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Conference briefing

Legitimacy & Confidence in Policing

Kathryn Farrow



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Foreword



This briefing document has been prepared to guide and inform discussions at Legitimacy & Confidence in Policing, the cross-sector conference we are holding at Cumberland Lodge on 17-19 June 2022.

Legitimacy and confidence in our police service is an ever-present issue which often comes to the fore following high profile events, such as those we have seen in recent years involving the Metropolitan Police – including the murder of Sarah Everard and the handling of a vigil held in her memory.

This is the 40th annual Cumberland Lodge Police Conference, at which we convene an influential, cross-sector gathering of speakers and delegates to stimulate fresh thinking on key issues regarding the relationship between the police and society.

We are, as ever, grateful to the members of our Police Conference Steering Committee, chaired by Chief Constable Olivia Pinkney QPM of Hampshire Constabulary, for their support for this event.

We are also grateful to our independent freelance Research Associate Kathryn Farrow, who will summarise the key themes of discussion and cross-sector recommendations which emerge from the conference. These will be presented in a Cumberland Lodge Report.

We hope you find this briefing document useful and look forward to welcoming you to Cumberland Lodge.

A handwritten signature in black ink that reads "Edmund Newell".

Canon Dr Edmund Newell
Chief Executive

About the author



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Kathryn is currently undertaking doctoral research at the University of Oxford, examining the themes of risk, trust, and confidence in policing. Prior to undertaking the PhD, she completed the MSc in Criminology & Criminal Justice at the University of Oxford (2018-19). She also holds a first-class degree in Psychology and Sociology.

Alongside her doctoral research, Kathryn works as a Research Officer for the Home Office's Crime Analysis Unit. She has also worked as a criminal investigator for Leicestershire Police, as well as a Lead Investigator for the Independent Office of Police Conduct, where she specialised in death in custody and shooting investigations. During this time, she has accumulated a wealth of experience in empirical research in the field of criminal justice, and has worked on policy-relevant research in relation to policing and other key areas of the criminal justice system.

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1

Introduction - What are confidence and legitimacy?

In England and Wales, there are approximately 138,000 police officers responsible for the safety and preservation of law and order for a population of around 56 million people.¹ Their primary purpose is the prevention and detection of crime, governed by the 'Peelian principle' (named after the founding father of modern policing, Sir Robert Peel) that 'the police are the public and the public are the police'. In other words, that the police would maintain their power by the agreement of the people they served — better known today as the notion of policing by consent. The world has changed a great deal since the 1820s, when Peel reformed policing, and along with it the role that the police are expected to fulfil in order to protect and serve members of the public.

Part of the way in which policing by consent is maintained is via the legitimacy officers retain in the eyes of the public. Police legitimacy can be defined as the judgement people make about the status of the police as an authority that has the right to issue directives and to have such directives obeyed.² This then informs the level of confidence and trust the public has in that authority. Authorities are judged to be legitimate when people feel they are treated fairly and cooperate with them voluntarily out of obligation rather than fear of punishment.³ The degree to which the public accept the use of police powers, and the extent to which they support the police in using such powers, is directly related to the degree of legitimacy bestowed upon them by the communities they serve, and the resulting trust and confidence that communities have in the police's ability to protect and serve them. Thus legitimacy, consent to policing, and confidence in the police go hand in hand. The legitimacy of the police is always in flux and is subject to a constant process of creation, negotiation and renewal as officers undertake their activities in order to fulfil their mandate.⁴ Whilst certain aspects of policing, such as public perception and the reality of crime, are important factors in the

extent to which trust and legitimacy are vested in the police, the relationship between the public and the police rests on a number of complex factors away from simple crime control, many of which are informed by the levels of legitimacy and confidence the police are afforded by the public.

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Why is this important for policing?

Consent for policing is heavily reliant upon public confidence. Public support is conditional and unlikely ever to be universal across society.⁵ Therefore, the notion of ‘consent’ raises important questions about how this support can be maintained by policing organisations whilst they interact with a diverse public on a daily basis, often in confrontational and testing situations. Although police in England and Wales generally enjoy high levels of trust and confidence when compared to other policing organisations around the world⁶, there are still aspects of this legitimacy that need to be safeguarded and maintained wherever possible. Legitimacy should never be taken for granted, and policing organisations should be aware that not all parts of society necessarily recognise the police as legitimate entities, and do not always bestow them with the trust and confidence they seek.

A number of events have led to the legitimacy of the police being especially contested in recent years. The world has changed significantly over the past decade, at an extremely rapid pace, and along with it the forms of criminal activity that now exist

and that the police are expected to confront as part of their mandate. There has been a 'technological revolution', which has changed the daily existence of many citizens around the globe, and out of which has risen the accelerated use of social media and the internet. Mass migration has increased across the world, with modern societies becoming more diverse as a result, both demographically and in terms of corresponding wants and needs. Societies now face more significant global issues, such as the very real challenge that climate change presents. There are new forms of tension and social division, which present unfamiliar challenges for policing organisations that look to maintain peace and social order. Instances of high-profile violent extremism and terrorism have also occurred across the world. In addition to this, humanity is currently grappling with the COVID-19 pandemic, which the police have played an active role in attempting to manage. The police's role in this has been unprecedented in the requirement that they play what is essentially a public health role, in enforcing emergency legislation that represented a major curtailment of individual freedoms.

The types of crime with which the police are now confronted have also changed. Fraud — online fraud in particular — has increased rapidly over the past 20 years, whilst more traditional forms of crime, such as burglary, has fallen by 75%.⁸ At the same time, austerity measures have significantly restricted police funding, with forces expected to do 'more with less'. Set against this backdrop of financial restriction, detection rates have decreased dramatically, as have response times and victim satisfaction⁹ — significant factors that impact on the relationship between the public and the police. At present, it is estimated that UK police forces are around 7,000 detective constables short.¹⁰ It is also apparent that there is a significant lack of digital skills within policing required to tackle the rising tide of online crime, which often transcends borders between countries. Alongside this, the police have become a de-facto emergency service for mental health, with the total number of mental health-related incidents police attended rising by 41% between 2015 and 2019.¹¹ Inside policing organisations, there has also been increasing

concern about the mental wellbeing of officers, with significant PTSD and mental health issues now increasingly becoming recognised amongst the police workforce.¹² There has also been an increase in complex crime more generally, including sexual offences, the number of which recorded by policing organisations across the country having tripled in recent years.¹³ These changes to the policing landscape that have occurred over the past decade or so have the potential to radically transform the relationship between the police and the public, for better or for worse.

These issues have been brought sharply into focus in recent public debates about the conduct of the police in relation to the Black Lives Matter (BLM) movement,¹⁴ the murder of Sarah Everard,¹⁵ the policing of the pandemic,¹⁶ and a number of other significant events in which they have played an integral role. Such incidents have brought into question the legitimacy and confidence previously afforded to the police, which threatens the foundation of ‘policing by consent’ on which policing currently sits.¹⁷ It is argued that, in order to retain legitimacy in the eyes of the public, the police need to rebuild public confidence. If they are not trusted by the public, they are consequently unable to perform their role and maintain policing by consent. Policing is legitimised only if it is seen as successful, and the way in which the police seek to achieve success matters greatly. Whilst effectiveness and efficiency are both core components of legitimacy, the police will only obtain the trust and confidence of the public if they can see the police doing their job well.

