Policing Social Distancing: Gaining and Maintaining Compliance in the Age of Coronavirus

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Abstract Drawing on motivational posturing theory (MPT) and procedural justice theory (PJT), this article makes recommendations for how best to secure compliance with social distancing regulations. Applying those theories to—mostly observational—data from a study on the use and impact of penalty notices for disorder, the influences on cooperation during police–citizen encounters are explored. Whilst focusing on the English data/regulations, as both MPT and PJT have been tested internationally, the conclusions have relevance beyond these shores. The article proposes a sixth posture—compulsion, a form of resistant compliance—to the five set out by MPT. Focusing attention not just on whether compliance is achieved but how recognizes the risk to future legitimacy posed by only achieving compliance through coercion or the threat thereof. Lessons from the research are applied to policing social distancing, with regards to: securing compliance during interactions, self-regulation and enforcement action, and how to preserve police legitimacy.

Introduction

The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 give police in England the power to issue £100 on-the-spot fines (up to £3,200 for subsequent offences) to enforce new rules on social distancing which aim to prevent the spread of the COVID-19. Officers may also use powers of arrest and remove people to their home. The College of Policing and NPCC (2020, p. 17) have called on forces to be consistent and adopt an ‘inquisitive, questioning mind-set’, only using enforcement powers as a last resort. This is underpinned by a four-step approach: engage with people, explain the risks they are posing to themselves and others, encourage them to adhere to the regulations and, if they do not, enforce the law using on-the-spot fines, arrest, and/or prosecution. Policing social distancing is a very particular and peculiar circumstance. However, there are some parallels with policing antisocial behaviour through existing dispersal powers and penalty notices for disorder (PNDs). New rules prohibited public gatherings of more than two

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1 Fines were initially set at £60, up to £960 for subsequent offences but were increased on 13 May 2020.
people except in certain limited circumstances and imposed restrictions on movement ‘without reasonable excuse’ (emphasis added, see sections 7 and 6, correct as at 13 May 2020). Whilst the Regulations give a non-exhaustive list of such exceptions, the law lacks the specificities of government advice. For example, guidance, but not the law, initially limited people to just ‘one form of exercise a day’ (Cabinet Office, 2020) (see section 6(2)(b), correct as at 13 May 2020). And, just as there may be disagreement over, for example, whether any given behaviour is ‘likely to cause harassment, alarm or distress’ (in breach of section 5 of the Public Order Act 1986 and punishable by PND), so too conflict may occur over whether a person has a ‘reasonable excuse’ to circumvent restrictions on movement. Given these parallels, existing research on the use and impact of PNDs can offer some insight into how best to achieve compliance with the new rules.

This article brings together research on motivational posturing theory (MPT) and procedural justice theory (PJT) to analyse data on: policing in the night-time economy (NTE)—the first application of MPT in that context—and the use of PNDs, before applying these findings to policing social distancing. The article is structured into three parts: first, it sets out the literature on why people comply with authorities. Secondly, it outlines the findings from a study on the use of PNDs (Grace, 2014a)—drawing, especially on observations of police–citizen interactions in the NTE and document analysis of PNDs, as well as interviews and surveys with PND recipients—to explore what influences, in particular, short-term compliance with the police during encounters, as well as payment of PNDs and future offending (i.e. mid- and long-term compliance). In doing so, the article answers calls to draw on observational research in developing our understanding of procedural fairness and its influence on compliance with the police (Radburn and Stott, 2019). Observations allow for consideration of the dynamic nature of police–citizen interactions and examination of how, when, and why people move from more to less compliant postures (and back). Based on this analysis, it is proposed that in addition to the five motivational postures set out by Braithwaite (2003a), there is a sixth: compulsion. Finally, based on the findings from this research, as well as broader literature on procedural justice and motivational posturing theories, recommendations are made for how we might best police social distancing to secure compliance and legitimacy. Whilst the focus here is on the Regulations in England and data drawn from that context, MPT and PJT are empirically driven theories which have been tested internationally—in particular, in the UK, USA, Australia, and mainland Europe—and so the conclusions have relevance beyond these shores.

What affects compliance?

When assessing compliance we are concerned with both when people comply and why. To take the first of these, there are three frames of interest when considering compliance with the Coronavirus Regulations: short-term compliance with officers during police–citizen encounters; mid-term compliance with (i.e. payment of) the fine (if issued); and long-term compliance with the law/future cooperation with the police. Of particular importance here (and for the police) are compliance with officers during police–citizen encounters and long-term compliance, both with social distancing rules and with the police once those rules are lifted. Public messaging on the risk posed by coronavirus, and in turn the risk this poses to the National Health Service, seeks to encourage (voluntary) compliance on normative grounds, whereas instrumental thinking underpins the enforcement strategy. To weight the rational choice in favour of compliance, it is well publicized that breach of the rules could result in a fixed

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2 Searches of various databases in May 2020, including Proquest, JSTOR, Emerald Insight, Scopus, and Google/Google Scholar for the search terms motivational posture/motivational posturing and night-time economy/NTE returned no results.
penalty notice (FPN). There are incentives to accept the notice (such as not getting a criminal record or having to appear in court and a lower fine for quick payment) and disincentives to subsequent breach of the rules, with fines increasing for each offence up to a maximum of £3,200. On summary conviction, fines are unlimited. Fines thus serve as a general deterrent, with specific measures aimed at deterring repeat offenders.

The government will surely hope that as people adapt to the new regulations, compliance becomes habitual; people get used to living within the new rules, adopting new ways of working and connecting with people online for example. However, there are questions about whether, and for how long, people might be willing to accept these new ways of living. Early in the lockdown, there were already concerns that a minority were ‘breaking the rules or pushing at boundaries’ of acceptable behaviour (Hancock, 2020). As time passes, lockdown fatigue may set in making it harder to ensure voluntary compliance. Disparities between law and guidance, as well as changes to the guidance, may also lead to confusion over what is/is not acceptable, making voluntary compliance all the more difficult to achieve (Police Federation, 2020). Indeed, ‘the government was forced to issue a swift correction [following an announcement of changes to the guidance on 10 May 2020] when Dominic Raab [Foreign Secretary] advised the public to break the law’ (Dearden, 2020). The challenge for the police, who have been tasked with enforcing the Regulations, is both how to gain and maintain compliance. And, crucially, how to do that in a manner that does not cause long-term harm to their legitimacy. Procedural justice and motivational posturing theories offer some guidance for how police forces might achieve those goals.

