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Building trust in policing:
challenges and strategy

Construindo confiança no polícia:
desafios e estratégia

Baidya Nath Mukherjee

Meera Mathew

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OS CONTORNOS SISTÊMICOS DO DIREITO ADMINISTRATIVO SANCIONADOR
BRASILEIRO E A RELAÇÃO COM O DIREITO CONSTITUCIONAL

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Building trust in policing: challenges and strategy*

Construindo confiança no polícia: desafios e estratégia

Baidya Nath Mukherjee**

Meera Mathew***

Abstract

In recent years, trust has gained significant importance when discussing the evolution of policing. This shift in focus has been acknowledged by scholars, policymakers, and law enforcement officials who are responsible for ensuring public safety. Unlike the traditional emphasis on crime reduction, there is now a shared recognition that building trust is a fundamental objective in the relationship between policing agencies and the communities they serve. This article discusses three commonly employed methods by policing agencies and their personnel to enhance public trust in the police: policy changes, police training, and citizen oversight boards. Further, it focuses to a less conventional avenue for change, which involves re-evaluating the laws enforced by the police. To achieve meaningful transformation within the police system, it is necessary not only to modify how officers perform their duties but also to examine and potentially revise the laws they are obligated to enforce.

Keywords: police reforms; trust; police training; bias police; police trust model.

Resumo

Nos últimos anos, a confiança ganhou importância significativa quando se discute a evolução do policiamento. Esta mudança de enfoque foi reconhecida por acadêmicos, decisores políticos e responsáveis pela aplicação da lei responsáveis por garantir a segurança pública. Ao contrário da ênfase tradicional na redução da criminalidade, existe agora um reconhecimento compartilhado de que a construção de confiança é um objetivo fundamental na relação entre as agências policiais e as comunidades que servem. Este artigo discute três métodos comumente utilizados pelas agências policiais e pelo seu pessoal para aumentar a confiança do público na polícia: mudanças políticas, formação policial e conselhos de supervisão dos cidadãos. Além disso, centra-se numa via de mudança menos convencional, que envolve a reavaliação das leis aplicadas pela polícia. Para alcançar uma transformação significativa no sistema policial, é necessário não só modificar a forma como os agentes desempenham as suas funções, mas também examinar e potencialmente rever as leis que são obrigados a aplicar.

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** Doctoral Candidate at Christ University, India.

E-mail: baidya.mukherjee@res1.christuniversity.in.

*** Associate Professor at Christ University, India. Completed PhD from Indian Law Institute, India.

E-mail: meera.mathew@christuniversity.in.

Palavras-chave: Reformas Policiais; Confiar; Treinamento Policial; Polícia Preconceituosa; A polícia confia no modelo.

1 Introduction

At one time, possibly not too long ago, the police were regarded as an unwavering institution, a cornerstone of civilised society that held a revered status¹. The police institution was once believed to be a source of stability, maintaining order and upholding a collective understanding of morality². Trust and legitimacy were granted to the police without hesitation. However, in recent decades, this seemingly steadfast organization has faced criticism for its lack of adaptability, conservatism, and inadequate response to changing societies and evolving demands. These factors have been identified as contributing to a gradual erosion of police legitimacy and a diminishing of its previously revered status. Over the last decade and certainly since 2015, it has become common for scholars, policy-makers, and those in public media outlets to highlight the importance of the public's perception of police as a legitimate authority. The Final Report of the President's Task Force on 21st Century Policing contains, perhaps, one of the most prominent statements of this idea³. In response to the deaths of Michael Brown in Ferguson, Missouri, and Eric Garner in New York City at the hands of police officers, President Barack Obama established the Task Force in 2014. The Task Force's objective was to address the issues surrounding these incidents and propose solutions. The report put forth fifty-nine recommendations that encompassed research, policy, and actionable steps. The first pillar of the report, titled "Building Trust and Legitimacy," formed the foundation of these recommendations. This pillar drew upon extensive research on empirically assessed legitimacy, highlighting its strong correlation with trust and procedural justice in the field of social psychology. Similar views were shared by Mr. Manmohan Singh, Prime Minister of India, in the "PM's address to Superintendents of Police Conference" on September 1, 2005. He emphasized on the importance of perceiving the police as a friend and a trustworthy entity for citizens. He acknowledged that historically, the neighborhood policeman held a respected role as a friend and protector in society. The Prime Minister's pragmatic statement underscored the need for police forces to regain that perception and regain the trust and faith of the common people they serve⁴. The field of procedural justice, pioneered by psychologist Tom Tyler, has significantly contributed to our understanding of the relationship between the police and the public. Extensive research in this area has shown that when police prioritize the process of their interactions with individuals, emphasizing fairness, respect, and transparency, rather than solely focusing on achieving specific outcomes like crime reduction, people are more likely to perceive them as legitimate and trustworthy. While closely related, legitimacy and trust are distinct concepts in the context of these studies. Trustworthiness is seen as a significant factor that influences the public's perception of legitimacy. Research in this area reveals a growing body of evidence indicating that procedural justice, which focuses on fairness in processes and interactions, is strongly associated with higher levels of trust in the police. Moreover, it is found that when people perceive the police as exhibiting procedural justice, it leads to an increase in their perceptions of the police's legitimacy. These findings highlight the crucial role of procedural justice in fostering both trust and legitimacy in the eyes of the public⁵.

¹ MICHAEL, Banton. *The policeman in the community*. 1964.

