

**Jonathan Jackson, Mike Hough, Ben Bradford, Katrin Hohl
and Jouni Kuha**

Policing by consent: understanding the dynamics of police power and legitimacy

Report

Original citation:

Jackson, Jonathan and Hough, Mike and Bradford, Ben and Hohl, Katrin and Kuha, Jouni (2012) Policing by consent: understanding the dynamics of police power and legitimacy. ESS country specific topline results series, 1. European Commission.

This version available at: <http://eprints.lse.ac.uk/47220/>

Originally available from the [European Commission](#)

Available in LSE Research Online: November 2012

Supported by the Economic & Social Research Council

© 2012 [European Social Survey](#)

LSE has developed LSE Research Online so that users may access research output of the School. Copyright © and Moral Rights for the papers on this site are retained by the individual authors and/or other copyright owners. Users may download and/or print one copy of any article(s) in LSE Research Online to facilitate their private study or for non-commercial research. You may not engage in further distribution of the material or use it for any profit-making activities or any commercial gain. You may freely distribute the URL (<http://eprints.lse.ac.uk>) of the LSE Research Online website.

Policing by Consent:

Topline Results (UK) from Round 5 of the European Social Survey

Accessing the European Social Survey Data and Documentation

The European Social Survey provides free access to all of its data and documentation. These can be browsed and downloaded from its website: <http://www.europeansocialsurvey.org>.

Specific initiatives have been developed to promote access to and use of the growing dataset: these include EduNet an e-learning tool and NESSTAR an online data analysis tool. Both can be accessed through the ESS website.

EduNet

The ESS e-learning tool, EduNet, was developed for use in higher education. It provides hands-on examples and exercises designed to guide users

through the research process, from a theoretical problem to the interpretation of statistical results. The materials have been prepared by survey experts. Eight topics are now available using data from the ESS.

NESSTAR

ESS Online Analysis package uses NESSTAR which is an online data analysis tool; documentation to support NESSAR is available from the Norwegian Data Archive Services (<http://www.nesstar.com/index.html>) and accessing it via the ESS website will bring users to dedicated information.

Public attitudes matter in democratic societies. They reflect what citizens believe, want, fear and prefer. They are difficult to measure, are often unexpressed, and cannot be inferred from electoral choices alone. Nor can they be gleaned from media opinion polls which tend to give momentary and incomplete glimpses of attitude formation and change. The European Social Survey provides detailed accounts of public attitudes and behaviour utilising high quality scientific methodologies and repeat measures over time.

This UK issue of the ESS Country Specific Topline Results series provides an introduction to key issues in the UK from leading academic experts in the field. The series goes beyond a simple presentation of the data, providing references to theory and detailed academically informed analysis. It is hoped not only that the series is informative but also that it will inspire others to utilise this rich data resource.

Rory Fitzgerald

ESS acting Principal Investigator

The Authors of this issue:

Jonathan Jackson and Jouni Kuha are in the Department of Methodology, London School of Economics.

Ben Bradford is at the Centre for Criminology, University of Oxford.

Katrin Hohl is in the Department of Sociology, City University London.

Mike Hough is at the Institute for Criminal Policy Research, Birkbeck, University of London.

October 2012

Electronic copy available at: <http://ssrn.com/abstract=2168702>

Policing by consent: Understanding the dynamics of police power and legitimacy

Jonathan Jackson, Mike Hough, Ben Bradford, Katrin Hohl and Jouni Kuha

Introduction

To control crime, we need to understand why people obey the law and cooperate with legal authorities. If crime policies are to persuade and dissuade, they need to resonate with people's sense of morality and rationality.¹

Systems of law and systems of justice need to skilfully promote self-regulation and pro-social behaviour. Yet, crime-control policies often seem to be based on a rather one-dimensional sense of what motivates individuals. Crime-control policies tend – not inevitably but because of the political climate in which policy is typically developed – to yield answers framed within the boundaries of a simple crime-control model. A (simple) deterrence model of crime-control has a number of key features:

- people are rational-economic calculators in deciding whether to break the law;
- a deterrent threat is the main weapon in the armoury of criminal justice;
- offenders – and thus crime rates – are responsive primarily to the risk of punishment, which can vary on dimensions of certainty, severity and swiftness;
- increasing the severity of sentencing, and extending the reach of enforcement strategies, are therefore seen as sensible responses to crime; and
- offenders' rights tend to be seen as a constraint on effective crime control.

Deterrence models of crime-control are designed to secure *instrumental compliance*, whereby people's reasons for law-breaking are based on

self-interested calculation. Deterrence models are based on the idea that offenders and would-be offenders are responsive primarily to the risk of punishment. They assume that, before committing a crime, people balance the benefits of committing a crime versus the risk of being caught and punished.

