The Impact of Psychological Science on Policing in the United States: Procedural Justice, Legitimacy, and Effective Law Enforcement

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Summary

The May 2015 release of the report of the President's Task Force on 21st Century Policing highlighted a fundamental change in the issues dominating discussions about policing in America. That change has moved discussions away from a focus on what is legal or effective in crime control and toward a concern for how the actions of the police influence public trust and confidence in the police. This shift in discourse has been motivated by two factors—first, the recognition by public officials that increases in the professionalism of the police and dramatic declines in the rate of crime have not led to increases in police legitimacy, and second, greater awareness of the limits of the dominant coercive model of policing and of the benefits of an alternative and more consensual model based on public trust and confidence in the police and legal system. Psychological research has played an important role in legitimating this change in the way policymakers think about policing by demonstrating that perceived legitimacy shapes a set of law-related behaviors as well as or better than concerns about the risk of punishment. Those behaviors include compliance with the law and cooperation with legal authorities. These findings demonstrate that legal authorities gain by a focus on legitimacy. Psychological research has further contributed by articulating and demonstrating empirical support for a central role of procedural justice in shaping legitimacy, providing legal authorities with a clear road map of strategies for creating and maintaining public trust. Given evidence of the benefits of legitimacy and a set of guidelines concerning its antecedents, policymakers have increasingly focused on the question of public trust when considering issues in policing. The acceptance of a legitimacy-based consensual model of police authority building on theories and research studies originating within psychology illustrates how psychology can contribute to the development of evidence-based policies in the field of criminal law.

Keywords

procedural justice, legitimacy, sanctions, deterrence, policing

Introduction

The development of police research provides an example of how initially academic psychological theories and experimental laboratory-based research conducted by social psychologists can provide a powerful alternative to some of the traditional models that have dominated law and public policy. For this to happen, it is necessary for those models to speak to issues that are important to the actors in the legal system. In this case, leaders of the national policing community have adopted models drawn from psychological research on legitimacy because both the limits of traditional deterrence models and the strengths of a legitimacy-based model have become clear.

This change also offers a striking example of how society can benefit from the importation of psychological models into public policy. After decades of seeking to motivate compliance primarily through the use of sanctions, legal authorities have recognized two consequences. The first is that they have not successfully addressed the issue of public trust in the police, the courts, and the law.

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Second, these approaches have led to large expenditures of public funds to build apparatus for surveillance and sanctioning that have produced mixed effects.

In recent years, law enforcement has become increasingly enthusiastic about a positive and proactive social-psychology-based model of policing that rests on motivating willing deference and voluntary cooperation flowing from perceived legitimacy (Tyler, 2006a, 2006b). Such legitimacy develops from and is maintained by the fair exercise of authority on the part of the police when they deal with the public—that is, through the provision of procedural justice (Thibaut & Walker, 1975). Perceiving policing as legitimate includes having opportunities for voice and participation in designing policing policies, experiencing decision making as neutral and unbiased, receiving respectful treatment during the implementation of those policies in the community, and trusting in the benevolence and sincerity of police in their dealings with the public. The underpinnings of such an approach are rooted in classic social-psychological theory—for example, in the work of Kurt Lewin (Gold, 1999).

Interestingly, while police leaders initially supported changes in their style of policing out of a concern for more effectively building public trust and thereby increasing the acceptance of their authority in the community, it has rapidly became clear that many patrol officers themselves widely question the legitimacy of their own superiors. Hence, the large psychological literature on organizational justice, which is relevant to the internal organizational dynamics of police departments, is equally important in efforts to produce changes in police behavior (Colquitt, Conlon, Wesson, Porter, & Ng, 2001).

This additional focus on the internal dynamics of police departments also has policy relevance, because it suggests that one way to motivate change is to focus on what police officers themselves have to gain from changing. For example, studies have shown that the physical and mental health of officers is undermined by working in unfair departments, as well as in hostile communities (Trickner, Tyler, & Goff, 2015). Officer safety is similarly compromised by using force-based strategies that escalate conflict, provoke anger, and promote verbal and physical resistance (McCluskey, 2003). Strategies of change that focus on what the police themselves have to gain from promoting legitimacy are particularly likely to gain traction. If the police can buy into a change from a "warrior culture" to a "guardian culture" and from a police "force" to a police "service" in their own definition of what gives them legitimacy, then officers, as well as the community, can gain.

The extent of the shift in policing concerns is reflected in the recent report of the President's Task Force on 21st Century Policing (2015). Whereas an earlier assessment of policing by the National Academy of Sciences (Skogan

& Frydl, 2004) detailed changes in police professionalism and crime fighting as central policing concerns and mentioned the psychology underlying police legitimacy at the end as an important area for future study, the introduction to the 2015 task force report made the relationship between the local police and the communities they protect and serve its central focus (the first "pillar" of policing), citing research on the psychology of legitimacy in its opening section.

This shift in focus toward public trust and confidence reflects the most fundamental reconceptualization in thinking about the goals of policing in America since the 1960s and the Kerner Report on policing (*Report of the National Advisory Commission on Civil Disorders*, 1968). And, in advocating change, the framework of this most recent task force is striking both for pointing to police legitimacy as the central issue in 21st-century policing and for defining legitimacy as a psychological issue of trust and confidence rather than focusing on the legal question of lawfulness, which dominated earlier discussions of policing, or the objective question of how a police practice shapes the rate of crime. It is the availability of an empirically supported psychological model that has made this policy shift both compelling and defensible.

Background

In the space of 9 months, Americans were shocked by police killings of four African American men (Eric Garner in Staten Island, New York; Michael Brown in Ferguson, Missouri; Ezell Ford in Los Angeles, California; and Walter Scott in North Charleston, South Carolina) and a 12-year-old African American boy (Tamir Rice in Cleveland, Ohio). As of April 2015, the Ford and Rice cases remain unresolved and the officer in the Scott case has been charged with murder, but grand juries did not indict the officers involved in the Garner and Brown cases. The particulars of these cases differ, and by the time this monograph is available, there are likely to have been other equally salient incidents, but collectively, the incidents that have already occurred have provoked a sense of crisis in the legitimacy of American policing.

The present article makes no claim to analyze these particular cases, and indeed it was conceived and mostly written prior to these events,[1] but we do believe that the extensive literature on the psychology of legitimacy and procedural justice offers a great deal that is helpful in interpreting these events and the public's response to them.

Our focus on building legitimacy through procedural justice is just one part of a much larger literature on the psychology of policing (see Bartol, 1996; Kitaeff, 2011), which has examined an array of questions involving personality,

ability, stress and coping, and psychopathology. Two other streams of recent theory and research fall outside the scope of this article, but are also potentially quite important for understanding these police shootings. One is the now-massive literature on implicit prejudice, particularly as it is manifested in "shooter bias" effects, whereby White officers are often quicker to shoot unarmed Blacks than unarmed Whites in policing simulations (see Correll, Park, Judd, & Wittenbrink, 2002; Cox, Devine, Plant, & Schwartz, 2014; Glaser & Knowles, 2008). The other is the literature on the dehumanization of out-groups (Goff, Eberhardt, Williams, & Jackson, 2008; L. T. Harris & Fiske, 2011; Haslam, 2006; Staub, 1992), especially as it is manifested in the military and police professions.

We also acknowledge that policing is a vitally important occupation and that officers are called upon to serve and protect the public under conditions that are enormously stressful, challenging, and dangerous. Police officers are routinely subjected to disrespectful and sometimes verbally or even physically abusive treatment from citizens. But because society grants police officers considerable authority, and considerable discretion in its deployment, society has a clear interest in monitoring and enforcing high standards of police conduct.[2]

We recognize that many in the law enforcement community may judge our emphasis on procedural features like respect, dignity, and neutrality to be naive and inadequate for managing the real-world crimes and conflicts they encounter. But we ask them to recognize, as have many in the professional policing community (C. Fischer, 2014), that the literature on procedural fairness offers a host of well-tested insights about managing police-citizen encounters, increasing citizen cooperation with the police, and promoting citizen compliance with law. A focus on building legitimacy via procedural justice is surely not the whole of effective policing, but it is an important component and one that offers the possibility of making improvements that are both affordable and manageable by the police.[3]

Changes in the Challenges Faced by Policing

Since the 1970s, American law enforcement has generally framed its policies and practices through a perspective on what motivates people to obey the law and the directives of legal authorities, which draws heavily upon the instrumental model. This model suggests that people are concerned about material rewards and physical punishments. Consistent with this view of people as responding to contingencies in their immediate environment, the authority for making policing policies has been concentrated at the higher levels of hierarchically organized police departments, and those policies have then been

enacted both within departments and on the street through the provision of rewards and/or the threat or use of sanctions, an approach called *deterrence* (Bayley & Nixon, 2010; Sklansky, 2008). Within departments, there have been systems of incentives and sanctions for officers who follow or break department rules and policies. Within communities, the police have provided the incentive of the rapid and reliable delivery of services and the provision of safety through crime control (rewards) and have regulated behavior by the threat or use of fines, arrests, and incarceration (punishments).

To provide positive outcomes to citizens, departments have developed service-delivery systems of call response based on 911 and 311 number systems through which officers make themselves available to citizens who have problems that need to be solved or when crimes are in progress. These systems have been evaluated through various instrumental metrics, such as police response time and citizens' satisfaction with police services and belief that the police are controlling crime and creating safety for community residents. These systems ensure that the police are dealing with problems of concern in the community, because at least someone in the public wants police presence and associates officers with solving problems and helping the public.

Crime control has been a second important policing goal during an era of high rates of violent crime and widespread fear over super-predators and drug-related crimes. In an effort to manage issues of social order, sanctions have been applied to regulate criminal behavior through the use of warnings, citations, fines, and arrests for rule breaking. Two levels of regulation occur: managing everyday crimes and dealing with serious felony-level crimes. In recent years, the police have engaged in actions intended to proactively control the rate of both types of crime. "Broken-windows"-based approaches, in which the police focus on arresting minor offenders, have been directed at everyday lifestyle crimes, while a variety of tactics such as "hot spots" policing have been used to manage more serious and violent gun- and drug-related crimes.

Underlying these policing models is the influence of a widely held assumption about human motivation—the notion that people's behaviors are a direct response to the material incentives and sanctions within their immediate environment. This assumption has had an enormous impact on the arena of law, shaping our view of policing for decades.

The assumption that people are driven by incentives is not baseless, by any means. Psychology, like economics, has long studied the ways in which incentives shape behavior, though these disciplines differ in their terminology and emphasis. The problem with the self-interest assumption, at least with respect to crime control, is not

that it is wrong, but that it is narrow. The problem is not simply that people have difficulty correctly inferring incentives and contingencies in the environment or have trouble balancing short-term versus long-term outcomes, but that they care about far more than simple material rewards and punishments.

People care about the broader social meaning of those incentives for their sense of identity and their sense of belonging (for a variety of perspectives on this point, see Foa, 1971; French & Raven, 1959; Miller & Ratner, 1998; Steele, 1988; Tyler & Blader, 2000) Thus, as the police themselves are well aware, people routinely behave in ways that make little sense judged purely by a calculation of economic self-interest (e.g., Wilson & Abrahamse, 1992) but that might be better explained with respect to cultural attributes such as honor, status, and identity (Fiske, Kitayama, Markus, & Nisbett, 1998). Although in some sense these concerns still involve "incentives," "self-interest," and "instrumental behavior," it is often useful to distinguish expressive from instrumental concerns and symbolic from material goods.

Granted, various lines of empirical research suggest that strategies of regulation based on the threat or use of force can be successful (i.e., "Deterrence works"). For example, research suggests that deterrence strategies can influence crime-related behavior, such that people who believe they are more likely to be caught commit fewer crimes (Blumstein, Cohen, & Nagin, 1978; Nagin, 1998). However, when there is a statistically significant influence of deterrence on behavior, the magnitude of that influence has usually been found to be small, and typically involves the certainty of sanctioning rather than its severity (Bottoms & Von Hirsch, 2010; Lipsey & Cullen, 2007; Paternoster, 2006; B. Wright, Caspi, Moffit, & Paternoster, 2004).

Reviews of the deterrence research have shown only a "modest to negligible" relationship between risk judgments and crime (Pratt, Cullen, Blevens, Daigle, & Madensen, 2008) and have concluded that "the perceived certainty of punishment plays almost no role in explaining deviant/criminal conduct" (Paternoster, 1987, p. 191). According to Piquero, Paternoster, Pogarsky, and Loughran (2011), a review of the literature results in "some studies finding that punishment weakens compliance, some finding that sanctions have no effect on compliance, and some finding that the effect of sanctions depends on moderating factors" (p. 1; see also Paternoster, 2006). The effects of deterrence, in other words, exist, but there is the possibility of moving beyond these effects and further enhancing law-abiding behavior by also considering how to manage social order based on legitimacy.

Similarly, studies of punishment have suggested that it is largely ineffective at "specific" deterrence—the direct effect of punishment on the future conduct of the punished individual. For example, the widespread use of punishment for lesser crimes does not generally lower the rate of subsequent criminal behavior for individual criminals or for others in the community, contrary to what would be predicted by models of deterrence (Harcourt, 2001; Harcourt & Ludwig, 2006). Indeed, studies of juveniles have suggested that incarceration *increases* the likelihood of later criminality among those punished (McCord, Widom, & Crowell, 2001). Another recent review of evidence argued that changes in the crime rate are unrelated to past or current changes in imprisonment rates (i.e., to the growth of incarceration in the United States; see the National Academy of Sciences report *The Growth of Incarceration in the United States*; National Research Council, 2014).

There are disagreements about the impact of imprisonment, and other authors have argued that it does work because it incapacitates offenders and keeps them off the street. However, these gains occur with steeply diminishing marginal returns (Johnson & Raphael, 2012), because most criminals mature out of crime as they age, so a large number of people who would not have been criminals later in their lives if they had not been imprisoned remain in prison. In addition, once a small group of high-risk offenders is incarcerated, the marginal gains of adding increasingly larger groups of lower-risk offenders are small. Given these results, and the very steep costs of the penal system, policies such as mandatory minimum sentences have been a target of reform (National Research Council, 2014).