² LOADER, Ian; MULCAHY, Aogan. Policing and the Condition of England: Memory, Politics and Culture. *Polic. Cond. Engl. Mem. Polit. Cult.* v. 1, 2012.

³ President's Task Force on 21st Century Policing, Final Report of the President's Task Force on 21st Century Policing, 2015.

⁴ SINGH, Manmohan. *Pm's address to Superintendents of Police Conference*. Speeches: Prime Minister of India. 2005. Available in: <https://archivepmo.nic.in/drmanmohansingh/speech-details.php?nodeid=176>. Access in: 23 Mayo 2023.

⁵ NIX, Justin *et al.* Trust in the Police: the Influence of Procedural Justice and Perceived Collective Efficacy. *Crime & Delinq.* v. 61, p. 610, 2015. Available in: <https://journals.sagepub.com/doi/10.1177/0011128714530548>. Access in: 23 Mayo 2023.

The shift towards prioritizing the improvement of trust relationships in policing does not diminish the significance of previous goals, such as crime reduction. Instead, research indicates that law enforcement agencies can simultaneously work towards crime reduction while also adopting an approach that values treating community members with dignity and respect. Recognizing this, recent efforts have focused on addressing the widespread lack of public trust in various institutions involved in the criminal legal process, with particular attention given to distrust of the police. The aim is to restore trust and confidence in these institutions by implementing strategies that promote fairness, transparency, and respectful treatment of individuals within the communities they serve.

In present times, the field of policing in numerous countries is experiencing significant upheaval. The combination of rapid organizational, technological, and societal changes, along with a series of scandals, media scrutiny, demands for improved efficiency and effectiveness, and calls for greater transparency and accountability in relation to human rights issues, has led to a continuous cycle of reform. Policing institutions are facing the need to adapt and respond to these multifaceted challenges, as they grapple with the evolving expectations of the public and strive to regain trust and confidence. This dynamic environment necessitates ongoing efforts to reevaluate and reshape policing practices in order to address the complexities of contemporary society and ensure the protection of human rights while maintaining public safety. Under these dynamic circumstances, the police face numerous challenges in upholding or enhancing public trust and legitimacy. How do they navigate these conditions and work towards maintaining or improving trust? What approaches do they employ to achieve “re-legitimation”⁶? In the face of these challenges, police forces strive to uphold and enhance public trust and legitimacy. Their efforts to achieve “re-legitimation” involve implementing various strategies and initiatives. Having a police organization that is perceived as trustworthy is of utmost importance. When the police are trusted, they can carry out their duties with greater efficiency and effectiveness, leading to enhanced feelings of safety among citizens. Additionally, as the police serve as the embodiment of state authority, the level of trust placed in them also reflects the overall legitimacy of the state.

During a video conference speech to the IPS probationers of the Sardar Vallabhbhai Patel National Police Academy in Hyderabad, Prime Minister of India, Shri Narendra Modi, highlighted the concerning decline in public confidence in policing. Recognizing the significance of this issue, he urged the young officers to take proactive measures to restore and strengthen public trust in the police force. The Prime Minister’s remarks emphasized the importance of addressing this trust deficit and the responsibility of the new generation of officers in rebuilding confidence through their actions and commitment to upholding the highest standards of professionalism, integrity, and service⁷.

2 Discussion

2.1 Trust and Policing in India

In Independent India, the police force has inherited certain undesirable legacies, one of which is a significant disconnect from the public. The public tends to view the police with apprehension and mistrust. This can be attributed, in part, to the Police Act of 1861, which was designed to establish a police force appointed by the rulers to exert control over the populace rather than protect and uphold their rights. Unfortunately,

⁶ REINER, Robert. The Politics of the Police. *Polic. A. J. Policy Pract.* v. 5, p. 110, 2011. Available in: <https://doi.org/10.1093/police/par007>.

⁷ CONFIDENCE in police low, work to restore: PM to IPS probationers. 2021. Available in: <https://indianexpress.com/article/india/confidence-in-police-low-work-to-restore-pm-to-ips-probationers-7432508/>. Access in: 23 Mayo 2023.

this historical approach has persisted in modern India. Consequently, there is a growing divide between the police and the public, leading to a general aversion to engaging with the police⁸. According to David Bayley, a renowned police scholar, the relationship between the police and the public in India can be characterized by a significant “avoidance syndrome.” This syndrome refers to the public’s tendency to actively avoid any contact or interaction with the police⁹. This phenomenon is particularly pronounced in rural areas compared to urban areas. Bayley observes that the Indian public displays a considerable reluctance to voluntarily provide assistance or information to the police, as they prefer not to get involved. This observation is supported by various studies and surveys that have consistently arrived at similar conclusions regarding the public’s attitude towards engaging with the police in India.

