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**‘Playing the game’: Power, authority and procedural justice in interactions
between police and homeless people in London**

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Abstract: We explore the relevance of Procedural Justice Theory (PJT) for understanding the relationship between police and marginalized groups and individuals. Analysis is based on ethnographic research into the policing of the street population in an inner London borough, through shadowing policing patrols and embedding observation within the homeless community. Police-street population relationships appear characterized by: (1) a structural context of extreme disempowerment; (2) a micro-sociological dimension relating to the exercise of authority; and (3) a dynamic power relationship characterized by 'the game of cat and mouse'. The nature of interactions within this context, and the extreme marginality of the street population alters the weight placed on fairness perceptions and the extent to which police activity can affect legitimacy and compliance.

Key words: Power; authority; procedural justice; police; homeless people

“Playing the game”

*Life on the streets is like playing a game,
only trouble is nobody’s rules are the same.
Everyone’s after the same piece of cake,
if you get to eat depends on the decisions you make.
Play the game well and you’ll have a good day,
make the wrong move could get you to pay.
Be alert and stay on your toes,
what could happen god only knows.
Keep your home and a roof over your head,
life out here you could end up dead.
No one’s immune it can happen to us all,
even the mighty have been known to fall.
So there’s a few lines,
that somehow rhymes.
To bid you a very good day,
Play a good game and you will never have to pay.*

Budgie, street poet, born to be free (04.08.2019)

Introduction

At the current time procedural justice theory (PJT) is, arguably, the dominant model for understanding police-community relations, at least in as much as such relations are conceptualised in terms of trust, legitimacy, cooperation and compliance. Research over two decades has demonstrated that: (a) procedural fairness during interactions with officers, and/or a sense that police usually behave in such a manner, generates trustworthiness and institutional legitimacy; (b) procedural fairness is a more important predictor of trustworthiness and legitimacy than more instrumental concerns about effectiveness or distributive justice; and (c) this process, when positive, predicts public cooperation with police and compliance with the law (Walters & Bolger, 2019). There is, of course, disagreement within the field – for example about the nature of legitimacy (Tankebe, 2013), the extent to which procedural justice is linked to compliance (Tyler, 2017), and the role of other factors in generating trustworthiness, legitimacy and willingness to cooperate (Hamm et al., 2017). But the relationships sketched out above have been supported in a plethora of observational, experimental and other forms of empirical study. Almost wherever one looks, it seems one can find a ‘procedural justice effect’, i.e. that process matters at interpersonal *and* institutional levels (Jackson, 2018).

At the heart of PJT lies a concern with the ways in which cooperation and compliance are motivated and sustained within groups. On this account, the experience of procedural fairness at the hands of important group representatives (such as police officers) communicates to people messages of inclusion and status, and moreover that membership of the group is itself worthwhile. Correspondingly, when identification with a group is activated and salient, and when people feel included, they are motivated to act in ways that support the group and its authorities (Tyler & Blader, 2003). Moreover, PJT, and close relatives of it, have also been applied in *intergroup* settings, with a common finding being that procedural justice legitimates intergroup relationships and/or motivates the blurring, negating or crossing of group boundaries (Huo, 2003).

Despite the central place of group membership and self-categorisation in PJT, the extant literature has several significant, and arguably limiting, characteristics (c.f. Radburn & Stott 2018). We describe these in detail below, but at the threshold they concern: the types of populations covered in much PJT research, which has focused either on the general public or specific groups with a strong interest in their group position *vis a vis* the police; and the ‘encounter’ that lies at the heart of PJT, at least as conceptualized within criminology, which has generally been construed as a one-off ahistorical event involving a single individual and a single or small group of police officers (for exceptions see e.g. Tyler et al., 2014).

To help address some of these limitations this paper presents a study of the relationship between police and a group hitherto largely absent from PJT research, people living on the streets. We present, first, an ethnographic analysis of police-street population interactions and relationships. We identify three dimensions that characterize police interactions with this community of people: their structural location and disempowerment; the power dynamics between different authorities; and a dialectic relationship between police and street population analogous to a ‘game of cat and mouse’. Second, we utilize our data to consider its implications for core concepts of PJT, arguing that extreme marginality may fundamentally alter some of its well-established causal pathways. We conclude that close observation of interactions

between police officers and a 'street population' in a position of extreme marginalization offers new insight into some of the central theoretical aspects of PJT.

Policing the homeless

Homeless people are marginalised in many ways. They experience personal and economic hardship, and they often endure stigma and structural discrimination because of their housing status and the forms of deep social exclusion that interact with it, such as histories of institutional care, substance misuse, and participation in street culture activities (an experience termed 'multiple exclusion homelessness', c.f. Fitzpatrick et al., 2011). Much research (e.g. Fitzpatrick et al., 2011) has documented the instrumental consequences of such exclusion in the UK and elsewhere, which affects people's ability to transition into employment and stable housing as well as their well-being.

A punitive approach has increasingly defined the policing of homelessness in the UK (Cooper, 2016), as is the case elsewhere (e.g. the US, Robinson, 2019). Rough sleeping has often been at the forefront of the political agenda, and there has been an increase in the use of enforcement measures in English public policy in particular. Nineteenth Century vagrancy laws are still in effect, making it illegal to sleep rough or beg, and are now coupled with zero-tolerance enforcement strategies that target street-level activities often associated with homelessness (Cooper, 2016). A number of recent studies, however, complicate the narrative of homelessness policing as uniformly hostile, punitive and exclusionary; and, instead, reveal a pattern of simultaneous punitive *and* less punitive approaches that promote joint police/services interventions (Stuart, 2015). Multi-agency initiatives bringing together a range of stakeholders are now common. This includes police, outreach services, homelessness organizations, local councils and others, who work together to tackle issues such as begging, rough sleeping, criminal activities and anti-social behaviour (Sanders & Albanese, 2017).