It is also worth noting that studies of the effect of the death penalty—the ultimate severe punishment—have suggested that its general deterrent effect (beyond that of a life sentence) "still lacks clear proof" (Weisberg, 2005). The National Academy of Sciences report summarized decades of studies using a wide variety of methods but still concluded that no clear evidence of an effect of the death penalty on deterrence has been shown (Nagin & Pepper, 2012).

In all of these cases, there is disagreement about whether punishment works and, if so, when and why. Studies have suggested that deterrence can work but that in real-world settings, the ability of authorities to deploy and maintain sufficient surveillance and apprehension risk to impact on individuals is limited. Problems with deterrence flow not from the inability of risk to shape behavior but from the difficulty of deploying resources into effective strategies based on creating perceived risk. However, our core argument is not that deterrence does not work. Our suggestion is that its effectiveness is often overstated and that it is too frequently used to the exclusion of other approaches. The effects of punishment should be supplemented by building legitimacy and drawing on its motivational power to further enhance efforts at maintaining social order.

The problems involved in obtaining everyday compliance with the law are illustrated through compliance issues involving a wide variety of behaviors, ranging from driving and drug use to illegal immigration and the payment of taxes. There is evidence that, across many everyday behaviors, people do not always follow the law. Most people comply with any given law most of the time, but legal authorities deal with sufficiently frequent noncompliance that it puts a strain on the resources normally devoted to social control. That includes the resources necessary for surveillance, evaluations of wrongdoing, and administering sanctions. And, for crimes such as underage drinking, the recreational use of drugs, the illegal downloading of music, and the illegal copying of books and movies, noncompliance is so widespread that it makes effective regulation very difficult (MacCoun & Reuter, 2001; Schultz, 2006). Without a fundamental reallocation of resources, our society cannot effectively monitor the general public searching for everyday wrongdoing.

In general, in recent years the limits of the command-and-control model, which seeks to implement regulations primarily through sanctions and incentives, have been increasingly recognized. Research has shown that utilitarian models such as command and control come at high material cost because of the need for widespread and ongoing surveillance to create a credible risk of detection and punishment to show that there are costs associated with sanctions. And, of course, punishment drives the costs of large police forces and widespread prison construction and operation, which has emerged as a major budget issue in American states. Thus, even when judged by purely instrumental criteria, public spending on crime control is not cost-effective (Durlauf & Nagin, 2011; Welsh & Farrington, 2012).

Overall, research indicates that policing through a deterrence model, in which the possibility of arrest shapes behavior, can influence public conduct. As we have noted, when this model falters, it is often not because of the impossibility of such an approach but because of limits in the resources that are available to monitor behavior. To work effectively, deterrence requires the creation and maintenance of a credible risk of apprehension and punishment. When there is the high likelihood of such an outcome—that is, of swift and certain punishment—deterrence is a viable strategy. However, long-term sustainability is frequently a challenge, since spikes in crime can create societal pressure to focus on particular crimes or locations but, over time, criminal activity and public attention to it shift to other crimes and locations. This leads to pressures to reallocate resources, and when such reallocation occurs, the credibility of the surveillance effort in earlier settings is compromised.

Some authors have contended that policing (rather than incarceration) has played an important role in the dramatic decline in violent crime in recent decades (Zimring, 2007), though the degree to which police policies and practices do, in fact, influence crime has been a highly contested issue. The concentration of police resources in particular spots ("hot spots" policing) has been shown to reduce crime in those areas in the short term (see Weisburd & Braga, 2006). On the other hand, other studies have raised questions about the effectiveness of zero-tolerance and broken-windows approaches to crime (Harcourt, 2001; Harcourt & Ludwig, 2006), because, for example, crime declines have been similar in cities pursuing vastly different policing strategies, both within the United States and in other countries (e.g., Canada).

Whatever the general role of the police has been in influencing and reducing crime, it is clear that policing can make a difference when resources can be sufficiently concentrated and when that concentration can be maintained over time. At least some studies have suggested that greater police presence is linked to a lower violent-crime rate (Evans & Owens, 2007; Vollaard & Hamed, 2012), with Worrall and Kovandzic (2010) suggesting "a modest inverse association between police levels and crime" (p. 515). It is equally clear that there are problems when there is little or no policing. The impact of police presence is especially striking when compared to zero policing.

These findings emphasize, as noted, that the limits of deterrence are often connected to constraints in the ability to police people or places, rather than to some intrinsic inability of risk estimates to shape behavior. For example, "hot spots" can reduce crime in areas flooded with officers, but it is difficult to sustain high levels of concentrated police attention in one area over time (Braga & Weisburd, 2006). Similarly, deterrence linked to crackdowns on particular crimes can lower the crime rate, but it is hard to sustain sufficient surveillance and a credible threat of punishment to maintain those declines over time.[4] It is also important to note that under some conditions, incentives and sanctions can shape cooperation with law enforcement and, through such cooperation, influence crime (Cook & MacDonald, 2011).

The dominance of instrumental models in the face of their often weak performance in shaping crime-related behavior suggests not that deterrence is ineffective but rather that legal authorities can and do overstate the effectiveness of the utilitarian approach to implementing laws and regulations.[5] They believe that threat strongly deters immediate criminal behavior and that punishment strongly lowers recidivism among offenders and deters others from committing crimes. These effects do occur but are often weaker than is suggested, often for reasons

that have to do with the ability and willingness to deploy resources in ways that might potentially create credible threats.

The Legitimacy Perspective

Fortunately, it is not necessary for us to resolve differences about the weight of deterrence factors in shaping criminal activity to make the arguments we make in this report. Rather, we suggest a two-part strategy. The first part is an effort to optimize the traditional deterrence parameters to identify how and when to best deploy deterrence approaches. This involves identifying who is most likely to be impacted by such strategies (Ayres & Braithwaite, 1992) and the conditions under which such strategies are most likely to be sustainable. In particular, when does society view a problem as sufficiently important to invest the resources needed to create a police force, court system, and prisons with sufficient capacity for surveillance and a system of courts and jails to enforce punishments for wrongdoing?

Furthermore, when do situational factors mitigate in favor of effective surveillance? As an example, when people make their income via paychecks, withholding is possible, so their underreporting can be observed when they pay taxes. Because records are kept independently, it is hard to obscure income. When people are on probation and must make periodic checks with officials, drug-use monitoring by testing is more viable. For practical reasons, this approach is also most feasible when there is a small group of known people involved—for example, in the case of drug tests among people on probation.

This perspective recognizes that the impact of deterrence approaches depends on the manner in which such approaches are implemented. If society has a system that can produce swift and certain punishment, that has the consequence of enhancing the effectiveness of deterrence. Some criminologists have argued that a system of certain, swift, and mild sanctions would provide far more effective behavior control than our current system of uncertain, slow, and severe sanctions (Kleiman, 2009).

But we further suggest that whatever improvements can be made in deterrence approaches, the police and the criminal justice system will more generally benefit from a broader conceptualization of what motivates citizens. We argue that such a broader conceptualization provides reasons for giving more attention to a relatively neglected psychological factor: perceived legitimacy.

How would we gain from a focus on legitimacy? One way is through a better ability to understand and shape behavior. Consider a study of everyday law-related behavior among a random sample of the residents of Chicago, detailed by Tyler (2006b). In that study, deterrence considerations—in particular, the likelihood of being punished—did shape behavior. However, the impact of deterrence was less powerful than that of legitimacy (also see Tyler & Fagan, 2008). By considering both together, the ability to understand why people obeyed the law was strengthened. More recently, Tyler and Jackson (2014) replicated this finding using a national sample. They further demonstrated that the role of legitimacy becomes stronger, relative to that of reward/cost considerations, when the issue of concern is cooperation.

Of course, the key point is not that there is anything to be gained from trying to undermine deterrence models when the conditions exist for them to be effective. Rather, our goals are two. The first goal is to emphasize that our overall ability to shape law-related behavior and improve the operation of the criminal justice system is substantially enhanced when we include legitimacy in our framework. The second goal is to emphasize that this focus on legitimacy will better address an issue that has not been addressed effectively by deterrence approaches. That issue is public trust and confidence in the police, the courts, and the law. The police have increasingly seen the trust issue as important to their mission and, as a consequence, have been more strongly motivated to explore issues of legitimacy and to try to understand what factors shape public trust and confidence. We will show that research is very clear in suggesting that neither the objective lawfulness of police actions nor their influence on crime is the most important antecedent of public trust and confidence.

Public Trust and Confidence

Why care about public trust and confidence in the police? Our goal is to suggest that legitimacy—that is, public trust and confidence—can be an important factor in policing and that a focus on legitimacy provides an additional motivational force that lowers crime. Legitimacy is especially important when the focus of concern expands to include issues of cooperation and empowerment (Tyler & Jackson, 2014).

In this volume, we focus on this other aspect of policing that we suggest is also linked to crime: the relationship of policing to public trust and confidence. Notwithstanding improvements in the objective quality of policing, such as declines in coercion in obtaining confessions, lowered rates of corruption, decreases in shootings, and dramatic declines in violent crime, studies of the police over the past 30 years have consistently found that public support for the police—often indexed as "trust and confidence" in the police—has not increased (Skogan & Frydl, 2004).

For a variety of reasons, rates of violent crime in the United States have dropped 48% since 1993, according to

the FBI's Uniform Crime Reports (Crime in the United States, 2012). And yet the percentage of Americans expressing confidence in the police has remained fairly level over that same period, fluctuating between 50% and 60% (Gallup, 2015). For example, in 1993, 52% of Americans reported having "a great deal" or "quite a lot" of confidence in the police; in 2014, 53% expressed that level of confidence. And a substantial number of Americans have negative views of the police. For example, a recent Reuters poll found that 35% of all Americans believe that "police officers tend to unfairly target minorities," while 31% believe that "police officers routinely lie to serve their own interests" (Schneider, 2015).

In addition to overall public views, there is a racial gap in views about the police. Gallup polling data from 2006 to 2014 show that nearly two in three White Americans, but only one in three Black Americans, have confidence in the police (Jones, 2014). This gap is long-standing and not disappearing. In 1994, 57% of White Americans and 34% of Black Americans expressed that they felt "a great deal" or "quite a lot" of confidence in the police; in 2014, it was 58% and 31% (www.prisonpolicy.org/blog/2015/07/02/police_confidence).

This trend is illustrated in Figure 1. Each year, Gallup asks a random sample of U.S. adults to report their level of confidence in a number of institutions in American society—a great deal, quite a lot, some, or very little. The graph in Figure 1 shows the percentage of White and Black Americans reporting "a great deal" or "quite a lot" of confidence in the police. Whites repeatedly report higher levels of confidence in the police relative to Americans in general, whereas Blacks report markedly lower confidence levels relative to Americans in general.

This discrepancy—between the growing professionalism of police performance as indexed in the ways already outlined and the seeming success of the police in dealing with the issue of crime, on the one hand, and generally unchanging or declining levels of public support, on the other—suggests that the police may not currently be effectively building on the potential to gain through their heightened professionalism and improved performance, or declining rates of crime, to build their popular legitimacy. The arguments made here draw on the recognition that trust and confidence is an important issue not well addressed by deterrence models. This analysis argues that psychological models both address the issue of legitimacy more effectively and deal as or more effectively than instrumental models with issues of crime control.

Further, we suggest in the recent past, a set of national events, beginning with the Rodney King incident in Los Angeles, concerns over racial profiling, and the ongoing community policing movement have all produced pressure toward paying attention to public support (or the lack of it) in addition to issues of police performance. We

have moved beyond a time when policies and practices are evaluated solely in terms of their legality and effectiveness in managing crime to a time when people are also asking how the police are viewed in the community and how their policies and practices impact public trust and confidence in the police and the criminal justice system.

Psychological Theory

Law enforcement officials are often aware of the shortcomings of an exclusive reliance on instrumental models or of reliance on those model when the resources do not exist to implement them effectively. However, they believe that there are no alternative viable models on which to base law and the policies and practices of law enforcement.

One important contribution of psychology has been the articulation of an alternative model for a viable legal system. A second contribution has been the empirical demonstration that such an alternative psychological model can be viable. It is here that the sophistication of psychological research is particularly important, since it enables researchers to make a compelling empirical case for psychological models.

Since the 1950s, social psychologists have recognized that there are alternatives to the instrumental approach to exercising authority (French & Raven, 1959), alternatives that studies such as *Why People Obey the Law* (Tyler, 2006b) have demonstrated are not only effective in the case of legal authority but more influential in achieving compliance than are instrumental mechanisms in many social settings (Tyler, 2011). These models suggest that people's behavior is influenced by the degree to which they do or do not believe that deferring to legal authorities is appropriate. Studies have shown this to be true of authority in a variety of organizations and communities, including management, government, and law.

Legitimacy is the belief among people in a society that those in power deserve to rule and make decisions influencing the lives of others (Kelman & Hamilton, 1989). Legitimacy is the perception that one "ought to obey" another (Hurd, 1999). In work settings, legitimacy refers to the judgment that "the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions" (Suchman, 1995, p. 574).

In the case of legal authorities, empirical studies have indicated that the legitimacy of the police, the courts, and the law shapes a variety of important public behaviors. These include deference to police authority during personal encounters (Tyler & Huo, 2002), everyday compliance with the law (Jackson et al., 2012; Tyler, 2006b), cooperation with the police (Tyler & Fagan, 2008; Tyler
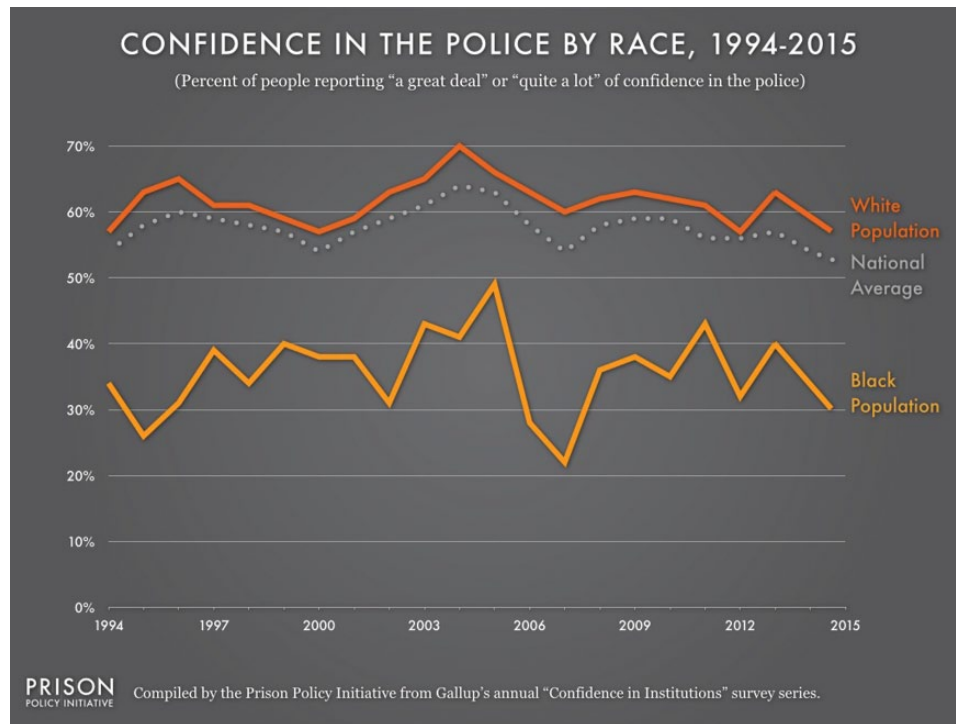
Fig. 1. U.S. citizens' level of confidence in the police as a function of race. Reprinted from "One Institution, Two Different Views: How Black and White Americans Regard the Police," by R. Gandy, 2015. Retrieved from http://www.prisonpolicy.org/blog/2015/07/02/police_confidence/. Copyright 2015 by the Prison Policy Initiative. Reprinted with permission.

