

Trust and legitimacy in the USA and Europe

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A paradox regarding policing in America

- In recent decades the objective quality and professionalism of American policing has improved a great deal.

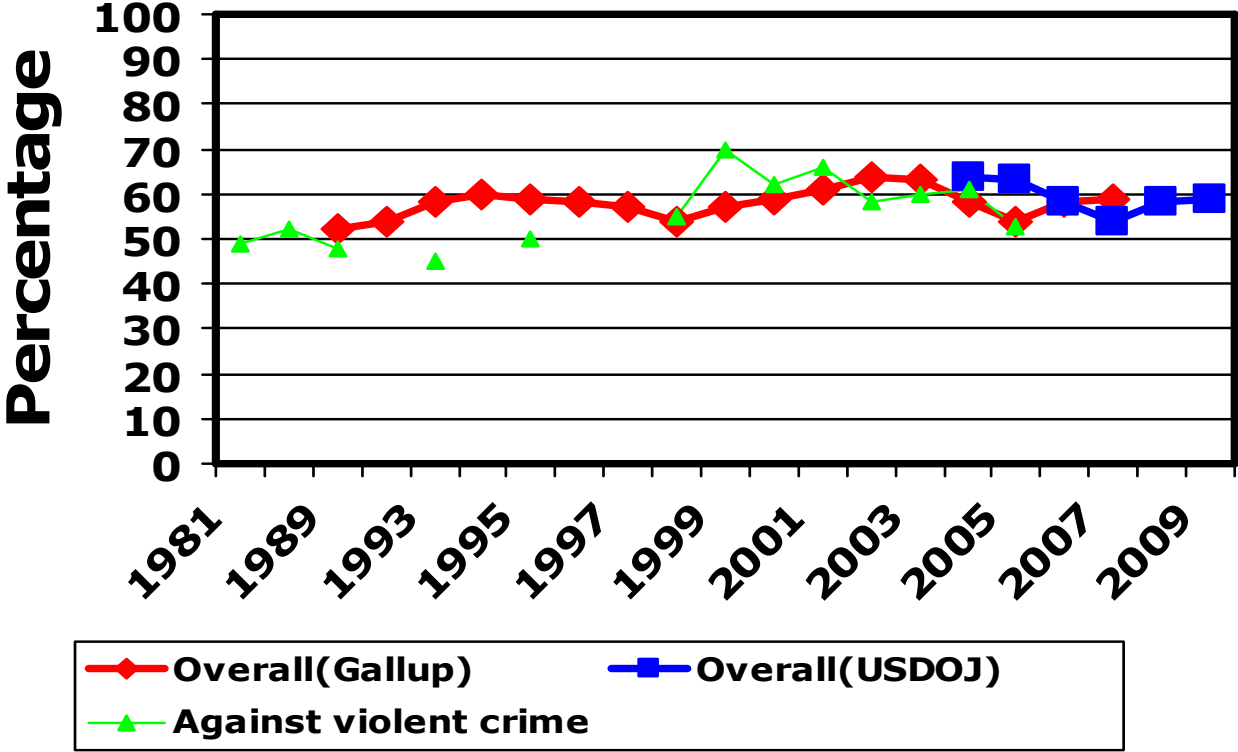
(Fairness and Effectiveness in Policing, 2004, National Academy of Science).

- Greater ability to fight crime
- Decline in unlawful shootings of civilians
- Etc.