If this account has empirical support agents of criminal justice need to send out signals of strength, force, detection and justice. Social control mechanisms and credible risks of sanction hope to persuade rational-choice individuals that – while otherwise desirable – a criminal act is not worth the risk. Compliance must be secured by the presence of formal or informal mechanisms of social control, as well as the existence of severe sanctions for wrong-doers.

But what if most people are not driven by utilitarian reasoning? What if most people obey most laws, most of the time, because they think it is the right thing to do or they have acquired the simple habit of doing so? If most people are motivated also by principles of morality – rather than solely by the principles of rational choice – institutions will struggle to influence behaviour through traditional forms of force, censure and punishment.

More subtle models of crime-control recognise that formal criminal justice is only one of many systems of social control, most of which have a significant normative dimension. Individuals comply with the law for reasons other than an instrumental calculation of benefits and risks of offending. Most people obey most laws most of the time because it is the 'right thing to do'. Socialisation, psychological

development, moral reasoning, community context, social norms and networks all sustain the routine compliance that is ingrained in everyday life.

Models of crime-control of this sort recognise the importance of the legitimacy of justice institutions and the legal system. Legitimacy is the public belief that institutions have the right to exist, the right to undertake the functions assigned to them, and the right to dictate appropriate behaviour. A legitimate authority has the right to exercise power: it commands consent (a sense of obligation to obey) that is grounded in legality and moral alignment.

Importantly, legitimacy shapes law-related behaviour: when people believe that the police and legal system are legitimate, they *recognise* its power to determine proper behaviour (they feel a sense of obligation to obey the police and the law) and they *justify* its power by feeling that the ethical and normative standpoints inherent in the system are aligned with their own. Motivated to support its values and regulations, people who see the police, courts and legal system as legitimate tend to obey the law *because it's the law*; they also tend to cooperate with authorities because they believe *it is the right thing to do*.

Using the European Social Survey to inform policy

This is the first of the European Social Survey (ESS) Country Specific Topline Results reports. Focusing on the Round 5 module entitled 'trust in justice' (and the UK data, which has a sample size of 2,422),² we link people's perceptions of police legitimacy to their compliance with the law and their willingness to cooperate with the police and criminal courts.³ We also extend the existing literature by addressing wider forms of trust and people's attachment to order and security.

Our specific focus in this report is to test analytical models of the links between people's contact

with the police, their trust in the police, their perceptions of the legitimacy of the police and law, their compliance with the law, and their willingness to cooperate with legal authorities in the UK. We frame the findings in the context of a long and rich history of *policing by consent*. We show the value of the ESS in testing theoretical models, and demonstrate its value to public policy and practice.

“We ask: how should institutions be designed and crime-control policies be better formulated?”

We first examine people's compliance with the law. We then turn to people's cooperation with the police and criminal courts.

Testing a legitimacy model of compliance in the UK

Tom Tyler's model of social regulation puts procedural justice and legitimacy centre-stage.⁴ According to this model, the police and legal system need to control and deter the population. But to have a balanced, just and effective set of policies, they also need to win the 'hearts and minds' of individuals through legitimate use of power. This process-based model of policing states that, via the actions and practices of the police and criminal courts, justice institutions can demonstrate impartial service to the law, as well as fair, respectful and even-handed wielding of power.

Crucially, doing so engenders a sense of legitimacy and procedural justice amongst the general population. Legitimacy then encourages people to obey the law and cooperate with legal authorities because they believe that *it is the right thing to do*. Irrespective of their beliefs about the morality of a given law, they obey a particular law because they *internalise* the more general value that it is morally right to obey the law, and they *identify* with the moral standpoint that legal authorities represent.⁵

How is the legitimacy of the police and law won or lost?

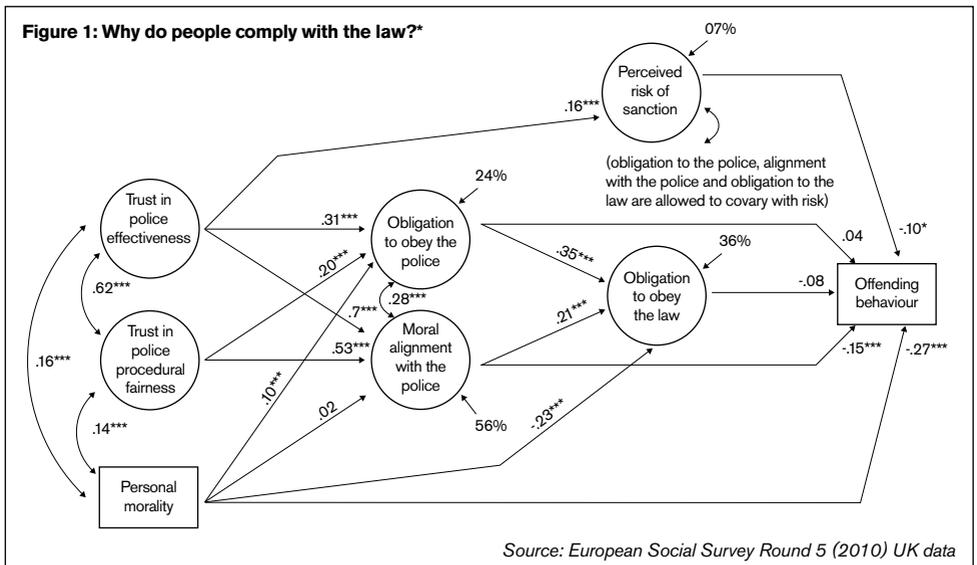
The most powerful factor seems to be the ways in which authorities – and particularly police officers – wield their authority. Tyler’s work on procedural justice states that one of the surest ways of building legitimacy is for justice officials to treat people fairly and respectfully, to listen to what they have to say, to make fair decisions, to demonstrate procedural fairness and justice. When authorities wield their power in fair and just ways, this creates public trust and generates institutional legitimacy.

