



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

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# Background: Schedule 7 TA 2000

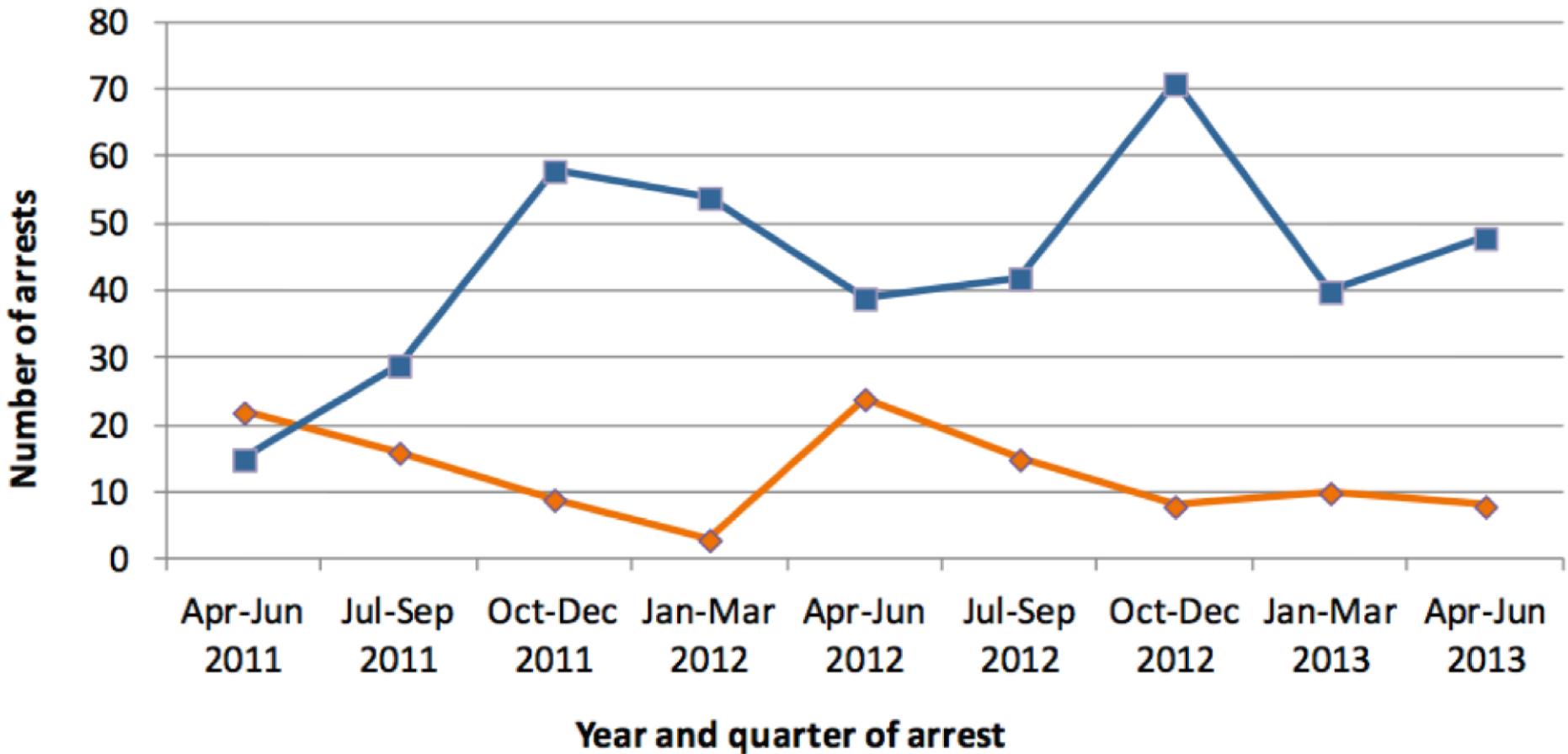
- UK's Schedule 7 Terrorism Act 2000
  - Profile passengers of “commission, preparation and instigation of terrorism”
  - Border security powers
  - Without reasonable suspicion
  - Thousands of interviews every year
- Contextualise more broadly within Stop/Search practices
- Two major questions:
  - **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)