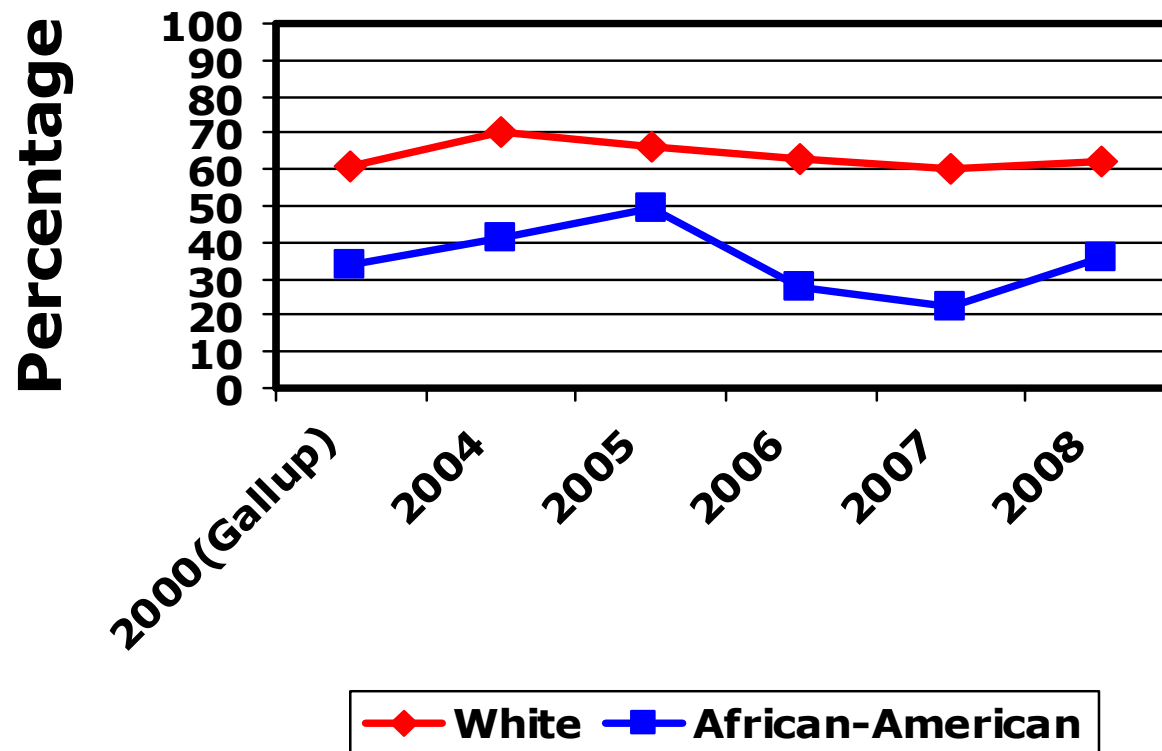
The legitimacy of the police

- Public support for the police – “police legitimacy” - has not similarly increased.
 - This is especially true among minorities.

Percentage of Americans expressing confidence in the police has been similar over the last 30 years. (Gallup poll/USDOJ).



Percentage expressing “a great deal/quite a lot” of confidence in the police differs by race.
(*Sourcebook of Criminal Justice Statistics*)



The legitimacy of the police

- This suggests the need for a psychological analysis.
 - We need to ask: “What shapes police legitimacy if not the objective quality of police behavior?”

What is legitimacy?

- The belief that:
 - The police are trustworthy, honest, and concerned about the well being of the people they deal with.
 - Police authority ought to be accepted.
 - People should voluntarily accept police decisions and follow police directives.
 - They should comply with the law and cooperate with the police.
- Often indexed as confidence in the police

How can we influence police legitimacy?

- To address the legitimacy of the police and of policing practices we need to think about policing in a new way.
- We need to focus on *how police policies and practices* influence the views that the public has about police legitimacy.
 - Especially focus on the views of the minority community

A focus on personal experiences

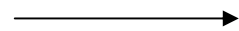
- We should treat every encounter that the public has with the police, the courts, and the law as a “teachable moment” that builds or undermines legitimacy.
- We should consider what individuals react to when they have these encounters.

What shapes police legitimacy when people deal with the police?

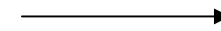
- The primary issue shaping people's views about legitimacy when dealing with the police is whether the police are exercising their authority in fair ways - **procedural justice**.
 - Quality of decision making (*Are decisions made fairly, in a neutral, unbiased way?*)
 - Quality of treatment (*Are people fairly, in a respectful, courteous way?*)
- Procedural justice is more important than the outcome of those experiences.

Influence of policing practices on public behavior

Whether the public believes that the police exercise their authority in fair ways (procedural justice)



Whether the public accepts the legitimacy of police authority



- Defer to police decisions.
- Generally accept and obey the law
- Cooperate with the police to fight crime.

Research studies support the role of procedural justice

- Study of California street stops
 - Conducted in Oakland and Los Angeles
 - Assessed why people voluntarily defer to police officers and judges
 - 1656 interviews of people who had recent personal experiences with legal authorities (85% with police)
 - ~30% of outcomes were negative