Police encounters with this population therefore need to be studied as a dynamic process embedded in context: the 'criminalisation' of homelessness in an expanding landscape of collective 'quality of life' policing. Literature on the policing of

homelessness (in the UK, Johnsen, Fitzpatrick & Watts, 2018; and elsewhere, McNamara, Crawford & Burns, 2013) has highlighted issues associated with ‘social control’ interventions – conducted by the police and/or homelessness support services using force, coercion, bargaining, influence and/or tolerance - to bring about change in the conduct of street homeless people. However, as Stuart (2015: 948) argues, there has been a tendency to overlook questions of organizational context and the agency of police officers and other actors, as well as the heterogeneity and resistive capacities of their homeless targets, and ‘there is much work to be done in analyzing how the policing of homelessness actually unfolds on the streets, and what its consequences are’.

To this end, we attempt to capture the contingent nature of policing homeless populations in one particular context: London. Homelessness in London is currently increasing year on year since 2010, largely as a result of politically determined austerity measures (Fransham & Dorling, 2018; PHE, 2018). There was a net increase of over 4,800 people recorded as sleeping rough in London across the period 2010-2019 (Statista, 2019); by the latter year the number of people sleeping rough had more than doubled in a decade, to 8,600. Likely causes include upward pressure on housing costs coupled with reduced availability of affordable social housing, reduced funding for supporting vulnerable people with their housing, and restrictions on housing benefit for lower income families. While inevitably a diverse group, the majority of rough sleepers in London were British, male, white, and aged between 36 and 45 (Statista, 2019).

Procedural justice and policing the homeless

PJT has hugely expanded our understanding of the relationship between police and public, the nature and sources of trust and legitimacy, the types of outcomes they can produce, and, as the title of the seminal book in the field puts it, *Why People Obey the Law* (Tyler, 1990). An enormous amount of research has provided support for core aspects of the theory, even as debate around some issues persists. However, as procedural justice research in criminology enters its fourth decade there remains a need to identify, explore and address some important lacuna in the current evidence-

base, and develop some of the more nuanced aspects of the theory (Tyler, 2017; Martin & Bradford 2020).

We concentrate here on four issues that concern, in particular, the social identity dynamics likely to be in play during police-public interactions, as well as the nature of those interactions themselves. First, many of the survey and experimental studies that provide the empirical underpinning of PJT rely on general population samples, comprised primarily of individuals and groups more or less safely 'on the inside' of society. Yet experiences of police activity might be differentially meaningful for people in the social mainstream, with a relatively strong sense of identification with dominant social categories associated with the police, compared with others whose individual and group status is more marginal. This is a significant issue, given the reliance on group membership and identification as a causal psychological mechanism within PJT. Some recent studies have begun to address this issue - Murphy and colleagues (2015), for example, have highlighted the importance of instrumentality when the police-public relationship is more clearly *intergroup* (i.e. where police and policed less obviously share group membership).

Second, even where studies have looked towards more marginalized groups these have tended to be those whose marginalization is at least partially a result of *unjust* policing and/or where group members are actively seeking to assert or reassert their position and status in wider society, making them arguably even more attuned to the value- and identity-relevant aspects of police activity. The obvious example here is ethnic minority communities in many parts of the world (Bradford, 2014). Procedural justice is still important, and still 'works', in these cases, albeit often in a negative sense wherein the experience of procedural *injustice* triggers distancing and alienation from the police and the group(s) they represent. Homelessness, by contrast, may entirely problematize the idea that police activity is socially or symbolically meaningful to those experiencing it. Waddington (1999) argues that police might restrain in using coercion against those sections of its population it deems to be 'citizens', but show much less restraint in suppressing dissent from those on the margins of citizenship and even less for those beyond those margins. What is currently unclear, however, is how the latter

respond to such treatment in relation to the core concepts of PJT – trust, legitimacy and compliance.

Much PJT research has, then, considered populations for whom police are a salient point of social and cultural reference, part of an architecture of power, meaning and affect toward which they orient themselves (positively *or* negatively). Studies involving groups for whom the association between police and identity might seem more tenuous have been much less common. We consider here a population that is not only highly marginalized, but which might be considered fundamentally disconnected from society – people living on the streets. Our central concern is in how the core ‘pathways’ of PJT, from encounters with police to trust, legitimacy and onto compliance, might play out within a group of people ostensibly so far outside the social mainstream. In a sense, we are therefore looking for a ‘limit-case’ for PJT, at least in respect to its social identity and group dynamic elements.

