

# Trust in the police and policing by consent in turbulent times

Clare Torrible

## Abstract

**Purpose** – *This paper aims to explore the potential impact on policing by consent and trust in the police of diminished political and generalised trust.*

**Design/methodology/approach** – *This paper draws on a range of academic literature on trust, the legal foundations of policing by consent, police occupational culture, disproportionality and neighbourhood policing.*

**Findings** – *An analytical framework is developed by recognising that policing by consent can be conceived as comprising two complementary facets, police state consent and police citizen consent and drawing loose mappings between police state consent and political trust and police citizen consent and generalised trust. This supports the argument that the importance of tackling disproportionality in policing practices and an increased emphasis on neighbourhood policing are not only valuable for reasons recognised in existing literature but also because they may bolster policing by consent in circumstances of reduced political trust and contribute to increased generalised trust across society.*

**Originality/value** – *This paper builds upon existing work on trust in the police and policing by consent to give novel insights into the importance of neighbourhood policing and tackling disproportionality. The analytical frame developed also highlights new areas for nuanced research questions in the field of trust and provides grounding from which policy objectives for policing can be developed.*

**Keywords** *Procedural justice, Neighbourhood policing, Policing by consent, Political trust, Social and generalised trust, Trust in the police*

**Paper type** *Research paper*

Clare Torrible is based at the School of Law, University of Bristol, Bristol, UK.

## 1. Introduction

Policing by consent, trust and confidence in the police and the belief that police exercise their powers legitimately, are not only to be aspired to on the grounds of community wellbeing. They are also instrumentally important to efficient and effective policing [1]. In their crime prevention and investigation role the police are dependent on public support in reporting crime and assisting with criminal justice outcomes (Tyler, 2004, p. 85, Tyler and Fagan, 2008, p. 233). Similarly, in their order maintenance role they rely on public co-operation with general requests (Tyler, 2004, p. 85).

However, conceptions of these four aspects of police-public relations (i.e. “trust” and “confidence” in the police, “police legitimacy” and “policing by consent”) are complex and difficult to disentangle. Indeed, aspects of these notions are themselves contested. For example, for Weber “legitimacy is equivalent to belief in legitimacy and legitimate power is power that is believed to be legitimate” (Weber 2013, p. 23). In contrast Beetham (1991, p. 10) insists that “[a] given power relationship is legitimate not because people believe in its legitimacy but because it can be justified in terms of their beliefs.” This distinction arguably underlies the “double-edged sword” of procedural fairness articulated by MacCoun (2005) and more recently by Hough *et al.* (2016) and is also reflected in the distinction drawn between “public confidence in” and “legitimacy of” the police complaints

Received 20 August 2021  
Revised 28 October 2021  
2 May 2022  
Accepted 3 May 2022

The author would like to thank Prof. Antonia Layard and Dr Foluke Adebisi for their comments on earlier drafts of this article.

system noted by [Torrible \(2018\)](#). Further, Reiner's nuanced analysis of the historical antecedents and contours of police legitimacy largely equates policing by consent with police legitimacy, whereas Brodgen argues that the idea of policy by consent is better conceived as an ideology ([Brodgen, 1982](#), p. 170) (and is therefore distinguishable from other discussions of police legitimacy). In addition, there is frequent overlap between how the various labels of trust, confidence, etc. are used. This results in a tendency to elide ideas or specific features of each concept which can in turn be compounded by methodological and scalar issues. For example, Bradford and Jackson convincingly demonstrate that confidence in *local policing* is a product of trust in the local police's engagement with the local community and trust in the police's motivation to treat the local community fairly ([Bradford and Jackson 2010a](#)). Meanwhile [Jang et al's \(2010\)](#) international study confirms how public confidence in the police is impacted by a wide variety of factors that lie outside the control of local forces. For example, Jang *et al* found associations between both confidence in the police and personal satisfaction with life and (separately) with the level of democracy in the country.

Thus, although existing work is valuable in seeking to probe the complex relationships between the public and the police, greater clarity and precision regarding what is being discussed or explored would be beneficial. While acknowledging the interrelation between notions of confidence, legitimacy and trust, but conscious of the need to achieve a workably narrow analytical focus, this paper focuses on trust in the police and broader studies on trust. It assesses these by reference to a legal and constitutional analysis of policing by consent to develop a heuristic analytical frame and discursive machinery which will assist clarity of meaning in future empirical and theoretical work in this challenging terrain. The frame itself can be extended to encapsulate discussions of both legitimacy of and confidence in the police. Furthermore, in developing this framework, the argument here also thickens theory underlying policies that support neighbourhood policing and promote work to counter disproportionality in policing.

The paper is structured as follows. Section 2 reviews the literature on trust pointing to the conceptual and methodological difficulties in delineating what trust in the police means and exploring notions of social, generalised and political trust. This is followed in Section 3 by a focus on policing by consent. This section argues that policing by consent can be conceived as comprising two components, "police state consent" and "police citizen consent." The analysis demonstrates that police state consent can be linked to political trust while police citizen consent is more closely associated with generalised trust. The implications of this for policing policy, in particular concerning neighbourhood policing and disproportionality, are explored in Section 4, and the potential for further use of the analytical framework here developed is discussed in the conclusion in Section 5.

