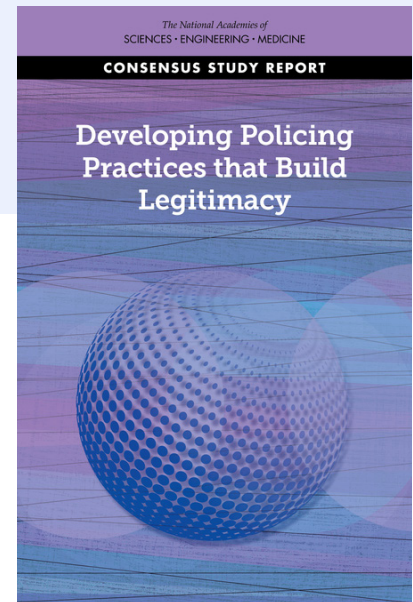


# Developing Policing Practices that Build Legitimacy

Policing relies on a voluntary compliance with the rule of law, in what is primarily associated with utilitarian theories of crime deterrence based on fear of punishment. Police themselves have the power to arrest suspects and use deadly force against civilians. These powers raise important questions about their justified use. At the core of these questions are trust and legitimacy, which are separate but interconnected concepts critical to effective policing.

A large network of international and regional organizations, bilateral donors, international financial institutions, and civil society organizations aims to work with governments to improve policing practices and build police legitimacy. As a part of that network, the U.S. Department of State, through its Bureau of International Narcotics and Law Enforcement Affairs (INL), provides foreign assistance to and supports capacity building for criminal justice systems and police organizations in approximately 90 countries. Like many donors, it strives to direct its resources to the most effective approaches to achieve its mission.

As part of its efforts to improve its programs, INL asked the Committee on Law and Justice of the National Academies of Sciences, Engineering, and Medicine to convene an ad hoc committee to review, assess, and reach consensus on existing evidence on policing institutions, police practices and capacities, and police legitimacy in the international context.



A committee with expertise in criminology, economics, international and organized crime, law, policing, and political science, was tasked to produce five reports, addressing questions of interest to INL and the State Department. This report, the fourth in this series, responds to the question: What policing practices build community trust and legitimacy in countries with low-to-moderate criminal justice sector capacity?

The committee's report, *Developing Policing Practices that Build Legitimacy*, highlights the evolving literature and perspectives on police legitimacy. Research in some contexts shows that improving the quality of treatment and decision-making by police officers makes citizens more likely to view the police as a legitimate institution. However, citizens' expectations of police are often much broader than treatment and can vary across societies and groups and over time. The report calls attention to four pillars of legitimacy or basic legitimation expectations: effectiveness, lawfulness, distributive justice, and procedural justice.

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## LEGITIMACY AND TRUST

The concept of legitimacy lies in the complex interaction between the police's normative authority, police behavior, and public perceptions. The report employs the following as a working definition of legitimacy: the acceptance by the police, citizens, and third parties of the validity of claims to rightful power without the need to resort to coercion and irrespective of the material implications of the execution of power. The concept of trust is often considered by scholars to be separate from, although correlated with, legitimacy. With regard to the committee's overall charge, an ultimate aim is for citizens to trust police to promote the rule of law and protect the population. As such, the report focuses on the concept of legitimacy and ways of building legitimacy to foster this kind of trust and expectations.

## SOME DEFINITIONS OF COMMUNITY TRUST

Trust involves a judgment that entities or institutions will exercise their authority and power in ways that “will correspond with one's expectations (benign or otherwise) of them.”<sup>1</sup>

Trust in the context of policing and legitimacy refers to motive, the belief that one's motivation is honorable, and whether authorities show concern about collective wellbeing.<sup>2</sup>

Organizational trust, in general, can depend on competence (having the necessary knowledge and skills to execute one's mission); integrity (reliably following shared norms and ethical principles); and benevolence (showing genuine concern for well-being of others).<sup>3, 4</sup>

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## THE FOUR PILLARS OF LEGITIMACY

Police interventions to improve police legitimacy have centered on a procedural justice perspective. While the procedural justice perspective is undoubtedly an important viewpoint that continues to demonstrate value, there is a growing recognition that an exclusive focus on procedural justice limits accumulation of knowledge about means of nurturing police legitimacy and community trust. In this report, the committee employs a broader conceptualization of legitimacy that includes four pillars: effectiveness, lawfulness, distributive justice, and procedural justice. While elements of these pillars overlap, a focused assessment of each may help communities and donors identify priority areas for interventions likely to improve police legitimacy.

- Citizens expect the police to be **effective** in using their authority to address threats to public safety. The more effective the police are in meeting that objective, the more likely they will sustain their legitimacy. Starting with effectiveness is useful, because helping to resolve social disorder is arguably why police exist.
- **Lawfulness** concerns the expectation that authorities will adhere to the rule of law, exercise only the powers explicitly provided in law, and act within relevant legal boundaries. Another critical component of lawfulness is how these powers are executed.
- Police legitimacy is also shaped by expectations of **distributive justice** – that is, fairness of policing outcomes across social identities of involved parties (e.g. race, gender, social class). The differential treatment of minority populations or marginalized communities and the victimization of these groups is a pervasive concern across countries, but manifests differently in different contexts.
- Police legitimacy also depends on **procedural justice** – that police officers listen to citizens, show care for them, and treat them with respect and fairness. Procedural justice emphasizes the importance of fair and respectful treatment within decision-making procedures.

## AREAS FOR ACTION

There is a large body of theoretical literature conceptualizing police legitimacy, but causal empirical evidence on what works to establish legitimacy is limited. Until further research is available, the committee recommends using the four pillars to guide assessments of policing in various contexts and serve as a framework to monitor possible outcomes and unintended consequences of policing approaches. The committee recommends that foreign assistance donors working with police agencies to build legitimacy and trust in local communities should:

1. Emphasize the attainment of all four pillars of effectiveness, lawfulness, distributive justice, and procedural justice;
2. Train supervisors and managers on ways to hold officers accountable to behaviors that are effective, lawful, and consistent with the principles of distributive and procedural justice;
3. Support the development of accountability mechanisms and systems;
4. Promote evidence-based approaches to policing using scientific testing to measure outcomes of police practices and interventions and any improvements in perceived legitimacy;
5. Assist in building the capacity of police agencies to instill in their police officers a community-oriented mindset and the disposition to act in accordance with that mindset; and
6. Encourage agencies to treat their own officers fairly and respectfully.

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### FOR MORE INFORMATION

This Consensus Study Report Highlights was prepared by the Committee on Law and Justice based on the Consensus Study Report *Developing Policing Practices that Build Legitimacy* (2022). The study was sponsored by the Bureau of International Narcotics and Law Enforcement Affairs of the U.S. Department of State. Any opinions, findings, conclusions, or recommendations expressed in this publication do not necessarily reflect the views of any organization or agency that provided support for the project. Copies of the Consensus Study Report are available from the National Academies Press, (800) 624-6242; <https://www.nap.edu>.

To read the full report, please visit  
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