Arrests under the Terrorism Act 2000

Arrests under other legislation



**N 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*

<https://www.gov.uk/government/publications/operation-of-police-powers-under-the-terrorism-act-2000-quarterly-update-to-june-2013/operation-of-police-powers-under-the-terrorism-act-2000-and-subsequent-legislation-arrests-outcomes-and-stops-and-searches-quarterly-update-to-30-j>

# What leads to Cooperation and Obligation to Obey the Law?

## Legitimacy



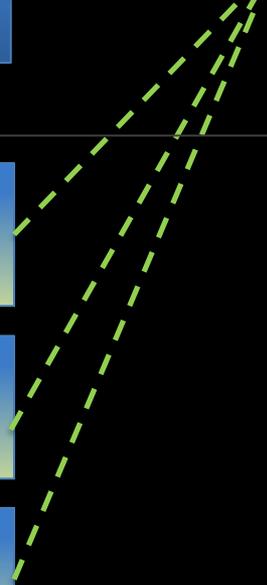
Procedural Justice

*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



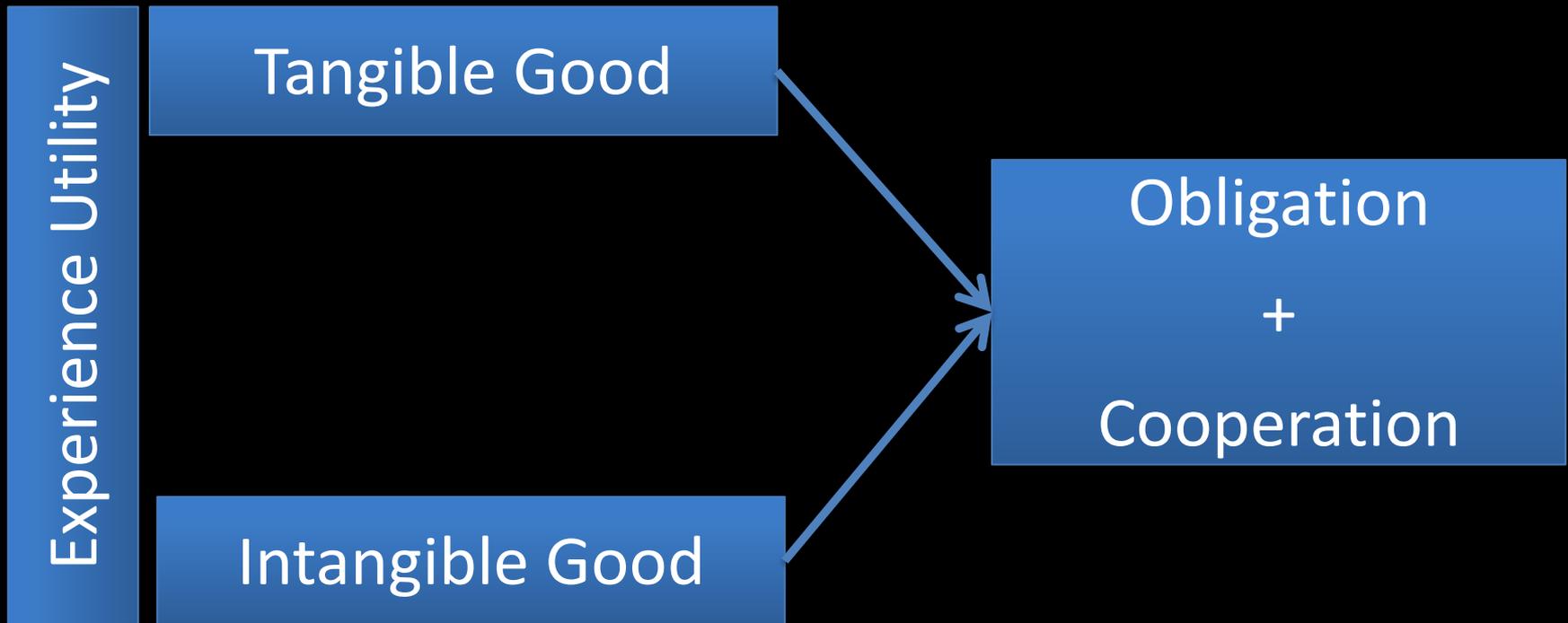
## Key elements:

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?