& Jackson, 2014), and the acceptance of police authority (Jackson, Huq, Bradford, & Tyler, 2013; Tyler & Jackson, 2014).

These findings reflect an important insight: People respond to their views about legitimacy. This insight is not new. Sir Robert Peel, who founded the London police in 1829, recognized the importance of public cooperation with the police, coining the term "policing by consent" (Lentz & Chaires, 2007). Peel's second principle of policing was that the ability of the police to perform their duties is dependent on public approval of police actions, and his third principle was that to be successful, the police must be able to secure the willing cooperation of the public so that they motivate widespread voluntary observance of the law. To achieve this goal, the police need to have the capacity to secure and maintain the respect of the public. This should therefore be a goal in any interaction that police officers have with members of the community.

Similarly, this is not a new insight in the field of psychology, since psychologists have long recognized the important role that values play in shaping behavior, with theorists such as Freud emphasizing that value socialization is central to childhood. Commenting on Freud, Hoffman (1977) said that there is an

agreement among social scientists that most people do not go through life viewing society's moral norms as external, coercively imposed pressures to which they must submit. Though the norms are initially external to the individual and often in conflict with [people's] desires, the norms eventually become part of [people's] internal motive system and guide [their] behavior even in the absence of external authority. Control by others is thus replaced by self-control. (p. 85)

It is this taking on of responsibility to follow societal rules that is the core idea underlying value socialization.

Although most psychological research has focused on the socialization of moral values, social psychologists have recognized that another important type of value internalization involves the legitimacy of societal authorities and institutions (Tyler, 2006a). Legitimate authority was recognized as one of five bases of social power in early work in the group dynamics tradition (French & Raven, 1959) and has been central to key research efforts such as those of Milgram (1974) and Kelman (1958). More broadly, legitimacy is central to the sociological writings of Weber (1968) and to sociological research such as that of Gamson (Gamson, Fireman, & Rytina,

1982). Both the limitations of instrumental authority and the importance of the social value of legitimacy emerge from a long history of social science theory and research.

Legitimacy is particularly important when, as Kelman and Hamilton (1989) argued, it can supplant the influence of moral values. An authority can authorize people to engage in a behavior, such that people substitute their feelings of obligation to obey for their personal judgments of self-interest or morality. For this reason, having legitimacy gives authorities power over the behavior of others. Such power can have positive consequences, such as when people defer to authorities when resolving disputes, or it can have negative social consequences, such as when people follow legitimate directives to harm others (Kelman & Hamilton, 1989; Milgram, 1974).

The general focus of social theory since the work of Weber has been on the value of legitimacy, because of its role in enabling a more effective style for the exercise of social authority. Authorities can exercise their power through the promise of rewards or the threat of sanctions, but such instrumental approaches are expensive and inefficient. These approaches are also problematic in times of crisis, during which authorities need to be able to call upon the public for its support yet may lack control over resources. If an organization or society's governance is motivated by incentives and sanctions alone, it is at risk of disintegrating during times of difficulty or change, because just when it is most heavily dependent upon the cooperative behavior of the public it will be least able to motivate such cooperation by providing incentives or credibly threatening punishments. Authority based on appeals to people's moral values can also potentially be effective, but it works primarily in situations in which people's moral values accord with legal rules. People think murder is both illegal and immoral. However, in some situations, ranging from illegal drug use to the illegal downloading of music, people may not view actions that the law defines as illegal as morally wrong, so morality is not an effective basis for social order. Further, there are situations in which people disagree. This is especially true in pluralistic societies like America, in which people lack a common set of religious or social backgrounds, which might define common moral values. In cases such as abortion rights and school prayer, the population is divided in its moral values, and one set of such values cannot define the law for everyone.

In contrast, if a system has widespread legitimacy, authorities can appeal to members based on their shared purposes and values, giving the system stability and viability. As noted, this obligation to law can authorize deference to rules that people may disagree with or even think are wrongheaded. This perspective suggests that legitimacy is a desirable feature of social systems, since all members of society share the common value of accepting legal authority and benefit from something that contributes to stability and effective governability (Tyler, 2006b; Tyler & Huo, 2002).

While much of the focus of law is on compliance, the shift toward a consensual model of authority based on legitimacy is additionally beneficial because it more easily accommodates a broader set of goals that are becoming increasingly important in society (Tyler & Jackson, 2014). The first of these goals is cooperation. Cooperation is first important in terms of the traditional issue of deference to legal authorities. While people can obey because of a fear of punishment, it is easier for authorities when they defer out of a willing acceptance of authority. Legitimacy motivates consent.

When legal authority is legitimate, people more broadly help to co-police their communities. They report crime and identify criminals. They also more willingly act as witnesses and jurors. They go to neighborhood meetings and participate in neighborhood watch. All of these behaviors help the police to do their jobs. Finally, the police ideally act as an agency that projects a spirit of reassurance and security within the community. Although many people seldom deal with the police, and are calling for services when they do, it is important that they feel that if they have problems or are in danger the police will care about their problems and will take them seriously. Rather than feeling fear around the police and avoiding contact with them whenever possible, when people trust the police they are more willing to engage in their communities by shopping, working, going out for entertainment, and participating politically and in neighborhood groups.

Legitimacy and Criminal Justice

Given that legitimacy is a valuable property for authorities to have, one question is what makes an authority legitimate. This issue was first addressed empirically within social psychology in the classic work of Lewin on styles of leadership (Lewin, Lippitt, & White, 1939). In that work, Lewin showed that people voluntarily accept the directives of democratic authorities, buying into those directives and following them even when the authority is no longer present to watch them and supervise their behavior.

Lewin's research demonstrated that democratic authorities gain the ability to influence others via the procedures by which they become leaders—in other words, via the procedure of elections, which people generally regard as a fair process of making collective decisions. This early argument was supported by later research showing that having legitimacy in leadership is linked to obtaining authority via the fair procedure of elections (Gonzalez & Tyler, 2008). So, the manner in which a person becomes an authority can confer legitimacy.

Of course, elections are not the only way to obtain power. Weber (1968) distinguished rational-bureaucratic authority, which derives from rules such as elections, from two traditional forms of authority that also have legitimacy. One is charismatic authority; the other traditional authority. The large literature on authority in work organizations makes clear that charismatic authority continues to be an important source of authority in work settings (Conger & Kanungo, 1998; Yukl, 1999). In fact, many aspects of the "cultural norms, symbols, beliefs, and rituals" of an organization can serve as the basis of legitimacy (Suchman, 1995, p. 571). However, it is procedurally based legitimacy that is most typically the focus of democratic governance, since modern pluralistic societies lack a common moral code and people distrust the type of charismatic authority associated with past leaders such as Hitler. A commitment to rule using fair procedures is widely referred to as "the rule of law."

Since the pioneering work of Thibaut and Walker (1975), social psychologists have had theoretical models that root the creation of legitimacy in the justice of the practices that authorities use when they are wielding their authority. Again, the development of these theoretical models has been paired with research by psychologists showing that procedural justice shapes legitimacy. An important element in the work by Thibaut and Walker is that procedural justice was conceptualized in terms of structural features of decision making and formal legal procedures (e.g., adversarial vs. inquisitorial systems). Further, this research focused on satisfaction with decisions; the perceived legitimacy of the decision makers was not measured. It is assumed that satisfaction implies support for institutions and authorities. Finally, Thibaut and Walker studied courtroom proceedings, not encounters with police officers.

This research, largely conducted by social psychologists, was initially laboratory based. As a consequence of its questionable external validity, the early reception of this work by legal scholars was skeptical (Hayden & Andersen, 1979). Support for these ideas became stronger when they were demonstrated in studies involving real people in real interactions with the police and the courts (Tyler, 1984, 1988, 2006b; Tyler, Casper, & Fisher, 1989).

Field studies strengthened the case for these ideas, but early field studies had the problem of relying on cross-sectional data and the use of self-reports, in particular self-reports of behavior. These issues have been addressed in several ways. First, causal issues have been addressed through the use of panel data (Tyler, 2006b; Tyler & Fagan, 2008) and field experiments (Mazerolle, Bennett, Antrobus, & Tyler, 2012). Second, self-report studies have been supplemented by studies relying on police records (Bierie, 2012; Levi, Tyler, & Sacks, 2012; Tyler, Sherman, Strang, Barnes, & Woods, 2007) and by the use of

independent observers (Blader & Tyler, 2009). These efforts to build the methodological case for the line of argument outlined have been very supportive. As MacCoun (2005) has noted, by now these findings "have been replicated [using] a wide variety of methodologies (including panel surveys, psychometric work, and experimentation)" (p. 171).[6]

What does the evidence say works?

A key to the transformation of policing has been the general development of the idea of evidence-based social policy. Such a development fits nicely with the core competencies of psychology, as is illustrated by the early psychological work on legitimacy and procedural justice. Demonstrating empirical support for theories is what psychologists do. However, an important development in this effort is that other researchers in fields outside psychology have also taken up this research agenda and have provided additional evidence—in particular, field evidence that these ideas are impactful in natural settings.

This article will review this research, highlighting the evidence favoring a legitimacy-based model of policing. Support exists for a proposition that was initially viewed as counterintuitive but has received widespread confirmation, initially from psychologists and more recently from a broad range of social scientists. That proposition is that people's law-related behavior is strongly shaped by their judgments about the legitimacy of the police.

The first concern of the police is with public acceptance of their role as the authorities responsible for maintaining order. This involves empowering the police to manage legal problems and accepting their discretionary decisions about how to enforce the law. When people have disputes or conflicts with others, they can either turn to the legal system for redress or engage in private vengeance. Studies show that people are more likely to accept the role of the police and the courts in conflict management and rule enforcement (recognizing that the police and courts have a legitimate monopoly on the use of sanctions) if they believe the police, the courts, and the law are legitimate (Haas, Keijser, & Bruinsma, 2014; Jackson, Bradford, Stanko, & Hohl, 2013; Sunshine & Tyler, 2003; Tankebe, 2009; Tyler & Jackson, 2014).

A second concern is with behavior that undermines state institutions or authorities, such as riots and rebellions. Legitimacy also lessens willingness to engage in such actions (R. Fischer, Harb, Al-Sarraf, & Nashabe, 2008; Hohl, Stanko, & Newburn, 2012; Jackson, Huq, et al., 2013; LaFree & Morris, 2012; Tyler & Jackson, 2014). This is important for two reasons. First, it provides tangible evidence that many citizens do not accept the legitimacy of the authorities under some conditions.

Second, it can further undermine legitimacy if the authorities respond to a situation in a manner that makes them appear incompetent, corrupt, unfair, or hostile to the well-being of the public.

Further, those people who view the law as legitimate are more likely to follow the law in their everyday lives. This includes the widespread variety of laws that shape people's behavior: traffic laws, laws against stealing, regulations against buying illegal items, and laws against drug use (Fagan & Piquero, 2007; D. C. Gottfredson, Kearley, Najaka, & Rocha, 2007; Jackson et al., 2012; Kane, 2005; Lee et al., 2014; Reisig, Tankebe, & Mesko, 2013; Sunshine & Tyler, 2003; Tyler, 2006b; Tyler, Fagan, & Geller, 2014; Tyler & Jackson, 2014; Tyler et al., 2007). This is also true of felony-level behaviors (Fagan & Piquero, 2007; Kane, 2005; Papachristos, Meares, & Fagan, 2007, 2012), as well as of violent behavior in prisons (Reisig, 1998; Reisig & Mesko, 2009; Sparks, Bottoms, & Hay, 1996).

In addition to the general influence of legitimacy on rule adherence, an additional concern is how people respond when they have personal interactions with the police. People can either comply with police decisions and directives or resist and avoid them.

A particular problem for the police is that people change their behavior in the presence of the police and then revert to their original behavior when the police leave, requiring the police to deal repeatedly with the same people and problems. Decades of research have shown the importance of distinguishing between temporary compliance and a more stable internalized change in attitudes (Kelman, 1958) and habits (Wood & Neal, 2007).

Further, hostility and active resistance can occur, leading to the use of force and injury to both civilians and police officers. Studies have indicated that people are more likely to accept decisions when they view the police as legitimate. This involves ordinary citizens following the laws and accepting decisions related to rule breaking, disputes, and misdemeanors (Bond & Gow, 1996; Dai, Frank, & Sun, 2011; Lind, Kulik, Ambrose, & DeVera Park, 1993; MacCoun, Lind, Hensler, Bryant, & Ebener, 1988; Mastrofski, Snipes, & Supina, 1996; McCluskey, 2003; Myhill & Quinton, 2011; Piquero, 2004; Stott, 2012; Tyler, 1988; Tyler & Huo, 2002; Ward, 2011; Watson & Angell, 2013).

