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Published in:
Police Quarterly

DOI:
10.1177/1098611119849646

E-pub ahead of print: 20/05/2019

Document Version
Peer reviewed version

Link to publication on the UWS Academic Portal

Citation for published version (APA):
Deuchar, R., Miller, J., & Densley, J. (2019). The lived experience of stop and search in Scotland: there are two sides to every story. Police Quarterly. https://doi.org/10.1177/1098611119849646

Download date: 17 Sep 2019

Police Quarterly

The Lived Experience of Stop and Search in Scotland: There are Two Sides to Every Story

Journal:	*Police Quarterly*
Manuscript ID	PQ-18-0138.R2
Manuscript Type:	Original Article
Keywords:	police, young people, stop and search, procedural justice, legitimacy
Abstract:	This paper presents data emerging from ethnographic research that sought to explore the extent to which stop and search procedures in Scotland are underpinned by a focus on procedural justice and the impact they have on young people. Data was collected via participant observation of police deployments and semi-structured interviews with 23 law enforcement officers and 46 young people. The emerging insights suggested that differential views on and approaches to policing in different parts of the country were leading to varying experiences of stop and search and procedural justice. The young people interviewed in the east of the country had more positive relationships with the police and a stronger belief in procedural justice. Conversely, the tendency to use stop and search as a deterrent from crime in the west of Scotland resulted in deteriorated relationships, institutionalization of the use of the tactic and a perceived lack of procedural justice.

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The Lived Experience of Stop and Search in Scotland: There are Two Sides to Every Story

Introduction

Policing is in the midst of an intense period of challenge and change. Aggressive use of police force, at times captured on video and publicized via social media, has generated civil unrest in cities across the globe. It has also spurred intense debate concerning the appropriateness of the longstanding ability of police officers to temporarily detain and search individuals suspected of having committed, committing, or about to commit a crime (e.g., Delsol & Shiner, 2015; Weber & Bowling, 2012). Concern about "stop and search" is not new—in the United Kingdom, the practice has been cited as a catalyst for the 1981 Brixton disorders (Scarman, 1981), the 1999 Stephen Lawrence Inquiry (Delsol & Shiner, 2006), and the 2011 UK riots (Ariza, 2014). In the United States, the use of stop and search (better known as "stop, question, and frisk") has been confirmed as constitutional by the U.S. Supreme Court several times, most notably in *Terry v. Ohio* (1968), where the Court held that a stop can be made when an officer has "reasonable suspicion" versus "probable cause". However, in a 2013 landmark ruling, a Federal Judge found the tactic — as practiced by the New York City Police Department — was unconstitutional because blacks were stopped based on less objectively founded suspicion than whites, such as "furtive movements" in "high crime areas" (see *Floyd v. New York City* [2013]).

Prior research has well scrutinized the effects of investigative stops on crime (e.g., Rosenfeld & Fornango, 2014; Tiratelli, Quinton & Bradford, 2018; Weisburd, Wooditch, Weisburd and Yang, 2016), and the limits of police officers' practical legal decision making (e.g., Quinton Bland & Miller, 2000; Quinton, 2011; Waddington, Stenson & Don, 2004). However, the *Floyd v. New York City* (2013) ruling highlights that it is not always the legality of stop and search *per se* that is in dispute, but rather the way in which stop and search is conducted. Police typically justify the tactic under the rubric of "broken windows" theory (Kelling & Wilson, 1982), a variation on criminal deterrence (for a review, see Chalfin & McCrary, 2017), which argues that more serious crime can be prevented by proactive policing of minor infractions. Yet, the fact that relatively few stops result in arrest or yield weapons and other contraband

suggests that the relationship between stop and search and crime rates may be negligible (e.g., Harcourt &

Ludwig, 2006). And, if "stop and search is a tool of social control widely defined, not crime-fighting,

narrowly defined" (Tiratelli, Quinton & Bradford, 2018, p. 1212), then scholarly attention must shift to

"possible collateral effects of stop and search on the rights and liberties of citizens in the communities

most affected by the policy" (Rosenfeld & Fornango, 2014, p. 96).

The current study examines the use of stop and search in Scotland, where the practice has been

under increased scrutiny in recent years (e.g., Genevieve & Murray, 2018), but comparatively little has

been written about it versus England and the United States (c.f., McAra & McVie, 2005). This research

extends existing work on police officer perspectives on stop and search (e.g., Qureshi & Farrell, 2006)

and civilian views on the practice in isolation (e.g., Smith & Gray, 1985), by comparing and contrasting

the views of officers conducting the searches with the views of young people who are subject to them.

Based on qualitative fieldwork and interviews with officers and civilians, we examine the extent to which

officers believe in the tactic and how much stop and search procedures in Scotland are underpinned by a

focus on procedural justice. We find that differential views on and approaches to policing in different

parts of Scotland lead to variable experiences of stop and search for youth. The capacity of participating

officers to adapt or fully embrace the policy and practice of procedural justice was much stronger in the

east than in the west of Scotland, and in turn the young people interviewed in the east of the country had

more positive relationships with police, who, as a result, enjoyed greater trust and legitimacy. We draw

upon these findings to make recommendations for future police training and academic research.

Literature Review

Stop and Search and Procedural Justice Theory

While intuitively linked, the literatures on procedural justice and stop and search remain

somewhat separate. The authors know of only one study that has explicitly examined police stop and

search practices through the lens of procedural justice (Nawaz & Tankebe, 2018). Traditionally, stop and

search scholars may document the unfairness of discriminatory stops but not refer directly to procedural

justice research (e.g., Delsol & Shiner, 2015; Flacks, 2018a, 2018b). Likewise, procedural justice

researchers may examine a range of police practices in the context of trust and legitimacy, including

"order maintenance" policing in general, but not stop and search in particular (Gau & Brunson, 2010). As

such, the present study attempts to intentionally unite these two complimentary literatures.

Disproportionate and/or discriminatory use of stop and search (e.g., Bowling & Phillips, 2007;

Gelman, Fagan & Kiss, 2007; Goel, Rao & Shroff, 2016) and institutional failures to remedy biased

policing or incentivize stop *quality* (in terms of "hit rate" and process) over *quantity*, undermine public

trust and confidence in police (Bradford, 2017). Distrust is palpable among people with personal

experience of stop and search, and amplified among those who have been searched multiple times

(Jackson, Bradford, Stanko & Hohl, 2013b). The disproportionate use of stop and search within ethnic

minority communities and among youth active in street life is well documented (for a review, see

Bowling & Phillips, 2007), and instances of frequent, unwelcome police contact have the potential to lead

certain segments of the population to believe that police openly dislike them (Brunson, 2007). This can

create fear and anxiety among those frequently targeted by stop and search (Geller et al., 2014) and may

even encourage offending through hostile and confrontational encounters and processes of deviancy

amplification and labelling (Bradford, 2015). Taken together, these outcomes, intended or otherwise,

come to undermine police legitimacy (Tyler, 2004).

Tankebe (2013) argues that lawfulness, distributive fairness, procedural fairness, and effectiveness

are what distinguish a legitimate authority from an illegitimate one, and there can be serious law and

order implications if the public perceive that police are failing to exercise their power or uphold the law in

a legitimate way (Tyler & Huo, 2002). Citizens who view police as more legitimate exhibit a greater

willingness to defer to police authority and comply with the law (Reisig, Wolfe & Holtfreter, 2011;

Clayman & Skinns 2012; Jackson et al. 2013a; Wolfe, Nix, Kaminski & Rojek, 2016). Yet, research has

found that people were less likely to see the police as legitimate if they felt they had been unfairly or

unlawfully stopped by them (Tyler, 2014). The implication is that police-initiated contacts like stop and

search have a major impact on perceptions of police fairness (Bradford, Jackson & Stanko, 2009). In one study, for example, people who felt their experience was fair (procedural fairness) and that they received what they perceived they deserved (distributive fairness) were no more or less likely to trust the police than those who had not been stopped and searched (Jackson et al., 2013b). When people thought they had been searched unfairly, however, it had a large, "asymmetrical", negative effect on their trust in the police (see also, Skogan, 2006).

