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Over the last decade and certainly since 2015, it has become common for scholars, policy-makers, and those in public media outlets to highlight the importance of the public's perception of police as a legitimate authority. The   [1] President Barack Obama convened the Task Force in 2014 after Michael Brown was killed by police officers in Ferguson, Missouri, and Eric Garner was killed by police officers in New York City. The foundation of the Task Force's fifty-nine recommendations for research, policy, and action is the report's first pillar, "Building Trust and Legitimacy." This initial step builds on extensive research of the concept of empiri

likely to perceive them as legitimate and trustworthy.[2] But   and   as measured in these studies are not one and the same; rather, perceptions of trustworthiness are important precursors to the public's conclusions regarding legitimacy. A growing literature also demonstrates that procedural justice, or process-based fairness, is associated with greater trust in police, as well as increased per-

ceptions of legitimacy.[3] The recent turn to improving trust relationships has not meant that former goals such as crime reduction are no longer important. Instead, the research demonstrates that agencies can continue to pursue such goals while also treating members of the communities they serve with dignity and respect. With this in mind, we explore recent efforts to address the pervasive lack of public trust across institutions of criminal legal processing and, in particular, distrust of the police.

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authorities, such as police officers. Specifically, people desire to be treated with dignity, respect for their rights, and politeness. Being listened to and taken seriously is obviously related to this factor. Fourth and finally, in their interactions with authorities, people want to believe that authorities are acting out of a sense of benevolence toward them. That is, people attempt to discern ⁄ ⹁ authorities are acting the way they are by assessing ⹁ ⁄ they are acting. They want to trust that the motivations of the authorities are sincere and well-intentioned. Basically, members of the public want to believe that the authority they are dealing with believes that they count and cares about them. In relationships with law enforcement, the public makes this assessment by evaluating how police officers treat them.

Research connecting these ideas to policing has demonstrated great benefits for the police agencies that employ them. For example, when people perceive that legal authorities are treating them fairly, they say they are more likely to comply, cooperate, and engage with the law and authorities' directives.[12] Importantly, when policing agencies emphasize process-based approaches, they need not choose between crime reduction and promoting trust.

The public conversation around policing has begun to center trust as opposed to merely police effectiveness at reducing crime. Again, a statement from President Obama's Task Force is instructive: "Crime reduction is not self-justifying."[13] To that end, in the last several years, police departments have promoted and implemented numerous strategies ranging from changes in policy to active bystander training for officers, to greater civilian involvement in setting policy, goals, and projects for their agencies.

Changing policy is a major starting point for many policing agencies attempting to establish trust through the behavior of officers in their interactions with civilians. For example, recent consent decrees adopted by the United States Department of Justice and the State of Illinois have prioritized requirements that agencies adopt formal policies promoting "Fair and Impartial P1 (opt f)17 (ormal policies pr)7 (

dards that are not constrained by department policy. As social psychologist Jack Glaser and public policy scholar Amanda Charbonneau have recently explained, vague constitutional standards combined with unspecific policy provide a foundation for broad police discretion to engage in behaviors subject to bias.[16] They emphasize the role that uncertainty plays in exacerbating individual biases and therefore the negative consequences of that bias, explaining that narrowing the scope of police behaviors can reduce rates of racial disparity that police action can produce. They argue that policy change is a step in this process.

It is difficult to assess the extent to which these policy changes are successful independent of evaluations of subsequent training. Since policy change is a bedrock component of the Department of Justice's "pattern or practice" program, one might look to assessment of the impact of consent decrees for some sense of the success rates of policy change. In his recent review of two decades' worth of federal consent decrees, historian and criminologist Samuel Walker notes that it is fair to conclude that decrees yield positive results, especially with respect to use of force and discrimination claims.[17] In support of his conclusion, Walker provides evidence of public polling among different racial groups in Los Angeles rating the LAPD much more highly after a consent decree. Since racially disparate treatment undermines trust, we can safely argue that changes in policy that limit ordinary policing in terms of prevalence and depth, along with increases in yield for searches, should be associated with increases in trust and confidence.[18]