Measures used in this study

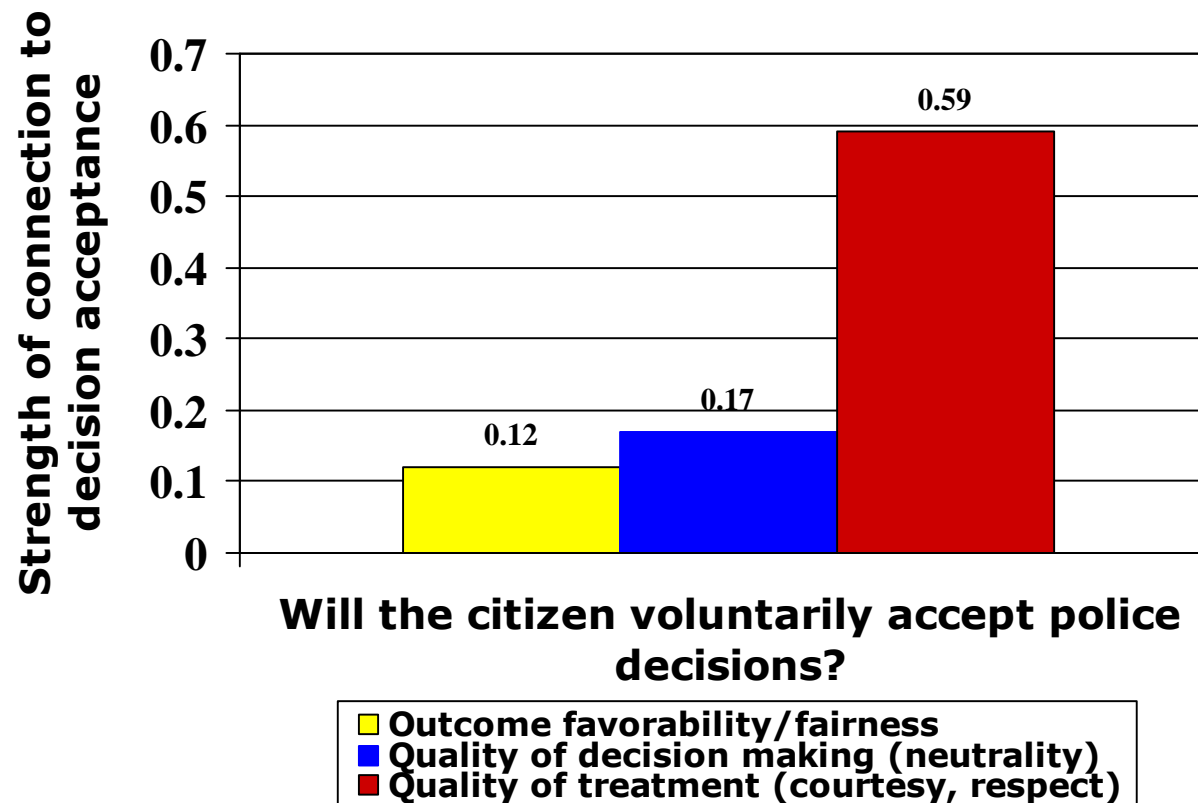
■ Evaluations of experience

- Outcome
 - Outcome favorability (The decision favored me.)
 - Outcome fairness (I received the outcome I deserved.)
- Procedural fairness
 - The decisions were made in fair ways.
 - I was treated in fair ways.

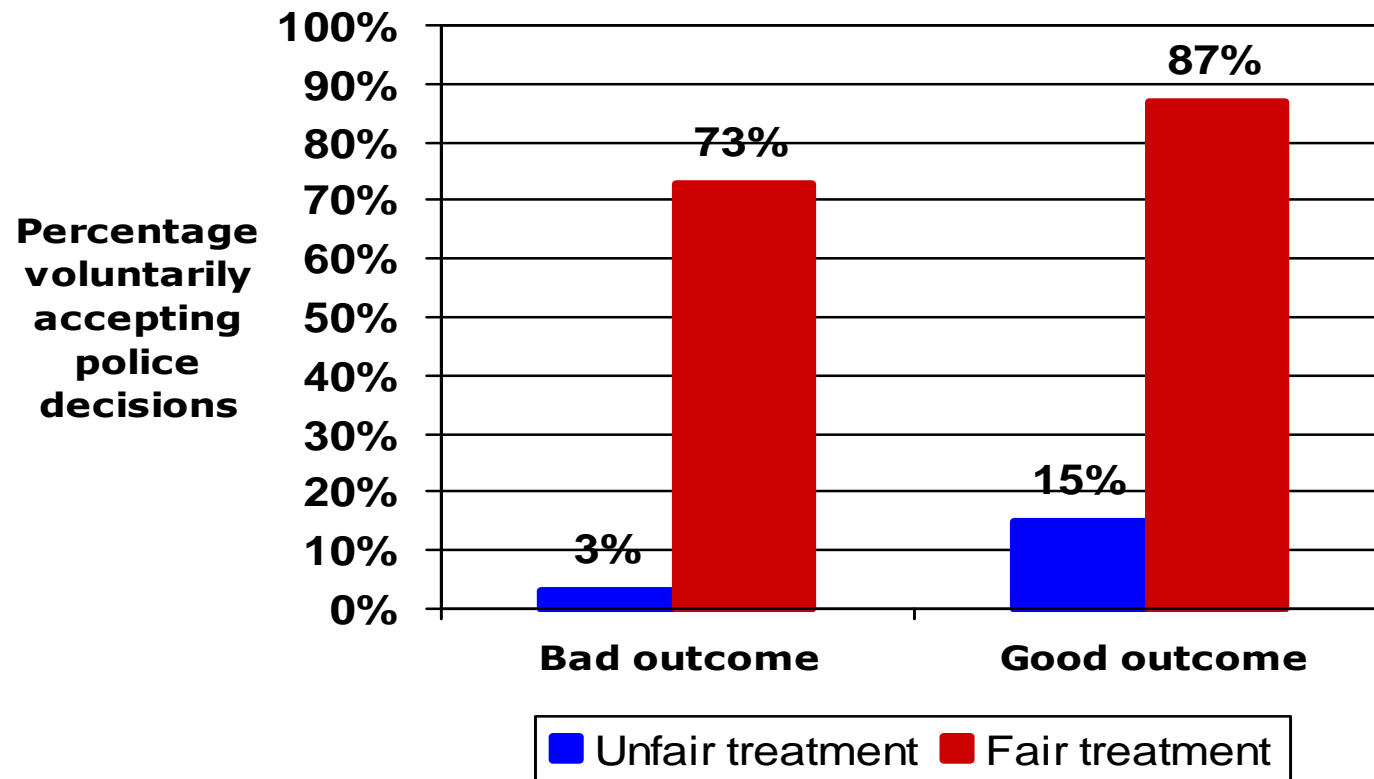
■ Reaction to experience

- Voluntary deference
 - I willingly accepted the decisions made.