Until recently, little attention has been expressly paid to how the legitimacy of the police can be enhanced and to how this could potentially be achieved by policing organisations. Research shows that the way officers act – and what these actions communicate to the community – is central to shaping the trust they consequently receive from the public, and this trust can encourage greater respect for the law and foster social responsibility.¹⁸ Importantly, trust in the police was found to be more highly correlated with perceptions of *fairness* when interacting with the public than with perception of *effectiveness*

in dealing with crime.¹⁹ The research showed trust enhances legitimacy which, in turn, encourages people to cooperate with the police and abide by the law.²⁰ In other words, by making transparent decisions and treating people fairly, the police are likely to be more effective in dealing with crime in the longer term.

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) recently noted that although police forces are becoming more efficient with their limited resources,²¹ society is changing rapidly, and policing is unable to keep up with the demands and complexity that modernity presents. In the face of constant change, the core role of policing remains to promote public safety by maintaining order and upholding the law, which their unique powers enable them to do. Altogether, these factors present a significant organisational challenge to policing. Legitimacy is important for policing because it provides a base from which police can command the confidence, trust and acceptance of their authority by all citizens.^{22, 23} Such notions are crucial for policing to operate in a democratic society, and to encourage people to cooperate with the law without resorting to force, which would fly in the face of the notion of policing by consent. By thinking broadly in terms of legitimacy, it is possible to demonstrate that, by improving public perception, the police can enhance the levels of trust and confidence they receive from members of the public — even from among those groups with which they have previously had difficulty — which will ultimately assist the police to fulfil its mandate.

The Peelian principles and 'Policing by consent'

In the context of trust and legitimacy in policing, it is worth exploring in greater depth the notion of 'policing by consent' — the belief that the police only function because of the support bestowed upon them by the public. The British 'bobby on the beat',²⁴ the quintessential emblem of democratic policing by consent, is a much-lauded value of the police in the United

Kingdom. Essentially, it is a policing concept that is unique in its history, because it is based almost entirely on public cooperation with the police and is symbolised by the public's acceptance and respect for the police.²⁵

Since the inception of modern policing in England and Wales in the 19th century, this sentiment has been at the heart of the relationship between the police and the public. It is highly relevant to present day policing because it outlines an important way for officers to fulfil their 'core mission' of protecting communities, investigating crime, and bringing offenders to justice.²⁶ The concept of 'policing by consent' allows the police to act as 'civilians in uniform',²⁷ possessing and discharging powers willingly granted to them by the communities they serve. The concept is based on the idea that the police are only effective because the general public supports them, and the success of this approach is best measured by the public's willingness to comply with requests and directives issued by policing organisations. Although policing by consent has been tested in recent years, resulting in significant challenges to perceived legitimacy, it has still been possible for the police to maintain public consent during this difficult period. It is critical that officers continue to secure public compliance in the most fair and efficient manner possible, and that the public perceive that the treatment they receive from the police is fair and equitable. If this is not accomplished, the public-police relationship is likely to be severely strained, making policing by consent less effective as the primary method of gaining public compliance. Such strain on the perceived legitimacy of the police would serve to seriously undermine public trust and any willingness to comply with future police directives.

The Peelian principles upon which modern policing is based are particularly significant in relation to the notion of 'policing by consent'.²⁸ The most significant principles relating to issues of policing by consent, and thus legitimacy, trust and confidence are:

- the need to recognise the power of the police to fulfil their functions and duties is dependent on public approval of their

existence, actions and behaviour, and on their ability to secure and maintain public respect

- the requirement to seek and preserve public favour, not by pandering to public opinion, but by constantly demonstrating impartial service to the law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws; and
- the maintenance at all times of a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full-time attention to the duties which are incumbent on every citizen in the interests of community welfare and existence.

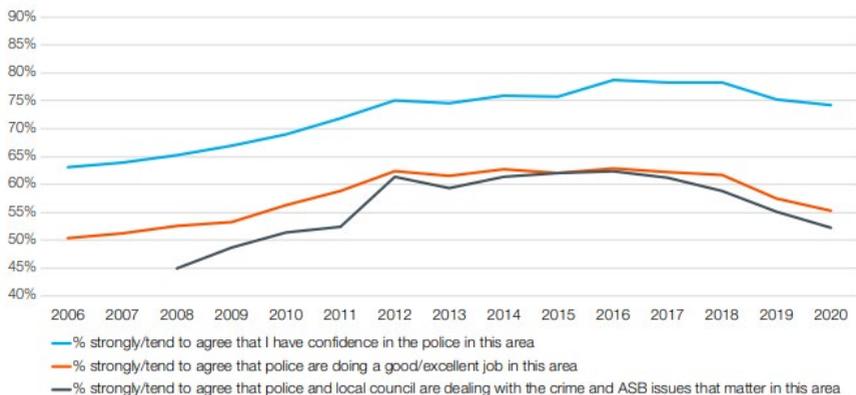
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What has happened to confidence and legitimacy in recent years?

The extent of trust and confidence in British policing

The British police have historically enjoyed high levels of confidence from the public they serve. While public perceptions and attitudes toward the police are complex, and informed by various interlinking factors, they can be summarised into a general ‘confidence indicator’, which is frequently used in opinion polls as a rating of perception in the eyes of the public.^{29, 30} From a high point of public approval in the mid-20th century – with four in five Britons expressing ‘great respect’ for their police service³¹ – public confidence is widely thought to have deteriorated over subsequent decades, as the reputation of policing was harmed by a series of corruption scandals, miscarriages of justice, and civil disruption.³² Despite this, public support remained strong, with roughly half of British adults rating local policing as at least ‘good’ at the turn of the millennium.^{33, 34} Since then, two patterns in the Crime Survey for England and Wales (CSEW) have emerged, as shown in Figure I. Between 2006 and 2016, public trust increased from roughly 63% to 79%, before stabilising and then declining until 2020.³⁵ It is clear that whilst policing has enjoyed high levels of public support in recent years, this relationship has recently come under significant amounts of strain.

Figure I: Public confidence in local police, years ending March 2006 to March 2020. Crime Survey for England and Wales (ONS, 2020).



