EXPERIENCE UTILITY AND LEGITIMACY: A MULTISITE RANDOMIZED CONTROLLED TRIAL IN COUNTER-TERRORISM

Brandon Langley, Barak Ariel, Justice Tankebe and Badi Hasisi
Background: Schedule 7 TA 2000

- UK’s Schedule 7 Terrorism Act 2000
  - Profile passengers of “commission, preparation and instigation of terrorism”
  - Border security powers
  - Without reasonable suspicion
  - Thousands of interviews every year

- Contextualise more broadly within Stop/Search practices

- Two major questions:
  - Legitimacy perceptions of those who go through these procedures
  - What predicts feelings of obligation to obey counter-terrorism laws and the willingness to support law enforcement officials?
Controversy around Schedule 7

- “Shroud of secrecy” – Sch 7 and CT more broadly remain largely (quantitatively) understudied

- The application of CT powers is viewed as controversial and responsible for a perceived corrosive effect on levels of police legitimacy

  - 2013 National Review of Terrorism Legislation
  - 2012 National Consultation and responses
    - “Significantly undermined faith in CT” (Stop Watch 2012)
    - “The power is silently eroding Muslim communities trust and confidence in policing” (ECHR 2012)
    - “It is the single most important factor affecting police legitimacy” (House of Lords 2013)
Number of arrivals at airports = 108.2 million in 12 recent months
N stop/search under Sch 7 = 55,037 in 12 recent months
N detained in 12 months = 650
N arrested = 232 (of those 116 under Sch 7) since 2001
N charged = 18 (under Sch 7) since 2001

Source: Home Office (13/12/2013): Operation of police powers under the Terrorism Act 2000 and subsequent legislation: arrests, outcomes and stops and searches, quarterly update to 30 June 2013, Great Britain
What leads to Cooperation and Obligation to Obey the Law?

Legitimacy

- Procedural Justice
- Distributive Justice
- Lawfulness
- Effectiveness

Obligation + Cooperation
Prior Research on CT in the Context of Legitimacy

- Very thin evidence around CT, airport screening/security in particular, and specifically on Schedule 7:
  - Lum et al 2013
  - Hasisi and Weisburd 2011
  - Gkritza 2006
  - Gures, Demirer and Kara 2009
  - Sindhav et al 2006

- No direct test under controlled conditions
What Predicts Perceived Cooperation?

- Extensive body of evidence around procedural justice (PJ) and perceived legitimacy in police-public encounters
- Yet the evidence is virtually all observational
- Only 1 (somewhat) rigorous evaluation of PJ (Mazerolle et al 2013)

- What can be done to improve the quality and rigour of research in respect of PJ and legitimacy?
- What can be done to increase obligation to obey and cooperation in counter terrorism, in practice?
Alternative Antecedent to Cooperation?

- Kahneman’s Experienced Utility Theory
  - Original concept developed by J. Bentham
  - Experiences of pleasure and pain within episodes
  - Medical studies + Pain Research
  - Yet no application in criminology

Key elements:
1. ‘Remembered Utility’ – We recall episodes by defining moments
2. The Peak End rule / “Happy Ending” Effect
Tangible vs. Intangible Goods

• The manifestation of the peak-end rule can be either tangible or intangible

• Contextualised more broadly as differences between an objectivist versus psychological positions on utility (Kahneman and Varey 1993):
  
  – The objectivist approach:
    • Emphasis on tangible goods in the experience – material assets that are the “main carriers of utility”
    • monetary and “perceptible by touch”
  
  – The psychological approach:
    • “puts considerable weight on emotions such as hope, fear, disappointment, pride and guilt, which do not fit easily into an objectivist treatment”
    • intangible entities take the form of indirect and are often symbolic

• Can we enhance cooperation with the police through tangible/intangible approaches?
What Leads to Cooperation and Obligation to Obey the Law?

Experience Utility

- Tangible Good
- Intangible Good

Obligation + Cooperation
The Present Research

• Testing PJ vs. EU Theories in Airport Security

• What predicts “better” feelings of obligation to obey counter-terrorism laws and the willingness to support law enforcement officials?
  – A utilitarian approach?
  – A legitimacy approach?