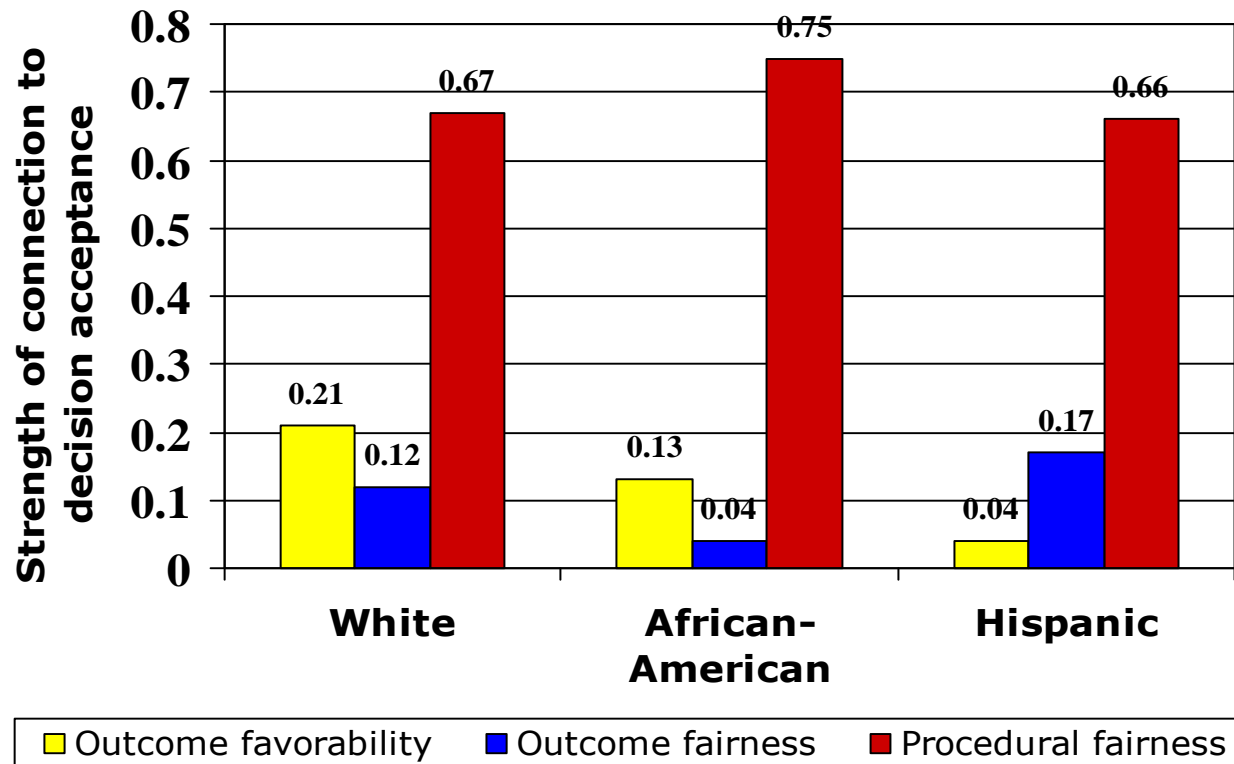
What shaped decision acceptance in personal encounters (California street stops)?



What does this mean in terms of the likelihood of voluntarily accepting police decisions during a street stop?



Willingness to accept decisions by race



Importance of interpersonal treatment

- These findings are typical:
 - The quality of interpersonal treatment plays a strong role in shaping perceptions of legitimacy.
 - People care about:
 - Treatment with respect, dignity
 - Respect for their rights
 - Believing authorities care about their needs and concerns
 - Feeling that their arguments are considered when decisions are made

Summary

- The way members of the public perceive the police and evaluate police behavior and policing practices shapes their behavior.
- The key issue is procedural justice and, in particular, how people are treated by the police.
 - This is true for both Whites and minority group members.

Implications

- An experience with the police can have a strong psychological impact even if nothing legally significant happens.
 - A person may not be arrested, but their treatment can still change their views about the police.
- A person can have a positive experience even if the police take some enforcement action.
 - Search their home/car, give them a ticket

Broader concerns

- This is not just about personal encounters with the police, the courts and the law.
- Success in policing efforts depends upon gaining supportive public behavior
 - Compliance with police orders, the law.
 - Cooperation in efforts to fight crime.

Community level judgments.

- Samples of all the people in a community.
- Use New York City as an example.
 - Why obey the law.
 - Why cooperate with the police to fight crime.

I address this question in Tyler and Fagan (2008).

- Interviews with a random sample of residents of New York city.
- Variables
 - Legitimacy -
You ought to do what the police tell you to do.
You have trust/confidence in the police.
 - Performance – Police are effective.
 - Risk - likelihood you would be caught and punished for wrongdoing.
 - Self-reported compliance behavior -- frequency of following laws in everyday life.
 - Self-reported cooperation –
Report crime in the community.
Work with police.

Legitimacy and compliance (NYC cross sectional study, n = 1,653).