Legitimacy and PJT

Normative compliance is related to legitimacy. There is a wealth of research on PJT which demonstrates that perceptions of procedural justice—which regards the process of decision-making rather than the decision itself—are related to perceptions of police legitimacy which, in turn, encourage voluntary compliance, both with the regards to willingness to cooperate with the police (both in the short- and long-term) and willingness to obey the law (Hough et al., 2013; Reisig et al., 2007; Tyler, 2019). The procedural justice literature outlines four antecedents to procedural fairness:

- Participation (or ‘voice’): allowing people to give their account of events and have their views considered.
- Neutrality: demonstrating that decisions are unbiased, based on the facts of the case.
- Respect: treating people with dignity and respect.
- Trustworthy motives: demonstrating sincerity, benevolence, and sharing public concerns.

Emerging research suggests perceptions of distributive fairness—i.e. assessments of equitability, whether people feel they been treated similarly to others and received an outcome they feel they deserve—are related to perceptions of procedural justice (Maxwell et al., 2020; McLean, 2018, 2019), and thereby, in turn, legitimacy (and compliance). There is some debate in the literature about what is a predictor of legitimacy and what is a constituent element thereof (e.g. Jackson and Bradford, 2019; Tankebe et al., 2016). For our purposes, it is sufficient to note that perceptions of distributive and procedural justice (as well as police effectiveness and police lawfulness) have been found to be central to police legitimacy and that police legitimacy has been found to predict compliance.

Motivational posturing theory

‘The starting point for motivational posturing theory is that authorities which make regulatory demands threaten our freedom’ (Braithwaite, 2011, p. 93). The threats to freedom posed by the Coronavirus Regulations are clear to see; they
restrict our freedom of movement and assembly, but also more broadly our ability to, amongst other things, earn a living and achieve our goals. Our motivational postures are how we cope with those threats. They reflect the degree of distance individuals wish to place between themselves and an authority (here, the police), which, in turn, reflects the legitimacy we ascribe them; whether we feel aligned with their goals and trust their means of achieving those goals. People may either have attitudes of deference or defiance. However, even those who defer to regulations may do so either because they think their purpose is sound (commitment) or because they have ‘the force of law’ (capitulation) (Braithwaite, 2011, p. 97). Defiant attitudes include: resistance, where the individual doubts the intentions of the regulator; disengagement, where the individual is disenchanted with the system, believing there to be no point in challenging authority, and game-playing. A disengaged posture could reflect a perceived lack of legitimacy (in PJT terms) and a concomitant defiance of the decisions of the authority. Game-playing shares that same disenchantment, but rather than the fatalism of the disengaged, game-players are combative, seeking to ‘beat the authority at its own game’ (Braithwaite, 2011, p. 97; 2003a; 2003b).

These five postures load onto two factors or supra-dimensions and people may be high/low on either dimension (Braithwaite, 2001). The first, resistance–cooperation, is bipolar with commitment and capitulation at one end and resistance at the other. The second is unipolar, disengagement and game-playing both reflecting dismissiveness. Braithwaite (2003b, p. 22) has previously noted that postures are not mutually exclusive but are ‘not likely to be equally strong in any one individual at any one time . . . the assumption of co-existence remains [however] plausible’. In the research presented here, resistant attitudes were often coupled with compliant postures (and behaviour). As such, a sixth posture—compulsion—is proposed. It is hypothesized that compulsion would fit into the existing model as set out in Table 1 (Braithwaite, 2003a; 2011; 2017). Compulsion lies between capitulation and resistance; it is compliant behaviour, coupled with a resistant demeanour, that is, where people are coerced into accepting officers’ decisions through either the threat or reality of enforcement action, but where they continue to express grievance at officers’ actions. Whilst those who capitulate can be said to acquiesce, accepting the authority of the decision maker, the compelled do not ‘go quietly’ (discussed further below). Unlike the resistant, however, they do ultimately comply.

Regulation poses a threat to our three selves (Braithwaite, 2011). The moral self is the sense that oneself is a ‘good’, law-abiding person, someone who does the ‘right’ thing. The democratic collective self (or grievance self; Braithwaite, 2017) values justice and fair treatment. The status-seeking self seeks to achieve our personal goals. Blocks, such as those posed by the Coronavirus Regulations, pose a threat to our status-seeking self. MPT posits that a strong moral self will lead to compliance, whereas a strong grievance self (and weak moral self) leads to resistance. Dismissiveness, be it in the form of disengagement or game-playing, ‘pits a strong status-seeking self against a weak moral self’ (Braithwaite, 2017, p. 37). To ensure compliance authorities must, therefore, engage and buttress the moral self. To address resistance requires procedurally fair treatment, through which the moral self is acknowledged and restored.

Coronavirus presents a unique moment in our social history, there is no guide to effectively police

Compulsion is in some ways akin to ‘dull compulsion’ (Tankebe, 2009, p. 1280; 2013). Where encounters end in compulsion it shares the same fatalism Tankebe discusses and the idea that ‘it is better to obey police than argue with them’ (Akinlabi and Murphy, 2018, p. 191). However, that concept, its dullness, fails to adequately capture the active resistance people showed in the face of authority, in this research people did argue. MPT encourages a recognition of the sometimes transient nature of our views of authority and our willingness to comply. People who demonstrated compulsion could move to more/less compliant postures quite quickly. Dull compulsion suggests a more general sense of fatalism. The operationalization of compulsion should be examined through further research.
social distancing; instead we must draw from existing research in other contexts. MPT tells us about the ‘signals those being regulated send to regulators around legitimacy and compliance’ (Braithwaite, 2017, p. 91). PJT tells us about how people assess fair decision-making processes and thus what a fair process entails. These are, therefore, complementary theoretical frameworks that can offer a guide to practitioners to recognize both when their legitimacy may be contested and how they might respond to restore legitimacy when policing COVID-19. This research aims to explore whether and why people comply (or not) with the police; taking lessons from policing in the NTE (in the first known application on MPT in that context), and the use of PNDs, and applying them to this new context: policing coronavirus. In doing so, this article proposes a way forward for gaining and maintaining compliance in these unchartered waters.

**Methods**

Data analysed here were originally gathered for a study on the use and impact of PNDs (Grace, 2014a). Field notes from 130-h observations of police working in the NTE in one English city between January and July 2011 were reanalysed to select 36 case studies on police–citizen encounters (some of which involved numerous people) with sufficient detail to assess compliance. This included 13 cases where PNDs were issued (Grace, 2014a, table 6.5). Motivational postures are empirically derived ‘composite narratives made up of attitudes, beliefs, emotions, expectations and norms … [however, they are] not hidden from view’ they are statements to be seen (Braithwaite, 2011, p. 96). They can, therefore, be inferred through observation and, indeed, it is this same inference that authorities (in our case the police) would be guided to act on when drawing on MPT in practice. MPT and PJT provide complementary (empirically driven) theoretical frameworks to assess compliance.

