



Restorative policing: The pandemic and beyond

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Key points

- Restorative Policing is a style of policing which incorporates restorative values, such as listening to all parties, working towards a shared way forward, and not being overly reliant on enforcement.
- In March 2020, the National Police Chiefs' Council and the College of Policing released the "Four Es Guidance", outlining the approach which police should take to police the COVID-19 regulations. We welcome this guidance, which draws on principles of restorative policing.
- We would like to see similar guidance introduced for how to police restoratively in all situations, not just for policing the pandemic.
- We have made recommendations to the The Minister for Policing & Crime, Police & Crime Commissioners, the College of Policing and Chief Constables about how to increase the use of restorative policing.

Introduction

On March 26 2020, the Health Protection Regulations came into place in the United Kingdom, enforcing restrictions to curb the spread of COVID-19.¹ These rulings limited the operation of businesses and the movement and gathering of people, establishing a series of sanctions in cases of non-compliance.

A set of guidelines came into place alongside the Health Protection Regulations about how to police the pandemic.² These guidelines were issued by the Government in partnership with the National Police Chiefs' Council, the College of Policing and the Police Federation of

¹ UK Government (2020). "The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020". Available at: <https://www.legislation.gov.uk/uksi/2020/350/contents> Accessed July 13 2020.

² National Police Chiefs' Council and College of Policing (2020) "Covid-19 policing brief in response to the Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 ('the Restrictions Regulations')". Available at <https://www.college.police.uk/What-we-do/COVID-19/understanding-the-law/Documents/COVID-19-Briefing-England-040720.pdf>. Accessed July 13 2020.

England and Wales.³ The guidelines follow a common sense approach' defined by the Four Es: engage, explain, encourage, and, as a last resort, enforce. These guidelines are in tune with restorative values and provide a workable template for the police to follow whilst retaining community confidence. We welcome this guidance, and see it as a good example of restorative policing.

This paper looks at the benefits of using restorative policing principles to police the pandemic, and how a similar framework could be used in a wider range of circumstances.

Policing by consent and Restorative Policing

Much research has been done about how the police can influence compliance with the law with their own procedures. If citizens perceive the police to have acted unfairly or arbitrarily towards them, they are less likely to obey the law.⁴ On the flip side, trust in the police, and a belief that they have a “shared moral purpose with citizens”, can encourage compliance with the law.⁵ British researchers have found that ‘police authority is justified in the eyes of Londoners when the police treat citizens with fairness and dignity’⁶ because ‘direct encounters with the police are strong predictors of trust in the police’.⁷ And a recent study showed that just one positive interaction with a police officer can significantly improve a person’s trust in the police.⁸ These findings ‘speak to the continued importance of the British idea of ‘policing by consent’.⁹

Policing by consent comes from a set of principles written by Sir Robert Peel which define an ethical police force.¹⁰ The *Peelian Principles* are based on the idea that the police’s authority derives from the implicit consent of citizens and that physical force should only be used as a last resort. Policing by consent shares a number of common values with restorative policing.

Restorative policing can refer to a policing model where all of the police’s actions, goals and activities are underpinned by restorative values.¹¹ It is a “problem-oriented, community style of policing that aims to resolve conflict in civil society more amicably and sensitively without

³ Police Federation of England and Wales (2020) “Guidance issued on new police powers”. Available at <https://www.polfed.org/news-media/latest-news/2020/guidance-issued-on-new-police-powers/> Accessed July 13 2020.

⁴ Hough, M., Jackson, J. and Bradford, B. (2013). “Legitimacy, Trust and Compliance: An Empirical Test of Procedural Justice Theory Using the European Social Survey.” In Tankebe, J. and Liebling, A. (eds.) *Legitimacy and Criminal Justice: An International Exploration*. Oxford: Oxford University Press.

⁵ Jackson, J., Bradford, B., Hough, M (2012) “Why do people comply with the law?” *British Journal of Criminology*. 52. p1051.

⁶ Jackson, J., Bradford, B., Stanko, B. and Hohl, K. (2013). “Just Authority?: Trust in the Police in England and Wales.” London: Routledge, p. 7.

⁷ *Idem*, p. 130.

⁸ Peyton, K, Sierra Arevalo, M and Rand, D (2019) “A field experiment on community policing and police legitimacy”. *National Academy of Sciences*. 116 (40).

⁹ *Idem*, p. 7.

¹⁰ College of Policing (2014). “The Code of Ethics Reading List” p5. Available at https://www.college.police.uk/What-we-do/Ethics/Ethics-home/Documents/Code_of_Ethics_ReadingList.pdf Accessed July 13 2020.

¹¹ Marder, I (2018). “Restorative Justice and the police.” University of Leeds. p45.

always resorting to strict law enforcement. It calls on police officers to exercise their judgement and use negotiation and persuasion to resolve problems.”¹²

During the COVID-19 pandemic, the public have been asked to comply with laws which are more restrictive and wide-reaching than they are used to. It is important for the police to be seen to be enforcing these restrictions fairly, and not over-zealously, so that they maintain their moral authority, encourage compliance and are effective in their duty to protect the public.

Over-zealous enforcement is a particular concern for BAME communities, who are disproportionately affected by other forms of police action, such as stop and search. Between April 2018 and March 2019, there were 4 stop and searches for every 1,000 white people, compared to 11 for every 1,000 Asian people, and 38 for every 1,000 black people.¹³ Campaigners have raised concerns about the potential impact of giving increased powers and discretion to the police during the COVID-19 pandemic on communities who are already over-policed.¹⁴¹⁵¹⁶

This context demonstrates the importance of policing the pandemic as restoratively as possible, and maintaining public confidence and consent with their actions.

