

Contemporary Issues in Policing

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Introduction

Legitimacy and trust; two powerful yet contentious words intrinsically linked to improving public confidence in policing (IOPC, 2022a), yet after decades of academic research, why is there a public trust deficient, that's resulted in a significant crisis of confidence and legitimacy (Barber, 2022; James, 2018).

This paper considers whether public trust and confidence can be rebuilt and concludes that procedural justice and police visibility are pivotal to repairing fragile public-police relationships.

Overview

Policing's most precious asset is its collective reputation and the confidence it inspires (IOPC, 2022b; LCN, 1993). The public expect those in policing to be highly professional and to act with tolerance (Haberfeld and Cerrah, 2008). Nothing less than the notion of democratic policing will suffice (Bradford, 2014).

Whilst there's no agreed definition of democratic policing (Haberfeld and Cerrah, 2008), Sklansky (2008) argues, it's impossible to agree a definition because the public's ideas about democracy and policing, inevitably flux. There are, however, recognised fundamentals to democratic policing, including policing being accountable to the law (Haberfeld and Cerrah, 2008), respecting citizens' rights, decisions being procedurally fair and equitable (Bradford, 2014; Jones et al., 1996) and using minimal force (Bonner, 2020).

Research offers credence that policing across Britain, is not routinely corrupt (Haberfeld and Cerrah, 2008), yet high-profile cases such as the kidnap, rape, and murder of Sarah Everard by Wayne Couzens, a serving Metropolitan officer, shook the entire country and violated community values. Police officers are envisioned as public-protectors (Palmiotto, 2002), thus a dark shadow was cast over police legitimacy and had a catastrophic impact on public trust and confidence (IOPC, 2022a; IOPC, 2022b; HMICFRS, 2019).

When police scandal hits the media headlines, there's a tendency for the whole notion of British policing to be lambasted by the media and public alike, thus police-community relations suffer (IOPC, 2022b). Nix and Pickett (2017), offer an alternative perspective, hostile media reports also influence how officers see the public and there's a tendency for officers to make sweeping assumptions the headlines have fuelled a legitimacy crisis and worsened public attitudes towards them, resulting in officers becoming passively-aggressive towards the public (Oliver, 2017; Shjarback et al., 2017) and thus, police-public interactions become even more volatile (Nix and Pickett, 2017).

According to Reiner (2000), policing has a repetitive cycle of scandal (cited in Habermas and Cerrah, 2008) and despite governmental efforts to ensure ethical standards are met, through legislated standards (Home Office, 2020), each reported incident of corruption, unravels efforts made and further erodes public trust and confidence. Thus, it poses the question, of whether public trust and confidence can ever truly recover.

Public perceptions resonate heavily with the traditional values of British policing (Innes et al., 2020). This peculiarity is traced back to the Peelian Principles (Peel, 1829), which established the fundamentals of policing by consent and became heavily reliant on public trust and cooperation. Without cooperation, arrests decline, evidential opportunities are lost and communities become ungoverned (Bolger and Walters, 2019). Yet alarmingly, 20 decades later, there's a public-police confidence crisis, of grave concern, with just 55% of the public having confidence (ONS, 2020).

Policing will only receive cooperation if the public believe people will be treated with fairness and respect (Barber, 2022). Thus, any police actions perceived unfair, disrespectful, or corrupt, can damage legitimacy and threaten confidence in a heartbeat, therefore it's crucial when failings occur, they are addressed promptly (HMICFRS, 2016). Research shows positive perceptions of police trust and confidence, result in greater public engagement and higher levels of compliance (Myhill and Bradford, 2012) and the more the public supports the police, the greater the scope to prevent and detect crime (HMICFRS, 2016).

Largely, academic studies on community-based policing theories, agree there are significant benefits to community engagement in terms of increasing trust and confidence and enhancing community intelligence (Wyckoff, 1988; Trojanowicz and Bucquerozux, 1990; Fielding, 1995) and there's strong evidence, visible, engaged and responsive local-policing is highly effective and critical to improving public confidence (Innes et al., 2020; Barber, 2020; Bradford et al., 2009; Jackson and Sunshine, 2007; Skogan, 2009). However, some communities see increased police visibility threatening to their security, particularly amongst communities with bad experiences (Mille, 2010; Scarman, 1981; Lister and Rowe, 2016).