Data analysis was both inductive and deductive, moving between theory and data in an iterative fashion, exploring links between the theoretical categories (Silverman, 2010). Case studies were initially subject to analytic induction whereby behaviour was coded for compliance/non-compliance, then within those ‘core groups’ (Bryman, 2012), whether it suggested postures of commitment or capitulation (compliance) or resistance, disengagement, or game-playing (non-compliance). The co-existence of resistant

**Table 1:** Motivational postures

| Supra-dimension | Compliance | Motivational posture | Enforcement strategy |
|-----------------|------------|----------------------|----------------------|
| Cooperation–Resistance | Compliance/deference | Commitment—accepts the purpose of the regulations, sharing the same goals and accepts the authority of the regulator | Self-regulation |
| | | Capitulation—accepts the authority of the regulator, but does not necessarily share the same goals | Enforced self-regulation |
| | | Compulsion—accepts the purpose of the regulations, but does not accept they have broken them, thinks power is being used inappropriately/poor decisions are being made | Negotiated self-regulation |
| | Non-compliance/defiance | Resistance—accepts the need for a system of regulation and authority of the regulator, but thinks power is being used inappropriately/poor decisions are being made | Discretionary use of enforcement powers |
| Dismissiveness | | Disengagement—does not share the norms/values of the regulator, mistrusts their motives and questions the need for a system of regulation, withdraws and does not follow the rules | Non-discretionary use of enforcement powers |
| | | Game-playing—does not share the norms/values of the regulator and enjoys finding loopholes to work around the regulations | |

Developed from: Braithwaite 2003a; 2011 and 2017 to include an additional sixth posture, compulsion.
behaviour from people who complied with officers’ directions led to the creation of an additional compliant posture—compulsion—explained in the findings below. Data were also subject to thematic analysis to understand the common drivers for compliant/non-compliant behaviour. Whilst the analysis presented here focuses on observation data, and short-term compliance, these are complemented with a document analysis of PND tickets \((N = 250)\) as well as a survey of PND recipients \((N = 73)\) and semi-structured interviews with 11 survey respondents, with some examination of mid- and long-term compliance (see Grace (2014a) for further details). The analysis presented here is limited, not least because observation data were not originally collected for the purpose of assessing motivational postures or procedural fairness. However, given the novelty of social distancing rules, reanalysis of existing (albeit limited) data from other contexts provides a useful means of developing an evidence-based approach. The particular value of the current research lies in its use of observation data, which is rare both in studies of MPT and PJT. Observation provides a means to consider the ‘dialogic and relational’ character of legitimacy (Bottoms and Tankebe, 2012, p. 129). By observing ‘interactions in situ’, the dynamic nature of compliance—which is necessarily lacking from the ‘thin’ data provided by existing, largely survey-based research on procedural justice (Harkin, 2015, p. 604; Radburn and Stott, 2019, p. 433)—can be reviewed.

What affects where PNDs are issued?

Document analysis of officers’ evidence on PNDs issued for drunk and disorderly and breach of section 5 of the Public Order Act 1986 (offences largely committed in the NTE, \(N = 61\)) found that whether PNDs were issued on-the-spot or following arrest was strongly related to offenders’ compliance \((\chi^2 = 34.267, \ df = 1, \ p < 0.001, \ \Phi = -0.750)\). Only three non-compliant people were issued with PNDs on-the-spot; two were initially arrested, and the other was issued the day after the offence. Compliance was the main driver in where tickets were issued (Grace, 2013). Officers cannot issue fines to non-compliant people. Non-compliance was highly correlated with suspect demeanour; only four of the 50 people who were non-compliant displayed no aggression towards officers at any stage (Grace, 2014a). Indeed, officers were one of the victims in 60% of section 5 and drunk and disorderly offences and the sole victim in 22% \((N = 78)\). The importance of demeanour—and its relationship with compliance—was supported by observation data; 7 of the 13 PNDs issued during observations were issued to people who were abusive to, and non-compliant with, officers. Evidence from the case studies presented below offers some insight into why people do/do not comply, and thus how officers might avoid such ‘conflict spirals’ (Tedeschi and Felson, 1994, p. 258), whereby individuals respond aggressively to police intervention and officers respond with arrest.

Motivational posturing in the NTE: a sixth posture?

Of the 36 case studies, people complied at some stage in 32 and, perhaps unsurprisingly, all except one (of the four) case(s) where people did not appear to comply at any stage related to incidents where, for various reasons, the end of the encounter was not observed. In the final one, officers were called to another incident, leaving a pair of (still disgruntled) men who had refused to go home as requested by officers. Most people’s posture changed (sometimes more than once) during an encounter. Whilst overall 26 cases involved people

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4 This result should, however, be treated with caution as one cell (25%) had an expected count of less than five.
5 Aggression included one-sided provocative behaviour, direct verbal abuse and physical aggression (see Grace 2014a, Table 6.3).
who demonstrated either commitment \( (n=21) \) and/or capitulation \( (n=13) \) at some stage, only two were committed throughout, both of whom had approached the police for help. A further 15 were categorized as demonstrating a sixth (new) posture—compulsion. With regards to defiant postures, resistance (at any stage) was demonstrated in 11 of the 36 case studies. Only two cases involved disengagement from/dismissal of authority, with people refusing to engage with officers (both were arrested). Game-playing—the desire to evade justice by finding loopholes and winning concessions—was similarly rare. That is not to say it is rare in practice just that (by virtue, if it is successful) it is hard to detect via police observations. Game-playing could be seen in those who tried to walk/run away when they saw the police approaching \( (n=3) \). But also, perhaps too, in those who seemed to ‘turn on the charm’ in an attempt to win leniency \( (n=3) \).

Postures changed, sometimes more than once, during most encounters \( (n=21) \). Observation Case 7—a man apprehended for urinating in the doorway of a block of flats—offers a good example of how people could move between postures. Initially, officers asked him ‘how he’d feel if someone did that in his house, he drunkenly agreed he was out of order’. Accepting that the behaviour was wrong, he, therefore, demonstrated commitment. Officers told him such behaviour could lead to a fine. Misunderstanding them to mean he was going to be fined, he replied “fine, give me a ticket then” in a resigned manner'. In light of an (ongoing) lecture, his posture seemed to shift then to one of capitulation—he accepted that the behaviour was wrong, but was merely resigned to, rather than accepting of, the possibility of a fine. When faced with this capitulation, the officers reacted angrily telling him ‘well I was about to say as you’d been alright we were going to let you go, but if you want a ticket we’ll give you one’. In response to their change in approach, he became more resistant, questioning their decision, repeatedly saying ‘but I haven’t told you to p-off or f-off’ (self-censoring swearwords). He was thus resistant, in that he was pushing back against officers’ decision to issue a PND, but ultimately he was still complying with their requests, suggesting a posture of compulsion.