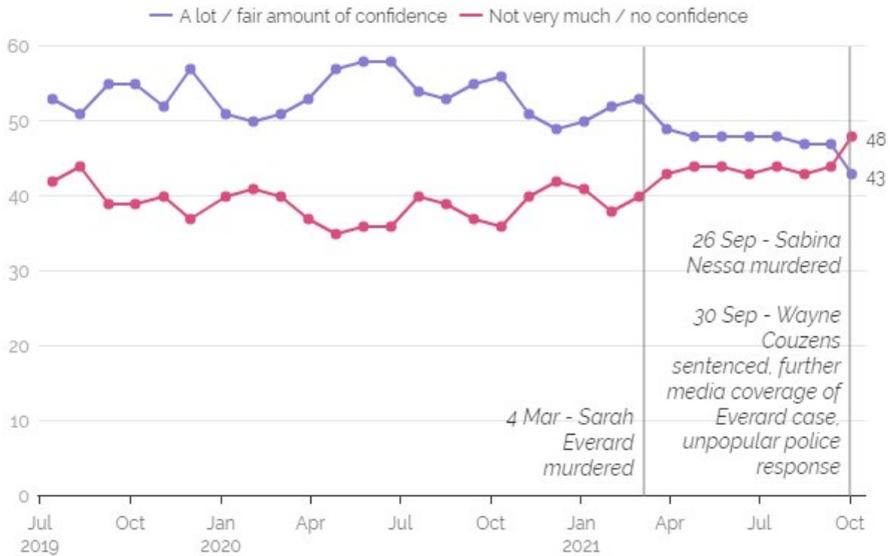
Source: ‘A New Mode of Protection’ report by the Police Foundation and the Strategic Review of Policing.

The current degree of trust and confidence vested in the police can be examined to ascertain the current levels of legitimacy the police receive from the public. In 2020, 64% of people in England and Wales aged 16 and above stated they trusted their local police force.³⁶ People from Asian (77%), White (74%), and Other ethnic groups (75%) were more likely than Black people to have faith in their local police (64%). According to the CSEW, about 55% of respondents believe their police department is doing a ‘good’ or ‘excellent’ job,³⁷ which is a decrease from over 62% in 2017/18.³⁸ People from a Caribbean background had the lowest level of trust in the police, with only 39% saying they were doing a good or excellent job.^{39, 40}

There have been questions raised in recent years about the levels of trust and confidence the public feel they can invest in the police, which in turn has brought policing legitimacy and effectiveness into question. The levels of confidence in the police have been significantly affected by a number of recent events, particularly following the murder of Sarah Everard and the

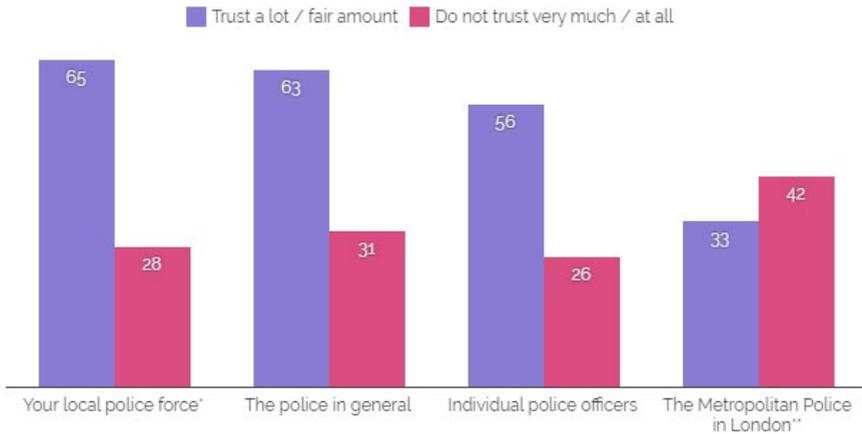
recent media coverage surrounding her death.⁴¹ More people appear to have lost confidence in the police (48%) than have sustained confidence in them (43%). This is a 10-point drop from late February/early March of 2021, when 53% said they had a lot/fair amount of confidence and 40% said they did not have much, or none at all. The public, on the other hand, generally has a favourable impression of the police, with 65% saying they trust the police, and only 31% saying they do not. When questioned about their local police force, people outside of London had similar responses (65% to 28%), and individual police officers were similarly well-liked (by 56% to 26%). When asked explicitly about the Metropolitan Police in London, however, levels of trust dropped drastically. Only 33% of the British public trust the Met, and 42% say they do not.

Figure 2: Percentage of people who say they have confidence in the police to deal with crime in their local area, vs percentage who say they have not very much or no confidence at all.



Source: 'More Britons now unconfident than confident in the police to deal with crime locally' YouGov.

**Figure 3: To what extent, if at all, do you trust the following?
(Taken from YouGov survey).**



* Not asked to London respondents

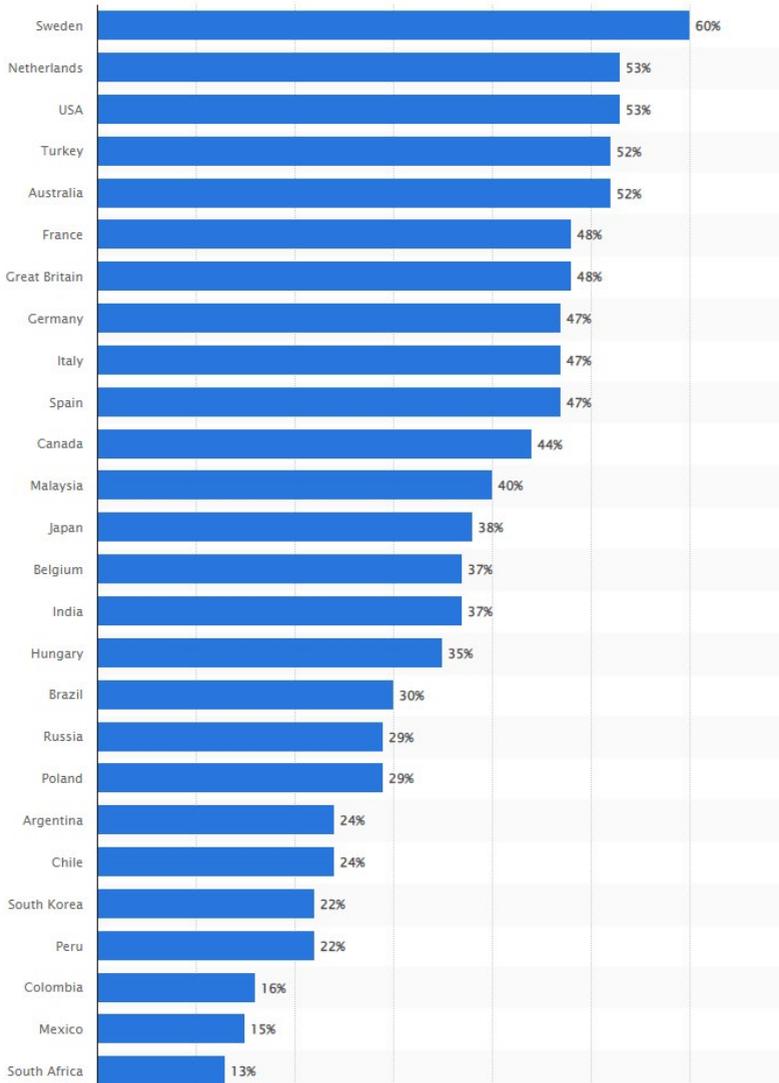
** London respondents trust the Met by 57% to 39%

Source: 'More Britons now unconfident than confident in the police to deal with crime locally' YouGov.