Macpherson (1999) argues, there's a distinct lack of trust within Black communities, stemmed from decades of overpolicing and heavy-handed enforcement tactics (Tyler, 2005), which remains unchanged today (Etienne, 2020).

Nonetheless, Barber (2020), argues for neighbourhood-policing to be reinvigorated, to build and sustain police legitimacy, improve public confidence, and build resilient, cohesive communities (NPCC, 2016). Supporting research shows in 2015, 71% of the public reported high-levels of police visibility improved confidence (ONS, 2015) and in 2018, 78% of respondents agreed, police visibility was key to improving trust and confidence (HMICFRS, 2018).

Discussion

Extensive research evidences policing with legitimacy, encourages public cooperation and compliance with the law, and increases public trust and confidence (Jackson et al., 2012; Worden and McLean, 2017; Tyler and Huo, 2002; Sunshine and Tyler, 2003a; Tyler, 2006).

Legitimacy is the belief legal authorities are entitled to direct and enforce the law and people are morally compelled to conform (Bolger and Walters, 2019), thus, people cooperate with legal authorities, because they believe its right and proper and, it appeals to a persons inner sense of obligation (Sunshine and Tyler, 2003a). According to Hinsch (2008), it's helpful to differentiate concepts and conceptions of legitimacy. A concept outlines the fundamental meaning and role of legitimacy and conceptions, stipulate the criteria that must be met, to be considered legitimate. Hinsch (2010) argues, a system can only be legitimate when the public grants its legitimacy, and this notion, draws upon the notion of policing by consent (Peel, 1829). Additionally, the public put their trust in policing under the notion of normative concepts of legitimacy, they have bought into the ethos of legitimacy and accept socially accepted norms.

In a policing context, Tankebe (2007; 2013) defined police legitimacy as being underpinned by three interlinked-dimensions, that must co-exist between the police-public for the police to be regarded legitimate (Jackson and Bradford, 2010). Firstly, the obligation to obey through consent, thus people feel obligated to obey because they believe in societal values, secondly; a moral alignment and a sense the police are working in the public's best interest and thirdly, legality; policing must conform to its own rules.

According to Jackson and Bradford (2017) legitimacy is a dual-layered facet, on one level the police have been trusted with powers to govern the public, to keep the peace and maintain social order and on another level, legitimacy is seldom tested (Manning, 2003), yet it's more inclined to be scrutinised when policing is engaged in events (Mawby, 2002) and examples of the public pushing back and questioning police legitimacy are becoming more so.

In the days following Sarah Everards' murder, women feared for their safety, and members of Reclaim These Streets (RTS) proposed holding a vigil. At the time, COVID-19 regulations imposed restrictions on gatherings, and a High Court judgement, initiated by the police, ruled the gathering would be unlawful, and consequently, RTS cancelled the vigil.

Nonetheless, members of the public met as originally planned, and a protest erupted. Police officers utilised their powers and made multiple arrests. Photographs and videos of women being manhandled by officers, flooded media sources. This sparked denunciation of police legitimacy by the media, public, and politicians alike, including the Home Secretary and Mayor of London (Patel, 2021b; HMICFRS, 2021). In this context, public cooperation and compliance with the law is critical to maintaining social order (Jackson and Bradford, 2010), yet as argued by Tyler (2008, pg.803), 'decisions made by police officers and judges mean little, if people fail to take them seriously, and laws lack importance if they do not affect public behaviour'.

In the spirit of striving for police legitimacy, public trust and confidence are pivotal in addressing the shifting levels of legitimacy (Jackson and Bradford, 2010) and scholars define such trust to involve an expectation those trusted, will be competent in their role and will act with selflessness, in the best interests of others (Barber, 1983).

According to Hardin (2001) certain people, are deemed trustworthy and are therefore trusted, it's a rationalised choice based on assumptions, and at its very core, it involves vulnerability and uncertainty, a leap of faith and an element of risk, it's a powerful notion, intrinsically linked to connectability, and when there's a crisis of trust, democracy suffers (Möllerling, 2006).

Supporting research by Stanko and Bradford (2009), argues police effectiveness is less important in predicting overall confidence as trust is deep-rooted in community alignments with the police and overall public confidence is firmly entrenched in perceived fairness. Scholars agree, a trustworthy police force is deemed by the public to be fair and to have strong bonds with its communities (Tyler and Huo, 2002; Jackson and Sunshine, 2007). Supporting this notion, motive-based trust theory of Tyler (2006) argues public trust is formed on presumptions made about the police having the community's best interests at heart (Tyler and Huo, 2002).