In a comprehensive assessment of the Karnataka Police conducted by the Public Affairs Centre in Bengaluru, known as “Mirror of the Police,” a similar conclusion was reached regarding the stagnation of the Indian police system and the lack of improvement in public trust over time¹⁰. The survey involved interviews with complainants from diverse backgrounds and police personnel of various ranks. One of the significant findings highlighted in the study was that a considerable portion of the public does not feel comfortable or at ease when dealing with the police. This indicates that the psychological barriers between the police and the public have persisted unchanged over the years. Furthermore, the avoidance syndrome is particularly prevalent among socially disadvantaged groups, including those who are economically backward, illiterate, and marginalized within society. This suggests that the challenges in fostering positive police-public relationships are more pronounced among these vulnerable sections of the population. In an interview with ‘The Tribune’, Mr. Sankar Sen, the Director of the National Police Academy, shared his observations on the phenomenon of police-public relations. Drawing from his experience serving in the National Human Rights Commission, he noted that a significant number of complainants against the police belonged to the marginalized and oppressed classes¹¹. These complaints included serious allegations of custodial violence, non-registration of cases, and instances of rude and disrespectful behaviour by the police. Such negative encounters often discourage individuals from seeking further assistance or contact with the police. Mr. Sen emphasized the urgent need for the police to be sensitized to human rights issues and to cultivate a deep respect for human dignity. This highlights the importance of integrating human rights principles within police training and practices to foster a more respectful and empathetic approach towards all members of society. Dr. Bayley’s study reinforces the notion that individuals who have had negative encounters with the police tend to hold unfavourable perceptions of law enforcement. The more people experience unfavourable interactions, the more likely they are to develop negative views¹². This phenomenon can be attributed to the saying “familiarity breeds contempt,” suggesting that repeated negative experiences breed disdain and avoidance. Surveys conducted by the National Police Commission between 1978 and 1981 have also corroborated these findings, indicating that individuals who have personally witnessed police misconduct are inclined to believe that interactions with the police should be avoided due to the perception of frequent misbehaviour.

The police rarely take the initiative to update complainants on the progress of their cases. While some officers attribute this to staff shortages and workload, the underlying cause lies in a lack of police culture that prioritizes improving complainants’ satisfaction and perception of the police. It is important for police officers to understand that even small proactive gestures can greatly enhance the image of the police in the

⁸ MUKHERJEE, Baidya; SINGH, Bhupinder. Urgent Need for Police Reforms in India: A Human Rights Concern. *NIU Int. J. Hum. Rights*, v. 8, p. 81, 2021. Available in: https://www.researchgate.net/publication/363468411_Urgent_Need_for_Police_Reforms_in_India_A_Human_Rights_Concern/citation/download.

⁹ BAYLEY, D. H. *Police and political development in India*. 2015.

¹⁰ NAIR, Meena; PRABHAKAR, K.; RAO, Prarthana. *A mirror to the police: a bottom up assessment of the karnataka police*. 2010. Available in: <https://books.google.co.in/books?id=E8YegOE4oYC>.

¹¹ INDIA. The Tribune India. *Why public views police with fear, suspicion*. Available in: <https://www.tribuneindia.com/news/comment/why-public-views-police-with-fear-suspicion-459997>. Access in: 23 Mayo 2023.

¹² BAYLEY, D. H. *Police and political development in India*. 2015.

public's eyes and are highly appreciated by community members. Under British rule, the police were discouraged from forming close relationships with the public due to the mistaken belief that it would hinder their ability to control the native population. The Police Act of 1861 outlined several duties for the police force but neglected to mention their crucial responsibility of gaining public support and cooperation, which is essential for effective policing. As a result, the absence of a focus on building public trust and cooperation has made the police's work more challenging. In present-day India, the gap between the police and the public remains evident. Political leaders' express apprehension that building closer ties could undermine the police's authority and affect law enforcement. Unfortunately, community policing endeavours have faced limited success due to the lack of meaningful public participation in overseeing police operations.

From a global standpoint, David Bayley argues that the issue of mistrust in the police is not exclusive to India. Even in countries like the United States, there is a lack of overwhelming confidence in law enforcement. In Britain, where the police have a favourable reputation, a survey conducted for the Royal Commission on the Police revealed that at least 10 percent of respondents believed that the police frequently accept bribes, employ unfair tactics to gather information, and manipulate evidence in courts¹³. Suspicion and avoidance of the police may be prevalent worldwide, but the extent and manifestations of these sentiments vary significantly from one country to another.

In contemporary India, numerous talented and accomplished individuals are assuming leadership roles in the police service. However, despite their presence, the Indian police system has struggled to undergo significant transformation due to various systemic factors. The traditional practices and structures persist, and there are limited indications of noticeable change taking place.

2.2 Theoretical Analysis

For over quarter of a century, Gallup has been monitoring public confidence in various institutions, including the police, by surveying a representative sample of adults¹⁴. An analysis of this data unveils two noteworthy observations. Firstly, there exists a significant and noticeable disparity in the levels of confidence in the police when comparing white adults to Black adults.

Since 1993, confidence levels among white adults have consistently remained at around 60 percent. In contrast, confidence rates among Black adults have been approximately half of that, around 30 percent, during the same period, reaching a record low of 19 percent in 2020¹⁵. The second notable finding is that, overall, these confidence levels have remained relatively stable over time, with the 2021 confidence rate in police among Black adults standing at 27 percent¹⁶. This observation is significant and relevant to the analytical approach of this essay, as it highlights the consistent nature of confidence rates, despite the substantial disparity between white and Black adults. In the past few decades, the police have prioritized crime reduction and positioned themselves as “warriors” in the fight against crime. This approach has led to the implementation of various proactive policing strategies, such as the controversial “stop, question, and frisk” tactic, which faced constitutional scrutiny in the 2013 case *Floyd v. City of New York*¹⁷. While actively im-

¹³ INDIA. The Tribune India. *Why public views police with fear, suspicion*. Available in: <https://www.tribuneindia.com/news/comment/why-public-views-police-with-fear-suspicion-459997>. Access in: 23 Mayo 2023.

