1 Introduction

The purpose of this Element is to outline a new model of policing that features broader goals and a new set of tactics, discuss the ways in which this model has already been incorporated into discussions of policing, and argue for the benefits of applying this model as a template for twenty-first-century policing, and even expanding its application. As Americans, our own perspective is characterized primarily by the nature of policing in the United States, but we believe that the arguments we make and the model we propose have broad implications for policing in all democratic societies.

Section 2 outlines the features of the coercive model of crime control, which is associated with the threat or use of sanctions. We outline the strengths and weaknesses of this approach. We suggest that as crime has declined, the weaknesses of this model have become more prominent, resulting in the emergence of a reform movement. Two such weaknesses are that the dynamics of coercive policing inevitably produce excesses with respect to the use of force up to and including wrongful shootings, and that coercive policing does not inspire trust in the police on the part of the overall community.

In Section 3, the psychological model of legitimacy-based authority dynamics is presented as a theoretical framework for understanding the exercise of authority in groups, organizations, and societies. The psychological foundations of this broad model are outlined and supportive psychological research from other arenas is presented.

Section 4 uses theories of consent-based authority to articulate a model of legitimacy-based policing. We suggest that this legitimacy-based approach is a better way of addressing the problems of excessive police use of force and low levels of public trust in the police than the coercive model. The adoption of this approach also allows the police to achieve the goal of harm reduction via crime control by enhancing people's willingness to defer to police authority and increasing public cooperation with the police. This model is an effective alternative approach to achieving the long-standing goal of controlling crime through carceral means while avoiding some of the problems associated with that approach. In addition, the model has the advantage of creating a more congenial and constructive relationship between the police and people in the community.

Section 5 explores the ways in which legitimacy-based policing creates a new set of goals for the police with respect to advancing community development, by encouraging residents to identify and engage with their communities. This redefinition of policing establishes a new mission for police, one that is particularly relevant in an era of relatively low crime levels. It highlights a desirable

role for local police in the form of a police service that is not focused on crime control. Research suggests that legitimacy-based policing can both achieve traditional goals associated with controlling crime and promote community development.

Section 6 focuses on the potential for expanding the model of procedural justice to include the role of community input in decisions regarding the management of community problems, including but not limited to problems related to crime. The legitimacy-based model emphasizes the idea that it is important to consider community input in decisions about how the community should be policed, as well as in decisions about particular policing policies and practices.

Three issues must be addressed. The first pertains to identifying what people in the community indicate that they want and need. What are the problems they face, and how should these be solved? Second, some type of deliberative procedure must be developed to reach community consensus regarding shared needs and goals. In this context, the focus on procedures that are responsive to community views can be extended beyond the level of policy implementation to that of policy creation, with people in the community becoming increasingly involved in the task of defining the features of a safe and desirable community. This shift includes the task of identifying models to support the coproduction of a community agenda that addresses safety issues and defines the most desirable role for the police. Procedural justice is a natural framework for exploring policy creation because the procedural justice model asks community members about their goals and how they would like those goals to be achieved. The final issue refers to the need to develop procedures for combining the expertise of outside stakeholders (e.g., government authorities, researchers, and the police) with the views of people within the community. Community views cannot simply dictate what happens because the public frequently operates without information and in response to moral panics. On the other hand, decisions cannot simply reflect the preferences of "experts," with community concerns merely sidelined and ignored.

1.1 Goals of This Element

This Element is not a meta-analysis, and it is not our intention to conduct a systematic empirical evaluation of the arguments associated with the model (several excellent meta-analyses already exist, including an overview of the relevant literature in a recent National Academy of Sciences report on proactive policing, i.e., Weisburd & Majmundar, 2018). Instead, we will use selected studies from the field to illustrate the nature of research contributions to this

area. Our view is that our primary contribution is the development of an alternative conceptual framework within which policing can be organized and the presentation of evidence that this model can work. Recent evidence in criminological scholarship suggests that this framework has gained considerable traction in the academic literature concerning the police (Farrington, Cohn, & Skinner, 2022). Our focus in this Element is its impact upon police policies and practices.

Our shared belief is that the reform of criminal law is at a pivotal threshold, and our desire is to draw upon these reform efforts to promote evidence-based theories and the policies and practices that they support to identify desirable directions for American policing in the twenty-first century. This Element summarizes our perspective on the reasons why the ideas of legitimacy and procedural justice have been utilized in the academic literature concerning policing, their potential implications for policing policies and practices, and our grounds for believing that they have continuing relevance for scholars and practitioners in this arena both today and in the future.