Efforts to reform stop and search as an extension of adversarial policing are increasingly oriented around the concept of procedural justice (Hough, 2013). First introduced by Thibaut and Walker (1975), procedural justice is the idea that individuals judge the fairness of the overall system on how fair they perceive the process, as opposed to how fair they perceive the outcome (for a review, see Nagin & Telep, 2017). Procedural justice involves treating people with dignity and respect; giving individuals "voice" during encounters; being neutral and transparent in decision-making; and conveying trustworthy motives (Mazerolle et al., 2012). When police are seen as behaving in a procedurally just fashion—being respectful and courteous toward citizens, making decisions based on the facts of a given situation, and explaining these decisions to the citizens with whom they are interacting—the theory is they will be viewed as more legitimate by the public (Sunshine & Tyler, 2003; Tyler, 2006). Fair treatment from police communicates to citizens that they are respected and valued members of the community, for instance, which promotes their sense of identification with the police body, thus enhancing police legitimacy (Bradford, Murphy & Jackson, 2014).

Procedural justice theory has been criticized for presenting too narrow a view of the etiology of police legitimacy (Bottoms & Tankebe, 2012; Huq et al., 2017), but perhaps owing to its parsimony, procedural justice has been widely embraced in practice; especially in Scotland, the site for the current study. The question is whether it is compatible with the other widely embraced practice of stop and search?

Stop and Search and Procedural Justice in Practice in Scotland

The last decade has seen significant changes to policing in Scotland (Lennon, 2016). The 2012 Police and Fire Reform (Scotland) Act (Scottish Parliament, 2012) merged eight "relatively autonomous" regional police forces into one new national single police force and effectively removed the arrangements for police governance that had existed since the 1960s (Terpstra & Fyfe, 2014, p.370). The previous tripartite governance structure of local police boards, local Chief Constables and Scottish Government was replaced, meaning that local councils now had "no formal powers in the governance of the police" (*ibid*). Instead, the Act made "local policing" a statutory requirements at the level of the 32 council areas of Scotland – with each area assigned a local commander "with responsibility for preparing a local policing plan and for consulting with the local council over this plan" (Fyfe, 2016, p.170). In an attempt to create a "sustainable policing model" (*ibid*, p.169) that would ultimately generate savings of over £100 million per year without the need for a reduction in officer numbers, the Act set out a "normative vision for policing" through establishing a set of common principles based on "partnership working, community wellbeing and harm reduction" (*ibid*, p. 170). Related directly to this, the single force adopted a new set of core values, captured by the oath taken by all new officers that all duties be conducted with "fairness," "integrity," "respect" and the upholding of "human rights" (Scottish Parliament, 2012; Robertson & McMillan, 2015). The values are seen to be key attributes of procedural justice, which, as discussed, is linked to state legitimacy (Bradford, 2017).

In the first two years of the new force's operation in Scotland, however, the use of stop and search came under increasing political and media scrutiny (SPA, 2014; Fyfe, 2016). Increased use of the tactic meant that the "policy promises" associated with procedural justice as set out in law and in the Constable's oath did not become policy products on the ground (Fyfe, 2016, p.171). In Scotland, police have statutory powers to stop, search and detain individuals without arrest, charge or formal caution if there are "reasonable grounds to suspect" they are in possession of offensive weapons (Criminal Justice Scotland Act 1980 consolidated by the Criminal Justice Procedure Act 1995), illegal drugs (Misuse of

Drugs Act) or that an offence has been, or is about to be, committed (McAra & McVie, 2005, p.10).

Beyond statutory searches, until the spring of 2017, Scottish police could stop and search people on a

non-statutory basis, commonly known as a "voluntary" or "consensual" search. Consensual stop and

searching was based on "verbal consent" and there was a widespread perception that it did not require

"reasonable suspicion" (Murray, 2014, p. 9). In fact, reasonable suspicion was always required but since

officers were generally not obliged to justify consensual searches legally, this requirement was frequently

overlooked. Bowling and Philips (2007, p.939) highlight that, where "reasonable suspicion" is absent in

the use of police stop and search powers that require it, such stops "damage the relationship between

police and community, and undermine the legitimacy of, and respect for, the police."

The application of stop and search in Scotland became a flagship policy and developed into a key

performance indicator (KPI) for the national force. During the first 12 months of the single force, there

was an increasingly high-volume roll-out of the tactic across the country (Murray, 2015). Concern was

expressed that its widespread use may be having an adverse effect on the implementation of procedural

justice, the upholding of human rights and the building of positive police-community relationships,

particularly in relation to young people (McAra & McVie, 2005; XXXX, 2013; Murray, 2014; Fyfe,

2016).

Murray (2014) brought the problematic nature of stop and search in Scotland to the fore. Her

report highlighted that, in 2010, the rate of stop and search in Scotland was four times higher than that of

England and Wales and that 84% of all searches occurred in the legacy area of Strathclyde (covering the

west of Scotland), 74% of which were "consensual." This level increased to a rate of 276 searches per

1,000 people in 2012/13, compared to only 10 per 1,000 people recorded by Grampian police (covering

the north-east of the country) in the same year (see also Fyfe, 2016). Murray's (2014) report further

highlighted a disproportionate use of stop and search on children and young people, justified on the basis

of probability of offending but regardless of evidence that suggested lower detection rates for this group.

In 2014, the Scottish Police Authority (SPA) undertook a scrutiny review of Police Scotland's

policy and practice for stop and search, recommending that, among other things, more attention be

focused on balancing policing needs with the rights of individuals, and targeting "the right people, in the

right place at the right time" (SPA, 2014, p. 25-26). Also in 2014, Police Scotland created a National Stop

Search Unit (NSSU) and began a six month stop and search pilot in Fife Division (in the east of the

country). The independent evaluation of the pilot concluded that the national force should no longer

conduct consensual searches and should move to a position of "using legislative searches only" (O'Neill,

Aston & Krause, 2015, p.15). This recommendation was subsequently consolidated within the context of

the final report of the Advisory Group on Stop and Search (AGSS, 2015), which advocated for a statutory

"code of practice" on stop and search and an end to consensual stop and search once said code of practice

came into effect.

The Current Study

Research Questions and Data Collection Sites

Against the backdrop of the unprecedented level of scrutiny and policy change within Police

Scotland in relation to the use of stop and search, the current study was funded by the British Academy

throughout 2015/16. It was focused on the following key research questions: *to what extent do officers*

believe in the use of stop and search as a tactic for deterring criminal activity?; to what extent are stop

and search procedures underpinned by a focus on procedural justice?; what impact do these stop and

search procedures have on building or depleting positive relationships with young people?; and *what*

impact do different policing styles have on young people's belief in procedural justice?

Data were collected in both the east and west of Scotland, in the following broad locations:

Glasgow, which is Scotland's largest city and is located in the west of the country, has a population of

just over 600,000, and has the highest share of the of the 5% most deprived areas in Scotland and the

highest proportion of recorded crimes in the country; Paisley, also in the west of Scotland and located

approximately seven miles west of Glasgow, has a population of just under 80,000 and has the seventh

highest number of recorded crimes in Scotland and is the town with the highest levels of social and

economic deprivation; and Edinburgh, which is Scotland's capital city located in the east of the country, has a population of just under 500,000 and has the second highest overall crime rate in the country (Oxford Consultants for Social Inclusion, 2016). All of the geographical locations were predominantly white, with Glasgow having the highest percentage of ethnic minority groups (approximately 12% of the city's population) (Scottish Government, 2011). Prior to the fieldwork beginning, we were remotely conscious of some (albeit limited) reported evidence of the historically differing nature of police approaches and styles in the east and west of the country. For example, pre-reform Glasgow and its surrounding areas had been policed by the largest force in Scotland - Strathclyde Police - which had always had a somewhat 'aggressive image' (Loveday, 2018, p.159). Conversely, policing in the city of Edinburgh had been the responsibility of Lothian and Borders Police which tended in some ways to have a reputation for adopting a lower-key, compassionate and 'soft' policing approach based less on coercion and more upon a persuasive, negotiated order maintenance approach (Atkinson, 2003; Woofe, 2016, p.123). However, Murray (2014) also identified that the legacy Lothian and Borders had one of the highest rates of stop and search pre-reform – although still much lower than Strathclyde. Given this, although there was no intention to create a specifically comparative research design from the outset, we believed that a multi-site approach that included both east and west locations and captured data emerging from sites associated with the hitherto legacy forces Strathclyde and Lothian and Borders might enable us to consider the issues associated with "policing styles" associated with our final research question. Accordingly, although smaller samples emerged in the east compared to the west of the country (see below), we felt it was valuable to combine insights from these different parts of the country.

