., 2021). Prior to a CPN being issued, the potential recipient must be issued with a written Community Protection Warning (CPW). This document should detail the nature of the ASB in question, request it to cease, and detail the consequences if action is not taken. There is no legal footing for a warning to be appealed, but again, there is evidence to suggest rescission can occur informally (Heap et al., 2021). There is no data available about CPW/CPN breaches. The Home Office does not collect any data about the use of the tools and powers contained in the Anti-Social Behaviour, Crime and Policing Act (2014) (Heap and Dickinson, 2018).

CPN usage deserves greater attention given their increasing use by a greater number of local councils (Manifesto Club, 2020). According to findings from the Manifesto Club (2019), more CPNs have already been issued by local councils than the entire number of ASBOs (Home Office, 2016) and this is increasing. For example, in 2014/15 107 councils issued a total of 3943 notices, compared to 2018/19 where 202 councils issued 8760 notices (Manifesto Club, 2020). Additionally, broadening the definition of ASB further complicates what is already established as a subjective and assailable concept. ASB is often politically framed as a decline in moral standards and whilst the reality of this moral decline may be subject to challenge, the behaviours that are often highlighted as anti-social are done so in terms of morality. However, the specifics of these behaviours and what is or is not considered morally acceptable are 'stretched' by individuals in such a way that they can include a vast and expanding range of actions (Adams and Millie, 2021). This 'stretch' of behaviours subject to sanction have already been seen through the deployment of CPNs (Manifesto Club, 2016; Heap et al., 2021), but concerns about the broadening remit of ASB sanctions are not new. In the very early days of the Crime and Disorder Act (1998), Cracknell (2000: 112) applied Cohen's (1985) classic

analogy of net-widening and mesh-thinning to the ASBO and suggested that 'new 'inappropriate' populations [will] become subject to regulation, criminalization and exclusion'. This was coupled with a fear that authorities would use these enhanced and accessible powers in the context of delivering customer satisfaction. Brown (2004) refined the analogy by suggesting ASBOs were more mesh-thinning than net-widening due to the greater number of people being caught. This article contends that CPNs cast the crime control net wider still and thin the mesh even further than previous ASB legislation. By having such a low behavioral threshold, coupled with their being issued by an individual officer rather than going to court, CPNs have become a new entry point to the criminal justice system for those who may never have been involved before, so-called 'upstanding citizens'.

It is the intersection of the concepts of morality, self-identity, and compliance in the context of receiving a CPN to which this article is concerned. Procedurally, people are more likely to cooperate with those in authority if they believe they represent the norms and values of the wider social group, 'the law-abiding majority' (Kyprianides et al., 2021b). However, the widening net of anti-social behaviour adds complexity to this, particularly for self-identified 'upstanding citizens' who receive a CPN. The notion of the 'law-abiding' majority is of course contested in its own right. There is likely a considerable blurring of the boundaries between law-abiding and law-breaking (Millie, 2016). However, the concept is utilised here to allow us to consider how people position their own identity. Through a qualitative exploration of the views of CPN recipients, this article develops an understanding of what social identity means in practice, what the impact is of receiving identity relevant information from policing bodies, and its implications for legitimacy and compliance. This contributes to the theoretical development of procedural justice theory and the role social identity plays within it.

Social identity, procedural justice and the law-abiding citizen

The link between the formation of social identity and the treatment from authorities has been well established in the sociological and criminological literature, most specifically through utilising symbolic interactionism and labelling theory. Symbolic interactionists assert that society, its meaning, order, and organisational structure are created and reproduced through continual interaction and communication between individuals (Carter and Fuller, 2016). It is here where the police play a role in shaping social identity. As an authority they are thought to reflect the values and morality of the community; defending them, protecting against rule violations and actively constituting and communicating the underlying social and moral order (Loader and Mulcahy, 2003).

The primary intention of theorists who came to sit under the labelling banner was to consider how the societal reaction to an individual informed and potentially recast that individual's sense of self, identity and social status. Goffman (1963: 12) provided the example of a 'stigma', an attribute which discredits an individual, but only under certain social circumstances, and is thus relational rather than fixed. These stigmas can shift the position of an individual in relation to the group and operate as a 'means of formal social control' (ibid: 150). Most pertinent here to the subjective nature of ASB, is Becker's (1963:14) claim that 'we must recognize that we cannot know whether a given act will be categorized as deviant until the response of others has occurred'. By definition, ASB is relational and defined by the effect it has on another person. Policing bodies can therefore act as a formal arbiter of definitions of deviance, including ASB, and confer legitimate status within community groups.

To have effective regulation, members of the public must comply with the specific decisions of authorities in the course of their duty, and more broadly with the wider rules and laws that govern day to day conduct (Tyler 2003). Whilst there are a range of motivations for people to obey the law, two predominant reasons explored in the policing literature are *instrumental* (compliance through threat of sanction) and *normative* (voluntary compliance through perceived police legitimacy and fairness) (Kyprianides et al 2021c). According to Tyler (2011), the stronger influence on compliance behaviour is a normative based approach, and thus police practices should strive to enhance voluntary public cooperation. Members of the public need to perceive the law and those authorities who enact the law as legitimate and have trust and confidence in those authorities (Jackson et al, 2013). Procedural justice studies have evidenced four key procedural factors which are more likely to influence a person's judgement of legitimacy and subsequently influence normative compliance behaviours. These are: participating or having a voice in decision making and allowing their side of the incident to be heard. Second, authorities need to be seen to be neutral and unbiased. Third, people expect to be treated with dignity and respect by authorities, which reinforces their community standing. Fourth, the motives of decision makers need to be trustworthy (Tyler, 2004). Tyler and Blader (2001; 2003) expanded the procedural justice theory to consider the role that social identity plays in motivating compliance. In the Group Engagement Model, they argue, procedural justice encourages compliance because it communicates respect and legitimacy and reinforces their status in relation to a wider social group. Any negative treatment where procedural factors are lacking can communicate a negative judgement for an individual's sense of self (Tyler and Blader, 2001; 2003). Unfair treatment undermines identification with the wider group which in turn undermines legitimacy (Pehrson et al., 2017). Bradford et al. (2014: 530) argue that it is this understanding of group engagement within the procedural justice literature that 'Tyler's procedural

justice model almost becomes a species of labelling theory'. It is the identity relevant group engagement model of procedural justice that this article adopts. It is also this theoretical understanding of the identity element in procedural justice theory that has been most recently explored (see Bradford et al., 2014; Pehrson et al., 2017; Radburn and Stott, 2019; Kyprianides et al., 2021b) and to which this article makes a contribution.