In this report we explore these issues using UK data. The ESS ‘trust in justice’ module allows us to examine whether people comply with the law in part because they believe that the police and legal system hold legitimate power, operating in accordance with generally accepted principles of right and fair process.

We can also assess whether individuals seem to internalise the value that one should obey the

law, and whether they are swayed by moral standards of the justice institutions that they do or do not identify with. We focus on low-level criminal behaviour. The ESS asked respondents whether they had made an exaggerated or false insurance claim, bought something they thought might be stolen, and committed a traffic offence like speeding or crossing a red light in the past five years (and if they had, they were asked how often). Our analysis in these pages addresses only buying stolen goods; there is no variation in making an exaggerated or false insurance claim (very few people admitted doing so), and traffic offences are typically related to a different sort of meaning and motivation.⁶

Figure 1 reports the results of a structural equation model fitted to the UK data.⁷ This analytical approach allows us to examine a number of potentially competing pathways to compliance.⁸ In this model, and in all those that follow, we move from left to right in the figure. In Figure 1 we move from trust and morality to perceived legitimacy,



from perceived legitimacy to legal legitimacy and risk of sanction, and from there to offending behaviour. The *s in the figure indicate whether or not the relationships are significant (*=statistically significant at the 5% level, **=statistically significant at the 1% level, ***=statistically significant at the 0.1% level). Looking at the results, we see that there appear to be three significant paths to compliance.

The first is the pathway of *instrumental compliance*. This is where an individual responds in a self-interested way to policing, whether to gain a reward or to avoid punishment. Finding some small evidence for this pathway, the indirect effect of trust in police effectiveness – via the perceived risk of getting caught – on buying stolen goods is statistically significant (albeit small). Believing that the police are effective (in controlling and deterring criminals and turning up generally in cases of emergency) and believing that one is likely to get caught is associated with a lower expected chance of buying stolen goods.

The second pathway is the *morality of the act*. Here the effect is relatively strong. People who think it is wrong to buy stolen goods also tend to report not having bought stolen goods (probably because they haven't, but possibly also because they do not like reporting things that they think are immoral). They refrain from behaving in a certain way – even if that act was suddenly made *legal* or they would benefit personally – because their moral principles lead them to comply.

The third significant pathway is *moral alignment with the police*. People who feel aligned with the values of the police tend to have a relatively low expected chance of buying stolen goods. Controlling for their sense of obligation to obey the law (and the police), their perception of the risk of getting caught, and their feelings about the morality of the act, moral alignment with the police seems to generate identification with the police as

a moral source and exemplar. This generates role and expectation involvement: when people justify the power of the police, they accept a reciprocal-role relationship and feel a corresponding need to meet the expectations of that role. Adjusting for specific assessments of morality and sanction, they believe that the police represent appropriate normative and ethical frameworks; and this moral exemplar seems to encourage them to act in accordance to legal rules and norms.

Order, authority and rule-following

The ESS also measures – in the Schwartz Human Values scale – whether people endorse a set of connected values regarding authority, order and rule-following.

“Do people believe it is important to live in secure and safe surroundings, important to do what they are told and follow rules, important that government is strong and ensures safety, important to behave properly, and important to follow tradition and customs?”

Why do we focus on people's attachment to security and order? On the one hand this may be a theoretically important predictor of trust, legitimacy and cooperation. People who like order and security may be more trusting, more accepting of the right of the police to exercise their power, and more likely to comply with the law.

On the other hand, it may be that shared variation in contact with the police, trust, legitimacy and compliance is actually a joint function of this particular set of values. Instead of there being specific effects of contact onto trust onto legitimacy onto compliance, observed associations between contact, trust, legitimacy and compliance may be actually down to one common cause. People holding these values may be motivated to view their encounters with police officers as positive, to trust the police, to consent to police

authority, to feel aligned with the moral values of authorities, and to be obedient. Once we adjust for attachment to security and order, the associations between contact, trust, legitimacy and cooperation may ‘fall away.’

