

# **It's a fair cop? Police legitimacy, public cooperation, and crime reduction**

An interpretative evidence commentary

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## Executive summary

This paper is an interpretative commentary rather than a straightforward summary of research findings. The paper draws on robust research evidence, but does not review or formally assess the quality of all the available evidence.

- The next few years will be challenging for a police service expected to reduce crime with fewer resources. Forces will inevitably have to make hard choices on what to prioritise in order to achieve this goal. Ideally, these decisions should be based on a clear understanding of how crime can be prevented, and which policing activities are cost-effective.
- New research by the National Policing Improvement Agency (NPIA) and London School of Economics suggests a policing approach that motivates the public to cooperate with the police and to not break the law could have significant benefits. As this approach seeks to encourage people to become more cooperative and socially responsible on a voluntary basis, by 'winning hearts and minds', it potentially offers a cost-effective way of reducing crime.
- The NPIA study is in line with a growing international body of research. This research arguably has particular relevance to England and Wales because the relationship between the police and public has historically been defined in terms of 'policing by consent' – the idea that the police can only function because of the support given to it by the public. As public support is conditional and unlikely ever to be universal, 'policing by consent' raises important questions about the role the police are expected to perform and how officers are expected to act. This idea has continuing relevance to present day policing as it helps define the remit of the police service and mark out an important way in which it can fulfil its 'core mission'.
- The NPIA study – based on a robust national survey of the public – explored what motivated people to cooperate with the police (e.g. reporting crime and suspicious activity, and providing information to help catch offenders) and not breaking the law. Analysis found that the most important factor motivating people to cooperate and not break the law was the **legitimacy of the police**. When people thought the police were on the 'same side' as them, they were significantly less likely to say they had committed an offence and

more inclined to say they would help with the police. Crucially, police legitimacy had a **stronger** effect on these outcomes than the perceived likelihood of people being caught and punished for breaking the law.

- **Trust and shared values** were found to be key aspects of legitimacy. These attitudes were largely fostered by the perception of **police fairness** and not by the perception of **police effectiveness** (in terms of responding to emergencies, preventing and detecting crime, and keeping order). In other words, the legitimacy of the police in the eyes of the public was primarily based on people thinking officers would treat them with respect, make fair decisions and take time to explain them, and be friendly and approachable.
- These findings have important implications for the police service. They show that **fair decision-making** and **positive public interaction** are not only important in their own right, but are also crucial for crime reduction in the longer term. The research suggests that the way officers behave is central to policing as it can encourage greater respect for the law and foster social responsibility. As the effect on crime would be largely **preventive** and rely on **voluntary public cooperation**, improved public encounters could help the police avoid the financial costs associated with enforcing the law, detecting crime, and processing offenders.
- When forces decide how best to reduce crime with fewer resources, they should consider whether their proposed approach would enhance or undermine police legitimacy in the eyes of the public. While a narrow focus on enforcing the law might appeal to traditional 'cop culture', it was not found to have the strongest effect on cooperation and compliance, and might even be counter-productive in the longer-term if it is perceived to be unfair.
- Widespread cultural change is likely to be required if the police are to capitalise on public cooperation. Other research by the NPIA on the police use of time, for example, has highlighted a prevailing view among officers that visible patrol is key to being effective, and that less value was placed on interacting positively with the public. To help address these wider issues, the NPIA is currently providing support to two forces to understand the role leadership plays in shaping the values of frontline officers, and to evaluate the impact of innovative training on police contact with crime victims.

# **It's a fair cop? Police legitimacy, public cooperation, and crime reduction**

This paper provides an interpretative commentary rather than a straightforward summary of findings. The paper draws on robust research carried out by the NPIA and the international literature, but does not review all the available research evidence or present a formal assessment of its quality.

## **1. The continuing importance of 'policing by consent'**

The changes to the policing landscape in England and Wales prompted by the economic crisis and a growing emphasis on democratic accountability have the potential to radically transform the relationship between the police and the public. In this context, it is worth revisiting the notion of 'policing by consent' – the idea that the police can only function because of the support given to it by the public. This notion has been at the heart of the relationship between the police and public historically in England and Wales, and which harks back to an earlier 'golden age' (Reiner 2010). However, given that public support is conditional and unlikely ever to be universal, 'consent' raises important questions about the role the police are expected to play in society, how they should behave in general, what tactics should be used, and how officers should exercise their discretion on a daily basis. These issues have been brought sharply into focus in recent public debates about policing protest, widespread disorder, incivility complaints, and the response to terrorism.