In addition, we believe that recent developments demonstrate two ideas. The first pertains to the value of theories in the social sciences for criminology and the development of policies in criminal law. The theoretical models and empirical studies pertaining to legitimacy and procedural justice–based policing policies have contributed to discussions concerning twenty-first-century American policing. The second idea highlights the importance of evidence-based policy. Criminologists emphasize the benefits that can result from basing policies on evidence (Weisburd & Neyroud, 2011), and research concerning legitimacy-based policing is one example of these benefits.

2 The Coercive Model of Crime Suppression: Sanction-Based Harm Reduction

What are the elements of the coercive model of policing? The goal of the coercive model is to lower the rate of crime, especially violent crime, i.e., to maximize harm reduction. The strategy employed to achieve this goal is to project police presence into the community to increase the perceived risk of being caught and sanctioned for breaking the law. This approach has been the primary model of policing used in recent decades. It is sometimes referred to as the carceral model because it is based on the threat or use of punishment and incorporates a coercive dynamic. A set of practices pertaining to social control or deterrence ensures the dominance of police over people and situations to guarantee compliance.

Why did this model of policing develop in the United States? A key factor in this process was the dramatic increase in violent crime that occurred throughout America between 1960 and 1990. During that period, FBI crime reports indicate that violent crime increased from less than 200 offenses per 100,000 people to more than 750 cases per 100,000 people per year. This increase in crime was accompanied by a wave of both fear of crime victimization and concerns regarding the damaging impacts of crime and disorder on American cities.

The police reacted to this "crime wave" by recourse to the dominant model in law, i.e., the economic model of the person, whose application to criminal legal processes was pioneered by Becker (1968). This model argues that crime is deterred by the threat or use of sanctions. To implement this model, police departments increased their numbers and deployed additional resources to accomplish the goal of suppressing crime via the surveillance of communities and the apprehension of criminals. This "command-and-control" approach became central to policing, but it also dominated the policies and practices of the courts and correctional institutions. The approach relies on the capacity of the police to effectively shape public behavior using a strategy of projecting the potential or real use of force.

A strategy based on force encourages and supports a culture based on a warrior style of policing according to which officers are concerned with their capacity to utilize coercive measures, leading to their deployment with a variety of weapons and extensive training in their use. As police officers are given the legal right to use force, their training and culture concurrently emphasizes ways of using force effectively.

2.1 Evaluating the Strength of Harm Reduction Models

There are three positive aspects of policing goals and strategy under this coercive approach. First, the police became more proactive. They focused on preventing crime rather than merely reacting to crimes. Such a proactive orientation is a key strategy for harm reduction, and its purpose is to prevent damaging events that harm people and undermine communities. Today, police chiefs are held accountable for the crime rates in their jurisdictions irrespective of whether they retroactively catch and punish those who commit crimes. As a result, the police implemented enhanced policies for intervening in advance to intercept criminals, a shift which led to a series of increasingly broad policies regarding police-initiated investigatory contact with people in the community with the aim of preempting future criminal activity. As an example, a knife or gun taken from someone on the street cannot be used to commit a crime in the future. Similarly, a person who fears police searches may not carry a gun.

Second, during the period 1960–90, the police developed their practices on the foundation of theories concerning ways of addressing crime. As noted, one key theory is the economic theory–based deterrence model, which suggests that projecting force increases the perceived risk of committing a crime and thereby lowers the rate of crime.

A second theory referenced by the police is the broken windows theory. The broken windows theory is based on research in the social sciences, particularly on research conducted by the social psychologist Zimbardo (1969). Kelling and Wilson (1982) draw upon these studies to develop an evidence-informed approach to managing crime and disorder (Keizer, Lindenberg, & Steg, 2008). The proactive policing strategy is based on theoretical arguments associated with the broken windows model. According to that model, a consistent path leads from minor crimes to serious crimes. On an individual level, people who commit minor crimes go on to commit serious crime, so interventions that address minor crimes are a preventative strategy.

At the community level, if minor crimes are left unaddressed, a general deterioration in the quality of neighborhoods takes place, which also promotes serious crime (Lanfear, Matsueda, & Beach, 2020; O'Brien, Farrell, & Welsh, 2019). Hence, a key assumption underlying approaches to policing has been the belief that by addressing minor crimes, the police are able to prevent major crimes in the future. An example of this dynamic is the widespread pattern of arresting individuals for marijuana possession. While minor drug possession or drinking beer in a park are crimes, the justification for police focusing on these crimes is that, if left unaddressed, they are a prelude to more serious criminal activity. Similarly, allowing everyday disorder to go unchecked leads to community decline.

