

Why Trust Matters With Juveniles

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Several facts point to the importance of building trust in the law and legal authorities among the young. Most important, adolescence is the primary socialization period for attitudes about the law. Although adults can later change their views, the residue of socialization is strong and shapes later attitudes and behaviors. Furthermore, those views have a broader impact.

Legal authorities, in particular the police, are the face of government for most adolescents. Almost all of the contact that people, adolescents or adults, have with the legal system are contacts with the police. (People seldom go to court and are infrequently incarcerated.) In addition, most of the personal experiences that people have with the legal system, in particular instances in which they are involved in violating some aspect of the criminal law, occur before they become adults. Although the crimes committed by young people are overwhelmingly minor, the proportion of the young population that commits crimes is high relative to adults. Consequently, a relatively large number of adolescents is drawn into contact with the juvenile justice system.

How does contact with the police currently influence young people? A 2010 meta-analysis of research conducted by Petrosino and colleagues suggested that contact with the juvenile justice system is associated with higher likelihoods of future criminal conduct. Further, more extensive contact has stronger negative consequences.

One argument flowing from this finding is that diversion is desirable at any point (e.g., instead of arrest, instead of detention). This claim is particularly pertinent for adolescents because recent research, such as a study conducted by Laurence Steinberg, makes clear that the criminal propensities of young people are at least in part a product of their cognitive and emotional developmental stage. If left alone, almost all young people mature into law abiding adults.

Although it is true that there are many empirical arguments for the value of minimizing the contact of young people with criminal justice authorities, it is also true that many aspects of current policing policy and practice are inconsistent with this advice. Indeed, in recent years, young people have had more frequent contact with legal authorities. In many cities, the police have engaged in the widespread practice of stopping young people for questioning and searching. The range of such contacts has increased on the street and as a result of increasing use of police officers in schools. A recent estimate by Laurence Steinberg suggests that there are police officers carrying firearms in around two-thirds of American high schools. Given this increased contact, it is important to consider whether the police contacts that occur build trust.

My own recent research suggests two conclusions concerning the effect of police contact with the young. A study of police contacts with young men (18–26) that I conducted with Jeffrey Fagan and Amanda Geller suggests that it is not the frequency or intrusiveness of contact per se that determines how such contact shapes trust, but whether those stopped feel that they are treated fairly by the police. In particular, young people react to the procedural justice of police actions. Our research has further made clear that evaluations overwhelmingly focus on whether those

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stopped feel that the police are exercising their authority fairly. This *procedural justice* finding has been widely replicated and suggests that people care both about whether the police make decisions fairly and whether they treat

Contact with police does not inherently need to undermine trust and confidence

members of the public respectfully.

In terms of fair decision-making, the public wants to be listened to when policies are being created and to have an opportunity to state their case when dealing with individual police officers. They also want explanations for police actions that allow them to determine that the police are acting in unbiased ways and in accordance with policies that connect to understandable and shared objectives.

In the case of quality of treatment, people look for an acknowledgment of their needs and concerns and for evidence of the police's sincere efforts to act on behalf of the community. People also value respectful treatment. The issue of respect has been particularly central to recent public controversies involving the police, where people believe that the police treat members of the public, especially those belonging to minority groups, in demeaning, discourteous, illegal, and otherwise disrespectful ways.

The behavioral effect of those procedural justice judgments is widespread. Trust and confidence in the police are directly influenced, as are views about law and government. If people believe that the police are exercising their authority fairly, they more willingly trust them and more readily defer to their authority. They are also more willing to cooperate by reporting crimes and criminals, providing testimony in court, and helping call offenders to account for crime. Because the inability to identify criminals and successfully prosecute them is a central concern of the law, these increases in cooperation translate into higher clearance rates and more effective administration of the law.

Further, violent confrontations with the police, such as those recently experienced in

the aftermath of the police killings in Ferguson and Staten Island, are less likely to occur because these incidents have all begun with a person reacting to an encounter with a police officer with anger and through resistance. Although those involved varied in their ages, in each case, defiance of the police was a core beginning for what then became a violent confrontation. Irrespective of whether the police were justified in their initial requests, if individuals did not react with anger, there would be less likelihood of violent police reaction. In turn, it would be less likely for the public to react to those incidents with immediate anger. If the police are trusted, then people are more likely to give them the benefit of the doubt and allow the police time to investigate and respond to contentious law enforcement actions. Overall, the public is willing to give trusted police officers greater discretion in their efforts to enforce the law.