As Bradford et al. (2014) have argued, there have been few evaluations of exactly how social identity mediates between procedural justice and perceptions of legitimacy. As they suggest, it is much clearer to understand how the police response may position an individual as an 'offender' but less clear how they may shape the kind of identity which reifies an individual's status and belonging to 'imagined communities' as discussed in procedural justice literature. The group engagement model suggests that unfair treatment leads to exclusion from the group, but it may also be possible within this that the individual excludes the authority whilst remaining included in the wider social group (Pehrson et al., 2017). Therefore, several studies have more recently sought to explore the complexity of this link, most commonly through large scale quantitative surveys that operationalise identity through markers of superordinate groups, such as citizenship and national identity. For their study undertaken in Australia, Bradford et al. (2014) conducted a representative survey which found that procedurally fair treatment led to an increased sense of citizenship and national identity (operationalised as 'Australianess') which in turn increased the legitimacy afforded to the police. Similarly, Sargeant et al.'s (2021) survey of procedural justice and minority ethnicity groups in Australia found that procedural justice shaped attitudes to, and compliance with, the police but that this was dependent on the individual's identification with the superordinate group (operationalised as the 'Australian community'). Pehrson et al. (2017) survey of young people's experiences of policing in Northern Ireland highlighted that there are multiple ways in which social identity can mediate between police activity and legitimacy. They found that when policing was experienced as negative, the most significant negative factor in the interaction was being treated as problematic (i.e. suspicious or 'up to no good') which felt unjustified and in direct conflict with their own sense of self (p17). Importantly still, one outcome was that unfair treatment resulted in the authority, rather than the individual, being placed outside of the identity group. A further outcome was for the behaviour of officers to weaken the perceived legitimacy of the wider institution more generally. These findings add an extension to our understanding of identity in the group engagement model. They also highlighted the role that social identity plays in mediating the effects of procedurally just practice and legitimacy.

However, recently, several studies, have begun to consider the complexity of some of the taken for granted concepts utilised and operationalised in procedural justice studies, suggesting a need for greater exploration of the nuances underpinning the social identity element of the theory. Radburn and Stott (2019) have argued for expanding beyond the way in which fixed and abstract categories of identity are operationalised, such as national identity and national citizenship. They propose greater consideration of identity as dynamic and context based with varying inter-group identities, for example as a 'protestor' or 'football fan' (Radburn et al., 2018). Similarly, it is often assumed within procedural justice research that policing bodies are considered by those they police as 'prototypical representations' of a community's norms and values (Radburn and Stott, 2019:428). However, as Kyprianides et al (2021b) suggest; 'The police could represent not only the 'law-abiding majority' and traditional forms of authority, but also order/conflict and specific ingroups and/or outgroups' (p.3). Their study demonstrated that social identity mediated between procedural justice and cooperation through both identification with the police as their own social category and identification with them as a representative of the law-abiding majority, highlighting the complexity of this relational identification (*ibid*).

In addition, these fixed and abstract social categories in procedural justice studies are predominantly operationalised through quantitative methodologies that explore police encounters and behavioural intentions (Radburn and Stott, 2019). These often focus on one-off police-citizen interactions rather than the process through which these identities are shaped and the contexts in which they are established. Kyprianides et al (2021a) request more studies to consider the embedded relational process of police-citizen contact, exploring longer histories and social contexts. The use of more qualitative methodologies will allow the exploration of the 'subjective and dynamic' process aspects of procedural justice theory (*ibid*: 686). In conjunction, Radburn and Stott (2019: 435) call for additional procedural justice research to 'develop and extend its theoretical reach' through a diversity of methodologies;

An unwanted consequence of largely relying on cross-sectional survey data is that the emphasis is on empirically linking a series of 'interlocking' cognitive concepts. It is our contention that such research is in danger of conveying a reified and mechanistic social world divorced from the 'lived experiences' of 'the policed' and the actual operational practices of the police.

This article answers these calls by providing one of a few qualitative explorations of the experience of those who have been in contact with policing bodies through a framework of procedural justice

and social identity (see also Ilan 2018; Kyprianides et al., 2021a; Grace, 2020; Kyprianides et al., 2021b). Through the narratives of the recipients of CPNs we can begin to understand how forms of identity and belonging are shaped within those interactions, what specifically is communicated about identity within those interactions and how identity is renegotiated as a consequence of specific policing practices. In addition, this article will add more detail and nuance to our understanding of the experience of receiving identity relevant information and make the impact of that communication process more explicit. It will do this by exploring social identity and procedural justice in relation to a specific form of deviance; ASB. By focusing on a specific behaviour, this study allows consideration of the context in which specific judgements around legitimacy are embedded (Kyprianides et al., 2021a; Radburn and Stott, 2019).