Third, few PJT studies have paid sufficient attention to the fact that ‘citizen’ contact is an *embedded process*, not simply a one-off interaction. If we are to adequately comprehend that process from the perspective of the policed, we need to understand all its features: the geographic, social and indeed political context in which it occurs, and the history of the people involved, as well as how they judge the encounter itself. Salient here is the paucity of ethnographic and in-depth observational studies that have focused on procedural justice (for exceptions see e.g. Ilan, 2016). Quantitative longitudinal studies have demonstrated that, for example, perceptions of police contact are shaped but not determined by prior attitudes, and in turn shape but do not determine subsequent attitudes (Tyler & Fagan, 2008), but these have been limited in the extent to which they can consider the longer histories and specific contexts involved. It remains the case that the vast bulk of PJT evidence is quantitative (Harkin, 2015), and largely cross-sectional. There is a need to empirically substantiate the implied causal ordering of key variables (Nagin and Telep, 2017), and also a danger of mechanistic readings that simply assume the four pillars of PJT can be ‘applied’ by police to promote perceptions of fairness across individuals and contexts (Jonathan-Zamir et al., 2015; Savigar-Shaw et al., 2020).

We therefore use a combination of observational, interview and other techniques to explore more fully the context of police-public interaction, the personal and social histories of those interacting with officers, and their current circumstances. And we consider how these elements—which constitute a person’s position in society—come together in their understandings of and reactions to police activity. How do personal, social and economic factors shape the interactions people have with police, and the lessons they draw from them?

Fourth, most PJT research that takes as its starting point contact between police and public envisages this, implicitly or explicitly, as a distinct, standalone encounter involving one or few police officers and one or few ‘citizens’ (e.g. members of the general population who respond to surveys) or, less commonly, particular groups or types of people (young people, those from minority groups etc.). Almost all such individuals are imagined as having non-instrumental (as well as instrumental) interests and motivations, which might be broadly categorized as a need for ‘recognition’ or ‘respect’. This does not of course represent the diversity and range of police-public encounters: what other authorities or actors are present; how many people are involved on both sides; whether there is a passive or active ‘audience’; and so on. We therefore attempt to provide a fuller account of police-public interaction by considering, within a particular social context, some of these other elements and the way they affect the experiences of those interacting with police. Before proceeding to discuss these issues, however, we first provide a description of our data gathering methods and analytic procedure.

Data gathering

This research utilized ethnographic methodologies that entailed a focus on the street population—those with a history of homelessness, substance use disorder, sex work, and/or imprisonment—in an inner London borough. We selected this population and research site in conjunction with our partner police force (Metropolitan Police Service; MPS) as it reflects an ‘isolated community’, a social category where and with whom relations are problematic and policing issues are regularly linked with conflict and/ or accusations of (il)legitimacy. In line with Sunshine and Tyler (2003), and many others, who argue that qualitative research strategies provide access to the realities of policing

as people experience it, we study the social encounters, contexts and processes through which citizen cognitions about policing are formed, and the power dynamics through which policing 'procedures' are imposed and contested over time, among a disenfranchised community subject to high levels of police attention. The focus on one particular geographical area served well for the purposes of data collection, providing the researcher the opportunity to utilise various sources of evidence within a 'real-life' framework.

The project achieved its objectives by embedding the lead author with: Charity Homeless (CH)¹ - a charity that deliver street outreach to support homeless people; the MPS Street Population Engagement (SPE) team; and within the homeless community itself. At the time of the fieldwork the MPS conducted six 'hot spot' patrols a week within the borough (three without CH present focused on crime displacement, and three with CH present), and CH conducted three separate outreach patrols a week (dedicated to identifying and working with people on the streets). Informed consent to conduct the research was gained from the SPE Lead in charge of the borough, the CH Outreach Lead, and all individual participants. The first author spent 6 months (approximately 180 hours) in the field between May 2019 and October 2019, engaging in three key ethnographic research activities:

- (1) Shadowing multi-agency hot spot patrols in the area, organized by the MPS (15 hot spot patrols, 2 hours each). During these the lead author witnessed approximately 75 charity worker-homeless person interactions and 30 police officer-homeless person interactions, 8 of which could be defined as involving formal enforcement (e.g. police arresting members of the street population or handing out Anti-Social Behaviour Orders (ASBOs)).
- (2) Shadowing CH outreach patrols in the area (15 CH outreach shifts, 4 hours each). These also typically involved very frequent interactions with members of the street population (approximately 5-10 per shift).
- (3) Spending time with the street population as they went about their everyday lives (25 days in the park, an average of 4 hours each time), and witnessing first-hand some of the lived experience of this particular setting (c.f. Robinson, 2020).

¹ The charity has been anonymised.

The homeless people who took part in the study were predominately male and came from a variety of backgrounds; although they were often white, they were also often non-British. Their age ranged from about 21-65, and they had been street homeless for between 1 and 10 years at the time of data collection. Our police officer/ charity worker sample was diverse in terms of age, gender, and ethnicity.

The ethnographic methodology we undertook, which employed multiple approaches to qualitative data collection, generated a large data corpus, made of up situated, interactional and longitudinal data, that can be split into three primary orders:

- (1) Verbal data (talk): Approximately four hundred informal/ walking interviews and in-depth conversations were conducted with the authorities and members of the street population regarding their routine activities, their interactions with each other, procedural justice, and perceptions of their personal and social identities.
- (2) Visual data (observational; behavioural): Observation of the everyday life of this borough's street population, and observation of police and charity routine activity while on street patrols, including on-street police briefings, direct observations of police–street population encounters, and directed conversations within those observations with all parties involved. In total, we observed approximately 225 interactions between police and street population; 10% involved people who were observed on several occasions and across more substantial periods of time (e.g. where the lead author spent around three to four hours of continuous time as they went about their everyday lives in the park).
- (3) Other participant-generated data: We also provided our street population participants with disposable cameras as well as notebooks and pens to record their day to day experiences in the form of photographs and diary entries.

