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Mechanisms of the social control of children and young people: From 'stop and search' to 'stop and engage' in Police Scotland

Estelle Clayton (iD)
Edinburgh Napier University, UK

Abstract
Since the implementation of stop and search reform in Scotland, the volume of this tactic has decreased and proportionality has increased. However, little has been published that has detailed the design, communication and implementation of stop and search reform in Scotland. This article traces the policy intentions of this reform programme and demonstrates that these aligned with central tenets of procedural justice theory. This article then examines ethnographic data regarding the dissemination and implementation of reform into police practice between 2016 and 2018, which demonstrates that the procedural justice intentions of reform to improve the policing of Scotland's children and young people were not reproduced in practice. Instead, reform paved the way for the emergence of a new and unscrutinised practice that came to be known as 'stop and engage' that has enabled the continued antagonistic and over-policing of young people in the post-reform environment.

Introduction

Over the last decade, the practice of stop and search in Scotland has undergone significant reform. In 2014, Murray exposed the scale and scope of disproportionate and discriminatory stop and search use in Scotland. Her work demonstrated that by 2013,

Corresponding author:
Estelle Clayton, Edinburgh Napier University, Sighthill Court, Edinburgh Eh11 4BN, UK.
Email: e.clayton@napier.ac.uk

non-statutory stop and search accounted for around 70% of all stop and search records in Scotland (Lennon and Murray, 2018), and showed that the majority of these searches were conducted on young people. Sometimes referred to as 'consensual' stop and search, non-statutory stop and search (a search which does not have reasonable grounds) had been a lawful practice in Scotland, understood to be premised on principles of consensual policing (Lennon and Murray, 2018). The subsequent crisis that engulfed Police Scotland was a flashpoint that illuminated entrenched issues in Scottish policing, specifically: the policing of children and young people. In the following years, there have been significant changes made to the use of stop and search in Scotland (Aston et al., 2021; Murray et al., 2021) which has culminated in a profound reduction in the use of this police practice (McVie, 2019). The key elements of reform included a code of practice for constables for stop and search that codified and regulated stop and search (Scottish Government, 2017), training for all officers in Scotland regarding new stop and search requirements and the removal of non-statutory searching from law and practice except under specific legally permitted circumstances (such as searches conducted under Section 60, which is a statutory power but does not require robust suspicion).

Underpinning reform was a focus on police 'engagement', with a particular emphasis on rebuilding relationships with Scotland's children and young people through policing. As documented by Murray et al. (2021), 'the policing ethos and culture in Scotland had transformed from one of "stop and search" to one of "stop and engage"' (p. 265). However, little is known about how 'engagement' was defined, how it was understood and how it was enacted through Police Scotland's reform activities. As detailed by Murray et al. (2021) and as demonstrated by the extensive literature on procedural justice, how officers engage with people *matters* in terms of social identity (Bradford, 2017), compliance with the law, trust and confidence and police legitimacy (Bradford et al., 2009). In this article, I draw on an extensive ethnography of stop and search reform in Scotland which explored this organisational change from initial communication through to implementation, to detail how 'engagement' was constructed, understood and enacted into practice. I demonstrate that the practice of 'engagement' diverged considerably from its procedural justice underpinnings, and instead was used in practice as a mechanism of social control in lieu of stop and search.

Background to reform: Coerced 'consent'

Murray's (2014) research demonstrated large-scale disproportionate and unaccountable stop and search practices in Scotland from circa 2008 onwards. Framed as a 'deterrence' practice by senior strategists in Scotland (Murray et al., 2021), the practice of stop and search had been unrestricted, amplified by performance management mechanisms and legally permitted to be undertaken on a non-statutory, or 'consensual', basis (Murray, 2014). Following Murray's research, much of the media and political scrutiny and public outrage centred on the revelation of the scale and scope of non-statutory stop and search on Scotland's young people (Murray and Harkin, 2017). Echoing Dixon et al.'s (1990) findings on 'consensual' practices on stop and search in England, underpinning these concerns in Scotland was a burgeoning recognition that non-statutory stop and search was an unjustified intrusion into a person's human rights that more closely resembles

coercion in the face of state power (Scott, 2015); experiences which may be amplified for children and young people (Dixon et al., 1990; Scott, 2015). Together, these concerns culminated in significant external scrutiny of Police Scotland's use of stop and search.

From 2015 onwards, a series of independent scrutiny activities of Police Scotland's use of stop and search were undertaken. HMICS (2015) audited Police Scotland regarding their use of stop and search and found that officers in Scotland were unclear as to what was to be recorded as a stop and search, that stop and search records were unreliable and that a performance culture was assumed in which officers felt compelled to increase their use of stop and search in the first year of the formation of Police Scotland (O'Neill et al., 2015). This report provided 23 recommendations to improve stop and search in Scotland, which included: clarifying guidance for what constitutes a stop and search, mandatory reporting of stop and search and an organisational move to a presumption of statutory stop and search only. In 2015, Police Scotland undertook a small-scale pilot introducing improved recording requirements for stop and search in one division in Scotland (O'Neill et al., 2015). Meanwhile, Police Scotland had established a new central management unit, the National Stop and Search Unit (NSSU), whose remit was to oversee, record and monitor all stop and search activities in Scotland.