'Policing by consent' has continuing relevance to present day policing not only because it can help define the remit of the police service, but also because it marks out an important way in which officers can fulfil their 'core mission'. By thinking broadly in terms of 'institutional trust', it is possible to demonstrate that, by improving public perceptions, the police can enhance its legitimacy which will ultimately help in its efforts to reduce crime. In simple terms, the police would cease to function without the active support of the people it serves. While these links may appear obvious to many practitioners and policymakers, little attention has been expressly paid to how the legitimacy of the police can be

enhanced and to what end.

New research by the NPIA's Research, Analysis and Information (RAI) Unit – carried out in partnership with the London School of Economics<sup>1</sup> – shows that these ideas are well-founded and helps to explain the nature of their inter-relationship. The research supports existing findings from surveys undertaken in the US, and a systematic review of the literature which shows there is strong evidence that community policing and restorative justice can encourage people to not break the law (Mazerolle et al., forthcoming).

RAI's empirical research shows that the way officers act – and what their actions communicate to the public – are central to policing, and by shaping trust in the police can encourage greater respect for the law and foster social responsibility. Importantly, trust in the police was found to be more strongly associated with perception of the police being fair when interacting with the public than with perception of the police being effective in dealing with crime. The research also showed that trust enhances police legitimacy which, in turn, encourages people to help the police and not break the law. In other words, by making fair decisions and treating people fairly, the police should be have an impact on crime in the longer term. The implications of motivating greater social responsibility are significant. As well as encouraging greater respect for the law, previous research has shown that most detections come from information provided voluntarily by the public (Jansson 2005). Furthermore, by reducing crime and encouraging voluntary cooperation and compliance, enhanced legitimacy could help the police avoid the financial costs associated with enforcing the law, detecting crime, and processing offenders.

## **2. Motivating social responsibility: the underlying theory**

These ideas have previously been explored by Tom Tyler in the development of the 'procedural justice' model which looks at why people cooperate with the police and obey the law (Tyler 2004, 2006; Tyler and Blader 2000; Tyler and Huo 2002; Tyler and Fagan 2008). The theory suggests that institutional trust in the police is central to these motivations, which is primarily fostered by police

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<sup>1</sup> Dr Jonathan Jackson and Dr Ben Bradford from the Methodology Institute.

fairness and good quality interaction between the police and the public.

Examples of good treatment include:

- being friendly and approachable;
- treating people with respect;
- making fair decisions; and
- taking the time to explain these decisions.

Put simply, people are thought to be more likely to accept the decisions of those in authority – even decisions which are not favourable towards them – if they are treated well and perceive the decision-making process to be fair.

The legitimacy of the police, however, is seen as going beyond a simple acceptance that the police should be obeyed. More broadly, legitimacy also represents a sense of shared values – the view that the public and police are ‘on the same side’. By treating people fairly and with respect, the police communicate that the people who are ‘policed’ are valued members of the society they represent (Tyler 2006; Tyler and Blader 2000). Fair and legal treatment also demonstrates that the police are acting in the interests of the wider community, and that the law should be upheld. It is the fostering of these shared values which is thought to shape people’s decisions to cooperate with the police and not break the law.

### **3. The empirical evidence**

#### **The international evidence**

Survey research from the US supports the underlying theory. Overall, perceptions of police fairness and good interpersonal treatment – rather than the perception of the police being effective at responding to, and detecting, crime – have been found to enhance trust and confidence and the extent to which the police are viewed as legitimate. In addition, people were more likely to say they would assist the police to tackle crime in their neighbourhood if they perceived the police to be legitimate (Tyler and Fagan 2008). People who saw the police as legitimate were also less likely to say they committed a range of crimes. In comparison, the perceived risk of being caught for committing a crime was a less important factor (Sunshine and Tyler 2003; Tyler 2006).