Procedural justice and compliance

Within procedural justice theory, personal morality has been identified as the strongest predictor of law-abiding and compliant behaviour (Jackson et al., 2012; Grace, 2020). This was highlighted most recently by Grace (2020). Her study applied motivational posturing and procedural justice theories to data on the policing of, and compliance with, Penalty Notices for Disorder, applying this to social distancing health regulations within the context of the Covid-19 pandemic. A Penalty Notice for Disorder is a statutory disposal in England and Wales that provides police officers an option to sanction a range of anti-social and nuisance offending with a fixed penalty notice of either £60 or £90 (Ministry of Justice, 2014). Grace highlighted how the coronavirus legislation might extend police attention from the 'usual suspects' (those with prior police contact or an associate (Medina Ariza, 2014)) towards those who would usually not come into police contact. The policing of these rules against those with a 'strong moral self' i.e., a strong sense of themselves as a good, law-abiding citizen may generate resistance, and affect compliance, if officers fail to hear their personal mitigations and 'mis-label' them as offenders; "Their resistance is thus a plea to be re-categorized as a law-abiding citizen and have their moral self appeased" (2020, 1045). This was also highlighted in Wells' (2008) study of driving speed monitoring technology. Whilst the use of automated technology to enforce speed limits is ostensibly 'fair', the lack of interaction between the authority and an individual removed the identity reaffirming communication and so mutual respect cannot be demonstrated. Thus, as Wells argues, these technologies were perceived by the study's participants as procedurally unfair, most fundamentally because they are too consistent, do not allow for subjective demonstration of judgement, and render worthless prior established status of a 'law-abiding, respectable or upstanding citizen' (Wells, 2008: 808).

Motivational posturing theory, as established by Braithwaite (2003), offers an additional level of understanding when considering the connection between personal morality and compliance in the context of procedural justice. Motivational postures help explain the differing behavioural reactions that individuals have to regulation and how they cope with its enforcement (Murphy, 2016). These postures are a result of the social distance an individual places between themselves and an authority (Barkworth and Murphy, 2021). As has been evidenced in prior studies, this social distance will likely be established through pre-existing contact with/or perceptions of authorities depending on an individual's social identity. Social distance can change based on treatment by authorities and thus an individual's postures may shift over the course of an interaction; moving from for example a posture of compliance to a posture of resistance (Murphy and Cherney, 2012). In total, Braithwaite identified five postures that represent social distance. These postures can be forms of *compliance* (commitment: a belief in the authorities' agenda and a moral obligation to obey, or capitulation: accepting that an authority has legitimacy and should be deferred to) or forms of *defiance* (disengagement, game-playing or resistance) (Braithwaite, 2003). Whilst the understanding of legitimacy may differ slightly between that identified in the complaint motivational postures, specifically capitulation, and legitimacy as identified in the procedural justice literature, evidence has identified that procedurally just practice is positively associated with increasing a compliant motivational posture and reducing a resistant one (Sargeant et al., 2021). Procedurally just policing can therefore be adjusted to meet the individuals differing postures (Braithwaite et al., 2007). Primarily, as established in this literature, a strong moral self will more likely result in a compliance posture and therefore procedurally just practice should seek to strengthen and reinforce the moral self (Grace, 2020).

Importantly for this study on CPNs, is the additional motivational posture proposed by Grace (2020: 4) of 'compulsion' which;

'lies between capitulation and resistance; it is compliant behaviour, coupled with a resistant demeanour, that is, where people are coerced into accepting officers' decisions through either the threat or reality of enforcement action, but where they continue to express grievance at officers'.

Observing procedural justice in practice, Grace (2020) witnessed the motivational postures of recipients of a Penalty Notice for Disorder. 'Compulsion' was created to capture those who ultimately comply with authority, but who remain resistant and morally unaligned with the authorising body. Primarily, the recipients' grievance in Grace's study stemmed from the inability of

the recipient to be treated ‘...in a distributively and procedurally fair way and recognize them as a person who had behaved in a morally (if not necessarily legally) acceptable way’ (p8). The inability for individuals to have a ‘voice’ in the proceedings or to have their side of the situation heard was found to be central to increasing or reducing resistance. The implications of a compulsion posture is that authorities may achieve compliance, but legitimacy in the long term is likely to be lost. Procedurally just practice may therefore need to be enhanced when authorities are confronted with an individual's compulsion posture. Our research is the first to apply the amended motivational posture theory by exploring the significance of the sixth posture ‘compulsion’ to the recipients of this study. In so doing, it tests the usefulness of this extended model and adds to the theoretical development of procedural justice, motivational postures and compliance behaviour.

A qualitative consideration of procedural justice

Due to the paucity of research in this area, qualitative research was conducted to enable us to develop an in-depth, inductive understanding of recipients’ perspectives of the CPW/CPN issuing process. Semi-structured telephone interviews were utilised to collect data about the ASB in question, how the notice was issued, and recipients’ feelings about the case. This data collection method was used because it enabled recipients from across England to participate without it being prohibitively costly, whilst encouraging the disclosure of information and maintaining data quality (Novick, 2008). Fifteen interviews were conducted, with each lasting approximately one hour. The sample consisted of 9 male and 6 female participants, aged between 24 and 70 years, who were predominantly White. Geographically, 4 were from the East Midlands, 4 from the South East, 3 from the South West and 1 from London. Participants were recruited via two types of non-probability sampling. We utilised purposive sampling to secure 9 participants by working with the Manifesto Club, an organisation that campaigns against the hyper-regulation of everyday life. They contacted known recipients on our behalf who had sought advice from them about their CPN to invite their participation. Sourcing part of our sample via an organisation that is against the use of CPNs could be considered problematic. This is because the individuals that engaged with the Manifesto Club might not reflect the profile of a standard CPN recipient. Nevertheless, this approach was utilised for three reasons. First, because data about CPN recipients is not in the public domain due to them being an out of court disposal. Second, it allowed us to draw a sample from a large geographical area where recipients may have had different experiences of the issuing process. And third, this exploratory data collection was a starting point for a body of work that examines CPNs (see Heap et al., 2021). Aware

of the issues mentioned above, we also used convenience sampling to generate 6 participants by searching social media for recipients, as well as contacting local and national newspapers that had published stories about CPW/CPN cases. Overall, we wanted to secure participants without them being selected by the authorising bodies. We acknowledge that 15 interviews is a relatively small sample. However, the congruence of experiences detailed by the participants was sufficient to determine conceptual density across the themes generated (Nelson, 2016). The interviews were analysed using Braun and Clarke's (2006) approach to thematic analysis, which facilitated the generation of the themes reported below. Ethical approval was granted by the authors' institution and all names presented in this article are pseudonyms. Due to the emotive nature of participants' accounts, thorough debriefing took place with signposting provided to appropriate sources of support.