## 2. Trust in the police and political, generalised and social trust

Even within the relatively narrow academic work on trust in the police issues of collinearity and clarity of labelling are difficult to avoid. For example, The Crime Survey for England and Wales [2] attempts to provide some insight into the drivers of trust in the police by asking respondents to select from a list of potential motivations for their response to the main question "can the local police be trusted." These include positive or negative personal experiences, local or national media, word of mouth, etc. In contrast, more targeted empirical studies demonstrate the complex influences on citizens' interpretation of officer conduct and demonstrate the complex ways in which trust is either enhanced or diminished in the course of lived or witnessed interactions ([Bates et al., 2015](#); [Waddington et al., 2015](#)).

Potential influences on trust in the police and how such trust might be measured are examined in depth by an impressive body of work which focuses on procedural justice theory ([Tyler, 2006](#); [Tyler and Huo, 2002](#); [Bradford and Jackson, 2010a](#); [Hough et al., 2016](#)). Procedural justice theory stems from the empirical finding that people are more likely

to accept the outcome of an intercession by authority (most specifically the police) if they sense that they have been treated with respect and that the process by which the outcome was reached was fair (even if it is unfavourable to them) (Tyler, 2006). The theory maintains that fair processes and being treated with dignity demonstrates to the person subject to those processes that they are a valued member of the social group and that there is an alignment between their values and those of the authority figure. This in turn garners what is referred to as motive-based trust (Tyler and Huo, 2002) and an inclination to adhere to the law not through fear of apprehension but because it is the right thing to do (Jackson *et al.*, 2012).

Again, however, collinearity and clarity of meaning are problematic. Much of the work on procedural justice theory is methodologically limited by reliance on surveys rather than panels (van Deth, 2017) [3]. Further, Tyler, also draws a distinction between “instrumental trust” in the predictability of others’ actions and what he labels “social trust.” However, there is considerable overlap between his definition of social trust and motive-based trust as outlined above. “Social trust is not based on judgements about the predictability or competence of others. Instead, it is based on attributions about the motives of others: whether they trust that others have the intention to do what is good for them, whether those others are motivated to be ethical and fair” (Tyler, 2003, p. 559). Moreover, there is an inextricable circularity in understanding “fairness” as a shared value and it simultaneously being treated as a means of communicating other shared values.

Consequently, while acknowledging the important contribution of procedural justice theory scholars, Nagin and Telep (2017) argue that the causative relationships suggested in the outline above have not been made out. They point to reverse causation and third causes as significant issues. The former includes insistence that human interactions are bidirectional at both individual and community levels. The latter, “third causes”, directs attention to the individual or collective investment in conventional social bonds, political ideology and community and historical context. Relatedly, as noted above Jang’s *et al* study highlights the importance of framing the more individual or local level focus of PJT against macro level issues relating to the broader political, social and criminological context (Jang *et al.*, 2010).

Moving beyond the policing context, more wide-ranging studies on trust tend to delineate broad categorisations of social/individual trust (the label used slightly differently to Tyler, above), generalised trust and political trust. Once again labelling inevitably fails to be entirely consistent across the many studies in this area (Newton *et al.*, 2018). However, for the discussion below, social trust is used to denote trust in known people, e.g. family members, neighbours and friends (whether individually known or “in-group” others). It therefore encompasses both instrumental trust and the assignment of a positive “fair” motivation to those others. Meanwhile, generalised trust is the belief that “most people can be trusted even if you do not know them personally and even if they are not like you” (Newton and Zmerli, 2011, p. 171) [4] and political trust is concerned with trust in the institutions of state.

A defining feature of trust (evidence of its existence and means of securing it) is the reduced need for the trustor to check the information given by the trustee or to monitor their conduct (Levi, 1996). Generalised trust is thus vital in “large scale urban society which entails frequent but fleeting contact with unknown others from different social backgrounds” (Newton and Zmerli, 2011, p. 40). Additionally, generalised and political trust are subject to mutually interdependent relations of cause and effect (Newton *et al.*, 2018, p. 42). Generalised trust is instrumental in facilitating good governance by enabling the cooperation and compromises necessary for policy formulation and implementation. Meanwhile, states assist in the development and maintenance of generalised trust by limiting the information individuals would otherwise need to check about each other and providing means of redress. The existence of state sponsored mechanisms whereby contracts can be enforced, for example, reduces the risk that they will be breached and

thereby make it easier to trust that the terms of the contract will be fulfilled (Levi, 1996). Furthermore, it is accepted that increased inequality across societies tends to have a negative impact on generalised trust and that therefore states may enhance generalised trust by reducing the divergence of interests between citizens (Newton *et al.*, 2018, p. 48).

Political trust is a fundamental element of political stability (Crouch, 2019; Easton, 1975; Goldsmith, 2005). It is associated (*inter alia*) with greater citizen compliance with Government requirements (payment of tax, etc); greater inclination to accept policies that run contrary to individuals' own political ideology and greater propensity to "engage in collective restraint in the face of social dilemmas" (Rudolph, 2017, p. 197).

It is noteworthy that within this broader literature on trust, the police tend to be conceived *solely* as an institution of state, with the corollary that trust in the police tends to be conceived as falling squarely within the category of political trust. However, while Goldsmith is correct to maintain that it is difficult to examine trust in policing separately from trust in Government (Goldsmith, 2005, p. 446) this does not mean that such examination should not take place. Studies repeatedly confirm that levels of "political trust" are not uniform across the various institutions of state and that governments, parliaments and political parties enjoy lower levels of trust than the courts, the civil service and the police (Rudolph, 2017). Sections 3 and 4 demonstrate the importance of exploring the relationship between generalised trust and trust in the police. However, at this juncture three points of concern about the narrow alignment of trust in the police and political trust can be noted.