Neighborhoods were identified by the Licensing and Violence Reduction Division (LVRD) within Police Scotland, which conducts data zone analysis based on incidences of alleged youth crime and disorder. Neighborhoods trending negatively in terms of juvenile crime had been assigned teams of officers working in the Force Flexible Policing Unit (FFPU) within the LVRD. FFPU officers were responsible for acting upon identified spikes in crime trends, with a particular focus on antisocial

behavior and violence. They conducted high visibility patrols and proactive approaches to public

reassurance through street engagements and tactics such as stop and search within perceived 'hot spot'

neighborhoods over a 12-24 week period. As its name implies, the FFPU was fully 'flexible' in terms of

its intelligence-led mobility, but officers assigned to specifically identified neighborhoods were 'local'

officers in the broadest sense of the word. Where FFPU teams were assigned to neighborhoods in

Edinburgh, for example, officers from east coast police divisions would be deployed. Likewise, where

Glasgow or Paisley areas had FFPU team assignments, officers would be deployed from divisions in the

west of the country.

Participant Observation

An ethnographic approach, drawing upon participant observation, was firstly used (Hammersley

& Atkinson, 2007). As a research team, we shadowed officers from flexible, proactive teams assigned to

the FFPU, observing 55 engagements and interventions with young people out on the streets (30 in the

west and 25 in the east of Scotland), which included implementation of stop and search. In all

neighborhoods where we conducted participant observation the vast majority of observed procedures

involved engagements with young white males who were mostly, but not exclusively, aged 14–21. This

reflected earlier evidence suggesting that, unlike in England and Wales (where there are higher

populations of ethnic minority groups and a policing approach that has been found to discriminate in

terms of race and ethnicity), white working class teenage boys experience the most frequent police

contact (Murray, 2015). During the deployments, we observed the officers' procedures and their

interactions with young people, and also on occasion engaged in informal dialogue with officers during

rest breaks as well as in police vehicles during actual deployments. During this process, as is standard

practice in ethnographic research, we routinely resisted using any form of structured observation tool but

simply recorded "jottings" of "fragments of action and talk" either in notepads or on our cell phones to

serve as focus points for later, more detailed written accounts of key events. We also recorded our own

personal "impressions and feelings" (Emerson, Fretz, & Shaw, 1995, pp. 31-32) and later drew upon

these to create field notes.

Follow-up Interviews and Focus Groups

Following the observation of police deployments, we contacted a cross-section of the patrol

officers we worked with and their immediate superior officers across the data collection sites as well as

senior officers at the NSSU, and arranged to conduct semi-structured interviews with them. A total of 23

semi-structured interviews with officers were conducted: 6 in Edinburgh, 10 in Glasgow, 4 in Paisley and

3 with senior officers at the NSSU. Of the total sample, 22 of the officers (96%) were white with only one

Black and Ethnic Minority (BME) participant, while 19 were male and 4 female (83% and 17%

respectively). The percentage of ethnic minority officers in the sample mirrored national averages at the

time of the fieldwork, with the total number of minority ethnic officers in Police Scotland comprising 1%

of the total workforce (Police Scotland, 2013). However, the number of female officers in the sample was

slightly under-representative of national averages in Scotland as a whole, given that (at the time of the

fieldwork) women made up around a third of serving officers and new recruits (Police Scotland, 2017).

Of the sample of 23 officers, one was a Chief Superintendent, one a Chief Inspector, and there

were 4 Inspectors, 4 Sergeants and 14 Constables. Aside from 3 senior officers assigned to the NSSU

(one Chief Superintendent, one Chief Inspector, and one Inspector), all of the other officers were assigned

to the FFPU either in leadership or operational roles. While some had been assigned to the Unit as a result

of a competitive interview process, others had been nominated for the role by commanding officers

within their respective police divisions. Nominations were made on the basis of officers having good

records of effective policing, and thus the expectation was that the FFPU was staffed by officers of the

highest quality, under the orders of the Chief Constable.

The selection of interview questions for officers was based on the following specific criteria:

questions had to have the capacity to explore officer perceptions about the relationship between stop and

search procedures and the prevention of criminal activity, as well as their views about the impact the procedures may have on police/youth relationships. As such, officers were asked to articulate their views about the principles that should underpin stop and search, why they tended to be conducted in the neighborhoods they deployed in, and how successful they believed the procedures to be in terms of achieving their perceived aims; they were also asked to reflect upon young people's opinions and reactions towards the police and the extent to which they believed that stop and search impacted upon this. Interviews with officers took place in local police stations, divisional offices or (in the case of senior officers assigned to the NSSU) in the official headquarters of Police Scotland. We recognized the imbalance in terms of numbers of officers accessed in the east of the country compared with the west (with over 50% of the sample located in either Glasgow or Paisley). However, it was felt that the data emerging from participant observation in Edinburgh (as well as the other locations), which included insights from informal dialogue with officers during deployments and rest breaks, added a further depth and richness to the more limited findings emerging from interviews in Edinburgh.

Third, during our observations of police deployments, the young people who had experienced stop and searches were asked if they would be willing to take part in face-to-face or telephone follow-up interviews to discuss their feelings about and reactions to the encounters. A small number of young people (n=5, all over the age of 16) agreed; two were interviewed by telephone, and three others opted to be interviewed in person. In the areas where we were deployed, we also contacted local schools, youth centers and clubs within the targeted geographical areas in order to access wider groups of young people (aged 14–21) who had had recent experience of being stopped and searched. Participants were invited to take part in semi-structured interviews (either one-on-one or in friendship pairs or trios) or focus groups, according to their personal preferences. For those young people under the age of 16, we also asked the young people to provide contact details for their parents/careers so that we could seek parental assent for the young people to participate, and consent forms were issued via the support of teachers and youth workers.

In total, 46 young people took part (including those accessed during deployments and in schools and youth centers): 8 from Edinburgh, 24 from Glasgow, and 14 from Paisley with a gender split of 34 males (with 5 in the east and 29 in the west of the country) and 12 females (with 3 in the east and 9 in the west of the country). The overall gender split of 74% male and 26% female articulated reasonably well with the reported gender split for police encounters during the time of the data collection process. For example, Police Scotland incident data suggests that, of the total stop and searches recorded on children and young people during the second half of 2015, 84% involved boys and 16% involved girls (Murray, 2016). The proportion of males compared with females in our sample was also much greater in both the east and west sites (63% of the sample male in the east compared with 76% in the west).

Of the 46 participants, 9% opted to be interviewed individually, 39% in friendship pairs or trios and 52% as part of focus groups (of which four were eventually conducted, with between 4–8 participants). The selection of interview questions for young people was based on the following specific criteria: questions had to have the capacity to identify young people's perceptions about the police, to explore their specific experiences involving stop and search and the perceived impact these had had on the young people's views about the police, as well as their views on any recent changes and/or how relationships with officers could be improved. As such, young people were asked to articulate their general views on the police and what may have influenced these, to describe any specific experiences they may have had of being stopped and searched and the feelings this created in them, their views on what would make a good or bad stop and search encounter, any recent changes in the use of the tactic that they may have become aware of and/or observed, and what they believed could be done to enhance police/youth relationships.

Of the total sample of 46 young people, 39 (85%) had been stopped and searched, while 7 (15%) had not. While the former shared both personal experiences of being stopped and searched as well as the reported experiences of the members of their peer networks, the latter were able to share only word-of-mouth opinions. As with the sample of officers, we recognized the imbalance in terms of numbers of

young people accessed in the east of the country compared with the west (with less than 20% of the

sample located in Edinburgh). As researchers, we had considerably more prior experience of conducting

fieldwork in the west of the country and less in the east, and so were able to draw upon previously

established gatekeepers to access youth participants in schools, youth centers and clubs in both Glasgow

and Paisley more easily than in Edinburgh. However, again it was felt that the data emerging from

participant observation in Edinburgh (as well as the other locations), which included firsthand insights of

stop and search procedures and other engagements between officers and young people, complemented

and added richness to the interview data.

Data Analysis

         All interviews and focus groups were audio recorded, anonymized, and fully transcribed.