In short, we found that the flexibility of CPWs/CPNs enhance the complexity of ASB as morally subjective because they allow for a greater range of behaviours to be called into question. Beyond environmental nuisance, which CPNs were designed to address, our recipients received CPWs/CPNs in relation to neighbour disputes (7), animal issues (4), untidy gardens (3) and harassment (1). The analysis that follows explores recipients' experience of receiving their CPW/CPN in terms of social identity and compliance.

Exploring social identity and procedural justice in recipients' responses

Morality, social identity and the 'upstanding citizen'

Participants in this study engaged in negotiations over what was considered to be the established moral order (Adams and Millie, 2021). They were critically aware of behaviours they considered to be morally wrong and those behaviours that were communally understood as anti-social. However, they did not see their own behaviour as breaching a moral code. Participants would utilise typical examples of 'wrong' behaviour, such as loud noise, parties at anti-social hours, and a lack of respect for neighbours in order to situate themselves as distinct from those forms of anti-social conduct. This can be seen with Ian, who received a CPW after an environmental health complaint for feeding cats outside:

I can understand situations where maybe someone is playing loud music or having wild parties and upsetting the neighbours, but I thought we were doing something out of the goodness of our hearts, and we ended up getting a warning letter and nothing can be done to challenge it (Ian)

Participants would call on notions of community and shared communal values to bolster their understanding of right and wrong and to maintain their position within that wider social group. For example, Monica received a warning for chickens escaping her property:

I mean the general consensus of everybody in the village where I live is that I've got a 100-acre farm next door owned by [neighbour] who's got sheep and everybody else thought the chickens were a bit of a village nicety rather than being issued with an anti-social behaviour policing notice (Monica)

The subjectivity of ASB necessitates policing bodies to arbitrate contested issues such as the ones in this study. The lowering threshold for the issuing of CPWs/CPNs extends this further, bringing a wider range of behaviours into question, thus adding complexity to the assumed homogeneity of communal norms and values. As an example of this, Liam received a CPN for an ongoing neighbourhood dispute. He challenged the notion of his behaviour as anti-social in the context of the wider community and framed his experiences as an interpersonal civil issue:

It certainly didn't involve me being treated as some kind of a person who's responsible for bringing down the tone of the neighbours by causing anti-social behaviour because what I was doing was purely between my neighbour and I which is a civil dispute on private property, and I did explain that to the PCSOs but they seemed to have determined their course of action and they saw it through by issuing me with a notice (Liam)

In these situations, participants attempted to reject the anti-social label through challenging the notion of the issuing body as 'prototypical representations' of shared moral values (Radburn and Stott, 2019: 428). In response, we see participants distancing themselves from the policing body. This can be seen in this quote from Steve, who received a CPW for an untidy garden:

It was a bit of a shock to be honest because I don't get in trouble with the law in any respect and even in shops if people give me too much change back I give them back what they shouldn't have been giving me. I'm not the kind of person that comes into conflict with the law. What strikes me is that these people are basically persecuting basically law-abiding people for petty things (Steve)

As Radburn and Stott (2019) have argued, the presumption that policing bodies represent the communities' values may overlook the police as a distinct social group who people may identify with just as they would other social categories. Indeed, in this sample, other social categories were highlighted to reassert the participants identity as an upstanding citizen in spite of the policing judgement, such as education, job role and community standing. As Stuart mentions, he is an 'upstanding member of the community'. A CPN would taint that identity:

I said to the solicitor, look, I have no interest particularly in taking this any further but I need you to drop the notice because as an upstanding member of the community with company directorships and so on and so forth the last thing I want is a CPN hanging over my head on the record (Stuart)

Similarly for Trudy, her relationship with the police was previously tied up in her social identity as a working citizen. Her experience through the CPN has not only reduced this affiliation, but has weakened her trust in the authorities, placing greater social distance between them and delegitimising their authority:

I'm now [age], I'm retired, I'm a retired principal civil servant who's got no criminal record, no record of anti-social behaviour. I worked in [occupation] for a long time. There were police there all the time... I felt very protected by the police... I went from feeling protected by the police all of my life to – Actually I said to the police last summer I'm now actually frightened of them (Trudy)

The above examples demonstrate the participants within this study wrangling with the relational production of a stigmatised deviant identity suggested by the receipt of a CPW/CPN. In an attempt to reassert their moral self, participants drew on other social categories that demonstrated their moral standing, such as community membership, employment and prior behaviour, highlighting the impact of individual history and social context (Kyprianides et al., 2021a). Importantly, they attempted to distance themselves from the ASB label cast by the policing bodies by delegitimising their role as moral representatives. There were specific procedural factors within the interaction with authorities that had an impact on this legitimacy, of which their social identity mediated, which will be discussed next.

CPNs and procedural justice

As previously established, procedural justice literature highlights key procedural factors which can influence a person's judgement of legitimacy. One key factor is having a 'voice' in the encounter and individuals having the opportunity to put forward their side of the incident (Tyler, 2004; Grace, 2020). This issue was raised consistently across participants' responses. Community Protection Warnings (CPWs) can be issued through the post when there are concerns about the safety of the issuing officer, but this research questions whether it might actually be common practice, with 9 out of the 15 recipients receiving their warning this way. The challenge here procedurally is that there is no scope for a recipient to have their voice heard. As Olivia commented after receiving a CPW for an overgrown hedge:

I think it was quite unreasonable for them to just issue a warning without maybe actually speaking to us first. ... so there was a note that came with it [the CPW] that said the officer had knocked on the door but nobody was in. But obviously if it's a working day then nobody is going to be in. (Olivia)

Not having a voice prevented their side of the story being put forward, but also made the requirements difficult to abide by. Monica received a CPW by post and was given two weeks to secure her premises to avoid her animals escaping. Not only was this a challenging time frame, but the lack of initial discussion was perceived as unreasonable for someone who sees themselves as generally law-abiding:

To somebody like myself who's never had a criminal record I think that's absolutely the process of them issuing that and saying this is your warning sort of thing. They should be ringing you up and telling you and discussing it with you before they even start putting it through the process... (Monica)

As with Grace's (2020) study, Monica's 'strong moral self' resists the application of the deviant label without the chance to put forth her own mitigation of the situation, which may allow her moral self to be appeased, potentially motivating greater forms of voluntary compliance.