# 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 Border 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
  - Mazerolle et al (2013) – 13% response rate
- 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

Q1 I would report to the Police a person saying he or she had joined a group considered politically radical

Q2 I would report a person I overheard discussing their decision to plant explosives for a terrorist attack

Q3 I would report a person reading religious material I believed to be extremist.

Q4 I would report a person giving money to organizations that people say are associated with terrorists

- **Willingness to Obey the Police**

Cronbach's Alpha = .911

Q.1 I should accept the decisions made by Police Officers, even when I disagree with them

Q.2 It is my duty to obey Police Officers, even when I do not like the way that they treat us

Q.3 I believe I should do what the Police ask me to do, even if I don't like how they treat me

Q.4 I believe I should accept decisions made by the Police even when I disagree with them

Q.1 I believe I should do what the police ask me, even when I don't understand or agree with the reasons

Q.2 I believe I should always obey the Police even if i think they are wrong

Q.3 People should always follow the directions of Police Officers even if they go against what they think is right

## Sample Characteristics

	Disembarkation			Embarkation		
Groups/Sites	<u>PJ</u>	<u>EU</u>	<u>t-tests</u>	<u>PJ</u>	<u>EU</u>	<u>t-test</u>
N	165	156		41	31	
Age	33.8	32.7	-0.98	31.1	32.9	0.83
% Female suspects	7%	3%	-1.64	5%	3%	-0.34
% not married	37%	39%	0.39	59%	37%	<b>-1.84*</b>
% Education above high school	73%	66%	-1.30	81%	72%	-0.83
% Own home	34%	35%	0.24	24%	43%	1.69
% English as first language	80%	78%	-0.50	83%	84%	0.11
% Muslim	88%	88%	-0.01	83%	79%	-0.38

\* p≤0.1; \*\* p≤.05; \*\*\* p≤.01

# Results

# Perceptions of PJ (In Treatment and Control Groups)

(Scales 0-10)

PJ Dimension	Group	Disembarkation			Embarkation		
N		311			72		
		<u>Mean</u>	<u>SD</u>	<u>t-test</u>	<u>Mean</u>	<u>SD</u>	<u>t-test</u>
Dignity and Respect	EU	7.81	1.14	-0.47	7.89	0.92	-0.06
	PJ	7.88	1.30		7.91	1.22	
Voice	EU	7.96	1.25	-0.93	8.25	0.68	0.36
	PJ	8.09	1.14		8.17	1.04	
Neutrality	EU	6.94	1.05	-0.49	7.03	0.77	0.56
	PJ	7.00	1.17		6.90	1.22	
Trustworthiness	EU	7.99	1.15	-0.11	8.19	0.66	0.82
	PJ	8.00	1.25		8.00	1.29	