Third, the police implemented the idea of identifying and utilizing empirical metrics to assess their success. This shift is reflected in the widely emulated COMPSTAT model developed and used in New York City. That model is used to adjust policies and practices in accordance with rapid assessments of the crime rate in different localities. This approach involves gathering ongoing data and using these empirical metrics to guide police deployment in real time. In this case, the police typically use a neighborhood-based metric of crime rates. The key to this metric is collecting data that are sufficiently geographically specific to be tactically useful and having access to such data in real time.

2.2 The Warrior Culture

How have police departments organized themselves to implement these models of crime control? As a reaction to the mission of crime control on the basis of

deterrence, police departments have widely adopted a warrior culture. The sanction-based model requires the police to project force and to be willing to use the threat of force to ensure compliance. Police officers are trained in the use of force to compel compliance and are equipped with a variety of weapons to support that approach. This leads to a culture focused on the capacity to deploy force to create a climate of dominance over people and situations.

The consequence of the widespread adoption of the coercive model is that the police in contemporary America are generally trained in one primary model and equipped to employ one primary skill set. They learn how to use force to compel obedience. They apply this command-and-control framework to the broad range of problems they encounter because it is the central tool in their toolkit of strategies for dealing with issues in the community. Of course, there exist individual officers who employ other types of social skills in their work or receive some form of de-escalation or empathy training; however, the common feature of policing in America is a focus on using or threatening to use force to compel compliance from members of the public.

Frequently, the threat of force is implied, with officers carrying clubs, mace, tasers, and guns to make their capacity to use force salient to whomever they encounter. In other cases, the threat is overt, with officers threatening violence when speaking to members of the community or using physical force. The policing model is based on dominating people and situations via the implied or explicit use of force.

How frequent are such behaviors? Based on his study of policing in Indianapolis and St. Petersburg, Terrill (2001, p. 223) suggests that "nearly 60% of the observed police–citizen encounters [he reviewed] involved some form of force" and that 15.7 percent of these encounters escalated beyond verbal pressure to physical force (Terrill 2001, p. 88). Terrill further suggests that 20 percent of the cases in which force is used feature a nonresistant person. Similarly, MacDonald et al. (2003) report that the use of force is most frequent when police are confronted with nonthreatening situations. A national survey conducted in 2018 suggests that when Black Americans report on their most recent experiences with the police, they indicate that the police used intimidating language 19 percent of the time, threatened force 13 percent of the time, and handcuffed them 16 percent of the time. Among these same respondents, 25 percent report that the use of intimidating language is frequent in their neighborhood; 26 percent report that the police frequently use threats of force; and 30 percent report that the police bully or intimidate people (Goff & Tyler, 2018).

It might seem as if the use of force is a necessary component of a strategy that is designed to ensure compliance. It is therefore important to note that this warrior style is not necessarily more effective in achieving the goal of

compelling compliance (McCluskey, Mastrofski, & Parks, 1999). McCluskey notes that "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 citizen's compliance decisions" (McCluskey, 2003, p. 100). Why? Because "for every one unit increase [in] the index of coercion citizens are about twice as likely to rebel against the self-control request" (McCluskey, 2003, p. 108). He notes that higher levels of coercive action lead to a lower likelihood of compliance.

2.3 Declines in Crime in the United States

One reason for the adoption and continued use of a force-based model of policing is that this strategy seems to have been successful. Since the 1990s, crime rates have consistently decreased. This decline has been long-term and sustained. At present, the crime rate is much lower than it was in 1980. If we consider the rates of two representative crimes – murder and burglary – it becomes apparent that there was a peak in crimes around 1980 and that the present crime rate has decreased to levels far below those reported in the 1960s. This claim holds true across major cities, and even cities such as Chicago that continue to receive media attention for violent crimes have much lower rates of crime than they did in the 1980s. At present, crime is dramatically rarer than it was during the 1980s (Gramlich, 2020). In the context of ongoing discussions regarding whether crime increased or decreased due to COVID-19, it is important to recognize that, over time and across communities, striking and sustained decreases in the rate of crime have occurred. Even recent COVID-19-related increases in crime have not altered this basic point (Abt, Bocanegra, & Tingirides, 2022).

It is also important to note that while the crime rate is at a historically low level, crime rates remain viable as a political argument in discussions regarding policing. This viability is reflected in discussions concerning recent COVID-19-related increases in crime. These rises, although small, have focused on the police as the figures who suppress crime and calm public fears. A consequence of this shift is that public opinion polls suggest increasing support for the police (Parker & Hurst, 2021). In 2020, 31 percent of the population supported greater funding for the police, while, in 2021, 47 percent supported greater funding. Why? In 2021, 61 percent indicated that violent crime is a very serious problem in the country, an increase from 41 percent in 2020.[1]

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[1] It is important to distinguish short-term changes from long-term trends. Analyses of the General Social Survey from 1986–2018 suggest steady increases in the percentage of Americans who indicate that there is too much spending on law enforcement (Roscigno & Preito-Hodge, 2021).