There is no formal mechanism to appeal a CPW and so communication instigated by the recipients was also a challenging and frustrating process. A full CPN can be formally appealed through the magistrates' court within 21 days of issue. This is one way in which voice can be given to the recipient. However, this requires social and economic capital to do so, and the Legal Aid Agency does not provide funding to support such appeals:

I would say that for the vast majority, and I'm talking about 99.9% of people who might receive one of these notices, they're not going to have the financial wherewithal to be able to appeal it, nor are they going to have the educational wherewithal to be able to appeal it and that is one of the really challenging aspects of the way in which these are being used, because it gives you no right of defence other than to go through the court and you are to all intents and purposes guilty as charged and the personal entity doing the notice is acting in the capacity of police, judge, jury and prosecutor. (Stuart)

The out of court issuing process that is intended to make these powers more flexible and quicker to issue, as well as the ability for them to be issued by post, builds in a lack of opportunity for dialogue and mitigation. The recipients' experiences may therefore be more akin to Wells' (2008) study on speed camera technology, for instances where individuals do not see their behaviour as

transgressing the communal norms and where receiving the CPW/CPN is seen to disregard their prior established notions of community standing. Without a procedurally fair encounter, trust and legitimacy via recognition of identity cannot be established. Participants are therefore required to reassert their moral self through a stronger rejection of the anti-social label.

The above quote by Stuart also speaks to another key feature of procedural justice, of experiencing the authorities as neutral and unbiased (Tyler, 2004). As Stuart mentioned, administering the CPN in the established manner may be perceived as the authorities acting as 'police, judge, jury and prosecutor'. This view was similarly expressed by Natasha who found there was a lack of procedural safeguards, which removes opportunity for scrutiny in the issuing process:

I just think that it's outrageous that the council can issue off their own backs something that should really go to a court of law. I mean that's my opinion. I don't think if you've got unruly neighbours and things and they're making your life a misery fair enough, I think something should be done, I don't think people should live in misery but I think the old ASBO as such was a better idea because at least it would go through a fresh set of eyes in the court to see if it was worthy or not. (Natasha)

This issue of bias is particularly pertinent to ongoing neighbourhood disputes between two individuals. Intervention in ongoing disputes has the possibility to be seen as taking sides and involves notions of blame (King, 2003). In the context of a CPW/CPN, this communicates a judgement from the community the police are representing, potentially adding to the stigma of receiving a sanction. We can see how Gemma is trying to retain her sense of self after such a judgement for noise nuisance by exploring her social role within the 'community':

I feel like I was victimised because none of my other neighbours had any complaints about us and I worked Monday to Friday, I'm an accountant... the neighbours that were complaining about me used to play really loud music all day, every day and the people were complaining about them but nothing ever got done so they were furious that this was happening to me but they'd been putting complaints in about the other neighbours and nothing ever happened to them. I don't know. It was just a weird set up. (Gemma)

In Gemma's account we can see the complexity behind the notion of belonging to an 'imagined community'. Operationalising the concepts of identity by reference to superordinate groups may overlook some of the nuances of belonging that occur in practice (Radburn and Stott, 2019). Reference points may shift at the interpersonal level so as to mitigate the effects of a negative label. What we also see here is the ongoing context in which judgements are made (Kyprianides et al.,

2021b). Gemma's situation, like many of the participants, is not a one-off encounter but part of a bigger issue that shapes her perception of the situation as a 'weird set up'.

This issue of neutrality and bias builds into the need for decision makers to be seen as trustworthy to be legitimised. However, the deliberate flexibility of the CPW/CPN process is seen to build-in subjective use and design out opportunities for status seeking communication in which authorities may justify and clarify their decisions (Tyler, 2004). Richard, who received a CPN for walking his dog off a lead, described the experience as one which had not only reduced his trust in the issuing officer, but also in the ability of the law itself to be applied fairly, framing the police as distinctly unrepresentative of the communities' values:

So, I think actually we need to go back to square one and start drafting a new Act that doesn't give the police the leeway to abuse their authority. If you give the police... I won't make this statement lightly but if you give the police the leeway to abuse their authority sooner or later somebody will. (Richard)

This response shows support for Pehrson et al.'s (2017) extension to the group engagement model wherein authorities who are perceived to be acting beyond their authority serve to delegitimise the wider institution that they represent. This is particularly pertinent in an ASB context.