Fieldnotes from participant observation as well as insights from interviews and focus groups subsequently

provided a rich data set. We avoided the use of qualitative software to support the data analysis process,

and instead used the commonly recognized approach of manual thematic analysis (Miles, Huberman &

Saldana, 2014). First, an inductive approach to open and axial coding was drawn upon to identify the

most salient themes (Strauss & Corbin, 1990; Bryman, 2016). The initial coding process was conducted

individually and then emerging themes compared among us as co-researchers. The combination of

triangulated data from field notes, interviews and focus groups combined with the shared analytical

approach ensured that authenticity and trustworthiness (as opposed to validity and reliability) of

qualitative data was confirmed (Lincoln & Guba, 1985). Early on in the process of data analysis, as a

research team we became aware of disparities in terms of styles of policing, approaches to and attitudes

towards stop and search among officers as well as youth reactions to policing and their perceptions on

procedural justice issues in the east compared with the west of the country (reflecting the somewhat

limited evidence from the wider literature). Accordingly, these disparate practices, views and perspectives

that emerged during our initial inductive analysis subsequently became a focus for an element of

deductive analysis where early codes were then used as the basis for searching for further east/west

differences and disparities. Second, we engaged in a directed content analysis phase, where emerging

overarching themes were interpreted in light of the existing literature on police/youth relationships,

procedural justice and legitimacy (Hsieh & Shannon, 2005).

In the sections that follow, the themes emerging from this analysis are presented and key

quotations emerging from interviews/focus groups as well as extracts from fieldnotes highlighted, with

the polarized east/west perceptions and practices described wherever relevant. Pseudonyms have been

used when discussing participants, and as a further means of protecting their anonymity, participants'

geographical locations (where indicated) are simply referred to as 'east of Scotland' or 'west of Scotland'

throughout. Each theme narrative is preceded by an overview of the main sub-themes that emerged from

the data via the open and axial coding of interview, focus group and observational data (Tables I-III);

differential patterns in perceptions and conduct in west and east geographical contexts are noted, where

relevant, and discussed more fully in the narrative sections.

Findings

Stop and Search, Proactive Prevention, Deterrence and "Distributive Fairness"

[TABLE 1 HERE]

Within the context of placing an emphasis on proactive prevention of crime, most officers in the

sample believed that stop and search was one important tool that was used to detect criminal intent,

particularly in the form of drug or weapon carrying. Having identified "hot spots" for potential drug

misuse or violence, stop and search was seen as a way of identifying current offenders or even deterring

possible wider crimes, as the following officer comments illustrate:

> I think stop and search is an incredibly important tool and useful … some of my best
> results have been from something where maybe I've just smelt a bit of cannabis but
> somebody's actually wanted on warrant. Or, say for a violent crime or it's led to other
> things and had it not been for stop and search for that person at that right time, it might not
> have led to the detection of other things. *(Liam: Constable, east of Scotland)*

> I think it's a very valid tactic, personally … it's helped to take a lot of knives and other
> offensive weapons off the street, and drugs too … it's not just necessarily getting that

small bag of a drug, or that weapon, you know, it can lead to vast quantities of drugs being recovered … if it's used and done properly it can lead to better and bigger things. *(Mandy: Constable, west of Scotland)*

As can be observed in their narratives, officers emphasized the same focus on crime prevention that features prominently within the policing principles outlined within the Police and Fire Reform (Scotland) Act (Scottish Parliament, 2012). However, in spite of the lack of robust evidence to prove a causal relationship between stop and search, violent crime or anti-social behavior (Harcourt & Ludwig, 2006; SPA, 2014), officers clearly viewed stop and search as a valuable tool in detecting knife-carrying and deterring further violence.

However, youth participants' views on the latter issue were very different. The young people stated that a potential likelihood of being exposed to stop and search would not stop them from carrying out their original intentions. When further prompted on whether they would carry a knife or a weapon, most of the young people stated that they would not owing to the prison sentences that were associated with it in Scotland (with a maximum sentence of five years for possession) (Criminal Law (Consolidation) (Scotland) Act 1995), rather than because of the threat of being stopped and searched. Only one male in the sample stated that he had been caught carrying a knife, while the remainder of the young people had been exposed to stop and searches that had led to no detections. The majority felt that they would still continue to buy and carry alcohol and cigarettes or even soft drugs such as cannabis as these were part of their leisure activities. They suggested that stop and search did not act as a deterrent in this regard, but rather a displacement because interviewees reported changing their routine activities to congregate in abandoned areas to avoid officer patrols.

Accordingly, the young people's views reinforced the wider evidence that suggests that stop and search does not specifically act as a crime deterrent, that detection rates are generally low, and that the relationship between stop and search and crime rates may be negligible (e.g., Harcourt & Ludwig, 2006; Murray, 2015). This is important, because demonstrated effectiveness in tackling crime is another

component of police legitimacy beyond procedural fairness (Tankebe, 2013). Some of the young people

in the west of Scotland also suggested that the reason they committed crimes was due to the anger they

felt at their perceived mistreatment by the police during stop and search procedures (see also XXXX,

2015):

> Most of the time I havnae done nothin', and most of the time if they didnae stop us we wouldnae
> have committed the crime we done which is police assault or resisting arrest. *(Jason, west of
> Scotland)*

Several officers stressed the need to ensure that the procedural justice values underpinning Police

Scotland's code of ethics were placed at the forefront of the way they conducted stop and searches.

Treating people with fairness and respect, upholding their dignity, and taking time to explain due

procedures to them was viewed as essential, particularly among officers in the east of Scotland:

> It's no' nice to be stopped by police and to be searched, and it's quite embarrassing and
> things. So, I suppose it's about getting that, that rapport, and getting a bit of a relationship
> wi' this person, even if it's a two or three minute interaction, just quickly trying to put them
> at ease a wee bit, and just saying 'listen, you know, 'I'm no' saying you're a horrible, bad
> person, but this is why we're here and actually your behavior has just, just caught our eye,
> and it was a bit strange. And, you know, there might be a perfectly logical explanation for
> it.' *(Harry: Sergeant, east of Scotland)*

> You generally find that when you're chatting to somebody … I feel people respond really
> well, if you actually say 'look I know it's not ideal, you're in the street here – we'll move
> to the side.' You treat everyone the same, everyone gets the same dignity … being decent
> with them. *(Katie: Constable, east of Scotland)*

However, although positive engagements were sometimes evident, in the west of Scotland we

found that young men appeared on occasion to be stopped by some officers in public places based on

dress sense or demeanor; further, where statutory searches took place, little explanation was given beyond

a reference to legislation:

> *As we drive along, Ally, the male officer leading the deployment, notices a young man
> dressed in a blue hooded top walking along the pavement smoking a cigarette. 'Let's talk
> to him,' he decides. We climb out the car, and the young man turns towards the officers.*

'Alright? What are you up to tonight?' Ally asks ... The boy stubs out his cigarette, and then Ally continues, 'I am detaining you under section 23 of the Misuse of Drugs Act ...' 'What, am I getting' lifted?' the boy asks incredulously. 'We're just going to give you a wee search,' Ally replies at which point the young man holds out his arms ... 'OK, just keep your hands out your pockets just now – have you got anything sharp on you?' Ally asks. He then continues to pat the young lad down, pulling up the waistband of his jeans and ruffling them just in case anything might be concealed. Karen, the female officer, is doing the routine checks on the young lad on the radio, and slowly begins to move out of earshot from the rest of us. 'OK, that's it – you're free to go,' Ally confirms, and gives no further explanation to the young man. (Researcher fieldnotes, west of Scotland)

Building on previous insights in Scotland (McAra & McVie, 2005), during interviews many of the young people in the west of Scotland believed that they became more prone to being stopped and searched if they were known to officers because of their own or other family members' previous convictions, or because they stayed in a certain neighborhood or dressed in a certain way:

If you're known to them they'll dae it (stop and search) all the time … my dad, my dad got a bad experience wi' them … two a' ma' brothers had right bad experiences. *(Rossco, west of Scotland)*

John: The police are always about everywhere.
Alice: Aye I know, they're pure snakes.
John: Where are the polis no', like?
Alice: No, they don't come up posh areas do they?
                              (Focus group, west of Scotland)

Say you wear a pair a' TN's, a North Face tracky and Lacoste bottoms and a hat and n'a' that wi' your hood up, they're gonnae be, they're gonnae stop you then, be like this, 'they look like a ned I'm gonnae stop you'. *(Thomas, west of Scotland)*

During police interviews across the east and west of Scotland, all of the officers tended to recognize that it was young males who were stopped and searched more often than others. Many interviewees attributed this to the fact that men were potentially "more violent" than women and generally more inclined to use and distribute illicit drugs. However, several interviewees were also strongly of the opinion that, although they would be inclined to approach groups of young people on the

street and engage with them, they would not tend to profile particular young people or attempt to

victimize them:

> I think certainly it would be a statistical thing, you know, if you analyzed it, it would be more males being searched. Not quite a hundred per cent sure of the reasons, but it maybe is the drug using thing. The kinda violence thing, the weapons thing. *(Harry: Sergeant, east of Scotland)*

