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Policing the lockdown: compliance, enforcement and procedural justice

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The problem

Compliance with lockdown restrictions (e.g. social distancing) is important if the Covid-19 pandemic is to be brought under control. In a liberal democratic state, the bulk of such compliance has to be voluntary and consensual. Thus far, this seems to have been the case in the UK, with police intervention rarely necessary. However, police are needed in a minority of cases, and lockdown fatigue and the easing of restrictions over the coming weeks and months may pose significant challenges to police organisations tasked with both enforcement and maintaining widespread voluntary compliance.

What we know about policing and compliance, and how we know it

People have many reasons for complying with laws and regulations, but the most commonly cited are:

- Moral judgements, e.g. believing a behaviour proscribed by law is wrong
- Group solidarity and a desire to uphold social norms
- The legitimacy of the rule-maker/enforcer – a moral duty to obey the law and police
- Habit – we do what we are used to do
- Deterrence – fear of the legal consequences if one were to break the law
- Self-protection/self-interest

Academic research over several decades has found support for most of the above, although there are important caveats. Notably, deterrence-related factors (fear and severity of punishment) have been shown to be only weakly correlated with compliance in many situations. The risk of getting caught can be important in some circumstances, for some people, at some times. The severity of sanction appears almost irrelevant – increasing fines and prison-terms appears to have very little effect on behaviour. Morality, social bonds, legitimacy and habit are far stronger predictors of compliance behaviours.

Research on what police can do to motivate compliance with the law has similarly tended to conclude that presenting a credible deterrent threat has only a weak and inconsistent effect. While some forms of activity, e.g. hotspots policing, do appear to motivate compliance among target populations – and presumably do so via some sort of deterrent effect – evidence for a positive effect on crime in most other areas is thin. Indeed, invasive police powers such as stop and search have proven to be largely ineffective, with significant negative collateral consequences including reduced trust and engagement. Instead, a consistent and growing body of work suggests that police activity experienced as procedurally just (respectful, open and accountable, explaining decisions and listening to people, making unbiased decisions, and conveying trustworthy motives) can motivate compliance, and does so in a way that is more sustainable and durable than the presentation of deterrent threat. Procedural justice enhances the legitimacy of the police and the wider justice system and, relatedly, strengthens the social bonds between individuals, justice actors and the wider social groups within which both are embedded. Both legitimacy and social bonds shape, in turn, compliance with police directives and the law.

What we think is happening in the covid-19 pandemic

In the first weeks of the lockdown the restrictions put in place to combat Covid-19 seem to command widespread and committed support. High levels of compliance appear to be driven primarily by a sense that (a) it is right to comply with the restrictions to 'save lives and protect the NHS', (b) it is normative to do so (i.e. other people are complying and would expect the same of you), and (c) it is a legal requirement (invoking the law reinforces the collective need to take distancing seriously). The police have also benefitted from increased public support for frontline staff and 'key workers'. Naturally, instrumental concerns, especially fear of infection may also play a role, although there is limited evidence of this.

Police activity in enforcing the lockdown is thus largely taking place at the margins. This is necessarily the case – policing on its own would never be enough to maintain the restrictions. However, police do sometimes need to take action: moving people on, issuing fixed penalty notices, and even making arrests. Striking, though, is the overt reliance on principles of procedural justice in the police response to the crisis. The College of Policing guidance explicitly states “people are more likely to comply after a police encounter if they feel they have been treated fairly, have received an explanation, and have been given the opportunity to state their view”, and the ‘four E’s’ approach – Engage, Explain, Encourage and Enforce – equally stresses that enforcement activity is a last resort, only to be used if other approaches fail.

The Covid-19 crisis has thrown into sharp relief the fact that, absent sweeping authoritarian powers and their widespread use, the only way democracies can be policed is via consent, and that procedural justice is a vital component of such a relationship. The fact that most compliance has sources outside policing merely serves to underline that when police intervene they need to do so in ways that maintain, rather than undermine, the bonds between individuals, institutions and wider society.

Important questions are likely to emerge as the crisis develops, however. While compliance has so far been widespread, will this persist if the lockdown, or elements of it, last over the summer and into autumn? Right now, the Government has the public largely on side; they can rely on voluntary compliance, with little need for enforcement. But how long can that last? How will people respond when the current relatively clear message becomes clouded as some activities are allowed but others remain restricted? With the easing of lockdown, will there be generational tension, as young people start to resent the constraints on their right to freedom and assembly? What will happen if most restrictions are lifted only to be re-imposed due to a second, or even third and fourth wave of the disease?

Some ideas in response

The danger is that increasing challenges to the lockdown will trigger increased enforcement activity from the police. This would likely be counter-productive in the short term, generating defiance, and in the longer-term, undermining legitimacy in a wider sense. Instead, challenges need to be met with more emphasis on the first three E’s, not less, as police start to cope with maintaining a more fragmented, and possibly changing, mix of restrictions. Legitimacy, the ability to command deference established via procedural justice, will be central to their ability to do so – indeed much more than in the early stages of the lockdown where compliance was driven primarily by other factors.

Use of new powers that people find troubling or excessive is another potential issue. Around a half of respondents in a recent poll said that they were comfortable if the police used drones or facial recognition technology to monitor and enforce lockdown compliance. Widespread use of such tools might provoke a range of adverse reactions, and it would also indicate failure of both policing and the wider response to the crisis, and should be seen as a last resort rather than viable tactical options. Instead, the police should rely on their existing toolkit, putting an increased emphasis on community and problem-oriented policing.

Relevant resources

[It’s a fair cop? Police legitimacy public cooperation, and crime reduction](#) (College of Policing)
[Engage, Explain, Encourage, Enforce – applying the four E’s](#) (College of Policing)
[The lockdown and social norms: why the UK is complying by consent rather than compulsion](#)

About this series:

This is brief 4 of a series of short, speculative papers developed by the UCL Jill Dando Institute to support the police services during the current pandemic. The raison d’être of the series is fully is described at <https://www.ucl.ac.uk/jill-dando-institute/research/covid-19-special-papers>