## The UK evidence

Most of the previous studies examining people's motivation to cooperate with the police and obey with the law have not been carried out in the UK. It should not be assumed that these ideas necessarily 'travel' for a range of social, cultural and legal reasons. To fill this critical evidence gap, RAI carried out the first full test of the procedural justice model in England and Wales using a nationally representative survey of 937 members of the public.<sup>2</sup> Analysis of the survey data suggested the key relationships in the theory held up and were statistically significant (see Figure 1, p8):

- Fair and respectful treatment predicted whether the public viewed the police as legitimate (rather than police effectiveness at responding to, and dealing with, crime).
- Perceptions of legitimacy (in the form of shared values between the police and public) were associated with whether people said they were willing to cooperate with the police, and whether they admitted to breaking the law.<sup>3</sup>
- This sense of shared values and responsibilities, along with peoples' personal morality (i.e. the underlying belief that it is wrong to commit crime) were associated with people's self-reported offending behaviour. The perceived risk of being caught and punished showed no statistical association. The only exception was for traffic offences, where the perceived risk of being caught was associated with how often people said they had committed an offence in the previous 12 months.

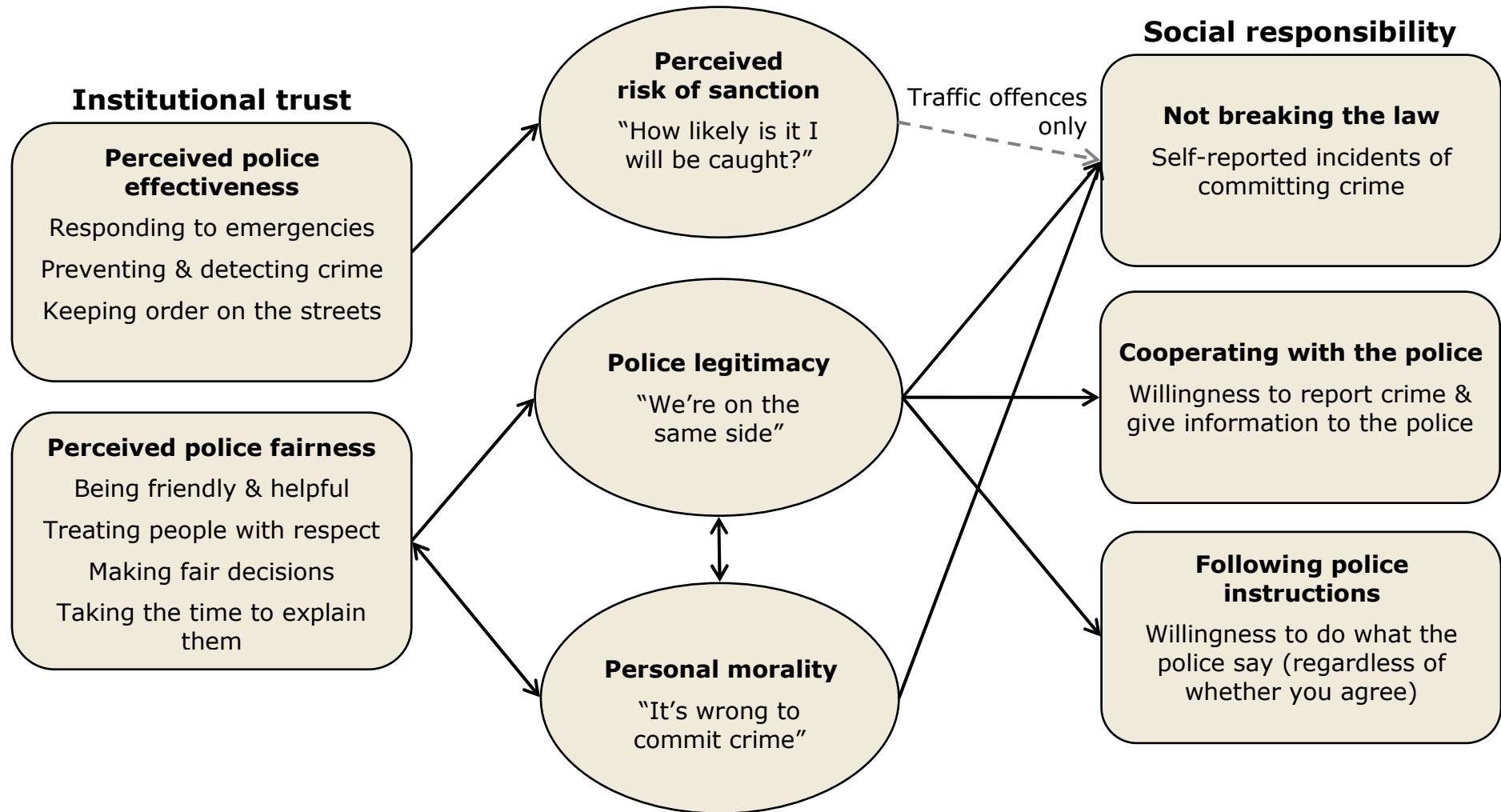
More detailed results from the study are to be published in due course (see Jackson et al., forthcoming).