> I don't think that they (young people) are any more targeted than anybody else … Ok, so you have a big group of youths out so you think visually that's easy … I would (approach them) with the intention of having a bit of a laugh with them, trying to see, trying to look and see what have they, do they have drink on them? … So you're going to have a bit of a laugh with them … and you're just taking a wee visual of who's there and stuff, so that should anything happen later on then you know roughly kind of where to start. But I don't think they're anywhere more targeted than anybody else. *(Kenny: Sergeant, west of Scotland)*

However, our interviews with young people in Glasgow and Paisley indicated that stop and search

procedures had become normalized and institutionalized in the west of the country. There was a general

reluctant acceptance of stop and search practice among young people, and a feeling that young males in

working class housing estates (or "schemes" as they are known in Glasgow) were profiled and targeted,

which speaks to an element of police legitimacy beyond fair treatment; what Tankebe (2013, p. 111)

describes as "distributive fairness":

> I: And is getting stopped and searched the normal thing round about here or…
> John: Considering the area surrounding them, yeah.
> I: What do you mean?
> John: Like downtown…like you're
> Darren: It's a scheme.
> John: Yeah.
> Darren: If you're walking doon the street wi' your hood up wi' a couple a' your pals
> wearing a trackie you're gonnae get stopped and searched.
> *(Focus group, west of Scotland)*

> I never see lassies getting stopped and searched, except from when they're in a group and they've got bags on them … but you wouldnae see lassies gettin' pulled on the street for nothin'. *(Aldo, west of Scotland)*

The young people in the west of the country generally believed that these encounters were due to their "availability" (Waddington et al., 2004) and high street visibility which made them easy targets for the police. The frequency of negative contact with officers made them feel like a commodity and caused feelings of anger and resentment. The majority were distrustful of the police due to the negative encounters they had had, where they felt officers showed no fairness or integrity in their approaches, dialogue and behavior towards them. This made them feel alienated and removed from civil society:

> Some of the time you get abuse 'aff them all … they expect you to gie them a bit of respect (but) they sit there and they call you 'little idiots' and 'dafties' and all that, and they're like, 'stop runnin' aboot like dafties.' *(Mikey, west of Scotland)*
>
> I think they should be smacked wi' a Bible … 'treat others the way you would like to be treated.' *(Lee, west of Scotland)*

Consistent with prior research on social identity and procedural justice (e.g., Bradford, 2014; Bradford et al., 2014), it appeared that unfair treatment had signaled to our respondents that they did not belong, exacerbating existing feelings of marginalization by, or exclusion from, society and undermining any sense of identification with police. This eroded police legitimacy. For example, one of the main differences between what young people perceived as a good and bad stop and search was informed consent. Young people in the west constantly reported that they would consent to a stop and search even if they did not want to. When prompted as to why they would not say no to a consensual stop and search, there was a belief that, if they did, then they would make matters worse for themselves as the search would change from consensual to statutory:

> Aye, I've said 'no' hundreds of times knowing that they just go ahead, 'but you're stopped under Section …' and they just dae a search straight after that. *(Ryan, west of Scotland)*
>
> The thing is, right, they say you've got the right to decline, but as soon as you turn and use that right to decline your search they go 'right, that's you being detained for a search anyway'. *(Eric, west of Scotland)*

The majority of participants believed that the police would simply "make up" a statutory reason for stop and search, which speaks to the discretionary power of police and a wide body of research on how police "fabricate" probable cause through *ex post facto* descriptions of events (see Skolnick, 1975, p. 214), or use the law as a resource to create a sense of "moral righteousness" (Herbert, 1996, p. 159). Another explanation is "dull compulsion," whereby people comply with police out of a fatalistic sense of powerlessness (e.g., Tankebe, 2009). The young people expressed the common opinion that, if an officer wanted to search them, then the officer would state that they could smell cannabis even if the child or young person had not been smoking it. In other words, compliance with police authority had little to do with police legitimacy in the traditional sense, but rather was an outcome of the uneven application of distributive fairness.

However, the literature also suggests that many young people living in socially disadvantaged neighborhoods within the UK often have generally negative views of, and a lack of trust in, police officers as a result of messages passed on through generations of families and peer networks (McAra & McVie, 2005; Clayman and Skinns, 2012: XXXX, 2015). Cognizant of this, the insights from our data may also reflect the existence of reverse causation, whereby already-existing low levels of trust in the police among some young people in the west of Scotland made them more likely to perceive and describe stop and search encounters as being aggressive/disrespectful.

Confrontation, Profiling and Contrasting Experiences of Procedural Justice

[TABLE 2 HERE]

Peterson (2008) explores the power relations that underlie the performances and negotiations of respect and authority during interactions between young men and police officers. In disadvantaged neighborhoods, young men may seek to "own their streets" and to defend them from what they perceive as "disrespectful attacks from the police" (p. 100). At the same time, policing within these neighborhoods is often dominated by a coercive mode of conduct. Peterson argues that police officers ultimately force a

submission to their authority out on the streets through seeking out confrontations with young men and

engaging them in "public show-downs over face" as a means of demonstrating that they ultimately

control the streets (p. 97; see also, Hodgson, 2001).

On several occasions in the west of Scotland, we observed this type of confrontation; for instance,

young men were sometimes searched for potential alcohol possession, and alcohol was confiscated from

them out on the streets even where bottles were unopened. Aggressive confrontations often ensued, and

as young men perceived unfair treatment, this clearly had a negative impact on their trust of and respect

for officers (Skogan, 2006; Jackson et al., 2013b; Tyler et al., 2014):

> *The male officers begin talking to three young men, and firing questions at them: 'where have you been, where are you going, what ages are you?' One of the officers, Kenny, takes a can off of the youngest boy who it turns out is only 17 and should not have alcoholic drink as he is under age. A second, slightly older young man dressed in a shirt and jeans then states that the can is his. The can had been hanging out of the boy's pocket when he first walked over and when the police take it from him he protests and the older boy in jeans says they can't do that, just go into his pocket and take it. Kenny retaliates by stating that the boy had been holding it in his hand and that it is a 'seizure' as he is under age. He also explains that if the older boy wants to regain it then he is going to need to go to the police station to get it back because he is not allowing the young man to walk away with it when he is underage. This aggrieves the young man in the grey hoody and he starts walking away whilst being abusive. The boys begin shouting that they always get picked on just because of how they are dressed and the area they are from and calling the officers various names. (Researcher fieldnotes, west of Scotland)*

Seizures used as a form of social control were viewed by the young people as tantamount to a bad

stop and search experience which again undermined distributive fairness. Mobile phones, alcohol and

cigarettes were the most common items seized from young people (particularly in the west of Scotland).

Although phones were given back at the end of the encounter, cigarettes and alcohol were confiscated (as

illustrated above in our fieldnotes). These small seizures caused great dislike towards the police as the

young people felt they were used as power over them if they were not behaving in a manner that the

police expected. What made a stop and search encounter a negative one for young people was: perceived

lack of respect, power differentials, feelings of discrimination and stigmatization, and of being

intimidated and humiliated:

>Ryan: It happens mair in broad daylight.
>I: How does that make you feel 'cause then?
>Ryan: Disgustin' it makes you feel like a wee junkie, aye so it does.
>I: 'Cause there's folk can see you and that?
>Ryan: Aye, everyone stops and stares at you and they just think you're a criminal and you
>haven't done anything wrong. The polis like that but, like bringing you doon levels.
>   *(Focus group, west of Scotland)*

In Glasgow and Paisley, there was also clear evidence of the institutionalized nature of stop and

search, where young people were quick to volunteer for a search and very animatedly placed their hands

in the air following years of constantly being exposed to the tactic:

>*Alan, the male officer, proceeds to radio in the young man's details and gain any intelligence on him. Just at this point, the young man starts to open his jacket and open his arms. 'Go ahead, mate,' he says, clearly ready and willing to allow the officers to search him. 'It's ok, buddy, calm down,' Kris, the other male officer, replies.* (Researcher fieldnotes, west of Scotland)

>*All the officers quickly get out the car and surround the young lad … 'Listen mate, we're going to have to detain you under section 23 of the Misuse of Drugs Act,' Ally quickly tells him. 'Aye, alright mate,' the young man agrees, as Ally puts his hand on his right arm firmly. 'Just keep your hands out your pockets for now, mate – what's your name?' 'Jack, mate,' the boy replies. Jack raises his arms right out on either side of him as he backs up the wall. 'It's ok, put your hands down – it's not America!' Ally states firmly, and proceeds to search the young man's pockets.* (Researcher fieldnotes, west of Scotland)

Our observation of the latter stop and search procedure was particularly salient, given that the

subsequent uncovering of large quantities of illicit drugs on the young man's possession was, in fact, one

of only two occasions during our fieldwork that we witnessed a stop and search leading to a 'positive'

detection in law enforcement terms.