The “Four Es” guidance

The guidance published by the College of Policing and National Police Chiefs’ Council asks officers to follow a “common sense approach” in accordance with the Four Es: engage, explain, encourage, and, as a last resort, enforce.¹⁷

To illustrate how this advice might play out in practice, we give an example scenario below where a police officer uses the Four Es guidance to address a potential breach of COVID-19 regulations. Many police officers will be familiar with the approach described in this scenario, which is based on restorative policing principles and common sense.

¹² Wakefield, A. & Fleming, J. (2009) Restorative policing. In *The SAGE dictionary of policing* (pp. 279-280). London: SAGE Publications Ltd

¹³ Ministry of Justice (2020) “Stop and Search”. Available at <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/stop-and-search/latest#by-ethnicity> Accessed July 29 2020.

¹⁴ Equal (2020) “COVID-19 and Police Powers” Available at: <https://www.bteq.co.uk/content/covid-19-and-police-powers> Accessed July 13 2020

¹⁵ Khan, A (2020) “Many black communities have poor experiences at the hands of police”. Al Jazeera. Available at: <https://www.aljazeera.com/news/2020/04/black-communities-poor-experiences-hands-police-200409092651709.html> Accessed July 13 2020

¹⁶ Bradley, G (2020) “Can people of colour trust the UK Covid-19 laws with the police’s track record”. The Guardian. Available at: <https://www.theguardian.com/commentisfree/2020/mar/31/people-colour-covid-19-laws-police-track-record> Accessed July 13 2020.

¹⁷ Police Federation of England and Wales, *op. cit.*

A police officer sees a large group of people sitting close together in a park. They are not social distancing, and are in breach of the current COVID-19 regulations. The officer approaches the group.

- **Engage:** When approaching a group of people who are not complying with the new legislation, the police officer appears calm, and open to listen. The first moments of interaction can set the tone for the rest of the encounter.
- **Explain:** The police officer makes the reason for the interaction clear, in a non-confrontational manner. The advice on what behaviour is and isn't allowed during the COVID-19 pandemic has been regularly changing as the circumstances have changed, so the officer is sympathetic to the possibility that the group may not be breaking the law intentionally.
- **Encourage:** If explaining the guidelines is not enough, the officer in question reinforces why it is so important for them to enforce these strict rules. They remind the young people that they are not being asked to comply just for their own safety, but for the safety of others.
- **Enforce:** Enforcement is a last resort, used only when people will not follow instructions which have been clearly explained to them, and which they have been encouraged to comply with. Even when necessary, enforcement is done transparently, and preceded by clear warnings about its necessity.

This example highlights that following the Four Es guidance involves incorporating restorative principles. Engaging in a respectful dialogue is an important part of policing by consent, and of encouraging people to seek compliance with the law, rather than relying on enforcement as a first option.

Expanding the restorative approach

It is encouraging that the Four Es guidance was published alongside the Health Protection Regulations, and that the approach it encourages is restorative. This guidance applies specifically to the COVID-19 pandemic, but there are many other situations where similar restorative policing guidelines would be helpful.

One example is policing large protests, where police need to be prepared to protect the crowd (and themselves), while avoiding giving the impression that they are there to incite conflict. The anti-racism protests in London following the death of George Floyd led to 27 Metropolitan police officers being injured, despite the protests being “largely peaceful.”¹⁸ A set of restorative guidelines could support the police, while strengthening the notion that officers are there to protect the community, not to necessarily oppose their cause.

¹⁸ BBC (2020). “George Floyd: London anti-racism protests leave 27 officers hurt.” Available at <https://www.bbc.co.uk/news/uk-england-london-52954899>. Accessed July 13 2020.

There are many other examples where the use of clearer restorative guidelines would be beneficial. Restorative guidance on using stop and search powers could help to build trust with communities who distrust the police. The national police guidance on stop and search was updated in July 2020, with the College of Policing suggesting that police forces “map areas where stop and search is most frequently used and ask people in those communities to scrutinise police use of the power.”¹⁹ The stated aim is to “strengthen the understanding around the use of the powers and increase public confidence.” This guidance incorporates elements of restorative policing, such as engaging with the community and listening to their views. Building on this with further restorative guidance about the use of stop and search would be beneficial.

Restorative guidance could also be helpful for a range of minor community conflicts, such as parking problems outside schools, and neighbourly noise complaints. There are a wide spectrum of examples for where a restorative policing framework could support officers to incorporate restorative principles into their policing.

The Four Es guidance is a positive step in the right direction. We would welcome this guidance being built on to support our police to work as restoratively as possible in all situations.

Recommendations

- 1) For **The Minister for Crime and Policing** and **Police & Crime Commissioners** to publicly support, endorse and promote the greater use of restorative policing.
- 2) For the **College of Policing** to produce general guidance for using restorative policing in a wider range of circumstances. This could be a template which is built on the Four Es model, but can be adapted to a wider range of circumstances, such as public order policing, the use of stop and search, and policing neighbourhood conflicts.
- 3) For **Chief Constables** to publish clear guidance on how to apply restorative policing principles to different situations, and to provide the necessary training of staff to embed these practices throughout the police area.

¹⁹ College of Policing (2020). “National police guidance on stop and search updated.” Available at <https://www.college.police.uk/News/College-news/Pages/Stop-and-search-APP-updated-July-2020.aspx> . Accessed August 4 2020.