

## POLICY PAPER

# Legitimacy-based policing

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**Abstract**

**Research Summary:** In the latter decades of the 20th century, criminology was dominated by models emphasizing the top-down management of crime. Police departments used their expertise to design policies and relied on their capacity to deploy force to implement them to deter crime. During the early 21st century, the field of criminology recognized the need to pay attention to community views about the legitimacy of policing and police practices. Efforts to address these concerns initially drew upon the social psychological literature for a theoretically based and empirically supported model of legitimacy. That literature both demonstrates that legitimacy impacts upon law-related behavior and shows that the justice of the procedures through which authority is created and implemented shapes legitimacy. Criminologists have now tested and found support for these ideas in studies of the courts, the police, and correctional institutions.

**Policy Implications:** Today, legitimacy-based legal authority is an important area in criminology and provides an alternative to coercive models. Legal authorities can gain compliance with the law and with their decisions by relying upon the public's feelings of obligation and responsibility to defer to legitimate authorities. This model is effective and minimizes the resistance and hostility that is often generated by coercive commands. The legitimacy-based model has the further advantage of better encouraging cooperation from people in the

community, aiding efforts to identify and prosecute criminals. Finally, it supports long-term development by promoting residents' social, economic, and political engagement in their communities.

**KEYWORDS**

compliance, cooperation, legitimacy, policing, procedural justice

I am very pleased to be one of the recipients of the 2024 Stockholm Prize in Criminology, a prize that recognizes the importance of popular legitimacy as a goal in a democratic society and procedural justice as a strategy for achieving that goal. More generally, the award recognizes the importance of creating policies and practices based upon the views of community members about what are appropriate and reasonable policies and practices on the part of actors in the criminal legal system, especially the police.

In recent decades, the field of criminology has paid increasing attention to policing as an area of study. This focus arises from evidence that the police can proactively influence whether crimes occur, leading to research about how they can best achieve that objective. Early research focused upon strategies for suppressing crime through variations in surveillance, arrest, and sentencing. This research revealed that the policies of the police, prosecutors, courts, and corrections influence the crime rate, but that, at the same time, public trust and confidence in these authorities and institutions (i.e., legitimacy) is largely distinct from variations in the level of crime.

The recognition that performance and legitimacy are distinct issues has led to the awareness that legitimacy needs to be a separate focus of study, motivating an effort to understand how the public forms judgments about the legitimacy of the police, the courts, and the law (Skogan & Frydl, 2004). To understand legitimacy criminologists drew upon the existing psychological literature on legitimacy, its antecedents and consequences, using it to create a distinct and now robust criminological literature on police legitimacy. That literature supports both the viability and the benefits of exercising police authority by creating and maintaining legitimacy as a way of encouraging the acceptance of decisions and promoting adherence to the law. It also demonstrates the value of procedural justice-based strategies for building legitimacy, thereby enhancing policing by consent.

## 1 | LEGITIMACY AS A PSYCHOLOGICAL CONCEPT

The focus of the psychological literature is on individual-level perceptions of legitimacy. This microlevel perspective examines the influence of people's attitudes and values on their law-related behavior. A new model of authority has gained traction within criminology by building upon this literature. My goal in my work has been to articulate this model and provide a compelling empirical research base showing that it is both feasible and has desirable features (Tyler, 2006; Tyler & Nobo, 2022). Although this model has implications for all legal and governmental authorities, it has had particular importance in the area of legitimacy-based policing.

The psychological empirical study of legitimacy begins with the work of Lewin in the post-World War era (Lewin et al., 1939). Lewin demonstrated that when authorities are legitimate,

rewards and sanctions play a lesser role in shaping people's behavior, and people take more of the responsibility for following rules upon themselves and do it more willingly. They consent rather than being compelled. Other psychologists, such as Milgram (1975) and Kelman and Hamilton (1989), have further developed the psychological model of legitimacy in psychology, showing its applicability to a broad range of types of authority.

In the area of law, the legitimacy argument is that people's law-following behavior is shaped by their beliefs about the legitimacy of law and legal authorities. This argument is particularly relevant to the police, who are the most visible presence of law in the everyday life of the community and the authorities with whom most people have the highest likelihood of direct personal contact (in 2020, 21% of Americans had contact in the prior year, Tapp & Davis, 2022). The primary image of police is as regulators who intrude into people's lives to enforce laws using the threat or application of force. However, many police contacts are citizen-initiated and occur because people ask the police for help (in 2020, 10% of contacts were police-initiated; 11% resident-initiated; 3% traffic accident-related). The legitimacy model is relevant to both contexts, but it is particularly important when the police are intruding into people's lives to enforce rules.

To address the question of whether beliefs about police legitimacy matter, we must first define the meaning of the concept of legitimacy. Legitimacy is a judgment that legal authorities such as the police and the courts are entitled to make and enforce rules. This leads to feelings of obligation in community members to accept and defer to the decisions the authorities make and the rules they enforce. Scholars refer to this as popular or democratic legitimacy, whereas in everyday discussions, it is often labelled by laypeople and press accounts as "trust and confidence" in the police, the courts, and the law.

How do we operationalize the measurement of legitimacy? In the past, researchers have operationalized legitimacy in interviews with members of the public by using several indicators (Tyler, 2006). The more direct operationalization is the perceived obligation to defer to legal authorities. A second is the degree of trust and confidence in the authorities. Finally, there is the extent to which there is value (normative or moral) alignment, that is, the belief the police share values with the people in the community (Bradford & Jackson, 2024; Jackson & Bradford, 2010; Tyler & Jackson, 2014).