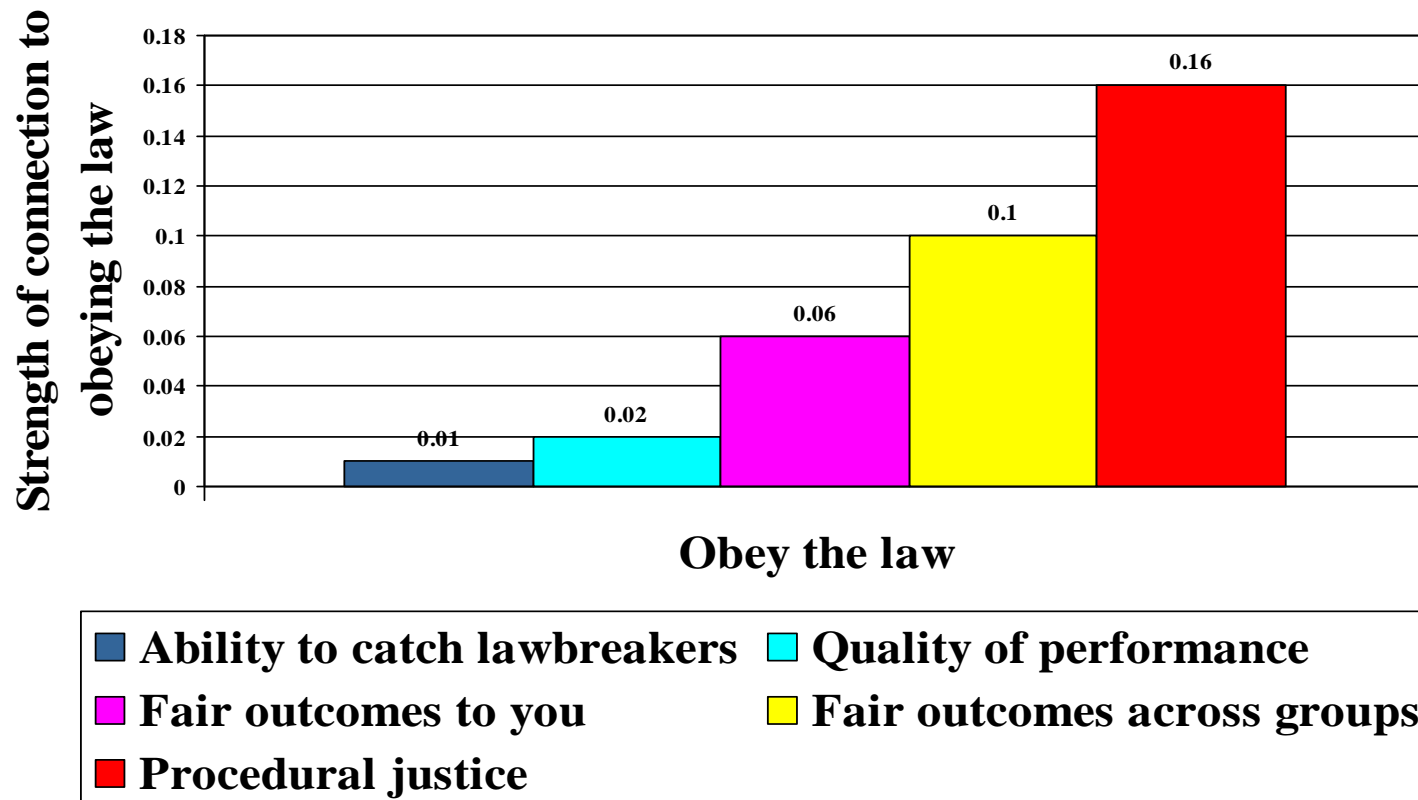
	Comply	Cooperate
Legitimacy	.13***	.29***
Performance	.08**	.06
Risk	.08**	.11***
Adjusted R.-sq.	3%	11%

Standardized regression coefficients.

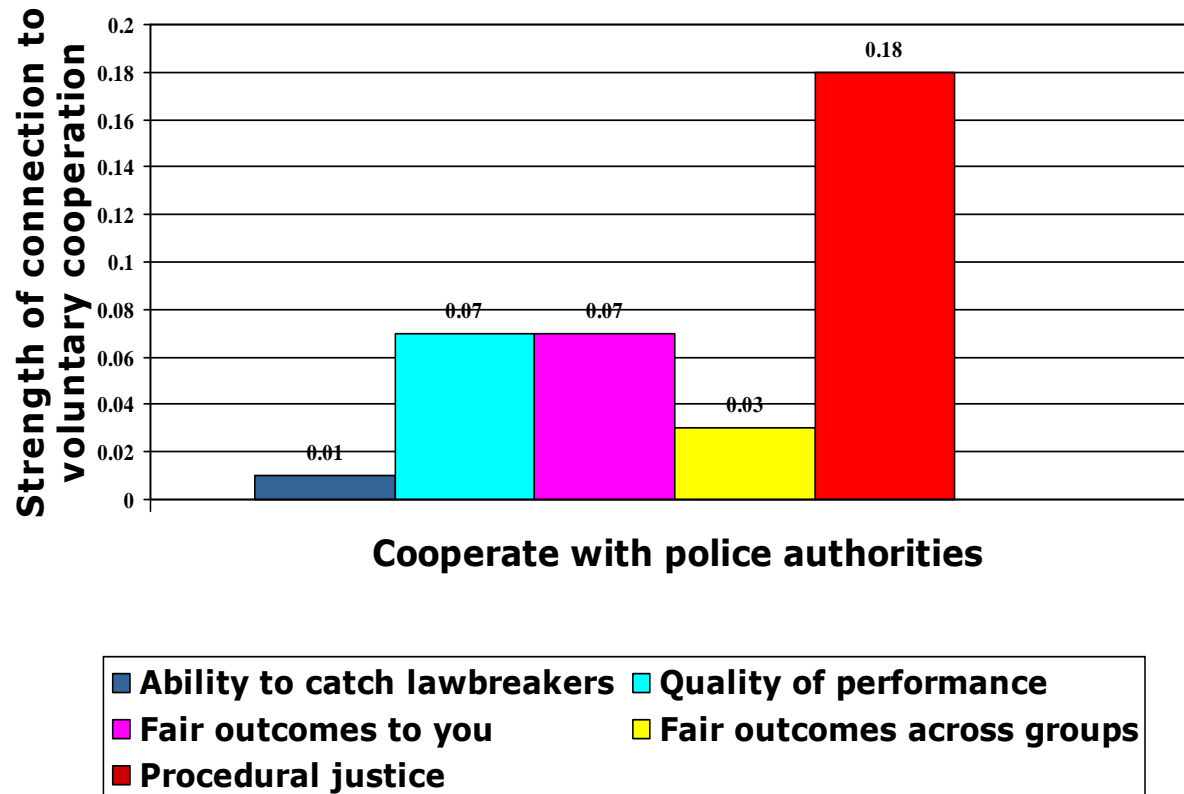
Key empirical finding.