International policing comparisons

Concerns about a loss of legitimacy are echoed in police forces all over the world, which have also been troubled by a loss of trust from the public and the subsequent damage to legitimacy this entails.^{42, 43} According to a poll of 28 countries, Sweden, the Netherlands, and the United States have the greatest levels of police trust. In Sweden, 60% of respondents said the police were trustworthy, compared to 53% in the Netherlands and 53% in the United States. Mexico and South Africa, on the other hand, had the lowest levels of trust in the police (15% and 13% respectively), as shown in figure 4.⁴⁴

Figure 4: Trust in the police force by country



Source: Statista (2021). Trust in the police worldwide 2021, by country. [online].

In terms of confidence, more than two-thirds of respondents globally (69%) stated they had confidence in their local police in 2019. However, the results varied greatly by country, with a low of 49% in Latin America and the Caribbean, compared to nearly double that in Western Europe (83%)⁴⁵.

69% of adults
worldwide have confidence
in their local police

Despite the fact that citizens of Latin America and the Caribbean are the least likely in the world to have confidence in their police, the region's 49% confidence level in 2019 is the highest in more than a decade. In most of Latin America and the Caribbean in 2019, public confidence in the police remained stable or improved, with a few exceptions.⁴⁶

Table I: Table to show percentage confident in local police by region (taken from Gallup poll).

Percentage Confident in Local Police by Region

SCORES BY REGION	2019
Western Europe	83
Southeast Asia	81
Northern America	80
South Asia	73
East Asia	71
Eastern Europe	71
Middle East and North Africa	71
Sub-Saharan Africa	60
Commonwealth of Independent States	53
Latin America and the Caribbean	49

GALLUP WORLD POLL

Source: Ray, J. (2020). 'Most of the World Remains Confident in Police, Feels Safe'. Gallup. Oct 27th.

In the United States, where the future of policing is being questioned in the wake of a number of police shootings of civilians, 79% of Americans indicated they have confidence in their local police in 2019. When asked again in the months leading up to George Floyd's death in 2020, 82% of Americans said they were confident. However, after Mr Floyd's death, it is likely that there has been a significant decline in Americans' confidence in the police.⁴⁷ Following widespread protests over his killing, a majority of Americans (58%) believe that major reforms are required to improve policing. By demographic group, there are significant differences. Major improvements are needed by nearly nine out of 10 Black Americans (88%) compared to 63% of Hispanic Americans and 51% of White Americans. Younger Americans are more likely to believe that significant changes are required. This response is given by eight out of 10 adults under the age of 35, compared to six out of 10 adults aged 35 to 49 and less than half of those aged 50 and beyond.⁴⁸ It is evident that whilst there is some disparity between groups, the legitimacy of the police has been challenged and contested by events around the world, and this has consequently affected the relationship they have with the public to a significant degree.

Timeline of recent events and their impact on police legitimacy

It is clear there have been a number of recent challenges to the public's perception of the police and that this has brought the degree of legitimacy they are granted into question. For many years there have been instances of scandals concerning the treatment of minorities, the policing of riots, and other public order matters. These, and related issues, have a lengthy heritage, with concerns about the loss of trust in, and respect for, the police being raised as far back as the 1929 Commission on the Police,⁴⁹ as well as by its successor, the 1962 Royal Commission on the Police. Whilst matters relating to police and race have never been fully resolved, these matters have received renewed attention in light of recent events. In 2013, the rise of the BLM

movement in the US highlighted existing issues within police forces across the globe, including the UK, in relation to the policing of the black population.⁵⁰ This was further intensified after the murder of George Floyd, which sparked renewed criticism of the disproportionate treatment ethnic minority groups often receive from the police.⁵¹ Progress in several critical areas remains stubbornly resistant, most notably the stop and search rate amongst Black communities, with recent statistics demonstrating Black people are nine times more likely to be the subject of stop and search practices than White people.⁵² Although this disparity has narrowed in recent years, there still remains a significant gap between the amount of stop and search practices that Black and White citizens are subjected to.

The public's trust in the police has also reportedly declined as a result of their performance in combating violence against women and girls (VAWG). The police have been chastised for their lack of compassion and empathy towards victims,⁵³ potentially due in part to a lack of training.⁵⁴ Despite the fact that the number of sexual offences reported to the police has nearly tripled in recent years, the proportion of cases charged and prosecuted has steadily decreased since 2015/2016, with the number of rape cases charged falling from 57% to 45%, and the number of sexual assault cases prosecuted falling from 40% to 36%.⁵⁵ Such issues have led to claims that rape is now essentially 'decriminalised'.⁵⁶

Although this increase in reporting is due in part to improvements in police recording and increased victim confidence in reporting sexual offences, a comparison of police crime figures with CSEW self-reported data shows that the number of offences recorded by the police remains significantly lower than the number of actual victims.⁵⁷ The number of cases closed by the police as requiring no further action was also highlighted by HMICFRS as a particular concern in relation to VAWG offences (NFA).⁵⁸ This is most commonly due to the Home Office-defined outcome I5, in which the victim wishes to proceed but the police believe there is insufficient evidence, or outcome I6, in which the victim wishes to withdraw from the case. The report concludes that while police have made welcome

improvements in recent years in the recording and investigation of rape, they are insufficient to combat the epidemic of VAWG crime. It contends that policing and the criminal justice system should make dealing with VAWG offences of prime importance in order for forces to sustain public confidence in their ability to detect and investigate VAWG matters.

In the respect of VAWG, no instance stands out more than the 2021 case of the latterly dismissed police constable who murdered Sarah Everard.⁵⁹ The shocking facts that gradually emerged following Sarah Everard's disappearance, and then the perpetrator's arrest, charge, conviction, and sentencing, raised serious concerns about police recruitment and vetting procedures, as well as some aspects of police culture, particularly those relating to the treatment of women. These events have prompted several assessments, including an independent inquiry into the matters arising from the abduction, rape and murder of Sarah Everard;⁶⁰ a review of the Met Police's culture and standards of behaviour;⁶¹ several investigations of allegations of misconduct by the Independent Office for Police Conduct (IOPC),⁶² and a thematic inspection by HMICFRS of police vetting and counter-corruption arrangements.⁶³ Given the latter, it is concerning that while all existing officers should have been re-vetted as outlined in the 2006 guidelines issued by HMICFRS, only a quarter have been as of this year.⁶⁴ Consequently, in their most recent Police Efficiency, Effectiveness and Legitimacy (PEEL) assessment, HMICFRS found that ensuring that forces vet all officers and staff to the correct standard was a cause of concern for three forces and an area for improvement for a further nine.⁶⁵

The subsequent demonstration against the lack of investigation into such offences, which took place whilst some restrictions were still in place with regards to large gatherings, deteriorated into a clash between the police and those who attended the vigil to protest against the circumstances of Sarah Everard's murder. As a result, a number of members of the public were arrested for offences at the scene of the protest. Consequently, the media portrayal of the police's handling of the vigil⁶⁶ further

tarnished an already bruised reputation. Public opinion at the time was divided on the Metropolitan Police's approach, with 40% disapproving of their stance, and 48% of the public approving of the action taken by the police.⁶⁷ The media coverage and subsequent fallout of the police's involvement in this led to what the report stated was a 'public relations disaster' for the Metropolitan Police, with a 'materially adverse' effect on public confidence in policing.⁶⁸ Despite the subsequent HMICFRS report which stated that the police had not been oppressive in policing the vigil, and in fact praised the overall approach the police took, the report acknowledged the police could have benefitted from taking a more conciliatory response to the events as they unfolded.