Alongside this activity, in 2015 the Scottish Government established an Independent Advisory Group (IAG; Scott, 2015), headed by a human rights lawyer, which included representatives from Police Scotland, academics and advocates from human rights organisations, to analyse stop and search use in Scotland and provide recommendations for reform to the practice. The IAG submitted their report to the Scottish Government recommending the steps for reform to stop and search and proposed that Police Scotland undertake to reform their stop and search practices by creating and adopting an official framework to codify and regulate the practices, known as the 'Code of Practice' (Scott, 2015). The Code of Practice as well as all other recommendations made by the IAG were accepted in full by the Scottish Government, including: the removal of non-statutory stop and search from practice, robust oversight and reporting mechanisms of stop and search, a statutory duty to incorporate the Scottish Government's 'Getting It Right for Every Child' (GIRFEC) welfare approach to the policing of young people and improved training of all officers regarding their use of stop and search (Scott, 2015).

Related to the revelation of over-policing of Scotland's youth, police 'engagement' had been identified by policy strategists as critical to improving police legitimacy in Scotland (Scott, 2015) and had become a central issue for Police Scotland to address through stop and search reform. The language of engagement can be traced to the IAG's report that identified 'engagement' as a matter of civility and transparency in police–public interactions: 'in Scotland we expect our police officers to engage with the public in as friendly and approachable a manner as is consistent with the circumstances' (Scott, 2015: 20). In response, the Code of Practice laid out a statutory duty for police officers that demands they must take as their primary consideration in stop and search decisions safeguarding and the promotion of well-being of young people (Scottish Government, 2017). These recommendations were incorporated into the Criminal Justice (Scotland) Bill (2015) and came into effect in May 2017.

Common principles: Stop and search reform and procedural justice theory

Despite the term not being explicitly used, much of stop and search reform in Scotland aligned with central tenets of procedural justice theory. This theory forefronts the *process*, as opposed to the *outcome*, of police interactions as central to leveraging police legitimacy, public trust and confidence and compliance with the law (Bradford, 2017; Tyler, 2003; Tyler and Huo, 2002). Key elements of procedural justice theory include: consistency, transparency, accuracy and honesty in police decision-making, so that officers communicate accurately what it is that they are doing, are honest about their decision-making and can explain that their decision-making has been informed by facts and not bias (Tyler and Wakslak, 2004). Moreover, procedural justice theory indicates that the manner of police interactions – the quality with which a person is treated – matters to people's perceptions of fair treatment. For an interaction to embody procedural justice, it needs to be perceived by those interacted with as respectful of their rights and dignity, afford the opportunity for the person to have a 'voice' and believe that they are heard (Tyler and Huo, 2002).

The principles that underpin stop and search reform in Scotland are closely related to these conditions of procedural justice theory. The new requirement for stop and search receipts and records post-reform enhances transparency of police procedures, and the removal of non-statutory stop and search from practice aims to enhance impartiality and neutrality in police decision-making. The focus on engagement within stop and search reform aligns with the recognition that policing needs to be undertaken in ways that promote respect for rights and dignity. The language of procedural justice in relation to the policing children and young people specifically can be traced throughout reform policy, for instance Clause 7.9 of the Code of Practice recognises the power imbalance inherent within stop and search practices, and how this is amplified for young people (Scottish Government, 2017: 18), and obliges officers to engage with children and young people in fair, consistent and respectful ways.

In all, stop and search reform sought to improve police decision-making and embed an 'engagement' approach to stop and search that embodied several key tenets of procedural justice. In addition, stop and search reform in Scotland can be viewed as an attempt to curtail the 'street-level bureaucracy' (Lipsky, 2010) of frontline officers in Scotland through the implementation of training, audits and accountability mechanisms for stop and search to reduce the previous de facto policy of social control exercised over Scotland's children and young people.

Interrogating stop and search reform

Following the implementation of reform in 2017, there have been several reports documenting the trajectory of stop and search in Scotland. For instance, the report by McVie (2019) indicated a significant reduction in the use of stop and search nationally, the removal of non-statutory stop and search from practice and evidence of increased proportionality. Furthermore, in 2019 the Stop and Search Improvement Report for the Cabinet Secretary, authored by Police Scotland (Scottish Government, 2019: 4), made

claims that the training for reform 'promotes the positive engagement with children and young people'.

