Guest editorial

1. Police legitimacy: an introduction

Police legitimacy is a topic that has been widely researched and has been the subject of many empirical studies in the last decades. This is not surprising since police legitimacy has been a concern for policymakers ever since the foundation of the modern police force. Sir Robert Peel, for example, when founding the modern police in Britain, formulated the nine principles of policing with a view on enhancing legitimacy and public acceptance of this new force (Bronitt and Stenning, 2011; Pike, 1985). These nine principles to a certain extent all refer to legitimacy in policing; for example, in mentioning the need for public approval of the police, proportionality in the use of force, and preserving public favor by impartial service to the law, Peel is highlighting the importance of police legitimacy[1].

The concept of legitimacy is complicated. Several researchers present different opinions on the meaning and conceptualization of this "slippery" concept (Hough *et al.*, 2013; Bradford *et al.*, 2014). Most of them agree with the distinction between normative and empirical legitimacy. Normative legitimacy exists when authorities meet certain objective criteria, like the absence of corruption. In contrast, empirical legitimacy is based on the perceptions of civilians. In this sense, it is possible for an authority to be perceived as legitimate, while objectively it does not meet the criteria for legitimacy that are normally accepted within a democratic society (Hough, 2010).

Police legitimacy can thus be studied from the viewpoint of citizens, looking at citizens' perceptions of fairness in policing and the impact on citizens' willingness to cooperate with the police and comply with the law. This large body of research is rooted in social psychology. However, police legitimacy can also be studied from an organizational point of view, focusing on the constraints that are placed on the police organization and how they should deal with these constraints. This smaller body of research is rooted in institutional theory. In contrast to the social psychology perspective, judgments of legitimacy are not made by citizens but by sovereigns such as legislators, professional bodies, and courts (Worden and McLean, 2017).

Research on legitimacy has traditionally had a quantitative focus and has been mainly carried out from an Anglosphere perspective (Hinds and Murphy, 2007; Hough *et al.*, 2013; Jackson *et al.*, 2014; Tyler, 2003). The quantitative focus is reflected in this issue – with most articles reporting on quantitative studies (e.g. surveys, systematic social observations), although several articles report qualitative research or mixed studies. The Anglosphere perspective is also reflected in this issue. Although we have tried to attract continental European researchers that work in this field, and this research is reflected in papers authored by individuals from France, Belgium and Norway, the majority reflect research conducted in the USA, UK and Australia.

2. Legitimacy in this special issue

In this special issue, we want to give insight into the topic of police legitimacy with an international perspective. We define police legitimacy in its broadest sense, implying not only legitimacy in terms of the belief of citizens in the entitlement of police to "call upon the

With this special issue, the guest editors hope to have contributed to the academic discussion on the breadth and content of police legitimacy as a topic that should be high on the agenda in policing research. The guest editors expressly want to thank the authors of this issue for their input, the reviewers for their constructive remarks, and the editors of the journal for their professional guidance.

public to follow the law and help combat crime and that members of the public have an obligation to engage in cooperative behaviors" (Tyler, 2004, pp. 86-87), but also legitimacy in terms of the issues that are inextricably linked with this belief of citizens: the mechanisms with regard to trust, interaction, use of force and accountability. Through this broad lens, we aim to extend the understanding of police legitimacy by examining its determinants, as well as its consequences. To this end, the issue is built around four axes of police legitimacy: trust and policing styles, police-citizen interaction, use of force and oversight/accountability. Through the focus on these four axes, we hope to have stretched beyond the traditional domain of police legitimacy, which has focused on trust and interactions between police and citizens.

In this special issue, we have a diversity of papers reflecting these four axes that have one thing in common: their empirical nature. This was an explicit aim of this special issue, as the goal was to give a state of affairs on empirical research on police and legitimacy. This empirical nature has the huge advantage of providing the readers with the most recent insights that were gathered in this field of research. The studies presented reflect different types of data: surveys, observational data, case studies and semi-structured interviews. And, as previewed above, we sought empirical studies from a diversity of countries, beyond the more traditional Anglosphere body of research to provide the reader with insights from countries that normally might not be read by an English speaking public.