In contrast to the above, during observations of stop and search interventions in the east of the

country we sometimes noted the way in which officers created opportunities to provide pastoral support

to young people in and around the formal procedures:

After the stop and search is completed, one of the male officers, Peter, turns to the dark haired young man. 'Listen mate, you need to be careful and think a little more about your behaviour. What are you going to do when you leave school?' 'I was thinking about going into the Marines, but I've got a scholarship to go and do an engineering course at university,' the boy answers. 'A scholarship? Where for?' Peter asks. 'For (university name).' 'And when are you 16?' Peter asks to which the boys replies 'in two days' time.' 'Two days' time ... so let me tell you something – just now you're a juvenile and you've had a couple of charges already, but see in two days' time if you get charged again you'll go straight into the adult system and that'll be on your record for a long time. You can't afford for that to happen can you? Keep your head down ... you seem like a good lad – and you've got a great scholarship at one of the best universities – don't mess it up, go and be sensible'. (Researcher fieldnotes, east of Scotland)

In contrast to the west of the country, in Edinburgh a less robust style of policing was frequently noted during observations. Officers were less inclined to confront young people and as a result a friendlier, less combative form of engagement was observed. We even found recurring instances of young people proactively approaching officers to engage with them:

Just as we move a few yards along the road, a young man who is carrying a polythene bag approaches us. 'Excuse me,' he says rather nervously,' I was wondering if you can advise me…' he proceeds to tell the officers that his car has recently been in a crash and he is due to get it back from repair just in time for its MOT, but wonders what would happen if he doesn't get it back until after the MOT date has passed. 'As long as you have the test booked then you're OK,' Paula, the female officer, advises him. 'Can I ask the garage where it is just now to do the repair?' the young man asks politely. 'Yes, you can get whoever you want to do the MOT – but just remember not to drive the car unless it is booked in somewhere.' The young man thanks the officers and goes to move on. 'Are you alright though, after the crash?' Peter, the male officer, enquires and the young man explains that there were no injuries. 'Oh that's good then' Peter says kindly. As we walk on Paula comments that she felt that the young man just wanted to talk to them about something. 'You get that sometimes, people that just want to talk to the police – I think that guy just saw us and wanted a reason to engage with us,' she comments. (Researcher fieldnotes, east of Scotland)

Evidence suggests that distrust of the police is amplified among those who have been searched multiple times, and where perceptions of unfair treatment by the police emerge this can undermine trust in law enforcement even further (Skogan, 2006; Jackson et al., 2013b). Our observations of deployments thus drew attention to differential patterns of police approaches used in different geographical areas of

Scotland; while ambient patterns of engagement were evident in the east, including the use of stop and

search being characterized by a pastoral emphasis, the hyper-masculine confrontations we observed in the

west appeared to be leading to resentment and a pattern of young men being treated, and in turn

responding, as the "usual suspects" (McAra & McVie, 2005).

In line with this, there were also contrasting insights emerging from youth interviews conducted in

the east of the country compared with the west. Young people articulated a fundamental belief that they

were entitled to rights in their interactions with the police, and had confidence in articulating those rights:

> They're here to do a job and if you need help in any situation then you call the police. And
> I think I've not had many bad encounters with the police, I've had maybe one where I was
> protesting and they wanted me to move but, well I stayed because of principle. *(Bernie.*
> *east of Scotland)*

As noted in our earlier fieldnotes, we found a different approach was used in Edinburgh, where stop

and search was conducted in a less obtrusive and more procedurally-just manner than in the west. During

interviews, many of the young people expressed the view that officers were doing their jobs fairly and

they believed in the efficacy of stop and search procedures even although they were being stopped. One

of the young interviewees, William, had been stopped and searched twice in his life and on both

occasions he felt that it had been carried out in a positive manner:

> I think if, so there's a difference between discrimination and a gut instinct and I think a gut
> instinct you should always go with your gut. And if a police officer has a gut instinct then
> they should stop and they should search someone. And if they don't find anything they
> don't find anything, they should say 'sorry, sorry I just had a gut instinct, you can be free,
> I'm sorry that I wasted your time'. I think that's exactly what they're doing. *(William, east*
> *of Scotland)*

More generally, the young people were able to articulate how they would like a stop and search to

be carried out. The situations they described reflected a focus on the procedural justice principles of

fairness, integrity and respect. Of highest importance to them was the need for a continued reduction in

frequency and for respect to be shown during encounters. As above, experiencing this vision of

procedural justice was much more common in the east of Scotland where the numbers of stop and

searches recorded, both consensual and statutory, had always traditionally been much lower than in the

west and where a more ambient approach focused on fairness and respect seemed more commonplace

(Murray, 2014). William's recent experience of being treated well during a stop and search encounter had

left him with a feeling of bondedness and trust towards the officers involved, and a strong feeling that

stop and search was a valuable strategy:

> [The officers] said 'you and your friends are here and in this area there's been quite a lot of drug-related crime' … they asked for my name, I gave them my name and they went and searched me, found nothing … they said 'thank you very much for letting us search you, we're very glad that you haven't got anything on you', they said 'thanks very much', I said 'thanks very much' and they went on their way … they were nice people and I think I got a bit of a bond with them, had trust … I felt totally comfortable with everything that they asked me to do, so I did it and we just went on our way … I think the police do a valuable job for Scotland and I think that they should do more stop and search, I think that's a valuable resource. *(William, east of Scotland)*

Evidence suggests that young people value procedural justice even more than adults, and

believe that officers should be professional, responsive, honest and fair (Carr, Napolitano & Keating,

2007; XXXX, 2015). While this tended to be the experience young people had in Edinburgh, in the west

of Scotland they were more inclined to experience aggressive, confrontational situations that made them

determined to avoid contact with the police altogether. However, although the young people we

interviewed in the east indicated more positive experiences of the processes involved in stop and search,

some clearly still felt that officers needed to do more to ensure that human rights were foregrounded and

articulated, and others still felt intimated by the presence of police:

> I suppose stop and searches are a good thing because it's like enforcing of the law but then taking away somebody's right to consent I don't think [is right]. The only problem is police officers don't understand that you need to make it obvious about people's rights. Like people saying 'oh can we search your bag?' then you would say 'yes' because it's a police officer … but they know that you could say 'no' and most people would say 'no' [if they understood this]. *(Leanne, east of Scotland)*

> As soon as you see the police you start worrying … it must be the uniform that makes people uncomfortable. *(Alison, east of Scotland)*

Perspectives on Stop and Search Reform by Officers and Young People

[TABLE 3 HERE]

As outlined earlier, from 2014 onwards political, media and public concerns about the high volume of stop and search led to wide-ranging reviews of the use of the tactic across Scotland (SPA, 2014; AGSS, 2015; Police Scotland, 2016b). In turn, this led to a recommendation that more attention should be focused on balancing policing needs with the rights of individuals, and the need to make better use of analysis, recording, and reporting tools (Fyfe, 2016). During the interviews, many officers cited the bad publicity and the changes that were being put into place. Officers, particularly in the west of Scotland, argued the negative press had reduced their morale, but also encouraged a misguided "rights" culture on the streets that empowered people to be deliberately obstructive:

> I think the media attention through all this and senior officers and what not getting a grilling the … Parliament … it's kinda sending out the wrong message probably, that 'you've been doing something wrong, you're up to no good and you're getting brought to task for it now' which is probably not necessarily the case. *(Jack: Sergeant, west of Scotland)*

> 'Rights' - that's the word that usually comes out their mouth, 'I know my rights'. When in fact they don't. They've seen a *YouTube* video and read an article in the paper, which is usually misinformed. It's a certain type o' paper! *(Richard: Constable, west of Scotland)*

> It's *YouTube* things, it's all the time it's newspaper articles, the press … and they'll (young people) argue all the way through it, 'you can't do this, I know, I'll go to my lawyer' … the lawyer's a great shield, you know, the lawyer's the one that's gonna sort everything. *(Michael: Constable, west of Scotland)*