First, conceiving the police as aligned with other state institutions to produce an overall measure of political trust has the potential to divert attention away from the relationship between trust in government (or, for example, a sub-group of criminal justice institutions) and trust in the police.

Second, in his classic delineation of political support Easton distinguishes diffuse and specific support. Diffuse support is characterised as support for the institutions of state, the offices of authority figures and can be contrasted with specific support for the current incumbents of those offices (Easton, 1975). This critical distinction is not always clear in more recent work on political trust (Rudolph, 2017) and conceiving trust in the police as aligned only with political trust may invite the distinction to be overlooked when seeking to probe the complex influences on trust in the police.

Third, the inclusion of trust in the police within broad indicators of political trust may also introduce a degree of circularity in analysis. Van Deth's panel study explores the relationship between political trust and the inclination towards certain citizenship norms (for example, the inclination to vote and follow politics, or the conception that one should support people who are less fortunate, volunteer in some organisation and commit oneself to one's neighbourhood, etc) [5]. The study found that while the intuitive position may be that increased political trust will lead to increased inclination towards citizenship norms, the reverse is true and that support for citizenship norms is a prior determinate of political trust (2017, p. 225) [6]. In line with the tendency to blend political trust and trust in the police, one of the questions used in van Deth's study for ascertaining participants' levels of political trust was their level of trust in the police. Significantly, however, in addition to those outlined above, the questions van Deth developed as indicating support for "citizenship norms" included "obeying laws", which procedural justice theory holds are promoted by police practices in garnering motive-based trust. A further "citizenship norm" question in this study was "reporting a crime if you see one", which may also be positively or negatively impacted by police practices (i.e. assessments of police efficiency and effectiveness). Police thus fall on both sides of the analytical line. Moreover, and importantly for the argument below, some of the citizenship norm questions noted above might arguably also serve as markers of generalised trust which invites reflection on potential connections between generalised trust and trust in the police.

The discussion in this section highlights how the complex role of police in society creates enormous challenges for empirical enquiries into the multiple levels at which policing practices can influence citizens' perceptions of both the police and the other institutions of state (and how perceptions of state or government of the day may in turn influence perception of the police). Section 3 develops a conceptual schema that can assist in delimiting and structuring the empirical enquires that are invited by these challenges.

### 3. Policing by consent

As indicated in the introduction, consent to policing understood in terms of cooperation with the police can sometimes be elided with police legitimacy and treated as subject to empirical verification. Such empirical studies can provide important insights into the complex interrelated factors that contribute to good police public relations and give a measure of overarching "consent to policing." However, that is not the way "policing by consent" is being used in this analysis. Instead, what follows seeks to step outside of these more empirical enquires (important as they are) to provide an account of policing by consent that is based on the legal and constitutional foundations of police power.

Orthodox police histories celebrate "policing by consent" as a foundational ethos underpinning the New Police in 1829 (Reiner, 2010). While the originating central importance placed on this notion is contested (Emsley, 2014), it is difficult to imagine that garnering consent to policing was not recognised as offering "a better chance of securing public order than naked force" (Hough *et al.*, 2016, p. 14). Moreover, accuracy of historical accounts aside, the ideal of policing by consent is frequently invoked by both police and governments alike (and often in tones that suggest it as an accurate descriptor of the lived experienced of the policed). Further, this rhetoric is capable of positive instrumental impact by inducing positive assessments of the police.

It is important however to distinguish policing by consent from a naively utopian conception of all police interference with liberties as consensual (Bottoms and Tankebe 2017). Similarly, policing by consent cannot not be conceived as coextensive with public confidence in the police (measures of which fail to give proportionate weight to the views of the marginalised and disenfranchised members of the community that are disproportionality in receipt of police attention (Torrible, 2018, p. 466)). Thus, while empirical verification of levels of confidence in or compliance with the police is valuable, the idea of "policing by consent" must extend to something beyond a set of such measures.

The point raised above concerning public confidence underscores how the intuitive appeal of the egalitarian and communitarian ethos implicit in the idea of policing by consent obscures and sanitises a fundamental tension at the heart of the police function. This tension rests on a distinction most notably explored by Marenin (1982) between the police role in securing general order (a minimum order in which all can go about their business) and their role in promoting and protecting specific orders or specific dominations. For Marenin, the police mandate to preserve the status quo in a society that is riven with structural and economic inequalities necessarily renders them agents of state oppression [7]. At a practical level, therefore, the consent that is referred to in "policing by consent" is arguably that of the middle and upper classes and the relationship between the police and the working-class and more marginalised groups has been characterised as a "tentative negotiated truce", subject to "undercurrents of antagonism" (Brogden, 1982, p. 170, see also Reiner, 2010).

Policing by consent is thus better understood as "a concrete ideology" and "a major and substantive view of the relation between civil society and the police apparatus" (Brogden, 1982, p. 170). As such it embodies the tensions noted above and the analysis which follows elucidates them by delineating two (inextricably linked but conceptually distinct) strands of policing by consent which are here called "police state consent" and "police citizen consent."

The Weberian conception of the state provides the starting point for developing the idea of police state consent. For Weber, the state is a human community that (successfully) claims monopoly of the legitimate force within a given territory (Weber, 2013, p. 48). The police are bearers of the mandate to exercise this state sanctioned force and Bittner argues that it is this that underpins and demarcates their role and functions (Bittner, 1970). There is consequently an irreducible link between police and state because, although they are not coextensive, the monopoly on legitimate force is definitional of both.