Before scrutinizing the four axes of police legitimacy, Robert Worden and Sarah McLean give a detailed overview of the empirical research on police legitimacy. In their State of the Art review of the literature, they distinguish between two streams of research on legitimate policing. The first stream is rooted in social psychology and focuses on how individuals' perceptions are formed and how these perceptions may have an impact on their behavior. Pioneering work in this domain is that of Tyler and colleagues (Jackson *et al.*, 2012; Lind and Tyler, 1988; Sunshine and Tyler, 2003; Tyler, 2006). The second stream of research, probably less familiar to police researchers, is based on organizational institutionalism. The main focus here is on what kind of external demands are placed on organizations and how organizations respond to them. For each of these two streams the authors discuss three core issues: theory, methods and empirical evidence. In their conclusion they consider the four axes of the special issue.

2.1 Trust and policing styles

Traditionally, police legitimacy has been linked to procedurally just styles of policing (Tyler, 2006). This line of research states that, when citizens perceive that the police treated them fairly, they are more willing to obey their orders, act faithfully and cooperate with the police, even when the outcome of the intervention is negative (Jackson *et al.*, 2012; Tyler, 2006).

In their article entitled "The 'silver bullet' to good policing: a mirage – an analysis of the effects of political ideology and ethnic identity on procedural justice" Sebastian Roché and Guillaume Roux examined potential determinants of citizens' perceptions of procedural justice. More specifically, they focus on the role of non-procedural factors that might influence citizens' beliefs of police fairness, such as prior experience with the police; victimization; socio-economic status; context of the neighborhood; ethnic identity; and political, legal and punitive attitudes. The data were gathered in 2011, by means of a telephone survey of 1,492 French respondents. By means of ordinary least square regression analyses they found that political attitudes and values emerged as the strongest predictors of attribution of fairness to the police. They conclude that citizens' views about police fairness are not only related to perceptions of police-citizen interactions but are, in large part, related to broader socio-economic and political explanations. Based on their study, the authors argue for paying more attention to non-interactional factors in procedural justice theory.

As reflected in the title "Legitimacy judgments in neighborhood context: antecedents in 'good' vs 'bad' neighborhoods," Tammy Kochel studied how neighborhood context affects police legitimacy. Kochel starts from the idea that residents of the same neighborhood experience similar ecological conditions that affect how residents regard police intervention. Consequently, antecedents of police legitimacy may differ depending on the security risk posed by their neighborhood and the capacity of the neighborhood to address it (collective efficacy). Based on the expressive model of Jackson and colleagues and the system justification theory, Kochel tries to explain why in certain neighborhoods procedural justice is more important to promote legitimacy than police competence/effectiveness, and vice versa. Kochel analyzed data from nearly 3,000 in-person surveys that were conducted between 2008 and 2010 in Trinidad and Tobago. The results indicate the importance of neighborhood context on residents' judgments of police legitimacy. In neighborhoods with high crime and/or low collective efficacy views about police legitimacy are mainly formed by police competence and effectiveness. In low crime and/or high collective efficacy areas, police legitimacy is formed by both procedural justice and police competence.

The next article entitled "Promoting Muslims' cooperation with police in counter-terrorism: the interaction between procedural justice, police legitimacy and law legitimacy", deals with the effect of procedural just policing on Muslims' willingness to cooperate with the police in Australia. In their article Kristina Murphy, Natasha Madon and Adrian Cherney lament the lack of research on the role of law legitimacy in influencing people's willingness to cooperate with the police and emphasize the importance of the distinction between "police legitimacy" and "law legitimacy." Based on Braithwaite's work they examined how both types of legitimacy influence people's willingness to cooperate with the police. They used survey data from the "Being Muslim in Australia Survey" in which respondents were questioned about their views of counter-terrorism policing and support for counter-terrorism initiatives. The survey was conducted with 800 Muslim Australians between June and August 2014. They found that the effect of procedural justice on the willingness to cooperate with the police was contingent on both police and law legitimacy. Their results indicate that procedural justice is most beneficial when people question either police legitimacy or the laws they enforce. The authors describe the implications of their study for procedural justice research and counter-terrorism policing.

Curt Taylor Griffiths and Peter Clark, in their article titled "Building police legitimacy in a high demand environment: the case of Yukon, Canada," studied police legitimacy in a non-urban context in Northern Canada, using a case study approach consisting of focus groups and document analyses. They conclude that police organizations are able to implement reforms and invest in police community relations, which implies that working on the conditions that impact on police trust and confidence can indeed pay off. The authors conclude that efforts by the police to adapt their policy or the way in which they operate, can have an important impact on the relations between the police and the communities they serve. The authors argue for the development of qualitative indicators of police legitimacy and the mechanisms that increase or decrease legitimacy.