To investigate this, we add attachment to security and order to the model. Figure 2 gives an overview.⁹ We find that the values do predict trust in police and legal legitimacy (but not compliance). But importantly, most of the links between trust, police legitimacy, legal legitimacy and compliance are robust.

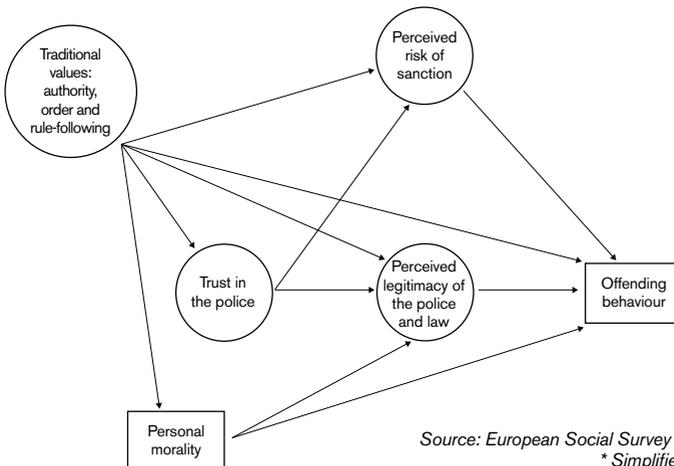
Therefore, adjusting for values does not seem to reduce the empirical links between contact with and specific attitudes towards the police. The one exception involves legal legitimacy; adding traditional values increases the explained variance of people’s feelings of obligation to obey the law and decreases the extent to which police legitimacy predicts legal legitimacy. Interestingly, however, the path from legal legitimacy to compliance remains of similar magnitude and direction.

A legitimacy model of cooperation

We next turn to cooperation with legal authorities. Cooperation between police officers and members of the public is vital for the control of crime and effective functioning of police services. At the most basic level, the legal system relies on citizens to come forward with information, provide witness statements, and give evidence in court. But why do people cooperate with the police? Why are some people willing to report crimes, identify suspects and give evidence in court, while other people are not?

Many factors may inhibit people’s readiness to cooperate and support the police and legal system. Fear of crime may be one factor; people who worry for their safety, who worry about being burgled or being physically attacked in the street, may be less likely to call and assist the police and the courts because they feel intimidated and/or fear reprisal. Another factor may be the perceived effectiveness of the police; if the police seem to be ineffective in fighting crime and supporting victims and witnesses, then people may conclude – ‘what’s the point?’

Figure 2: Adding attachment to security and order*



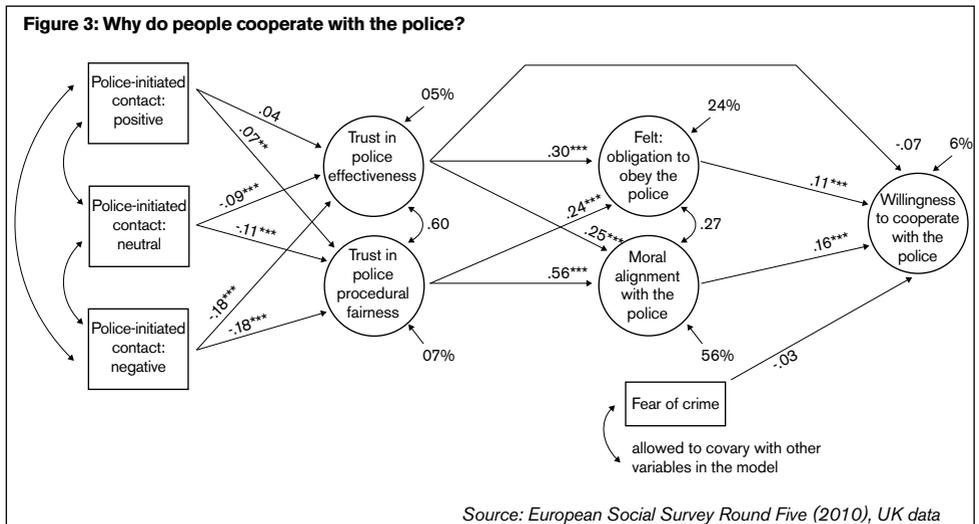
Source: European Social Survey Round 5 (2010) UK data
* Simplified for ease of presentation

Yet, studies in the US, London and elsewhere¹⁰ have consistently found that trust in the procedural fairness of the police is far more important in explaining variation in cooperation than trust in the effectiveness of the police. Procedural justice seems to strengthen the connections between individuals and institutions, generating the sense that the police have the right to dictate appropriate power and are acting according to right and proper moral standpoints; this, in turn, seems to encourage people's willingness to cooperate with the police and courts, separate to their sense of police effectiveness. And importantly, procedural justice is not just confined to people who have direct encounters with officers. Even people without direct experience of the police have opinions about whether the police would treat them fairly, if they were to come into contact.