Observations and talk were recorded as audio or written field notes (with participants' permission) and were supplemented where relevant and practicable by the other forms of ethnographic data (photographs, diary entries) that helped us to make visual representations of events and interactions.

Analytic procedure

The analytical approach employed a form of *collective* thematic analysis based on Glaser and Strauss (2017). The first author initially processed the different orders of data independently - listened to the audio recordings, reflected on the observations and the other forms of data. She then shared with the co-authors *all* episodes judged to be meaningful. Third, guided by theory, we iteratively winnowed the data and descriptions to focus down on the theoretically most meaningful, relevant, and revealing instances, stories and reports. The research team convened over a period of several weeks to discuss the episodes identified. These analysis sessions focused on organizing the episodes identified to collectively develop a coherent thematic structure that captured the underlying data. Finally, talk and/or observations that were judged to best represent the final set of themes were chosen collectively and are presented in the following analysis. Note that we report observational data in a narrative form – a common approach to reporting ethnographic data of this kind (see e.g. Stott, Havelund & Williams, 2019). The episodes described stem from raw detailed field notes taken by the first author.

Analysis

Our analysis is presented in two parts. First, we describe three dimensions that shape and characterize homeless respondents' relationship with police. Second, we consider what this relationship, and the ways it plays out, may mean for PJT.

1. Structure, context and authority

A context of structural disempowerment: marginalisation and stigmatisation.

Perhaps the most striking feature of our observational data was the harsh psychological and material reality faced by our homeless participants and the practical challenges they faced: finding shelter, making money and acquiring drugs. They invariably described facing everyday psychosocial challenges of marginalization and stigmatization; processes that caused them to suffer from low self-confidence, self-efficacy and agency, leaving them feeling disempowered and discouraged on a day to day basis. Several conversations included negative emotive talk about extremely hostile intergroup relations involving members of the public, other homeless people and the authorities – categories of people that participants described as groups of

'others' that contributed to the insidious effects of life on the streets. Several openly characterized their life as depressing, unpredictable, dynamic and dangerous:

It's terrible around here...it's so demoralizing... it's one hit after another, it breaks my heart... I feel worthless. I am scared 24 hours a day, of everything. That's the true understanding of how it is on the streets: from scoring to getting robbed to robbing people, it's the way the life is on the streets.

(Male, 10 years street homeless, P1)

Power relationships between authority stakeholders

Policing the street population in this London borough involved a multi-agency hotspot team made up of police officers, as well as community presence officers (CPOs) and CH outreach workers². The relationships between these different authorities during interactions appeared to be an important dynamic governing the street population's relationship with the police. During observations the presence of other authority figures changed the nature and tone of encounters between the police and our participants. When charity workers were present alongside police there was a relatively supportive, caring approach to interactions that focused on enabling people to get away from their street-based lifestyle. In fact, all observed interactions where CH were present focused on encouraging people to engage with outreach services.

However, the different roles and agendas of the police and non-police actors resulted in some complexity in how authority was exercised. For example, during one observation (incident 2808) there was a heated encounter between the police officers on duty and a member of the street population who was experiencing heroin side effects and cutting himself with a sharp object in a children's playground. There was blood, needles and drug paraphernalia, and the man was resisting police orders, shouting that he had Hepatitis C and Aids and that they should not get any closer. The CH outreach worker stepped in, stood in front of the man so that the police could not hear their conversation, and quietly warned him that he needs to engage with CH, 'let me help you, show willingness that you will engage with us, or the police are likely to

² While police officers get paid overtime and come onto these hotspot teams on their rest days, CPOs – who work for the council to provide high-visibility patrols across the borough- and CH outreach workers are tasked with conducting these hotspot patrols (HSP) – it is a key aspect of their job.

arrest you for what happened here today'. The outreach worker then effectively de-escalated the situation, saying loudly, 'I'm saying this loudly so that the police can hear... you do have the opportunity to be helped and to be supported, it's up to you to show up at the hub tomorrow and we will put you somewhere' – to which the man responded 'yes, tomorrow'. The man left, thanking the charity worker for her help and no arrest was made.

This apparent potential for shifting agendas was also reflected in police officer talk about how and why they stand back when charity workers are present.

It's like 'good cop, bad cop' – with CH we are 'good cop', without them we are 'bad cop'. We hold back when CH is present so that we don't interfere with their role...

(Police officer, P39)

By contrast, when only police were present the agenda appeared to shift, as did what was at stake in a given interaction. When police were working alone, they described how they were there to enforce the law:

It's good having them (CH), they've got all the connections, but we're more enforcement... We just go to where we think we might come across those individuals that might be involved in anti-social behaviour such as drug issues, street drinking, rough sleeping... We'll issue community protection notices, written warnings, any interventions that we might do.

(Police officer, P18)

This was exemplified in police behaviour. For example, every observation where CH was not present focused on arresting 'wanted' members of the street population and giving out warnings for begging, as well as community protection notices (CPNs). On one occasion when CH was not present, the police officer on duty briefed the hotspot patrol (HSP) team to do just that:

If we go on the basis of that we've got a number of people that could be wanted; and we've also got a number of individuals that are already on CPNs; and, obviously, in between that we might come across anyone that's actually wanted.

(Police officer, P19)

Not long after the team was briefed, the police officer on duty arrested a man who was wanted for theft (incident 1909). The same police officer also issued a man a warning for begging at the station. Such enforcement actions were far less apparent in observations when patrols were mixed.