Bradford (2014) cites, there are three dimensions to trust, namely; trust in police effectiveness, police fairness, and police engagement (Figure 1) (Stanko and Bradford, 2009). In this context, Jackson and Bradford (2010) argue, public trust has deteriorated in police effectiveness (through increased crime), in police fairness (through scandals and heavy-handed enforcement tactics), and in police engagement (through decreased visibility).

This strengthens the notion, every contact leaves a trace, a coined phrase used to articulate the significance of police encounters with the public and each interaction having a significant impact on forming public perceptions and impacting on overall public trust and confidence (Innes et al., 2020)

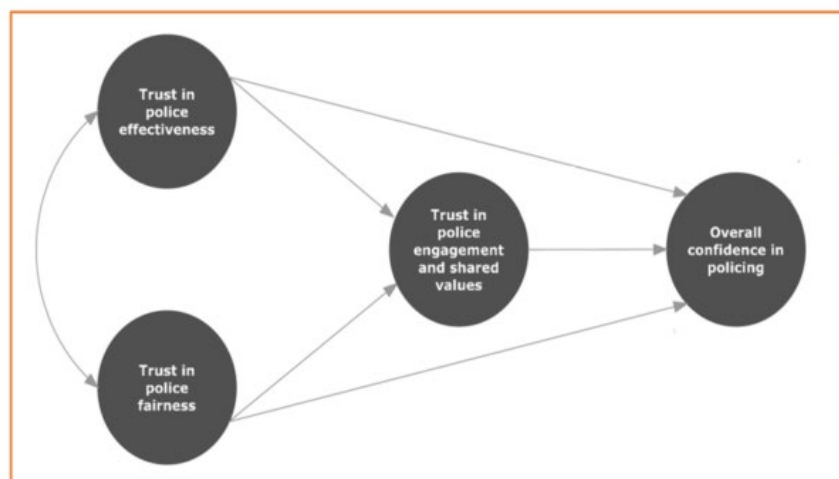


Figure 1 - Trust and confidence in the police (adapted from Jackson and Bradford, 2010)

For policing to achieve public support, the public needs to believe the police will treat them with respect and make fair and just decisions. Thus the actions of officers during daily interactions are pivotal to shaping public perceptions of legitimacy (Tyler, 2006).

Over the last decade, there has been growing scholarly literature and policing interest (HMICFRS, 2016) around the rhetoric of procedural justice theory (Tyler, 2004) and research validates, when the public deems those in positions of power to be acting fairly and with dignity, they are more likely to regard such authority as legitimate (Newburn, 2022). Therefore, police-public encounters heavily inform levels of public trust and confidence (Jackson et al., 2012; Loader and Mulchany, 2003; Tyler, 2006). Furthermore, when the public deems police procedures and interactions to be fair, they are more likely to accept the outcome, even when the outcome is not favourable (Fildes, 2018; Worden and McLean, 2017; Bowling et al., 2019).

Yet, academic findings on procedural justice remain disputed. Newburn (2022) argues, there's a danger in policing's over-reliance on procedural justice to improve legitimacy, as policing is unavoidably complex and public conflict is inevitable. Many incidents reported to the police have limited information, and officers attending make judgments before hearing the full facts (Newburn, 2022). Therefore, officers initially form a sense of curiosity and distrust (Skolnick, 1966).

Thus, officers can appear suspicious and the public may perceive the encounter as unfair and unjust, and legitimacy becomes threatened (Newburn, 2022).

Furthermore, studies question, whether actions the police deem as procedurally just are perceived the same way by people on the receiving end. People's perceptions of procedurally just treatment will be felt differently, through accumulation of influences and past experiences of police interactions (Worden and McLean, 2017; Nagin and Telep, 2020). Thus, it must be acknowledged procedural justice has limitations, what is perceived to be fair by one person, will not necessarily be felt by another (Newburn, 2022) and there's a lack of understanding, why individuals have varying perceptions of fairness, over identical interactions (Waddington et al., 2015; Scrase, 2021).

Therefore, strengthening legitimacy is more complex than merely, training officers in how to interact with the public (Barker, 2020) and whilst it's proven, procedural justice can improve legitimacy, in isolation, it's not enough and therefore, policing must think wider than improving one-off interactions with the public, to secure legitimacy (Newburn, 2022).