In most cases where people’s postures became more resistant \( (n=9) \), this was as they sought to argue their case and/or resist arrest. Where people moved to more deferent postures \( (n=16) \), they were convinced or cajoled into compliance, accepting officers’ decisions (voluntarily desisting, dispersing, and/or accepting a PND) or else they were coerced into doing this with the threat or reality of a PND or arrest. The former approach was associated with postures of commitment or capitulation, whereas the latter was associated with (what I have termed) a posture of compulsion. To distinguish between commitment and capitulation, as operationalized in this study: commitment was willing compliance, where people seemed to accept the behaviour/actions of officers as the right ones in the circumstances, complying without any resistance. Whereas capitulation was an acquiescence to the police, an acceptance that (even if they might disagree) the police had the authority to behave/act as they were. The ‘sixth posture’, compulsion was created due to the numerous cases involving a simultaneous co-occurrence of compliance with resistance. Whilst capitulation suggests an acceptance of the regulator’s authority, compulsion was associated with challenging/questioning authority.

Postures of compulsion share with resistance the same sense of grievance and protest at the regulator’s (here, the police’s) behaviour but are distinct both behaviourally and attitudinally. Behaviourally, the compelled comply, the resistant defy. For example, in contrast to Observation Case 7 who—whilst pushing back against their decision—answered officers’ questions, accepting an on-the-spot PND, in Case 14, having been evicted from a bar, a woman refused officers’ requests to go home, repeatedly swearing at them until she was eventually arrested. Attitudinally, resistance and compulsion are both
associated with a strong grievance, but the former is associated with a weak moral self (Braithwaite, 2017, p. 37). Compulsion, however, was associated with a strong grievance and a strong moral self. Indeed, the grievance stemmed from officers’ failure to treat them in a distributively and procedurally fair way and recognize them as a person who had behaved in a morally (if not necessarily legally) acceptable way; for the compelled resistance thus manifest as an appeal to, rather than a rejection of, or attack on, officers.

The role of distributive and procedural (in)justice in (non-)compliance in the NTE

Where people were convinced or cajoled into compliance, this was associated with processes that reflect values of procedural fairness: listening to people’s accounts of events, empathizing, being respectful, explaining their response etc. Thus, for example, in Observation Case 16, the man was arrested after refusing to move on and being abusive towards an officer as he sought to find out if they had arrested his friend. His arrest points to an initially resistant posture and refusal to heed officers’ warnings. On arrival at the station he became jovial, telling officers ‘I’m too old for all this’; rather than an expression of genuine remorse, this seemed to be a move from resistance to game-playing, looking to charm officers into treating him more leniently. This more compliant behaviour led to him being de-arrested and issued with an on-the-spot PND in the police van. After which he asked after his friend, but was told:

[he] couldn’t discuss it as it was confidential ... just like [earlier] ... he couldn’t tell him as perhaps his friend wouldn’t want him to know ... the man replied ‘to be fair if your colleague had told us that at the time we’d be alright, but he wound us up’.

Having initially been arrested, Case 8 moved from a defiant to compliant posture, capitulating to the officer’s decision when treated with procedural fairness—the officer explaining his actions and treating the man with respect. During observations, being told they were not going to be arrested or else that they would ‘only’ receive a PND/dispersal order (when a more serious punishment may have been anticipated) was often coupled with a shift from compulsion to capitulation. People no longer sought to ‘state their case’, their case had been heard.

The research highlighted the context-specific nature of respect. Officers sometimes swore at/in conversation with people, but, as this mirrored the individuals’ language, it was ‘well-received’. Tone is everything, but this is difficult to capture in survey-based research. Notably, one survey respondent agreed the officer was polite but elaborated in the interview that they were ‘aggressively polite’, their politeness was seen as a means of exerting authority rather than as a mark of respect (Interview 6). Respect is not just expressed through (polite) words but through body language and tone of voice and most importantly by listening to the individual and explaining why officers were taking the action they were. Positive engagement operationalized officers’ respect for the offender, the neutrality of their decision-making and their trustworthiness. Resistant behaviours—both compulsion (compliance) and resistance (non-compliance)—manifested as calls to have their version of events heard. Voice or the denial thereof was central to resistance. It was common, both in interviews and during observations for people to comment ‘I—or if they were talking about a friend, they—haven’t done anything!’ People would say this even where they had quite clearly broken the law. Instead, disagreement stemmed from a belief that their behaviour was not sufficiently serious to warrant (that/any) action, a rejection of the (implied) label ‘offender’ (they did not need to be punished, a warning would have sufficed), that others had done the same or worse.
and, more rarely, complaints that they had been provoked by officers. Similarly, participants in Snow’s (2019, p. 147) study of (mostly traffic) FPN recipients and Wells and Savigar’s (2019) research on driving offenders found that people might accept they ‘technically’ broke the law but distinguish themselves and/or their circumstances as undeserving of punishment/justifiable. People resist the police when they feel ‘wronged’. They appear to take cues on distributive fairness, from the procedural fairness of the treatment they (do or do not) receive. Whether police actions (and outcomes, where PNDs were issued) were seen as distributively fair and/or favourable depended on the circumstances of the offence as well as the way officers presented their decision to intervene/take action.

Procedural fairness may then help inform judgements about distributive fairness by informing people’s understanding of officers’ reasoning and motives. Officers sometimes ‘sold’ their decisions. For example, in Case 10, a man who was stopped for urinating in public was told he could get a ticket, but as he had been discreet and his attitude was ‘spot on’ he would not this time, but that if they saw him again he would be in trouble. Decisions were also sold by presenting formal action as the only/‘least worst’ outcome. Such sales pitches might generate a sense that officers are acting with neutrality and trustworthiness as well as appealing to the individual’s moral self and promoting a sense of voice/participation as officers are essentially saying ‘I am recognising you as a person who “only” needs this (less serious) intervention’. This might also appeal to game-players who will feel that they have won a concession. However, attempts at a sales pitch did not always ‘hit the mark’. In Case 13, a woman received a drunk and disorderly PND and written direction to leave the area after slapping a doorman who had ejected her from a bar. She was told she could be arrested and charged with assault but instead would ‘just’ get a PND. She was compelled to accept these punishments, but demonstrated ongoing grievance, arguing that she had been warranted in her actions due to the bouncer’s behaviour towards her.

The importance of distributive fairness, and its relationship with procedural fairness, found here is supported by research from McLean (2018, 2019) and Maxwell et al. (2020). Procedural fairness might encourage a sense of distributive fairness (and vice versa), however, a procedurally fair process cannot overcome the (legitimate) sense of unfairness that comes from being treated differently to others, that is, experiences of distributive unfairness. Whilst distributive and procedural fairness might be conceptually distinct, they are inherently linked. Apparent distributive unfairness raises concerns about officers’ neutrality, their motives, and their trustworthiness (i.e. their procedural fairness). The sense of distributive unfairness might be particularly acute during police–citizen interactions which happen in public places if people can see they are being treated differently to others. For example, in Case 19, two men resisted officers on the grounds that they had been held back, whilst the group they had argued with had been allowed to walk off without comment.