Beyond compliance, the police benefit from the cooperation of the community. One form of cooperation that is often sought from the public involves helping the police to solve crimes or apprehend criminals—including, in particular, providing tips about the location of crimes and criminals. The police often talk about being at a crime scene where there are dozens of people who saw what happened but none of them will come forward as a witness. Similarly, successful crime prevention is linked

to the willingness of members of the public to aid with prosecutions by participating in lineups and trials. It is not enough to provide evidence secretly. If that evidence leads to a trial, the witness needs to be willing to take the risk of being publically identified (Goff, Epstein, & Reddy, 2013; Hinds, 2009; Jackson, Bradford, Stanko, & Hohl, 2013; Kochel, 2012; Murphy, 2013; Murphy, Hinds, & Fleming, 2008; Myhill & Quinton, 2011; Reisig & Lloyd, 2009; Sunshine & Tyler, 2003; Tyler & Fagan, 2008; Tyler et al., 2014; Tyler & Jackson, 2014; Tyler, Schulhofer, & Huq, 2010). When the police are viewed as more legitimate, their clearance rates rise, because they receive more information from members of their communities, including high-crime communities.

A second type of cooperation sought from the public is working with the police to co-police neighborhoods—for instance, by attending community meetings or joining a group such as neighborhood watch. People need to be willing to co-police their neighborhoods. In contrast to actions involved in helping the police to solve crimes, these actions are more proactive and organized. Again, if people believe the police are legitimate, they will be more likely to participate in cooperative efforts in their community (Jackson, Bradford, Stanko, & Hohl, 2013; Mazerolle et al., 2012; Sunshine & Tyler, 2003; Tyler & Fagan, 2008; Tyler et al., 2010).

These studies make clear that the legitimacy of the law, the police, and the courts is important because when members of the public trust law enforcement, they obey the law and help officers to enforce it in their communities. Higher legitimacy also reduces the level of criminal behavior because it increases people's willingness to obey the law and lowers hostility toward—and conflict with—the police. The key point is that there is ample empirical evidence to support the importance of legitimacy and, hence, to justify a focus on legitimacy.

A second important research finding is that such subjective assessments of legitimacy are primarily determined by subjective evaluations of procedural justice—that is, the degree to which the police are believed to (a) make decisions fairly and (b) treat people fairly.

First, people want the opportunity to explain their situation, make their case, or tell their side of the story to a police officer. Individuals should be given this opportunity to make arguments and present evidence before the police make decisions about what actions they are going to take. People want to have a voice. This is true not only when officers implement policies on the street but when they are being developed in the first place. Voice in the development of policies is related to community meetings and other mechanisms of seeking community guidance about what policies and practices are acceptable to the people living in the community. Voice during implementation

involves having a chance to talk to officers during particular encounters on the street, in homes, or in cars.

Second, people react to evidence that the authorities with whom they are dealing are neutral and unbiased. Officers appear neutral and unbiased when they make decisions based on consistently applied legal principles and the facts particular to an incident, not their own personal opinions and biases. Transparency and openness about rules and how decisions are being made further contribute to the impression that officers' decision-making procedures are neutral.

Third, people are sensitive to their treatment—whether they are treated with dignity and courtesy and whether their rights are respected. The issue of the quality of interpersonal treatment consistently emerges as a central factor in people's reactions to dealings with legal authorities. People believe that by virtue of their status as members of the community they are entitled to be treated with respect, and they react negatively to interpersonal treatment that they perceive as dismissive or demeaning. This is the case because the way in which the police treat individuals communicates messages about inclusion and status and influences their identity and feelings of self-worth (Bradford, Murphy, & Jackson, 2014). Police officers represent society, and if they are disrespectful, they suggest that a person is not a valued member of their society entitled to the rights and protections of group membership. Conversely, respectful treatment is reassuring. It tells people that the authorities will be responsive and concerned when they have a problem.

Finally, in their dealings with legal authorities, people focus on cues that communicate information about "trustworthiness"—that is, intentions and character. This is the least overt criterion because it involves inferences about the motives of the authorities. When people believe that the authorities with whom they are interacting are benevolent and are sincerely trying to do what is best for them, they react favorably. Authorities communicate their concern when they listen to people's accounts and show an awareness of and sensitivity to the needs and concerns that people have expressed to them when explaining legal actions. This involves at least acknowledging those needs and concerns and, when possible, acting based upon them or explaining why they cannot be addressed.

Recent research findings by psychologists, criminologists, and other social science researchers strongly support the procedural-justice perspective. Studies have demonstrated that public judgments about police legitimacy are linked to the perceived justice of police policies and practices. If the police and courts are believed to be exercising their authority fairly, they gain legitimacy. This basic relationship has been repeatedly confirmed in studies of interactions between the police and the public (Abuwala & Farole, 2008; Bradford, 2011; Elliott, Thomas, & Ogloff, 2011; Farole, 2007; Hasisi & Weisburd, 2011; Hinds, 2007; Hinds & Murphy, 2007; Jonathan-Zamir & Weisburd, 2011; Kitzmann & Emery, 1993; Mazerolle et al., 2012; Myhill & Bradford, 2012; Tor, Gazal-Ayal, & Garcia, 2010; Tyler, 2006b; Tyler et al., 1989; Tyler & Fagan, 2008; Wemmers, 1996).

In addition, studies have also linked judgments about procedural justice directly to a variety of law-related behaviors, including immediate decision acceptance or rejection (Bond & Gow, 1996; Dai et al., 2011; Lind et al., 1993; MacCoun et al., 1988; Mastrofski et al., 1996; McCluskey, 2003; Murphy & Tyler, 2008; Myhill & Quinton, 2011; Piquero, Gomez-Smith, & Langton, 2004; Stott, Hoggett, & Pearson, 2012; Tyler, 1988; Tyler & Fagan, 2008; Tyler et al., 2014; Tyler & Huo, 2002; Ward, 2011; Watson & Angell, 2013), decision adherence over time (Emery, Matthews, & Kitzmann, 1994), lower levels of rule-breaking behavior (Bierie, 2012; Bottoms, 1999; Brubacher, Fondacaro, Brank, Brown, & Miller, 2009; Lee et al., 2014; Reisig & Mesko, 2009; Sherman et al., 1998; Tatar, Kaasa, & Cauffman, 2012; Tomkins, Bornstein, Herian, Rosenbaum, & Neeley, 2012; Tyler et al., 2014; Wales, Hiday, & Ray, 2010), well-being and recovery (Kopenovich, Yanos, Pratt, & Koerner, 2013; Wemmers, 2013), and cooperation with the police and courts (Brank et al., 2007; D. C. Gottfredson et al., 2007; Gregory & Weinstein, 2008; Tyler & Fagan, 2008; Tyler et al., 2014).

Most of the procedural-justice literature has focused on the implementation of policies and practices by police officers. However, it is important to note that procedural justice is important at two stages: when policies are being developed (Tyler et al., 2014; Tyler et al., 2010), and when existing policies are being implemented. Studies measuring procedural justice during both stages have indicated that police legitimacy is separately enhanced by procedural justice at each stage, such that people view the police as more legitimate when they believe that they were given opportunities to participate in deciding what police policies would be and when they believe that those policies are being implemented fairly (Tyler et al., 2014; Tyler et al., 2010).

At this point, researchers and policymakers agree that legitimacy shapes behavior and procedural justice influences legitimacy. Legitimacy promotes supportive behavior—in other words, "When citizens consider the police to be legitimate, they are more likely to cooperate with officers, defer to them in moments of crisis, and obey the laws they enforce" (Bradford, Jackson, & Hough, 2014, p. 551). Further, "substantial empirical evidence demonstrates that procedural justice enhances people's belief that the police are legitimate" (Brunson & Gau, 2014, 377).

The central argument that flows from this research is that the psychological theories underlying legitimacy and procedural justice are a viable basis for constructing models of social-order maintenance. Hence, it is realistic to work toward a change in policing based on a more-legitimacy based model that leads to voluntary acceptance. During the long decades of deterrence, many police leaders have lamented the many negative downsides to leading based on a sanction-based model but have felt that nothing else works. So, they have lived with limited success. The research outlined below argues that, to the contrary, a value-based model can and does work. In fact, it often appears to work better than the sanction-based model.

The role of procedural justice in shaping legitimacy matters because it shows that there is something that authorities can do to reliably build and maintain popular legitimacy. Hence, it counters the suggestion that deterrence is the only viable strategy of social control. And it does so resting on a firm foundation of empirical findings. The procedural justice–legitimacy–behavior connection is solid.

Does legitimacy matter?

Are values such as legitimacy important? Direct comparisons of the influence of risk estimates and values suggest that values play an important independent role in shaping everyday law-related behavior. Sunshine and Tyler (2003) studied a random sample of New Yorkers and found that legitimacy was more important than risk and reward in shaping a combined index of compliance, cooperation, and empowerment. Disaggregation indicated that legitimacy was particularly important in the case of willingness to cooperate with the police. It was also the strongest factor shaping compliance. Tyler and Jackson (2014) recently analyzed the results of a national survey of Americans and found that reactions to both the police and the courts were primarily shaped by legitimacy judgments. This included judgments about compliance with the law, willingness to cooperate with the police and the courts, and degree of engagement in the community.

In both cases, these results also suggest that procedural justice is the central driver of legitimacy. Tyler (2006b); Tyler and Jackson (2014); Tyler et al. (2014); and Tyler and Sevier (2014) all extended this examination to an understanding of the direct impact of the procedural justice of personal experiences with the police and courts. They find that perceived procedural justice impacts upon both people's immediate willingness to accept decisions and the degree to which they generalize from the experience to the overall legitimacy of the police. Legitimacy itself influences a variety of behaviors, such as compliance and cooperation.

Overall policies and practices

Although many of the studies outlined focus on personal experiences with legal authorities, it is clear that people distinguish their own experience from their general sense of what the police are doing. For example, Tyler et al. (2014) compared evaluations of the procedural justice of personal experience to judgments about police procedural justice overall and found that overall impressions contributed more heavily to police legitimacy.

Recent studies of street stops have suggested that people look beyond single experiences and evaluate the fairness of the pattern of stops that they and others in their community experience over time (Epp, Maynard-Moody, & Haider-Markel, 2014; Glaser, 2015). Tyler et al. (2014) similarly found that if young people's initial interactions with the police involve being repeatedly stopped, they will interpret their later interactions as unfair irrespective of how the police behave because they regard being stopped repeatedly as unfair. This suggests the importance of thinking beyond any particular experience.

A broader focus reinforces the finding that people distinctly consider both how policies are made and how they are implemented (Tyler et al., 2014). If they have a role in deciding how their community should be policed, people are more accepting of policies. Simply treating people fairly during individual stops while engaging in broadly unfair practices will not build long-term legitimacy. The first time people are stopped, they will react to the quality of their treatment, but after a series of stops, they will view the stop itself as reflecting unfairness.

Legitimacy and legality

Traditionally, legal scholars have evaluated the policies and practices of the police and the courts in reference to the Constitution, asking whether they are or are not legal. Perceived (i.e., subjective) "legitimacy" and normative or objectively evaluated "legality" may seem interchangeable, but they do not represent the same ideas. Legitimacy refers to the judgments of ordinary people about the authority of the police to make discretionary decisions with respect to enforcing the law and maintaining social order. In contrast to legality, which is defined by the normative standards delineated by laws and administrative and regulatory standards, legitimacy lies within the public's perceptions. Perceptions about legitimacy are subjective and vary both between and within jurisdictions.

Research has indicated that the public is not generally knowledgeable about the legalities of police practices and is unaware of what the written law about issues (e.g., whether the police can ask for identification) actually is (MacCoun & Martin, in press; Meares, Tyler, & Gardener, in press). Hence, it is unlikely that most members of the

public will be able to correctly assess the legality of everyday police practices. Rather, they will evaluate the legality of the police based on how they and others are treated by the police—they have the implicit view that if the police are acting fairly, then they are behaving in a lawful way. In one study that examined reactions to videos of police-citizen interactions, for example, people's evaluations of whether the police violated the law were influenced more by whether the police officer's treatment of the resident was "fair" than by whether the officer's action was legal (Meares et al., in press).

Other studies have shown that members of minority groups focus on their treatment by the police to determine whether they are being racially profiled (Tyler & Wakslak, 2004). When people are stopped by the police, they are not told that they were stopped because they are Black, male, and/or young; they are told that they "matched a criminal description" or were "acting suspiciously." As a consequence, they have to assume that the stop was due to profiling as opposed to some alternative, such as actually matching a criminal description, being in an area in which a crime was recently committed, or both. When people feel they have been subjected to unfair treatment, they are much more likely to make such inferences and to lower their estimations of police legitimacy. This is the case even though whether the police are respectful, courteous, or polite is completely unrelated to whether they are acting in accord with the written principles in the law, have truly stopped a person only because he or she matches a criminal description, or are involved in actively investigating a crime.

These findings suggest that members of the public will be more willing to defer to police actions if they see those actions as reasonable and appropriate. One major factor in whether the police are perceived as acting reasonably and appropriately is whether they behave "professionally"— making decisions on the basis of rules and facts, listening to people and obtaining information that will allow them to make informed and intelligent decisions, and treating people with dignity and respect. When the police behave in these ways, the public trusts them and is more deferential to their decisions and more supportive of their actions. The public is also more willing to infer that the police are acting within their authority and that they are sincere and caring. This is important when police actions are questioned and the police ask the public to give them time to conduct an independent investigation. If they trust the police, people are more likely to accept these requests.

Policing Takes Up Psychology

What has been striking in recent years is the transition of these psychological ideas from abstract principles

supported by laboratory research conducted by psychologists (see Lind & Tyler, 1988) to a set of ideas that is transforming American policing. This influence on policing was reflected in a 2004 report from the National Academy of Sciences (Skogan & Frydl, 2004), which advocated the study of popular legitimacy as a key future focus for American policing. The review detailed a set of evidence suggesting that the police have increased in their professionalism and police departments in their effectiveness. Policing practices have also become more sophisticated (Skogan & Frydl, 2004). This new "professionalism" in policing has benefited people who have individual encounters with the police and residents who work with police to reduce crime and disorder in their communities. But, the report argued, this does not automatically translate into public trust in the police. The antecedents of trust, it suggested, must be separately researched and understood.

Additionally, the highly influential Kennedy School of Government Executive Policing Sessions held a national forum on legitimacy in policing in addition to developing reports advocating legitimacy-based approaches under the general rubric of community policing. Community policing strategies involve focusing on how the community views the police, their policies, and their practices and building cooperative relationships with people in the community.