Supporting this notion, Innes et al. (2020), argue the vast majority of the public have brief encounters with the police, thus, their perceptions tend to be influenced by what they see and hear from other sources. Research findings by Gau (2014) found global-procedural justice had a stronger influence over legitimacy, as public perceptions are rarely formed on first-hand experiences, rather they are shaped through media interpretations of police conduct and the personal experiences of close associates. According to Skogan (2006), it takes between nine-to-fourteen direct, positive encounters with the police to counterpoise negative public-perceptions formed from one poor interaction. However, according to Worden and McLean (2017), public attitudes toward police legitimacy are vaguely linked to direct, personal encounters with the police; rather, they are formed on distant observations.

Nonetheless, procedural justice is a notion that underpins Operation Soteria-Bluestone (COP, 2021), launched in response to the End-to-End Rape Review (Home Office, 2021b) to increase the number of rape cases heard in court and to address the rising challenge of improving public trust and confidence.

Operation Soteria-Bluestone is theoretically underpinned by a five-pillar framework and specifically, under pillar-three, the aim is to embed a systematic procedural justice approach to victim engagement, from first point of contact through to case conclusion (COP, 2021).

According to Hohl and Stanko (2022), a police officer's ability to engage with victims, is a fundamental component of procedural justice (*Figure 2*), thus it's crucial for victims' voices to be heard to enable unbiased and transparent decisions to be made, with reliability, officers will do the right thing for the victim.

Research validates that victims of sexual offences frequently feel disbelieved by the police (Campbell, R and Raja 1999; Patterson, 2011; Stanko, 1985) and Jordan (2001), argues it's crucial to legitimacy, for victims to be believed, as it entrusts confidence. Scholars agree being procedurally just not only impacts on a victims trust in the police, but it also has a bearing on their self-esteem and equal status in society (Sunshine and Tyler, 2003b; Tyler, 2006).



Figure 2 - Procedural Justice (Yale Law School, 2022)

Drawing on literature and applying procedural justice principles (Tyler, 2004) into the context of investigating VAWG there are a number of fundamentals to be considered to improve public trust and confidence (*Appendix A*). Specifically, as stated in the End-to-End rape review (Home Office, 2021b), victims of rape are expected to be treated with respect and dignity, with prompt communication throughout the investigation and full rationale provided for decisions made, and no victim is to be left without a mobile phone for more than 24-hours when seized by the police.

The confidence-crisis, in respect of low charge rates for rape, has seen charges fall from 57% in 2015/16 to 45% in 2019/20 (Home Office, 2021a) and only 3% result in a positive criminal justice outcome (Home Office, 2021b), furthermore the lack of procedural justice afforded to rape victims within police and CPS processes are well-documented (Home Office, 2021a).

Operation Soteria-Bluestone, combines forensic-psychology, procedural justice theory, and wider policing literature on culture and uses quantitative statistics to enable the police and CPS, to make systematic changes to improve service delivery (Hohl and Stanko, 2022). Participation requires forces to allow academics to carry out, deep-dive analysis of datasets, case files and victim interviews (Hohl and Stanko, 2022). Hohl and Stanko (2022) argue, for policing to maximise the opportunity, of harnessing academic insight, to bring about fundamental change and make a difference to victims, there must be an agreement of transparency, a willingness to receive criticism, and a desire to act on key findings and recommendations.

Fildes (2018) agrees to dramatically improve public confidence, it requires a whole-system, cultural shift, as sporadic, one-off, procedurally just interactions are inadequate. Wood et al., (2020) agrees policing needs to adopt an approach, that promotes transparency, provides regular explanation of actions, and responds promptly to public concerns. Thus, procedural justice is a viable strategy to rebuild public confidence and legitimacy.

Conclusion

Police legitimacy is intrinsically tied to the notion of procedural justice, it's not a given right, but earned through the daily, mundane interactions officers have with the public during their duties (Jackson and Bradford, 2010; Tyler, 2006). The stark reality is that in 2022, women are afraid to walk alone after dark and they fear their claims of a sexual nature will be disbelieved by the police (CSEW, 2020; Home Office, 2021a; 2021b). Thus, it's critical to conclude that increased levels of police visibility (Innes et al., 2020) and fair, just interactions with victims and communities alike have a significant bearing on rebuilding public trust and confidence.