Finally, people's subsequent law related behavior, which is, their criminal trajectory, is influenced by their experience with the police. The study by Tyler, Fagan & Geller, for example, computed a criminal trajectory for each respondent based upon past crimes and demographics. We found that once that trajectory was accounted for, those who were stopped and treated unfairly were more likely to be currently engaged in criminal behavior. In other words, unfair treatment encouraged more crime.

The Influence of Contact

The findings on procedural justice are important because they suggest that contact does not inherently need to undermine trust and confidence. Although contact, on average, does lower trust, this influence results from the style of policing found in that contact. This style is based upon suspicion and the communication of distrust of and efforts to control people in the community.

Discussions of experiences with the police confirm the public experience of suspicion and indignity in encounters with the police. Jacinta Gau and Rod Brunson suggested in a 2010 article in *Justice Quarterly* that, "Respondents felt that their neighborhoods had been besieged with police. . . . Many study

participants . . . characterized their involuntary contacts with police as demeaning.” In other words, these actions are physically invasive and psychologically distressing. Research in

Police become associated with fear when they are viewed as the agents of sanctioning

New York City and elsewhere (e.g., see the article by Rod Brunson and Ronald Weitzer entitled “Police Relations With Black And White Youths In Different Urban Neighborhoods”) suggests that young men are often handcuffed, thrown to the ground, or slammed against walls while their bodies and belongings are searched. According to the findings of Tyler, Fagan & Geller, stops also frequently involve assaults on dignity by including a dimension of racial targeting. In interviews, both young men and women report that street stops are laced with violence, threats, hypermasculine and homophobic invective, and degrading and racially tinged language. Some young women stopped by the police report feelings of embarrassment and sexual intimidation when stopped, particularly when they are frisked by male officers.

The *proactive police contact model*, which leads to these stops, is based upon an assumed ability to separate community “undesirables” from the law abiding majority and treat each group distinctly. This approach was envisioned in the original *broken windows model*. In the original broken windows model the police expressed the shared social disapproval of the community toward a distinct group of deviants, that is, those who created perceived disorder through lifestyle crimes (e.g., squeegee men, prostitutes, or drug users). They did so by adopting a command and control dominance style of policing that conveys social marginality and suggests suspected character to those with whom they deal. It also communicates threat to people viewed as either lacking in the normative consensus on values held by law abiding members of the community or as being unable to live by those values. Hence, these are people who require coercion and the hint of fear to motivate appropriate behavior.

In recent years, the police have broadened their proactive policing framework and treated a broader segment of the community in this demeaning and marginalizing manner. In particular, they have widely targeted juveniles. Such a tone is viewed as justified by police officers seeking to detect signs of future wrongdoing, but they have increasingly projected it upon people who are less marginal members of the community and less likely to either currently be or likely to in the future become people who commit serious crimes. Such individuals are normally motivated in their everyday behavioral choices about whether to obey or break laws by their views about the trustworthiness and legitimacy of the police. Their alienation from the police diminishes public support for policing and increases the rate of crime. As it evolved, proactive police contacts have increasingly engaged in communicating suspicion. Too often when proactively initiating contact, the police communicate their distrust of the public and treat community members as potential criminals. Instead of respecting those in the community, the police view them as potential wrongdoers. This suspicious outlook is adopted in a zero tolerance fashion toward severe and petty crimes, and law-breakers and law-abiders, alike. In particular, it is adopted when dealing with adolescents and young adults who are the target of a large proportion of street stops.

The police also become associated with fear when they are viewed as the agents of sanctioning. As described by Brett Stoudt and colleagues, rather than being people who understand, acknowledge, and address people’s everyday concerns, thereby communicating reassurance, the police punish and are authorities to be feared and avoided. In particular, the widespread use of arrest to address minor crimes associates the police with demeaning nonvoluntary experiences and increases the risk of people being drawn into the criminal justice system for misdemeanors or minor lifestyle misconduct. According to a scoping study on policing young adults by John Graham and Jacqui Karn, the police “tend to view young adults as suspects in need of control rather than potential victims in need of protection.”