As legitimacy has become a more important concept in criminology, its meaning and operationalization has been further elaborated and refined by criminologists (Hamm et al., 2022; Jackson & Bradford, 2022; Posch et al., 2021; Reisig & Trinkner, 2024; Reisig et al., 2023; Tankebe, 2013; Tankebe & Bottoms, 2024; Trickner, 2019). A key element in that discussion has been whether legitimacy should be viewed as solely about obligation or whether broader definitions of legitimacy are advantageous, and if so, what elements should be included (Hamm et al., 2022; Reisig & Trinkner, 2024; Reisig et al., 2023; Trinkner & Reisig, 2022). As originally conceptualized by Tyler (2006), legitimacy was a normative, i.e. value based judgment and did not include instrumental evaluations, for example, police effectiveness in managing disorder and crime.

To examine why legitimacy is important we have to consider the goal the law seeks to achieve when police officers deal with members of the community. The traditional focus has been on people's adherence to police directives. Force-based approaches focus on obtaining one form of adherence: compliance. Compliance is motivated through the fear of sanctions. Legitimacy, in contrast, seeks to motivate a different form of adherence: willing consent and voluntary deference. This latter type of behavior flows from what a person does because of their values, not perceived risks and benefits in the external environment. In either case, people are observed following or disregarding directives, but their motivation for their actions in these two cases is not the same.

The argument that the threat or use of force leads to compliance is central to most policing models. Several research facts problematize this assumption (McCluskey, 2003). First, attempts

at promoting resident “self-control” via coercion often result in active defiance and resistance: “The higher the level of coercive action displayed by police, the less likely targets are to comply. ... For every one unit increase [in] the index of coercion citizens are about twice as likely to rebel against the self-control request” (p. 108). Further, “the coercive power that police bring to bear on a citizen in the form of commanding, handcuffing, arresting and so on, has a minimal impact on citizens’ compliance decision” (p. 100). Consistent with these findings recent efforts to militarize the police and advance their coercive capacity have failed to make the police more effective (Mummolo, 2018). In contrast, McClusky notes that experiencing procedural justice (an antecedent of legitimacy) doubles the likelihood of compliance (p. 91).

## 2 | LEGITIMACY AND DECISION ACCEPTANCE

The first empirical question involved in testing the legitimacy-based model is examining whether legitimacy effectively motivates deference to decisions and laws. Evidence shows that it does. Consider an example from the findings of a panel study of all the residents of New York City (Tyler & Fagan, 2008). The study examined the influence of prior legitimacy (measured at Time 1) on later acceptance of police directives in a personal encounter (measured at Time 2). Among those with high prior legitimacy 71% accepted police decisions during a personal encounter, and only 7% thought about complaining. Among those with low prior legitimacy there was a 49% rate of acceptance and 17% considering complaining. A second panel study reached a similar conclusion using an ethnically diverse sample of young men (18–25) who had personal interactions with officers of the NYPD (Tyler et al., 2014). The findings indicate that among those with high prior legitimacy, 52% accepted the decisions made by the police during a personal interaction, whereas among those with low prior legitimacy, 18% accepted the decisions made. In both studies, the legitimacy that people brought into a subsequent interaction had a strong and statistically significant impact on their deference to police authority (a finding also supported by experimental research; see Dickson et al., 2022).

The recent COVID epidemic provided a new opportunity for researchers to examine deference with directives to wear masks, socially distance, and so forth (Dieleman, 2022). Many of these restrictions were enforced by the police. Research on deference demonstrates that legitimacy promotes deference (Devine et al., 2021; Van Bavel et al., 2020). For example, Murphy et al. (2020) found that duty to the authorities was central to deference to social distancing restrictions in Australia. Kooistra (2021) found similar results in the United Kingdom, and Folmer et al. (2021) in the Netherlands. This same body of research also demonstrates that legitimacy is not always important in shaping deference (Van Rooij et al., 2021).

Although the goal of both force-induced and legitimacy-based authority is the same, that is, rule adherence, studies suggest that legitimacy-based deference can be preferable to force-induced compliance for several reasons, beyond the baseline finding that it is observed to shape behavior in desirable ways.

First, it minimizes feelings of anger, resistance, and defiance that can lead to conflict spirals of the type that too often end in serious injuries or even death. Many of the injuries that members of the public sustain when dealing with the police begin with a spiral of conflict rooted in resistance and defiance to coercive demands.

Second, if deference is willing it is more likely to be sustained over time irrespective of whether the authorities remain present. This means that the police are less likely to need to revisit the same situation and deal with the same people repeatedly over time.

Further, if consent is willing, people do not try to hide their actions, so surveillance is less challenging. This minimizes the many problems that occur when trying to establish and maintain the levels of perceived risk needed for successful force-based approaches. The limit of force-based models is typically linked to societies willingness to devote sufficient resources to create a large enough police force to establish a credible risk of sanctioning.

### 3 | LEGITIMACY AND EVERYDAY BEHAVIOR

Legitimacy is not only important in the context of particular interactions and the acceptance of specific decision, but it also has broader effects. What broader effects would we want? One clear goal is for people to follow the law in their everyday lives (Feldman, 2018; Friedman, 2016; Tyler, 2006; van Rooij & Fine, 2021). As with personal encounters, the traditional focus has been on obtaining everyday compliance via deterrence, that is, the judgment that the police identify and catch those who break rules and the legal system that dispenses sanctions. The alternative view is that people follow laws due to legitimacy. A comparison of the influence of people's risk assessments to the influence of their judgments about legitimacy demonstrates that legitimacy is both distinct from and more powerful than are risk assessments in shaping everyday law-related behavior (Tyler, 2006; Tyler & Jackson, 2014).

The finding that legitimacy motivates rule-following is a foundational finding in terms of the concerns of the field of criminology. After decades of laser focus on crime rates it would make little sense to advocate a new model of police authority that was less effective in reducing the crime rate. Fortunately, promoting legitimacy is equally or more effective in lowering the rate of everyday criminal behavior as compared to force-based approaches (Jackson et al., 2015; Murphy, 2008, 2016; Tyler, 2006; Varet et al., 2024; Walters & Bolger, 2019).