“Police state consent” can thus be isolated as recognising a “top down” perspective of the police as mandated to use state sanctioned force in enforcing laws promulgated through democratic process. At a practical level the state’s contribution to the continued legitimacy of the police is observed (inter alia) in ensuring that the police’s exercise of their mandate is appropriately regulated. More fundamentally, however, police state consent is predicated on consent to and trust in the institutions of state. It is underpinned by consent to and trust in the constitutional order and significantly to trust in the government of the day as the most immediately visible element of state from which police powers emanate. There are thus clear and strong associations between police state consent and political trust as articulated in the literature reviewed in Section 2. Moreover, because it is the state that promulgates the laws and represents and maintains the structures that sustain the levels of equality or inequality manifest in the general order which the police are mandated to maintain, it is police state consent that is reflected in Marenin’s observations noted above.

In contrast, while contested (Turner, 2014), the principle that each chief constable enjoys operational independence rather than being an instrument of the government of the day and the high degree of discretion exercised by street level officers leaves the general ideal of “policing by consent” in need of an additional foundation that is less directly linked to the Weberian analysis of police powers. Hence, what is here delineated as police citizen consent is founded on two legal principles: operational independence [8] and the “original” status of the office of constable [9]. Lord Denning’s famous formulation of operational independence as officers being answerable to the “law and the law alone” [10] is much derided because it results in a considerable accountability gap (Lustgarten, 1986). However, the conception of police officers as “citizens in uniform” [11] arguably permits that accountability gap to be filled by “a surrogate form of accountability” that is “constructed out of consent” (Brogden, 1982, p. 170).

The notion of officers as “citizens in uniform” stems from the original office of constable as a rotational role with officers drawn from the local community and continuing to live in that community after their term of office expired (Rawlings, 2002, p. 35). Although histories conflict, this conception characterises constables as community members with the role of “arbitrating competing interests to find the correct path” (Fielding, 1995, p. 6). Thus, when operational independence is equated with officers’ legal powers originating from their status as citizens “police power *is* citizen power” (Brogden, 1982, p. 122). In contrast to police state consent, police citizen consent can therefore be seen as embodying those aspirations of citizenship that reflect the accepted model as a status that is “egalitarian and all-embracing” rather than “hierarchical and divisive” (Heater 1990, pp. 183–4).

Whether the general population appreciate the nuances of police operational independence or conceive the police as anything other than a direct extension of the state is moot. Similarly, as Reiner (2010) rightly points out the idea of police accountability functioning via a “mystical link” between police and people is harder to sustain in a plural and often conflicted society. However empirical findings concerning levels of societal consensus or public conceptions of policing, while important, are not of immediate significance to this argument. The theoretical point that underpins police citizen consent is that police state consent gives and inadequate account of overall policing by consent. The government of the day undoubtedly exercises considerable control over the police via its ultimate control of a significant proportion of police funding and via targets/performance

measures, etc. However, the commitment to local determination of police priorities and the constitutional significance of operational independence is recognised in the role of Police and Crime Commissioners and underscored by the policing protocol [12]. Moreover, returning to empirical and practical considerations, the finding that governments and political parties tend to enjoy less trust than the police would indicate that some distinctions between police and state are drawn in the public mind even if these are not fully realised or easily articulated. Furthermore, independent of potential empirical findings concerning how people conceive the police, officers do exercise enormous discretion and inevitably, in doing so they are (to some extent at least) acting as citizens in uniform. Arguably, this is increasingly the case. While societal structures and the nature of communities are now far removed from those in place during the early development of the office of constable, recent research confirms that the “social isolation” that has been a feature of the “sociological orthodoxy” [13] of police occupational culture is diminishing and officers (and particularly young-in-service officers) currently retain more of their “non-officer” identities than previous generations (Macaulay and Rowe, 2020, p. 7; Charman, 2017, p. 332). Accordingly, Charman also found that officers not only bring the values they develop through processes of police enculturation into their work, but that how they exercise discretion is also infused with their own values and beliefs (Charman 2017). Finally, the idea of police citizen consent is arguably implicit in much of the work on procedural justice theory which rests on the idea of motive-based trust being garnered by a sense of shared values inferred (in large part) from encounters with individual officers.

The corollary to police citizen consent stemming from officers conceived as citizens in uniform is that an important aspect of the relationship will be founded on inter-citizen (i.e. generalised) trust. Consequently, while police state consent is aligned with political trust police citizen consent can be aligned with generalised trust.

As noted in Section 2, the causative relationships at play in studies on both trust and procedural justice theory are still being explored. Moreover, as discussed above, political and generalised trust are interconnected. The ideas of police state consent and police citizen consent delineated above should therefore be viewed as ideal types, and similarly, the suggested loose mappings between police state consent and political trust and police citizen consent and generalised trust should not be seen in rigid terms [14] Instead, the analytical schema developed here should be viewed as a heuristic device or as providing a discursive machinery that can be used in structuring future empirical enquires. Notwithstanding this, two powerful insights stem from the argument above, which, as discussed in the following section, have implications for policing policy. The first is that police policy makers should be alive to the potential influence that police practices may have on generalised trust. The second is that in circumstances of diminished political trust it will be valuable for the police to focus on garnering police citizen consent.