Compliance and compulsion

Procedural justice theory suggests that compliance will be more easily motivated if citizens are treated procedurally fairly, respectfully, and impartially (Tyler, 2004). This is important as an indication as to whether CPWs and CPNs are a useful tool for prohibiting specified types of ASB. Interestingly for this sample of participants who perceived their interactions as procedurally unfair, most stated that they did comply with the requirements. Those who did not comply argued that it was an impossibility to do so, as per Agnes's requirement not to feed birds on her property or in the vicinity:

I'm going to be criminalised if I fail to comply, but how can you comply with something like this, it's not possible ... The birds live in the trees in the wood next to me. I get all sorts of birds, so as they've said to me you have to comply not to feed any birds at all anywhere in the vicinity of my property, which could mean 5 metres on each side of my fence. You know, I can't comply because the birds are everywhere. You know, mice. Whatever. Squirrels. Owls. Pheasants. Everything. So I can't comply with it because it's unrealistic. (Agnes)

This resistance leaves Agnes, and others who did not comply, open to further sanction for non-compliance. However, the participants who did comply stated that they felt trapped in doing so for two reasons. First, because they feared financial hardship if they were issued with a fine and second because they were worried about the negative consequences of a stigmatising label. This form of compliance fits with Grace's (2020) proposition of the 'compulsion' posture, where individuals comply due to coercion but become morally unaligned and resistant to the authorising body. In Grace's study, those with a compulsion posture demonstrated a resistant demeanour and a continually expressed grievance. The same can be seen across this sample, for example with Steve, who complied with his CPW that was issued for an untidy garden:

I don't believe that councils should take on these powers to sort of persecute people for minor things. I mean that's my belief. I mean I believe it was an interference and I resented it at the time and I still do. (Steve)

In addition, Steve commented:

To be honest if I see my garden is getting a bit untidy again then I get slightly worried. I mean it could be a good thing in some respects to keep my garden tidy but what I'm concerned about is that these councils are increasing their powers and they don't seem to be no-- not coming under any legal authority other than what they think they can do. (Steve)

Here we see the CPW having an effect on reducing the perceived ASB, however, this compulsion compliance places greater distance between the individual and the authority, as a consequence of the interaction and the discretion of the authorities to use their powers. Interestingly for procedural justice studies, these powers are distributed by a range of policing bodies (e.g. police officers and local council officers) which may differentially shape the perception of legitimacy. However, similarly, Richard who received a CPN from the police for a dog ownership-related issue has also altered his behaviour in response to the relationship that has now been established between himself and the authorities:

Actually, I've just remembered I printed a copy of this to have by the door in case the police ever turn up again and I can answer them straight away. Hold on. That's one of the impacts is that I live in fear of further unlawful action by police officers in justification or defence of their position. (Richard)

Again, Richard is compliant with the CPN but the legitimacy and trust in authorities has reduced due to his perception of their 'unlawful action' with regards to issuing him a CPN in the first place.

Andrew complied with his warning, but as he expresses quite clearly, this was coercive rather than voluntary due to the fear of sanction:

Andrew: we have not breached the CPN....much to our wish not to do it, given the timescales, given the situation with my wife's job and so on, we just had to do what we had to.

Interviewer: How does having a CPN make you feel?

Andrew: Well initially I was quite enraged... It sort of swings between rage and despondency.

Andrew's case is particularly interesting given that he sought to appeal his CPN through the formal process, even after complying with its requirements. The CPN was removed before getting to the court stage. The emotional effects however, continued to shape his perceptions of the overall process and he still felt aggrieved by the experience even though the final outcome for himself was favourable.

Implications for future theorising

This is the first analysis to explore the impact that receiving CPWs and CPNs can have upon recipients, specifically relating to their social identity. Social identity is a key concept in our understanding of procedural justice theory and has been shown to mediate between policing and perceptions of legitimacy. This article has allowed for a greater qualitative exploration of the role that social identity plays in the policing of anti-social behaviour. By focusing on a specific type of deviance we give context to how and in what ways identity relevant information is communicated, understood and negotiated in practice. Focusing on ASB also allows for greater development of the underpinning norms and values that are expected to drive policing practice and establish them as representatives of community groups. As a morally subjective but widening concept, the grounds on which policing bodies can represent a homogenous 'community' are less certain and therefore open up greater scope for a rejection of the anti-social label. In addition, the participants' experiences detailed in this study extend our previous work and shed empirical light on both our understanding of ASB and the associated regulatory practices, which contributes to the emerging evidence base on the powers introduced by the Anti-Social Behaviour, Crime and Policing Act (2014).

The participants within this study saw themselves as upstanding citizens, demonstrating a strong moral self which resulted in emerging tensions around the negotiation of the moral order. In most

instances participants did not consider their behaviour to be anti-social. Participants could be seen to grapple with the ambiguous and elasticated definitions, highlighting those behaviours that they understood to be typically anti-social (e.g noisy neighbours) as distinct from their own actions. It is perhaps this combination of self-identified 'upstanding citizens' and anti-social behaviours that create a greater challenge to policing bodies as 'prototypical representatives' of a community's norms and values (Radburn and Stott, 2019). What is considered anti-social within a community may vary and is expanding under current legislation that lowers the threshold of what ASB entails. Whether or not authorities represent the 'law abiding majority', as understood in procedural justice studies, may be more contextually specific than prior studies indicate. When it comes to regulating ASB, these behavioural types are contested in a way that other forms of policing might not be and therefore requires greater forms of procedurally just practice in order to establish legitimacy.

In reasserting their moral selves, our participants drew on other social categories that demonstrated and maintained their self-identity as law-abiding. For example, they highlighted their roles within the community, their current or previous employment, their educational background and their history of abiding by the law with no prior offences. They drew on their social histories to contextualise and process the identity relevant information being communicated to them. In positioning these social categories as more legitimate than the CPW/CPN they attempted to distance themselves from the policing body and their judgement. As previously found in Kyprianides' et al., (2021b) study, the policing bodies were treated as their own social category rather than as a representative of the law-abiding majority. Their decisions were therefore seen as either representing themselves or a specific section of the community. These competing social categories broaden our understanding of this relational identification between citizens and policing bodies. The identities of the participants in this study were dynamic and varying (Radburn et al., 2018), with inter-group identities and emerging community fractions. The negotiations with policing bodies allowed us to see how they drew on and prioritised specific forms of identity in order to maintain wider group inclusion, whilst at the same time distancing themselves from the authorities in question. This adds to and extends the complexity highlighted in Pehrson et al.'s (2017) work on the group engagement model, which demonstrated multiple pathways between police practice and legitimacy. The findings in this study shed light on how we may seek to operationalise the concept of 'belonging' in future procedural justice studies.