- Typical of findings in this area.
 - Legitimacy shapes compliance.
 - Often more important than sanctions.
- Cooperation.
 - Legitimacy is especially important when we want to motivate cooperation.

Judgments about the police and public behavior.



Judgments about the police and public behavior



Validate cooperation finding.

- NYC Panel study (Tyler and Fagan, 2008).
- Two points in time (n = 830).
- Focus: cooperation.

The antecedents of helping the police and the community (n=830).

	Helping the police			Helping the community		
	b	SE	p	b	SE	p
<i>Wave 2</i>						
Legitimacy	.236	.058	***	.263	.088	**
Legitimacy * Ethnicity	.050	.069		.121	.105	
Crime conditions	.024	.042		.230	.063	***
Risk	.016	.024		.136	.036	***
Identification with neighborhood	-.001	.035		.182	.053	***
<i>Wave 1</i>						
Cooperation	.390	.031	***	.537	.030	***
Legitimacy	.027	.047		-.226	.072	**
Crime conditions	.004	.041		-.184	.063	**
Risk	.001	.018		.010	.028	
Identification with neighborhood	.078	.029	**	-.060	.051	
Demographics						
Gender	-.010	.032		-.024	.048	
Age	.004	.015		.055	.022	*
Education	-.008	.012		.034	.018	
Income	-.010	.009		-.002	.014	
Ethnicity	.123	.205		.290	.310	
Adjusted R.-sq.	34%			43%		

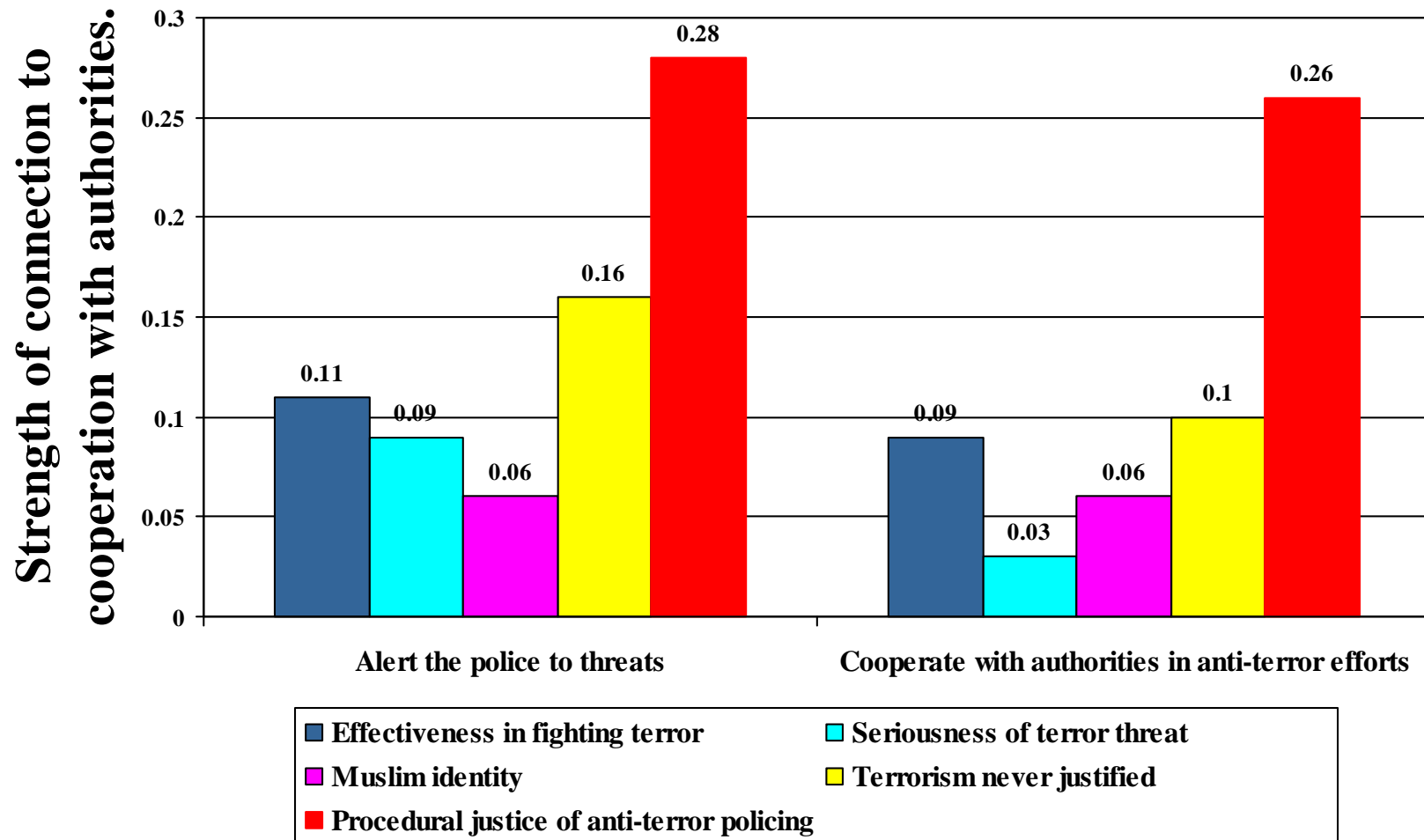
Actual behavior.