#### 4. Police state consent and police citizen consent in turbulent times

As noted in Section 2, people who are dissatisfied with their country’s democratic development and those who believe their governments are elitist and nepotistic tend to have lower levels of confidence in the police (Jang *et al.*, 2010). The rise in populism, accepted as a feature of Brexit and the previous Trump administration, is reflected in other European jurisdictions and is understood as indicative of much broader distrust in the institutions of the liberal state (Hawkins *et al.*, 2017; Crouch, 2019). Moreover, focusing on England and Wales [15] Prime Minister Johnson’s success in the local elections in Spring 2021 can be distinguished from the broader impact of his government’s actions. Accusations of corruption [16], elitism [17], disdain for the public [18] and unabashed disregard for the rule of law [19] have the potential to substantially undermine trust in the current government [20] and diffuse support for the institutions of state including the police:

Members in a system may be so discontented with successive sets of authorities that they normally have little confidence in any of them [] In time disaffection may occur not because of what each succeeding set of authorities is perceived to have done but simply because they are perceived to be authorities – and authorities are no longer thought worthy of trust (Easton, 1975, p. 449) [21].

The framework developed here indicates that these factors will combine to have a negative impact on police state consent.

Similarly, Section 2 also noted how generalised trust is reduced in circumstances of increased social inequality (Newton *et al.*, p.48). The COVID-19 pandemic has exposed and exacerbated existing deep structural, social and financial inequalities within the UK in unambiguous ways (Blundell *et al.*, 2020; Mikolai *et al.*, 2020). These divisions are likely to increase because the greatest burden of the economic crisis consequent on the virus will be borne by those who are already in lower socio-economic demographics, and it is suggested that widespread and long-term unemployment for many is inevitable (Armstrong, 2020). Thus, increased inequality in England and Wales consequent upon the COVID-19 crisis and its aftermath is likely to result in diminished generalised trust.

Importantly, recognition of the significance of police citizen consent and of the relationship between policing and generalised trust suggest routes by which the police might rise to these challenges.

In their detailed statistical analysis, Bradford and Loader demonstrate convincingly that people are stopped and searched not because of where they are or how they are behaving but on the basis of their personal characteristics. This thus undermines the suggestion (see Bowling *et al.*, 2019, p. 179) that the primary determinant of police disproportionality is existing society racism [22]. David Lammy highlights the enormous injustice inflicted by differential policing and its recursive effects:

As we speak, there will be a young, white, middle-class man smoking a joint with impunity at a campus university, and the police will be nowhere in sight. But a young black or Muslim man walking through Brixton or on Tottenham High Road will be stopped and searched and end up with a criminal record that blights their life chances for ever (Gayle, 2018).

His observation is valuable in drawing attention to how the disproportionate targeting of particular groups is not only self-perpetuating because of its impact on the life chances of people in those groups but also as a result of the comparative under-policing and consequent relative impunity (and potential consequent sense of entitlement) enjoyed members of other communities.

Dispelling disproportionality in policing is imperative on the basis of justice. Procedural justice theory scholars add to this by highlighting how reducing disproportionality may enhance motive based trust in the police which will in turn have valuable instrumental effects in relation to compliance with the law. The argument here supplements these imperatives with the insight that disproportionality in policing has the capacity to reduce generalised trust because (inter alia) of its tendency to increase inequality across society. It thus adds a subtle new layer to existing reasoning by extending the focus of the harms the disproportionality entails.

The analysis here also suggests that in circumstances of diminished political trust the police should focus on police citizen consent. In its 2018 report, the Home Affairs Committee urged forces to reaffirm Neighbourhood Policing as a cornerstone of British policing based on policing by consent [23]. Significantly the symbolic elements of Neighbourhood Policing are substantially aligned with the founding aspects of police citizen consent. The very label “neighbourhood policing” communicates “a sense of localism and common interests” and signifies “a collective yearning for fair, reliable, and impartial criminal justice institutions” (Casey, 2010, p. 56). Further, the emphasis on PCSOs and the explicit encouragement of

officers, staff and volunteers to support communities in being more active in the policing of their local areas (College of Policing, 2018) also chimes with the ancient office of constable and the informal civilian form of policing that existed before the creation of the New Police. Consequently, the delineation of police citizen consent and the recognition of its importance in times of diminished political and generalised trust is again valuable in adding nuance to how NP is practiced. For example, the stated primary focus on Neighbourhood Policing is community engagement that “builds trust and collaborative problem-solving with communities” (College of Policing 2018). The form of trust here is not specified but it is contended that recognition of the different ways in which both political and generalised trust impact overall policing by consent will help those studying and implementing Neighbourhood Policing to be clearer about how the “trust” with local communities that they are seeking is both conceived and garnered.

## 5. Conclusion

Walker observes how policing is a “deeply embedded social practice [] which affects a whole network of social relations and understanding through its institutions, its actions and its rhetoric” (Walker 1996, p.55). As noted in the introduction, work of seeking to understand the relationship between the police and the public and of teasing out which factors impact it in various ways is complex and sometimes confounded by issues of collinearity and clarity of labelling. It is not suggested that the distinction between police state consent and police citizen consent can deliver insights into all the complex ways in which policing (by the public police) is embedded across society. However, as argued above, the analytical frame developed here does provide a means of ensuring that future work on trust and policing avoids some of those labelling issues. It also encourages future work to remain aware of the complexity of the constitutional foundations of police power and thereby invites elements of Beetham’s more nuanced account of legitimacy to be foregrounded in analysis.