At the core of the philosophy of community policing is the idea that effective policing depends on strong and positive relationships between officers and the people in the communities they serve. Police officers across the country cultivate such relationships every day by using operational procedures aimed at building legitimacy and fostering cooperation with the police and compliance with the law. Hence, there is a strong overlap between the goals of community policing and the goals of legitimacy-based approaches to policing.

From a community policing perspective, support from the public enhances police success because public actions can help or hinder the efforts of the police to maintain social order. There is no conflict, in other words, between being a strong police force and being a police force that cooperates with the community. Rather, cooperation promotes success. The police benefit when people are willing to accept and defer to the appropriate use of police authority, rather than reacting to individual police encounters with hostility and resistance. Further, if people respect their local police and the law, they will be more likely to obey laws, including relatively minor laws (e.g., traffic laws) and laws pertaining to quality-of-life issues. When it is not necessary for the police to devote their resources to low-level enforcement, they have greater flexibility to focus on serious crime and disorder "hot spots," on repeat offenders, and on other significant

issues to public safety. Even in high-crime communities, most people are not criminals, and being able to focus on the small group of those who are is a superior strategy.

At the federal level, the national Community Oriented Policing Solutions (COPS) agency held a series of meetings with police leaders advocating legitimacy-based policing. Last year, one national association of police chiefs (the Police Executive Research Forum) had a plenary session on legitimacy, while an international association (the International Association of Chiefs of Police, IACP) had panels on the topic.

At the meeting of the IACP, Attorney General Holder gave a keynote address in which he said,

> . . . we can start by recognizing that compliance with the law begins not with the fear of arrest or even of incarceration, but with respect for the institutions that guide our democracy. A substantial body of research tells us that when those who come into contact with the police feel that they are treated fairly, they are more likely to accept decisions by the authorities, obey the law, and cooperate with law enforcement in the future—even if they disagree with specific outcomes. . . . Across the country, countless IACP members and their colleagues are applying groundbreaking research in procedural justice, implicit bias, and truth telling to the jurisdictions they serve. I'm proud to report that the Justice Department is supporting this work through our COPS office and the Office of Justice Programs. In many places, these collaborative efforts to provide training on procedural justice, to promote reconciliation, and to improve interactions with police and young people of color are already showing tremendous promise.

As the attorney general noted, these efforts have been supported by government-sponsored grants from the COPS agency, the Bureau of Justice Assistance, and the Office of Justice Programs to design training curricula and conduct-demonstration programs. Those training curricula now include training for line officers, sergeants, and commanders. At this point, the psychological literature on legitimacy and procedural justice is the theory being used in creating the newest national-level model of policing. Most recently, the Department of Justice funded a six-city national initiative to implement these new models of training.

One of the most highly publicized recent incidents to throw a spotlight on questions of racial bias in policing is the 2009 arrest of Harvard Professor Henry Louis Gates Jr. at his home by Police Sergeant James Crowley of the Cambridge, Massachusetts Police Department. The event

garnered national and international attention, in part because it seemed that the dispute could have easily been resolved on the spot by the officer and the civilian, but that did not happen, and a series of more serious consequences ensued for both parties. Further, observers provided a variety of explanations for what had occurred, so the "facts" were confusing. Because Sergeant is White and Professor Gates is Black, questions about racial bias in policing were immediately raised, including by Professor Gates himself. And in the face of the confusing facts, studies suggested race-based differences in public views about who was "at fault."

The immediate response of Cambridge Police Commissioner Robert Haas to the event suggested sensitivity to the concepts of legitimacy and procedural justice. An independent outside panel of experts was convened to identify what lessons could be learned from the incident, including by police agencies throughout the nation. This 12-member committee included Yale Law School Professor Tracey L. Meares, a nationally recognized expert on legitimacy and procedural justice.

The committee's final report was filled with references to the concepts of legitimacy and procedural justice, and one chapter explored how these concepts must, and can, be balanced with tactical and officer-safety issues (*Missed Opportunities, Shared Responsibilities: Final Report of the Cambridge Review Committee*, 2010):

> The Cambridge Review Committee members believe that the encounter between Sergeant Crowley and Professor Gates resonated with many law enforcement officers and members of the public because it implicated the concept of "legitimacy" in the field of policing, criminal justice, and other institutions that exert authority over people. (p. 22)

The report recognized that citizens inevitably form their own opinions about whether an officer's actions are measured or excessive, impartial or discriminatory, and fair or unfair. In short, citizens will ask: Did the officer exercise discretion in a fair manner? And, as the evidence presented here indicates, a key factor determining whether the public perceives police enforcement to be legitimate is whether police actions are defined by "procedural justice."

The report goes on to say:

> Procedural justice not only involves whether a person believes that the law is fair and enforcement is even-handed, but also whether the police treat the person with dignity and respect as they enforce the law. . . It is therefore critical that police take seriously the responsibility to apply discretion not

merely within the strict letter of the law, but also wisely and fairly. (pp. 22–23)

This highly visible and influential report also highlighted a key issue in implementation: the effort to balance concerns of legitimacy versus tactical and safety considerations. Once officers have assured themselves that someone with whom they are dealing is not a danger (e.g., by searching that person for weapons) or is not an active lawbreaker, they have an opportunity to build trust by explaining the reasons for their actions, showing appreciation for cooperation, and generally trying to leave the citizen with a positive view of the police. To quote Chicago Superintendent McCarthy: "First secure the situation, and then sell the stop" (personal communication, March 21, 2014). The key training point is that officers need to believe that building trust is part of their job. They need to look beyond the immediate goal of making appropriate law-enforcement decisions and include the more general issues of building public support as an element in being a professional police officer.

The Gates incident was important because it reinforced research showing that even a simple and brief encounter can build legitimacy. For example, one study built around a checkpoint to detect drunken driving found that enforcement encounters could be used to build police legitimacy in the community if officers followed a simple protocol: explaining the policies involved in the stops, soliciting input about police policies in the community through reactions to a police newsletter, expressing concern for the community (e.g., "We do not like to have to go to homes and tell people that members of their family have been injured in a drunk-driving accident"), and communicating respect (e.g., "Thanks for your cooperation," "Thanks for wearing your seat belt," etc.). These encounters lasted 2 to 5 minutes but still impacted views about the police in the community.

By calling for an outside review by an independent, broad-based committee, Cambridge Police Commissioner Haas demonstrated an awareness of the need for public support and an understanding that a public review of questions of police legitimacy regarding Gates's arrest could work as a way to gain that support through the use of a neutral and transparent mechanism of explanation and accountability. The committee report that resulted constituted one of the first major discussions of legitimacy and procedural justice in policing that has received national attention. The report provides a case study in efforts by police leaders to identify procedures that not only effectively protect officers but also build police legitimacy within minority communities.

The issue of police safety parallels that of public safety in the discussion of police stops in New York City. Proponents of stop-and-frisk initiatives have argued that stops of people on the street for questioning and possible searches help the police to seize guns and drugs. In some cases, this is accomplished because stops result in arrests of people who have illegal guns or drugs. But the reasoning rests more on the idea that frequent stops of pedestrians or motorists in high-crime neighborhoods deter people from carrying firearms, illegal drugs, or other contraband simply because such stops enhance the perceived risk of being stopped and caught. Opponents of large-scale stop-and-frisk practices have argued that the overwhelming majority of street stops yield neither guns nor drugs but that they often result in innocent people being repeatedly stopped and thus humiliated, which in turn damages police-community relationships.

In August 2013, the U.S. District Court for the Southern District of New York handed down its ruling in a class-action lawsuit regarding stop-and-frisk practices, bringing these issues to a head. The legal action was brought by the ACLU on behalf of Black and Hispanic persons who had been targeted by such practices. These individuals said they had been stopped without a legal basis, in violation of the Fourth Amendment, and that they had been targeted because of their race, in violation of the Fourteenth Amendment.

Michael Bloomberg, who was then the mayor of New York City, argued that the New York City Police Department's "stop, question, and frisk" practices were effective. In fact, the mayor said that, by removing guns from the streets, stop-and-frisk practices had saved the lives of thousands of New Yorkers (Goldstein, 2013).

However, police tactics that could be considered overly aggressive may arguably undermine public safety by reducing public willingness to cooperate with and support the police. This argument was advanced in a "Statement of Interest of the United States" filed with the district court by the U.S. Department of Justice while the legal challenge was pending, calling on the court to impose strong remedies if it found a Constitutional violation. The Justice Department statement said,

There is significant evidence that unlawfully aggressive police tactics are not only unnecessary for effective policing, but are in fact detrimental to the mission of crime reduction. Officers can only police safely and effectively if they maintain the trust and cooperation of the communities within which they work, but the public's trust and willingness to cooperate with the police are damaged when officers routinely fail to respect the rule of law. . . As systematic violations of civil rights erode public trust, policing becomes more difficult, less safe, and less effective. Therefore, if the Court finds any constitutional deficiencies exist in NYPD's stop-and-frisk practices, the implementation of

injunctive relief would promote, rather than hinder, NYPD's mission of safely and effectively fighting crime. (U.S. Department of Justice, 2013, June 12)

The statement's references to "the public's trust [in the police] and willingness to cooperate with the police" echo the definition of legitimacy presented here and in the psychological literature outlined earlier. In her decision, Judge Sheindlin touched on questions of legitimacy and procedural justice, remarking that police effectiveness could be hurt by unconstitutional stops and frisks:

While it is true that any one stop is a limited intrusion in duration and deprivation of liberty, each stop is also a demeaning and humiliating experience. No one should live in fear of being stopped whenever he or she leaves home to go about the activities of daily life. Those who are routinely subjected to stops are overwhelmingly people of color, and they are justifiably troubled to be singled out when many of them have done nothing to attract the unwanted attention. Some plaintiffs testified that stops make them feel unwelcome in some parts of the city and distrustful of the police. This alienation cannot be good for the police, the community, or its leaders. Fostering trust and confidence between the police and the community would be an improvement for everyone. (U.S. Department of Justice, 2013, August 12)

Finally, as has been noted, the 2015 President's Task Force on 21st Century Policing, which issued its final report in May of 2015, made building trust and legitimacy its first pillar of policing, calling it the "fundamental principle underlying the nature of relations between law enforcement agencies and the communities they serve" (p. 1). Echoing the body of psychological research outlined here, the task force argued,

Decades of research and practice support the premise that people are more likely to obey the law when they believe that those who are enforcing it have authority that is perceived as legitimate by those subject to the authority. The public confers legitimacy only on those whom they believe are acting in procedurally just ways. (p. 1)

This acceptance of legitimacy is important on several grounds. First, it matters because the task force embraced evidence-based policymaking. Second, it is important because the task force drew upon psychological theories and research. And, perhaps most broadly, it is important because the task force was accepting of an implicit premise of psychology, which is that the subjective experience of being policed matters. Policing is not just about producing objectively beneficial outcomes, such as lower crime rates and faster service delivery. It is about creating a climate of reassurance and perceived trustworthiness of police in communities. This involves examining not only how the police perceive their own actions but also how their actions are experienced by people on the street.

International Perspectives

Finally, the importance of this perspective on policing has been highlighted by international efforts. First, several country-level surveys in the United Kingdom have documented the centrality of legitimacy to cooperation in England (Jackson, Bradford, Stanko, & Hohl, 2013). Further, the European Union launched a major effort to study the legitimacy of the police and courts in 27 European countries in the fifth round of the European Social Survey. Analysis of the data from this study, involving 52,250 interviews with EU residents, indicated empirical support for the two basic arguments that have been outlined here: legitimacy shapes cooperation, and procedural justice shapes legitimacy. This was broadly true throughout the countries studied (Jackson, Bradford, Kuha, & Hough, 2013).

The Netherlands developed and implemented a national strategy for managing situations in which government officials address citizen complaints. In such cases, government officials contacted the people, explained any decisions made, and discussed with them ways to address their concerns. An evaluation of that project found that citizens had higher levels of perceived fairness and, through them, more willingness to accept resolution of their case (Van den Bos, van der Velden, & Lind, 2014). This influence was strongest with problems which were not resolved.

Finally, the police of Queensland, Australia, conducted a randomized field experiment to test the impact of heightened police procedural fairness during an imposed traffic stop to test for drunk driving (Mazerolle et al., 2012). They found that fairly treated drivers reported higher levels of police legitimacy following the encounter and more willingness to cooperate with the police. Scripts were created emphasizing the four elements of fair treatment: Officers asked motorists for input on police priorities (voice); they explained that people were randomly stopped and had not necessarily done anything wrong (neutrality) and that their actions were motivated by a desire to keep people safe (trustworthy motivation); and the officers were asked to find some way to communicate respect for the people they dealt with—for example, by thanking them for their cooperation.

Psychology and the Criminal Justice System

While policing has been at the center of attention in recent years, discussions of legitimacy and procedural justice recognize that an approach of this type should be developed across the entire range of experience, from initial contacts with the police through time in prison and then parole or probation. Such an approach characterizes the efforts of the state of California to build an integrated experience within its court system (Denton, 2007).

Unfortunately, in practice, such a seamless approach is often difficult to develop, since each aspect of the criminal justice system is managed by distinct authorities. There is evidence supporting the value of this approach in several other aspects of criminal justice—in particular, the courts and the prisons.[7]

Psychology and the courts

The high-visibility activities noted have made legitimacy-based policing an important contemporary topic in America today. And, to a remarkable extent, these actions have particularly focused on policing. One of the features of American law enforcement is the existence of separate silos for policing, the courts, and corrections, even though at least in theory they are all part of a common legal system. Each branch of law enforcement, like the military, has its own institutional framework, a distinct set of traditions, goals, core mission values, and respected authorities. Hence, there has been a similar process of adoption of the psychological models outlined in each of these areas, although it has varied in terms of degree of impact.

The courts showed sensitivity to issues of procedural justice at an earlier period than either the police or corrections officials (Tyler, 1984). Initial concern about this issue began with a widespread concern among judges that the parties to disputes were often unwilling to accept judicial decisions, leading the same cases to come back to court multiple times as one party repeatedly sought to have a lawful order enforced. The prototypical example was a custodial ex-wife seeking child support from her former husband, leading to the public image of the "deadbeat dad." However, this issue was broader in scope and reflected a general difficulty in the ability to get people to defer to legal authority. Moreover, the repeated court appearances and continued conflict over the same disputes contributed to the clogging of the courts with cases and widespread reports of delays in dispute resolution.