The investigations that followed revealed concerns in relation to corruption, institutional misogyny, and a toxic work culture that affects both victims and officers alike.⁶⁹ Concerns were further compounded by an investigation into allegations of sexual assault and domestic violence by Metropolitan Police officers, which found that 568 London police officers were accused of sexual assault between 2012 and 2018, with only 43 facing disciplinary action.⁷⁰ Investigations also found that between 2015 and 2018, there were 700 reports of domestic violence involving police officers and staff.⁷¹ Despite the fact that the figures were specific to London police officers and staff, law enforcement across the UK have had their reputations tarnished as a result of such revelations.

Similarly, an investigation into the extent to which institutional homophobia within the police force may have influenced the investigation of the Stephen Port case⁷² discovered that police inaction may have delayed the identification of Port as the perpetrator in some of the cases, resulting in the deaths of more victims. Port killed four young men over the course of 16 months by overdosing them on GHB.⁷³ Despite the many contradictions in Port's statements and the obvious similarities in the cases, police officers failed to quickly connect the murders,⁷⁴ coordinate between forces, and take appropriate action that could have prevented further deaths.

There have also been issues with the new Policing and Crime Bill. The level of protest this Bill has caused suggests the public are unhappy with police powers extending further into their lives. As a result, there were 'Kill the Bill' protest demonstrations, and the police's actions during that time also led to further scrutiny, as the media portrayed a 'clash' between protestors and the police.⁷⁵

Finally, the pandemic had a negative impact on the operation of the criminal justice system, with the police playing an important role in enforcing the COVID rules through emergency powers. According to reports, the police proved to be adaptable and reasonable, with only a few highly reported cases of the police abusing their power. Their overall response throughout the pandemic has been lauded,⁷⁶ particularly their four E approach (Engage, Explain, Encourage, and Enforce as a last resort),⁷⁷ which has contributed towards good relations with the public. The fact that many members of the public complied with police requests in terms of restrictions on their movements demonstrates that police legitimacy is still intact somewhat, although this has clearly also been damaged to a degree by other recent events.

Overall, there have been a number of contemporary high-profile events which have dented the legitimacy of the police, which has led questions to arise around how the police should ensure public trust and cooperation. Although a number of official investigations have praised the police approach during multiple instances of these scenarios, there has still been significant damage to the levels of public trust and confidence vested in the police.

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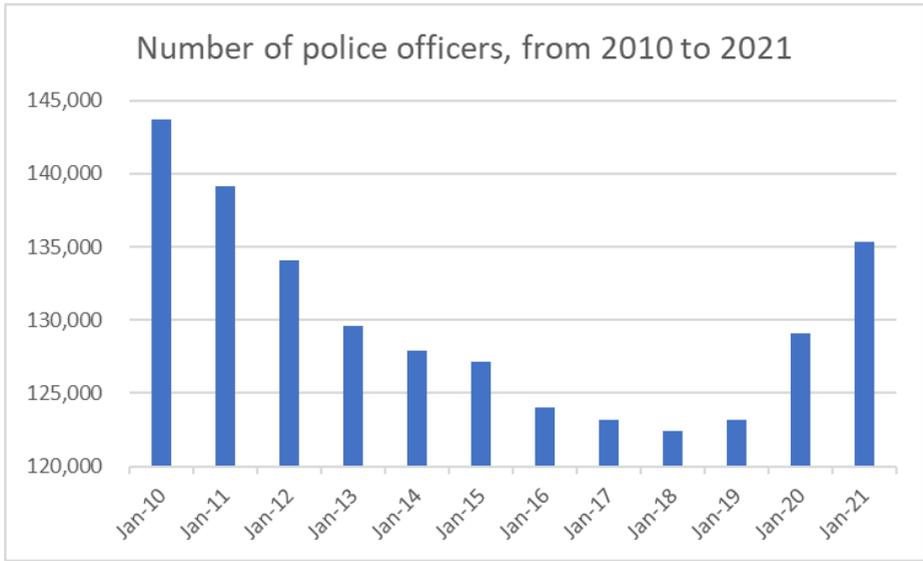
The main challenges the police now face

The primary role of the police remains to promote public safety by maintaining order and upholding the law, which their unique powers allow them to do. The last few years have profoundly challenged the police's ability to fulfil their role in a modern, globalised society. The world is changing and policing needs to change too in order to ensure it delivers a high-quality service to the public it serves. The Strategic Review of Policing stated that policing now has a 'analogue set of policing arrangements for a digital world'.⁷⁸

Impact of high demand and low resources

There have been a number of changes to the external environment in which police operate that have also created further potential challenges to their legitimacy. There are new forms of tension and social division, with society perhaps being more divided than it has ever been. Policing organisations currently face a complex task of maintaining peace and social order. Austerity has led to a reconfiguration of the police role and remit, and the police are now required to operate in an increasingly pressurised environment with reduced resources. Total police funding fell by around 14% between 2010 and 2014, and by a further 2% by 2018.⁷⁹ Since then, spending has been increased in order to fund and recruit an additional 20,000 officers by 2023, but there are still concerns that these officers are inexperienced and cannot necessarily tackle the shortfall left by the significant decrease in officer numbers.⁸⁰ Police forces are therefore continuing to deal with the fallout from a decade of significant budget cuts.

Figure 5: Number of police officers in England and Wales, from 2010 to 2021.



Source: Home Office Police Workforce statistics, Home Office 2021.

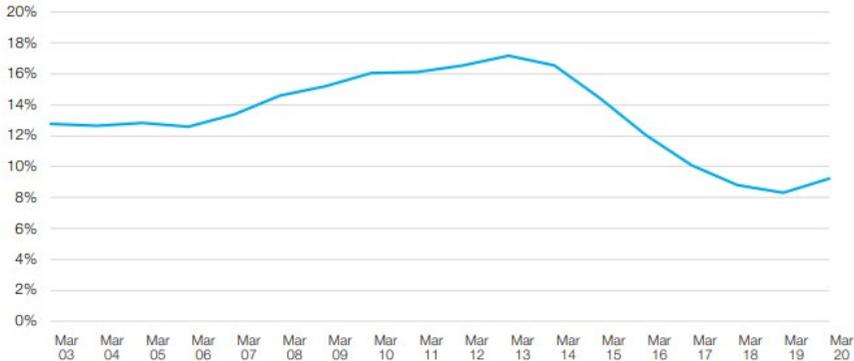
Against the backdrop of reduced police resources, over the past five years the volume of emergency (999) calls has increased, with the police now receiving approximately 9.3 million such calls each year.⁸¹ Furthermore, between 2014–15 and 2019–20, the annual volume of police-recorded crime increased by nearly 50% (from approximately four million to approximately six million), before falling slightly in 2020–21 (largely as a result of the pandemic). There has been a significant increase in digital crime. Online crime is now by far the most common type of crime, with internet fraud exploding over the last 20 years. In particular, there has been a 36% increase in fraud over the past two years,⁸² with 53% of crime in England and Wales now being related to either fraud or cybercrime.⁸³ As a result, the police face a steadily expanding remit, including combating organised crime (which frequently crosses international boundaries), and increasingly complex investigations (which frequently involve vulnerable, traumatised persons and/or the use of advanced