Legitimacy has additional advantages in terms of the everyday actions of community residents. The police often complain that they have trouble doing their jobs because they lack public cooperation. This includes community residents reporting crimes and pointing out criminals, testifying in trials, and attending community meetings with the police. The national sample already noted also examined influence on such voluntary cooperation. The results indicate that the influence of legitimacy is particularly strong on voluntary cooperation. Tyler and Fagan (2008) found that legitimacy shaped whether people in New York City helped the police, and Tyler and Jackson (2014) found the same in a study of a sample of Americans. Further, the impact was greater than judgments about neighborhood crime conditions or estimates of police effectiveness in catching people for breaking the law. This finding is supported by other research in this area (Bolger & Walters, 2019). Not surprisingly, therefore, one consequence of having higher legitimacy is increased clearance rates.

Taken together these findings suggest that legitimacy-based policing has advantages as an approach to handling crime. It manages the primary task of suppressing crime, and it does so in ways that have clear advantages over force-based approaches. These advantages are recognized in the 2015 Obama Task Force Report on 21st Century Policing, which advocates building public trust and legitimacy as a policing strategy. As the abstract of that report indicates:

The basic principle underlying the task force's recommendations is that "Trust between law enforcement agencies and the people they protect and serve is essential in a democracy. It is key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services."

#### 4 | COMMUNITY VITALITY AS A GOAL

Legitimacy-based policing has an additional advantage. Police leaders often say that you cannot arrest your way out of crime. Despite this awareness police policies and practices are typically directed at the short-term suppression of crime using the threat or use of force. Studies in criminology suggest that, as anticipated, displays of sanctioning capacity, if sufficient, are often effective in lowering crime rates. They can also create a social dynamic that has negative consequences because it undermines police legitimacy.

Legitimacy-based policing, in contrast, facilitates public engagement in communities (Kochel, 2017; Tyler & Jackson, 2014; Tyler & Nobo, 2022; Yesberg et al., 2023). If people believe that the police in their community are legitimate, they are more involved in their communities. This includes greater identification with the community, higher levels of cooperation among neighbors, more economic involvement, and more local political participation. In other words, legitimacy facilitates building communities. A community cannot arrest its way out of crime no matter how effective the police become and the long-term goal needs to be community development.

Analysis of a national sample supports the distinct value of legitimacy in motivating engagement (Tyler & Jackson, 2014). Tyler and Jackson (2014) used a survey of Americans to demonstrate that legitimacy motivates community identification and, through it, heightened perceived social capital, greater political activity, and more economic activity. A recent study of the residents of New York City helps to explain this connection. It indicates that when the police are viewed as legitimate, this creates a climate of security and reassurance within a community (Tyler & Meares, 2021). That climate is linked to whether people identify more strongly with their communities, work more closely with their neighbors, shop and eat in their communities, and participate in local governance. In other words, a climate of reassurance supports community development on a path toward a more vital community, and legitimacy facilitates the emergence of such a climate.

What do these New York City findings indicate about why people feel secure and reassured by the police? It helps if people feel less fear of crime (correlation indexing the influence of fear on perceived security,  $r = 0.24$ ; reassurance,  $r = 0.14$ ) and if they feel there is less neighborhood disorder (correlation indexing the influence of disorder on perceived security,  $r = 0.22$ ; reassurance,  $r = 0.15$ ). However, what matters the most is the judgment about police procedural justice (influence of procedural justice on security,  $r = 0.49$ ; reassurance,  $r = 0.54$ ). Comparing the impact of these two types of judgment on the emotions of safety and reassurance, the weight for procedural justice is  $\beta = 0.71$ ; for fears/disorder = 0.10 (with a total adjusted  $R$ -squared equal to 51%). These emotions in turn are associated with legitimacy (adjusted  $R$ -squared = 76%) and engagement in the community (adjusted  $R$ -squared = 7%). When residents are asked to evaluate police effectiveness in solving problems, their responses are also more strongly linked to police procedural justice ( $r = 0.45$ ) than to residents' fear of crime ( $r = 0.32$ ) or to their estimates of disorder ( $r = 0.34$ ). These findings suggest that people react to the police both in terms of their instrumental effectiveness and the procedural justice of their actions, with procedural justice judgments dominating those reactions.

What does all of this mean? It is often assumed that producing safety and reassuring residents involves lowering crime and reducing disorder. To some extent it does. But if the goal is that residents feel secure and reassured, it is more impactful to build legitimacy, something most strongly linked to enhancing procedural justice. These findings highlight the general point that perceived risk is itself a socially constructed idea (Perlstein, 2023). Changing the perceived rate of crime or



disorder is not the only or even the best way to create a climate of reassurance (Widra, 2018). Police legitimacy is less strongly linked to whether the police are controlling crime and disorder than it is to how the police interact with community residents. Similarly, whether the police are viewed as biased is found to be linked to whether the police treat people with fairness when they deal with them (Huq et al., 2011; Tyler & Wakslak, 2004).

As we noted, force-based policing can suppress crime. However, it does not build and often undermines police legitimacy. This means there is no endgame, and the police will always need to be able to project a credible risk of catching those who break rules. Given that deterrence requires high levels of resources to produce effects, continuing to provide those resources is always a challenge. In addition, as noted, this can be especially problematic with behaviors that are minor in consequence, but widespread in occurrence. In contrast, legitimacy-based policing enables the police to both manage crimes (minor and major) in the moment and at the same time support a model of community development.

Are there limits to the legitimacy model? Yes. The police can suppress crime in the short term by flooding officers into a community. Legitimacy must be built over time. Hence it requires a proactive policing strategy. Too often the police are driven by reacting to events of the moment such as issues of perceived high crime in the community, either a general “crime wave” or a particularly visible heinous crime. When a community demands immediate action, saturating an area with police officers can produce the desired suppression effect.

