The consequences of being an object of suspicion:
Potential pitfalls of proactive police contact

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ABSTRACT

During the latter half of the 20th century American policing became more professional (Skogan & Frydl, 2004) and the rate of violent crime declined dramatically (Blumstein & Wallman, 2000). Yet public trust and confidence in the police increased at best marginally and there has been a large and continuing racial gap in police legitimacy. This article reviews changes in police policy and practice to explore the reasons for this seeming paradox. It is argued that a new model of proactive police stops has increased both the frequency of and the range of police contact with people in the community. Such police contact need not inherently undermine public trust in the police, but the style of such contact, through which the police communicate suspicion of ongoing or future criminal contact and seek to prevent it via the threat or use of coercion has not increased trust. This paper examines how such policies developed and why they are problematic. The result of a survey of Americans shows that perceived suspicion damages the social bonds between the police and the community and undermines trust in the police. It concludes by arguing that police contact need not be inherently negative and contact in which the police use fair procedures can addresses issues of crime and disorder while building trust and confidence.

I. INTRODUCTION

The recent stop-and-frisk policies of the NYPD have received recent widespread publicity and, at least in the public eye, have been consigned to the dustbin of history through a combination of Federal Court decisions (Floyd, et al. v. City of New York (2011) and electoral politics (the election of New York Mayor DeBlasio) fueled by public anger at the police. In this paper we argue that such tactics reflect the ongoing goals and implementation strategies of proactive police initiated investigatory contacts with the public and hence that there are likely to be similar policies and practices in the future.

We address this issue in two ways. We begin by reviewing the last several decades of American policing practices. Based upon that review we suggest that two changes have occurred. The first is a change in policing goals toward preventing crime that has led to an increase in the numerical frequency and breadth of targets of police initiated investigatory contacts between members of the public and the police. The second is a corresponding change in the interpersonal style of these contacts so that they have increasingly communicated police suspicion and mistrust of the members of the public within whom they are dealing.

We argue that these changing goals and style reflect a fundamental tension between two models of policing: the currently dominant proactive risk management model, which focuses on policing to prevent crimes and makes promises of short-term security through the professional management of crime risks; and a model which focuses on building popular legitimacy by enhancing the relationship between the police and the public and thereby promoting the long term goal of police-community solidarity and through that public-police cooperation in addressing issues of crime and community order.

This study compares these two models of policing using the results of a cross-sectional national survey. This study considers police-citizen contact at one point in time and does not address the changes in policing over time outlined through our review of evolving police practices. Rather, it tests between two competing models concerning the impact of suspicion based styles of contact on people's views about and behavior toward the law and legal authorities. The first model is that such stops deter crime by raising estimates of the risk of breaking laws. The second is that such laws undermine police legitimacy. Both predictions are tested using the findings of a national survey of Americans.

The survey is first used to explore the extent to which people feel that they are an object of police suspicion. Second, the study examines the relationship between feeling like an object of suspicion, people's relationship with the police, views about police legitimacy and the extent to which people are willing to cooperate with legal authorities.

Our argument is that it is not contact with the police per se that is problematic. In fact, the results of the study suggest that when the police deal with people in ways that they experience as being fair, contact promotes trust and a variety of types of desirable public behavior. Rather it is contact that communicates suspicion and mistrust that undermines the relationship between the public and the police. Proactive approaches in which the police work with the community to build legitimacy also increase informal social control and lead to overall reduce crime and disorder (see Tyler & Jackson, 2014). Proactive police approaches can build trust.

We conclude that the manner in which the tension between these two images of policing is resolved has important implications for the relationship between law and the public as

America becomes an increasingly proactive risk management oriented society. These findings also help to explain why police actions which were initially motivated by a desire to address community concerns have not legitimated the police but have instead produced public anger.

II. CHANGES IN AMERICAN POLICING

There have been three waves of police reform in policing in the United States (Walker & Katz, 2012). The first involved institutional development and paralleled Robert Peel's London model of policing which emphasized "policing by consent" (Emsley, 2013). A second involved professionalization and is most closely associated with August Vollmer. The third began in the 1960's and involved efforts to both improve community relationships and be more proactive in dealing with crime. This era reflects conflicting pressures to build community relationship and to manage issues of social order. One element of this effort was community-oriented policing, which tried to build ties to the community (Gill, Weisburd, Telep, Vitter & Bennett, 2014). Another involved efforts to control crime.

As the police have tried to control crime recent decades have seen fundamental changes in the goals of American policing. The police have moved from a focus on acting against crime which is in the process of occurring or on solving already committed crimes to a proactive strategy of preventive measures aimed at deterring future crimes. This more proactive approach to policing has led to more frequent police-initiated non-voluntary public contacts with the legal system, both through increased stop, question and frisk activities, and via zero tolerance policies which bring more people within the criminal justice system through arrests, court appearances, and even time in jail.