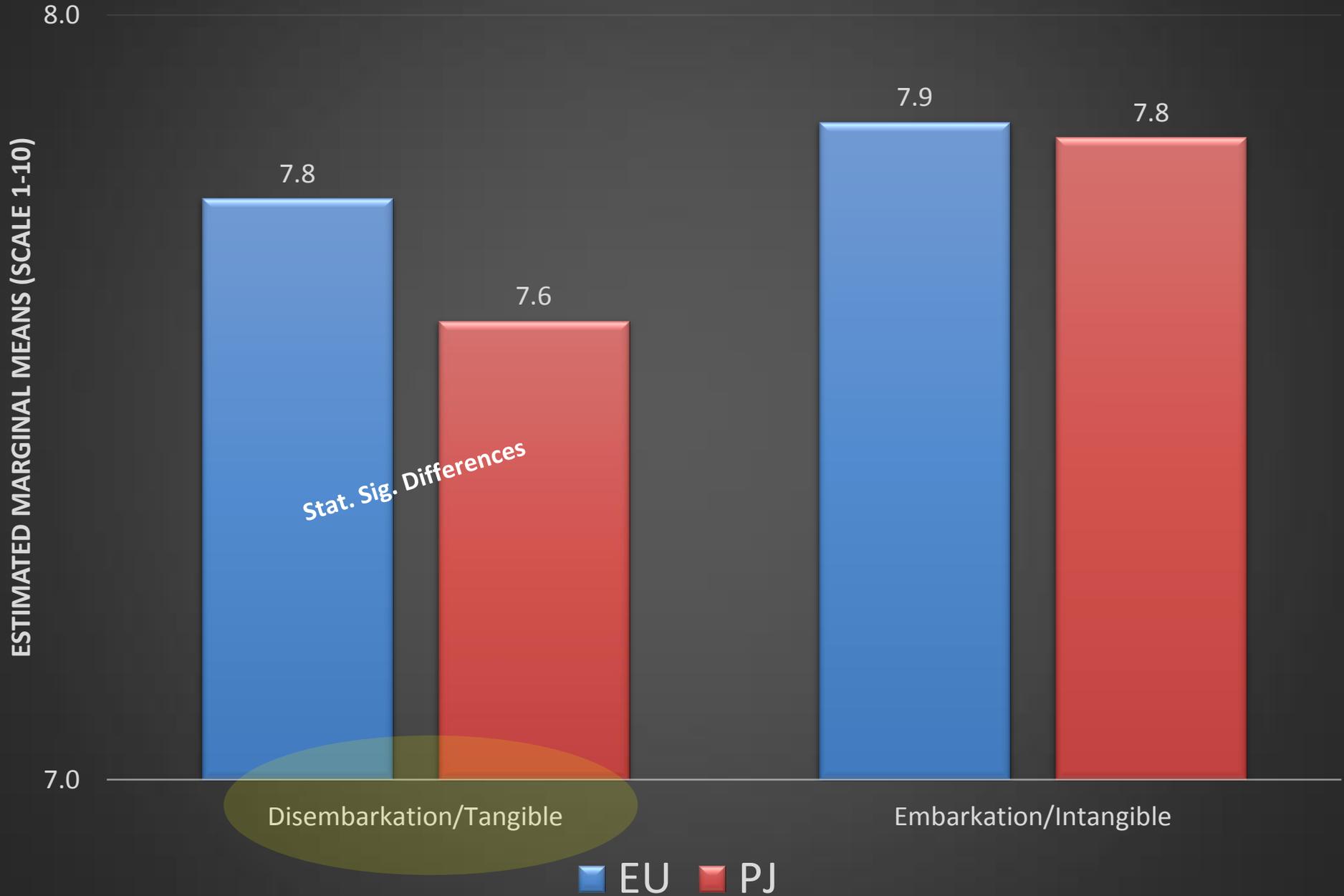
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**Generalized Linear Model: Predicting Willingness to Obey the Law and to Cooperate with the Police in CT – Model Based on Treatment and Eight Covariates**