Fortunately, studies show that it is possible to both show a police presence that can deter immediate crime and build legitimacy if the police conduct themselves through the principles of procedural justice outlined (Weisburd et al., 2022). Unfortunately, the actions taken to deal with a crime wave frequently lack these features and consequently undermine police legitimacy. Research suggests that this does not have to happen. A strategy built around procedurally just policing can both suppress crime and build public support for the police. These findings highlight that it is not the presence of police officers, per se, that shapes trust, rather it is how those officers deal with people in the community. In addition, importantly, this applies to both the general population and to “serious” criminals (Papachristos et al., 2012).

The legitimacy-based policing model is always relevant but is particularly valuable today in an era of low crime. America is in an era of low crime, with the rate of both violent and property crime consistently declining since the early 1990s. Violent crime dropped 49% between 1993 and 2022 (Pew Research Center). At the same time that crime has declined, the number of police officers in America has increased from 799,373 in 1993 (Bureau of Justice Statistics) to 849,915 in 2022 (Data USA). What should these police officers be doing? If the police can, as noted, be agents of community development, then an expanded vision of what the police do to benefit communities suggests they can aid communities to grow their way out of crime. This highlights a potentially important role for the police in any era. This role, however, depends upon the relationship between the police and the community.

## 5 | CREATING AND MAINTAINING LEGITIMACY: PROCEDURAL JUSTICE

Issues of desirability aside, the sticking point in adopting legitimacy models has been feasibility. There needs to be a viable strategy for creating and maintaining legitimacy. Fortunately, in the last several decades, a large empirical literature has developed that identifies a key antecedent to legitimacy. That antecedent is procedural justice. Procedural justice is an academic term which

means that people evaluate the police and courts by asking whether judges and police officers are exercising their authority in appropriate and reasonable ways. It originally developed within the psychological literature on conflict management in the work of the psychologists John Thibaut (Thibaut & Walker, 1975) and Leventhal (1980).

The idea of procedural justice develops from the broader suggestion within the social justice literature that people's attitudes and behaviors are influenced by their views about what is just and fair. This can include both judgments about what is deserved (distributive justice) and evaluations of the fairness of procedures (procedural justice). These justice-based judgments can be contrasted with evaluations of the favorability of outcomes. The question is the degree to which each factor shapes legitimacy.

The finding that procedural justice evaluations dominate legitimacy judgments is probably the most counterintuitive finding in the legitimacy-based policing model (Tyler, 2006). Yet it is strongly supported by empirical evidence. People's primary way of evaluating authorities is through their assessment of how appropriately they exercise their authority. In concrete terms this means that when a person deals with a police officer or a judge, their reactions are not based upon whether they are sanctioned, or even whether they receive the outcomes they feel they deserve. Reactions flow from judgments about whether the authorities act in ways that reflect the fair exercise of authority.

A number of studies support the suggestion that perceptions of the procedural justice of police actions are strongly related to their perceived legitimacy. Similarly, when people are making overall assessments of the legitimacy of a criminal justice institution in their community, they appear to focus on how the authorities representing that institution generally deal with the public (see Tyler et al., 2015 and Walters & Bolger, 2019, for reviews).

A key task in recent decades has been to demonstrate empirically that procedural justice is in fact a key antecedent of deference during personal encounters with police officers or judges. A study of such in-person encounters in two American cities (Oakland and Los Angeles; Tyler & Huo, 2002) demonstrates this point. The study focuses on willing deference to decisions. The results indicate that such deference is most strongly influenced by evaluations of procedural justice, and secondarily by outcome favorability or fairness. This is true both for decision acceptance and for evaluations of the authorities involved.

A panel study of young men stopped by the NYPD also shows that reactions to street stops were largely based upon procedural justice, not outcomes (Tyler et al., 2014). This study found that the procedural justice of experiences influenced decision acceptance and that that influence was distinct from the effects of outcome favorability. In a regression equation explaining 73% of the variance in acceptance, the beta weights were total outcome beta = 0.36; procedural justice beta = 0.53. The group of particular concern in this study was Black respondents, whose police legitimacy scores are lower. Among this subgroup procedural justice continued to have a strong influence (beta for procedural justice = 0.46; for outcome favorability 0.39). These findings show that outcomes are not irrelevant, but procedures consistently have distinctly larger impacts.

A particularly important aspect of these findings is their invariance. The California sample was chosen to be multiethnic in nature. The findings were nonetheless consistent. The members of the three major ethnic groups studied (White, Black, and Latinx) all responded to their experiences in strongly procedural justice terms. This suggests the possibility of a general strategy for building trust and confidence in the police and courts. Of course, this does not mean that the members of all groups were equally trusting; they are not. Minority group members have lower views about the legitimacy of the police and the courts. Nonetheless, the members of all groups made their legitimacy judgments based upon procedural justice. Other studies of "invariance" suggest the



overall conclusion that procedural justice is key for everyone (Brown & Reisig, 2019; Fox et al., 2021; Jaynes et al., 2024; Peacock, 2022; Sahin et al., 2023; Tyler, 2005; Tyler & Huo, 2002; Wheelock et al., 2019; Wolfe et al., 2016; Zahnw et al., 2021; but also see Pina-Sanchez & Brunton-Smith, 2020, 2021).

Procedural justice is also important when people are generalizing from their personal experiences to their overall views about legitimacy. This process, like immediate reactions, is primarily based upon evaluations of the fairness of the exercise of authority. The Tyler and Huo (2002) study found that the factor in personal experience that was most associated with overall legitimacy in police interactions was procedural justice ( $\beta = 0.38$ ), a stronger influence than that of outcome desirability ( $\beta = 0.02$ ).