## Notes

1. The focus is on policing in England and Wales because the argument centres on the historical antecedents of and recent developments in policing in this geographic area. However, references from other jurisdictions are used where appropriate, and the framework developed is of broader application.
2. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/adhocs/11445trustinpoliceamongadultsaged16andoverinenglandandwalesandlondonyearendingmarch2016toyearendingmarch2019csew>
3. For example, Bradford and Jackson (2010b) provide a nuanced account of the distinction between trust and confidence in the police, which understands “trust” as something you do and “confidence” as something you have. However, in their 2010 research (noted in the introduction) the limitations of working from survey data are evident and it is not clear that their assessment of overall ‘confidence’ in the police and the subgroups of ‘trust’ in police engagement and fairness and effectiveness were arrived at by questions that accommodated that distinction between the concepts.
4. Social trust and generalised trust operate on a continuum such that a greater propensity towards social trust (be it psychological genetic or social/experience based) will align with a greater propensity towards generalised trust and vice versa. (Newton *et al.*, 2018).
5. The full list
6. See also Tyler and Huo, 2002.
7. It is not the intention to engage in or thicken political theory. It is accepted that Marenin was writing from a Marxist perspective and the overarching aim was therefore more directed towards undermining false consciousness and agitating the status quo rather than (as below) suggesting policy recommendations that seek to reduce overall inequality within the capitalist and neoliberal policing regime that currently exists (Turner, 2014), thereby inadvertently supporting it.
8. See the Policing Protocol 2012.

9. Fisher v Oldham Corporation. [1930] 1 K.B. 364.
10. R v Commissioner of the Police for the Metropolis ex p Blackburn. [1968] 2 Q.B 118 at 123D
11. This phrase first appears in a history of the constable written in 1883 (Critchley, 1967, p. 201). See also Rawlings 2002, p153.
12. Policing Protocol Order 2011 <https://www.gov.uk/government/publications/policing-protocol-order-2011-statutory-instrument>
13. See Loftus, 2010.
14. For example, the role of Police and Crimes Commissioners (PCC) might be conceived as sitting in an uncomfortable middle ground between police state consent and police citizen consent. While the electoral turnout at PCC elections does not demonstrate unambiguous endorsement of their role such engagement where it does exist must be seen as falling within the arena of political trust (Johnston and Pattie, 2014, Mawby and Smith, 2017). Further PCCs' budgetary control and formulation of policing priorities for their areas aligns with the distributary aspects of the general order that Marenin identifies. In contrast the aspiration (albeit arguably illusory (Crawford 2016)) that PCCs are responsive to community needs and sensitivities, aligns more with police citizen consent.
15. See fn1.
16. Good Law Project vs Cabinet Office [2021] EWCH 1569. The High Court found the Michael Gove had acted with clear bias ( and therefore unlawfully) in awarding a contract for £560 000 to "Public First" a company the directors of which were personally known to him. See also (Maugham, 2020).
17. Surveys' reveal high levels of belief that the government has not "tried very hard" (or "at all") to act fairly during the crisis (Halliday et al., 2020, p. 2).
18. For example, the Dominic Cummings affair) where perceived lack of fairness or lack of respect for the electorate had significant and measurable impact on compliance with the lockdown regulations (Fancourt et al., 2020).
19. R (Miller) v Prime Minister vs Lord Advocate and others/Cherry and others v Advocate General for Scotland v Lord Advocate and others [2019] UKSC 41. The Court of appeal pronouncement condemning the Prime Ministers purported proroguing of Parliament not only "without reasonable justification" but with "no justification at all"(para 55-61). See also Stone (2020) concerning Johnson's breach of international law in relation to the Brexit withdrawal agreement. See also Hyde 2020.
20. In August 2021 an Ipsos Mori Poll for the Evening Standard revealed that 6 in 10 people consider the British Prime Minister untrustworthy <https://www.standard.co.uk/news/politics/boris-johnson-untrustworthy-poll-keir-starmer-ipsos-mori-poll-b931903.html>
21. See also Halliday et al., 2020.
22. See also Hohl and Stanko which demonstrates institutional racism in the pattern of "no-criming" reports of serious sexual assault.
23. House of Commons Home Affairs Committee, Policing for the future, Tenth Report of Session 2017–18 HC515. <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/515/515.pdf>

## References

- Armstrong, T. (2020), "The communities worst hit by COVID job losses should be empowered to lead their own recovery", The Guardian Newspaper 3 November 2020.
- Bates, L.J., Antrobus, E., Bennett, S. and Martin, P. (2015), "Comparing police and public perceptions of a routine traffic encounter", *Police Quarterly*, Vol. 18 No. 4, pp. 442-468.
- Bittner, R.E. (1970), *The Function of the Police in Modern Society*, DHEW, Washington, DC.
- Blundell, R., Costa Dias, M., Joyce, R. and Xu, X. (2020), "COVID-19 and inequalities", *Fiscal Studies*, Vol. 41 No. 2, pp. 291-319.
- Bottoms, A.E. and Tankebe, J. (2017), *Police Legitimacy and the Authority of the State*, Hart Publishing Limited.
- Bradford, B. and Jackson, J. (2010a), "Different things to different people? The meaning and measurement of trust and confidence in policing across diverse social groups in London", This an