technology). Increased demand for policing is exacerbated by shortcomings in the provision of mental health services, which is an additional aggravating factor in relation to police resources. Approximately a third of people who find themselves in police custody have mental ill health,⁸⁴ and officers now say that a large portion of their time is spent dealing with mental health issues, particularly since the outbreak of COVID-19.⁸⁵ Addiction to drugs (particularly class A drugs) and alcohol, which have also risen in prevalence in recent years and take up a considerable amount of police resources, are also linked to mental illness.⁸⁶

Although the demand for policing often outstrips available resources, this does not necessarily lead to a decrease in perceived legitimacy. There are a number of contributors that affect public confidence, including how well the police fulfil their mandate, and how well they are perceived as doing so.

Three important factors which influence public opinion and subsequent levels of public contentment are: detection rates, response times, and victim satisfaction. Detection rates have nearly halved in the last seven years: only 9.3% of all recorded police crime resulted in a charge or summons in the year to March 2021, compared to 17% in 2014⁸⁷ (Figure 6). These reductions apply to all categories of crime, but sexual crime, violent crime, and robbery are the most noticeable. Only 1.5% of rapes reported to the police resulted in a charge in the year to March 2021, compared to 8.5% in 2015; 7% of violent offences resulted in a charge in 2021, compared to 22% in 2015; and 8% of robberies recorded resulted in a charge in 2021, compared to 17% in 2015.

Figure 6: Percentage of offences recorded resulting in charges/summons, year ending March 2004 to March 2021.



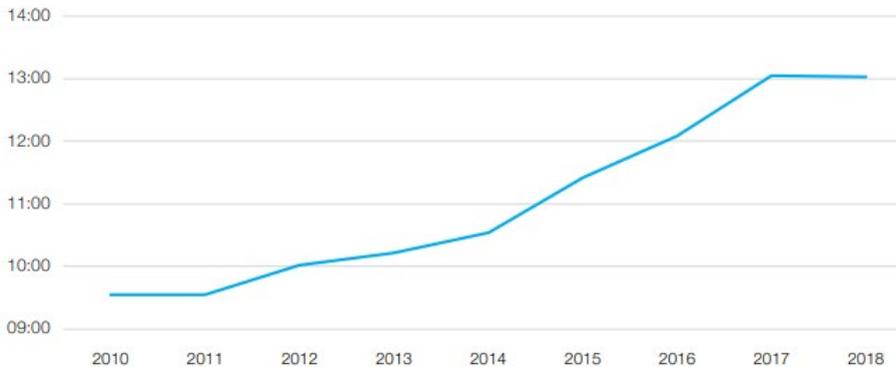
Source: Home Office, 2021. *Crime outcomes in England and Wales statistics*.

The withdrawal of victim support for further action appears to be one of the main drivers of falling detection rates. Between 2015 and 2021, the proportion of total cases with an identified suspect but no further action taken due to victims’ refusal to continue more than tripled (from 8.7% to 26.3% of all cases). This increase applied to all types of crime, with particularly notable increases for rape (20% to 42%), robbery (8% to 21.5%), and violence (24% to 44%). The length of time it takes to complete an investigation and charge a suspect is another significant factor in victim disengagement. The average time it takes the police to charge someone with a crime climbed from 10 days in 2015 to 23 days in 2019.⁸⁸ This is particularly noticeable for sexual offences (69 days) and rape (97 days), albeit these times have decreased by 30% and 14%, respectively, since 2016.⁸⁹ Delays between the reporting of a crime and the charging of a suspect have a significant influence on the mental and physical health of victims, witnesses, and the accused, who are typically vulnerable.⁹⁰ Such delays will inevitably affect the confidence that victims place with the police to investigate their complaints thoroughly and expeditiously.

It is important to note that the police are not entirely to blame for the lengthening investigation times. The increased complexity of the caseload, combined with enormous capacity constraints, play an important role. Furthermore, the police service is only one component of the criminal justice system, and there are significant capacity issues in other parts of the system, including the courts and the Crown Prosecution Service.

Responding to calls for immediate public assistance — perhaps more than any other function — defines the police role and relies less on the cooperation of other areas of the criminal justice system. According to available data, the volume of 999 calls increased by 14% between 2016 and 2019, while the number of non-emergency calls to 101 decreased by 13%.⁹¹ It has been suggested⁹² that the public is losing faith in 101 as a result of poor response times and is instead dialling 999. According to publicly available data, between 2016/17 and 2018/19, 13% of 999 calls and 24% of 101 calls were not answered within the waiting time target.⁹³ Moving from call handling to attendance, Figure 7 shows that the speed with which police respond to the most urgent 999 calls has slowed significantly, with response times increasing by 32% between 2010 and 2018.⁹⁴

Figure 7: Average response times for immediate 999 calls.



Source: see References (page 175) which shows the data sources for the response times analysis.

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workforce,
England and
Wales: 30
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Source: 'A new mode of protection' - The Police Foundation and the Strategic Review of Policing.

Instances of misconduct

The vast majority of police employees continuously uphold the highest standards of decency that the job demands, and the public expects. However, this is not the case for all officers. In the year ending March 2020, around 150 police officers and staff were dismissed from the service after being found guilty of gross misconduct.ⁱ Dishonesty, incivility, excessive levels of aggressiveness, or abuse of position for sexual gain are examples of such misconduct. When public trust and confidence in policing is harmed by cases of gross violations, it is critical that public confidence in the police's integrity and professionalism be restored as soon as possible. Although it may involve only a small minority within policing, any minority is too large and even single cases of misconduct can damage police legitimacy to a significant extent.