T he most important aspect of promoting trust-based approaches is the training of agency personnel. I use importance in two senses here. First, training is the most common approach to establish the importance of trust among agency personnel. Second, agency leaders see training as the most likely mechanism to lead to behavioral change in a world where changing agency personnel is difficult to implement due to union rules and regulations, and where legal liability, whether criminal or civil, is rare. Overall, both systematic reviews of procedural justice theory and meta-analyses of the existing evidence find positive associations between the procedural justice or injustice people experience when dealing with the police and their perceptions of the police, their support for cooperative behaviors, and whether they say they trust the police.[19] Individuals who perceive interactions with the police as more procedural have more positive perceptions of legitimacy, as well as increased satisfaction with police services, disposition in interactions, and trust and confidence in the police. In their review of the research examining police-led intervention programs that aim to strengthen police legitimacy, criminologist Lorraine Mazerolle and colleagues found that interventions improve perceptions of procedural justice, as well as satisfaction with, confidence in, and compliance and cooperation with the police.[20] Given that the goal of this essay is to explore potential mechanisms for enhancing public

trust in police, the focus here will be on trainings as interventions that could exploit the theoretical framing laid out above.

There is academic literature covering rigorously studied effects of procedural justice training on officer and civilian attitudes, officer behaviors, and administrative policing outcomes. Evaluations of procedural justice trainings include studies of script-based trainings, whereby police are taught to use brief, procedurally just scripts (that is, texts) in traffic stops or other similar settings in which interactions are short and relatively homogeneous. Other studies have evaluated trainings that focus more broadly on the development of procedurally just policing practices through the use of lectures, discussions, and exercises that offer participants the opportunity to practice and refine these skills. Some research demonstrates that procedural justice training can positively influence officers' attitudes about the importance of procedural justice in their work– a critical first step in the process of motivating officers to value enhancing trust over their efforts to reduce crime at all costs.[21] As an example, political scientist Wesley Skogan and colleagues evaluated the short- and long-term effects of a police training program in the Chicago Police Department that aimed "to present procedural justice principles to officers as tactics that would encourage the public to recognize the police as a legitimate source of authority, resulting in improved officer safety, more compliance with their instructions, and greater cooperation from the public."[22] Short-run survey-based comparisons for approximately 2,700 officers suggested that training had a positive and statistically significant effect on officers' perceptions of the importance of various procedurally just behaviors (neutrality, respect, trust, and voice). A longer-term survey (with a 28 percent response rate) suggested that these attitudinal changes persisted. Similarly encouraging findings are reported on a suite of trainings coordinated in six cities across the country by the National Initiative for Building Community Trust and Justice. The evaluation found statistically significant improvements in officers' self-reported attitudes toward procedural justice.[23]

Additional studies have found that civilians' views of police are more positive after interactions with officers trained in procedural justice principles. For example, the Queensland Community Engagement Trial (QCET) in Australia is the first randomized field trial to test the effect of procedural justice training on citizen

exposed to the control group, though no significant differences were found for obligation to obey police or willingness to cooperate with law enforcement.[25]

Another set of studies reveals the impacts of procedural justice training on administratively measured outcomes of police-citizen interactions. Criminologist Emily Owens and colleagues evaluated a procedural justice intervention in which supervisors were instructed to treat officers in a patient, respectful, and procedurally just manner. The intervention appeared to impact officers' encounters with citizens, as reflected by decreased arrest rates. The treatment group was less likely to resort to arrests in the week following their meeting (by 25 percent, relative to a pre-intervention incident-level arrest rate of 6 percent). Looking six weeks before and after their meeting, this result diminished, but officers who completed the training still demonstrated a 12 percent reduction in arrests.[26]

Further, sociologist George Wood and colleagues evaluated the implementation over four years of a one-day procedural justice training in Chicago, which emphasized policing strategies that create appropriate voice, neutrality, respect, and trustworthiness in community interactions.[27] Nearly 8,500 officers participated in the training program. Taking advantage of the phased rollout across the department, the researchers evaluated whether the training had effects on cluster-level outcomes, including complaint records relating to officer conduct, civil litigation settlement payouts, and officer use of force. Significant treatment options were identified for each of these outcomes and, over two years, treatment reduced complaints filed against officers by 10 percent and use-of-force reports by 6 percent (corresponding to 11.6 fewer complaints and 7.5 fewer use-of-force reports per one hundred trained officers).