¹⁴ JONES, Jeffrey M. *Black, White Adults' Confidence Diverges Most on Police*. 2020. Available in: <https://news.gallup.com/poll/317114/black-white-adults-confidence-diverges-police.aspx>. Access in: 23 Mayo 2023; JONES, Jeffrey M. *In U.S., Black Confidence in Police Recovers From 2020 Low*. 2021. Available in: <https://news.gallup.com/poll/352304/black-confidence-police-recovers-2020-low.aspx>. Access in: 23 Mayo 2023.

¹⁵ JONES, Jeffrey M. *In U.S., Black Confidence in Police Recovers From 2020 Low*. 2021. Available in: <https://news.gallup.com/poll/352304/black-confidence-police-recovers-2020-low.aspx>. Access in: 23 Mayo 2023.

¹⁶ JONES, Jeffrey M. *In U.S., Black Confidence in Police Recovers From 2020 Low*. 2021. Available in: <https://news.gallup.com/poll/352304/black-confidence-police-recovers-2020-low.aspx>. Access in: 23 Mayo 2023.

¹⁷ MEARES, Tracey L. *The Law and Social Science of Stop and Frisk*, 10 *ANNU. REV. LAW SOC. SCI.* v. 335, 2014. Available in: <https://papers.ssrn.com/abstract=2519020>. Access in: 23 Mayo 2023.

plementing these strategies from 1990 to 2016, the police witnessed a significant decrease in violent crime rates, prompting scholars to speculate on the potential role of police activity as a significant contributing factor¹⁸. During this period of decline, the demographic group most vulnerable to homicides, young Black men, experienced a significant reduction in such incidents. Sociologist Patrick Sharkey likened this demographic change to the impact of eliminating obesity on the life expectancy of Black men as a whole¹⁹. However, the Gallup polls mentioned earlier raise questions and puzzle observers, as they challenge the presumed link between public confidence in the police and their effectiveness in fighting crime. If public confidence were primarily based on the police's crime-fighting effectiveness, one would expect confidence levels to increase rather than remain stagnant during this period.

Furthermore, it would be expected that the group benefiting the most from crime-fighting efforts, Black adults, would exhibit a rise in confidence ratings, even if starting from low levels. However, this is not reflected in the data, indicating that public perception of confidence and trust in the police is influenced by factors beyond their effectiveness in reducing violence. Tyler's process-based approach offers an explanation for the patterns observed in the Gallup data. Psychologists Tom Tyler and Allan Lind in their influential book, "The Social Psychology of Procedural Justice," introduce the "group value theory" of procedural justice. This theory suggests that individuals perceive the treatment they receive from legal authorities as a reflection of how those authorities perceive and value them. This perspective contrasts with the previously dominant view that emphasized the importance of outcome control as the primary factor in people's evaluations of legal authorities. Tyler and Lind's theory emphasizes the significance of procedural fairness and how it influences individuals' perceptions of authority and the justice system²⁰. The manner in which authorities wield their power is often given greater importance by individuals than the ultimate goals they seek to achieve. Studies conducted across different institutional settings, such as courts, businesses, and schools, consistently show that public perceptions of legitimacy are primarily influenced by assessments of the fairness of actions rather than judgments about the fairness of outcomes or the effectiveness of individuals in attaining those outcomes. This highlights that the relationship between the public and authorities' decision-making processes is fundamentally based on interpersonal dynamics, emphasizing the relational aspect rather than a purely instrumental perspective.

Procedural justice turns out to be key in members of the public's determinations of whether they consider legal authorities to have behaved fairly. Their perceptions of procedural justice depend on four factors²¹. The first factor revolves around participation, particularly the element of "voice." Individuals express higher levels of satisfaction when they have the opportunity to express their perspective and explain their situation during interactions with authorities. This holds true even when they understand that their participation may not affect the outcome; the act of being heard and taken seriously is important to them. The second factor relates to the fairness of decision-making by authorities, specifically the elements of fair process. People pay attention to signs of a decision-maker's impartiality, objectivity, reliance on facts, consistency, and transparency. In the context of policing, it is significant whether legal authorities take the time to communicate and provide explanations to the public regarding their actions and the reasons behind them.

The third factor is closely linked to the first one. Individuals attach great importance to how they are treated by legal authorities, including police officers. They value being treated with dignity, respect for their rights, and politeness. This aspect is directly related to the desire to be listened to and taken seriously.

¹⁸ REPORTED violent crime rate in the United States from 1990 to 2022. Available in: <https://www.statista.com/statistics/191219/reported-violent-crime-rate-in-the-usa-since-1990/>. Access in: 23 Mayo 2023; ZIMRING, Franklin E. *The City that Became Safe: New York's Lessons for Urban Crime and Its Control*. 2011. Available in: <https://doi.org/10.1093/acprof:oso/9780199844425.001.0001>.

¹⁹ SHARKEY, Patrick. *Uneasy Peace: the great crime decline, the renewal of city life, and the next war on violence*. 2018.

²⁰ LIND, E.; TYLER, Tom. The Social Psychology of Procedural Justice. *Contemp. Sociol.*, v. 18, 1988.

²¹ BLADER, Steven; TYLER, Tom. A Four-Component Model of Procedural Justice: Defining the Meaning of a "Fair" Process. *Pers. Soc. Psychol. Bull.*, v. 29, p. 747, 2003.

The fourth and final factor pertains to people's perception of the authorities' motivations in their interactions. Individuals seek to understand why authorities are behaving in a certain way by assessing their actions. They want to trust that the authorities have genuine and benevolent intentions. Essentially, the public wants to believe that the authority they are dealing with acknowledges their significance and genuinely cares about them. In the context of law enforcement, this assessment is made based on how police officers treat them.