Evidence of the overextension of police suspicion is provided by studies that indicate that almost all of those stopped by

the police are innocent of any crime. Almost none turn up guns or other contraband such as marijuana. In "Stop, Question and Frisk Policing Practices in New York City," Deloris Jones-Brown and colleagues reported on New York Police Department stops between 2003 and 2009. They found that only 1.7% led to

Policing characterized by fairness builds trust and confidence

finding contraband, 1.09% yielded nongun weapons, and 0.15% yielded guns. However, from the framework of suspicion, this policy of widespread stops is a clear example of the police dealing with large groups of the general public from a posture of suspicion, stopping, questioning, and frisking people who are simply on the street. In many instances, citizens are either stopped or arrested on suspicion of criminal trespass while attempting to enter their own homes or to visit family members in public housing buildings.

When those involved in contacts feel that decisions are being made fairly (i.e., they are given voice and treated in a neutral and unbiased manner and with dignity and respect), the negative influence of being stopped is mitigated. In fact, research I conducted with Fagan, shows that contact can lead to increases in the trust that people feel for the police. Thus, it is possible for the legal system to promote trust in the young, and more generally.

These findings have clear policy implications. They suggest that policing can gain effectiveness when every implemented policy and practice is evaluated not only in terms of its crime-control utility, but also in terms of its perceived fairness. Every encounter with the public is a teachable moment, and police departments and officers should ask what they are teaching the public about the police. In other words, legitimacy is something that is earned, much like any form of capital is accrued, and the consent of the governed is earned through experiences with the police that are imbued with dignity, respect, and fairness. Paying attention to the consequences of citizen interactions helps

build the type of capital-by-consent that, as it accumulates, becomes general police legitimacy. The public must consent to accepting police authority, and the police can communicate through their actions that their use of authority justifies such consent.

Today many police actions flow from a general model of policing that views the police as agents of dominance, control, and coercion. Their approach is to project force into communities to communicate the risks of potential law breaking behavior to the people they deal with, and in this way, to lower the rate of crime. (In an unpublished manuscript we provide evidence which suggests that this style of policing does not in reality increase the perceived risk of being caught and punished for wrongdoing.) The contrasting model I am discussing focuses on consent. As has been noted, policing characterized by fairness builds trust and confidence. This latter model is a model involving consent.

This approach matters because it provides a new perspective on a series of issues that has created ongoing controversy between citizens and police, including racial profiling, broken windows policing, aggressive street stops, and police use of force. In each case, the public perception of—and reaction to—what the police are doing has become an issue in and of itself beyond actual police actions. In today's media climate and in a world in which seemingly every encounter with the police is recorded by someone, this appears inevitable. In turn, the police need to reflect in advance how their actions are likely to be viewed by the public—both those likely to have contact with officers and people in the community at large. The answer to this question should shape both what the police do and how they do it. In particular, when the police have reasons for taking actions that impact upon peoples' lives, they need to focus on taking those actions in ways that the public will experience as being fair.

Of course, I argue that in addition to its inevitability, a focus on the public and public concerns has advantages for the police because it leads to a more cooperative relationship between the police and the community, something envisioned in early discussions of community policing, but often lacking in police-citizen relationships today.

To achieve these gains, police officers need to be trained to recognize the importance of fair treatment and be provided with skills and tactics to achieve the goal of strengthening public trust. Police training can enable

A large and persistent racial gap exists in trust in the police

commanders to identify policies that build trust and help officers on the street to know how to conduct themselves in ways that achieve the same goal. Such training is not only for the benefit of the public. Better trained officers steeped in tactics for de-escalating conflict and building trust are less likely to encounter resistance and hostility on the street, less likely to need to resort to the use of force, and therefore, more likely to be safe. We need to evaluate these policies and think about how they are experienced by the public.

Understanding the effect of law enforcement policies has become a particularly central issue in recent years because the police have increasingly sought to prevent crime through *proactive policing*. Proactive policing involves efforts to deal with future crime via current police contacts that find guns and drugs and communicating risk and thereby lowering the rate of subsequent misconduct. This approach inherently brings the police



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into more frequent contact with the public, either through broken windows approaches that focus on arrests for minor crimes or broad stop and search practices with respect to the ongoing search for drugs and guns.