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<sup>2</sup> Questions were included in a survey administered by the National Centre for Social Research as part of an evaluation of crime and policing information (see Quinton 2011). The respondents were randomly selected from the control group.

<sup>3</sup> Respondents were asked, using an anonymous self-completion format, how often they had done following during the past 12 months: bought something they thought might have been stolen; illegally disposed of rubbish or litter; committed traffic offences; vandalised public property; and taken something from a shop without paying for it.

Figure 1. The procedural justice model



Note: Adapted from the work of Tyler and colleagues.

## **4. The value of legitimacy**

### **Maximising public cooperation**

Dealing with the concerns and priorities of local communities continues to be an important function of the police. Survey research has consistently shown a statistical association between people's perceptions of crime and anti-social behaviour locally, and public confidence in the police (Jackson and Bradford 2009; Myhill unpublished). Recent analysis of the British Crime Survey carried out by RAI found that the issues people thought were not being dealt with by the police and local authority in their neighbourhood were primarily related to anti-social behaviour – such as young people hanging around, people dealing and using drugs, litter and graffiti (Myhill et al. 2010). The evaluation of the National Reassurance Policing Programme provided causal evidence that increased public confidence can be achieved by solving the problems, identified through good quality engagement, that mattered most to local people (Tuffin et al. 2006).

What RAI's research suggests is that the style the police adopt when dealing with these local issues and concerns is also of crucial importance, particularly as public cooperation is essential to their efforts to reduce crime:

- A majority of volume crimes are detected through information provided by victims and witnesses (Jansson 2005). One study showed that 42 per cent of detections for volume crime came from 'first links' to a suspect provided by victims or witnesses (Burrows et al. 2005).
- Problem-solving is often most effective when the public are involved. People in local communities are best placed to know what the issues and problems are in their neighbourhood, can help specify the nature of these problems, and which cause greatest harm. They may propose alternative solutions to problems – which could be more effective than standard police responses – and also help to deliver them (Goldstein 1990; Forrest et al. 2005; Tuffin et al. 2006).
- The public can provide extra resources for the police by volunteering to take on a variety of roles (Goldstein 1990).

Anecdotally, a common view amongst officers is that the public are inclined to

offer help only when they think the police are effective at dealing with crime and anti-social behaviour. RAI's research challenges this perception and suggests it is more important to foster a sense of shared values with local communities, and to undertake good quality engagement. If the police are viewed as legitimate in the sense that they share a common purpose with the public, people are more likely to say they will report crimes and suspicious activities, and provide information about suspected offenders to the authorities.

There is a further aspect of cooperation with clear benefits for the police service. The results from RAI's study showed that legitimacy was also associated with greater public willingness to follow the instructions issued by officers – even when people do not agree with what they are told to do. This level of cooperation has clear practical benefits to officers when dealing with potentially confrontational situations such as critical incidents and police-initiated encounters with suspects (e.g. stop and search).