**Long-term compliance: a(nother) special case?**

A survey of PND recipients (N = 73) —who received tickets for a range of offences, including section 5, drunk and disorderly, theft, and possession of cannabis—found that, in keeping with the observation data, procedural and distributive justice were significantly associated with short-term compliance (measured as self-reported willingness to accept the officer’s decision). However, contrary to much of the PJT literature, neither procedural

6 Schafer and Mastrofski’s (2005, p. 232) research on traffic enforcement encounters in the USA also found officers used ‘sales pitch(es)’.
nor distributive justice were associated with perceptions of (legal) legitimacy. Nor were measures of procedural or distributive fairness directly associated with payment of the PND (mid-term compliance) or long-term compliance, measured as self-reported reoffending (Grace, 2014a, pp. 295–300). Whilst 40% of respondents agreed they were more wary of being caught breaking the law (N = 70), 44% agreed that, were they in the same situation again they would behave the same way (N = 69), and 34% admitted that they had committed the same offence subsequently (N = 59), with repeat offending most commonly reported by respondents who had received PNDs for possession of cannabis, drunk and disorderly, and public urination. This tension between PNDs on the one hand, providing an awareness of the possibility of being punished, whilst on the other, not necessarily affecting behaviour was highlighted in Interview 6 (on-the-spot, s5 PND for public urination, paid):

I haven’t done it again, I er, that’s a lie [sounds incredulous, as though he is surprised at himself] I have done it again, I’m just really careful to look out for police officers beforehand . . .

The distinction between the PND survey and existing literature (discussed above) with regards to the role of procedural justice in long-term compliance may, of course, simply reflect deficiencies in data gathered from a small convenience sample. Equally, however, these findings do mirror Jackson et al.’s (2012) and Bradford et al.’s (2015) findings for traffic offences where, similarly compliance was—unlike in other contexts—not directly related to procedural fairness and (thereby) legitimacy. Jackson et al. (2012, p. 10) reasoned that traffic offences’ failure to fit with the existing model might reflect that such offences are not seen as ‘truly criminal’. Whilst people might be generally law-abiding, traffic offences were not seen as ‘real’ law. For traffic offences, compliance was driven by personal morality and, to a lesser extent, perceived risk of being caught. Disorder offences and cannabis possession might too present a ‘special case’ with regards to the (lack of) influence of procedural justice on police legitimacy and long-term compliance. Legitimacy rests, in part, on normative alignment, but this may be harder to achieve for disorder given the contested nature of ‘order’. Distributive fairness might also be more important in contexts where whether behaviour is ‘wrong’ is contested and police responses vary. Months, and sometimes years, after the ticket had been issued, some survey respondents and interviewees still felt passionately that they had been harshly treated (Grace, 2014a, pp. 261–268). As summed up by one survey respondent:

I was treated like the scum of the earth. I’m 34 I’ve worked my whole adult life in public services. I’ve never treated anyone so disrespectfully over something so trivial (ON8, on-the-spot, urinating in public, paid).

These findings highlight FPNs’ potential for generating long-term grievances against the police. However, it must be recognized that the ongoing anger of survey respondents may well have been the reason they chose to participate in the research; this was not a representative sample. The possible distinction between crime and disorder in the applicability of the PJT model needs to be explored through further research, using larger, representative samples.

A note on mid-term compliance

The focus in this article is on short- and long-term compliance as these are more pressing issues for policing social distancing; however, it is worth noting that both the ticket analysis and survey data suggest that whether or not people pay their PND, that is, their mid-term compliance, may be driven by their ability to pay (Grace, 2014a, b). Document analysis of PND tickets found that students (77%, N = 22) and the employed (68%,
were significantly more likely to pay their PND than unemployed recipients (33%, \(N = 87\)) (\(\chi^2 = 23.893, \ df = 2, \ p < 0.001, \ Cramer’s V = 0.374\)). Similarly, a survey of PND recipients (\(N = 73\)) found that ability to pay was the only factor associated with whether the PND was paid or registered as a fine. Neither procedural nor distributive justice were associated with whether people paid (Grace, 2014a, pp. 284–291). This was a small, convenience sample, which over-represented those that paid their PND as compared to national data, so these findings should be treated with caution, but they do highlight concerns about the choice of financial penalties as an enforcement strategy—particularly the use of FPNs—given their inequitable impact. The burden of punishment will fall more heavily on those who are less well off (i.e. those already likely to be most detrimentally affected by coronavirus). This was starkly highlighted by one survey respondent who described the fine as ‘exploiting[,] my fine was £80 suddenly £120 I was [on] £128 per fortnight jobseekers [employment benefit] … I thought fair enough I will do a few days in prison’ (SN32, in custody, theft PND, unpaid). People’s ability to pay could, therefore, lead to very different outcomes. Whilst whether or not people pay fixed penalties is not an immediate concern for police forces, such distributive unfairness could offend the democratic collective self and encourage resistant and/or dismissive postures making it harder for officers to secure voluntary compliance in the short- and/or long-term.

### Achieving compliance during police–citizen interactions

Existing research on motivational postures and PJT is supported by the data presented here: when officers act in ways that are perceived as being procedurally fair, people are more likely to cooperate/comply with them, procedural fairness discourages resistant postures. This further highlights the importance of a procedurally fair approach. Analysis of observational research allows for consideration of the relational and interactive nature of ‘compliance’; exploring when and why people move between different motivational postures. If authorities can understand people’s motivational postures, they can tailor their response to increase the likelihood of compliance. MPT sets out five postures, whilst this research proposes a sixth: ‘compulsion’. Whether there is a distinct sixth posture that people hold in relation to authorities remains to be tested empirically via survey research. What this observational research suggests is that when trying to assess others’ motivational postures—as the police would be tasked with doing during encounters—it may be useful to think of six. In this extended model, there are three compliant postures, which might be best summarized as signalling: this is fair (committed), this is fair enough (capitulated), and this is not fair (compulsion). Resistant postures also signalled that sense of unfairness, but this was coupled with a defiance of officers, for example, refusing to answer questions, heed warnings, etc., whereas the compelled (ultimately) do as told. In policing the Coronavirus Regulations, if the police focus purely on achieving compliance, rather than how (and why) that compliance achieved, they might secure cooperation in the short-term but, according to the wider evidence on MPT and PJT, negatively impact on perceptions of police legitimacy (see further below). This sixth posture ‘compulsion’ therefore helps focus attention not just on whether compliance is achieved but how, recognizing the risk to future legitimacy posed by only achieving compliance through coercion or the threat thereof.