These problems were one of the forces leading to the important alternative dispute resolution movement in American courts. In an effort to both more quickly resolve disputes and produce more acceptable solutions, the courts endorsed the development of mediation programs, often housing them in courthouses and requiring people to attend them before being able to proceed to a trial. From one perspective, such procedures were unsuccessful, since they often failed to reduce court caseloads or speed up the average time to resolution. But from another perspective, the procedures were very successful: The failure to speed up the process occurred because litigants who would have settled out of court were now opting to wait for these more "user-friendly" procedures (MacCoun et al., 1988). Why? Both plaintiffs and defendants viewed court arbitration as a fair and desirable way to "tell their side of the story" before resolving the dispute. Litigants were clearly willing to trade off some delay in order to partake in what were perceived as fair third-party procedures.

These early efforts to develop court procedures that people experienced as fair to build legitimacy were taken up by the Administrative Office of the Courts in California, which implemented a statewide procedural-fairness initiative. These efforts began with state-supported surveys of the general public, which established both that public trust and confidence in the courts was low and that public legitimacy was linked to issues of procedural justice (Rottman, 2005). Building on these findings, the state convened a statewide advisory panel that worked with the courts to create a strategic plan (*Justice in Focus: The Strategic Plan for California Judicial Branch, 2006–2012*, 2006) to create courthouses that the public would experience as procedurally just (Denton, 2007; Judicial Council of California, 2011). This initiative has continued to be active (proceduralfairnessblog.org).

Beyond the California initiative, the importance of procedural justice and legitimacy has led to statewide initiatives in a variety of other states, including Utah (Durrant, 2014; Leben, 2011). It has been the focus of a white paper for the American Judges Association by two judges (Burke & Leben, 2008) and the subject of a report of the Harvard Kennedy School Program in Criminal Justice Policy and Management (Vickrey, Denton, & Jefferson, 2013).

The continued desire to address these public concerns about procedural justice, which studies have revealed are often not well addressed by traditional adjudication, is shown by the development of a variety of alternative procedures, ranging from restorative justice conferences to drug and community courts. Research efforts have indicated that these alternative forums are more successful because they are more effective in creating popular legitimacy through perceived procedural justice. As an example, a recent evaluation of the Red Hook Community Justice Center in New York suggested,

based on the available evidence, it appears that the Justice Center's impact on crime and recidivism results primarily from the Justice Center's ability to project its legitimacy to offenders and the local residential community rather than from strategies of deterrence or intervention. (Lee et al., 2014, p. 164)

This finding is consistent with a growing body of research showing that problem-solving courts are perceived by offenders as more procedurally fair than regular courts, and it is this difference that explains why offenders in adult alternative courts fare better in terms of compliance with court orders and recidivism.

Similarly, in the case of drug courts, a study by Gottfredson suggested that "the [drug treatment] program, especially the judicial hearings, contributes to an offender's perception of fairness and due process, thereby increasing his or her willingness to fulfill his or her part of the negotiated [drug treatment court] agreement" (D. C. Gottfredson et al., 2007, p. 28). And, again, such courts lower recidivism when compared to adjudication.

These findings are important in several ways. First, they corroborate the earlier and more laboratory-based findings of psychologists, which were originally focused on courts and on different trial structures. In so doing, they reinforce the argument that theory-based research done in laboratory settings can provide an important beginning for efforts to improve social institutions. Second, they show that psychological theories are applicable to different aspects of the legal system, not only the police.

Corrections

Prisons are a particularly important element of the law-enforcement system in the United States, if only because our society is distinctive both for the number of people in prison and for the length of their sentences. In comparison to work on the police and the courts, discussions of legitimacy in prison have only recently become important.

Research suggests that the general effect of punishment via confinement is to raise, not lower, the likelihood of future criminal behavior. To the extent that punishment is effective, swift and certain punishment is important. In particular, longer sentences do not deter more (Cochran, Mears, & Bales, 2013). A general finding is that programs that divert people away from prison into various types of other programs are valuable and more than pay for themselves in terms of reduced later incarceration costs.

Social-science research supports several of the arguments made here in the context of prisons. First, higher legitimacy for staff and/or the prison administration

lower violence in prisons (Sparks et al., 1996; Tatar et al., 2012). Second, higher legitimacy leads to lower rates of reoffending when people leave prison or after they complete alternative nontraditional treatment programs (Cochran, 2012; Gaes & Camp, 2009; Hipple, Gruenewald, & McGarrell, 2011; Listwan, Sullivan, Agnew, Cullen, & Colvin, 2013; Meares, Papachristos, & Fagan, 2007). Finally, the procedural justice of policies and practices in prisons shapes legitimacy (Bierie, 2012; Reisig & Mesko, 2009; Sparks et al., 1996). As a consequence, there is also an argument to be made for using a similar psychological approach to advocating change in prison policies and procedures.

Psychology and law enforcement

This is a success story for psychology and for the idea of translational research. Psychological models of legitimacy and procedural justice are supplementing economic models as the sole intellectual framework through which the problems of policing, and criminal law more generally, are understood. And these ideas are becoming both the focus of research by criminologists and policy analysts and the basis for the development of policing policy and practices. The first goal of this report is to outline and consider this success and examine why it has occurred.

Why has it occurred? There are a variety of factors. One is that departments have found that service delivery and crime reduction do not shape public trust. Most police leaders have assumed that through service delivery and crime control, they were fulfilling their mission and would be respected and supported by the public.[8] Although, for example, crime is down, public trust and confidence in the police have not increased in any comparable way.[9] Further, the striking racial gap in trust has not diminished, in spite of the belief among at least some police leaders that the minority community is primarily interested in crime reduction and should be the most appreciative of crime declines. After an era of increases in professionalism and declines in crime, the police are finding, to their surprise, that they do not have high levels of trust in their communities.

A second factor is that the police, like most municipal agencies, are faced with fiscal austerity and have found that calls for community cooperation with and support for the police have come up against widespread anger and hostility toward the police. So, the police themselves have become focused on trying to find ways of building popular legitimacy. Psychological models have been adopted because they respond to a need that the police themselves have identified and articulated. In an earlier era, the police generally felt that crime control was a self-evident justification for their actions and that whatever

requests they made—for example, for more officers—would be widely accepted if they were presented as needed to prevent crimes.

Further, the police have been widely given the benefit of any doubts in situations of seeming wrongdoing or poor judgment, and even today, at least the White community has shown considerable willingness to accept police explanations for the shootings of unarmed civilians in places like Ferguson. The past year has seen a change in the climate within which the police work, with police shootings being national news stories, the police being widely questioned, and the public erupting in collective outrage and even riots in response to police actions. The police can no longer act with the assumption that the public grants them broad and unquestioning discretion in their law enforcement activities.

Implications for police policies and practices

The legitimacy model provides an alternative perspective through which to view any policy and practice involving criminal justice authorities—that is, the police, the courts, and corrections. The question becomes whether a policy or practice generates or undermines legitimacy within the community. One example of such a policy is the widespread use of police stops in urban communities—for example, New York City, Chicago, Boston, and Philadelphia.

During the 1980s, the goals of American policing changed. The '60s, '70s, and '80s were marked by "high and rising levels of violent and drug-related crimes and a widespread fear of crime in urban areas . . . fueled by images of spiraling disorder and uncontrollable super-predators" (Tyler, Jackson, & Mentovich, 2015, p. 604). It was widely believed that the causes of crime, such as poverty, were impervious to traditional crime-control strategies (Bayley, 1994; M. R. Gottfredson, 1990). Policing was perceived to be in crisis, and "there was a strong sense that fundamental changes were needed" (Bayley & Nixon, 2010, p. 1).

In earlier eras, the police generally focused on either intervening in ongoing crimes ("acting when crime was afoot"; see Meares, 2014) or investigating crimes that had already occurred—that is, on being an agency whose job was to ensure that criminals were held to responsibility and received punishment and, as a consequence, that there was post-event justice after wrongdoing. But in an effort to address new widespread community concerns about the high rate of violent crime, the police began engaging in proactive policing (see Epp et al., 2014). Through this focus on the prevention of future crime, the goals of policing were fundamentally changed, and those changed goals altered the policies and practices of policing. These changes were part of a general effort to professionalize policing that began with the publication of the highly influential 1967 President's Commission on Law Enforcement and the Administration of Justice report, *The Challenge of Crime in a Free Society.*

The prototypical framework underscoring this transformation in policing is provided by Wilson and Kelling's seminal article "Broken Windows" (1982), in addition to several other similar pieces with the same theme (Wilson & Boland, 1978). The broken-windows perspective on crime argued, first, that community fears about crime were driven by community perceptions of disorder. As Wilson and Kelling summarized, "to judge from their behavior and their remarks to interviewers, [people] apparently assign a high value to public order, and feel relieved and reassured when the police help them maintain that order" (Wilson & Kelling, 1982, p. 31). Hence, these authors suggested that it was minor lifestyle crimes that led to public fear, not more substantial but less common violent crimes.

A second argument of the model was that failure to address this type of low-level disorder would lead to a later increase in more serious crimes. Without the belief that the authorities care about public order, the broken-windows theory argues that evidence of degeneracy and disarray, whether in the form of litter or drunks on the street, will foster more serious crimes over time, since "disorder and crime are usually inextricably linked, in a kind of developmental sequence" (Wilson & Kelling, 1982, p. 31). These arguments drove police to develop a strategy for proactively controlling crime by targeting minor lifestyle crimes, presumably thereby preventing the sense of disorder these crimes would create and through it increases in the rate of more serious crimes. Consequently, the police were interested in trying to get out in front of the development of serious crime problems, nipping those potential later problems in the bud through proactive actions. This new model of proactive policing was supported both by contemporary research on the benefits of proactive policing (see Sherman & Rogan, 1995) and by the results of psychological experiments (Zimbardo, 1969).

For the past 30 years, policing models have been shaped by this general approach advocated by the broken-windows theory. The growing preference for proactive-policing policies over the last two decades has increased individual encounters with the police and, in particular, police-youth contact (Kubrin, Messner, Deane, McGeever, & Stucky, 2010). (For a review see, Tyler et al., 2015.)

One of the ways that the police extended broken-windows models was through developing "zero-tolerance" policing (McArdle & Erzen, 2001). When engaged in zero-tolerance policing, the police made widespread

arrests for minor crimes—for example, marijuana posses-sion, public urination, or drinking beer on one's front steps. Police leaders have described this policy as having been developed in response to the presumed dynamics underlying broken-windows theory (National Review, 2013) because the people targeted were committing crimes, although often minor crimes that many traditional police officers might have simply ignored or responded to with an informal warning. Instead, such discretionary nonenforcement was viewed as allowing the community to deteriorate, encouraging more serious crimes at a future time. This brought these individuals into contact with the jail and court systems, often for fairly substantial periods of time.[10]

Although zero-tolerance policing derived from the broken-windows model and was based on its premises, it moved beyond a key tenet of that model as it was ini-tially formulated. The broken-windows model originally argued that "the police should focus on those disorderly individuals whose behavior was viewed by the commu-nity as outside of the rules of everyday social order" (Tyler et al., 2015, p. 607). In other words, the original model supported enforcing the norms of the general community by targeting "disreputable or obstreperous or unpredictable people such as panhandlers, drunks, addicts, rowdy teenagers, prostitutes, loiterers, and the mentally disturbed" (Wilson & Kelling, 1982, p. 30). As a consequence of the expansion of zero-tolerance polic-ing, an increasingly large number of people were drawn into the criminal justice system for minor lifestyle crimes, including many people who were integral members of the community, rather than disruptive or "marginal" peo-ple. Such people were drawn into the system by being arrested, a degrading ritual that transforms a "free person into a criminal defendant, with all the attendant social meanings, physical discomforts, and civil burdens" (Kohler-Hausmann, 2013, p. 374). These arrests have become a form of regulation, with a wide range of con-sequences, including possible deportation, eviction, license suspension, custody disruption, and adverse employment decisions (Jain, 2015). The key point is that such dehumanizing appearances are not related to actu-ally determining guilt or innocence or to administering punishment, since no one has been convicted of any crime.

This change in patterns of police contacts and result-ing interactions with the legal system, initiated by arrests for minor crimes (Jones, 2014), has recently been exam-ined by Kohler-Hausmann (2013, in press). People who are drawn into the court system typically must make repeated court appearances, each of which often ends in no formal adjudication of their case. By completing this series of court appearances, defendants may be offered an eventual dismissal (adjournment in contemplation of dismissal, or ACD). One goal of these repeated interac-tions is to determine whether the person involved has the ability or the motivation to obey rules. For example, a defendant's charges may be dismissed after some period of time as long as that person has demonstrated adher-ence to the law. These minor-crime arrests also provide law enforcement with information about people, burden-ing them with marks on their official files that will follow them through life and color their future experiences with law enforcement.

A second and more recent extension of proactive policing is the practice of stopping, questioning, and frisking large numbers of citizens on the street in searches for drugs and guns. Through this policy, the focus of pro-active policing expanded to include people who were not engaged in committing crimes or even behaving sus-piciously. As suggested by research on this policy, "the fig leaf of suspicion which is required by law is itself suspi-cious as an explanation for police behavior, since studies indicate that almost all of those stopped are innocent of any crime" (Tyler et al., 2015, p. 612). The scope of these programs is large. For example, according to official records in New York City in 2011, about 684,000 people were stopped, most of whom were the members of minority groups and almost none of whom were carrying weapons or serious drugs. While this practice has found few weapons or serious drugs, it has led to a number of arrests for the possession of marijuana, increasing the flow of minor cases to the courts already noted.

How should we evaluate this evolving scope of proac-tive policing? One way would be by examining whether these efforts to proactively control crime have been suc-cessful in doing so (Rosenfeld & Fornango, 2014; Sampson & Cohen, 1988). Levels of crime have dropped, and the police claim at least partial credit for that. One argument is that by reducing both the rate of crime and fear of crime, proactive-policing policies and practices have addressed the concerns identified by the original broken-windows model. However, it is important to note that the original broken-windows argument emphasized a shift in focus toward lifestyle crimes, such as public drunkenness, and away from the more consequential crimes, such as violent crimes, that police had traditionally targeted and that are the focus of recent police street stops. Justifications of stop-and-frisk policies have returned the focus to vio-lence and guns (see Tyler et al., 2015), but, of these two, the police most frequently find low-level drugs and only infrequently encounter guns.