However, stop and search reform did not go so far as to monitor police-initiated inter-actions which sit on the periphery of what counts as a police 'stop'. No equivalent power of 'stop and account' was introduced following reform, and despite the emphasis on 'engagement' within police reform strategy to replace the stop and search ethos, there has been to date no assessment of what this engagement looked like in practice. Thus, reform has established a lacuna: while it has enabled accountability and scrutiny over stop and search practices, the same reform has encouraged officers to shift away from stop and search towards 'stop and engage', which are practices not easily defined, accounted for or scrutinised. Therefore, measures of success that detail the reduction of stop and search post-reform illuminate only a partial picture: what is not being shown, monitored or understood is what engagement looked like following stop and search reform in Scotland.

To address this, I draw on data from a multi-method ethnography that traced reform from initial communication to final implementation between 2016 and 2018 to explore the communication and enaction of 'engagement'. I first demonstrate how 'engagement' was communicated to officers through the training that officers received in advance of the passing into law of the Code of Practice in Spring 2017. I demonstrate that these mes-sages became imbued with ambivalence and revealed entrenched institutional narratives about the policing of young people. Then, I address how officers enacted these new meanings for stop and search into their practice. I demonstrate that the language of engagement had been assimilated into police understandings about their role, and that officers had shifted away from using stop and search in favour of 'stop and engage': although often a nominal, not substantive, transformation. Finally, I show what police 'engagement' with young people looked like post-reform and raise questions regarding the continued over-policing of this population in Scotland and the extent to which proce-dural justice was present in police interactions with young people.

Methods

This article draws on two phases of ethnographic observations undertaken as part of a broader mixed-methods study that explored the impact of stop and search reform in Police Scotland. The first ethnographic phase involved observations of 12 training and engagement events delivered across Scotland between September 2016 and May 2017 to officers holding the rank of constable, sergeant and inspector, to explore how stop and search reform was institutionally constructed and communicated to officers. In the second ethnographic phase, I conducted over 300 hours of observations of frontline officers across three divisions in Scotland between 2017 and late 2018. In both phases, fieldnotes were written up in full following each observation and later analysed through an inductive thematic coding approach (Braun and Clarke, 2006). Ethical approval was sought and confirmed through the University of Dundee in 2016. All participants were fully informed about the purpose of this study, their vol-untary participation and their rights to withdraw. All participants have been anonymised to preserve their identity.

Findings

This section traces 'engagement' from communication through to practice. First, I analyse how engagement was constructed, communicated and understood by trainers responsible for the delivery of the stop and search training package. I then explore how officers enacted 'engagement' into their practice broadly and how their stop and search practices became augmented through the implementation of engagement. Finally, I narrow the focus onto the practice of engagement with children and young people specifically, to demonstrate the divergence between the practice of engagement and the procedural justice intentions of reform for the improvement of the policing of young people in Scotland.

The construction and communication of 'engagement' in training

Stop and search reform was communicated to officers from the rank of constable to chief inspector via the creation and delivery of a three-hour face-to-face training package and a linked online Moodle package. The content of this training initiative was developed by the NSSU through consultations with senior management in Police Scotland, police forces from England and Wales, external stakeholders, charities and academics and with reference to the recommendations made by the IAG. The final training package contained several intersecting 'lessons': overview of stop and search, unconscious bias, children and young people, decision-making, grounds for search and recording and reporting procedures. Overall, the lessons provided education on two aspects of reform: *what* was changing and *why* it was changing. The lessons about what was changing were generally communicated in terms of changes to procedural requirements, such as the removal of non-statutory stop and search from practice and introduction of stop and search receipts. The lessons concerned with *why* these changes were necessary encouraged officers to challenge assumptions about police work and stop and search, particularly regarding unconscious bias and the unfair treatment of children and young people. Together, this resulted in a training package that sought to engender behavioural change through the reshaping of organisational ways of thinking about stop and search.

However, despite being responsible for its creation, the NSSU was *not* the primary communicators of this training package. Instead, officers from across Scotland, referred to as 'trainers', volunteered or were invited by the NSSU to learn the training package and then deliver it to officers in their regions. Known as 'train the trainers' events, members of the NSSU taught trainers the content of the reform training package and gave instructions for how the training package was to be managed and delivered. Trainers were encouraged by the NSSU to deliver the training package with flexibility and to shape the training package in ways that were relatable to the officers they were training, meaning that trainers could augment, or even 'edit' (Balogun, 2006), the meanings contained within it. Within this section, I explore how 'engagement' and the policing of young people lessons were constructed and communicated within the face-to-face training events.

First, 'engagement' was communicated as a central and crucial lesson within the officer training package, which demonstrated the importance with which this topic was treated.

> The trainer says: 'I will harp on about engagement, it is a theme I will come back to throughout . . . Engagement is an absolute priority before, during, and after a stop and search'. (Fieldnotes, Phase 1, Regional Stop and Search Training, East)

The focus on 'engagement' within training often echoed central tenets of procedural justice theory, which posits that perceptions of fair and transparent police–community interactions increase compliance with the law and police legitimacy (Tyler and Huo, 2002). Recognising that civility and transparency were not achieved in previous non-statutory stop and search practices, engagement was communicated as a key priority to address perceptions of unfair treatment. Trainers often explained that an acrimonious experience of policing can damage a person's perception of the police, and that improving the way police undertake stop and search can moderate this.