Research examining the connection between these concepts and policing has shown significant advantages for law enforcement agencies that incorporate them. When individuals perceive that legal authorities are treating them fairly, it leads to several positive outcomes. They are more inclined to comply with laws, cooperate with police investigations, and willingly follow directives from authorities²². This demonstrates that a focus on procedural justice and fair treatment can enhance public cooperation and engagement with the law. Importantly, implementing process-based approaches in policing does not require agencies to choose between crime reduction and fostering trust. By emphasizing fair processes and procedural justice, law enforcement agencies can simultaneously work towards reducing crime and building trust with the communities they serve. These two goals are not mutually exclusive but can be achieved through an approach that prioritizes fairness, transparency, and respectful treatment of individuals.

2.3 Police Trust Model

Trust in public institutions can be viewed as a reflection of citizens evaluating the effectiveness and competence of those institutions in fulfilling their governing responsibilities²³. Public institutions are expected to operate in a manner that is efficient, polite, balanced, and straightforward. Citizen's desire timely and effective decision-making processes that minimize unnecessary complexities and delays. Politeness and respectful treatment by public officials are also crucial, as citizens expect to be treated with dignity and fairness. However, when public institutions become more discordant and complex, citizens' confidence tends to diminish²⁴. Internal conflicts, convoluted procedures, and a lack of coherence can create doubts about the institution's ability to function effectively and serve the public interest.

Gallup's global Law and Order Index for 2019 revealed that people in the United States and many other countries felt secure. The index measures confidence in local police, personal safety, and incidents of theft and assault. The global average score was 82 out of 100, with 90 countries scoring lower. Singapore ranked highest at 97, while Afghanistan scored lowest at 43 for the second consecutive year. Although the US did not make the top 10, it scored 85, above the global average. The majority of people worldwide felt safe walking alone at night, but the feeling varied across regions. Confidence in local police was highest in Western Europe and lowest in Latin America and the Caribbean. In the US, confidence in the police was at 79% in 2019 and 82% shortly before George Floyd's death. However, a decline in confidence was observed in Gallup's post-Floyd survey. The results from 2019 provide a baseline for understanding the challenges related to law enforcement in 2020, emphasizing the need for change and improvement in policing²⁵.

²² TYLER, Tom R.; JACKSON, Jonathan. Popular legitimacy and the exercise of legal authority: Motivating compliance, cooperation, and engagement. *Psychol. Public policy, law*, v. 20, p. 78, 2014.

²³ CRAIG, Stephen C. *Congress as Public Enemy*: Public Attitudes toward Political Institutions. By John R. Hibbing and Elizabeth Theiss-Morse. New York: Cambridge University Press, 1995. Available in: https://www.cambridge.org/core/product/identifier/S0003055400209544/type/journal_article. Access in: 23 Mayo 2023

²⁴ KELLEHER, Christine A.; WOLAK, Jennifer. Explaining Public Confidence in the Branches of State Government. *Polit. Res. Q.* v. 60, p. 707, 2007. Available in: <https://doi.org/10.1177/1065912907304496>.

²⁵ RAY, Julie. *Most of the World Remains Confident in Police, Feels Safe*. 2020. Available in: <https://news.gallup.com/poll/322565/world-remains-confident-police.aspx>. Access in: 23 Mayo 2023.

Numerous studies examining public trust in the police have primarily utilized three theoretical frameworks: instrumental, expressive, and normative models²⁶. The Models are briefly discussed:

2.3.1 Instrumental models

The instrumental model suggests that public trust in the police is linked to their effectiveness in carrying out their duties, particularly in reducing crime and addressing the fear of crime. This model emphasizes that the police play a crucial role in crime prevention and ensuring public safety, thus influencing the level of trust people have in them²⁷. If the police are perceived as falling short of meeting citizens' expectations, it can be interpreted as a sign of their ineffectiveness in crime control. As a consequence, public trust in the police may diminish. Research indicates that when the police are seen as reliable institutions that enforce consequences for wrongdoing and provide a fairly distributed police service, public willingness to support and cooperate with them tends to increase²⁸. There is some overlap between the instrumental model and the accountability model as well as the performance model in terms of public satisfaction with the police²⁹. According to Skogan's accountability model and the performance theory, there is an expectation that the police should assume full responsibility for crime prevention and reducing fear of crime within the community. The performance theory further suggests that public trust in the police is strongly tied to their perceived effectiveness and performance. In other words, when police agencies fulfil their responsibilities effectively, people tend to express higher levels of satisfaction with the police. Some studies have found that fear of crime has a notable impact on public trust in the police³⁰. In Kääriäinen's (2008) observation, it was noted that there is an inverse relationship between feelings of insecurity and trust in the police. This implies that when individuals experience a sense of insecurity in their neighbourhood, their level of trust in the police tends to decrease.