### Policing social distancing

The research presented here suggests proposals for policing social distancing, both during encounters and with regards to longer-term compliance with the Coronavirus Regulations. It also highlights the ways in which policing social distancing may impact on police legitimacy beyond the virus. These lessons will be considered in turn.
The College of Policing and NPCC (2020) have adopted a four-step strategy of: engage, explain, encourage, and enforce. Whilst four stages are set out, fundamentally they boil down to: step one—persuade and step two—enforce. Persuasion—or, to fit the existing enforcement model (Table 1), what we might term, negotiated self-regulation—should bolster the moral self and encourage postures of commitment (and compliance). Where officers are met with resistance, procedural fairness, that is, demonstrating neutrality and trustworthiness, giving people a voice and behaving respectfully, may make recourse to coercive measures to enforce compliance less likely. The terms engage, explain, and encourage highlight the strategy’s roots in procedural fairness; however, the guidance focuses largely on officers as information-givers, for example, they will ‘educate people’ and, amongst other things, ‘emphasise the benefits to the NHS by staying at home’ (Brown, 2020, p. 7). Whilst this explanation will be important, procedural fairness requires a two-way dialogue. It will be equally (if not more) important that officers listen to people’s accounts for why they appear to be circumventing regulations and, recognizing the subjectivity of the concept of a ‘reasonable excuse’, appreciate that people may not be intentionally breaking the rules.

To enforce social distancing rules, officers have been given the power to issue FPNs. This research, however, questions officers’ ability to issue such fines on-the-spot to (non-compliant) pedestrians. The dynamics may be different when stopping people in vehicles. When issuing PNDs, people who failed to follow informal warnings were more likely to be arrested; non-compliant people do not/cannot accept tickets. For those displaying compulsion, who only comply once threatened with and/or issued with an FPN, MPT (as well as the, albeit very limited, data here) would suggest a ‘sales pitch’—highlighting the potential (more severe) sanctions (e.g. prosecution and much higher fine) they are avoiding—might appeal to their inner (status-seeking) game-player, encouraging a posture of capitulation (over compulsion). However, observations in the NTE suggested that such sales pitches may not always ‘hit their mark’, especially where people have a strong (and perhaps justified) sense of distributive unfairness because they can see others not being punished. Such as, for example, where the police walk past a group of middle-aged people to intervene in a group of young men playing football at a public park.

Selective law enforcement is not only routine but also necessary to the functioning of the police and the criminal justice system as a whole (Goldstein, 1960). In keeping with existing laws, not all breaches of the Coronavirus Regulations will be visible; officers will receive reports from third parties and come across (potential) breaches during patrols. Officers will have the discretion to decide when, and where, to intervene, who to fine and/or arrest. Whilst there is a notable gap between the law and the more comprehensive (and far more widely publicized) Government guidance, ‘even the most precisely worded rule of law needs interpreting in concrete situations’ (Reiner, 2010, p. 207). Officers will, understandably, rely on their existing ‘working rules’ and cultural values to navigate this vacuum; despite calls for consistency, enforcement action may, therefore, fall more heavily on some groups/locations than others, with, as we have seen, differences between forces (Charman, 2017; NPCC, 2020). Where officers meet resistance, cultural norms may encourage them to punish those who fail the ‘attitude test’ (Loftus, 2010, p. 10). This research suggests, however, that such resistance, rather than coming from a rejection of the rules, may instead reflect people’s feelings that have behaved acceptably in the circumstances and that officers have failed to take on board (what they see as relevant) mitigation and, as a result, mis-labelled them as an ‘offender’. Their resistance is thus a plea to be re-categorized as a law-abiding citizen and have their moral self appeased.

Existing cultural norms may encourage officers to focus attention on ‘the usual suspects’ (Medina...
Conversely, the need to prioritize public health may lead them into interactions with people who normally avoid police censure. Such people may have a strong moral self and thus be particularly aggrieved by police attention, leading to resistance. Equally, in the absence of a history of conflict, they could be less likely to come to the encounter with a posture of resistance or dismissiveness and be better placed to navigate it in a way that wins leniency. They could also be more inclined to interpret officers’ treatment as procedurally fair and/or receive such procedurally fair treatment (Sargeant et al., 2018). Initial data show that, in England, 13,445 FPNs were issued between 27 March and 11 May 2020, 81% to men and 69% to people aged under 34 (NPCC, 2020). Whether FPN use mirrors the disproportionality seen in stop and search is difficult to gauge as 25% of tickets omitted ethnicity data. However, elsewhere, in New York and New South Wales, for example, ‘minority communities are disproportionately targeted by ramped-up policing that has accompanied the enforcement of lockdown measures’ (Letin, 2020). New powers may thus exacerbate existing distributive unfairness in police attention and existing tensions.

In policing social distancing, there is a risk of resistance not just from the individual(s) initially approached, but from bystanders (and subsequently the wider community), creating the potential for public disorder and/or collective disorder. This was seen in a Manchester case; an officer threatened to use incapacitant spray on a person accused of breaching social distancing rules (Busby, 2020). The democratic self will be attuned to how, where, and when these new social distancing rules are enforced. In that case, the person’s neighbours (one of whom filmed parts of the encounter, which was later published (Lachey, 2020)) started to resist the officer and ultimately there were a group of people and a second police car at the scene. Complaints can be heard from neighbours that the officers’ intervention, particularly his threat to use PAVA (incapacitant spray), was excessive. Voice will be central to policing social distancing with legitimacy; officers need to be open to suspects’ explanations for any assumed breaches of the rules. Threats of force, as seen in the Manchester case, may be met with resistance, not least because whether people’s behaviour falls within (the permitted) ‘reasonable excuses’ is subjective. If officers’ assessments of what is ‘reasonable’ fail to match those held by the communities they police, resistance is likely to follow. If they consistently do this, there is potential for major rioting (Reicher and Stott, 2020). Engaging with communities to develop a shared understanding of ‘reasonable excuses’ and explaining the reason for police interventions when they occur should help operationalize neutrality and trustworthiness as well as the distributive fairness (perceived deservedness) of receiving police attention. Wherever possible, officers should abide by the Regulations themselves, that is, keeping a safe distance (2 m), not gathering in groups, etc. This is not only necessary for officers’ safety but to operationalize respect, by minimizing the risk to citizens (a point that was noted by the videographer in the Manchester video, who commented they were ‘all risking corona[virus] because of him [the officer]’). By respecting the rules, they are seeking to enforce, officers can further demonstrate neutrality and trustworthiness, appeasing the democratic collective self.