Prior studies have demonstrated that procedurally just policing offers greater motivation for compliance and can be tailored to manage individuals differing motivational postures, particularly resistance (Braithwaite et al, 2007). The form of compliance seen in this study supports Grace's

(2020) additional suggested 'compulsion' posture; compliance coupled with resistance and an ongoing grievance. This is most likely due to the social identity of recipients interviewed; namely, the self-identified 'upstanding citizens' and the type of subjective sanction being received; a CPN. Participants in this study complied because of the identity relevant information that a sanction would communicate about themselves to others. However, this form of compliance, mediated by social identity, seemed to delegitimise the authorities in the eyes of the participants and reduce trust and confidence in their ability to carry out their duties fairly. As Grace (2020) has argued, those with a strong moral self will require greater procedurally fair treatment in order to have their moral self appeased. The processes through which CPNs are administered design out some of these procedural justice opportunities. Therefore, whilst compliance may have been achieved, the form that compliance takes may actually damage legitimacy in the longer term.

Hence this is an opportunity for legitimacy to be better established within a procedurally just CPN issuing approach. The inability to have a 'voice' in the process creates tensions and this is inscribed through issuing the notice via the post and the subsequent inability to appeal. The out of court issuing process increases claims of mistrust in the fairness of the decision makers. Plus, the wider range of cases sanctioned, particularly neighbour disputes, leaves authorities open to charges of bias. There are thus implications here for policy and frontline practice, particularly by enhancing voice and fairness through better channels of communication between authorities and recipients, allowing both the opportunity to explain the problem and hear the versions of events and any mitigating circumstances. Adding in standardised safeguards, such as in person issuing and greater oversight of issuing, would enhance procedural justice by removing an element of individual discretion from the issuing process, which would build-in perceived fairness of the practice from the perspective of recipients. These factors may aid in motivating a commitment rather than a compulsion posture in the context of managing ASB.

The results from this study provide a platform for further research into the social identity element of procedural justice. This article has focused on the testimonies of self-identified upstanding citizens, however there will be recipients that do not consider themselves in this way who are deliberately anti-social. Their perspectives would be a valuable addition to our overall understanding of the relational identification between citizens and authorities and add to emerging research on those more frequently policed 'outgroups' (Kyprianides et al., 2021b). Similarly, there will be self-identified upstanding citizens whose CPN experience was perceived to be procedurally fair. It would be just as pertinent to understand their experiences and their motivations for compliance. In addition, there is a necessity to consider the implication of a compulsion posture on self-identified 'upstanding

citizens' to explore how forms of identity mediate compliance whilst also reducing legitimacy. There is scope here for greater understanding of long-term legitimacy in specific policing contexts. This study explored the participants' responses to 'policing bodies' (police officers and local council officers) involved in issuing CPWs/CPNs. Future research should consider how and in what ways people's identity was variably challenged based on which authority they came into contact with. This would add to our understanding of community representation to consider how different authorities enacting the same regulation might complicate forms of procedural practice and thus perceptions of legitimacy. Finally, in response to the manner in which behaviours considered to be anti-social appear to be 'stretched' ever further by the tools and powers contained within the Anti-Social Behaviour, Crime and Policing Act (2014), the usefulness of our criminological and sociological understanding of ASB requires further consideration.

Funding

This work was supported by the Helena Kennedy Centre for International Justice, Sheffield Hallam University, UK.

Acknowledgements

We would like to thank Josie Appleton of the Manifesto Club for her support with this project. Also, thank you to Sara Grace, Andrew Millie and the reviewers for their helpful feedback on earlier versions of this article. Thank you to Zoe Rodgers for her excellent research assistant skills.

References

- Adams, J. and Millie, A. (2021), 'Everyday Moral Judgements of Anti-social Behaviour', *Crime Prevention and Community Safety*, 23(1): 56-68.
- Barkworth, J. M., and Murphy, K. (2021), 'Procedural justice, posturing and defiant action: exploring prisoner reactions to prison authority', *Justice Quarterly*, 38(3): 537-564.
- Becker, H. (1963), *Outsiders: Studies in the Sociology of Deviance*, New York: The Free Press
- Bradford, B., Murphy, K. and Jackson, J. (2014), 'Officers as Mirrors: Policing, Procedural Justice and the (Re)production of Social Identity', *British Journal of Criminology*, 54(4): 527-550
- Braithwaite, V. (2003), 'A New Approach to Tax Compliance', In V. Braithwaite, ed., *Taxing Democracy: Understanding Tax Avoidance and Evasion*. Aldershot: Ashgate.

Braithwaite, V., Murphy, K., and Reinhart, M. (2007), 'Taxation threat, motivational postures, and responsive regulation', *Law & Policy*, 29(1): 137-158.

Braun, V. and Clarke, V. (2006), 'Using Thematic Analysis in Psychology', *Qualitative Research in Psychology*, 3(2): 77-101.

Brown, A. P. (2004), Anti-Social Behaviour, Crime Control and Social Control. *The Howard Journal* 43(2): 203-211.

Carter, M. J. and Fuller, C. (2016), 'Symbols, Meaning, and Action: The Past, Present, and Future of Symbolic Interactionism', *Current Sociology*, 64(6): 931-961.

Cracknell, S. (2000), 'Anti-Social Behaviour Orders', in Morgan, D. and McDonald (eds) Current Developments. *Journal of Social Welfare and Family Law* 22(1): 108-115.

Goffman, E. (1963), *Stigma: Notes on the Management of Spoiled Identity*, London: Simon and Schuster Inc.

Grace, S. (2020), 'Policing Social Distancing: Gaining and Maintaining Compliance in the Age of Coronavirus', *Policing: A Journal of Policy and Practice*, 14(4): 1034-1053.

Heap, V. and Dickinson, J. (2018), 'Public Spaces Protection Orders: A Critical Policy Analysis', *Safer Communities*, 17(3): 182-192.