In addition, there has been a change in the nature of police-public contacts. To implement their proactive efforts to reduce future crime the police now more frequently approach members of the public with an attitude of suspicion and distrust as they search for signs of criminal character and likely future criminal behavior (e.g. "a regulatory gaze"). Consequently, an increasing number of people are having involuntarily interactions with the police during which they are more likely to be treated as if they are suspected of having deviant tendencies and suspect character. Rather than communicating reassurance, trust and respect, the police communicate suspicion, mistrust and fear. This change in tone reflects a managerial model of social order in which the police have centralized the authority for handling crime and implemented policing policies and practices using the promise of delivering rewards (safety) and the threat of imposing sanctions (fines, arrests, incarceration).

This article highlights the tension between the broad communication of messages of suspicion within communities and people's social relationship with the police. Our analysis focuses on the experience of "feeling like a suspect". Prior analyses have highlighted the objective consequences of acting based upon estimates of future risk (Harcourt, 2007). The analysis here focuses upon the additional issue of the psychological consequences of acting upon such suspicions.

We draw upon data from a national survey of US citizens. We find that those who live in disordered neighborhoods and those who are engaged in criminal activity are more likely to feel suspected by the police. In addition minorities, the young, and the poor are more likely to feel that they are being targeted by the police, beyond any influence of where they live or what they are doing. And, the manner in which the police act when dealing with members of the community either communicates suspicion or the lack of suspicion.

Irrespective of why it occurs we find that the experience of being stopped and 'feeling like a suspect' is linked to lowered police legitimacy and to a diminished willingness to cooperate with the police, because it undermines the social connection between the police and the public. As a result, we argue that the activities the police have been engaged in to proactively prevent crime are antithetical to the goal of building police legitimacy. Our findings identify costs associated with the rise of proactive police contact.

Why are these costs important? Increases in police professionalism and declining crime have not strongly impacted public trust in the police. National surveys indicate that trust in the police has generally been stable over the last 30 years. For example, in 1981 49% of adult Americans indicated trust in the police, while in 2012 56% indicated trust (Roper Center, Gallup poll data). At the same time trust in the general criminal justice system has declined. In 1993 43% of Americans indicated trust in the criminal justice system, while in 2011 28% indicated trust. And there has been a large and persistent racial gap in policing: according to the Pew Foundation, in 2011 61% of Whites and 43% of African-Americans indicated trusting the police. Police legitimacy has not risen in recent decades although crime has declined dramatically, something which we argue reflects the strategies in use by the police.

III. EVOLVING MODELS OF POLICING

The 1960's-1980's was a time period characterized by high and rising levels of violent and drug related crimes, and a widespread fear of crime in urban areas (Walsh, 2014). This fear was fueled by images of spiraling disorder and uncontrollable super-predators (Bayley, 1994). Both the police and the public widely believed that the causes of crime were beyond the reach of traditional police crime control strategies (Bayley, 1994; Gottfredson, 1990), with crime caused by poverty, and other socio-structural factors, and effective rehabilitation difficult. For these reasons crime was viewed as out of control, policing was perceived to be in crisis and "there was a strong sense that fundamental changes were needed" (Bayley & Nixon, 2010)".

Prior to this period the police department was the agency whose job was to assure that criminals were held to account and received punishment, thus ensuring post-event justice for victims. In response to widespread public concerns about crime the police became increasingly involved in proactive police contacts (see Epp, Maynard-Moody & Haider-Markel, 2014). This effort to prevent future crime from occurring fundamentally changed the goals of the police and with them the policies and practices of policing and focused police attention on issues of crime suppression (Sklansky, 2011). The ironic consequence is that today a police authority can capture and arrest everyone who commits a crime in their jurisdiction (i.e. can solve all crimes) and still lose their job because those crimes occurred in the first place.

These changes in policing began as an effort to address the fears of the public and, in the 1980's, were closely aligned to the idea of cultivating community policing (Goldstein, 1987). However, as police tactics have evolved in the ensuing years, they have not created the popular trust and confidence in the police originally envisioned by reformers. In fact, the popular legitimacy of the police has only marginally increased in recent decades (see Greene, 2012; Tyler, Goff & MacCoun, in press).

In their efforts to proactively prevent future crime the police have increasingly treated the people they deal with as if they suspected them of criminal tendencies, i.e. the police have questioned the motives and character of the public. In dealing with the public they have adopted a style of policing through sanctioning in which command and control based policies are implemented instrumentally. This approach has defined the police as authorities to be feared,

further undermining their relationships with the public. The police are not associated with security, safety and reassurance, as they were in an earlier era characterized by an interpersonal/cooperative style sensitive to the relationship between the community and the police (Goldstein, 1987). Instead they are linked to the apprehension of being harassed and sanctioned. Howell (2009) describes these approaches as "aggressive order maintenance" reflecting the tone that people in the community experience. For both of these reasons, proactive police contact strategies have not achieved their original goal of building popular legitimacy.