• Experimental Design
Research Settings

• Birmingham international Airport
  – 10 million passenger movements per year
  – Both Arrivals and Departures (multisite RCT)
  – Resident police ports unit conduct Sch 7 interviews

• Securing approvals - very complex!
  – Director of Terminal/Head of Terminal Security
  – United Kingdom Boarder Agency
  – Chief Constable
  – Partner agencies - NCPP; ACPO; MI5; MI6
Participants

• All passengers embarking and disembarking who were subject of Schedule 7 in 6 months of RCT

• Exclusion Criteria:
  – Under 18
  – Excluded by partner agencies
  – Suspects arrested

• N = 871
The Treatments
Control Conditions: PJ (in both arrivals and departures)

- A “no-treatment” condition was not possible (“passengers need to be treated with something”)

- It is safe to assume that, prior to the RCT, some port officers treat some suspects with PJ. Therefore, in order to give ALL subjects similar treatment (baseline), ALL subjects were treated with PJ

**Operationalisation:**
1. Training of all port officers (Wheller et al 2013)
2. PJ Checklist (Mazerolle et al 2012)
   - Voice / Participation
   - Neutrality
   - Dignity and respect
   - Trustworthy motives
Treatment 1: Peak-End Rule at Arrivals

Tangible Goods at Disembarkation Zone

- Voucher for a security fast check lane
- Provision of a luggage trolley token
Treatment 2: Peak End Rule at Departures

Intangible Goods at Embarkation Zone

• **Offer to Escort** to the embarkation gate

• **Offer to Contact** the embarkation gate to **inform** airport staff that the member of the public is late / on route
Procedure

1. CTU ports officers stopped passengers based on profiling
2. Passenger was asked to come with officer to an interview room, where the Schedule 7 TA 2000 procedures were applied
3. Officers notified, via radio, the duty supervisor and operations coordinator
4. Operations coordinators activated the randomisation through the Cambridge Randomizer (Ariel, Sherman and Vila 2012)
5. The case assignment also communicated to the research team
6. Treatment A or Treatment B applied
7. Within two weeks of encounter – telephone interviews
Research Tool: Telephone Surveys

• Use Likert Scales for various dimensions

• Response rate was a concern

• Solution: 10 call-back policy
  – Very expensive
    • Time consuming
    • Need for translators
    • Conducted by civilians employed by police (bias?)

• Response rate achieved - about ½: 393 out of 871
**Dependent Variables**

- **Willingness to Cooperate with the Police in CT**
  
  Cronbach's Alpha = .719

<table>
<thead>
<tr>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1 I would report to the Police a person saying he or she had joined a group considered politically radical</td>
</tr>
<tr>
<td>Q2 I would report a person I overheard discussing their decision to plant explosives for a terrorist attack</td>
</tr>
<tr>
<td>Q3 I would report a person reading religious material I believed to be extremist.</td>
</tr>
<tr>
<td>Q4 I would report a person giving money to organizations that people say are associated with terrorists</td>
</tr>
</tbody>
</table>

- **Willingness to Obey the Police**

  Cronbach's Alpha = .911

<table>
<thead>
<tr>
<th>Question</th>
</tr>
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<tbody>
<tr>
<td>Q.1 I should accept the decisions made by Police Officers, even when I disagree with them</td>
</tr>
<tr>
<td>Q.2 It is my duty to obey Police Officers, even when I do not like the way that they treat us</td>
</tr>
<tr>
<td>Q.3 I believe I should do what the Police ask me to do, even if I don’t like how they treat me</td>
</tr>
<tr>
<td>Q.4 I believe I should accept decisions made by the Police even when I disagree with them</td>
</tr>
<tr>
<td>Q.1 I believe I should do what the police ask me, even when I don’t understand or agree with the reasons</td>
</tr>
<tr>
<td>Q.2 I believe I should always obey the Police even if I think they are wrong</td>
</tr>
<tr>
<td>Q.3 People should always follow the directions of Police Officers even if they go against what they think is right</td>
</tr>
<tr>
<td>Groups/Sites</td>
</tr>
<tr>
<td>-----------------------------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>N</td>
</tr>
<tr>
<td>Age</td>
</tr>
<tr>
<td>% Female suspects</td>
</tr>
<tr>
<td>% not married</td>
</tr>
<tr>
<td>% Education above high school</td>
</tr>
<tr>
<td>% Own home</td>
</tr>
<tr>
<td>% English as first language</td>
</tr>
<tr>
<td>% Muslim</td>
</tr>
</tbody>
</table>

* p≤0.1; ** p≤.05; *** p≤.01
Results
## Perceptions of PJ
### (In Treatment and Control Groups)