> The Trainer says: I tend to say things like 'buddy', 'mate', 'pal' to try and calm down the situation, but this could rub them up the wrong way. It's much better to introduce yourself and ask them how they want to be addressed. Tell them what's happening. (Fieldnotes, Phase 1, Regional Stop and Search Training, East)

Most trainers conveyed 'engagement' as a matter of interpersonal justice and communicated that conciliatory policing strategies were vital to the pacification of public perceptions of unfair treatment by police, which had become rife following the crisis around stop and search (Deuchar et al., 2019; Murray et al., 2021). This was particularly applied to the concern of improving engagement with young people:

> NSSU Trainer says: 'The important part is how that officer interacts with people' . . . The emphasis at this point is on building rapport with the individual; what are we going to say to young people to make sure the experience is as comfortable as it can be. We know we won't always get full agreement but its' about the engagement. The receipt professionalises the stop and search encounter, gives information on the search and tells the individual more about what to do and where they can go if they want more information. (Fieldnotes, Phase 1, Stakeholder Event)

However, in many training events trainers also simultaneously encouraged officers to think of engagement as an investigatory practice that they could use for the purposes of gathering information, building a case to undertake a statutory stop and search and interfering and disrupting certain groups or people engaged in antisocial, but not criminal, behaviour. Moreover, this understanding of 'engagement' for investigative purposes was also reflected in the IAG's report:

> what develops from that engagement may be reasonable grounds to suspect possession of a prohibited item, or a basis for detention on suspicion that the person has committed an imprisonable offence. If so, a search can occur then. The engagement alone may serve the

purpose of 'reminding' individuals of the presence and interest of the police. That may suffice for the purposes of disruption. (Scott, 2015: 47)

Through this, institutional understandings of 'engagement' also came to be shaped by traditional concepts of police work, such as investigation, crime detection and disruption (Reiner, 2010) and the identification of risk (Ericson and Haggerty, 1997). Many trainers communicated these purposes of engagement as a key part of police work in the post-reform environment:

> [Regarding a vignette deliberately designed where there are no reasonable grounds whatsoever for a stop and search] the trainer encourages officers to nevertheless 'engage' with the person: He says: 'I'm still engaging but I'm gathering information' . . . 'Still be that inquisitive police officer'. (Fieldnotes, Phase 1, Regional Stop and Search Training, North)

The introduction of 'behavioural detection' into the stop and search training further compounded the message that 'engagement' could be usefully deployed for investigatory purposes. The behavioural detection model encouraged officers to consider how a person's behaviour might signal a deviation from the 'norm', referred to as a 'baseline', such as: sweating, restlessness and contradictory speech, incongruent behaviour compared to others around them and 'sticking out', and to use such 'deviations' in their articulation of their reasonable grounds, which was now a condition of their stop and search reporting:

> The trainer says: Restlessness, nervousness, doing a 'tap dance' . . . 'All these things can signal a change in the personal baseline' . . . Start with thinking about the policing picture. What information do we have? What baseline do we have? What is the location, what is the time? 'What should people be doing at that location, at that time? If people come to our attention, it's because they are not conforming to that baseline'. (Fieldnotes, Phase 1, Regional Stop and Search Training, North)

In terms of *stop and search*, the training package did address the concern that socially marginalised groups receive police attention not because their behaviour demonstrably deviates from a situational 'normality' in which their behaviour is distinctly different from those around them, but because they are often viewed by police as inherently deviating from societal expectations (Flacks, 2018; Kennelly, 2011).

> The NSSU trainer says: 'Children are allowed to make noise, allowed to be a bit annoying, allowed to be in parks . . . that doesn't necessarily mean there is a need for a stop and search'. (Fieldnotes, Phase 1, Stakeholder Event)

What was striking, however, was that these same considerations were *not* applied to the 'engagement' approach. Moreover, although issues relating to the capacity of a young person to 'consent' to a stop and search were well communicated within the training, there were no discussions regarding what to do, should a person refuse to engage. Instead, there was an implicit understanding that officers have the right to expect reciprocal engagement.

Finally, in direct contradiction of evidence that indicated otherwise, and while *not* a part of the NSSU's core officer training package, some trainers nonetheless claimed that the majority of non-statutory stop and search had been underpinned by statutory grounds, but that officers had preferred to use non-statutory stop and search because it was easier in terms of police procedure.