Dynamic micro-sociological interactions: A game of cat and mouse

During fieldwork it became clear that the street population - who spent a lot of their time begging and/or engaging in other illegal activities - encountered the police on a daily basis. Homeless participants spent a good deal of their time seeking to evade the police so they could do what they felt they needed to do to survive. It was interesting then that they often talked about their relationship with the police using a narrative of 'playing the game', a kind of competition being played by two teams. On the one side were the police – sometimes portrayed as predatory 'cats' and, on the other, the street population – sometimes described as the devious but crafty 'mice':

You've got the police and you've got us. They're out to try and stop us from begging, we're out to try and beg. So, it's like a game of cat and mouse where we're trying to dodge 'em and they're trying to catch us... Playing the game is knowing how things work, and when the police show up, and knowing when to move.

(Male, 10 years street homeless, P1)

In this 'game' the street population knew the 'rules' well, and they described several 'tricks' up their sleeves that allowed them to do what they wanted or needed to do in order to survive – regardless of what the police did. For example, one respondent described what it was like playing this game through an encounter in which he 'played' police by giving out false identity details to hide his criminal history and avoid arrest.

We were standing behind a van doing the spice deal when, bam, a pig van pulled up and about 8 coppers jumped out... I panicked cus I know I'm wanted for fail to appear so I thought 'that's it, I'm nicked!'. I did what I always do, I gave my brother's name that comes up clear on the system ... Then the old bill just took the cuffs off...they just let me go, so they believed it. I played them proper. That first joint was sweeeeet!

(Male, 4 years street homeless, P10)

The street population additionally learnt the police's shift patterns and acted dynamically to avoid getting caught (e.g. hiding their begging cups at times police were expected to come on duty). They were also well informed about police practices and jurisdiction. For example, during a HSP (0710), it was clear that the street population present knew that the police officers on duty avoided making arrests outside of 'their' borough jurisdiction because doing so complicated police processes. For example, a female rough sleeper who spotted the HSP team while she was begging on a road (within one borough), stood up from where she was sitting and crossed the road into the neighbouring borough, smiled at the police officer and set up her begging spot there. It was apparent she understood the rules governing the boundaries of police authority and adapted accordingly. Following this observation, the CPO on duty explained, 'they know the boroughs have a very fine line. They know we won't touch them there because that is [a different borough]. They are clever, they know how to run away from us, they know where they are 'safe'.' (CPO 0710)

A summary of police- street population interactions

Central to understanding our research context, then, was the observation that homeless people exist in a context of *structural disempowerment* (c.f. Chan, 1996 who considers the issue of structural context in policing minorities). Within this context there are different stakeholders who govern and work with homeless people, and the interplay between them formed a second dimension to the latter's relationship with the police. Police and non-police actors negotiated *how* they exercised power and authority over the street population, and in relation to what ends. This struggle refracted the application of police power such that the agendas for the patrols was

contingent on who was present. The purpose of the interaction from the perspective of the authorities present played a crucial role, and this purpose was strongly influenced by who was present. Police officers were both enabled and constrained by their membership of the teams that make up these 'hot spot' patrols. The ways in which regulation was enacted and power applied changed according to the extent of authorization and endorsement by other agencies (Martin & Bradford, 2020). This, in turn, affected how encounters played out and were consequently experienced by the homeless person(s) involved.

The third dimension structuring encounters between police and the street population was a dialectic between power holders and the predominantly subordinated street population. Relationships between police and public are generally conceptualized and operationalized in such a way that power resides with the police officer (Bottoms & Tankebe, 2012). It is therefore remarkable that in the current context, and a population in an extremely marginalized position, that the police did not in fact retain all the power, all the time. Indeed quite often they were *disempowered*. First, because the homeless know the 'game' and play it well; and second because other authority figures may also be present. Members of the street population were able to develop an agenda which generated a capacity for empowerment in a context of extreme disempowerment (c.f. Goffman, 1956). The power dynamic between police and homeless can change, and even be reversed, by 'playing the game well'.

2. Procedural justice, legitimacy and (non) compliance

We outlined above three dimensions important for understanding encounters between police and members of the street population. All bear important implications for how we might conceptualise and explain these interactions within a PJT framework, and it is to this that we now turn. The following section contains three further points, derived from observation and interviews conducted with members of the street population, which describe their interactions between police, the biographical, social and physical contexts in which those interactions took place, and their wider views of the police. We also note some tentative, but plausible, behavioural outcomes of such interactions.

Procedural (in)justice in encounters with police

A core concern of this paper is whether members of the street population judged police in ways aligned with the predictions of PJT. Research suggests that procedural justice can motivate cooperation and compliance through the mediating influences of either legitimacy or social identity. The experience of procedural (in)justice, that is, changes the way people think about the police and/or themselves, and this affects their future behaviour. Certainly, questions of fairness and unfairness were evident in how participants talked about their encounters with officers. Yet, while fairness was clearly important, this was in an abstract sense (it is pleasant to be treated with respect). We found little to suggest this had downstream implications. It did not appear to lead to greater legitimacy, it did not affect identification with society, and in particular it did not seem to affect behaviour. Rather, it was distributive justice and instrumental outcomes that seemed to matter most. For example, one respondent talked about the disproportionate treatment he received from the police compared to other members of the street population who had been given permission to sell the 'Big Issue' magazine³:

Well, they're picking on us but then they're not picking on big issue sellers and that upsets me...because he's wearing that red jacket...It's a license to stand there and make money. I'm constantly moved on by the police, and that really slows down how much I can earn, but I'm not doing anything different to the big issue lads.

