# Police legitimacy and trust in the time of Covid-19

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As the United Kingdom faces up to an enforced lockdown to contain Covid-19 the police will come under the spotlight like never before. The unprecedented emergency powers taken by the government will criminalise routine and mundane everyday activities.  Whilst these severe measures have been couched in a persuasive argument - 'saving lives' 'protecting the NHS' - they have been codified within criminal law. Police officers are empowered to 'disperse gatherings' and issue on the spot fines for anyone contravening 'social distancing' rules and other lockdown breaches.  Enforcing these unprecedented restrictions on hitherto basic freedoms sets up a fascinating mass social experiment - will the police be able to maintain their claim to public legitimacy and public trust?

There are good reasons to ask this question. Firstly, the majority of the population do not come into contact with the police[i], and certainly not where they are required to justify their actions under the threat of official sanction. Much policing is centred on what police scholars refer to as 'police property' - the minority sections of society who find themselves, often uncomfortably, the focus of police scrutiny. The lockdown threatens to turn this on its head with non-compliance becoming a 'crime of the law abiding' such as driving over the speed limit or while using a mobile phone[ii], offences that ordinary members of the public do, but shouldn't.  Exposing more of this 'respectable class' to police attention may not do the police any favours.  Research shows that often public confidence in the police does not survive first contact.[iii]  Having a bad police experience is four to fourteen times as 'impactful' as having a positive experience.[iv]  This 'asymmetry' between how people perceive they are treated and their confidence in the police can be damaging. At its worst the police get little credit when they do a good job, conversely, a bad experience can negatively influence people's views of police performance and police legitimacy.[v]

Secondly, the continental experience demonstrates the potential scale of non-compliance. In Italy, in a matter of weeks more than one hundred thousand people have been fined for breaching the lockdown[vi]. In France (over a shorter period), four thousand have been reported[vii].  There is the potential for a wide range of police responses to the same lockdown breaches. Police officers are 'street-level bureaucrats' who use their 'professional judgment'

to make on the spot decisions about how to respond when infractions arise. How consistently they do it is crucial to the public's perception of their legitimacy.

Thirdly, people obey laws when they *feel they are just* - not simply due to fear of punishment. Breaching the lockdown – three people from different households going for a walk is a very different kind of criminal act to burglary or mugging – offences that would raise general moral opprobrium.

Taken together these considerations shift us into unknown territory. The UK's lockdown followed the weekend where groups of people were out and about enjoying the good weather - seemingly in defiance of government guidance to stay at home. Hence the big stick of the criminal law. But the longer the restrictions last, the more onerous they will become, especially as the long days of summer beckon. Fast forward to a year from now - after we have had several cycles of lockdown, relaxation and then lockdown again. Is public perception of police legitimacy and trust likely to tumble?  How can the police navigate this difficult terrain - where they could be pitted against larger sections of normally law-abiding society?

The work of procedural justice scholars such as Tom Tyler may provide a way forward. For the public to defer to police decisions and directives during the lockdown, requires the public to perceive the police role as legitimate.Research has shown that this legitimacy rests on: treating the public with dignity and respect; police motives (and the government's) are seen to be fair; police decisions are based on facts not biases; and the public are able to voice their concerns before the police make a decision.[viii]

For Tyler it is the *style of police contact* that is important, people are willing to accept decisions that go against their interests provided they consider that the officer is wielding legitimate authority. The question is whether these tenets can hold up under the current extraordinary conditions, where criminalisation awaits for leaving one's home too many times in one day, or speaking to one too many persons?

So what should the police, police and crime commissioners and other policy makers do?  The lockdown is a mass social experiment. The potential solutions are equally experimental and are multi-stranded. There is no magic bullet.  They include:

*Reasonable use* of powers – explaining safe behaviours to the public and using *enforcement* <u>only</u> *as a last resort*, and then against the recalcitrant or those who persistently or recklessly violate the lockdown.

*Maintaining a transparent audit trail of decision making* - as with current police stop and search practices: the citizen should receive a written record of the decision, the justification and the officer's details.

*Comprehensive use of body-worn cameras* – to record interactions between public and police to support the above.

*Transparency and regular reporting of incidents* – of the numbers of individuals stopped – those who receive advice and those where enforcement occurs.

*Messaging from the police and through locally elected representatives* – setting out a covenant between the local police and public about adopting a *reasonable approach* with enforcement as a last resort

And perhaps most importantly *rapid learning* by the police so that they can make appropriate adjustments to how they implement these measures to preserve their relationship with the public.

[i] The 2018 public perceptions survey commissioned by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) found that most respondents (6 out of 10) had no contact with the police in the past year. https://www.justiceinspectorates.gov.uk/hmicfrs/publications/public-perceptions-of-policing-in-england-and-wales-2018/ (accessed 25.03.20)

[ii] Wells, H. Savigar, L. (2019) Keeping up, and keeping on: Risk, acceleration and the law-abiding driving offender. Criminology and Criminal Justice Vol. 19(2) 254-270

[iii] Skogan, W. G. (2006). Asymmetry in the Impact of Encounters with Police. Policing & Society 16(2): 99-126.

[v] Ibid

[vi] Ministero Dell'intero Coronavirus, il 23 marzo controllate oltre 228mila persone e 87mila esercizi commerciali https://www.interno.gov.it/it/notizie/coronavirus-23-marzo-controllate-oltre-228mila-persone-e-87mila-esercizi-commerciali (accessed 25.3.20)

[vii] Mahe, S. (2020) French police fine over 4,000 people for violating lockdown. Reuters. 19/3/20. http://www.rfi.fr/en/europe/20200319-french-police-fine-over-4-000-people-for-violating-coronavirus-lockdown-contain-spread-covid-19

[viii] Tyler, T.R. (2006) Why People Obey the Law. Princeton University Press