2.3.2 Expressive models

The expressive model of public trust in the police contends that individuals' perspectives on trust in law enforcement are influenced primarily by their expressive interests in community order and cohesion, rather than instrumental interests in crime prevention and personal safety. In this model, the emphasis is on the symbolic and social aspects of trust, highlighting the importance of a sense of community and the perception of the police as upholding societal values and maintaining social order³¹. In essence, the expressive mo-

²⁶ BRADFORD, Ben; MYHILL, Andy. Triggers of change to public confidence in the police and criminal justice system: Findings from the Crime Survey for England and Wales panel experiment, *Criminology & Criminal Justice*, v. 15, p. 23, 2014. Available in: <https://doi.org/10.1177/1748895814521825>; CHAMBERS, Darryl L.; PAYNE, Yasser Arafat; SUN, Ivan Y. Predicting trust in police: the impact of instrumental and expressive concerns in street-identified Black-American men and women. *Polic. An Int. J. Police strat. Manag.* v. 43, p. 917, 2020; JACKSON, Jonathan; BRADFORD, Ben. Crime, policing and social order: On the expressive nature of public confidence in policing. *Br. J. Sociol.* v. 60, p. 493, 2009; JACKSON, Jonathan; SUNSHINE, Jason. Public Confidence in Policing: A Neo-Durkheimian Perspective. *Br. J. Criminol.*, v. 47, p. 214, 2007. Available in: <https://doi.org/10.1093/bjc/azl031>; SUN, Ivan Y. *et al.* One country, three populations: Trust in police among migrants, villagers, and urbanites in China. *SOC. Sci. Res.* v. 42, p. 1737, 2013.

²⁷ SUN, Ivan Y. *et al.* Public trust in the police in Taiwan: A test of instrumental and expressive models. *AUST. N. Z. J. Criminol.*, v. 47, p. 123, 2013. Available in: <https://doi.org/10.1177/0004865813489306>.

²⁸ K MURPHY, Kristina; CHERNEY, Adrian. Fostering cooperation with the police: How do ethnic minorities in Australia respond to procedural justice-based policing? *Aust. N. Z. J. Criminol.*, v. 44, p. 235, 2011. Available in: <https://doi.org/10.1177/0004865811405260>; SUNSHINE, Jason; TYLER, Tom R. The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing. *LAW & SOC. REV.*, v. 37, p. 513, 2003.

²⁹ SKOGAN, Wesley G. Concern About Crime and Confidence in the Police: Reassurance or Accountability? *Police Q.*, v. 12, p. 301, 2009. Available in: <https://doi.org/10.1177/1098611109339893>.

³⁰ KÄÄRIÄINEN, Juha. Why Do the Finns Trust the Police?, *J. Scand. Stud. Criminol. Crime Prev.*, v. 9, p. 141, 2008. Available in: <https://doi.org/10.1080/14043850802450294>.

³¹ JACKSON, Jonathan; SUNSHINE, Jason. Public Confidence in Policing: A Neo-Durkheimian Perspective. *The British Journal of Criminology*, v. 47, p. 214-233, 2007. Available in: <https://doi.org/10.1093/bjc/azl031>.

del suggests that citizens have expectations for the police to fulfil a dual role: not just as crime fighters, but also as guardians of local morality and values. The underlying theory behind this model is closely connected to social disorganization theory³² and social capital theory³³.

Apart from social capital, the formation of moral and social order within a neighbourhood is closely tied to informal social control and social cohesion. Various research has indicated that expressive concerns carry more significance than instrumental concerns in shaping these dynamics³⁴. Jackson and Bradford (2009) posited that when evaluating their local police, people tend to prioritize factors related to social cohesion and moral consensus (expressive concerns) over the risk of victimization (instrumental concerns). Similarly, Cao et al. (1996) found that contextual variables such as informal collective security and community disorder have a greater influence on trust in the police compared to crime-related factors.

2.3.3 Normative models

According to the procedural justice viewpoint, the normative model has proposed a link between the perceived fairness of law enforcement and the level of trust citizens place in the police³⁵. People's trust in the police is influenced by their perception of fair treatment. The normative model suggests that citizens' support for the police is determined by procedural fairness rather than practical considerations. This means that people's compliance with the law is influenced by their judgments about the legitimacy of the police's actions in relation to the broader social context³⁶. In Tyler's (2005) work, two primary components of procedural justice are identified: the quality of decision-making and the quality of interpersonal treatment. Numerous studies have consistently shown that procedural justice plays a crucial role in predicting the level of public trust in the police³⁷. In a study by Tankebe (2008), it was discovered that individuals who perceived fair treatment from the police were more inclined to express higher levels of trust in them. Furthermore, recent research has consistently supported the notion that evaluations of procedural justice have a positive impact on public trust in the police³⁸.

³² REISIG, Michael D.; PARKS, Roger B. Experience, quality of life, and neighborhood context: A hierarchical analysis of satisfaction with police. *Justice Q.*, v. 17, p. 607, 2000. Available in: <https://doi.org/10.1080/07418820000094681>; SAMPSON, Robert J.; JEGLUM, Dawn. Bartusch. Legal Cynicism and (Subcultural?) Tolerance of Deviance: The Neighborhood Context of Racial Differences. *Law soc. Rev.* v. 32, p. 777, 1998.

³³ BREHM, John; RAHN, Wendy. Level Evidence for the Causes and Consequences of Social Capital. *AM. J. POL. SCI.*, v. 41, p. 999, 1997. Available in: <https://www.jstor.org/stable/2111684>.

³⁴ LIQUN CAO, James Frank; CULLEN, Francis T. Race, community context and confidence in the police. *AM. J. POLICE*, v. 15, p. 3, 1996. Available in: <https://doi.org/10.1108/07358549610116536>; JACKSON, Jonathan; BRADFORD, Ben. Crime, policing and social order: On the expressive nature of public confidence in policing. *Br. J. Sociol.* v. 60, p. 493, 2009; SUN, Ivan Y. et al. One country, three populations: Trust in police among migrants, villagers, and urbanites in China. *SOC. Sci. Res.* v. 42, p. 1737, 2013.