(Male, 7 years street homeless, P4)

Such descriptions of distributive injustice suggest that procedural fairness was less important to our sample because there were overarching instrumental outcomes at stake in their interactions with the police, which affected their very survival potential – and these, naturally, took precedence.

Interviews also suggested that the street populations' marginalization from important social categories, like community or nation, were thrust upon them by their structural and economic conditions, rather than being signalled or denied to them as a function

³ The 'Big Issue' is a social business that exists to offer homeless people the opportunity to earn a legitimate income by selling the 'Big Issue' street newspaper.

of police activity. One participant specifically explained that his lack of a sense of belonging, and therefore his sense of low self-worth, was not a matter of police treatment.

I don't leave it up to them [the police] to tell me whether I belong here or not. It doesn't matter what the coppers do, treat me well, treat me like shit (shrugs), that's not going to change me, I am what I am, a low life, and they can see that and treat me like that sometimes.

(Male, 6 years street homeless, P6)

Another participant talked about how his every day and rather problematic interactions with police were pre-determined by his already marginalized position within society:

Police, they've got no sympathy for you. We're on the street, they don't see us like proper citizens, they look at us like we're scum... They don't say it to you but their tone of voice says it all. They look down on me. Just like everybody else. The government don't help you either, I don't class that as a fair society.

(Male, 9 years street homeless, P2)

Moreover, homeless participants talked about their interactions with police as *intergroup* as opposed to *interpersonal* encounters. In particular, a 'homeless' subgroup identity was often evident. Such narratives seemed to reinforce a fundamental and structural cleavage between the two parties concerned, which guided and framed every aspect of their encounters, and respondents often described police officers as fundamentally different and indeed alien.

I can't think of myself as anything but a guy living on the streets when the police are around because usually they come round precisely because I am a guy of the streets. I might be begging; I might be smoking a joint – that's what we do on the streets... They're just nothing like us... it's us against them...

(Male, 2 years street homeless, P9)

Finally, it was notable that where individual officers acted in ways that were seen as unfair, this indicated something about the officer as an individual rather than reflecting the character of the police in general.

Some of them are fair to you, some of them are not. The way I see it, I treat people the way I like to be treated - nicely. It's just nice to be treated with respect from people, including the coppers... You feel bad enough begging on the streets without pricks like them making you feel worse.

(Male, 5 years street homeless, P5)

Legitimacy, history and context

As we have seen above, participants often described themselves as being 'at the bottom', with the rest of society 'looking down' on them. As a consequence, they described feeling disempowered, and their descriptions of police encounters were framed within a broader context that was referred to as a 'system' working against them. This rendered their relationship with police inherently problematic.

Police don't want us, they are doing their job, we are a nuisance to society and they have to deal with it.

(Male, 4 years street homeless, P10)

However, approximately a third of our homeless sample were foreign nationals who came to London to escape from economic deprivation and, indeed, harsher justice systems characterized by descriptions of corrupt policing. Among these individuals, descriptions of the police in London were more positive relative to their experience with police elsewhere. For example, one respondent who originated from Romania contrasted his experiences of policing within the UK to his historically harsh treatment at the hands of police elsewhere.

I have more chances on the street here. Here the police they say 'hello sir', what sir?! In my country, in Romania, police come in a van and they kick your face in... in Amsterdam they will give you a ticket for anything. The worst police I have ever seen.

(Male, 1 year street homeless, P7)

Other respondents also drew upon historical experiences with the police in other parts of the UK to justify the way they saw the police *in general*.

We have a history. My upbringing in Liverpool was really bad cus me brothers were heavily involved with the police. So the police came round my house all the time and I really took offence to it. Then, it wasn't me interacting with the police, it was my family. Now, I still do not trust the police at all. They're out to catch criminals, and I'm a criminal in their eyes.

(Male, 6 years street homeless, P6)

Members of the street population also described how their ongoing 'history' with authorities affected their interactions because with familiarity comes expectation:

I usually always know the charity fellas that come round here, and the guys wearing the 'community' jackets too. But the police officers are a hit and miss. The one's I do know, it's good cus they know my situation and keep their cool sometimes when I'm kicking off and might let it slip. Also I can tell the good ones from the bad ones if I've seen 'em before.

(Male, 2 years street homeless, P9)

There was thus a *distal context* to encounters with the police, which were historically embedded in various ways. Interactions were consistently described and understood in the light of this (much wider) context. Yet, there was also a *proximal context* and, in particular, a geography of encounters. A sense of place guided how respondents interpreted police actions and behaved toward officers. According to our participants, the legitimacy of their encounters with police varied according to where they occurred. One explained that in the park, or in places where they had bedded down for the night, they felt as though any encounter with authorities was an intrusion into their 'down time'. Conversely, in the station (where they begged) there was an implicit acceptance of police presence and action.

If the police tell me to move while I'm in the station begging, I'll move. I won't kick off. But if I'm here in the park doing nothing wrong, smoking some spice and lying down, chatting to my friends, then I'll kick off cus that's just bullying. Same goes for when I'm asleep at night. That's my own time, I don't want anyone bothering me – I'm not bothering anyone.