There are also implications for the policing of protest and public disorder. Overall, the study suggests that fair and respectful treatment by the police, in a general sense, might enhance the social bonds that make disorder less likely. Furthermore, it is possible that the legitimacy of the specific tactics used by the police to deal with a public disorder incident – in the eyes of particular elements of the crowd – could make the situation better or worse. Social psychologists have, for example, argued for a 'graded' tactical response in these situations because, by treating everyone alike and as if they are all actively dangerous, it is possible for the police to unite the crowd in hostility (Reicher et al. 2004). If, on the other hand, the police are seen to act fairly and treat people with respect, it can encourage crowd members who have law-abiding intentions to align themselves with the police and to 'self-police' other crowd members who intend to cause trouble. Within such an approach, enforcement and the use of force might then be seen as necessary, proportionate and legitimate responses to deal with some crowd members and to re-establish order.

### **The long term consequences of a narrow 'crime control' model?**

The importance of building police legitimacy has wider implications for the overall approach adopted by the police. It is likely that fair and respectful

treatment, and good quality interaction, fit most easily with a 'service' model of policing rather than a 'crime control' model that focuses narrowly on deterring crime through relentless law enforcement even against minor offences and which does not consider public perceptions and experiences of the police. RAI's research suggests that a narrow deterrence based approach to cutting crime could be counter-productive in the longer term if it is perceived to be unfair and results in the public being less willing to help the police.

The experience of New York is informative in this respect, where it has previously been claimed that the fall in crime during the 1990s was caused by 'relentless order maintenance' (Kelling and Sousa 2001). It is possible that such an approach had at least some impact on crime. For example, one recent study has shown that saturation patrols in crime hotspots can lead to short term crime reduction, even though problem-solving can deliver larger and more lasting reductions (Taylor et al. 2010). However, the evidence that the crime drop was exclusively due to the implementation of a narrow 'crime control' model is contested (see for example Eck and Maguire 2006). Commentators have pointed to a wide range of other factors as having contributed to the fall, including increased officer numbers, organisational decentralisation, and problem-solving (Bratton 1998), stabilisation in local drug markets (Bowling 1999), and wider socio-economic factors (Rosenfeld et al. 2007).

There have been suggestions that, although reductions in crime may occur in the short term as a result of relentless law enforcement, the longer term consequence can be an erosion of police legitimacy (see for example Gau and Brunson 2010). In New York, for example, concerns have been raised about the excessive use of force, unlawful stops and arrests, the perceived failure of the police to respect the rights of citizens (see for example Eterno and Silverman 2005), and the disproportionate impact of enforcement activity on disadvantaged and minority neighbourhoods (Fagan and Davies 2000).

### **A cost-effective approach to reducing crime?**

The RAI research showed that the perceived risks of being caught and punished were only associated with people being more likely to say they would not break the law (i.e. a deterrence effect) when these risks were perceived to be high.

The only instance when the perceived likelihood of being caught was significantly associated with the inclination to not break the law was for traffic offences. This finding is likely to be in line with people's 'real world' experiences, and the widely held perception that the coverage of traffic enforcement is extensive. Between 2000 and 2005, the number of traffic camera sites increased markedly as did the number of detections resulting from cameras.<sup>4</sup> Importantly, surveillance technology has enabled the policing of traffic offences to be largely automated in a way that is not possible for other crimes.

In the rapidly changing policing landscape, some forces may be inclined to adopt a 'crime control' model. However, this resource intensive approach might lead to police attention being directed away from the issues that most concern the public at a local level (see Tuffin et al. 2006; Jackson and Bradford 2009; Myhill, 2010; Myhill et al. 2010) and could fail to capitalise on the public's primary motivations for cooperating with the police and not breaking the law.

Given that enhanced trust and legitimacy is likely to encourage voluntary public cooperation and would have a largely preventive effect on crime, a 'service' model of policing could help forces to avoid the financial costs resulting from an approach based narrowly on deterrence and punishment. Under a 'crime control' model costs would be incurred by enforcing all laws, seeking detections for all crimes, and processing all offenders through the criminal justice system.