Appendix A – Pillars of Procedural Justice for VAWG

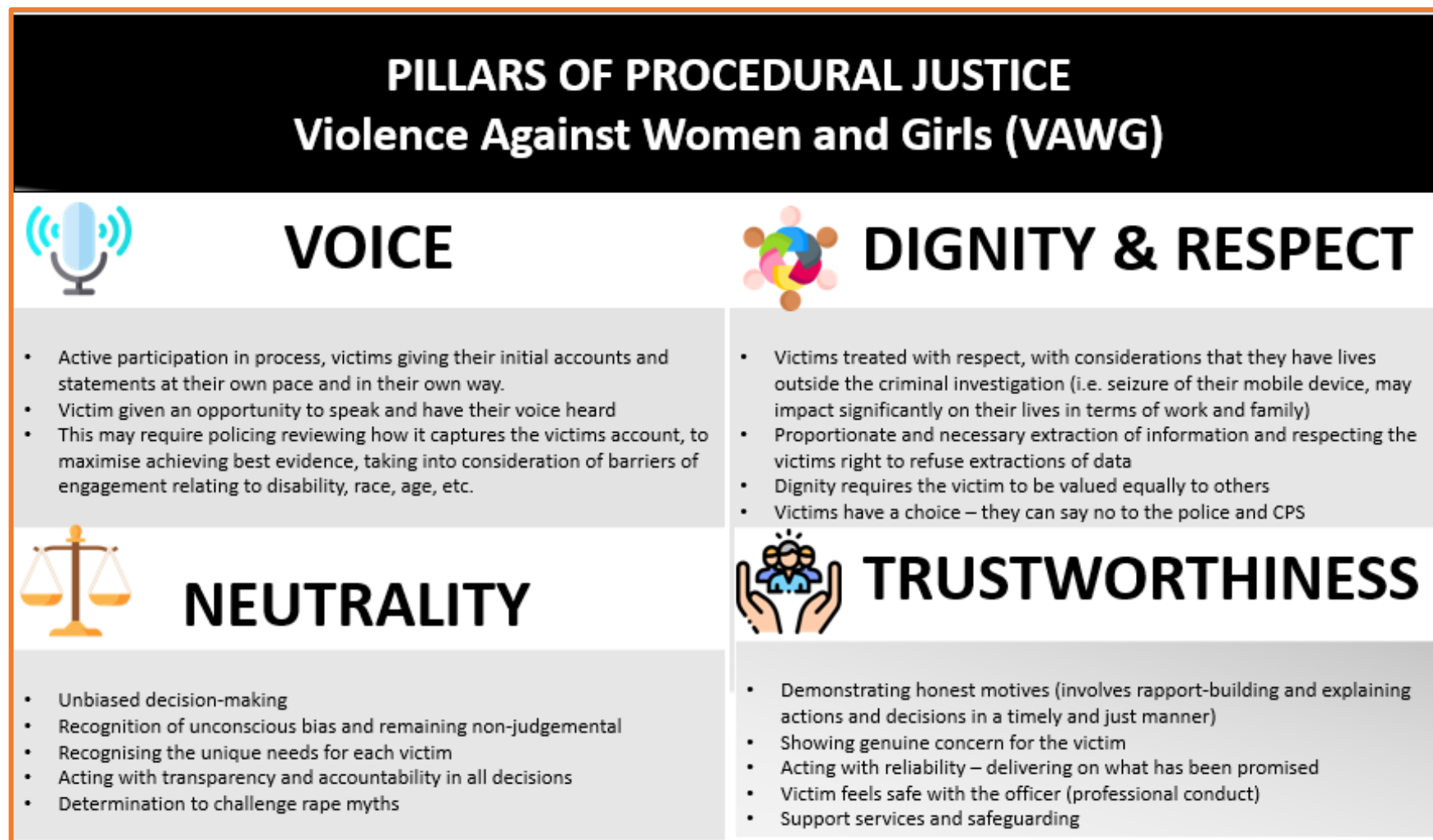


Figure 3 - Procedural Justice considerations for VAWG offences (Principles adapted from literature of Hohl and Stanko, 2022; Tyler, 2006; Fildes, 2018; HMICFRS, 2021a; Home Office, 2021a; Home Office, 2021b; HMICFRS, 2019; Victims Commissioner, 2021; BBW, 2022)

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