³⁵ GAU, Jacinta M. Procedural justice and police legitimacy: A test of measurement and structure. *American Journal Of Criminal Justice*, v. 39, p. 187, 2014; REISIG, Michael D.; BRATTON, Jason; GERTZ, Marc G. The construct validity and refinement of process-based policing measures. *Criminal Justice And Behavior*, v. 34, p. 1005, 2007; TANKEBE, Justice. Viewing Things Differently: The Dimensions of Public Perceptions of Police Legitimacy. *Criminology*, v. 51, p. 103, 2013. Available in: <https://onlinelibrary.wiley.com/doi/full/10.1111/j.1745-9125.2012.00291.x>. Access in: 23 Mayo 2023.

³⁶ STOTT, Clifford; HOGGETT, James; PEARSON, Geoff. Keeping the peace: Social Identity, Procedural Justice and the Policing of Football Crowds. *BR. J. CRIMINOL.*, v. 52, p. 381. 2012. Available in: <http://www.jstor.org/stable/44173495>. Access in: 23 Mayo 2023.

³⁷ JACKSON, Jonathan; BRADFORD, Ben. Crime, policing and social order: On the expressive nature of public confidence in policing. *Br. J. Sociol.*, v. 60, p. 493, 2009.

³⁸ J NIX, Justin et al. Trust in the Police: The Influence of Procedural Justice and Perceived Collective Efficacy. *Crime & Delinq.*, v. 61, p. 610, 2015. Available in: <https://journals.sagepub.com/doi/10.1177/0011128714530548>. Access in: 23 Mayo 2023; VAN CRAEN, Maarten; SKOGAN, Wesley G. Achieving fairness in policing: The link between internal and external procedural justice. *Police Quarterly*, v. 20, p. 3, 2017.

2.4 Towards Trust Building

Law enforcement agencies need to initiate trust-building efforts by implementing policy changes that shape the behaviour of officers during interactions with civilians. For instance, recent consent decrees issued by the United States Department of Justice and the State of Illinois have placed significant emphasis on the adoption of formal policies that promote “Fair and Impartial Policing.” These policies underscore the importance of procedural justice, as explained earlier, in fostering trust between law enforcement and the community³⁹. These policies serve as crucial foundations for officer training, with instructors emphasizing the principle of “training to policy.” While new policies related to fair and impartial policing are essential prerequisites for training, it is important to acknowledge that they also establish the framework for disciplinary actions when officers do not align their behaviour with these policies after completing their training⁴⁰. Policy changes that prioritize fairness can play a significant role in strengthening trust between officers and the public. These changes not only communicate to officers the significance of fair and impartial conduct as a central aspect of their duty but also provide clear guidelines regarding legal boundaries for routine policing actions like stops, arrests, and searches. In many instances, these actions are governed by ambiguous constitutional standards that are not constrained by department policies. As recently discussed by social psychologist Jack Glaser and public policy scholar Amanda Charbonneau, when constitutional standards are vague and policies lack specificity, they create a basis for broad police discretion that can lead to biased behaviours⁴¹. Glaser and Charbonneau highlight the influence of uncertainty in amplifying individual biases and the subsequent negative outcomes stemming from such biases. They propose that restricting the range of police behaviours can help mitigate the racial disparities that can arise from police actions. They assert that policy changes are a crucial step in advancing this objective.

A series of studies examined the effects of procedural justice training on police-citizen interactions. Criminologist Emily Owens and her team conducted a procedural justice intervention, instructing supervisors to treat officers with patience, respect, and procedural fairness. The intervention had an impact on officers’ interactions with citizens, resulting in a decrease in arrest rates. The treatment group showed a 25 percent reduction in arrests in the week following the intervention, compared to a pre-intervention arrest rate of 6 percent. While the effect diminished over six weeks, officers who completed the training still demonstrated a 12 percent reduction in arrests⁴².

Civilian review is another recommended approach to address trust issues between civilians and policing organizations. It often arises following incidents of violence involving police officers and public dissatisfaction with perceived lack of accountability. Civilian review boards, which have increased in number to over two hundred in the United States, serve as external mechanisms for reviewing complaints against officers. They aim to enhance transparency, restore public trust, and address concerns of bias or favouritism within internal disciplinary systems. By involving community members in the review process, civilian review boards aim to provide a fair and objective evaluation of police conduct, offering a potential solution to trust-related problems⁴³.

The idea is to shift towards using community advisory boards as a means of promoting effective policy-making. These boards, proposed by legal scholars Barry Friedman and Julian Clark, take a proactive approach

³⁹ MEARES, Tracey L. Trust & Models of Policing. *Daedalus*, v. 151, p. 165, 2022.

⁴⁰ UNITED STATES V. *Police Department Of Baltimore City*. 2017. Available in: <https://clearinghouse.net/case/15257/>. Access in: 23 Mayo 2023.

⁴¹ CHARBONNEAU, Amanda; GLASER, Jack. Suspicion and Discretion in Policing: How Laws and Policies Contribute to Inequity. *UC Irvine Law Review*, v. 11, n. 5, 2021. Available in: <https://scholarship.law.uci.edu/ucilrhttps://scholarship.law.uci.edu/ucilr/vol11/iss5/6>. Access in: 23 Mayo 2023.

⁴² OWENS, Emily *et al.* Can You Build a Better Cop. *Criminol. Public policy*, v. 17, p. 41, 2018.