Finally, in their everyday lives, people rely on many sources of information to make judgments about the overall legitimacy of the police, the courts, and the law. One, already outlined, is personal experience. Especially, it is important with the police, as they are the most frequently encountered legal authorities. However, everyone, whether they have personal experience or not, relies on their overall views about how the police act within their community. This can flow from what they observe, hear about, or read about in the mass media. Studies show that both personal experience and indirect information have distinct influences on legitimacy.

General views about the police and the courts show the same pattern as has been found with personal experiences. Procedural justice influences can be compared to evaluations of the police capacity to manage crime and to provide service, as well as to display fairness across people and groups. Studies based upon legal scholarship also consider whether the police and courts follow the law, as well as how accurate their decisions are (arresting the right people; convicting only the guilty). When these general judgments are compared to the influence of procedural justice they matter, but the most important antecedent of legitimacy is procedural justice.

Consider, for example, a study conducted by the state of California focused on public views about the courts. This study considered general judgments about the courts and their impact on overall trust and confidence in the courts. The study found that procedural justice is the central antecedent of legitimacy in this general population sample (Rottman & Tyler, 2014). In a survey of the general population, court legitimacy was linked to procedural justice ( $\beta = 0.51$ ), distinct from distributive justice ( $\beta = 0.21$ ) or performance ( $\beta = 0.09$ ).

## 6 | WHAT IS PROCEDURAL JUSTICE?

Research further tells us that people usually define procedural justice through four principles. First, do they have a chance to state their case and present their evidence (voice)? Second, are the procedures being applied by officers in a consistent, unbiased, fact- and rule-based matter (neutrality)? Third, are they treated with courtesy, dignity, and respect (respect)? Finally, do they believe that the officers they are dealing with are sincere and benevolent, that is, trying to do what is right for the community and good for the people involved (trustworthiness)?

Issues of interpersonal treatment (respect, trustworthiness) are called relational issues because they refer to social messages, rather than aspects of making decisions. This highlights the third aspect of psychological theory involved in this model. From a social exchange perspective, people's concerns are centered around what they gain and lose when interacting with others. Voice and neutrality ensure that people feel they are not disadvantaged in such interactions. Over time fair procedures lead cooperating to be a good strategy for self-interested people as well as the right thing to do from a justice perspective.

Procedural justice models, as they have evolved (Lind & Tyler, 1988; Tyler & Blader, 2000; Tyler & Lind, 1992), have built on the work of social identity theorists such as Henri Tajfel and psychologists emphasizing the importance of belonging (Leary & Baumeister, 2000). These models recognize that people also interact with others because they care about messages of standing (inclusion) and status (respect), that is, messages that influence their self-image and self-esteem. An important part of a person's concern when in a collectivity is with these messages, which are about the quality of their relationship, not about the resolution of a particular issue (Liao et al., 2024).

Group authorities represent society, and their treatment of community members communicates whether people are included within the social group and reflect their status. Recent studies by criminologists suggest that social identity is an important mediator of experiences with the police (Bradford, 2014, 2024, 2014; Chan et al., 2023; Kyprianides et al., 2021; Loader, I., 2006; Murphy et al., 2021, 2022).

Given the extent to which past discussions of policing have been instrumental, the strength of the relational findings is particularly important. People care about messages of inclusion and status because their psychological well-being and self-esteem are intertwined with the strength and nature of their connection to their community. Studies demonstrate that people's identity is intertwined with the groups and communities to which they connect themselves. Consequently, it is important for them to feel that others include them in those communities and accord them standing within them. Regarding people who feel vulnerable and potentially the target of disparagement, it is particularly true. Studies demonstrate that the most fundamental social message conveyed by others is linked to interpersonal respect, and denying people dignity and respect is a much more fundamental harm than denying them resources or outcomes (Huo, 2002; 2008).

The two relational ideas are also particularly important from a policy perspective because, although the police often have to make decisions that give people outcomes they do not want or feel they deserve, they can always be polite and seen as concerned about the situation of the people with whom they are dealing. Hence, there is a clear path through which the police can manage crime problems while building their legitimacy. Just as it was previously noted that procedural justice can be something people experience irrespective of their outcomes, a recognition of the value of relational issues furthers the argument that there are universal elements in any interaction that are distinct from outcomes.

## 7 | SOCIETAL AND POLICY IMPACT

Over the last several decades, this theory-based and evidence-informed model has gained traction in criminology because it provides a viable framework for legal authority in the 21st century. It has been adopted by many policing agencies because of the advantages already outlined (Tyler, 2023, 2015; Tyler & Nobo, 2022).

Although this review has focused on policing, it is important to note that this model is supported in other areas of law. Examples include the courts (Ansems, et al., 2020; Dollar, et al., 2018; Gottfredson, et al., 2007; Kaiser & Holtfreter, 2016; Kruse & Bakken, 2023; Poythress, et al., 2002; Rottman & Tyler, 2015; Van Hall, et al., 2023a), administrative agencies (Lind, 2017; Van den Bos, et al., 2014; Wever & Ybema, 2024; Woodlock, 2022); probation/parole (Buckner, et al., 2025; Van Hall, et al., 2024), and prisons (Barkworth & Murphy, 2021; Beijersbergen, et al., 2015; Campbell, et al., 2020; Reisig & Mesko, 2009; Sparks et al., 1996; Steiner & Wooldredge, 2018; Van Hall, et al., 2023b; Yim et al., 2024). It is also important to note that studies do not always find support for the model (see, for example, Kuen, 2024, on the police).

Although always relevant, the findings about procedural justice are especially important today because we are in an era of low trust in legal, political, and social institutions. There has been a slow and steady decline over decades (Rauh, 2021; Citrin & Stoker, 2018). The bulwark of diffuse institutional support for institutions that arose in the wake of World War II is facing its severest test. In other words, the declines observed are not the result of some particular event. Rather, it is the end of slow and steady decreases over decades (Gallup News Historical Trends, Confidence in Institutions).