General Policies and Practices

Although procedural justice on an individual basis can mitigate harm of police contact, and can even enhance trust and confidence, it is important to note that people also judge the police by their general conduct across people and over time. In fact, we found in our study Tyler, Fagan & Geller that general judgments about the police were more important than were judgments about personal contact. Further, if people experience repeated contacts, they make more general evaluations of patterns and are less influenced by what an officer does in a particular case. For example, Jack Glaser's research has shown that being repeatedly stopped by the police on the street or in a car leads people to question law enforcement policies regardless of how fairly the police officers involved are acting in a particular encounter on the streets.

How can the police and other criminal justice authorities address this issue? Procedural justice is not only about the implementation of policy, it is also about its creation. When people in a community experience fair procedures in determining how their community will be policed, they are more accepting of police actions. Hence, the same procedural justice principles apply at the larger policy level. People need to experience procedural justice at the policy creation stage.

Why Do These Issues Matter Today?

In the last several decades, the crime rate has declined, and the police have become more professional in a variety of ways. Public trust in the police, however, has not correspondingly increased in America. It has remained about the same, with only 50% to 60% of adult Americans expressing trust and confidence in the police. Further, there has been a large and persistent racial gap in trust, with Blacks being 20% to 30% less likely to express trust in the police than are other

people. This gap has not disappeared as the crime rate has fallen.¹

As noted, low levels of trust have contributed to a long series of racially tinged controversies about the actions of police officers, in incidents ranging from the Rodney King case in Los Angeles to the Eric Garner case in Staten Island. Studies conducted by the Pew Research Center, as detailed in “Sharp Racial Divisions in Reactions to Brown, Garner Decisions,” indicate dramatically different understandings of each of these police-related events. In each case, Blacks were found to be much more skeptical of police neutrality and of the motivations of police officers than are Whites. They are also less willing to defer to police promises to fairly investigate misconduct.

Trust and Individual Well-Being

Although the discussion of consent-based policing models have generally involved a focus on law-related goals such as lowering the crime rate, ideally and especially when dealing with adolescents, it is important to consider impact upon individual well-being. As noted, most young people are on a trajectory toward normal adulthood. That trajectory depends upon their engagement in institutions such as school and their ability to do well in such settings. Recent studies, such as that of Amanda Geller and colleagues on aggressive policing and mental health of young urban men, show that one consequence of unfair treatment is to damage mental health in young people, which leads to higher levels of stress and symptoms of posttraumatic stress disorder.

These problems undermine normal psychological development. Therefore, unfairness can literally make people ill, and in so doing, can generally have a broad, negative impact upon their lives and their likelihood of

¹Public views about the police have been surveyed by a variety of groups, including the Gallup Poll and the Pew Research Center. Results are available from those groups directly or through the Sourcebook of Criminal Justice Statistics Online. Table 2.12.2011, Sourcebook of Criminal Justice Statistics Online, available at <http://www.albany.edu/sourcebook/pdf/t2122011.pdf>.

Suggestions for Further Reading

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successfully developing social and cognitive skills important to a normal life.

Trust and Community Development

Legitimacy-based policing is valuable because it facilitates the achievement of a broader set of community goals. The climate of security that is created in a community forms a framework which shapes the ability of that community to develop socially, politically, and economically. Whether people will work, live, shop, and participate in a community is influenced by whether they feel reassured by the police. In addition to the rate and type of crime, it also involves the way the police are understood by the community. Are they a police force or a police service? Do they treat citizens fairly and with respect, or are they to be avoided and feared? If people have problems, do they go to the police, or do they avoid them? A *police service model* encourages the police to create a climate of reassurance, one that builds the community. Fear of crime undermined communities in an earlier era; but

today, the police can help build communities by projecting safety and reassurance.

As noted, the police are the central point of contact between the public and the criminal justice system. Although people deal with the courts on occasion, the overwhelming majority of their contacts are with police officers. Hence, it is police policies and practices that define law to the average person and to those involved in repeated encounters with the criminal justice system. This fact has become increasingly important as issues of public trust in legal, political, and social institutions have grown to be an ever more important issue in the United States. Local and state governments enjoy more legitimacy than does the Federal government, and the police are a key local institution.

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