(Male, 2 years street homeless, P9)

Respondents clearly felt that their 'down time' behaviour was *normal* and, by implication, legitimate, so any intrusion by the police was seen as illegitimate, irrespective of whether or not these actions were procedurally just.

Behavioural outcomes: compliance is complex

While members of the street population could and did have some level of trust in the police, and they could and did describe procedurally fair encounters with officers, these feelings did not seem to lead to compliance or 'self-regulation' in any straightforward manner. Compliance with the law would mean they could not access resources they needed to survive, and this fundamental fact had deep implications for how they reacted to police activity. Some readily admitted that they often complied with orders to move on if they were begging, but equally that they did so only for as long as police officers were physically present.

It happens every day with the old bill... 'there he is!', oh 'there he is again!' You've just gotta be polite and get up and go. If they left you alone for a couple of hours, I would make my money and get out their way. But no, the jobs-worth have to follow you about and keep moving you on.

(Male, 9 years street homeless, P2)

Yet, even though respondents described acting illegally on a regular basis – whether by begging, stealing, or taking drugs – they clarified that there are limits as to what constitutes acceptable behaviour. Overwhelmingly, they indicated a strong commitment to conformity with their own moral codes, such as avoiding more extreme and harmful forms of criminality. For example, participants uniformly agreed that serious offences such as rape and robbing the elderly were wrong – there were ethical

limits to *what* one could do and *who* one could do it to. Others, however, described ways in which they regulated their own and each other's behaviour that related directly to fear of the consequences:

Someone last week pulled out a chain cutter and said 'mate, let's take those 2 bikes and sell them'. It was easy money but I didn't do it. I promised myself I would never do things that would risk me going to prison.

(Male, 2 years street homeless, P3)

In other words, morality and deterrence seemed to be the most important factors affecting their crime-related behaviour, and the latter largely in a narrow, situational sense. The legitimacy of criminal justice and other institutions did not feature in this equation very much at all.

Implications for PJT

In this section, we address the issues presented in our analysis in a little more detail in order to draw out the implications for PJT presented by our research.

Fairness clearly was a lens through which homeless people viewed police encounters. However, the implications of their judgements differed from those commonly envisaged in PJT. Although being treated with dignity and respect was important, their reflections about the police in general did not seem to be influenced by personal contact with particular officers. They did not seem to make the step from trusting 'this officer' to trusting, and therefore perhaps legitimizing, 'the police' in general. Rather, they valued fairness as a good in itself, and perhaps as something that captured a sense of shared humanity in otherwise difficult and often fraught conditions. The experience of fair treatment seemed important not because it indicated something about their social status – which was fixed by circumstance – or about the police in general, but because it was a value which they considered important and looked for in interactions with all people.

While personal contact with police officers, and judgements thereof, are one of the most reliable predictors of trust, legitimacy and other attitudes, for the street population

perceptions of the police seem, to a very significant degree, to be the by-product of other social processes that have little to do with contemporary police activity (e.g. immigration history). That this seems to be so among this particular group of people, many of whom interacted with the police on an almost daily basis, is striking. Their socio-structural position, and the temporal and spatial *context* within which interactions take place, coupled with their history of involvement with the police, informs if not determines their attitudes toward any one particular interaction. Public perceptions of the police are evidently not merely dialogic (Bottoms & Tankebe 2012), which renders problematic any idea that we can reduce the production of legitimacy down to interaction between police and citizen: assessments of the police are often based on perceptions/understandings which extend far beyond the behaviour of police officers and organisations in the *initial* moment of contact (Martin & Bradford 2020).

Relatedly, our analysis of the interactions between police, marginalized citizens *and other welfare professionals* also has implications for PJT. Most existing research in the field envisions police contact with the public as a de-contextualized, ahistorical and interpersonal encounter. As we saw in our analysis, this does not capture the situation when it comes to the street population, especially in terms of other authority actors that might be present. In our case, welfare professionals had a powerful restraining effect on how police officers approached their work and exercised their powers. Equally, their presence changed how our homeless participants behaved. Moreover, limits on the acceptability of police presence in different spaces shows that when and where power was exercised is important (Trinkner et al. 2018). The same police behaviour could be judged differently depending on where it took place; as the street population's collective self-definition encompassed the geography of the local area that they perceived to be 'theirs'.

Accordingly, perceptions of police (il)legitimacy, the boundaries of acceptable police intervention, and social identity processes appear to be fundamentally interlinked in a way not normally envisaged by standard PJT accounts. Moreover, procedural justice did not seem to motivate compliance. Indeed, our data suggest that the street population were never, in a technical sense, going to 'self-regulate' in the way envisaged by a mechanistic reading of PJT (where procedural fairness motivates compliance based on internalized norms and values). They cannot, because they

would starve. Their structural location, poverty and exclusion seems the key driver of (non)compliance, with personal morality and deterrence shaping its *limits*. Moreover, although fear of the consequences for breaking *more serious* laws were considered by the street population in our study, the benefits associated with noncompliance in relation to more minor offences outweighed the potential costs (ultimately, starvation). In that situation it would seem to us that noncompliance is the rational choice.

Finally, in most of the literature on PJT, police and public are conceptualised as belonging to *the same* social group, such that encounters are conceived as *intragroup* (there are exceptions, and some PJT research recognises that police officers and ‘citizens’ may not view themselves as members of the same social categories within a given situation – Huo, 2003). Our work showed that it can be more meaningful to describe interactions as *intergroup* as opposed to *intragroup* (Radburn et al., 2016). In many cases outside the current research context, of course, police interact with people who *do* see officers as an in-group, at least initially; not least because in many interactions (e.g. with victims of crime) the outgroup is clearly defined (offenders). This cognition might collapse in the course of the interaction, but people go into it with the assumption that police are ‘on my side’. But in the interactions reported here this was not the case. The police were very much ‘other’ to most of our homeless respondents.