Across the wider sample of officers, there were very mixed views about the newly introduced presumption against consensual searching that had emerged during the period of the research study (subsequently ratified by the Scottish Parliament in 2017). At the time of the interviews, some officers felt that the phasing out of consensual stop and search would make no difference to them. In particular, officers in the east of Scotland felt that they had always tended to use statutory powers, engage positively

with young people, and record searches appropriately, but public scrutiny had now placed doubts in their

minds and reduced morale:

> Through here, you know, through in the sorta Edinburgh area … at the end o' the day I think people, you know, almost muttered and there's been a disquiet saying 'well, no we have been doing this here, this is nothing new, this is …you're not telling us anything new here. And I think, again, just the fact that the amount of times the sheer repetition of … reports, the Chief Constable coming out and saying, the media is saying that things have been wrong for all these years, I think again that's put slight doubt in officers' minds. *(Henry: Inspector, east of Scotland)*

> I feel it's very unfair to sort of be generalized and sort of, you know, Police Scotland searches everybody and they don't do it fairly. I do go about my business in a professional manner and I do it correctly. *(Katie: Constable, east of Scotland)*

On the other hand, many officers in the west of Scotland demonstrated extreme anxiety about

losing this tool and vocalized strong concerns about the potential negative impact that it could have on

deterring violent crime. For example:

> I think doing away with consensual searching is, kinda a road to hell paved with good intent, in all honesty … when consensual searching first came in what we noticed is that the amount of knife crime stopped … again, not speaking as a cop, speaking as maybe a guy that's gonnae be in Glasgow later on tonight, I'm quite happy if there's less folk have got, have got knives in their pocket. When I'm minding my own business walking up Buchanan Street with maybe a couple of pints in me … but I think, I think it's only a matter of time … before it starts to manifest itself. They'll realize that there's less policing activity, so they're less likely to get caught. That's what it comes down to, are they gonna get caught or are they not? Right now there's a good chance they're gonna get caught. In another six months or so a good chance they're not going to get caught. *(Tommy: Inspector, west of Scotland)*

> Consensual search for us is vast, is very important 'cause believe it or not people carry stuff but they still allow the police to search them. And if we lose that, which it looks like we are, then we've just went and lost ourselves a massive tool. *(Kenny: Sergeant, west of Scotland)*

Other officers, mainly in the west, articulated views that suggested a perceived loss in police

effectiveness that would come about from losing non-statutory searching. In particular (as above), many

felt that it was an essential tool for detecting knife carrying, since weapons of this kind are so easily

concealed and not immediately detectable via statutory powers. Some officers felt that they were now

having to "let offenders walk away" and that there was "nothing good" about losing this tactic. Against

the backdrop of the historically heavier emphasis on consensual stop and search being used in Glasgow,

several officers in the west of Scotland admitted that they were despondent about the upcoming Code of

Practice. It was anticipated that this would legally end consensual searching, or at least place an

obligation to ensure that people were aware of their right to decline – which had clearly not been done

routinely in the past:

> We've got a Code of Practice up now which is slightly different from the way that we've
> worked in the past. 'Cause in the past we've stated a case where you didn't have to tell
> somebody that they could say 'no'. You just had to make sure it was a question. So you
> would ask them the question 'do you mind if I search you? Is it Ok to search you?' … but
> now with the Code of Practice we now need to remind them or tell them they can say 'no'
> if they want. *(Kenny: Sergeant, west of Scotland)*

During interviews and focus groups, young people were also asked of their awareness of the policy

changes that were now emerging and if these had resulted in a different experience out on the streets.

Young people were aware of some of the implemented changes but not all of them, and there was a lack

of belief that change would occur regarding the move from consensual to statutory searching, or that their

human rights would be upheld. Rather, what was commented upon was a considerable drop in the west of

Scotland in terms of numbers of stop and searches being carried out:

> Dillan: Aye, last year all the time I got stopped about 15 times a day like, you were only
> walking up the drive and they're going 'you're getting stopped and searched', walking
> round the corner stopped by another one. 'I just got stopped two seconds ago' and they're
> like that 'I don't care about that'. 'Well 'phone your fuckin' pal on the radio, he searched
> me'.
> I: Yeah and does that not happen now?
> Dillan: No' really, no.
>
> *(Dillan, west of Scotland)*

In summary, although officers in the west were beginning to recognize that the ending of non-

statutory searching was inevitable, there was a feeling among many in both Glasgow and Paisley that this

was perhaps a "step too far" and could lead to a much less robust approach to policing than had been the norm for many years. Reflecting the differential patterns of police culture and practice that we had observed during deployments, it was clear that the changes to the presumption against the use of consensual stop and search had affected these officers the most. However, young people in the west of the country were clearly of the mind that very little would change in terms of their experiences of procedural justice. In the east of Scotland, some low morale had also emerged among the officers we interviewed because they perceived their integrity had been brought under question. However, there was much less anxiety expressed by officers there about the emerging policy changes. Thus, our insights generally concurred with those highlighted within the report of the Advisory Group (AGSS, 2015, p. 68) that suggested that the reforms to stop and search were likely to signal a "return to a more familiar low-key approach to stop and search" in areas like Edinburgh.

Discussion

The extant literature on stop and search, reviewed earlier in this paper, suggests that officers often justify the use of the tactic under the rubric of 'broken windows' theory and on the basis of potential crime deterrence (Kelling & Wilson, 1982; Chaflin & McCrary, 2017). However, since the relationship between stop and search and crime rates is, in reality, often negligible (Harcourt & Ludwig, 2006), the collateral effects of the tactic on the rights and liberties of citizens most affected by its use has become a cause for concern for many years across the western world (Bowling & Phillips, 2007; Rosenfeld & Fornango, 2014). Distrust most commonly arises where law enforcement institutions place an emphasis on quantity over quality of stop encounters (Bradford, 2017). In this paper, we have documented the way in which the introduction of stop and search as a KPI within Police Scotland meant that volume of searching became prioritized over a focus on human rights and procedural justice (Genevieve & Murray, 2018). Its use became disproportionately directed at children and young people, and our data suggest that this had had an "asymmetrical" negative effect on young people's trust in the police (Skogan, 2006; Jackson et al., 2013b).

Given the growing controversy about the over-use of stop and search and the concerns about its operationalization, a full scrutiny review of Police Scotland's policy and practice in the use of the tactic took place (Fyfe, 2016). In the spring of 2017, this culminated in the new Code of Practice on stop and search being unanimously approved by the Scottish Parliament meaning that - although non-statutory stop and search is still enshrined in Scots Common Law - there is now a presumption against consensual searching by officers (BBC News, 2017).

In the main body of the paper, we have captured the insights gained through participant observation of police deployments as well as follow-up interviews with officers and young people during an unprecedented level of scrutiny and policy change within Police Scotland in relation to stop and search. Although we cannot make any universal claims about the implementation of stop and search and officers' and young people's views on it in a general sense in Scotland, our study may provide some important insights into the way in which stop and search was being implemented and received in socially deprived neighborhoods in the east and west of the country at a time of transition and change.

As Chan (1997, p.74) has argued, whether a strategic change in a police organization results in any change in institutional practice or commitment to its implementation depends on "the nature of the change and the capacity of officers to adapt to that change." Although Police Scotland had taken important steps towards embracing a policy discourse that attempted to balance the use of stop and search with the upholding of human rights during the period of our research (Fyfe, 2016), the capacity of officers in our sample to adapt to or fully embrace the change was evidently variable. In the west of Scotland, where the use of consensual stop and searching and a police approach characterized by a form of "hyper masculinity" had been deeply entrenched for so long (Davidson et al., 2017), police morale appeared to have been adversely affected by the intense scrutiny and criticism directed at Police Scotland and the move towards a model of "rights-based" policing (Police Scotland, 2016a, p12). The policy changes appeared to be viewed in terms of disempowering officers and as a potential threat to their ability to deter violent crime.

Reiner (2000, p.89) argues that the core justification of policing is often viewed in terms of a "victim-centered perspective." The long-standing culture of using stop and search as a perceived deterrent against knife crime combined with the historical dominance of street violence in and around Glasgow (XXXX, 2009) had clearly led officers to regard consensual searching as a key tool for violence prevention and the building of community safety. This strong association between stop and search and its capacity for deterring violent crime was still very much to the forefront in our participating officers' minds in the west of the country. This was in stark contrast to the views and perspectives of officers in the east of the country, where the structural and cultural changes being initiated by Police Scotland in terms of reducing stop and search and increasing its proportionality and focus on human rights represented a return to the familiar, ambient and procedurally-just approaches that had always characterized policing there (AGSS, 2015).