In the short term, whilst procedurally and distributively fair policing may encourage voluntary compliance, for those who refuse to heed officers’ informal directions, my research suggests it is unlikely that officers will be able to issue them with fines on-the-spot; only 3 (of 49) non-compliant offenders were issued with PNDs on-the-spot, 2 were initially arrested, the other received a ticket the next day. Non-compliant people are unlikely to willingly accept fines, although they may be compelled to do so. In those cases, where people remain non-compliant despite officers’ attempts at persuasion, arrest remains an option but a decision needs to be taken about the relative risks/
rewards of enforcing the rules via arrest given the risk this poses to officers’ health and the risk that officers inadvertently become super-spreaders during subsequent contacts with the public as well as the risk to legitimacy posed by compulsion. Forces should heed the NPCC’s suggestion that enforcement action be a last resort. As Platts-Fowler (2013, pp. 24 and 25) notes with regards to riots ‘arrests in the imminent or early stages of unrest, of people deemed to be doing little wrong by their peers, become symbolic’. To return to Manchester case, the force’s quick public response—that the officer’s actions were wrong, and he was now under investigation—should appeal to local citizens’ democratic collective self as well as reducing the likelihood that the police will be cast as an ‘out group’ (Reicher and Stott, 2020, p. 1).

Achieving compliance with social distancing rules

MPT and PJT have developed largely separately, however, the importance of—what Braithwaite terms—the moral self is also supported by procedural justice literature which (whilst highlighting the relationship between legitimacy and compliance) has found personal morality to be the strongest predictor of law-abiding behaviour (Hough et al., 2013). This relationship is particularly strong with regard to traffic offences, where police legitimacy was not related to compliance (Bradford et al. 2015; Jackson et al., 2012). The best route to compliance with the social distancing rules is, therefore, by bolstering people’s normative alignment with the Regulations. Officers can do this to an extent through their strategy of ‘engage, explain, encourage’ but promoting moral alignment with the rules is not the sole remit of the police (and is therefore largely beyond the scope of this article). Suffice it to say, such wide-scale posture-building activity was reflected, for example, in the state support for, and promotion of, the (initially community-led) weekly ‘clap for carers’. Conversely, news that the Prime Minister’s most senior advisor Dominic Cummings had travelled 260 miles so as to isolate in closer proximity to suitable childcare, whilst, at the same time, the government were instructing people to ‘stay home’ might undermine commitment and promote dismissive postures, making defiance more likely and the Regulations harder to police (BBC, 2020). Indeed, that this news may have bred a sense of disjuncture between the government and the people was perhaps best illustrated by the (usually pro-Conservative) Daily Mail front page, which asked ‘...the question the whole country is asking ... What planet are they on?’ (Groves, 2020). The above section suggests means of dealing with ‘pockets of resistance’ from small groups. However, there is a risk that over time, growing resistance and/or dismissiveness would see a mass evasion of the rules. This would suggest that most people are no longer committed to them, thus questioning their legitimacy. This is reminiscent of the mass evasion of the poll tax in the 1990s (Hoggett and Burns, 1991, p. 106):

The crucial thing about the poll tax ... was that it offered everybody the opportunity of making an individual act of defiance. In this way ‘not paying’ became a direct and immediate personal statement, a ‘fingers up’ to the ‘powers that be’, a focus for the suppressed hatred that so many people felt for Thatcherism.

There is a very real risk, particularly in light of the news of, and public response to, Dominic Cummings’ apparent breach of the Coronavirus Regulations (BBC, 2020a), that mass defiance of social distancing rules becomes similarly symbolic. In such an event, just as with poll tax, the rules, rather than the policing thereof, may need to be revised. Public anger rests on an apparent distributive unfairness in the application of the rules, that it is one rule for us (the people) and another for them (the elite) (BBC, 2020b); being seen to address this inequity will be important in (re-)building commitment.
As set out in Table 1, MPT suggests that effective regulation requires different enforcement strategies depending on the regulatee’s posture. This reflects an approach of responsive regulation, which proposes an enforcement pyramid (J Braithwaite, 2020, 2011):

[beginning] with respectful and cheaper strategies at the base. This allows virtuous actors to voluntarily comply with reminders about standards, while rational actors calculate that it is in their interests to comply. (Healy, 2017, p. 603)

The responses of the regulatee to interventions drawn from the base of the pyramid are the ones that determine if, how far and when the regulator escalates up the pyramid. (Drahos and Krygier, 2017, p. 5)

Research on deterrence in fields as disparate as corporate crime and gang violence have highlighted the value of having multiple levers to pull, with multiple treatments being more effective than any single intervention (J Braithwaite, 2016; Schell-Busey et al., 2016). ‘An integral part of . . . [responsive regulation] is to provide opportunities for dialogue’ (Braithwaite et al., 2007, p. 154). Procedural justice is thus important not only in individual encounters but also in the design of the regulatory system; key stakeholders from the community should be involved in developing the enforcement strategy and enforcement should be coupled with education. Enforcement options for the Coronavirus Regulations are limited to FPN or prosecution (and a fine on conviction). A more reintegrative and/or restorative, tiered, approach—drawing on existing powers, using different community resolutions (nearer the bottom of the pyramid) and conditional cautions (nearer the top)—is likely to present a better deterrent than solely financial penalties. The introduction of deferred FPNs—cancelled on completion of the conditions set out, operating in much the same way as existing PNDs with an education option—could offer a better interim measure, reducing the unnecessary criminalization that would occur from using conditional cautions. A restorative approach would see conditions which require offenders to contribute to the coronavirus relief effort in some way. This could appeal to the individual’s moral self, allowing them to ‘do the right thing’ and make a recognized, valuable contribution. Being more distributively fair than financial penalties—which disproportionately affect poorer people—this might also appeal to the democratic collective self (although distributive fairness also depends on whether powers are used disproportionately against some groups). It might, too, enable officers to engage with offenders’ status-seeking self. If someone is breaking the rules—going for a drive because they were bored, for example, as in one early case (Williams, 2020)—giving them a community resolution (in that case a legitimate reason to travel, by delivering supplies, for example) satisfies the offender’s desire to find loopholes. Their status-seeking self may also value the social capital to be gained from contributing to much-needed relief efforts. Avoiding more severe penalties might also appeal to their sense of competition. Adopting a partnering approach such as this is the alternative to domination when trying to secure compliance for the dismissive (Murphy, 2016). Financial penalties and prosecution could then be reserved for those who fail to meet these conditions.