Conclusion

Our ethnographic study of interactions between police and homeless people in one London borough has shown that policing the street population is unsurprisingly complex, and that PJT as it is often interpreted does not capture the reality of police-street population relationships. We first highlighted three dimensions that underlie homeless peoples’ relationship with the police: a structural context of extreme disempowerment; relations between power-holders; and a dynamic relationship between the police and the street population explicated through a narrative of ‘the game of cat and mouse’. We then explored the ways in which our data directly confronted three central aspects of mainstream readings of PJT – the experience of (in)justice, legitimacy, and compliance – among this marginalised group. There is much more that we need to consider if we are to understand police-public interactions

in this type of context, and we conclude by sketching how the findings presented here might contribute to this endeavour.

Our first contribution is a focus on a population which is not only highly marginalized, but which might indeed be considered fundamentally disconnected from society and therefore the police. We thus provide evidence of a boundary case for the 'procedural justice effect', rather than disconfirmation of PJT. Among members of the street population, the core pathways envisaged in the PJT process, between procedural justice, group identification, legitimacy and compliance, appear to be moderated almost out of existence by the structural location in which they find themselves. For example, there are at least two ways in which legitimacy can motivate compliance. First, it can encourage behaviour in line with that mandated by authorities, as obedience becomes a value in itself. Second, it can motivate behaviour in line with individual/group values (i.e. activate morality). But when people are offending to survive neither seems particularly relevant. Although PJT researchers have never claimed that the procedural justice-legitimacy-compliance pathway will work for everyone, they have very rarely identified or studied groups of people who are not attuned to the value- and identity-relevant aspects of police activity, or who are so far outside the social mainstream as the street population of London.

Our second contribution is our use of qualitative research techniques to explore police-homeless people contact as a *process*. The social, geographic and historical context within which that process occurs shapes homeless people's interactions with the police (c.f. Peršak & Di Ronco, 2018). Early conceptualizations of PJT by Tyler and colleagues (Tyler, 1990; Sunshine & Tyler, 2003) assumed a model of encounters between police and policed wherein assessments of procedural fairness and judgements about legitimacy were, precisely, outcomes of historically situated and on-going dynamic processes (Waddington et al., 2015). But for various reasons—perhaps most importantly the quantitative, cross-sectional survey-based approach of most research in this area—these process aspects of PJT as a subjective and dynamic phenomenon have not since been emphasized within the literature (Jackson & Posch, 2019; Radburn & Stott, 2018), nor have they been systematically tested on an empirical level.

Our third contribution is to explore some of the additional elements that shape police-public interaction. We provide an account of the street populations' interests and motivations in their interactions with the police, finding that members of the street population interacting with officers tended to have strongly instrumental interests and motivations, such as a need for favourable outcomes that will not stop them from doing what they need to do in order to survive. We also provide an account of the diversity and range of police-public interaction in this context. Our analysis of the power dynamics between authorities highlighted the importance of considering the other actors present in police-public interactions. In addition, our analysis of the street population as an active 'audience' revealed that the power relationship between police and policed is multi-faceted. Like crowd research has shown in the context of riots (e.g. Stott & Drury, 2000), life on the street is a place where routine architectures of power can be and are reversed, even if only momentarily.

The context of our work is admittedly, and deliberately, extreme, which poses questions about its external validity. However, we would argue that the discussion above provides insight into processes likely to be going on elsewhere but in less obvious and perhaps hidden ways. Nevertheless, the present ethnographic findings are limited to the street population of a particular inner London borough, and we naturally acknowledge that we cannot make universal claims about this group as a whole. Furthermore, our sample is limited to *visible* street homelessness. There are new forms of homelessness such as sofa surfing, concealed households and so on, and it may be that there are implications for such 'hidden homeless' people's experiences with, and perceptions of, the police that we were unable to capture in our work. Future research should therefore focus its efforts on supplementing our findings with larger-scale and perhaps quantitative work on police- street population relationships.

Homelessness is one indicator of the failure of the government to preserve the social fabric and maintain safety nets for the most vulnerable. While it is common to explain homelessness as the result of individual choices or vulnerabilities, pathways into and out of homelessness are institutional and not simply the result of individual problems,

which are for example part of the complex picture of austerity (c.f. Greater London Authority, 2019). The government's attitude towards society's most vulnerable – and the ways in which austerity policies are policed - is part of the problem we have described. The 'structural context' highlighted throughout the paper should therefore be considered within the wider criminological debate about austerity, social inequality and criminal justice. Considering some of the 'macro' pressures on the pathways hypothesized by PJT would be a fruitful area for further research.

To conclude, in this study we exposed the stereotypical 'procedural justice' encounter to more detailed empirical scrutiny than has often been the case in the literature. We focused on a marginal population; we used observational methods; and we provided an analysis of the underlying social and psychological dynamics of procedural fairness in its social and historical context. On this basis, we argue that the relationships between the police and marginalized communities are more complex than has thus far been accounted for within PJT. Ultimately, it appears that economic (or structural) reality trumps all – *in extremis*, outcome clearly matters more than process.

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