

<b>Institution:</b> BIRKBECK COLLEGE
<b>Unit of Assessment:</b> 18 (LAW)
<b>Title of case study:</b> Furthering procedural justice ideas in UK crime policy, with a focus on policing.
<b>Period when the underpinning research was undertaken:</b> 2010 -2017
<b>Period when the claimed impact occurred:</b> 2014-2018
<b>Is this case study continued from a case study submitted in 2014?</b> N
<p><b>1. Summary of the impact</b> (indicative maximum 100 words)</p> <p>Hough has spearheaded the promotion of procedural justice theory in the UK, encouraging stakeholders to assess policies and practices from this perspective and to frame issues (in policy documents and public-facing statements) in terms of legitimacy. For example, his views have influenced sentencing policy for terrorism offences; and he was instrumental in adding legitimacy to the inspection regime for police forces. His research has informed both the police Code of Ethics and College of Policing leadership review; and his evaluation of the What Works Centre for Crime Reduction has provided reassurance to the College and influenced its efforts to maintain and improve engagement with this resource.</p>
<p><b>2. Underpinning research</b> (indicative maximum 500 words)</p> <p>During his last ten years as Director of ICPR (until 2016) Hough played a central part initiating and carrying out five major pieces of international comparative research that yielded a firm evidential foundation for procedural justice theory across Europe and beyond. Collectively those projects established that the key assumptions of the theory held in European settings: if the police treat citizens with fairness and respect, this engenders trust in the police; this trust leads citizens to confer legitimacy on the police; the more that the police can consolidate their legitimacy, the more that citizens will consent to the rule of law, comply with police requirements and cooperate with the police.</p> <ol style="list-style-type: none"> <li>1. EURO-JUSTIS (2008-2011). EU funded involving nine partners across seven countries. Hough was PI and coordinator for this project which devised survey-based indicators of public trust and legitimacy and piloted these in different countries.</li> <li>2. A spin-off from EURO-JUSTIS, Hough and colleagues bid successfully to include their EURO-JUSTIS indicators in the 2010 European Social Survey (ESS) questionnaire conducted in 27 countries. The ESS module on trust in justice has now been replicated in many countries including Albania, Japan, Pakistan, South Africa, Turkey and the US with Hough being instrumental in three of these replications.</li> <li>3. Analysis of the ESS dataset, funded by the ESRC. The project was led by LSE with Hough as CO-I.</li> <li>4. A follow-on from EURO-JUSTIS, the FIDUCIA project (2012-2015) involved twelve partners in ten countries and extended procedural justice theory in new directions and promoted trust-based policy in respect of new European crimes including trafficking of human beings, the criminalisation of migration and ethnic minorities, and cybercrimes.</li> <li>5. The International Self-Report Delinquency Study (ISRDL). Hough was part of the steering group that coordinated the ISRDL and was instrumental in securing Open Research Area funding for the five countries represented by that committee. One module of the ISRDL3 questionnaire was an abridged version of the ESS module on trust in justice, permitting a</li> </ol>

further test of procedural justice theory amongst teenagers. As with the ESS, ISRD3 provided strong support for procedural justice theory, this time amongst teenagers.

Between 2011-2018 Hough authored or co-authored some 40 publications from these projects, many with Jon Jackson (LSE) and Ben Bradford (now UCL); and delivered around forty public lectures in ten countries on the findings from this programme of work.

Hough also worked on other policing topics which drew on various perspectives developed from the five procedural justice projects, including

- an evaluation (funded by the ESRC and the College of Policing) of the College's What Works Centre for Crime Reduction (WWCCR);
- an examination (funded by the College of Policing) of misconduct amongst chief police officers; and
- a large-scale piece of work in partnership with MOPAC examining the design of undergraduate courses for police recruits.

### 3. References to the research (indicative maximum of six references)

- i. **Hough, Mike**, Jackson, J., Bradford, B., Myhill, A. and Quinton, P. (2010) *Procedural justice, trust, and institutional legitimacy*. *Policing* 4 (3), pp. 203-210. ISSN 1752-4512.
- ii. **Hough, Mike** and Sato, M. (2011) *Trust in justice: why it is important for criminal policy, and how it can be measured*. Project Report. Euro-Justis Project, Helsinki, Finland.
- iii. Jackson, J., **Hough, Mike**, Bradford, B., Pooler, T., Hohl, K. and Kuha, J. (2011) *Trust in justice: topline results from round 5 of the European Social Survey*. Project Report. European Social Survey, London, UK.
- iv. Jackson, J., **Hough, M.**, Bradford, B., Hohl, K. and Kuha, J. (2012) *Policing by consent: Understanding the dynamics of police power and legitimacy*. ESS Country Specific Topline Results Series Issue 1 (UK).
- v. **Hough, Mike** and May, T., Hales, G. and Belur, J. (2016) [Misconduct by police leaders in England and Wales: an exploratory study](#). *Policing and Society* 28 (5), pp. 541-552. ISSN 1043-9463
- vi. Hunter, G., May, T. and **Hough, Mike**. (2017) 'An Evaluation of the 'What Works Centre for Crime Reduction': Final Report. London: College of Policing.