Lack of diversity in the police workforce

Having a diverse workforce is a key method to building legitimacy in the eyes of the public, as people are more likely to identify and cooperate with those whom they feel are similar to them. Policing organisations are now policing a more diverse public but are struggling to match this within their ranks. As of September 2021, 7.9% of police officers in England and Wales were BAME (1.3% Black, 3.5% Asian, 2.4% mixed ethnicity and 0.6% other ethnicity),⁹⁵ compared to an estimated 17.2% for the population as a whole.⁹⁶ The increase in the number of BAME officers over the past decade has been primarily driven by the recruitment of those who are Asian or mixed-race, with forces still struggling to recruit people who identify themselves as Black. In the last 10 years, Black officer representation has increased nationally by only 0.3%, with 28 forces having seen no increase in the proportion of Black officers during this time, and 23 having seen decreases. Over a quarter of forces in England and Wales do not have a single Black officer, with nearly 40% having one or none.⁹⁷ The rate of change in BAME populations is outpacing the rate of change in the police workforce. If the average annual rate of change between 2015 and 2020 is maintained, it will take more than 90 years for the police force in England and Wales to be representative of the likely BAME population in 2050. While policing now has the highest proportion of non-White officers in history, it is still far lower than in the general population, and progress in attracting recruits with other protected characteristics has been slower. There is still work to be done to ensure that this more diverse workforce is retained and can advance. Only with significant progress in this area will the police begin to reflect the communities they serve. A diverse and representative police workforce can have symbolic benefits that enhance the overall status of the police, which can also alter the perception that actions, such as stops or searches, are based on racial profiling.⁹⁸

Relationship with the public

As the relationship between the police and some of the groups they encounter has become more strained, officers now find themselves regularly being filmed during encounters, which operates as a form of informal accountability. This symbolises a rift and potential lack of trust between the public and the officers that they film. Although this can be perceived as an alternative way of ensuring accountability and legitimacy outside of that provided by formal structures, being watched by the public is an additional pressure on officers. Research has found that this is something that officers encounter regularly as part of their role,⁹⁹ with many officers stating they find it anxiety-provoking as they do not always know why it was being done, or for what purpose the material may be used. There are also concerns that filming is designed to deliberately provoke officers. Constant scrutiny and worry about perceived behaviour may undermine officers' own feelings of legitimacy and may demonstrate that they do not have such legitimacy in the eyes of those who are filming them.

Research has also shown that officers who feel they have the support of the public consistently express more confidence in their own authority.¹⁰⁰ However, officers state that their relationship with the public has become increasingly strained, with 84% stating that treatment by the public had a negative impact on their morale,¹⁰¹ and 78% stating they did not feel like members of the public respected the police. Additionally, 32% stated a member of the public has threatened to cough on them since the start of the COVID-19 pandemic, with 24% stating that they have actually done so. In addition, 83% of officers in front line roles state that they had been the victim of an unarmed attack over the previous 12 months.

Overall, the pressures of a reduced budget, increasing demand both in terms of complexity and resource intensity, coupled alongside the changing relationship with the public and high-profile instances of misconduct, may all impact on and potentially damage the relationship that officers have with those they police.

4

How can the police service prepare to deal with these challenges?

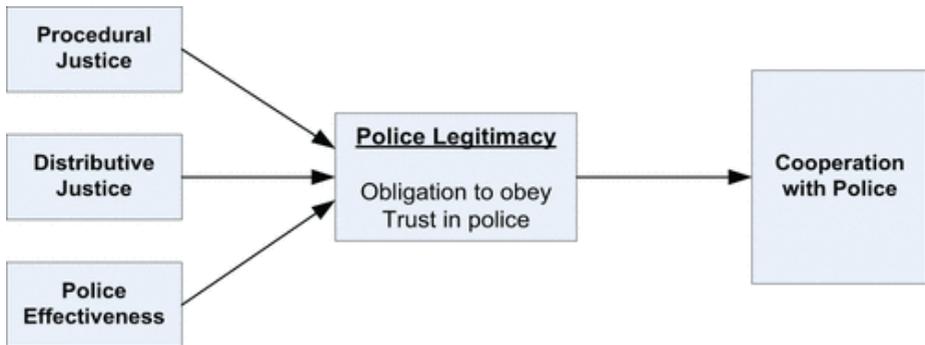
Fair and respectful treatment of the public — A procedurally just approach

Procedural justice is concerned with the perceived fairness of decision-making procedures and the treatment received from a decision maker. These concepts were previously investigated as part of the ‘procedural justice’ model, which examines why people comply with the police and follow the law.^{102, 103, 104, 105, 106} People’s perceptions of the legitimacy of the police are influenced more by procedural justice than by other factors such as the effectiveness of the police in combating crime. Procedural justice is seen to be effective because it allows authorities to justify their legitimacy by demonstrating why their authority is right and essential. According to the theory, trust in the police is central to the decision of whether or not to recognise the police’s authority, which is primarily fostered by fairness and high-quality interaction between the police and the public. Examples of good treatment include:

- being approachable and friendly;
- treating others with respect;
- making reasonable decisions; and
- devoting time to explaining these decisions.

Therefore, people are thought to be more likely to accept decisions made by those in authority – even those that are unfavourable to them – if they are treated well and believe the decision-making process is fair.

Figure 8: Conceptual path diagram for Tyler's process-based model of policing



Good and fair encounters with the police can have a positive impact on trust and legitimacy. Unsatisfactory encounters, on the other hand, appear to have a much larger and negative effect, leading to a negative association between contact with the police, trust, and legitimacy.¹⁰⁷ They can also serve to indicate that people are on the outside of the social unit, making them less likely to believe that they share group membership not only with the police, but also with other members of the group that the police represent. Personal contact with officers is one of the most reliable predictors of police attitudes, with numerous studies consistently identifying strong associations between recent contact with officers and measures of trust, legitimacy, propensity for future cooperation, and other constructs.¹⁰⁸ One recent randomised control trial concluded that a 'single instance of positive contact with a uniformed police officer can substantially improve public attitudes toward police, including legitimacy and willingness to cooperate', and furthermore, that 'the largest attitudinal improvements...occurred among racial minorities and those who held the most negative views toward police at baseline.'¹⁰⁹ It is clear that a procedurally just approach has a lot to offer policing.

It is important to note, however, that perceptions of procedurally just treatment and legitimacy are a product of an interaction with a lifetime's worth of historical, cultural, community, and

familial factors, not simply one or several encounters with the police.¹¹⁰ A person's history of personal and vicarious interactions and affiliations with the police is important. Building legitimacy entails more than merely teaching officers how to deal with the public in effective ways. Although utilising a procedurally just approach forms a strong basis for legitimacy, other aspects of police conduct and behaviour also need to be considered when attempting to build trust and confidence with the public. This can be achieved by policing organisations being involved in continual and regular dialogue with the public about what they want and need from the police as a service.