It is ironic that as the case for the feasibility and desirability of legitimacy-based law and governance has been supported empirically, the underlying legitimacy upon which it depends has been disappearing. Societies might react to this in two ways: refocusing on force-based models or by a renewed focus on creating and maintaining legitimacy.

The case for force-based models is that they are more feasible today. In reacting to an earlier era of crime in the 1990s, the police became proactive and engaged in broad patterns of surveillance. A prototypical such program is “stop, question and frisk.” This approach used large numbers of officers engaged in many stops to find minimal numbers of weapons or drugs and was found to have at best minor influences on the occurrence of crimes (Braga & Weisburd, 2015). Today, criminologists recognize that it is better to target people and places (focused deterrence, see Braga & Weisburd, 2015), making surveillance more sustainable. Additionally, the predictive technology exists to guide such efforts, allowing the police to concentrate on particular people and places. Prosecution, sentencing, and incarceration can also be targeted based upon analytics that predict likely future behavior. There have also been rapid developments in surveillance capacity. These include video and electronic surveillance, enhanced by algorithmic analysis, automated license readers and visual face recognition technology, drones, and network analysis using social media.

The bottom line is that the police can anticipate where crimes will occur and who has committed them in the present and will commit them in the future, are better able to engage in surveillance, and can make decisions about how to respond to crimes and criminals using analytic models suggesting their future implications. All this makes sanction-based approaches less an issue of feasibility and more an issue of desirability.

What is the case for a legitimacy focus based on desirability? Legitimacy-based models enable a more cooperative relationship with communities. They are based upon an understanding of what the people in the community think is an appropriate and reasonable way for police officers and judges to act. This leads to exercising authority by consent, that is, to the willing acceptance and deference to police and court authority.

If legitimacy models are better, are they feasible in a low-trust era? This depends upon whether there are strategies to address distrust. Efforts to address declines in trust might begin with the police for several pragmatic reasons. First, compared to other institutions, the police are relatively highly trusted, the courts less so. Second, the police are the most frequently contacted legal authorities, and for many people they are associated with reassurance and problem solving, not rule enforcement. In this sense, the police are an ideal initial step toward building a new model of authority that can extend to governance.

## 8 | HOW CAN WE FACILITATE LEGITIMACY-BASED POLICING, LAW, AND GOVERNANCE?

Building on the argument that we should seek to rebuild legitimacy and that the police are a good place to start, I want to outline several ideas.

## A. Change the culture and goals of policing

In the aftermath of the high crime era of the 1990s, it became axiomatic that the goal of policing was to adopt policing policies that suppress crime. Consistent with the quasi-military model of policing, this has typically meant concentrating resources and control within the police and using police expertise to design crime control strategies. During the midst of a crime wave, it seems very reasonable to focus on immediate crime control. However, the crime wave has dissipated. Today, it makes more sense to build departments around a guardian or service model, leveraging the capacity of the police to be instruments of community development. A guardian/service model changes how the bulk of those interactions occur. Not surprisingly, when the police have a guardian/service framework, they are more likely to support procedural justice as a strategy (Murphy & McCarthy, 2024).

A change in police culture has several elements. The first one is limiting police-initiated stops to those that are clearly justified and which will be recognized as such by people in the community. Epp et al. (2014) argue that traffic stops are more acceptable because the people stopped typically recognize that they are violating rules. That is, of course, unless the stops are pretextual (a broken tail light). Second, at the same time, the police should build their capacity to provide services on an individual level, helping people and addressing a wide variety of social problems, such as homelessness and mental health crises. Here the growth of a robust set of diversion programs provides the police with alternatives to arrest. At a community level, the police can facilitate a climate of security and reassurance that promotes long-term development and community vitality. Making these changes involves addressing basic organizational issues, including training, criteria for awards and promotion, and articulated goals from top management.

From the legitimacy-based policing perspective, these changes leverage the value added by the legitimacy-based model of authority because they emphasize the goals that it is best suited to achieve. That includes lowering the frequency and severity of crime, but also promoting individual and community-level gains. It is important to recognize that the absence of bad is not the same as the presence of good. Legitimacy-based policing addresses both goals.

## B. Emphasize the value of procedural justice

Evidence supporting the legitimacy-based model is abundant. Why is it not more widely adopted? A broadly held view within American culture, often viewed as intuitive and self-evident, is that people are motivated by self-interest (Ferraro et al., 2005). The findings of this research are contrary to that cultural stereotype. In addition, the force-based model of authority fits well with the self-image of people in power, that is, the belief that their higher intelligence/expertise and greater benevolence and morality make it desirable for resources to be concentrated in their hands and for them to make decisions for the entire community (Keltner et al., 2003). A community-based model of authority can seem unwieldy and unwise in contrast to letting experts decide.

Addressing this issue involves education: first, education about the importance of evidence-informed policies and practices, which indicates what actually works; second, building upon the evidence-informed framework to communicate the value of this new model of authority. In particular, in keeping with the general framework of economics, which dominates legal scholarship, research should focus on what shapes people's behavior. As noted, and contrary to the expectations of many, legitimacy-based models outperform force-based models in motivating rule adherence, which is a primary goal of most policing policies and practices.

Changing the views of authorities is crucial for a particularly important additional procedural justice strategy—internal procedural justice. Initial efforts to utilize procedural justice findings focused on officer relations with people in the community and court treatment of disputants/litigants. Research suggests an additionally valuable focus: the internal dynamics of legal organizations, that is, police departments, court systems, prosecutorial offices, and jails/prisons. If the staff in these organizations feel themselves fairly treated, they have higher morale and better work performance, better physical and mental health (Sierra-Arevalo, 2021), higher rates of compliance with the law and organizational policies, and better relations with their external constituencies in the community (Trinkner et al., 2016). There is now a robust literature showing the value of internal changes to promote procedural justice within police departments, court systems, prosecutorial organizations, and jails/prisons (Burke, 2020; Carr & Maxwell, 2018; Crow et al., 2012; Haas et al., 2015; Myhill & Bradford, 2013; Peacock et al., 2021; Tankebe, 2010; Tyler et al., 2007; Wolfe & Lawson, 2020; Wolfe & Piquero, 2011).