The European Society of Criminology awarded Hough its 2020 [European Criminology Award](#) for his lifetime contribution to criminology, describing him as "the leading UK scholar in the last forty years in a variety of fields in criminology and criminal justice studies, particularly in .. policing, legitimacy and trust in criminal justice institutions." [Source: [ESC Awards Ceremony](#) 39:30]

In the period 2011-15, Hough was the most cited UK-based scholar in the British Journal of Criminology and the 3<sup>rd</sup> most cited UK-based scholar in four international journals (Iratzoqui, Cohn & Farrington, 2019). His Google Scholar h-index was 67 at end 2020.

### 4. Details of the impact (indicative maximum 750 words)

#### 4.1 Promotion of procedural justice theory to policymakers

For years Hough has promoted the concepts of trust in justice and legitimacy to the Home Office, the Ministry of Justice, police forces and the College of Policing, encouraging them to assess their policies and practices against the criteria of public trust in justice. [Redacted] comments that Hough was regarded by the Home Office as [redacted] [Sources to corroborate the impact:1]. One example, in 2016 Hough was specifically encouraged to contribute evidence

to the Justice committee's inquiry into the role of the magistracy, [redacted] saying [redacted] [Sources:2a].

Government recognition that procedural justice ideas are relevant to criminal justice policy is evidenced by the following references to Hough's research:

- the evidence review produced by the Justice Analytical Services unit of the Scottish Government *What Works to Reduce Crime?: A Summary of the Evidence* (2014) cited Hough's research (*i,ii,iv*) noting that Hough's contribution had been to demonstrate how procedural justice theory had been tested in the UK, and to measure the extent of trust in justice across Europe. It comments that Hough's finding that perceived legitimacy is more strongly correlated with willingness to comply with the law than certainty of punishment, "*suggests that formal methods of deterrence may not be quickest or the most economically viable method of securing compliance*". The evidence review was produced to support the Scottish Government's strategic thinking on crime reduction policies [Sources:3a].
- the report produced by the House of Commons Justice Select Committee *Crime reduction policies: a co-ordinated approach?* (2014) highlighted procedural justice as one of two specific areas which "*should have a greater bearing on approaches to reducing crime*" as a result of receiving evidence from Hough and other academics. The report's proposal for a justice reinvestment approach (diverting funds to alternatives to incarceration) referenced Hough's finding that under austerity, the public prefer less costly procedural justice solutions to custodial sentences [Sources:3b]. Hough gave both written and oral evidence to this inquiry, reminding it that in 2012 the NAO had commented that Hough's research on procedural justice was "*interesting from a value for money perspective*" and that the NAO recommended that the Justice Committee should "*watch carefully for further publications*" from the Trust in Justice project (*ii*) [Sources:3c].
- The report produced by the Justice Committee in 2016 *The role of the magistracy* (to which Hough was encouraged to respond, see above) reiterates and attributes several points from Hough's evidence (that the public were poorly informed about the magistracy and that magistrates are volunteers drawn from the community; that there is widespread dissatisfaction among magistrates with the level of training on sentencing guidelines; and that closure of local courts could undermine the public perception of legitimacy of magistrates) [Sources:2b]. Recommendations that appear to have been informed by Hough's evidence include those to increase diversity amongst recruits to the magistracy; to review and improve magistrates training; and with respect to court closures, to ensure that alternative venues are not too far out of the majority of the court users' territory [Sources:2c].

#### **4.2 Adding the criterion "legitimacy" to HMIC's inspection regime**

Hough was instrumental in the Inspectorate of Constabulary (HMIC) adding *legitimacy* to its annual inspections of police forces in England and Wales from November 2014. The new regime (named PEEL the Police Effectiveness, Efficiency and Legitimacy Assessment) was commended by the National Audit Office as an example of an inspection regime evolving to meet new demands [Sources:4a]. HMIC advised that it had benefited from "*constructive assistance .. of..the College of Policing.. and senior academics*" to design PEEL [Sources:4b].

A recent text on impacts on policing refers to PEEL as "*arguably the most important..impact*" of procedural justice theory in the UK, and confirms Hough's key role thus "*The establishment of this novel regulatory framework (PEEL) built on a long period of engagement between HMIC and some of the key people listed above; most notably Mike Hough, who worked with HMIC on various projects from the late 1990s. Crucially, academics working on PJT in the UK were not simply writing reports and papers and waiting for them to circulate, but actively engaging with policy-makers and practitioners – taking a seat at the table, as it were, and actively engaging in policy development*" (Bradford, 2020) [Sources:4c].