While our insights from officers lead us to believe that the impact of the policy changes will take time to embed in terms of officer commitment and engagement in certain divisions and geographical areas, our wider data also suggest that it may take even longer for their impact to be felt within communities. Our insights from participant observation and from interviews with young people illustrated the profound impact that aggressive, confrontational engagements and the use of stop and search procedures devoid of a focus on procedural justice was still having in the west of Scotland. Prior research has emphasized the disproportionate impact of stop and search on black and minority ethnic youth (Delsol & Shiner, 2015), but our research with poor white young men shows that its effects are felt across racial lines. Age, class, and gender are the common denominators. The young people we interviewed and observed clearly continued to feel unfairly and unjustifiably stopped and searched and believed that the encounters themselves were authoritarian, disrespectful and humiliating.

These findings were supported by the outcomes from the ScotCen Social Attitudes Survey (SPA, 2015), published towards the end of the period of fieldwork reported on in this paper, where 18-29-year olds were found to be much more likely than adults to express concern that young people were more

likely to be searched than others; and were much less likely to say that they trusted the police to use stop

and search in a fair and just way. In the opinion of the young people in our own sample in Glasgow and

Paisley, the behavior of officers conducting the searches further communicated that the young people did

not belong and that they had no status or worth in this context—a finding also observed in studies of

social identity and procedural justice (Bradford, 2014; Bradford et al., 2014). However, young people's

accounts of police action spoke to deficiencies in more than just procedural justice. Distributive fairness

and effectiveness were also present, thus highlighting the multiple dimensions of legitimacy that can be

difficult to disentangle in the field (Tankebe, 2013). The implication is that, consistent with existing

research in this area (e.g., Huq et al., 2017), procedural justice is only one part of a broader narrative

around police legitimacy that includes "(1) the legality of the activities of law enforcement officials, and

(2) whether and to what extent the law itself and the manner of its enforcement express the shared values

of the community within which that law operates" (Bottoms & Tankebe, 2012, p. 166), plus other factors

that need additional research.

It has been found that stop and search, where it is viewed as being unfair or unlawful, is one of the

most common forms of "adversarial contact between the police and the public" (Delsol & Shiner, 2015,

p.1). In addition to the damaging impact that it can have on police legitimacy, Bradford (2015) also

draws attention to the criminogenic effects it can have on those involved in such volatile encounters.

Within our research, in some cases the young people in the west of Scotland suggested that the practice of

stop and search was the catalyst for antisocial behavior and violence, where adversarial contact with

officers led to arrests for breach of the peace or police assaults (Bradford, 2015).

Police legitimacy is central to the procedural justice principles in which Police Scotland adhere to.

Herbert (2006, p.481) highlights that "the dilemma of legitimacy plagues no other state institution more

doggedly than the police" and argues that, where particular groups believe police power to be

disproportionate towards them, this ultimately creates heightened suspicion and distrust. Taylor and

Lawton (2012, p.417) highlight that procedural justice is promoted when the "agent of authority listens or

otherwise receives input, maintains a neutral stance, and treats parties with respect." While this was

clearly lacking in the west of Scotland, although we need to recognize the limitations of our smaller

sample in the east of the country our evidence suggested that the young people we interviewed and

engaged with in Edinburgh believed that officers were generally doing a good job, and were more

inclined to be aware of their rights and exposed to practices that upheld these rights. In turn, they were

more inclined to engage with and actively approach officers in the street (Reisig et al., 2011; Clayman

and Skinns, 2012; Jackson et al., 2013a; Wolfe et al., 2016). However, even there we found some

suggestion by some young people that officers needed to do more to put them at ease and ensure that they

were fully aware of their civil liberties.

Conclusion

In the policy discourse associated with Scottish policing, an accelerated focus on engaging

with young people and upholding their human rights has come to the forefront. In the newly enshrined

Code of Practice on stop and search, it is made clear that "personal factors alone can never support

reasonable suspicion," and that the following cannot be used on their own as reason for stop and

searching: "physical appearance … a person's clothing … generalizations or stereotypical images … [or]

previous convictions" (Scottish Government, 2017, p.7). In addition, Constables should use "age-

appropriate terms" when engaging with children and young people, and in taking a decision to search a

young person they must give primary consideration to promoting the "well-being of that child or young

person." In particular, Constables should be "aware of the inherent power imbalance that exists between a

Constable and a child or young person and how this may affect their interactions with them" (p.18).

Advice slips now require to be issued to citizens that set out the reasons why a stop and search has been

conducted and provide a telephone number where complaints can be directed (Police Scotland, 2016b).

However, the insights from our fieldwork, conducted during the transition towards the Code of

Practice becoming fully enacted, suggest that the vision of the type of procedurally just approaches to

policing that young people might welcome may still need to be practiced in certain parts of Scotland. In

response to our original research questions, there was a strong feeling among many officers within our sample in the west of Scotland that non-statutory stop and search had had a very valuable part to play in deterring weapon-carrying and violence, in spite of the evidence that suggests that – although they are the most commonly searched group – young people have the lowest detection rates (Murray 2015). It was evident that these perspectives had emerged against an unhealthy backdrop whereby young people in the west of the country had grown accustomed to being stopped and searched due to the longstanding focus on 'robust', aggressive and confrontational policing styles. Even although Police Scotland's policy rhetoric focuses on 'fairness, integrity and respect' and the officers who participated in interviews clearly had strong beliefs about the need for stop and search to be characterized by these principles and values, the young people who were interviewed (and particularly young men in the west of Scotland) felt that their encounters with the police were far from being characterized by procedural justice values. Stop and searches that were carried out as a deterrent which did not follow the code of ethics had the effect of damaging relationships between young people and police officers in the west of Scotland communities that were the focus for this research. Conversely, the more 'ambient' policing style focused more squarely on promoting and projecting procedural justice values that was evident in Edinburgh was conducive to feelings of bondedness between officers and young people and resulted in officers experiencing greater trust and legitimacy (Loader, 2006, p.203).

On the latter point, we infer that officers need to be more routinely trained in a way that prioritizes developing discursive relationships with the social groups they police, particularly young people (Loader, 1996), and ensures that they are able to diffuse (rather than accelerate) potentially volatile and confrontational situations with youth. We believe (within the context of our small-scale Edinburgh-based sample) that the positive illustrations of practice we uncovered in the east of Scotland could act as examples for such officer training. Future professional development training of officers (particularly in the west of the country) needs to focus on supporting officers to re-define the concept of 'robust' policing to be synonymous with the implementation of procedural justice. We also believe that Police Scotland's

already well-established code of ethics (Scottish parliament, 2012) should provide a continual backdrop to and reference point for officer training, but that bespoke professional development on the use of procedurally just forms of stop and search should be implemented which draws upon the excellent professional practice already in place in some parts of Scotland while also drawing attention to and helping officers to address the potential pitfalls.

In light of the more intense focus on rights-based policing in policy discourse (Police Scotland, 2016a), it would be useful to explore and examine how young people's experiences of stop and search procedures continue to evolve in Scotland. We recommend that new research is conducted focused on exploring the experiences of more diverse groups of young people in a range of geographical settings across the country and in light of the enactment of the new Code of Practice. It is hoped that the insights from our own study may help to stimulate such research.

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Table I: *Thematic Map of Voices and Observations A*

Data Source	West	East
Officer interviews	Detection, deterrence, prevention; lack of profiling	Detection, deterrence, prevention; dignity/respect; lack of profiling
Participant Observation	Profiling/targeting; no explanations	
Youth interviews/focus groups	Lack of detection/deterrence; displacement; anger; profiling/targeting; reluctant consent; "distributive fairness"	Lack of detection/deterrence; displacement

Table II: *Thematic Map of Voices and Observations B*

Data Source	West	East
Officer interviews		
Participant Observation	Hyper-masculinity, confrontation; institutionalized reactions	Pastoral approaches; youth engagement;
Youth interviews/focus groups	Stigmatism, discrimination	Awareness/articulation of rights; trust, bondedness; remaining intimidation

Table III: *Thematic Map of Voices and Observations C*

Data Source	West	East
Officer interviews	Negative press, misguided "rights"; anxiety, despondency, loss of "tools"	Integrity undermined; low morale
Participant Observation		
Youth interviews/focus groups	Reduced volume of stop and search; pessimism re-procedural justice	