- Tyler, T.R., Sherman, L.W., Strang, H., Barnes, G.C., and Woods, D.J. (2007). Reintegrative shaming, procedural justice, and recidivism: The engagement of offenders' psychological mechanisms in the Canberra RISE drinking-and-driving experiment. *Law and Society Review*, 41(3), 553-586.
 - Legitimacy and behavior as measured by police records for the years following appearance in court. Rearrested years 3-4?
 - High legitimacy 3.3%.
 - Low legitimacy 15.6%.

Terrorism

- Research exists on policing against terror threats.
- Asks: Why do Muslims cooperate with the police/federal agents?
- Studies show that Muslims react to fairness of policing practices toward the Muslim community.

Judgments about the police and public cooperation with anti-terror policing (among Muslims).



Criminal justice implications.

- The type of behavior we want is changing.
 - Public – voluntary deference and cooperation, not just compliance.
 - Police – Voluntary cooperative efforts, not just rule following.

There is widespread societal recognition of the value of voluntary cooperation.

- Law/criminology—Researchers have shown that crime and problems of community disorder are difficult to solve without the active involvement of community residents.
- Public policy/political science— the involvement of the public is central to building viable communities.
- Management—Active employee cooperation leads to more effective work organizations.
- Education—When students are more involved in their classes, they learn more.

This leads to a change in desired motivation.

- Old focus: Instrumental motives
 - The risk of being punished for rule breaking (Sanctions)
- New Focus: Social values
 - Legitimacy

Why do we want such value based motivations?

- First, if people are motivated by legitimacy, they adhere to rules without surveillance.

- Their behavior is...

More strongly *voluntary* – they defer rather than simply complying.

Surveillance/sanctioning is less needed.

People are more likely to follow rules when they are not likely to be caught for breaking them.

Cooperation.

- Second, if people are motivated by legitimacy they move beyond just following laws/workplace rules.
- They are motivated to cooperate and to do what is required to solve problems.