Figure 3 shows the findings from a model of cooperation.¹¹ Contrasting the roles of effectiveness, procedural fairness, legitimacy and fear of crime, from left-to-right, we see that neutral contact (people were approached, stopped or contacted by the police in the past two years and

were 'neither satisfied nor dissatisfied' with how they were treated when approached/stopped/contacted) and negative contact (they were 'dissatisfied' or 'very dissatisfied' with how they were treated) are both correlated with lower levels of trust in police effectiveness and procedural fairness, while positive contact is positively correlated with trust in police procedural fairness but not significantly correlated with trust in police effectiveness.¹²

Then, trust in the police is correlated with legitimacy. There is a particularly strong relationship between trust in police fairness and moral alignment with the police. Finally, both aspects of legitimacy are significant predictors of willingness to cooperate with the police. The strongest pathway (from left-to-right) is from negative contact to trust in police fairness to moral alignment to cooperation. That moral alignment with the police is strongly predicted by people's trust in the procedural fairness of the police suggests that moral alignment is to some degree based upon the values that the police express and project when wielding their power and authority. People identify



with the police as a moral authority because they believe that they wield their power in fair ways, according to the due process of the law.

Wider forms of trust

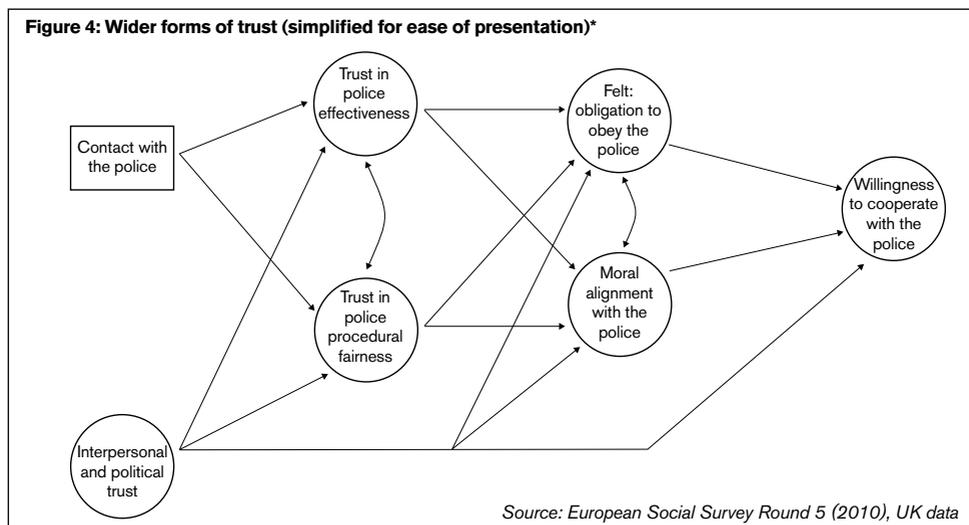
Thus far we have considered people's assessments of the trustworthiness of the police as predictors of legitimacy and cooperation. Yet, we know from countless studies from across the social sciences that trust is both a general and specific phenomenon. On the one hand, some people are just *more trusting*; they trust other people and they trust a wide range of different institutions. 'On the other hand, people can make quite targeted assessments of a broad range of different actors, including the generalised other (the belief for example that 'most people can be trusted') as well as a wide range of different institutions in society.¹³

To what extent is trust in the police a targeted assessment of police intentions and abilities? To what extent is the link between trust and legitimacy a function of these quite targeted assessments

of the police? We add to the model interpersonal trust (do people think that most people can be trusted, that people try to be fair, and that most of the time people are helpful?) and political trust (do people trust parliament, politicians and political parties?). We examine whether adding these two factors reduces the estimated importance of specific assessments of the police in explaining compliance and cooperation. Is it trust *more generally* that explains variation in legitimacy and cooperation? Or is legitimacy and cooperation about *particular assessments* of the trustworthiness of the police?

Figure 4 gives an overview of the model.¹⁴ To summarise, we find that wider forms of trust do predict trust in the police: people who trust 'most people' and trust politicians and political institutions also tend to trust the police. But importantly, the pathways between contact, trust in the police, legitimacy and cooperation are not affected once we adjust for interpersonal and political trust. The associations between contact with the police, attitudes towards the police and willingness to cooperate are not – merely – a proxy

Figure 4: Wider forms of trust (simplified for ease of presentation)*



Source: European Social Survey Round 5 (2010), UK data

for a generally trusting outlook. There seems to be something quite specific about assessments of the trustworthiness and legitimacy of the police.