Even a small reduction in the types of crimes that might be affected by the public being motivated to not break the law could lead to significant cost savings. After all, the total economic and social costs of criminal damage and non-vehicle theft for England and Wales in 2010/11 were estimated to be £726m and £818m (respectively).<sup>5</sup> Furthermore, it is possible that the cost of deterring

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<sup>4</sup> During this period, camera sites in the national safety camera programme increased from 1,935 to 5,371 (184%) (Hansard, 4 June 2007), and the number of penalty notices and prosecutions for traffic offences resulting from cameras increased from 768,100 to 2,001,700 (150%) (Fiti et al. 2008).

<sup>5</sup> In 2010/11, there were 701,003 recorded offences of criminal damage and 1,078,727 offences of other theft (Hoare 2011). The total cost figures were based on average costs estimates from 2003/04 (Home Office 2005) that have

and punishing offenders will be more than the cost of motivating social responsibility through fair decision-making and respectful treatment. Of course, introducing interventions to improve police-public interaction will come at a cost, and there will still be a need to retain the relatively intensive and costly interventions which are likely to be more effective for the small group of offenders who commit a disproportionate amount of crime<sup>6</sup>.

## **5. Conclusions**

The police cannot function without the support of the public. The latest research shows that the means of enhancing the role of the public are (partly) in the gift of the police service, through the way they deal with people on an everyday basis. The findings from RAI's study are vitally important to those officers who are focused on their mission to fight crime and catch offenders, and who may sometimes forget that the social and legal values they symbolise and uphold also matter. The study found that a policing approach that emphasises fairness and positive interaction is likely to be effective in reducing crime by maintaining and increasing trust and legitimacy. The principles are straightforward and largely accord with practitioner experience: if you treat people fairly and with respect, they are more likely to cooperate with you, follow your instructions, and have respect for the law. Police legitimacy, in the form of shared values triggering social responsibility, is the mechanism through which procedural justice works.

As legitimacy is partly about shared values and a sense of common purpose, it is crucial that the principles of procedural justice are applied consistently to all individuals and groups. Fair and respectful treatment in one area of policing may have a knock-on effect elsewhere. Given the evidence that a relatively high proportion of suspects and offenders are also victims of crime (see Jennings et al. 2010), the prior experience of suspects may subsequently affect their sense of responsibility in assisting the police and acting as witnesses.

Poorly received encounters with the police – as victims, witnesses, or suspects –  

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been adjusted for inflation. The average costs for a criminal damage offence in 2010/11 was estimated to be £1,036, and for a non-vehicle theft £759.