#### **4.3 Influencing the Sentencing Council policy towards lower level terrorism sentences**

In October 2017, Hough suggested less harsh sentencing options for the least serious offences, in his response to the Sentencing Council's Terrorism Guideline Consultation [Sources:5a]. His proposal was specifically noted as "*worthy of consideration*" by the Justice Committee [Sources:5a]; and the Sentencing Council agreed with Hough that these less harsh options "*may better rehabilitate offenders*" [Sources:5b].

In March 2018, the Sentencing Council confirmed in its response to the consultation that it "*responded to these comments by including high level community orders as an option within the Encouragement of Terrorism; Membership; Support; Funding; Failure to Disclose Information; and Collection guidelines*" [Sources:5b]. Comparing sentences awarded for the least serious terrorism offences before and after this change (March 2018) shows an observable shift from short custodial sentences towards community orders. In the year to end March 2018, 60 individuals were convicted for terrorism offences, two receiving sentences of less than one year, and four receiving non-custodial sentences. For the year ended March 2019, there were a similar number of convictions (56), and the corresponding figures were none receiving a sentence of less than one year, and eight receiving a non-custodial sentence [Sources:5c].

#### **4.4 The police Code of Ethics and Police Leadership**

The College of Policing confirm that Hough's research has been used to inform both the police Code of Ethics (2014) and the College's leadership review (2015). It cites (i) and other Hough research in its "*sources of information used in developing the Code of Ethics*" [Sources:6a]. And the College's evaluation of research supporting the leadership review confirms some specific contributions, that Hough's research led to the inclusion of "fairness" and "respect" as policing principles in the Code; and provided insights into the contributory factors of chief officer misconduct, for the leadership review [Sources:6b].

#### **4.5 Evaluation of the What Works Centre for Crime Reduction (WWCCR) confirming its contribution to the increased adoption of evidence-based policing**

Nine "What Works" centres created to improve the design and delivery of public services, collectively cover policy areas accounting for approximately £250 billion (GBP250,000,000,000) of public expenditure in England and Wales; but the College of Policing's *What Works Centre for Crime Reduction (WWCCR)* is unique in having evaluation inbuilt from the outset. Two of the consortia who bid to undertake this evaluation specified Hough as their evaluator, recognising the pre-eminence and relevance of his expertise.

Hough's three year evaluation (between 2014 and 2017) to assess the impact of the centre on key stakeholders and review the usage of research evidence found that the centre *had* led to significant increased adoption of evidence based policing and more positive attitudes to the concept in the police service. He also found a lack of knowledge in the service of the centre's resources. [Redacted] confirmed that Hough's findings [redacted] [Sources:7].

Hough also urged the College to commit to maintaining the currency of the evidence base of the centre's Crime Reduction toolkit. His evaluation prompted the College to commission further user testing of the toolkit, and influenced its approach to the development and maintenance of the toolkit (adopting an ethos of continuous testing and improvement), an approach which [redacted] confirmed [redacted].

[Redacted] confirms that Hough's evaluation also informed the following College decisions: [redacted] [Sources:7].

### **5. Sources to corroborate the impact** (indicative maximum of 10 references)

1. Testimonial from [redacted]
2. (a) Email from [redacted] 3 March 2016 encouraging Hough to submit evidence to the magistracy inquiry, including the quote shown.  
(b) Written Evidence from Hough and Roberts to magistracy inquiry (reference MAG0081)

- (c) Relevant extracts from Justice Committee *The role of the magistracy*, House of Commons (11 October 2016)
3. PDF document with relevant extracts from:  
(a) Justice Analytical Services, Scottish Government (2014) [What Works to Reduce Crime?: A Summary of the Evidence](#)  
(b) House of Commons Justice Select Committee (2014) [Crime reduction policies: a co-ordinated approach?](#)  
(c) Written Evidence from Hough et al to crime reduction inquiry (reference [PPC0001](#)).
4. PDF document with relevant extracts from:  
(a) National Audit Office (2015) [Inspection: A comparative study](#)  
(b) HMIC (2014) [2012-13 Annual Assessment of Policing](#)  
(c) Stott, C. and Bradford, B. (eds) *Impacts on Policing and Crime*. Routledge Psychological Impacts Series, 2020.
5. PDF document with relevant extracts from:  
(a) House of Commons Justice Committee (2018) [Draft Sentencing Council guideline on terrorism](#) (Sixth Report of Session 2017–19) HC 74 (Appendix 1).  
(b) Sentencing Council (2018) [Terrorism Guideline: Response to consultation](#)  
(c) Office of National Statistics *Statistical Release Operation of police powers under the Terrorism Act 2000, financial year ending March 2019* (2019)
6. (a) College of Policing Code of Ethics Reading List (2014)  
(b) Quinton, P. *Police leadership and integrity: Implications from a research programme*, College of Policing (2015)
7. Testimonial from [redacted]