> The trainer says: 'Those consensual searches were probably underpinned by statutory [powers], but we did consensual [non-statutory stop and search] because it was easier'. (Fieldnotes, Phase 1, Regional Stop and Search Training, West)

Relatedly, some trainers also relayed an erroneous understanding that officers had legitimately policed 'the right people' when using non-statutory stop and search:

> The trainer says: 'We were getting the right people anyway' so we are looking at why these searches were non-statutory rather than statutory. (Fieldnotes, Phase 1, Regional Stop and Search Training, North)

Showing a breakdown in understanding between the training package *designed* by the NSSU and the training *delivered* by the trainers, this message directly contradicted a key message in the NSSU's officer training package regarding the ineffectiveness of stop and search for detection, which had drawn on academic research to demonstrate that non-statutory stop and search in Scotland was least effective on those who were policed the most through this practice: children and young people (Lennon and Murray, 2018; McVie, 2019). Instead, this solidified a message that young people in Scotland continued to warrant police attention and police-initiated contact through 'engagement', and that they had been deserving of the high level of stop and search they had previously received. The encouragement to use 'engagement' as both a practice of procedural justice and an investigatory police practice seemingly legitimised the continuation of using strategies of consensual policing to disrupt, deter and investigate certain groups of people, particularly children and young people who continued to be perpetuated as a category of 'risk'. In the following section, I demonstrate how officers understood this training and how they enacted the meaning of 'engagement' into their practice.

Officers' understanding of 'engagement'

Acknowledging that what is communicated and what is understood can take on very different meanings (Weick, 1995), this section addresses how officers understood 'engagement' and how they enacted it into their practice broadly. This section also details engagement with members of the public in lieu of, or in advance of, a stop and search to demonstrate the emergence of 'stop and engage' as a standalone informal practice that had emerged in the post-reform environment for stop and search.

Most officers described a shift away from the use of stop and search in the post-reform environment and demonstrated deeply considered decision-making regarding their use of stop and search.

> Brian says that in the training he received they were encouraged to actively reflect on their own behaviours and justifications, so that they could be confident that they had done and were doing the right thing to the right people at the right time, he says 'that's what makes you a good cop, continually questioning yourself'. (Fieldnotes, Phase 3, North, City Centre)

Furthermore, showing the embedding of the language of 'engagement' several officers described how, following reform, they relied on strategies of engagement in lieu of stop and search. Moreover, in officers' description of their work there was sometimes an elision of 'engagement' with stop and search, which had led to the evolution of 'engagement' into its own standalone practice: 'stop and engage'.

> Marcus says: 'with stop and search its now about stop and engage'. (Fieldnotes, Phase 3, West, City Centre)

But, as described in the previous section, internal messaging regarding the function of engagement also defined it is an investigatory practice that could be used for purposes of social control and investigation. For many officers, it was this definition of engagement that appeared to hold most currency in their understanding of this strategy. The following fieldnote describes how engagement was sometimes deployed for these purposes, and how it was valued as a practice which enabled officers to escalate to other enforcement strategies, such as stop and search:

> The man who is being searched says that the police are always picking him for searches, even though he has done nothing wrong for a while. They explain to him that originally, they were not going to search him at all, just wanted a chat, but it was during the conversation that they developed their suspicions. . . . Later Thomas says to me that 'we would never have had grounds to search if we hadn't gone up to speak to him' and explains that just having a chat with people is valuable in building up a bigger picture and building suspicion. (Fieldnotes, Phase 3, East, City Centre)

Engagement thus represented a 'consensual' strategy that officers could use to explore their suspicions where those suspicions did not satisfy the legal criteria for a statutory stop and search. Moreover, this understanding of 'engagement' bore striking similarities to how officers described, and how they had valued, the use of non-statutory stop and search as a mechanism of control:

> I ask if they do a lot of stop and searches in this team and Liam says: 'I do more than I record' [implying that he continues to use non-statutory stop and search]. He explains that for him stop and search is not just about detecting crime, but it is also about deterring it and disrupting it by letting criminals 'know we are on to them'. (Fieldnotes, Phase 3, East, City Centre)

However, recognising that 'engagement', not just stop and search, could be antagonistic, officers themselves sometimes discussed concerns with how some officers engaged with the public:

> Geoff says 'I think the bigger issue is how police engage with people, not the stop and search exactly'. He adds that 'I would says 60% of coppers make it worse', saying that some officers are aggressive and seem to 'act up' and act out (when interacting with members of the public). (Fieldnotes, Phase 3, East, City Centre)

Nonetheless, there were distinct similarities in how officers described the new practice of 'engagement' and the previous practice of non-statutory stop and search, indicating that some officers had made sense of these as somewhat similar practices. For instance, it became clear that engagement was viewed as a strategy of social control in lieu of non-statutory stop and search when officers were observed experiencing resistance to such practices. Consistent with findings by Dixon et al. (1990) that failure to comply with a request for non-statutory stop and search could be perceived as an 'affront' to an officer and result in officers escalating to further enforcement strategies, non-compliance by a member of the public with a strategy of engagement was sometimes viewed as an affront to officers' authority, and in one instance ultimately resulted in a (arguably unlawful) stop and search:

> We continue driving around and at approximately 7pm they see a man standing outside a block of flats. They slow down and wind down the window and ask him if he is from around here, and he looks a bit on edge and says no but that he is waiting for a taxi. Patrick asks him why he is here, and he says he was visiting a friend but that she's not in . . . Patrick isn't happy with the way the guy is behaving and he gets out of the car, the man immediately makes towards the door. Patrick tells him to stop and asks him why he is being so reluctant to engage with him. The man makes it clear he doesn't like the police and he says he just wants to wait for his taxi and that he can't understand why the police are talking to him. Patrick says that he is going to detain him for a drugs search because he seems 'off' with them and they get a lot of strangers to the area for drugs. (Fieldnotes, Phase 3, West, City Centre)

Thus, for some officers, the ability to exert control over certain populations of people remained important post-reform, and the language of engagement became a legitimising term for these strategies of subordination. The following section explores the implications of this understanding and practice of engagement for police interactions with young people following the reform to stop and search.

Engagement with children and young people: Continuity of control

The following observations of police interactions with young people demonstrate that many officers continued to categorise young people as populations of risk that required subordination through policing post-reform. These observations question the extent to which procedural justice was present in police interactions with young people and indicate that the initial intentions of reform to improve the treatment of young people through police engagement differed significantly from the on-the-ground enaction of reform into practice.

Some officers described continued suspicion of young people which relied mostly on occupational assumptions and previous encounters with specific young people, rather than concrete evidence of criminal behaviour. Several officers described discriminatory attitudes to young people which led to their categorisation as suspicious:

> Patrick says that officers can tell who are going to become career criminals, and who are likely to grow out of it. He distinguishes between 'wee bams' and 'proper bams', saying that the former are going to grow out of it and get into work, but that it's easy to see who will become 'proper bams' and stay in criminal careers due to the way they act and who they associate with. (Fieldnotes, Phase 3, West, City Centre)

Moreover, some groups of young people were viewed by some officers as warranting police attention by virtue of their presence in public space. For instance, officers were observed deliberately positioning themselves in a way that was visible to young people so that they felt under surveillance. Some officers described this overt surveillance as the purposeful disruption of the congregation of young people in particular areas:

> At 6:29 we turn a corner and watch a group of young males who are hanging around a shop, they look too young to buy alcohol and Tony is suspicious that they are trying to get adults to buy them alcohol from the shop. Although we are in an unmarked car Tony and the other officer are wearing their uniform and high visibility yellow jackets, and the young males seem to recognise them immediately. About a minute after this the males all leave in one group. The other officer says 'there you go, [we have] successfully disrupted criminal activity'. Tony says that the young males are at that age where they aren't kids but they aren't adults, the other officer says 'they're brats'. He adds that he couldn't be a teacher today because teachers have to accept disrespect from children; [he says that] at least police officers have the 'satisfaction' of hearing a cell door close and being able to arrest them. (Fieldnotes, Phase 3, West, Rural)

Related to the categorisation of young people as a population of risk, some officers spoke of attributing risk to young people by dint of their 'quasi-adult' (Flacks, 2018) status, and one officer categorised even very young children as criminally minded and criminally responsible:

> As we drive around Susan says that there is a difference between children in this area, and children in other areas. She says a 9 -year-old in this area is more responsible and more aware of their behaviour than a 9-year-old elsewhere would be, she says these kids in this area fully know what they are doing . . . She says that kids grow up faster here because they grow up harder. (Fieldnotes, Phase 3, West, City Centre)

Despite the messaging regarding the promotion of young people's wellbeing contained within the stop and search training package, some officers were also more likely to categorise young people as offenders and disregard their experiences as (potential) victims. For instance, in one observation, an officer described a desire to arrest a 16-year-old young woman who appeared to be drunk, may have been the victim of a crime and was in considerable distress. In the fieldnote below, neither Susan nor Patrick, both

police officers of several years' service, appeared to promote the wellbeing of the young person in their care:

> The woman sobs on my shoulder in the back of the police car . . . Patrick starts laughing when he sees this. When we get to her house the officers explain to the mum what has happened and the mum is annoyed and tells her off, the young woman is still really upset and is yelling that she wants to go live with her dad instead . . . Susan gives the young woman a dressing-down. The girl has rips in the crotch of her leggings and Susan says that by being that drunk and with the crotch of her leggings like that that she is at risk of being assaulted . . . After a while we leave, and in the car, I later learn that the woman asked her mum to get her the pills that stop her becoming pregnant . . . Susan laughs about her asking for the pills and Patrick shakes his head. Patrick mimics the woman's sobs 'Ma Maaaaammmaaaaa' and he jokes 'You just wanna slap them don't ya?' . . . Later that evening the young woman has run away from home, and she is now assigned the status of 'high risk missing person' by the control room. After patrolling the area and failing to locate the woman, Patrick says: 'she's not a fucking high risk missing person, she's just a cow' . . . he is frustrated that they can't find the woman and is frustrated at the situation now, he says 'See if we get her, she's getting the jail, she's a wee cow'. (Fieldnotes, Phase 3, West, City Centre)