The impact of procedural justice can be heightened by extending its ideas to internal changes. A particularly important gain from this approach is that it more effectively promotes changes in how the police act in the community. If field officers experience procedural justice in their own work environments, they adopt this model of authority and extend it to their dealings with the public. In contrast, training programs that tell officers in “command and control” style departments to treat the public more cooperatively are frequently ineffective because officers are receiving guidance that contradicts their cultural values. Officers need to believe in the value of a new approach to dealing with the public, and experiencing that new approach themselves makes the ideas more compelling.

A key organizational issue is understanding how to create and sustain organizational change (Birran et al., 2024; Quattlebaum & Tyler, 2020; Sherman, 2018). American policing in particular has been resistant to change (Headley, 2019; Meares, 2016; Robinson, 2020; Skogan, 2018). Arguments for taking community views into account are not new. They can be found as early as the Kerner Commission Report in the 1960s (George, 2018) and are central to the Peel principles of policing that were articulated during the formation of the London police (in 1829). As Peel famously said: “The power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behavior, and on their ability to secure and maintain public respect.”

Several factors help to explain this resistance. Historically American policing has evolved from informal community-based forces, which is consistent with the local nature of American legal authority. A result is that police departments are numerous (more than 18,000) and small, making promoting uniformity of practices challenging and meaning that most departments have limited capacity for training. Police departments are also controlled by local political authorities, making professionalism equally challenging. Chiefs, for example, deal with volatile political cross-currents and, on average, have a job length around three years (Major Cities Chiefs Association, 2024), making sustained change difficult. This gives them limited leverage in departments that are unionized and have many statutory and contractual impediments to organizational and personnel changes.

These issues aside, two factors that are creating pressure for change are declining police legitimacy and strikingly lower crime rates. It is declining police legitimacy, in the face of seeming success in terms of lowering crime rates, that has drawn the attention of many police leaders. This attention is increased by the recognition that maintaining current levels of police officers needs to be justified in the face of steadily declining crime, especially violent crime. Given these pressures, several aspects of legitimacy-based policing are appealing. First, it is possible to build

legitimacy while continuing to enforce the law, as how decisions are made is distinct from what the decisions are. Second, adopting this approach is relatively inexpensive, because it does not require additional personnel or equipment. It requires culture change. In addition, it supports a police mission in an era of low crime.

The recognition of several possible police self-images (warrior, guardian) makes the point that legitimacy is dialectic and involves both people's willingness to accept police directives and the belief among police officers that they are entitled to issue directives shaping the behavior of people in the community (Bottoms & Tankebe, 2012). The police need to have a mission statement that they believe entitles them to direct the actions of others and enforce those directives, by force if needed. This recognition has led to a literature on self-legitimacy. Studies show that those officers who have more confidence in their legitimacy to exercise authority are more likely to be democratically oriented and more procedural justice-oriented in their policies and practices (Bradford & Quinton, 2014; Tankebe, 2018). This makes sense because if officers do not believe their commands are likely to be voluntarily deferred to by community residents, they are more likely to view force as the approach most likely to lead to the acceptance of their directives.

### C. Disaggregate procedural justice

As already noted, procedural justice involves elements of decision making and quality of treatment. Because of their training, legal authorities typically focus on issues most closely linked to lawful decision making. Judges study law, and police cadets study books of rules about what is a legally acceptable action. It is, of course, important for authorities to be viewed as following rules, and studies suggest that the public recognizes the value of rule-based decision making.

The public also independently recognizes and often emphasizes quality of treatment more heavily. Hence, redirecting police attention to a more balanced view of procedural justice emphasizing both elements would lead procedural justice approaches to be more impactful.

The emphasis on interpersonal issues is consistent with the arguments of the French writer Rosenvallon (2011). He suggests that there is an increasing public desire for what he labels proximity. This means that people want to be listened to and dealt with by attentive and respectful authorities who deal with them in an individualized and particularized manner. This means that rules are not applied in an impersonal and inflexible manner. Rather, people want authorities who care about and are in touch with the needs and concerns of everyday people. This perspective is consistent with empirical research on people in the European Union, which suggests that a key concern is that the authorities are out of touch with/do not care about the needs and concerns of everyday people.

Taken together, these arguments support the suggestion that emphasizing a more multi-pronged approach to procedural justice should build equally on the interpersonal treatment component which would lead efforts to build legitimacy to be more impactful.

### D. Reexamine the role of sanctions

It is also possible to try to build on the extensive research on social control that exists within criminology (MacDonald, 2024). As noted, the traditional argument, supported by past research, has been that the approach of using sanctions "crowds out" the influence of values on behavior (Cinner et al., 2020; Fazio et al., 2022; Frey & Jegen, 2001; Schmelz, 2021). This happens because



people come to define their connection to authorities as being instrumental. In the words of a widely cited paper, “a fine becomes a price” (Gennzy & Rushichini, 2000), with people increasingly seeing their relationship to rules as about costs and benefits, as many already do with speeding and traffic fines (i.e., such fines are not a reflection of normative wrong, but rather simply a cost of doing business). Recent studies, however, suggest that instrumental approaches can be used without undermining values if they are implemented within a procedural justice framework (Weisburd et al., 2022). Hence, it is possible to shape whether the police build legitimacy through how sanction-based systems operate.

In the case of everyday laws studies find that when people view sanction systems as being managed through fair procedures, the use of sanctions does not undermine values (Augustyn & Ward, 2015; Verboon & van Dijke, 2011; Yasrebi-De Kom et al., 2022, 2023).