Those being stopped are actually being stopped in an effort to suppress future violent crimes. So, the strategy depends for its justification on the belief that those who commit minor crimes are likely to commit more serious crimes in the future unless they are sanctioned in some way for their early actions. Our argument is that these

proactive police actions have occurred because in recent years, the police have been expected to have the ability to prevent crimes from occurring in the first place, rather than being expected to solve already committed crimes. Both the ability of the police to actually control crime and their role in producing recent declines in the crime rate may be in dispute (see Meares, 2014), but what is not is that the public and political officials have become more and more likely to hold the police to account for crime and to view its occurrence as reflecting a failure on the part of the police. This puts pressure on police leaders to lower the crime rate and keep it low. Today, a police chief believes that he or she may be fired despite solving every crime that occurs in the community if those crimes are allowed to occur in the first place.

The constitutional "Terry standards" for police stops offer an alternative framework with which to evaluate proactive policing. According to those standards, police intrusion into individuals' lives is called for only if those individuals are engaged in crime. The original broken-windows model, as well as zero-tolerance policing, was consistent with this idea. By contrast, stop-and-frisk approaches are often justified only by suspicion, when in reality, almost all of the people who are stopped are innocent of any crime—raising the question of whether these policies violate people's constitutional right to be free of police intrusions.

A third approach is to examine proactive policing in terms of its impact on popular legitimacy. Although the crime rate, public fear of crime, and the constitutionality of police actions are important, research has indicated that they are not the key drivers of popular legitimacy (Meares et al., in press; Sunshine & Tyler, 2003; Tyler & Fagan, 2008). Thus, they are outside the scope of a discussion of popular legitimacy (see Tyler et al., 2015).

An important aspect of the original broken-windows model was that it exhorted police to deal with crime by addressing people's concerns about community disorder. When the model was put forward, crime was believed to be spiraling out of control. Broken-windows policing policies were meant to show that the police were responsive to community concerns and consequently encouraging public trust in the police. Hence, proactive policing was expected to create trust and popular legitimacy (Wilson & Kelling, 1982). This focus was consistent with policing strategies in the 1980s that stressed reconnection to the community both "to enhance their crime-control effectiveness and to increase public respect" (Bayley, 1994, p. 2). Under the framework of community policing models, the goals of being respected and trusted by the community and effectively fighting crime were viewed as interconnected strategies achieved in tandem. In other words, the police did not need to choose between being trusted and being effective: Their strategy for being effective also built trust. As recent controversies about policing have shown, the current strategies of the police have not achieved the goal of building trust in the police in many American communities.

As we have noted, whatever the gains of proactive policing, these policies have not built popular legitimacy. The legitimacy model makes it possible to understand the reasons for this continuing disconnect between police actions and popular legitimacy. Relying on a sanction-based model, the police have misunderstood the basis of public support for the police. The original broken-windows discussion articulated a connection between public concerns and police actions by emphasizing the importance of the police being responsive to public concerns and communicating that the police respect the needs and concerns being expressed by the public. More recent models of proactive policing have departed from these initial insights, and proactive policing has not built popular legitimacy as expected.

The elements found to be associated with judgments about procedural justice were discussed in the original broken-windows article by Wilson and Kelling (1982) but were given different labels. By focusing on lifestyle crimes and problematic people, the police were responding to the concerns of people in the community. Further, through contacts such as those in foot patrols, officers engaged with and showed respect for the people in the community and demonstrated that they were taking community concerns seriously and responding to them. Hence, a psychological model of procedural justice brings the focus in policing back to issues recognized in early work on policing. And, as mentioned, these ideas are very much in keeping with the seminal work of Peel in the organization of the London police department.

Organizational dynamics

While the research outlined has focused on police relations with the community, it is also important to monitor the organizational climate within police departments. Studies of police departments have made clear that officers themselves often perceive that their department does not follow fair procedures, provide voice opportunity, explain policies, or treat officers and their concerns with respect. Hence, one reaction of officers is to ask why they should treat citizens fairly on the street when they do not experience a similar type of fairness in their dealings with their supervisors.

It is important that discussions of legitimacy focus not only on police-citizen encounters but also on the internal dynamics of police departments. Fortunately, a number of recent studies have done so (Bradford, Quinton, Myhill, & Porter, 2013; De Angelis & Kupchik, 2007, 2009; Farmer, Beehr, & Love, 2003; C. J. Harris & Worden, 2014;

Taxman & Gordon, 2009; Tyler, Callahan, & Frost, 2007; Wolfe & Piquero, 2011). These studies show that officers who feel fairly treated are more likely to view their department, as well as its policies and leaders, as legitimate and to comply with organizational rules and policies; to feel organizational commitment; to want to stay with the department; and to work cooperatively with their supervisors.

Central to discussions of officer stress is the parallel finding that officers working in departments low in the procedural justice that is found within their department's internal culture experience higher levels of job-related stress. Working in stressful situations within a department that does not have the elements of procedural justice contributes to a set of occupational hazards associated with policing, including suicide, alcoholism, divorce, and depression. This argument is supported by a large literature on how the general organizational climate of workplaces shapes health. The core health-related argument is that creating procedurally just organizational conditions promotes well-being, and when such conditions are not present, stress is high.

The negative physical and mental outcomes resulting from workplace stress include taking sick days, becoming ill, using drugs, drinking, experiencing marital problems, and even committing suicide. The public-health literature on the influence of workplace conditions on stress has widely documented these as consequences of working within an unfair environment. While the focus of the studies has varied, they have all shown a connection between unfair management practices and poor employee health (for a review, see Robbins, Ford, & Tetrick, 2012).[11] Studies have indicated that in particular, poor relationships between workers and their immediate supervisors produce stress on the job.

What is the connection between the fairness of the experience that officers have in their stationhouse and what they do on the street? A recent study by Bradford et al. (2013) indicated that those officers who experience fair process and procedures in their department are not only more likely to comply with department rules and more likely to be committed to organization goals, they are also more likely to be supportive of community policing models that emphasize cooperation with the community and building positive working relationships with community members. Trickner et al. (2015) found the same results in a study of Chicago police officers. They further linked procedural justice in the department directly to stress levels among officers.

It has increasingly begun to be recognized that police executives must treat their employees (i.e., police officers) with the same legitimacy and procedural justice due to the general public. This issue of the internal climate or culture of police departments is sometimes referred to as "internal legitimacy" or "internal procedural justice." When department leaders treat officers with fairness, dignity, and respect—for example, by soliciting officers' views about policies and practices and ensuring fairness in the disciplinary system—they increase the chances of officers' showing initiative and seeking to do a good job.

A New Model of Police-Community Relations

Traditionally, the goal of legal authorities has been to obtain widespread public compliance with the law. In fact, as noted, police leaders have often seemed to equate police success with reductions in the number of crimes committed and to treat that as the only criterion against which their actions are to be judged. If we accept this definition, legitimacy matters. Empirical research has shown that legitimacy—typically operationalized as the degree to which people feel obliged to obey and their trust and confidence in the relevant authoritative institutions—is a key factor in achieving such compliance. It is as influential as risk estimates, and sometimes more important. However, the goals of legal authorities have broadened over time in two ways—first, by centering on motivating willing cooperation, including working with members of the public in efforts to produce social order, and second, by encompassing engagement in communities in efforts to increase social, political, and economic vitality. A psychological model is central to such a change in police-community relations since, although risk and legitimacy both shape compliance, legitimacy is the primary driver of cooperation. Hence, for the police to play a role in promoting community cooperation and engagement, they must be viewed as legitimate (Tyler & Jackson, 2014).

Legal authorities recognize the value of active, voluntary public cooperation with the police and the courts. Cooperation includes willing acceptance of legal authority, deference to the decisions made by judges and police officers, everyday rule adherence, and willingness to aid the police in identifying crime and criminals and the judicial system in prosecuting by serving as a witness or a juror.

Studies of legitimacy have supported the argument that traditional conceptions of legitimacy defined in terms of the obligation to obey and trust and confidence capture an important element of its influence on cooperation (Tyler & Fagan, 2008). But they also point to the potential value of expanding the framework of legitimacy. Normative alignment—the belief that police officers seem to share the purposes, goals, and values of the community—has been found to be distinctly related to cooperation (Bradford, 2011; Jackson et al., 2012).

Legitimacy is further important to engagement. Studies of long-term approaches to social order have pointed to the importance of creating viable communities. Recognizing that you cannot arrest your way out of crime, the police and courts have increasingly focused on the objective of building economic, political, and social development as a means of long-term order maintenance (Geller & Belsky, 2009). This argument parallels the scholarly literature on creating viable communities, which emphasizes the importance of developing the shared attitudes that motivate engagement (Loader & Walker, 2007). Sampson, Raudenbush, and Earls (1997), for example, argued that the collective willingness of neighbors to intervene for the common good supports lower levels of crime and violence. Recent studies have suggested that such feelings of efficacy are encouraged by police legitimacy (Kochel, 2012; Wickes, Hipp, Sargeant, & Homel, 2013).

The goal of engagement fits well with the recent literature on work organizations, which emphasizes the goal of engaging employees in work through building their identification with their organization (Blader & Tyler, 2009; Tyler & Blader, 2000). Research has indicated that when employees identify with their organization and its leaders, they take on the values of the group, develop favorable attitudes and feelings toward their work, and engage in voluntary actions motivated by the desire to help their group be viable and effective (Tyler & Blader, 2000). This is the type of engagement that is also the goal of community authorities seeking to motivate their members to be concerned about the viability of their communities.

Shared feelings of responsibility, obligation to obey rules, and trust and confidence in authorities encourage compliance and cooperation in fighting crime (Sunshine & Tyler, 2003; Tyler & Fagan, 2008), but whether or not they play a role in shaping engagement has not been examined. Legitimacy defined as shared goals, purposes, and values has been linked to identification with a group and to a broader willingness to actively and willingly engage in working with others in the group to address collective issues (Tyler, 2011). It is this broader sense of legitimacy that is central to engagement (Bradford, 2011; Hough, Jackson, & Bradford, 2013); the increasing importance of this goal suggests the need to consider which elements of legitimacy are important in promoting engagement.

It is clear that the actions of legal authorities have an impact on people's views about society and government (Tyler et al., 1989). Because the actions of legal authorities generalize to views about society and government, it should be possible to develop strategies of law enforcement that are socially beneficial because they help to build identification with government and society, as well as creating feelings of obligation. For example, the police

can help give government a broader legitimacy that would lead people to engage in economic and social activities in their own cities. They can build the type of psychological connections that lead people to work willingly and enthusiastically in their communities in many other ways, ranging from shopping in stores to going to local restaurants. In other words, rather than being viewed as a (necessary) cost, the legal system can develop policies and practices that generate supportive attitudes and values that enhance communities.

While many types of government authority could potentially shape views about one's self and one's community (Katz & Gutek, 1976; Lipsky, 1980), the assumption underlying the engagement model is that people are more likely to live in and visit communities in which they feel that they will be well treated by the legal authorities they are most likely to encounter—the police. This benefits communities economically because it leads people to more willingly come into them to work, to shop, to visit as tourists, and to attend entertainment and sporting events. Hence, the police are central to creating the reassuring atmosphere that makes a community inviting and attractive. If people feel that the police are concerned about them, they engage in their community.

The law also provides a framework for building vibrant, successful communities in another, more general sense. If people feel reassured and safe because of the presence of the police, then they are more likely to engage in their communities socially and economically. Through such engagement, communities build social capital and a sense of shared efficacy, which has broad social value. If people engage in their communities and invest their time and energy within them, they will come to know and trust other community members and will be able to work with them to solve problems that arise in the community. They will also develop relationships with the police that encourage others to join together to address issues in the community. This will not only benefit the police but also lead to a community that is better able to address its own issues, including the need for social cohesion and economic viability. Such engagement may be further facilitated when there are functioning courts that can resolve conflicts and enforce rules (Breyer, 2010). Our goal here is to demonstrate that, in fact, the legal system can, as argued, play a role in encouraging engagement.

Legitimate institutions help foster identification with collectivities and the willingness to act on their behalf (i.e., collective efficacy; see Kochel, 2012). Tyler and Blader (2000, 2005) explored a similar relationship between people and the collective in the context of work organizations. They demonstrated that identification with authorities and institutions is crucial for motivating supportive attitudes and values—for example, legitimacy—as

well as engaged cooperative behavior. It is especially important as a motivator of voluntary actions that help the community and that are engaged in with the goal of helping the group rather than self-interest. Hence, if the police and courts can build people's identification with legal authorities and with the community itself, they will promote supportive public attitudes and voluntary cooperative behaviors. Similarly, the police and the courts can play a role in efforts to build people's identification with society and social institutions in general and, through that identification, motivate members of society to more actively work on its behalf.

The goals of the legal system are evolving from reactive to proactive in terms of the most desirable relationship between legal authorities and communities (Geller & Belsky, 2009). At one time, the public was treated as having a reactive role, and a good citizen was a person who followed rules and directives from legal professionals. More recently, there has been the recognition of the value of a more active and willing engagement with legal authorities in relation to joint efforts to fight crime and criminals. Authorities have increasingly recognized the centrality of social and economic development to efforts to deal with crime and disorder. In each case, the evidence shows that legitimacy has an important role to play in encouraging desired public behaviors.

The increasing focus on motivating proactive behavior among people in the community highlights a long-term difference between traditional legal views of goals vis-à-vis the public and views in other collectivities, such as work organizations. In both, a key goal is for members of a collectivity to follow rules. However, the legal system has traditionally treated compliance as its primary and even sole objective. Other types of collectivities, in contrast, are concerned with rule following but also with motivating their members to actively and willingly engage in productive actions on behalf of the group (Tyler & Blader, 2000). Employees who simply follow workplace rules are not ideal workers. It is also important that they do their job well and even go beyond their formal job description to engage in extra-role behavior. But there has been no corresponding view of community members. The framework outlined in this report argues for the value of such proactive behaviors within communities—first in terms of maintaining social order and, more recently, in terms of efforts to build the viability of the community—and focuses on what can motivate those behaviors.