In addition to procedural justice, we can examine another popular recommendation that aims to address trust-related problems between civilians and po-

looking rather than forward-looking. It is exceedingly difficult to change behavior in an organization by addressing individual instances of misconduct in contrast to imposing regulations that seek to change behavior in a forward-looking way by imposing high standards, which, of course, is highly relevant to policy change. A recent article published by the Council of Criminal Justice illustrates the ways in which even the civilians who push for these institutional mechanisms are increasingly disillusioned by them. Their survey of oversight agencies demonstrates a large majority (78 percent) reporting that police executives listen carefully to their recommendations; however, less than half (46 percent) of the respondents believe that police executives frequently implement the recommendations.[29]

A different approach is to promote policy-making through these boards. In contrast to the backward-looking and more individual-centered proposals that civilian review boards regularly undertake, what legal scholars Barry Friedman and Julian Clark call "community advisory boards" provide more front-end accountability by being more broadly engaged with a town's policing agency, building trust relationships between the agency and citizens and collaborating with the agency to help solve problems.[30] Most of these boards are volunteer-oriented and advisory only. It is rare for these boards to proactively create or pass binding policies and directives that police departments they engage must follow. Even when these boards do have that power, it appears such powers are rarely used.[31]

One of the most well-known boards that possesses binding authority on an agency is the Board of Police Commissioners in Los Angeles, California. Another board was recently inaugurated in Chicago, the country's third-largest city.[32] And smaller cities also have begun to establish forward-looking policy-making boards. In November 2020, Portlanders (Oregon) overwhelmingly voted to pass the Police Oversight Board Charter Amendment, establishing a new police oversight board with the power to recommend new police policies and directives for the City Council– not the police bureau– to approve. This new board also restricts membership to individuals who lack either employment or familial ties to law enforcement. Despite its two-year existence, Portland's board has yet to make any significant policy recommendations.

So far, the strategies I have outlined that address trust in policing have focused on how the policing service carries out tasks long associated with a primary goal of the agency, law enforcement, and shaping and structuring those tasks in ways that enhance public legitimacy according to the ideas of social psychology described above. The reality, however, is that normative conceptions of legitimacy that we might seek to measure through positive empirical methods are challenged by the role that settlement and chattel enslavement– and their ideological counterpart, race– have played in the construction of the very laws that the policing service has historically enforced and still does. Thus, an important

consideration for improving trust between police and members of the public is reform or elimination of the laws police officers are sworn to uphold.

While the passage of the Reconstruction Amendments at the end of the Civil War and the subsequently passed civil rights laws of the 1960s could be said to have removed white supremacy from the literal text of the criminal law, the structure and attendant culture of racial caste that three hundred and fifty years of law had already built remained embedded in legislation and law enforcement. For example, in the antebellum period, when the state was involved in punishment of an enslaved person– or more commonly, reserving "justice" for the enslaved as a task to be meted out privately– the law made formal distinctions in punishment for the same conduct as between enslaved Black people and whites.[33] Imprisonment was reserved for white people, as the punishment of liberty deprivation required a person be free and recognized as a citizen of the state. These formal distinctions were removed from state criminal law after the Civil War when Confederate leaders rewrote their state constitutions. Nonetheless, even after the removal of formal distinctions by race in the criminal code, distinctions by race still were encoded in the law and also through the law's operation.

As is well-known today, the practice of convict

Stops and frisks are consistent with the Constitution so long as a police officer has a reasonable belief that the person they are about to detain is about to engage or has engaged in a crime, and every state and locality in this country has managed to criminalize all manner of low-level behaviors– with specificity.

Thus, although the operation of criminal legal processing is formally democratic, it operates in conjunction with antidemocratic structures and culture. Low-level criminal laws might appear on their face to be devoted to public safety in service of a goal that majorities support through processes typically considered democratic. But these laws in operation and through their very DNA perpetuate and support structures of inequality. Consider that while laws prohibiting loitering and vagrancy have long been identified as suspect in the context of advancing the democratic project, contemporary ordinances designed with specificity– prohibitions on selling loose cigarettes on a street corner, or limits on grass lawns exceeding certain lengths– have not typically been considered to fall into this suspect category because their specificity has traditionally been thought to resist the expansion of police discretion that was the clear concern of those who sought to abolish the vagrancy and loitering laws of old. [37] The proliferation of even specific prohibitions vastly expands the power of enforcers to enforce laws, and this is an overlooked reality. The old concern about the potential for a police officer to create law and then enforce it is not the problem.[38] Rather, the rule of law becomes a mockery of itself when the enforcer has a smorgasbord of petty laws to choose from to validate a forcible arrest. Eric G 5h3 Tmong ge i⟮la)19 lP ₤angality. Consider tha2

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