These recent findings point to the possibility of a combined model. Procedural justice can be emphasized in interactions, whereas resources can be deployed optimally in terms of addressing crime. If force-based approaches occur through a procedural justice frame, then sanctions can potentially contribute to suppressing crime in the short term, whereas procedural justice enhances legitimacy over time.

This combined approach allows authorities to be proactive, taking advantage of emerging new approaches for predicting who will commit crimes and when and where they will occur. Focused deterrence is less costly and more sustainable. It is also more targeted and therefore less intrusive within a community and avoids broad programs of stops that impact many innocent people. Even in the midst of a violent community, most people are not violent, so a focus on a select group is desirable.

At the same time, within the general community, the police can emphasize responding to calls for assistance. Interestingly, studies indicate that, as with regulatory interactions, whether service calls build legitimacy is less strongly linked to whether the police solve problems than it is to whether people feel the officers are procedurally just.

As noted, an additional factor facilitating this approach is that surveillance is getting both more ubiquitous and more effective. Through street/resident/business cameras, the ability to monitor verbal and written communications, facial and license plate recognition, and the capacity to identify people through network analysis, the police have many technological tools. The key is to deploy these tools so that they are experienced through a procedural justice framework. This is true both on a policy level through involving communities in decisions about how to police and at an individual level, in terms of dealing with the people identified through surveillance.

## E. Personalize authority

The overall model of authority outlined links procedural justice, legitimacy, and desirable behaviors. It is possible, however, for authorities to build direct connections on a person-to-person level with people. Among the members of groups or communities who might have weak or nonexistent connections with broader societal institutions, this is especially relevant. Irrespective of whether those involved are members of minority groups, recent immigrants, gang members, or other alienated people, individual relationships can be built through procedural justice. This echoes the earlier discussion of street corner policing by Muir (1979).

One problem with modern policing is that it has become more distant and impersonal. Instead of a beat officer that people know personally addressing community problems, a stranger steps out of a car, and their legitimacy is linked to the legitimacy of the institution whose uniform they

wear. In this respect, the introduction of the automobile and mobile communications into policing can be seen as a first step toward the de-personalization of the police.

Today, there is a second stage of depersonalization in the form of technologically mediated communications. This development also makes contact less personal and individualized. Early studies suggest that such contacts are viewed as less procedurally just (Hobson et al., 2023; Mentovich et al., 2023; Wells et al., 2023).

A re-personalizing strategy is one way to bolster legitimacy. What would that look like? Perhaps more neighborhood-based policing when officers are embedded within communities for extended periods of time. The idea of community-based policing is built around the goal of strengthening police–community connections, but it is an idea that has been imperfectly realized and has been lacking in clear models for its implementation (Weisburd & Majmudar, 2018). Nonetheless, it has been linked to building relations with the police. An advantage of the procedural justice model is that it provides a road map for building community-based connections at both the individual and the organizational levels and could lead such programs to be better designed and more impactful.

Procedural justice moves community policing from an abstract idea to a set of concrete proposals. The key is to move beyond applying procedural justice only in the policy implementation stage. Community-based procedures can also be utilized during the creation of policies and in responding to community grievances. This highlights the point that initial discussions of procedural justice focused on the implementation of existing policies by police officers or judges. However, research indicates that people distinctly react to procedural justice in the creation of rules, the implementation of rules, and reactions to grievances (O'Brien & Tyler, 2020; O'Brien et al., 2020). Hence, a more powerful strategy includes all three stages.

## F. Build community connections

The impact of messages about status and standing communicated by the quality of treatment people experience depends upon people identifying with the community an authority represents. Procedural justice has a connection to identification.

First, as has been noted, if people identify with their community, they care more about the quality of their treatment. Then, if they receive just treatment, their identification increases. Hence, as already noted, the police should seek to build identification via procedural justice and thereby amplify the role of procedural justice in shaping legitimacy.

Additionally, it is possible to enhance legitimacy-based policing through a focus on the general connection people have to their community. Identification with one's community is not only linked to how the police behave. It can be built in many ways, for example, by addressing issues of economic and social discrimination and social acceptance. If a society enacts effective ways to integrate minorities, immigrants, or otherwise marginal groups or individuals into the community, they enhance the social connection of people in those groups with the community and increase the extent to which they value and define themselves in terms of their status and standing in that community. This strategy of building identification with the community rebounds to the benefit of the police, who are then representatives of collectivity that people care about.

## 9 | A MOMENT OF CHOICE

We are at a choice point in terms of legal authority. The legitimacy-based model is clearly feasible and has desirable features for the police, courts, and corrections. To make it work, there needs

to be a proactive focus on building legitimacy. Fortunately, that effort can begin from a relatively high base rate level of trust, at least in comparison to other political and social institutions.

Criminologists began to recognize legitimacy as an important issue in the early 2000s (Skogan & Frydl, 2004). When they began to do so, they drew upon the preexisting literature on legitimacy and procedural justice within social psychology. Over time, criminologists have extended these ideas into policing and provided empirical support for them in studies of the police. A key development has been the establishment of an experimental literature supporting the model. As noted, this support has made a strong case for the legitimacy-based approach during a period in which legitimacy has continued to decline. For many years, the police seemed like the Teflon agency, whose legitimacy could not be damaged. In recent years, this situation has changed and police legitimacy has also declined. There is need therefore for the type of effort to rejuvenate legitimacy outlined here.

Interestingly, although criminology drew upon psychology for initial ideas about legitimacy, the strong empirical literature created by criminologists now makes criminology an important field in terms of what it can contribute more broadly to the fields of law and governance. Both fields face “crises of legitimacy.” Criminological research has much to contribute to their efforts to address those crises, both demonstrating that legitimacy-based authority is viable and that it has desirable properties.

## CONFLICT OF INTEREST STATEMENT

The author declares no conflicts of interest.

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