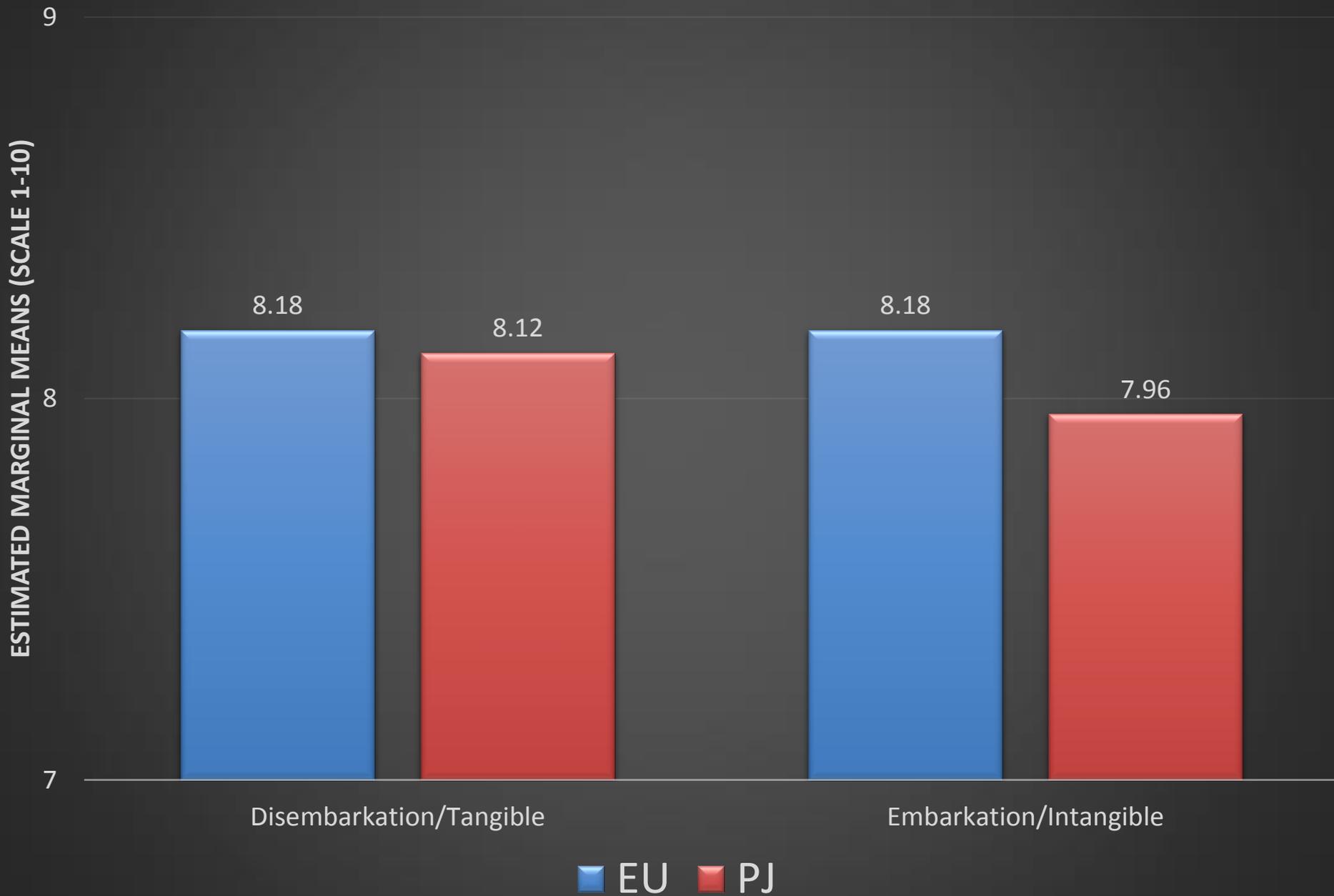
	<u>Willingness to Obey</u>		<u>Willingness to Cooperate</u>	
	Disembarkation	Embarkation	Disembarkation	Embarkation
<u>Predictors/Covariates</u>	B (SE) †	B (SE)	B (SE)	B (SE)
Treatment (EU)	0.03 (0.06)	0.11 (0.15)	0.09^ (0.05)	0.01 (0.05)
Gender (Female)	0.24* (0.13)	0.16 (0.36)	0.10 (0.10)	-0.15 (0.11)
Education above HS	0.06 (0.06)	0.30* (0.18)	0.12** (0.05)	-0.01 (0.05)
Unemployed	0.04 (0.06)	0.12 (0.17)	0.01 (0.05)	0.02 (0.05)
Rent property	-0.25*** (0.06)	-0.23 (0.17)	-0.05 (0.05)	0.02 (0.05)
Ethnicity	0.01 (0.01)	0.00 (0.02)	0.01 (0.01)	0.00(0.01)
Muslim	0.01 (0.09)	-0.02 (0.22)	0.14** (0.07)	0.11 (0.06)
Age	0.00 (0.00)	0.01 (0.01)	0.00 (0.00)	0.00 (0.00)
Perceived Length of Event	-0.01 (0.02)	-0.01 (0.07)	-0.03 (0.02)	-0.05*** (0.02)
(Intercept)	4.19*** (0.17)	3.47*** (0.42)	3.66*** (0.14)	3.89*** (0.13)

\* p≤0.1; \*\* p≤.05; \*\*\* p≤.01; ^ p=.06; † Standard errors in parentheses

# Willingness to Cooperate with the Police



# Willingness to Obey the Law



# 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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