Winning hearts and minds

Crime-control policy has always reflected tensions between simple (even simplistic) models and ones that have more texture and depth. In this report we have presented further empirical support for Tom Tyler's process-based model of social regulation. He argues that when institutions act according to principles of procedural fairness, this helps sustain and strengthen the ability of legal authorities to encourage citizens to regulate themselves. Focusing on UK data from the ESS, we have replicated existing British work,¹⁵ but we have also put the model to further test: we have examined whether the model breaks down once we adjust not just for wider forms of trust and values, but also for values regarding rule-following, authority and order.

Our findings provide evidence for the idea that criminal justice institutions need to think hard about balancing effectiveness and legitimacy; criminal justice institutions need to pursue policing by control but also policing by consent. We have shown that perceptions of legitimacy are stronger predictors of compliance with the law than perceptions of deterrent risk. Moreover, people are more likely to cooperate with legal authorities when those authorities behave fairly and respectfully towards those they govern. When the police act according to principles of procedural justice, citizens regard such activity as legitimate; they defer to its authority and recognise and justify the power that it wields.

If normative factors (i.e. those related to 'socially expected' behaviours) are more important than instrumental ones (i.e. those involving trade-offs between risks and rewards) in shaping compliance with the law and cooperation with the police, then the implications for criminal policy are clear. Strategies for crime control should not simply

focus on deterrence – by increasing the risks of sanction or the weight of punishment. Justice systems need to demonstrate to individuals that they are trustworthy and that they possess the authority to govern. Politicians and justice managers need to attend to the capacity of the police and courts to command legitimacy.

Our findings thus speak to an important ongoing debate about the future of policing, the direction of criminal justice policy, and modes of governance that involve both instrumental and normative mechanisms. In particular, data from the ESS underline the importance of policing by consent. Policing by consent is based upon the idea that the police gain voluntary approval and cooperation from the public not through aggressive control of the population, but through fostering a close social connection between the police and public. We argue that this close social connection centres upon public trust and police legitimacy. They thereby encourage equivalent behaviours among the citizens they govern.

“Data from the ESS underline the importance of policing by consent”

Where next for the ESS module on trust in justice?

Empirical support for the importance of procedural justice and legitimacy is accruing across the world,¹⁶ and the ESS is a central part of this enterprise. Are these ideas portable across diverse social, legal and political contexts?

We have focused in this report on the UK, but future work will explore the generalisability across multiple jurisdictions. The ESS module will allow the research community to examine people's motivations in multiple jurisdictions and among populations living in very different social, legal and political contexts. The ESS module will allow the research community to measure and model

naturally occurring variation in people's contact with the police, their levels of trust and legitimacy, and their self-reported willingness to cooperate and compliance behaviour.

Naturally, any survey has its strengths and weaknesses. The major weakness of the ESS (and any cross-sectional survey) is the inability to make causal inference from the available data. Experiments provide the leverage to make causal claims; by manipulating events and inducing variation in controlled conditions, researchers can estimate the impact of, say, particular types of police encounters. Similarly, panel studies that track the same individuals over time allow researchers to model the estimated impact of events and track estimated trajectories of people's attitudes and views.

The major strength of the ESS is that it is based upon national probability samples of 28 countries and it is designed to test formal theoretical models. Establishing patterns of associations in multiple general populations provides us with useful data that sits alongside experimental, and longitudinal and ethnographic insights to provide a robust evidence base about the portability of these ideas across contexts.¹⁷

Indeed, the findings that have emerged so far from the ESS¹⁸ accord with recent experimental and longitudinal work within criminology (as well as a large body of experimental research from within psychology). For example, a recent Australian randomised controlled trial found that police officers can increase people's perceptions of their legitimacy – and thus increase people's willingness to cooperate with the police in the future – in even a short-lived encounter involving police-initiated random breath testing traffic roadblocks.¹⁹

Moreover, there is already evidence that procedural justice is important even to people who are the objects of police attention, who have difficult

relations with the police, who tend to have histories of conflict with the law, and feel “over-policed.” In their eyes, the police often lack legitimacy, but in the US a study of people's encounters with the police in the streets found that procedurally just tactics (respectful behaviour, giving a suspect the opportunity to tell his or her side of the story) were related to greater compliance with police requests for self-control.²⁰ Strikingly, coercive tactics (threats, force, commanding a suspect) were related to defiance not compliance from citizens. Even in such encounters, how the police wield their power may still have positive effects (even in tense and antagonistic encounters).²¹

“Procedural justice theory may thus provide practical insights for the police and legal systems across Europe”

Even among people with antagonistic relationships with the police, trust can be rebuilt through fair treatment, thus increasing legitimacy and breaking cycles of antagonism.²²

Further analysis of the ESS is already underway and will examine the relative importance of deterrence, contact, procedural justice, legitimacy and morality in diverse countries across Europe. Comparable questions have also been fielded in national probability sample surveys in South Africa and the US, so comparisons can be made across all of these jurisdictions. Of particular interest to the research community in the coming years will be the relative importance of instrumental and normative factors in quite different social, political and legal contexts. Insights from the ESS can thereby contribute to shaping the development of crime-control policy not just in the UK but in countries across Europe.