2.2 Police-citizen interactions
As Worden and McLean report in their State-of-the-Art literature review, procedural justice is not a matter of whether police use their authority, but of how they use it in police-citizen interactions.

Starting from Tom Tyler's process-based model of policing, John McCluskey and Michael Reisig examine the use of procedurally just policing practices during suspect encounters. In their article "Explaining procedural justice during police-suspect encounters: a systematic social observation study," they report on research that looked at the effect of officer characteristics, situational variables, suspect self-presentation, suspect social status

and neighborhood context on the level of procedurally just police behavior. They used observational data from the Project on Policing Neighborhoods that were collected in the summer months of 1996 and 1997 in Indianapolis, Indiana, and St Petersburg, Florida. The authors specifically focused on the encounters in which the suspects were asked to comply with officer requests to alter their behavior ($n = 904$). They found that suspect encounters in which the police officer was confronted with a citizen with reduced self-control and a larger citizen audience were less likely to be handled in a procedurally just way. Traffic encounters and encounters with citizens with a minority status were associated with higher levels of procedural justice displayed by the police. Officer attributes, attitudes and neighborhoods characteristics appeared to be of limited importance.

In "How to measure procedurally (un)just behavior during police-citizen interactions," Anjuli Van Damme tries to validate a developed measurement instrument for procedurally just and unjust police behavior during interactions with citizens. She tested the measurement instrument by using systematic social observations in two local area police forces in Belgium. During September 2015 to January 2016, 284 police-citizen interactions were observed. In the article, the indicators used to measure the four elements of procedurally just police behavior during police-citizen interactions (voice, neutrality, respect and dignity, and trustworthy motives) are described in detail, together with an unjust variant. The findings show that the measurement instrument seemed pass the validity-test to a great extent. The author emphasizes the importance of distinguishing between procedurally just and unjust police behavior, which is lacking in prior research.

In their article entitled "Police legitimacy in context: an exploration of 'soft' power in police custody in England," Layla Skinns, Lindsey Rice, Amy Sprawson and Andrew Wooff examine police authority in its softer and more procedurally just form and in a very specific setting. Using qualitative data gathered in four types of police custody suites, they examine how "soft" power is used and understood by staff and detainees in police custody in England. They distinguished three main strategies that were deliberately employed by staff in the suites in order to secure compliance of the detainee: building a "rapport" with detainees, showing respect and keeping detainees informed about their case. On the one hand, they found some interesting similarities and differences between "soft" power and procedural justice. On the other hand, they conclude that the in-custody-interactions between staff and detainee may be the ultimate "teachable moment" for citizens' understanding of their relationship with the police.

2.3 Police use of force

How police officers treat citizens during an encounter is of key importance, but in order to assess and understand police legitimacy, force encounters are probably the most important types of police-citizen interactions (Terrill *et al.*, 2016). Police use of force, even when legally justified, may challenge police legitimacy because citizens may not always perceive the intervention as just and the intervention is often perceived as highly intrusive. As shown in the USA, but also in Europe, groups of citizens and communities raise their voice because they believe that those cases of deadly force could and should be resolved with non-lethal tactics (Terrill *et al.*, 2016).

In their article entitled "Identity, legitimacy and 'making sense' of police use of force," Ben Bradford, Jenna Milani and Jonathan Jackson study to what extent police legitimacy and social identity explain variation in public acceptance of police use of force. They start from the finding that notwithstanding the scandals concerning police brutality (worldwide) the police in the UK retains public support. They examine which mechanisms can explain this acceptance of the use of force. Their study draws upon cross-sectional data, gathered by means of a telephone survey of a representative sample of adults in England and Wales

($n = 1,004$). First, they found that when citizens identify more strongly with the social group that police represent, they show greater acceptance of police use of force. Second, they found that beliefs about police legitimacy were only associated with support for reasonable use of force, and not with support for excessive violence

2.4 Accountability and oversight

Very recently, in many countries the institutional legitimacy of the police has been questioned. Police organizations are criticized for a lack of transparency and accountability, often because of recent scandals of police brutality (Greene *et al.*, 2016). Therefore, in most countries, police officers, as powerful agents of formal authority, are increasingly under scrutiny (Deflem, 2016). The instruments that aim at the control and oversight of the police are important mechanisms for achieving legitimacy. As such, the ways in which police and policing agents' accountability is put to practice, is an important subject of study.