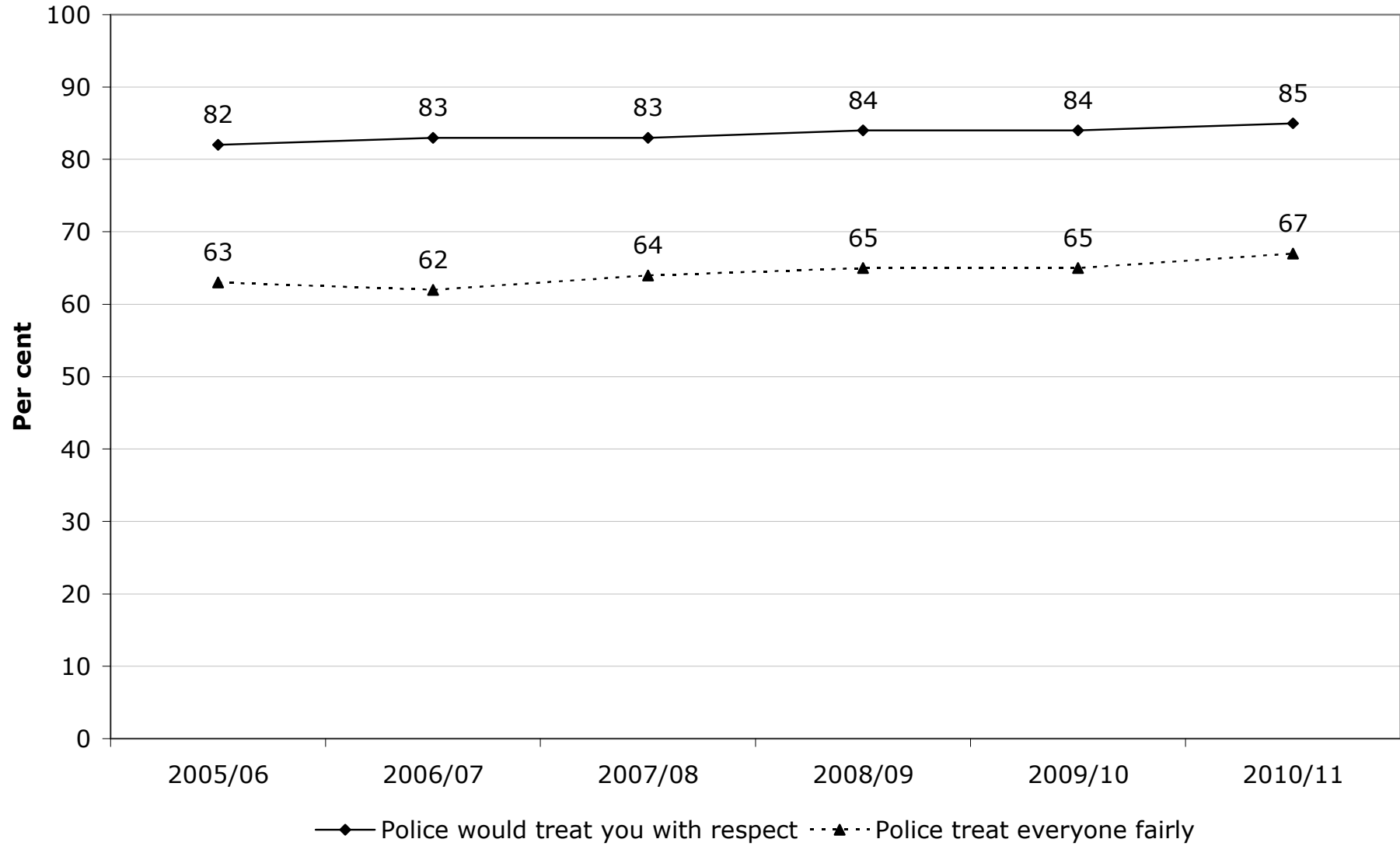
<sup>6</sup> A recent self report study has shown that four per cent of young people account for almost one-third of offending (Hales et al. 2009).

can serve to undermine the relationships that can trigger social responsibility. Though it is possible for people to have unsatisfactory contact with the police and still be confident overall – perhaps regarding their experience as a ‘one-off’ and judging the police in relation to other factors – poor quality contact has been associated with lower odds of being confident, and poor contact experiences are likely to matter a great deal to many people (see Myhill and Bradford, forthcoming; Myhill 2010). The British Crime Survey suggests that public perceptions of police fairness have been relatively stable, although there was a small but significant increase in 2010/11 (see Figure 2, p15). The most recent figures show that about two-thirds (67%) of people said the local police treated everyone fairly regardless of who they are, and 85 per cent thought the police would treat them with respect if they had contact with them (Innes 2011).

The next few years will be extremely challenging for a police service expected to reduce levels of crime further but with fewer resources. In this context, the ideas and empirical evidence underpinning the procedural justice model present the police service with a significant opportunity. As this model seeks to motivate people to become more cooperative and responsible voluntarily, it potentially offers a cost-effective way of preventing and reducing crime. Set against the costs of a ‘crime control’ model which attempts to deter crime by increasing the likelihood of detection and punishment, the evidence indicates that an approach that encourages greater social responsibility could have significant benefits.

Relatively little is known about how to encourage officers to act in more procedurally just ways. It is likely that widespread cultural change will be required if these ideas are to be fully realised in practice, particularly given the persistence of traditional ‘cop culture’ in the police service (Loftus 2010). Related RAI research has reached a similar conclusion in respect of ensuring the police make the most effective use of their time (McClean and Hillier 2011). It found that while officers highlighted high visibility as being key to effectiveness, the value of interacting positively with the public – which should enhance legitimacy – was not recognised as much. With this issue in mind, RAI is currently working with two forces to understand the role leadership plays in shaping the values of frontline officers, and to evaluate the impact of innovative training on police interactions with victims.

Figure 2. British Crime Survey trends on public perceptions of the police



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