Heap, V., Black, A. and Rodgers, Z. (2021), 'Preventive Justice: Exploring the Coercive Power of Community Protection Notices to Tackle Anti-social Behaviour', *Punishment and Society*, 0(0): 1-19.

Home Office (2016) Annual anti-social behaviour order (ASBO) statistics. Available at: <https://data.gov.uk/dataset/25c0f3c0-e21e-4028-aaef-1981404e1825/annual-antisocial-behaviour-order-asbo-statistics> (accessed March, 2020).

Home Office (2021). Anti-Social Behaviour, Crime and Policing Act 2014: Anti-Social Behaviour Powers Statutory Guidance for Frontline Professionals. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf (accessed May, 2021).

Ilan, J. (2018), 'Scumbags! An Ethnography of the Interactions between Street-based Youth and Police Officers', *Policing and Society*, 28(6): 684-696.

Jackson, J., Bradford, B., Hough, M., Myhill, A., Quinton, P. and Tyler, T. R. (2012), 'Why Do People Comply with the Law? Legitimacy and the Influence of Legal Institutions', *British Journal of Criminology*, 52(6): 1051-1071.

Jackson, J., Bradford, B., Stanko, E. A. and Hohl, K. (2013), *Just Authority?: Trust in the Police in England and Wales*. Oxford: Routledge.

King P (2003) *A Social Philosophy of Housing*. London: Ashgate.

Kyprianides, A., Stott, C., & Bradford, B. (2021a), 'Playing the game': Power, Authority and Procedural Justice in Interactions between Police and Homeless People in London', *The British Journal of Criminology*, 61(3): 670-689.

Kyprianides, A., Bradford, B., Jackson, J., Yesberg, J., Stott, C. and Radburn, M. (2021b), 'Identity, Legitimacy and Cooperation with Police: Comparing General Population and a London Street Population', *Psychology, Public Policy and Law*, <http://dx.doi.org/10.1037/law0000312>

Kyprianides, A., Bradford, B., Jackson, J., Stott, C., and Posch, K. (2021c), 'Relational and Instrumental Perspectives on Compliance with the Law among People Experiencing Homelessness'. *Law and Human Behavior*. ISSN 0147-7307 (In Press)

Loader, I. (2000), 'Plural Policing and Democratic Governance', *Social and Legal Studies*, 9(3): 323–345.

Loader, I. and Mulcahy, A. (2003), *Policing and the Condition of England: Memory, Politics and Culture*, Oxford: Oxford University Press

Manifesto Club (2016), CPNs: The Crime of Crying in your own Home. Available at: <https://manifestoclub.info/cpns-report/> (accessed March, 2021).

Manifesto Club (2019) CPNs: 20,000 new 'busybody ASBOs' issued in past 4 years. Available at: <https://manifestoclub.info/cpns-20000-new-busybody-asbos-issued-inpast-4-years/> (accessed March, 2021).

Manifesto Club (2020), CPNs and PSPOs: the use of 'busybody' powers in 2019. <https://manifestoclub.info/cpns-and-pspos-the-use-of-busybody-powers-in-2019/> (accessed March, 2021).

Medina Ariza, J. J. (2014), 'Police-initiated Contacts: Young People, Ethnicity, and the 'Usual Suspects'', *Policing and Society*, 24(2): 208-223.

Millie, A. (2016), *Philosophical Criminology*, Bristol: Policy Press

Ministry of Justice (2014), Penalty Notices for Disorder (PNDs). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/403812/penalty-notice-disorder-police-guidance.pdf (accessed July, 2021).

Murphy, K. (2016), 'Turning defiance into compliance with procedural justice: Understanding reactions to regulatory encounters through motivational posturing', *Regulation and Governance*, 10(1): 93-109.

Murphy, K., & Cherney, A. (2012), 'Understanding Cooperation with Police in a Diverse Society', *The British Journal of Criminology*, 52(1): 181-201.

Nelson, J. (2016), 'Using Conceptual Depth Criteria: Addressing the Challenge of Reaching Saturation in Qualitative Research', *Qualitative Research*, 17(5): 554–570.

Novick, G. (2008), 'Is there a Bias Against Telephone Interviews in Qualitative Research?', *Research in Nursing & Health*, 31(4): 391–398.

Pehrson, S., Devaney, L., Bryan, D., and Blaylock, D. L. (2017), 'Beyond group engagement: Multiple pathways from encounters with the police to cooperation and compliance in Northern Ireland', *PLoS one*, 12(9): e0184436.

Radburn, M., Stott, C., Bradford, B., and Robinson, M. (2018), 'When is Policing Fair? Groups, Identity and Judgements of the Procedural Justice of Coercive Crowd Policing', *Policing and Society*, 28(6): 647-664.

Radburn, M. and Stott, C. (2019), 'The Social Psychological Processes of 'Procedural Justice': Concepts, Critiques and Opportunities', *Criminology & Criminal Justice*, 19(4), 421-438.

Sargeant, E., Davoren, N. and Murphy, K. (2021), 'The Defiant and the Compliant: How Does Procedural Justice Theory Explain Ethnic Minority Group Postures toward Police?' *Policing and Society*, 31(3): 283-303

Tyler, T. (2004), 'Enhancing Police Legitimacy', *The Annals of the American Academy*, 593: 84-99.

Tyler, T. (2011), 'Trust and Legitimacy: Policing in the USA and Europe', *European Journal of Criminology*, 8(4): 254-266.

Tyler, T. R. and Blader, S. L. (2001), 'Identity and Cooperative Behavior in Groups', *Group Processes and Intergroup Relations*, 4(3): 207-226.

Tyler, T. R. and Blader, S. L. (2003), 'The Group Engagement Model: Procedural Justice, Social Identity, and Cooperative Behavior', *Personality and Social Psychology Review*, 7(4): 349-361.

Wells, H. (2008), 'The Techno-fix versus the Fair Cop: Procedural (in) justice and Automated Speed Limit Enforcement', *The British Journal of Criminology*, 48(6): 798-817.