As noted, the public increasingly holds the police responsible for preventing crime, so irrespective of actual crime rates, if the public believes that crime is a problem, addressing crime is an important issue that affects police support from the community. Hence, decreases in crime rates constitute an important justification for police departments' policies and practices. The police are important, but the decrease in crime rates is the result of a combined effort on the part of the police, private security forces, and community groups as well as of changing social and economic conditions and demographic shifts over time.

Declining crime rates do not justify all aspects of proactive policing. The widespread use of investigatory stops to preempt crimes, occasionally known as a policy of "stop, question, and frisk," has not been found by researchers to have a strong impact on crime rates (Weisburd & Majmundar, 2018). Some evidence suggests that some police tactics can be effective, e.g., the policing of hotspots, but other evidence suggests that some widely used tactics are not effective (Braga & Weisburd, 2010). This claim is not unique to policing. The use of long-term prison sentences to control crime has also been found to have a minimal impact on crime rates (Kleiman, 2009).

2.4 Problems Associated with Force-Based Policing

Since crime has declined, it is reasonable to ask why people would argue that there is a need to change policing. On the surface, it would seem that the police have engaged in a successful effort to reduce harm.

The current policing model faces several problems that have led to arguments for reform, even in the face of apparent success. One such problem is that the warrior style of policing has a dynamic that encourages the unnecessary use of force. It is possible to view some instances of the excessive use of force as the result of a few bad actors, and the legal system's response to this situation encourages such a response by retroactively evaluating the legality of the actions of individual officers. Many of the reforms that have achieved national visibility are aimed at managing a small subset of problematic officers. One example of such a reform is the implementation of a national database of previously sanctioned officers.

An organizational analysis suggests that these instances of the excessive use of force are a natural extension of the warrior style of policing. Recognition that the style of policing frames the actions of police officers is important because such recognition makes it clear that these instances of excessive use of force can best be understood not as aberrations but rather as the foreseeable results of the skill set that the police deploy in the situations they encounter in their communities. Lethal instances of the use of force, as noted, make the headlines, but it is

the underlying social dynamics that produce these cases that must be addressed in an effort to reduce the excessive use of force (Camp et al., 2021).

Declining crime has exacerbated the problems associated with police use of force because it has changed the kind of problems the police encounter most frequently. Being prepared to use force to compel compliance has never been a skill set that is well suited to the actions the police take in their everyday duties. Quattlebaum and Tyler (2020) review the literature concerning police tasks and conclude that approximately 4 percent of the tasks the police perform on a daily basis require the capacity to deploy force to compel compliance. A recent analysis by Lum, Koper, and Wu (2021) focused on responses to calls to the police suggests that only approximately 9 percent of the time spent responding to calls involves issues associated with violence. Lum and colleagues (2021) report that the police perform a wide variety of services within their communities, most of which are unrelated to the need to compel obedience via the threat or use of force. And Parks et al. (1999) report that the police spend only approximately 25 percent of an average day investigating crimes or apprehending criminals. Furthermore, Webster (1970) suggests that patrol officers spend less than 3 percent of their time on dispatches related to crimes against persons.

The reality of policing is that the police provide a variety of social services. Although municipal social service budgets have been reduced, requests for such services have increased. Accordingly, a continually increasing proportion of the issues that the police address are unconnected to controlling crime and do not require the capacity to deploy force. Consequently, the police are increasingly poorly trained to perform the tasks they are required to carry out on a daily basis.

Terrill, Rossler, and Paoline III (2014) examine the content of police interactions in three cities (Flint, Indianapolis, and St. Petersburg), dividing them into requests for assistance that involve problem-solving and requests that involve controlling other people (e.g., by arresting them). These authors found that 58 percent of police encounters involve problem-solving. As another author notes, "It is unfortunate for the country that the police are imbued with this totally wrong perception of themselves. The police do perform social work. In fact, they perform more social work than they perform law enforcement. Regretfully, as social workers, most police are poorly trained and incompetent" (Webster, 1970, p. 100).

One type of social service involves responding to requests for help, whether in person, via 911 (emergency) calls, or using other forms of communication that are rapidly proliferating (email, social media platforms, etc.). The role played by the police in responding to local problems is intentional, since many police departments have developed 911 centers that channel public