- extended, pre-publication version of: in Jackson, J. and Bradford, B. (Eds) *What is Trust and Confidence in the Police*, pp. 241-248.
- Bradford, B. and Jackson, J. (2010b), "Trust and confidence in the police: a conceptual review", *Social Science Research Network*, available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1684508](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1684508)
- Beetham, D. (1991), *The Legitimation of Power*, Basingstoke, MacMillan.
- Brogden, M. (1982), *The Police: Autonomy, Power and Consent*, Sage, London.
- Casey, J. (2010), "Implementing community policing in different countries and cultures", *Pakistan Journal of Criminology*, Vol. 2 No. 4, pp. 55-70.
- College of Policing (2018), "Guidance on neighborhood policing, available at: [www.college.police.uk/guidance/neighbourhood-policing](http://www.college.police.uk/guidance/neighbourhood-policing).
- Charman, S. (2017), *Police Socialisation, Identity and Culture: Becoming Blue*, Portsmouth, Palgrave Macmillan.
- Crawford, A. (2013), *The English and Welsh Experiment in Democratic Governance of Policing through Police and Crime Commissioners: A Misconceived Venture or a Good Idea, Badly Implemented?*, in Thierry, D. and Ross, J.E. (Eds), *Comparing the Democratic Governance of Police Intelligence, New Models of Participation and Expertise in the United States and Europe*, ElgarOnline, pp. 116-122.
- Critchley, T.A. (1967), *A History of Police in England and Wales*, Constable, London, pp. 900-1966.
- Crouch, C. (2019), "Post-democracy and populism", *The Political Quarterly*, Vol. 90, pp. 124-137.
- Easton, D. (1975), "A re-assessment of the concept of political support", *British Journal of Political Science*, Vol. 5 No. 4, pp. 435-457.
- Emsley, C. (2014), "Peel's principles, police principles", in Brown, J. (Ed.), *The future of Policing*, Oxford Routledge.
- Fancourt, D., Steptoe, A. and Wright, L. (2020), "The cummings effect: politics, trust, and behaviours during the COVID-19 pandemic", *The Lancet*, Vol. 396 No. 10249, pp. 464-465, August 15 2020.
- Fielding, N. (1995), *Community Policing*, Oxford Clarendon press.
- Gayle, D. (2018), "David lammy criticises sadiq khan over vow to increase stop and search", *The Guardian Newspaper* 14 January 2018.
- Goldsmith, A. (2005), "Police reform and the problem of trust", *Theoretical Criminology*, Vol. 9 No. 4, pp. 443-470.
- Halliday, S., Ilan, J. and Scott, C. (2012), "Street-level tort law: the bureaucratic justice of liability decision-making", *Modern Law Review*, Vol. 75 No. 3, pp. 347-367.
- Hawkins, K., Read, M. and Pauwels, (2017), T. "Populism and its causes in Cristóbal Rovira Kaltwasser", in Taggart, P., Ochoa Espejo, P. and Ostiguy, P. (Eds), *Oxford Hand Book of Populism*, Oxford University Press, Oxford.
- Heater, D. (2019), "Citizenship: The civic ideal in world history, politics and education", in Prahbat, D. (Eds), *Citizenship in times of turmoil? : theory, practice and policy*.
- Hough, M., Bradford, B., Jackson, J. and Quinton, P. (2016), "Does legitimacy necessarily tame power? Some ethical issues in translating procedural justice principles into justice policy", *LSE Law, Society and Economy Working Papers* 13/2016.
- Hyde, J. (2020), "Public respect for law 'ebbing away during lockdown", *Law Society Gazette*, 3 December 2020.
- Jackson, J., Bradford, B., Hough, M., Myhill, A., Quinton, P. and Tyler, T.R. (2012), "Why do people comply with the law? Legitimacy and the influence of legal institutions", *British Journal of Criminology*, Vol. 52 No. 6, pp. 1051-1071.
- Jang, H., Joo, H.J. and Zhao, J.S. (2010), "Determinants of public confidence in police: an international perspective", *Journal of Criminal Justice*, Vol. 38 No. 1, pp. 57-68.
- Johnston, R. and Pattie, C. (2014), "Electing police and crime commissioners in England and Wales, 2012 as second-order elections", *Representation*, Vol. 50 No. 2, pp. 217-229.
- Levi, M. (1996), "A state of trust", *EUI Working Paper RSC no 96/23 N*.