Beyond the examples above of discriminatory views held by some officers, there were more subtle examples that engagement being deployed as an informal practice of social control. Despite being present in their narratives about stop and search, considerations regarding the fairness and proportionality of decisions to 'engage' with young people were conspicuously absent in officers' practice. For instance, the young man in the observation below was behaving in no way that would warrant police attention; however, his presence in public space, and the fact that he seemed familiar, was enough justification (in the officers' understanding) for the subsequent police interaction:

> We walk away from the man and to another young man who is sat on a grit box, Geoff says he seems known to the person, but can't work out where from, so they ask him directly why he seems familiar. He says he doesn't know. They ask if he has been in trouble recently, which he says no to, and then they ask him if he has been in care, to which he says yes. Shane says he probably recognised his face from packages if he ever went missing from care, and the man says he used to go missing a lot but he's fine now. He seems on edge and asks if he is in trouble, which they say he isn't and wish him a good day. As we walk away Geoff reiterates that police can always just go talk to people, and that's one of the important things in the job. (Fieldnotes, Phase 3, East City Centre)

Sometimes what officers described as 'conversations' encapsulated elements of the 'stop' aspect of a stop and search. At no point were these young people informed that such an interaction was voluntary, and from the responses of these young people, such as concern that they were in trouble (as above) or questioning whether they could leave (as below), it was made clear that these young people felt obliged to stop:

> At approximately 00:20 we stop and pull onto the other side of the road in front of some young boys, around 16 years old . . . The officers explain that they looked like they were trying to dump one of their hoodies when they saw the marked car. The boy holding the

hoodie explains he was trying to give it to his friend because he is cold, but the friend he indicates is wearing a large puffer jacket . . . Tom shines his torch on the area where the hoodie was dropped but can't find anything, there's no smell to indicate cannabis and the boys appear sober. I don't understand why but everyone's details are then taken; they are not told that they don't have to give them their details (I am sure they have the right to refuse); it appears like an order and they all comply . . . One of the boys asks if they can go now, Liam says 'Aye, we are just having a conversation' but I think that up until this point it really didn't feel just like a conversation and it really didn't feel like they had the option to leave at any time. (Fieldnotes, Phase 3, West Rural)

As with the messaging within the training package, there was an implicit assumption in officers' understanding of engagement that they have the right to engage with young people and were entitled to expect reciprocal engagement. Moreover, officers were likely to view such interactions as 'conversational' and voluntary, failing to realise that the young persons they were interacting with felt obliged to respond. Such 'compliant' engagements were not related to officers' approaches to inspiring police legitimacy through procedural justice mechanisms, but rather to the blunt expectation of acquiescence (Dixon et al., 1990). It is interesting then, that although officers knew not to stop *and search* for these reasons alone, they nonetheless continued to *stop* people in this manner: therein not applying the same framework of understanding to engagement as they had to stop and search. At no point did the officers question whether such contact was appropriate, proportionate or even *necessary*. Undermining the GIRFEC principles, and challenging a minimal intervention approach, it appeared instead that the same model of 'consent' that non-statutory stop and search had been predicated upon was now being deployed in police engagement strategies.

Furthermore, although many officers described an increased awareness of young people's rights, their responsibility to young people and how the rights of young people had been eroded through non-statutory stop and search practices, this appeared to not have been assimilated into officers' considerations regarding other police-initiated contact, such as engagement and the policing of young people consuming alcohol. Instead, regarding the policing of young people in the post-reform context, some officers described relying on young people's ignorance of their rights as a valued mechanism through which officers could exercise control. For instance, some officers described how they relied on young person's naivety and ignorance of stop and search reform to enable them to remove alcohol from them:

> We walk back to the station via a canal bridge that is sometimes an area where children and young people hang out and drink alcohol. George says that removing alcohol from children is all about safeguarding them and so 'it's good that they don't know the legislation' (about stop and search) because otherwise they may resist the officer. George says that 'child protection is our priority' and Sarah adds 'child protection all the way'. (Fieldnotes, Phase 3, West, Rural)

Moreover, some officers were actively concerned about young people becoming aware of their rights, demonstrating that these officers were preoccupied with a concern that young people's self-empowerment would threaten officers' authority:

> Ralph says that the new changes have caused problems though, particularly with the people who are 'savvy' with the changes, because the officers might go up and try and engage with them and talk to them, but immediately the person has their back up and ask 'what's your reason for stopping me? You need a reason', and the officers then have to explain that yes they need a reason to search them, but not to talk to them. Ted adds 'there's no harm in asking people' . . . . (Fieldnotes, Phase 3, West, City Centre)

This style of policing strikes similarities to the model of 'consent based on ignorance' (Dixon et al., 1990: 348) that had underpinned non-statutory stop and search in Scotland (Murray and Harkin, 2017) and indicates that some officers were relying on two factors which underpin their engagement with young people: ignorance of the law and subordination in the face of police power. Together, these findings suggest that the procedural justice underpinnings of stop and search reform were not fully assimilated into police practice beyond stop and search. The same fairness, transparency and civility now expected in stop and search encounters were instead often absent in police practices of 'engagement' with young people.