While popular legitimacy consistently emerges as important, the elements of legitimacy that matter differ depending on which behavior is the focus of attention. Across all of the behaviors studied, at least one aspect of legitimacy matters. However, normative alignment is most important for the facilitation of communities, while

obligation matters most for compliance. All three elements—obligation, trust and confidence, and normative alignment—matter with cooperation. Hence, as the goals of the legal system in relation to the nature of desired public behavior change, different aspects of legitimacy become relatively more important.

The Relational Perspective on the Police

One of the most important ways that procedural justice contributes to models of authority is through its focus on relational mechanisms (Tyler & Lind, 1992). As noted, one way to establish the importance of legitimacy and procedural justice is to demonstrate that they account for a significant amount of variance in important variables such as compliance and cooperation (Tyler & Jackson, 2014). However, an additional advantage of this approach is that it can draw on psychological models that define relational connections with authority. The argument is that procedural fairness communicates information about the quality of one's connection to authorities, institutions, and society. Hence, it impacts on identity and self-esteem as well as feelings of inclusion and acceptance (Tyler & Lind, 1992).

The early work of Thibaut and Walker (1975) focused on the long tradition of social exchange in psychology and argued that the underlying psychological dynamic of procedural justice is control. People want to influence their outcomes, and they believe that having the chance to present evidence to authorities is their best opportunity to do that. Hence, they evaluate fairness through a lens of personal control and self-interest.

In contrast to this instrumental view, the relational perspective (Lind & Tyler, 1988; Tyler & Lind, 1992) argues that people are concerned about their treatment by authorities because it communicates information about their status in society, information that influences their feelings of inclusion, social standing, self-worth, and self-esteem (Tyler & Blader, 2000).

Procedural justice is particularly valuable because it relies on relational mechanisms that are outside of self-interest. Its influence does not depend on showing people that following recommendations is good for them materially, an approach that has been found to be only partially effective. When people are treated fairly by authorities, they develop a social connection with them—they identify with them and view them as sharing their goals and values. These non-instrumental connections have been labeled "relational bonds" (Tyler & Lind, 1992) and shown to be a basis for the voluntary acceptance of regulation, leading to enforcement through self-regulation. Through reliance on a psychological model, in other words, a broader set of connections between people and authorities is engaged.

Disrespectful or demeaning treatment and dismissive and oblique decision making tells people that they are viewed as marginal members of society and raises questions about whether they will receive the rights and protections that normally go with membership in a community. This message motivates insecurity and fear. On the other hand, when authorities discuss problems with people, listen to their views, and show evidence of concern about their needs and perspective, they are indicating that those people are respected members of the community. This is a message of reassurance and trustworthiness. In other words, "the procedural-justice model highlights the importance of individuals' perceptions of themselves as valued members of society as conveyed through the way in which they are treated by officers" (Brunson & Gau, 2014, p. 367).

The relational perspective makes clear why the impact of procedural justice is so broad. It shapes the degree to which people identify with a community and its institutions and authorities. When people identify with a collectivity, they merge themselves with that group, and its goals and values become their own. Hence, people voluntarily follow rules, willingly work on behalf of the community, and engage in the economic and social well-being of everyone in their group. It is exactly such active and voluntary involvement that is sought in efforts to build communities. Hence, procedural justice is central to all aspects of the well-being of communities. And, of course, as part of that identification, people are more willing to defer to the authorities and institutions that create and implement rules for maintaining social order. Beyond that, they work with those authorities and institutions to do the other things needed to maintain the community: reporting crime and criminals, co-policing their neighborhoods, attending meetings about policies and practices, and so on.

These results seem to have "benevolent implications for governance and social cooperation" (MacCoun, 2005, p. 171), but they also have potentially troubling implications because they leave people open to manipulation and exploitation. Thus, a number of authors (Fox, 1993; Haney, 1991; MacCoun, 2005) have raised concerns about the "false consciousness" that can occur when authorities use the appearance of a fair procedure as a way to co-opt people by distracting them from attention to whether they are receiving objectively fair outcomes. Haney (1991) subtitled his article on this topic "Let Them Eat Due Process," arguing that the legal system's preoccupation with legal process diverts people from asking whether the law addresses actual political, economic, and social inequalities. A recent example of this phenomenon is provided by Kaiser et al. (2013), who studied the presence or absence of organizational diversity structures in work organizations. They found that when such

structures existed, people in the organization rated it as procedurally fairer. Whether the structures actually led to decreased levels of disadvantage in the policies of the organization for the people making the ratings was less strongly considered in such judgments. This led the authors to argue that diversity structures created the illusion, but not necessarily the reality, of fairness.

This is an important concern, but it is important to recognize that it is not an argument against adopting a procedural-justice perspective; on the contrary, it is precisely our emerging understanding of the psychology of procedure that has enabled us to better recognize how such exploitation can arise.

Concerns about false consciousness seem most pressing in situations in which authorities have to allocate scarce resources among parties with competing claims, especially when the authorities themselves have some vested interest in obtaining a particular outcome. Routine policing is often quite different from this; unlike courts and legislatures, the police rarely dole out positive resources (money, land, etc.), and there is no hard zero-sum constraint in which the police can only dole out sanctions to one citizen versus another. We think that for policing, this kind of exploitation or manipulation seems most likely when the police use desirable procedural attributes such as voice, respect, dignity, and formality while delivering treatment (e.g., arrests or searches) that violates other procedural criteria, such as neutrality, accuracy, lack of bias, and horizontal equity. Whether this actually serves to distract citizens from unfair treatment might depend on whether the biases are idiosyncratic to the particular individual and situation; citizens are probably more likely to notice unfairness when entire groups of individuals are being treated differently on the basis of some extralegal characteristic (see Major, Quinton, & McCoy, 2002; S. C. Wright, Taylor, & Moghaddam, 1990).

How should such critiques influence our perspective on the ascent of procedural justice as a key issue in policing? One implication is that we should focus not only on whether people are treated justly by the police but also on whether their rights are protected. Certainly it is important to continue efforts to bring police behavior into conformity with laws and constitutional standards. However, it is noteworthy that there are no explicit constitutional standards regarding whether people are entitled to treatment with respect, courtesy, and dignity, or even to opportunities to discuss police decisions, to get an explanation, or to have a transparent process. To the degree that the Constitution protects people, it protects them from (a) intrusions for no reason and (b) discrimination and mistreatment due to their race or gender when they deal with legal authorities. It does not protect them from "mistreatment" in the form of discourtesy or unfair decision making in and of itself.

People may, for example, be entitled to have a hearing before they are excluded from school, but the form of that hearing is not protected except insofar as they are deprived of elements of due process because of their race or age. A legal authority can be a rude, insensitive autocrat in the sense of acting without using a fair procedure—that is, unless his or her motivations for those actions are sexist or racist. Hence, procedural justice addresses an issue that is empirically quite consequential but unaddressed by law.

The discussion about treatment illustrates one of the valuable contributions of the procedural-justice model, which is to address an issue that is difficult to address through law. As noted above, people are not entitled to respect from legal authorities. So why should the authorities be respectful? One reason is that important behaviors that they care about—compliance and cooperation—are influenced by how they treat people. Hence, these research findings provide a justification for the value of treatment with procedural justice that does not depend on whether or not people are entitled to respectful treatment. Treating people fairly is a good idea because it lowers the likelihood of anger and resistance/defiance and promotes rule adherence.

The crux of the concern among critics is that, having received dignity and respect, people will no longer be motivated to fight for their substantive rights. This is an issue that needs to be addressed directly through education. The gains produced by a procedural-justice strategy are important, and those gains in no way necessarily compromise the possibility of at the same time lobbying for substantive rights. Hence, the issue is one of raising public consciousness. On the other hand, it could be argued that the authorities will have no motivation to implement procedural-justice approaches if people continue to push for substantive justice. In this case, the arguments above about the other benefits of procedural justice need to be directed at police officials.

The Future Focus of Procedural-Justice Research

Most studies of legal authorities that have adopted a procedural-justice perspective have focused on the procedural choices of the authorities—for example, how much voice to provide. But there has been very little research on choices among procedures. How do authorities decide when to plea bargain or mediate instead of having a trial? This issue is one that Thibaut and Walker (1975) considered in their original research, comparing choices between inquisitorial and adversarial procedures. However, further studies of this issue are important to the development of this field, since authorities have considerable discretion about how to resolve legal issues.

One example of a different procedure justified by procedural justice is the drug court. This less adversarial approach to drug crimes has produced strikingly better results in terms of lowered rates of recidivism. Why? The previously mentioned study by Gottfredson suggested that it is the "offender's perception of fairness and due process" (D. C. Gottfredson et al., 2007, p. 28). This example illustrates the importance of procedural justice as a criterion in evaluating any formal or informal legal procedure.

Implications

The development of this area of research provides an example of how initially academic psychological theories can be a powerful alternative to the economic models that have traditionally dominated law and public policy. For this to happen, it is necessary for those models to speak to issues that are also important to actors in the law. In this case, leaders of the national policing community have adopted models drawn from psychological research on legitimacy, while researchers in public policy have studied them because both the limits of traditional deterrence and the strengths of a legitimacy-based model have become clear to leaders in the policing community.

This change also offers a striking example of how society can benefit from the importation of psychological models into public policy. After decades of seeking to motivate compliance with sanctions, leading to hostile and resistant communities and large and unnecessary expenditures of public funds to build apparatus for surveillance and sanctioning, law enforcement has become increasingly enthusiastic about a positive and proactive social-psychology-based model of policing focused on motivating willing deference and voluntary cooperation based on a legitimacy that develops from and is maintained by the fair exercise of authority when the police deal with the public. This includes both fair opportunities for voice and participation in designing policies and implementing them in the community.

Interest in legitimacy-based models does not mean that deterrence cannot be effective as a model of regulation. Clearly it can when resources for surveillance via sufficient law enforcement presence exist. Yet often they do not exist, so deterrence needs to be one component of a broader approach to rule adherence. Further, it is clear that a generation dominated by a focus on deterrence, whatever its influence on crime, has not addressed issues of trust and confidence. On the contrary, deterrence has been a factor in encouraging policies and practices that have increased mistrust in at least some communities. In an era of lowering crime rates, these questions of legitimacy are becoming more central to

discussions of policing, leading to a search for research-supported models of consensual policing.

Although police leaders initially supported changes in policing out of concern for public support, it rapidly became clear that officers themselves widely question the legitimacy of their own managers. Hence, the large psychological literature on organizational justice is equally relevant to police departments. It also has policy relevance because it suggests that one way to motivate change is to focus on what officers have to gain from changing. For example, studies have shown that the physical and mental health of officers is undermined by working in unfair departments, as well as in hostile communities. Officer safety is also compromised by using force-based strategies that escalate conflict, provoke anger, and promote verbal and physical resistance.

Declaration of Conflicting Interests

The authors declared that they had no conflicts of interest with respect to their authorship or the publication of this article.

Notes

1. Similarly, the federal efforts to establish a task force on policing focused on public trust were underway before these events, although the events clearly increased the pace of those efforts.
2. Whereas the judicial system has the ability to sentence a person to death only under very limited circumstances—after extensive fact-finding, a trial involving a group of neutral citizens, and extensive post-conviction review—a police officer is given the power to make life-and-death decisions in the moment, and the public generally supports officers' discretionary decisions unless there is compelling evidence of wrongdoing.
3. An important question for future research is whether procedural-justice effects are robust to variations in the "Dark Tetrad" constellation of antisocial traits—Machiavellianism, narcissism, psychopathy, and "everyday sadism" (Paulhus, 2002)—which are overrepresented in the offender populations that police routinely encounter. While it is conceivable that some of these individuals are relatively insensitive or indifferent to variations in the process features of police treatment, it is noteworthy that procedural-justice effects have been replicated in a population of felony defendants (Casper, Tyler, & Fisher, 1988) as well as spousal-assault suspects (Paternoster, Brame, Bachman, & Sherman, 1997).
4. It is particularly noteworthy that studies of perceptions of risk find evidence of threshold effects. It may be necessary for the likelihood of being caught to be over some level, a level often suggested to be around 30%, before there is any strong deterrence influence. There are very few crimes in our society (rape, murder) that have arrest rates above this level. For example, drug use, which is a crime against which a considerable number of police resources

are deployed, has a much lower level of risk (MacCoun, 1993).
5. One reason for this is the general tendency for people to frame deterrence as a question of whether or not deterrence "works," in the sense that its effects can be shown to be significantly different from zero (Ziliak & McCloskey, 2008). Against this arguably low standard, deterrence effects are often found. However, when dealing with surveys involving large numbers of respondents, a statistically significant finding can explain very little of the total variance in compliance. A more challenging standard is the percentage of the variance in some behavior that is explained by a predictor.
6. While a variety of methodologies might potentially be used, it is widely agreed that a field experiment, when it can be implemented, is an ideal design for maximizing both internal and external validity.
7. As an example, one of the authors (T. Tyler) was recently in a courtroom working with judges to build a more procedurally just court experience and found that prisoners were brought into the courtroom with shackles on their hands and feet and locked into place. They could not move toward a round table and talk with the judge more informally. Why? Prisoner security was under the control of an independent sheriff who did not accept the goal of enhancing procedural justice.
8. The famous broken-windows model (Wilson & Kelling, 1982) argues that by controlling lifestyle crimes in communities, the police will be showing responsiveness to community concerns and thereby gaining the trust of the people in those communities (see Tyler et al., 2015).
9. This issue is made complex by the fact that trust in most social and political institutions is steadily declining. Hence, it is not clear whether the best comparison group is the police at other time points, in which case trust is more or less steady, or trust in other institutions, in which case the police are doing well to have a steady level of trust.
10. In fact, Jacobs (2015) has argued that the consequences of being booked are long-term and far-reaching even when charges are later dismissed.
11. Studies in this literature include Elovainio, Kivimaki, Eccles, and Sinervo (2002); Elovainio et al. (2013); Fujishiro and Heaney (2009); Heponiemi, Kouvonen, Sinervo, and Elovainio (2010); Hogan (2012); Kivimaki, Elovainio, Vahtera, Virtanen, and Stansfeld (2003); Kivimaki et al., 2005; Kivimaki et al., 2004; Kouvonen et al., 2008; Kouvonen et al., 2007; Liljegren and Ekberg (2009); Schmitt and Dorfel (1999); Suurd (2009); Tepper (2001); Vermunt and Steensma (2003); and Virtanen et al. (2012).

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