- Loftus, B. (2010), "Police occupational culture: classic themes, altered times", *Policing and Society*, Vol. 20 No. 1, pp. 1-20.
- Lustgarten, L. (1986), "The governance of the police", *London Sweet and Maxwell*.
- Macaulay, M. and Rowe, M. (2020), "Happy ever after? Making sense of narrative in creating police values", *Public Management Review*, Vol. 22 No. 9, pp. 1306-1323.
- MacCoun, R.J. (2005), "Voice, control, and belonging: the double-edged sword of procedural fairness", *Annual Review of Law and Social Science*, Vol. 1 No. 1, pp. 171-201.
- Marenin, O. (1982), "Parking tickets and class oppression: the concept of policing in critical theories of criminal justice", *Contemporary Crisis*, Vol. 6, pp. 241-266.
- Maugham, J. (2020), « "Covid-19 contracts smell of cronyism – so I'm taking the government to court", *The Guardian Newspaper* 16.11.2020.
- Mikolaj, J., Keenan, K. and Kulu, H. (2020), "Intersecting household-level health and socio-economic vulnerabilities and the COVID-19 crisis: an analysis from the UK", *Ssm – Population Health*, Vol. 12, p. 100628.
- Nagin, Daniel, S. and Cody, W. Telep. (2017), "Procedural justice and legal compliance", *Annual Review of Law and Social Science*, Vol. 13, pp. 5-28.
- Newton, K. and Zmerli, S. (2011), "Three forms of trust and their association", *European Political Science Review*, Vol. 3 No. 2, p. 169.
- Newton, K., Stolle, D. and Zmerli, S. (2018), "Social and political trust", *The Oxford Handbook of Social and Political Trust*, Vol. 37, pp. 961-976.
- Rawlings, P. (2002), *Policing: A Short History*, Willan, Cullompton.
- Reiner, R. (2010), "The politics of the police 13. Who governs? Democracy, plutocracy, science and prophecy in policing", *Criminology & Criminal Justice*, Vol. 13 No. 2, pp. 161-180, p. 162.
- Rudolph, T.J. (2017), "Political trust as a heuristic", *Handbook on Political Trust*, Edward Elgar Publishing, Cheltenham.
- Stone, J. (2020), "Minister admits Boris Johnson's Brexit plans break international law", *The Independent Newspaper* 8 Sept 2020.
- Torrible, C. (2018), "Reconceptualising the police complaints process as a site of contested legitimacy claims", *Policing and Society*, Vol. 28 No. 4, pp. 464-479.
- Turner, L. (2014), "PCCs, neo-liberal hegemony and democratic policing", *Safer Communities*, Vol. 13 No. 1.
- Tyler, T.R. (2003), "Trust within organisations", *Personnel Review*, Vol. 32 No. 5, pp. 556-568.
- Tyler, T.R. (2004), "Enhancing police legitimacy", *The Annals of the American Academy of Political and Social Science*, Vol. 593 No. 1, pp. 84-99.
- Tyler, T.R. (2006), *Why People Obey the Law* Princetown, Princetown University Press..
- Tyler, T. and Huo, Y.J. (2002), *Thrust in the Law, Encouraging Public Cooperation with the Police and Courts*, Russell Sage Foundation, New York, NY.
- Tyler, T.R. and Fagan, J. (2008), "Legitimacy and cooperation: why do people help the police fight crime in their communities", *Ohio State Journal of Criminal Law*, Vol. 6, pp. 231-275.
- van Deth, J.W. (2017), "Compliance, trust and norms of citizenship", *Handbook on Political Trust*, Edward Elgar Publishing, Cheltenham.
- Waddington, P.A., Williams, K., Wright, M. and Newburn, T. (2015), "Dissension in public evaluations of the police", *Policing and Society*, Vol. 25 No. 2, pp. 212-235.
- Walker, N. (1996), "Defining core police tasks: the neglect of the symbolic dimension?", *Policing and Society*, Vol. 6, pp. 53-71.
- Weber, M. (2013), *From Max Weber: Essays in Sociology*, Taylor & Francis Group, ProQuest Ebook Central, available at: <https://ebookcentral-proquest-com.bris.idm.oclc.org/lib/bristol/detail.action?docID=1111791>

## Further reading

Bradford, B.I. and Loader, I. (2016), "Police, crime and order: the case of stop and search", in Bradford, B., Jauregui, B., Loader, I. and Steinberg, I. (Eds), *The Sage Handbook of Global Policing*, pp. 241-258, Ch. 15.

Halilday, S., Meers, J. and Tomlinson, J. (2020), "Public attitudes on compliance with COVID 19-lockdown restrictions", Nuffield Foundation.

Hohl, K. and Stanko, E.A. (2015), "Complaints of rape and the criminal justice system: fresh evidence on the attrition problem in England and Wales", *European Journal of Criminology*, Vol. 12 No. 3, pp. 324-341.

Innes, M. (2005), "Why 'soft' policing is hard: on the curious development of reassurance policing, how it became neighbourhood policing and what this signifies about the politics of police reform", *Journal of Community & Applied Social Psychology*, Vol. 15 No. 3, pp. 156-169.

Loader, I. and Walker, N. (2001), "Policing as a public good: reconstituting the connections between policing and the state", *Theoretical Criminology*, Vol. 5 No. 1, pp. 9-35.

Mawby, R.I. and Smith, K. (2013), "Accounting for the police: the new police and crime commissioners in England and Wales", *The Police Journal*, Vol. 86 No. 2, pp. 143-157.

Mori, I. (2020), "The Health Foundation Covid-19 Survey – Second Poll, 20201004-THF-Ipsos-MORI-polling-report-COVID-19-V4\_0.pdf.

NPCC (2020), "National police Chiefs council "analysis of coronavirus fines published", available at: <https://news.npcc.police.uk/releases/independent-analysis-of-coronavirus-fines-published> (accessed 2 June 2020).

Sabbagh, D. (2019), "Boris Johnson accused of misleading public over police numbers", *The Guardian Newspaper* 27 August 2019.

Siddique, H. (2020), "Covid-19 in Britain: a summer of mixed messages", *The Guardian Newspaper* 8 August 2020.

## Corresponding author

Clare Torrible can be contacted at: [clare.torrible@bristol.ac.uk](mailto:clare.torrible@bristol.ac.uk)

---

For instructions on how to order reprints of this article, please visit our website:

[www.emeraldgrouppublishing.com/licensing/reprints.htm](http://www.emeraldgrouppublishing.com/licensing/reprints.htm)

Or contact us for further details: [permissions@emeraldinsight.com](mailto:permissions@emeraldinsight.com)