The challenge of policing social distancing: preserving legitimacy

The wider evidence on procedural justice highlights that perceptions and experiences of procedural justice affect police legitimacy, which, in turn, is related to future willingness to cooperate with the police and to comply with the law; the impact of policing coronavirus may, therefore, be felt long after the Regulations are lifted. From the existing MPT and PJT literature, as well as the research
presented here, a number of different hypotheses follow about how policing social distancing will affect police legitimacy. In the absence of lockdown-specific evidence, the following (empirically derived) hypotheses might serve as a (temporary) guide for how to police social distancing in a manner that can best preserve legitimacy. In sum, if officers act with distributive fairness (follow the rules and apply them evenhandedly) and procedural fairness—listen to people (allow them a voice), treat them with respect, and demonstrate neutrality and trustworthiness by explaining their actions—this will promote a sense of procedural fairness and, in turn, police legitimacy, encouraging compliance at the scene. Whether this will promote future cooperation with the police and long-term compliance with the law in general—as seen in other police legitimacy research (Reisig et al., 2007)—is unknown. Early research, however, suggests that—as with traffic offences (Bradford et al., 2016; Jackson et al., 2012) and, as suggested here, disorder offences—voluntary (long-term) compliance with the Coronavirus Regulations may not be related to legitimacy (Jackson et al., 2020). Social distancing rules may be contested. The key to long-term compliance would seem to lie in building public commitment to the Regulations (which is largely outside of the remit of the police). Compliance may, therefore, rest on the legitimacy of these rules specifically, rather than the police or law in general. The Regulations serve an expressive function, communicating to people both how they ought to behave and setting expectations about how others will behave (Jackson et al., 2020). Ordinarily, ‘law-abiding’ people, balancing competing pressures, will sometimes choose to break rules in an attempt to satisfy other (seemingly to them, legitimate) goals, (unlawfully) using a mobile phone to call home whilst driving in order to be a ‘responsible parent’, for example (Wells and Savigar, 2019, p. 243). The Prime Minister’s defence of Dominic Cummings’ breach of the Regulations, praising him for acting on his ‘instincts’ as a ‘parent’, may thus undermine commitment to social distancing rules providing, as it does, a state-sanctioned ‘alternatively constructed “good” citizen’ beyond the simply law-abiding one and, thereby, providing justification for defiance of the rules (Wells and Savigar, 2019, p. 263; BBC, 2020b).

During interactions with the public, officers should be attuned to people’s motivational postures. Procedural and distributive fairness should reduce resistance. Distributive justice may also reduce dismissiveness (but this hypothesis is previously untested). Personal morality is the strongest predictor of compliance. Officers can bolster the moral self by appealing to people as ‘good citizens’ during encounters, treating them with procedural fairness and more generally by public education campaigns promoting the virtue of adhering to the rules. A lack of clarity in the rules, such as that seen in the move from a message to ‘stay at home, protect the NHS, save lives’ to ‘stay alert, control the virus, save lives’ will likely make officers’ job more difficult (Department of Health and Social Care, 2020; Police Federation, 2020).

**Future research in relation to policing social distancing**

The above hypotheses should be tested; there is an urgent need for research in this field. Direct observations will not be possible—due to the current restrictions—analysis of body-worn camera footage and citizen journalism would provide a means to assess (the dynamic nature of) compliance in situ. Panel surveys would allow for examination of the factors which affect legitimacy and/or compliance over time (Jackson et al., 2020). Data on where, when, and against whom enforcement powers are used should also be collected; it will be necessary to consider the both how the powers granted by the new Regulations and existing powers (such as PNDs and other out of court disposals) are used in policing social distancing. The above hypotheses follow from the research presented; however, the wider evidence suggests perceptions of police effectiveness and lawfulness will
also impact on legitimacy (Jackson and Bradford, 2019; Tyler, 2019). These should be examined also. In future it would be worth comparing the policing social distancing with other scenarios, to consider whether issues of fairness, legitimacy, and compliance play(ed) out differently in that new context (as they appeared to in the PND survey discussed here, and prior research on traffic offences; Jackson et al., 2012). Whether the sixth posture—compulsion—is evident in other contexts should also be tested. It may be that compulsion, whilst useful for assessing compliant behaviour in situ, is less applicable when measuring people’s attitudes to authority more generally. This concept, and the operationalization thereof, should be examined through further research.

Conclusion

The purpose of these new powers is the promotion of public health. That fact should be at the forefront of any/all attempts to formally enforce social distancing regulations. There is no blueprint for policing in the age of coronavirus, the dynamics will be different to other circumstances with which the police are familiar, but we can learn lessons from when police forces have successfully maintained legitimacy and gained compliance. Whilst tasked with enforcing the rules on social distancing, in practice, lessons from existing research on the use of PNDs, procedural justice and MPT suggest that it is (physical distancing and) social alignment that should be the goal. A PJT/MPT informed approach provides a model, rather than a script for working, (as ever) officers will need to tailor their approach to the person(s) before them. In doing this, these theories suggest that, in the short term, officers should be attuned to the different motivational postures people are demonstrating, adjusting their response accordingly. If forces want to (gain and) maintain legitimacy, then it is at the best commitment they should seek, or at least capitulation, that is, willing compliance ‘this is fair’ (capitulation) or ‘fair enough’ (capitulation). The posture of compulsion has been introduced here to reflect the constraint-based (unwilling) compliance that officers should seek to avoid: compulsion would be suggested by people who continue to challenge officers’ assessment that they are in breach of the rules, arguing that they have not done anything wrong. Enforcing the rules through the threat or use of an FPN or arrest should, in such cases, be avoided and further dialogue sought. Compulsion is likely to damage legitimacy long after regulations are lifted. Procedural justice can reduce such resistance and enhance legitimacy. Perceptions of distributive justice are related to procedural justice (see also Grace, 2014a; McLean, 2018, 2019). Voice is central: allow people to tell their side, explain their actions/motivations, by doing so (i.e. by being procedurally fair), officers demonstrate they are being distributively fair (i.e. evenhanded/proportionate).

Enforcement should be reserved for those with dismissive postures, those with an unwavering attitude of ‘you can’t tell me what to do’. Even here, the value of financial penalties is questioned; better to first seek punishments based on principles of restorative justice. Whilst officers have been given powers to enforce the Regulations, coercion and voice offer very different means of achieving the same ends, with very different consequences for police legitimacy in the long term. Persuading—from a safe distance—rather than coercing compliance is a prudent, less-resource intensive and, fundamentally, safer approach than resort to coercive powers. Heavy-handed enforcement risks triggering resistance in individual police–citizen encounters, but also more broadly within communities leading to collective disorder (Reicher and Stott, 2020). The police have been given a difficult job, but it is vital they get it right. Whilst (long-term) voluntary compliance with social distancing rules may rest on building public commitment to the Regulations, in the short-
term, the research suggests that procedural and distributive justice will be key to reducing resistance during police–citizen encounters and policing social distancing with legitimacy and by consent.

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