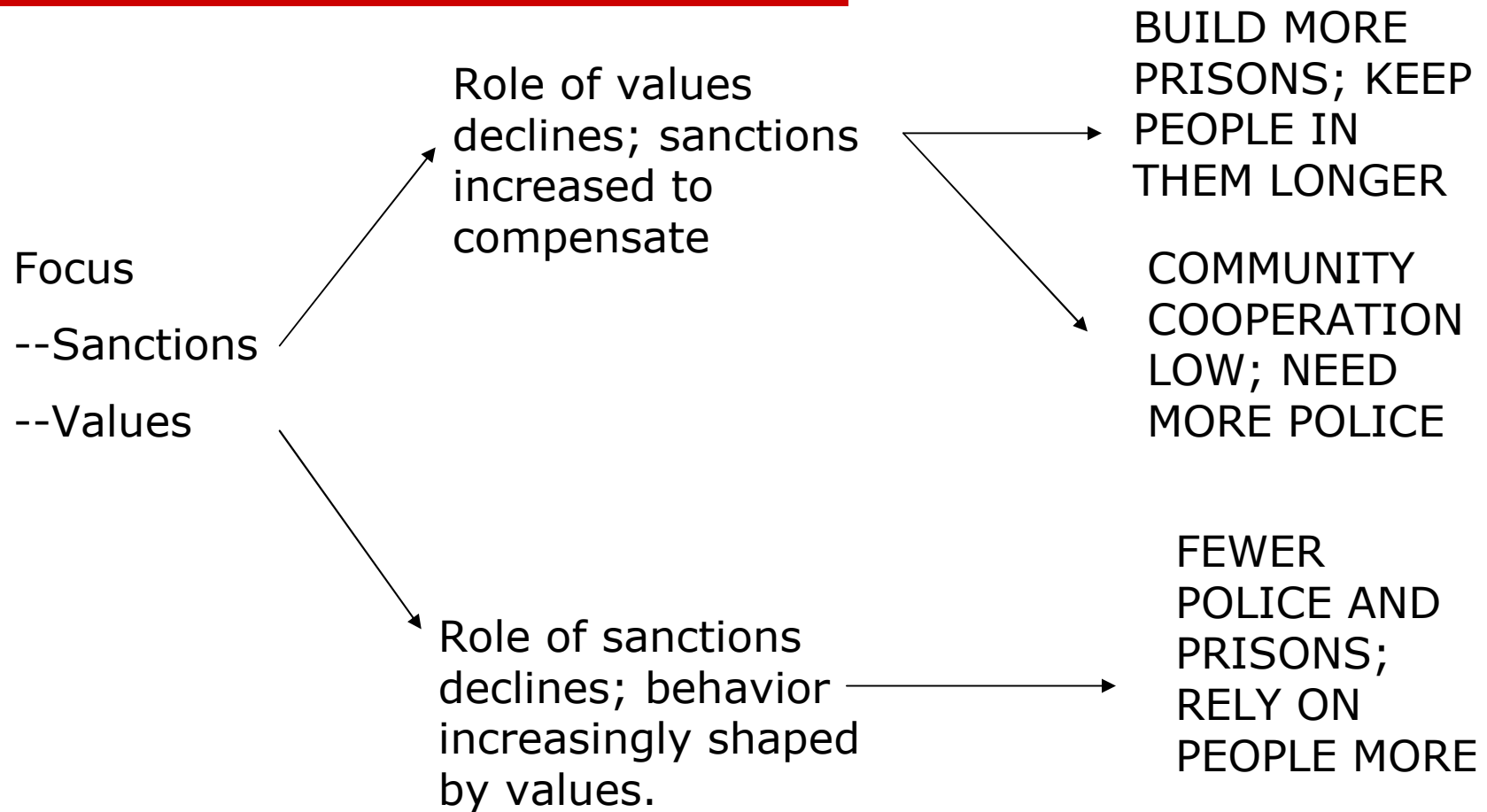
The problem of instrumentality.

- The instrumental approach pulls people in the opposite direction.

Sanction focus

- Undermines values. Punishment become more and more important as the other reasons for compliance fade.
- Undermines the relationship between people and authorities. Bad, since we want cooperation.

Dynamic model.



Advantage

- Values lead to voluntary behavior.
 - Resources can be shifted from incentives and sanctions.
 - People's behavior becomes more flexible and adaptive; responds to local conditions.

Overall, I think there are two arguments.

- First, we want to gain the benefits from value based approach.
- Second we want to avoid the problems associated with instrumental approaches.

Can we do both?

- As I have noted, there are troubling side effects of instrumentalism that undermine a social motivational model.

Solution.

- Move to an approach in which value based motivations are the primary focus.

- Does this work for everyone?

Probably not. Perhaps 85%-90%.

- Instrumental motivations are the backup.

Some people have to be dealt with more instrumentally; isolate this smaller group.

Why values first?

- Values work for most people, so we reap the benefits of self-regulation.
- Using value based motivations does not undermine the utility of instrumental approaches.

Policy implications.

- 1. Focus on value creation.
 - Childhood socialization.
 - Adult experiences with law.
- 2. Evaluate legal policies in terms of their impact upon legitimacy.
- 3. Monitor the climate of legitimacy.

Summary.

- The key to building police legitimacy in the eyes of the public is to enact procedural justice in policing.
 - Gain deference.
 - Build cooperation.

What behavior do we want from police?

- Follow organizational rules.
 - Comply with established policies.
- Voluntarily defer to policies.
 - Willingly follow rules.
 - Follow rules when behavior is unobserved.
- Engage in voluntary behaviors beyond their job requirements to get their job completed.

Study.

- Sample: law enforcement – 209
 - 57% Federal.
 - 43% Local.
- Questionnaire.
 - Attitudes, values, self-reported behaviors.

Question #1.

- Does legitimacy shape

- rule following.

- Compliance.

- Deference.

- Engaging in the behaviors needed to solve problems, deal with issues in the community.

Variables.

- Legitimacy of superiors/police organization
 - obligation to obey.
- Risks/gains.
 - Probability of detection if break rules.
 - Probability of reward for doing job well.

Legitimacy and job behavior.

	Comply	Defer	Engage in non-required behavior
Legitimacy	.28***	.34***	.37***
Probability gain/loss	.05	.02	.06
Adj. R.sq.	12%	27%	13%

Question #2. Does procedural justice matter?

- Same issue-Policies and practices.
 - Procedural justice
 - Distributive justice
 - Outcome favorability

The influence of procedural justice on legitimacy.

	Legitimacy
Procedural Justice	.24***
Distributive Justice	.02
Outcome Favorability	.10**
	11%

Police culture.

- To change police culture we need to have the same focus as to change the culture of the public.
 - Change how authority is exercised.
 - Police leadership->Officers->Citizens.

Thank you