In the last part of this special issue, Petter Gottschalk turns the focus of legitimacy to another field of policing: that of private policing agents. The study of private policing agents, who work in white collar crime investigations where investigators are expected to investigate, prosecute and sentence, reveals other dimensions of legitimacy. The author studies the extent to which self-regulation in this sector – in terms of legitimacy – has been successful and argues for a more strict regulatory approach of the private policing sector.

Jannie Noppe and Antoinette Verhage
Ghent University, Ghent, Belgium, and

Anjuli Van Damme
*Department of Criminology, Criminal Law and Social Law,
Institute for International Research on Criminal Policy, Ghent University, Ghent, Belgium*

Note

1. Home Office, FOI release, December 10, 2012, available at: www.gov.uk/government/publications/policing-by-consent/definition-of-policing-by-consent (accessed November 28, 2016).

References

Bradford, B., Murphy, K. and Jackson, J. (2014), "Officers as mirrors: policing, procedural justice and the (re)production of social identity", *British Journal of Criminology*, Vol. 54 No. 4, pp. 527-550.

Bronitt, S.H. and Stenning, P. (2011), "Understanding discretion in modern policing", *Criminal Law Journal*, Vol. 35 No. 6, pp. 319-332.

Deflem, M. (2016), "Introduction: the perpetual politics of policing", in Deflem, M. (Ed.), *The Politics of Policing: Between Force and Legitimacy*, Vol. 21, Emerald Group Publishing, pp. xiii-xvi.

Greene, J.R., Mouhanna, C., Taheri, S.A. and Jones, D.S. (2016), "Improving police legitimacy by measuring all that matters: reflections from the United States and France", in Deflem, M. (Ed.), *The Politics of Policing: Between Force and Legitimacy*, Vol. 21, Emerald Group Publishing, pp. 153-174.

Hinds, L. and Murphy, K. (2007), "Public satisfaction with police: using procedural justice to improve police legitimacy", *The Australian and New Zealand Journal of Criminology*, Vol. 40 No. 1, pp. 27-42.

Hough, M. (2010), "Policing, new public management and legitimacy", in Brookes, S. and Grint, K. (Eds), *The New Public Leadership Challenge: The Rhetoric and Reality of Public Reform*, Palgrave Macmillan, Basingstoke, pp. 70-84.

Hough, M., Jackson, J. and Bradford, B. (2013), "Legitimacy, trust and compliance: an empirical test of procedural justice theory using the European Social Survey", in Tankebe, J. and Liebling, A. (Eds), *Legitimacy and Criminal Justice: An International Exploration*, Oxford University Press, Oxford, pp. 203-210.

Jackson, J., Hough, M., Bradford, B. and Kuha, J. (2014), "Empirical legitimacy as two connected psychological states", in Mesko, G. and Tankebe, J. (Eds), *Trust and Legitimacy in Criminal Justice*, Springer, London, pp. 137-160.

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*, Vol. 52 No. 6, pp. 1051-1071, doi: 10.1093/bjc/azs032.

Lind, E.A. and Tyler, T.R. (1988), *The Social Psychology of Procedural Justice*, Plenum Press, New York, NY.

Pike, M. (1985), *The Principles of Policing*, Springer, Basingstoke.

Sunshine, J. and Tyler, T.R. (2003), "The role of procedural justice and legitimacy in shaping public support for policing", *Law & Society Review*, Vol. 37 No. 3, pp. 513-548.

Terrill, W., Paoline, E.A. and Gau, J.M. (2016), "Three pillars of police legtimacy: procedural justice, use of force, and occupational culture", in Deflem, M. (Ed.), *The Politics of Policing: Between Force and Legitimacy*, Vol. 21, Emerald Group Publishing, pp. 59-76.

Tyler, T.R. (2003), "Procedural justice, legitimacy and the effective rule of law", *Crime and Justice*, Vol. 30, pp. 283-357.

Tyler, T.R. (2004), "Enhancing police legitimacy", *The Annals of the American Academy of Political and Social Science*, Vol. 593 No. 1, pp. 84-99.

Tyler, T.R. (2006), *Why People Obey the Law*, Princeton University Press, Princeton, NJ.

Worden, R.E. and McLean, S.J. (2017), "Research on police legitimacy: the state of the art", *Policing: An International Journal*, Vol. 40 No. 3, pp. 480-513.