Discussion

I have demonstrated that although there was indeed a shift from the 'ethos' of stop and search to 'stop and engage', this reality of police engagement with young people differs significantly from the procedural justice intentions of stop and search reform. Challenging the procedural justice conditions of neutrality and impartiality, several officers continued to categorise young people as populations of risk that required subordination through enforcement strategies, and the consequence of this is that population continued to be 'over-policed' following reform. The reliance of some officers on young people's naivety or lack of confidence to express their rights in 'engagement' encounters to leverage compliance is a direct contradiction to the procedural justice conditions of respect, 'voice' and the expectation to be heard and understood communicated in both the training package and the Code of Practice. Moreover, the way in which some officers spoke about children and young people, and the way in which they sought to police young people, indicated a failure of the institutional aim of reform to embed a welfare approach into Scotland's policing of young people *beyond stop and search*. Instead, engagement, defined as a strategy of control, had been legitimised in police training and institutional messaging, and thereafter readily adopted by officers as an informal, but nonetheless institutionally sanctioned, practice of subordination. These findings reveal that, despite the substantial concerns and crises that had swelled around non-statutory stop and search in the face of stark evidence of discriminatory policing, strategies of control remained central to policing in Scotland, which have profound effects on those who experience them.

Confrontational police-initiated encounters, such as those described here, can erode young people's sense of self-worth (Sharp and Atherton, 2007) and challenge their sense of social identity (Bradford, 2017). Despite an improved approach to the stop and search of children and young people, data presented here suggest limited diffusion of procedural justice into the broader policing of young people. Police Scotland's stop and search reform undertook considerable measures to oversee and hold to account the

use of stop and search in Scotland, but they did not apply the same level of scrutiny to how policing *beyond* stop and search was being undertaken in this new environment. Ultimately, I have shown here that officers undertook a shift in their practice, moving away from a reliance of stop and search and towards strategies of 'engagement', which was an intended outcome of reform. But the unintended consequence of this shift is that the policing of young people has now moved to the margins of institutional oversight and has been assimilated into the everyday discretionary activities of routine policing outside of the scope of scrutiny: and it is precisely this discretionary world of police work that has been recently called into question by the acknowledgement of institutional prejudice in Police Scotland (2023). The evidence presented here suggests a need for a focussed consideration regarding the nature of policing children and young people beyond formally defined practices such as stop and search, and an exploration of police prejudice that includes young people as a distinct marginalised category. While Police Scotland has stated its intention to address the institutional homophobia, racism and misogyny in policing, this transformation agenda ought also to include considerations of how to better respect and protect the rights, welfare and dignity of young people in Scotland.

Arguably, concerns regarding the capacity to consent to stop and search (Dixon et al., 1990; Scott, 2015), youth perceptions of police harassment (Sharp and Atherton, 2007), police victimisation (McAra and McVie, 2005), outcomes of disenfranchisement (Bowling and Weber, 2011) and fractured social identity (Bradford, 2017) apply not only to the power of 'stop and search', but also to the police practice of *stopping*. Of course, a substantial amount of research has explored police contact with young people (e.g. McAra and McVie, 2005), but I suggest that there is a subset of police practice that warrants closer attention: practices that for all intents and purposes are used to *stop people in public space, that embody the process of 'stopping' enacted within, but not necessarily resulting in, a 'stop and search'*. Such practices may be legitimised under policies such as 'engagement' and are underpinned by a consensual model of policing that forefronts communication between public and police, but their application in practice indicates intentions to *stop and control*, as has been consistently identified in the use of stop and search (Tiratelli et al., 2018). Moreover, such practices are undertaken on a discretionary basis outside of the purview of internal scrutiny mechanisms, as such the fairness and proportionality of such practices are unknown. Ultimately: what we know is that young people in Scotland are now being stopped and searched at a substantially reduced rate, what we do not know is how frequently young people are being *stopped* and, more importantly, how they experience this. These experiences can be illuminated only by directing our focus as an academy beyond stop and search to explore the practices at the periphery that amount to *stop and control*, which are not legalised, formalised or scrutinised.

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ORCID iD

Estelle Clayton https://orcid.org/0000-0001-7653-5878

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Author biography

Estelle Clayton is a Research Fellow and Lecturer in Criminology at Edinburgh Napier University.