Endnotes

- [1] Tyler, T.R. (2008). Psychology and institutional design. *Review of Law and Economics* (symposium issue on Law and Social Norms). The Berkeley Electronic Press, 4(3), 801-887. Schulhofer, S., Tyler, T.R. & Huq, A. (2011). American policing at a crossroads: Unsustainable policies and the procedural justice alternative. *Journal of Criminal Law and Criminology*, 101(2), 335-375.
- [2] For details of the Round 5 module on 'trust in justice', see: Jackson, J., Bradford, B., Hough, M., Kuha, J., Stares, S. R., Widdop, S., Fitzgerald, R., Yordanova, M. and Galev, T. (2011). 'Developing European Indicators of Trust in Justice', *European Journal of Criminology*, 8, 4, 267-285. See also: European Social Survey (2011). 'Trust in Justice: Topline Findings from the European Social Survey', *ESS Topline Results Series Issue 1*. By Jackson, J., Hough, M., Bradford, B., Pooler, T. M., Hohl, K. and Kuha, J. See also: Hough, M., Jackson, J. and Bradford, B. (2013). 'The Governance of Criminal Justice, Legitimacy and Trust', in Body-Gendrot, S., Lévy, R., Hough, M. Snacken, S. and Kerezi, K. *The Routledge Handbook of European Criminology*, Oxon: Routledge. Available at SSRN: <http://ssrn.com/abstract=2141811>.
- [3] Data from Round 5 shows that the UK sits in the middle of national-level comparisons of trust and legitimacy. In the first of the ESS topline results series (ESS, 2011, see note ii), the UK was around the middle in public trust in police procedural fairness (trusting that the police treat people with respect and dignity, for example), although trust that the courts treat different majority and ethnic minority groups equally was relatively high in the UK. Levels of the perceived legitimacy of the police and courts were generally mid-table relative to other European countries, although fewer people believe that the police and judges take bribes in the UK, compared to other European countries.
- [4] See Tyler TR (2006a) Legitimacy and Legitimation. *Annual Review of Psychology* 57: 375-400. Tyler TR (2006b) *Why People Obey the Law*. Princeton: Princeton University Press.
- [5] There is a tendency in criminology to conflate the ideas of trust and legitimacy, but these are very different concepts. Even though people's perceptions of the trustworthiness of the police and their perceptions of the legitimacy of the police are strongly correlated, to trust the police (if we trust the police we expect them to treat us with respect and dignity, to turn up promptly in the case of an emergency, and so forth) is not the same as to recognise and justify the police's right to power. Trust (in the police) is the public belief that the police have the right intentions and are competent to do what people trust them to do: we trust the police to be effective and we trust the police to be fair (procedural fairness and distributive fairness); we believe that the police have the intentions to be effective and fair and the competence to be effective and fair. By contrast (perceived) legitimacy of the police is people's recognition of police power (they feel obligated to obey officers, allowing them to dictate appropriate behaviour) and their justification of police power (they feel aligned with the moral values of the police, and they believe that officers act according to the due process of law). Trust may predict legitimacy but this does not mean that trust is legitimacy. For discussion of these and related issues see: Tyler, T. R. and Jackson, J. (2012). 'Future Challenges in the Study of Legitimacy and Criminal Justice', *Yale Law School, Public Law Working Paper No. 264*. Available at SSRN: <http://ssrn.com/abstract=2141322>. See also Jackson, J., Bradford, B., Stanko, E. A. and Hohl, K. (2012). *Just Authority? Trust in the Police in England and Wales*. Oxon: Routledge.
- [6] Myhill, A. and Quinton, P. (2011) *It's a Fair Cop? Police Legitimacy, Public Cooperation, and Crime Reduction. An Interpretative Evidence Commentary*. London: National Policing Improvement Agency.
- [7] The fit of the model is good according to the approximate fit statistics although not according to exact fit statistics: Chi-square 431, degrees of freedom 80, and $p < .001$; CFI .96, TLI .98, and RMSEA .04.
- [8] Jackson, J., Bradford, B., Hough, M., Myhill, A., Quinton, P., and Tyler, T. R. (2012) 'Why Do People Comply With the Law? Legitimacy and the Influence of Legal Institutions', *British Journal Of Criminology*, 52, 6, 1051-1071.
- [9] The fit of the model is good according to the approximate fit statistics although not according to exact fit statistics: Chi-square 981, degrees of freedom 112, and $p < .001$; CFI .92, TLI .96, and RMSEA .06.
- [10] In the US see: Sunshine, J. and Tyler, T. 2003. The Role of Procedural Justice and Legitimacy in Public Support for Policing. *Law and Society Review*, 37, 3, 513-548. In London see: Jackson et al., note VII. In Australia see: Murphy K, Tyler TR and Curtis A (2009) Nurturing regulatory compliance: Is procedural justice effective when people question the legitimacy of the law? *Regulation and Governance* 3, 1, 1-26.
- [11] The fit of the model is good according to the approximate fit statistics although not according to exact fit statistics: Chi-square 706, degrees of freedom 150, and $p < .001$; CFI .98, TLI .98, and RMSEA .04.
- [12] Skogan, W. (2006). Asymmetry in the impact of encounters with the police. *Policing and Society* 162, 99-126.
- [13] See Bulloch, S. L. (2012) "Seeking construct validity in interpersonal trust research: a proposal on linking theory and survey measures", *Social Indicators Research*, DOI 10.1007/s11205-012-0139-0.
- [14] The fit of the model is good according to the approximate fit statistics although not according to exact fit statistics: Chi-square 689, degrees of freedom 114, and $p < .001$; CFI .96, TLI .98, and RMSEA .05.
- [15] See note v and vii (above)
- [16] Murphy, K., Tyler, T. R. and Curtis, A. (2009) 'Nurturing regulatory compliance: Is procedural justice effective when people question the legitimacy of the law?', *Regulation and*