⁴³ STEPHENS, Darrel W.; SCRIVNER, Ellen; CAMBARERI, Josie F. *Civilian Oversight of the Police in Major Cities*.

ch by engaging with the local policing agency and fostering trust between citizens and the agency. Unlike traditional civilian review boards, which tend to focus on retrospective analysis and individual cases, community advisory boards work collaboratively with the agency to address issues and find solutions. This approach aims to enhance accountability and improve relations between the community and law enforcement⁴⁴.

3 Conclusion and Suggestions

The enumerated strategies aimed at building trust in policing have primarily focused on improving law enforcement practices and aligning them with principles of public legitimacy, as described by social psychology. However, it is crucial to recognize that normative notions of legitimacy, which we attempt to evaluate through empirical methods, are complicated by the historical influence of settlement, chattel enslavement, and the concept of race in shaping the laws that the police have historically enforced and continue to enforce today. These historical factors challenge our understanding of legitimacy and underscore the need for a deeper examination of the role played by systemic racism in law enforcement.

To foster trust between the public and the police, it is essential to consider reforming the laws that govern law enforcement. Although the Reconstruction Amendments and civil rights laws in the United States sought to remove explicit white supremacy from criminal law, the deep-rooted structure and culture of racial discrimination that had been built over centuries persisted within legislation and law enforcement practices. An example of this is the stark contrast in punishment for similar offenses between enslaved Black individuals and white individuals during the antebellum period, where the law formally differentiated between the two groups. Recognizing and addressing these historical disparities is crucial for building trust and promoting equality within policing. In the past, imprisonment was exclusively reserved for white individuals since it required the person to be recognized as a free citizen. After the Civil War, the formal racial distinctions in state criminal law were eliminated when Confederate leaders revised their state constitutions. However, despite the removal of explicit racial distinctions in the criminal code, racial disparities persisted in both hidden ways and through the enforcement of the law. One example is the practice of convict leasing, which effectively recreated slavery in many parts of the South by exploiting criminal law, as the Thirteenth Amendment allowed involuntary servitude for convicted criminals. Additionally, state constitutions played a role in formally sanctioning discrimination that was not explicitly prohibited by the U.S. Constitution. Similar to how corrections officers and prisons had significant discretion over incarcerated individuals, police officers were also granted discretion to enforce the law, often resulting in racial disparities. Until the 1960s, police officers utilized practices like “field interrogations” and broadly defined statutes on loitering and vagrancy to harass and intimidate marginalized communities, particularly people of colour. These practices allowed officers to target and discriminate against certain groups based on their subjective judgments, perpetuating inequities in law enforcement⁴⁵. Despite the Supreme Court’s rulings invalidating loitering and vagrancy laws and placing limits on police discretion in cases like *Terry v. Ohio*, the focus on crime reduction led law enforcement agencies to adopt proactive policing strategies that relied on tactics like stop and frisk. While such stops and frisks are constitutionally permissible when there is a reasonable belief of criminal activity, every state and locality has managed to criminalize a wide range of low-level behaviours. This operation of the criminal justice system, while formally democratic, coexists with antidemocratic structures and culture. While specific laws targeting activities like selling loose cigarettes or maintaining long grass lawns may seem

⁴⁴ FRIEDMAN, Barry; CLARK, Julian. Community Advisory Boards: What Works and What Doesn’t (Lessons from a National Study). *AM. J. Crim. Law*, v. 47, 2021. Available in: <https://papers.ssrn.com/abstract=3874229>. Access in: 23 Mayo 2023.

⁴⁵ MACLIN, Tracey. *Terry v. Ohio’s Fourth Amendment Legacy: Black Men and Police Discretion*. *St. John’s law rev.*, v. 72, p. 25, 1998.

unrelated to advancing the democratic project, they, too, perpetuate inequality by enabling unequal treatment and expanding police discretion⁴⁶.

Currently, the majority of states have legalized the possession of marijuana, and Oregon has taken a step further by decriminalizing small amounts of drugs like heroin and methamphetamine. Redirecting focus towards legislative measures that limit the initial power granted to the police is crucial in building trust in government and the state. Importantly, these efforts are likely to contribute to the goal of creating safer and healthier communities, without detracting from it. By re-evaluating and restraining the authority of law enforcement, we can work towards enhancing trust and promoting positive outcomes for society as a whole.

Establishing trust between legal authorities and the public is crucial for promoting safe communities. However, trust serves a deeper purpose beyond instrumental goals. Police officers, as state authorities, play a significant role in helping individuals understand their environment and their place in society. They serve as an interpretive lens through which people make sense of their past, assess the present, and envision potential futures. Policing is closely tied to maintaining ontological security, shaping subjectivities, and fostering collective identities. To ensure equality and a comprehensive understanding of trust dynamics, it is essential to examine how critical state actors and the public establish and maintain trust relationships. This perspective emphasizes the civic educational implications of law enforcement, highlighting the need to consider how police interactions educate citizens and their potential to cultivate trust⁴⁷.

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⁴⁶ DOUGLAS, William O. Vagrancy and Arrest on Suspicion. *Yale Law J.*, v. 70, p. 1, 1960. Available in: <http://www.jstor.org/stable/794305>.

⁴⁷ JUSTICE, Benjamin; MEARES, Tracey L. How the Criminal Justice System Educates Citizens. *ANN. AM. ACAD. POL. SOC. SCI.* v. 651, p. 159, 2013. Available in: <https://doi.org/10.1177/0002716213502929>.

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