<table>
<thead>
<tr>
<th>PJ Dimension</th>
<th>Group</th>
<th>Disembarkation</th>
<th>Embarkation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>MEAN</td>
<td>SD</td>
</tr>
<tr>
<td><strong>Dignity and Respect</strong></td>
<td>EU</td>
<td>7.81</td>
<td>1.14</td>
</tr>
<tr>
<td></td>
<td>PJ</td>
<td>7.88</td>
<td>1.30</td>
</tr>
<tr>
<td><strong>Voice</strong></td>
<td>EU</td>
<td>7.96</td>
<td>1.25</td>
</tr>
<tr>
<td></td>
<td>PJ</td>
<td>8.09</td>
<td>1.14</td>
</tr>
<tr>
<td><strong>Neutrality</strong></td>
<td>EU</td>
<td>6.94</td>
<td>1.05</td>
</tr>
<tr>
<td></td>
<td>PJ</td>
<td>7.00</td>
<td>1.17</td>
</tr>
<tr>
<td><strong>Trustworthiness</strong></td>
<td>EU</td>
<td>7.99</td>
<td>1.15</td>
</tr>
<tr>
<td></td>
<td>PJ</td>
<td>8.00</td>
<td>1.25</td>
</tr>
</tbody>
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### Generalized Linear Model: Predicting Willingness to Obey the Law and to Cooperate with the Police in CT – Model Based on Treatment and Eight Covariates

<table>
<thead>
<tr>
<th>Predictors/Covariates</th>
<th>Willingness to Obey</th>
<th>Willingness to Cooperate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Disembarkation</td>
<td>Embarkation</td>
</tr>
<tr>
<td></td>
<td>B (SE)</td>
<td>B (SE)</td>
</tr>
<tr>
<td>Treatment (EU)</td>
<td>0.03 (0.06)</td>
<td>0.11 (0.15)</td>
</tr>
<tr>
<td>Gender (Female)</td>
<td>0.24* (0.13)</td>
<td>0.16 (0.36)</td>
</tr>
<tr>
<td>Education above HS</td>
<td>0.06 (0.06)</td>
<td>0.30* (0.18)</td>
</tr>
<tr>
<td>Unemployed</td>
<td>0.04 (0.06)</td>
<td>0.12 (0.17)</td>
</tr>
<tr>
<td>Rent property</td>
<td>-0.25*** (0.06)</td>
<td>-0.23 (0.17)</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>0.01 (0.01)</td>
<td>0.00 (0.02)</td>
</tr>
<tr>
<td>Muslim</td>
<td>0.01 (0.09)</td>
<td>-0.02 (0.22)</td>
</tr>
<tr>
<td>Age</td>
<td>0.00 (0.00)</td>
<td>0.01 (0.01)</td>
</tr>
<tr>
<td>Perceived Length of Event</td>
<td>-0.01 (0.02)</td>
<td>-0.01 (0.07)</td>
</tr>
<tr>
<td>(Intercept)</td>
<td>4.19*** (0.17)</td>
<td>3.47*** (0.42)</td>
</tr>
</tbody>
</table>

* p≤0.1; ** p≤.05; *** p≤.01; ^ p=.06; ² Standard errors in parentheses
Willingness to Cooperate with the Police

ESTIMATED MARGINAL MEANS (SCALE 1-10)

Disembarkation/Tangible

Embarkation/Intangible

Stat. Sig. Differences

7.8

7.6

7.9

7.8

EU

PJ
Willingness to Obey the Law

Estimated Marginal Means (Scale 1-10)

<table>
<thead>
<tr>
<th>Description</th>
<th>EU</th>
<th>PJ</th>
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<tbody>
<tr>
<td>Disembarkation/Tangible</td>
<td>8.18</td>
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<td>8.18</td>
<td>7.96</td>
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EU vs PJ
Conclusions

- RCTS in CT environment are possible
- Small effect yet not negligible
- Overall, EU predicts “better” willingness to cooperate in CT than PJ
- Overall, no discernable differences between PJ and EU on feelings of obligations to obey – under both arms, around 80%
- How do we interpret the results?
  - Tangible approach useful in CT and stop-and-search?
  - Weak operationalization of EU?
Limitations and Next Step in Research

• PJ may be complimentary to EU (and vice versa), not working against each other
  – Interaction effects?

• Response rate remains a challenge
  – Incentivising respondents?

• Small samples
  – In real-life settings, only longer and larger multisite tests can address this problem (cf. Weisburd et al 1993)

• Beware of dodgy conclusions:
  – Willingness to co-operate is not synonymous with co-operation!
  – In fact, the entire PJ enterprise lacks direct evidence on “actual” cooperation and obedience

Countrywide - Ariel, Langley and Tankebe (in progress)
In the oven...

- Countrywide RCT with all major ports (including Heathrow)
  - Unit of analysis: individual officers, NOT cases

- PJ Checklists and training vs. no PJ

- Checklists are increasingly recognised as a cost-effective apparatus for nudging people into compliance with regulations
  - Meta analysis of hand-washing nudges in A&E (Ejemot, 2008; Aiello, 2008)
  - The pilots who brought us Weisburd and Mazerolle used AOPA “Before Take-Off Checklist”
  - Surgical Safety Checklist reduced “death by complications” by 50%! (WHO 2014; The National Patient Safety Agency 2010)

- Look beyond willingness to comply
  - No-PJ backfires?
    - Criminal records
    - Self-reported offending
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