Governance 3(1):1–26; Murphy, K. and Cherney, A. (2012) 'Understanding Cooperation with Police in a Diverse Society', *British Journal of Criminology*, 52, 181–201; Kochel, T. R. (2011) 'Can Police Legitimacy Promote Collective Efficacy?', *Justice Quarterly*, Online First; Elliott, I., Thomas, S. D., Oglloff, M. and James, R. P. (2011) 'Procedural justice in contacts with the police: Testing a relational model of authority in a mixed methods study', *Psychology, Public Policy, and Law*, 17, 4, 592–610; Jackson et al. see note III. Lorraine Mazerolle, Sarah Bennett, Emma Antrobus, and Tom R. Tyler (in press). Shaping citizen perceptions of police legitimacy: A randomized field trial of procedural justice. *Criminology*. Although see Tankebe, J. (2009) 'Public Cooperation with the Police in Ghana: Does Procedural Fairness Matter?' *Criminology* 47, 4, 1265 – 1293.

[17] One more feature of the ESS is that the survey measures a series of other attitudes, values, behaviours and so forth, allowing one to develop and extend the model; we introduce some these other factors into our analysis in this report.

[18] See note 2.

[19] Mazerolle et al., see note 16.

[20] McCluskey, J. D. (2003) *Police requests for compliance: coercive and procedurally just tactics*. New York: LFB.

[21] For example, a recent UK-based panel study found that people with negative prior opinions of the police can still have positive encounters with officers, and that these positive encounters can still improve their views of the police. Myhill, A. and Bradford, B. (2011) 'Can police enhance public confidence by improving quality of service? Results from two surveys in England and Wales', *Policing and Society*, iFirst.

[22] For studies into public disrespect to the police see Mastrofski, S., Reisig, M. D. and McCluskey, J. D (2002) 'Police disrespect toward the public: an encounter-based analysis', *Criminology*, 39, 519–52; Engel, R. S. (2005) 'Citizens' perceptions of procedural and distributional injustice during traffic stops with police', *Journal of Research in Crime and Delinquency* 42, 4, 445–81; Reisig, Michael D., John D. McCluskey, Stephen D. Mastrofski and William Terrill. 2004. "Suspect disrespect toward the police." *Justice Quarterly*. 21, 241-268.

About the ESS

The ESS is a biennial survey of social attitudes and behaviour which has been carried out in up to 34 European countries since 2001. Its dataset contains the results of over 200,000 completed interviews which are freely accessible. All survey and related documentation produced by the ESS is freely available to all.

ESS topics:

- Trust in institutions
- Political engagement
- Socio-political values
- Moral and social values
- Social capital
- Social exclusion
- National, ethnic and religious identity
- Well-being, health and security
- Demographic composition
- Education and occupation
- Financial circumstances
- Household circumstances
- Attitudes to welfare
- Trust in criminal justice
- Expressions and experiences of ageism
- Citizenship, involvement and democracy
- Immigration
- Family, work and well-being
- Economic morality
- The organisation of the life-course

The ESS has applied to become a European Research Infrastructure Consortium, hosted by the UK.

Current governance arrangements

Supported up by a formidable array of multinational advisory groups (a Scientific Advisory Board, a Methods Group, Question Design Teams and National

Coordinators) the ESS is designed and coordinated by seven institutions

(its Core Scientific Team):

City University London

GESIS, Mannheim

NSD, Bergen

University Pompeu Fabra,

Barcelona

The Netherlands Institute

for Social Research/SCP,

The Hague

Catholic University of Leuven

University of Ljubljana

Find out more about the ESS and access its data at www.europeansocialsurvey.org



Supported by the ESRC

The views expressed in this report are those of the authors and do not necessarily reflect those of the ESRC.

Design and print by Rapidity Ltd