Self-legitimacy

A recently emerged concept of particular importance to creating and maintaining confidence for officers, is that of self-legitimacy. The idea of self-legitimacy broadens the definition of legitimacy to include the degree of internal belief officers have in the moral legitimacy of their own claims to use power in their roles.¹¹¹ The way officers behave and the forms of policing they feel capable of may be influenced by their sense of self-legitimacy.¹¹² Greater self-legitimacy may make them more capable of making constructive decisions, less eager to use force when confronted with problems, and more willing to let members of the public participate in the interaction process. An officer or police force that lacks faith in their own legitimacy, on the other hand, may establish a completely different set of values and practices, and, as a result, a very different set of connections with people they police. Officers with a low sense of their own legitimacy may be more sensitive to problems and provocations, more vulnerable to challenges to their authority, and more willing to use physical force, as well as less willing to engage in interactions that may raise difficult questions or challenge their authority.¹¹³

Self-legitimacy is influenced by a number of factors, including relationships among officers, between officers and managers, between police and the public, and the police's position within a larger system of power relations. Officers must perceive

themselves as having the right to wield their authority in order to be legitimate,¹¹⁴ and having full faith in their own capacity can give a solid basis of justification for the often tough decisions they must make.¹¹⁵

Officers' feelings of legitimacy are influenced by their work environment, which can either encourage or impede desirable forms of policing, which can in turn have repercussions for the preservation and replication of democratically viable modes of policing.^{116, 117, 118, 119} Officers who identified with the organisation were considerably more likely to have faith in their own authority, owing to the sense of legitimacy they gained from feeling like they belonged to it and, as a result, internalisation of the principles it symbolises.¹²⁰

Employee perceptions of justice and respect have a major positive impact on their attitudes and work behaviours,¹²¹ and experiences of fairness appear to keep officers from adopting the cynical and authoritarian attitudes that are common in some police subcultures. Fair treatment allows officers to identify with the organisation and its principles, which supports self-legitimacy, and can replace toxic police subculture by giving officers a much-needed feeling of belonging and inclusiveness, as well as counteracting policing culture's negative aspects. Officers' confidence in themselves and their belief that the organisation is doing the right thing appears to have increased as a result of their positive affiliation with it. As a result, self-legitimacy serves as a conceptual link between the quality of police organisational structures, the concept of self-legitimacy, and officers' attitudes toward members of the public.

Community policing

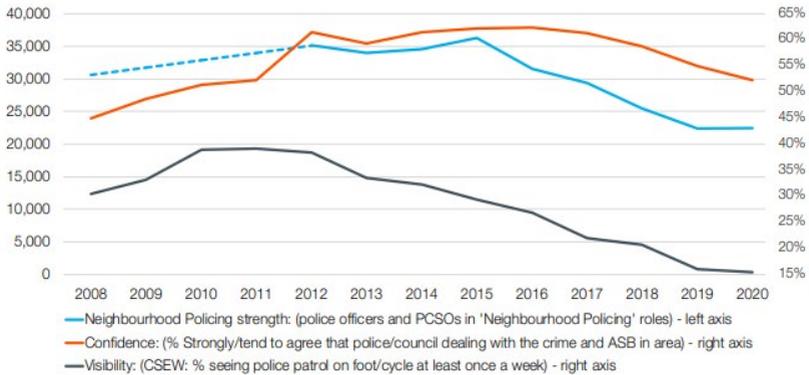
Despite overwhelming evidence that community policing improves public trust in the police, neighbourhood policing has been dramatically reduced since 2010. As budget constraints bite, community policing has fallen by the wayside, and the police have had to make a number of difficult resource allocation decisions. The goal of community policing was for it to be

targeted toward locally determined objectives and to use locally relevant approaches. According to the data, such techniques may improve public satisfaction, components of police legitimacy, and civilian perceptions of disorder. Community policing has been linked to community connection, rather than perceptions of police treatment, in terms of issues such as reliability, local understanding, and dealing with local problems, but it is likely that such initiatives can build legitimacy for the police in the eyes of the public, as neighbourhood policing can cultivate a context in which there is community consent for the police to use force if necessary.

Figure 9 shows how these perception indicators have risen and fallen in tandem with the number of officers serving in neighbourhood policing duties. We can observe that as the National Neighbourhood Policing Programme was implemented after 2008, measures of police visibility increased, and public confidence increased as well. We witnessed a drop in visibility and public confidence as neighbourhood policing numbers began to dwindle. This interpretation is in line with research that shows a correlation between public trust and police visibility, as well as overall police officer numbers, with both associations mediated by the quality and amount of local police interaction.¹²² It is also consistent with the research on public confidence variations across police forces, which revealed a link between changes in a force's number of neighbourhood officers and PCSOs and public confidence. The study revealed that when police officers routinely attempt to engage with, listen to, and respond to local problems, public trust in the police increases. When the police do less of this, as in the previous decade, public confidence suffers.

There is sufficient international evidence to confirm that community policing approaches that involve police consultation or collaboration with local citizens to identify and solve problems have positive effects on citizen satisfaction, perceptions of disorder, and police legitimacy.^{123, 124}

Figure 9: Confidence in local police, police visibility (ONS, 2020), and police officers and PCSOs in 'Neighbourhood Policing' roles (years ending March 2008 to March 2020).



Source: Office for National Statistics, 2020.

Changing police culture

The actions of a small number of officers who fail to meet the standards of service expected of the police can seriously undermine public trust in policing as a whole. There has been pressure to reform the system, to end the misogynistic culture, and to take a more proactive approach when it comes to reporting inappropriate behaviour in the workplace. Police culture is frequently action-oriented and dismissive of soft skills such as listening and explaining decisions,^{127, 128} and police organisations would benefit from devoting more time to instilling such skills in their workforce.

5

Conclusion

There are worrying signs of a decline in public confidence in the police, as well as signs of a decline in police legitimacy across the country, particularly in the nation's capital. There have long been legitimacy deficits in the Black community, and in a more disrupted and unpredictable future operating environment the police's ability to work cooperatively with the public will become more important.

Policing organisations face considerable challenges in finding solutions to the confidence and legitimacy crisis that are both effective and acceptable to the communities they serve. It is critical now, more than ever, for the police to concentrate their efforts on restoring public confidence. The police must focus their efforts on improving the quality of their everyday interactions with members of the public. Reducing the number of negative encounters will be more effective in preserving and restoring public confidence.

For 'policing by consent' to be effective, all members of the community must feel that the police are there to serve them and that the police will treat them fairly and with respect. Black (in particular Black Caribbean) and mixed ethnicity communities have much lower levels of confidence in the police than White British people.¹²⁹ Having a police service that is more representative of the communities it serves is one important way of addressing this lack of trust and confidence.

Improvement in trust and legitimacy have to be earned and not simply claimed. However, public consent is hard-won, fragile, and may be withdrawn at any time. If the approach is inconsistent, this is likely to damage legitimacy as the public will see the approach as unfair. But fairness and transparency, and a willingness to work with – rather than against – communities will go a long way in restoring legitimacy across all sections of the population.

Key issues for discussion at the conference include:

- For whom do we police?
- Why are legitimacy and confidence important? What do they enable the police to do that they would not otherwise be able to do?
- What has happened to public confidence and police legitimacy in recent years?
- What will be the main challenges to police legitimacy in the 2020s and 2030s, and how should the police service prepare for these?
- What are the main enablers of police legitimacy and of public confidence in the police?
- To what extent does the police service prioritise legitimacy, in relation to other outcomes such as crime control for example? Is the balance between these priorities correct?
- What actions should be taken at the policy, strategic and tactical levels to strengthen legitimacy and improve public confidence?
- What resources, if any, could be utilised that the police already possess, such as Operation Uplift, or neighbourhood policing?
- Does police culture have an impact on legitimacy and confidence? Is this something that improved workforce diversity can alter?

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