A. BROKEN WINDOWS

One framework for understanding this transformation in policing is contained within the highly influential articles outlining "broken windows" (Kelling & Cole, 1996; Kelling & Sousa, 2006; Kelling & Wilson, 1982; Wilson & Boland, 1978). These articles made a number of key arguments regarding crime. The first was that public fears about crime were driven by evidence of community disorder. As the authors summarize "to judge from their behavior and their remarks to interviewers, [people] apparently assign a high value to public order, and feel relieved and reassured when the police help them maintain that order". Paradoxically, during this earlier period of the original broken window analysis, it was widespread minor lifestyle crimes and not more consequential but less frequent violent crimes that led to public fear. Thus, responding to the public desire for order meant addressing lifestyle crimes.

Second, the model argued that unless such low level disorder was addressed, more serious crimes would follow from them. Broken windows theory posits that signs of decline and disorder, whether piles of trash, graffiti, or beggars on the street, encourage more serious crimes in the future, since "disorder and crime are usually inextricably linked, in a kind of developmental sequence". Thus, a fundamental goal of law enforcement is to cultivate the popular perception that the authorities care about public order and seriously engage in dealing with the petty crimes which are central to community concerns as a way to addressing the severe crimes which trouble the police.

These arguments led to a strategy for proactive crime control, where the police targeted the minor lifestyle crimes that created a feeling of disorder before those conditions were presumed to lead people to engage in more serious crimes. In other words, the model encouraged the police to take proactive steps to curtail minor crimes to prevent major crimes in the future. The broken windows model of proactive police actions was supported by research conducted at that time on the gains resulting from proactive police contacts (see Sherman and Rogan, 1995) as well as by the results of psychological experiments (Zimbardo, 1969, and more recently Keizer, Lindenberg & Steg, 2008). The general approach advocated by the broken windows theory, at least as this model has been interpreted by subsequent practitioners, has shaped policing models for the last 30 years. For example, in 2014, Commissioner Bratton endorsed this model and argued it still shapes his policies for the NYPD (Bratton & Kelling, 2014; Goldstein, 2014).

This model brings the police into more frequent non-voluntary contact with the public. In those contacts the police are rule enforcers who bring the possibility of arrest or other sanctions as an implied context for their interactions with people on the street or in cars. In that way it contrasts to earlier efforts such as the widespread expansion of the availability of 911 call lines which emphasize public initiated voluntary contact with the police. Traditionally an important reason the public has contact with the police is that they initiate that contact because they want help (Tyler & Huo, 2002). And police departments have valued the voluntary nature of

such responses. If police respond to a call at least one person (the caller) does not feel that the police are imposing their presence upon them.

An early extension of broken windows models was the idea of zero tolerance policing (McArdle & Erzen, 2001). Through this policy the police engaged in widespread arrests for minor crimes – for example, marijuana possession, public urination, or drinking beer on one's front steps. This policy was been described by police leaders as based upon broken windows theory (National review, 2013) because the people targeted were committing crimes, although often a minor crime that might have been ignored by many traditional police officers or responded to with an informal warning. The underlying model was that widespread arrests would deter later major crimes. In most such arrests people spend a brief time in jail, sometimes paid a fine and often end up with a criminal record.

While based upon the premises of broken windows theory, zero tolerance practices moved beyond one of the important premises of the original broken windows model. The original model argued that the police should focus on those disorderly individuals whose behavior was viewed by the community as outside of the rules of everyday social order (i.e. outside the communities' normative consensus about appropriate behavior). In other words, in the original model the norms being enforced reflected the norms of the general community, which was bothered by "disreputable or obstreperous or unpredictable people: panhandlers, drunks, addicts, rowdy teenagers, prostitutes, loiterers, and the mentally disturbed".

The expansion of zero tolerance policing has increasingly led the police to draw a larger segment of the community into the criminal justice system for minor lifestyle crimes, with many of those people being more integral members of the community, not outsiders or "marginal" people.[1] Drawing people into the system involved arrest which is a ceremony of degradation that changes a "free person into a criminal defendant, with all the attendant social meanings, physical discomforts, and civil burdens" (Kohler-Hausmann, 2013: p. 374). Instead of being within the law abiding community and condemning socially marginal "deviants", a larger group of residents found themselves being excluded from the category of "decent people" and socially marginalized by the police (Kubrin, Messner, Deanne, McGeever, & Stucky, 2010).

In addition the original model of broken windows focused upon people who actually were committing crimes, as did early zero tolerance approaches. More recent stop and question approaches broadly target the people in the community, with almost all of those stopped dealing with the police in a situation in which they were not committing a crime.

B.   CONTACT WITH THE COURTS

This change in patterns of contact with the legal system, initiated by arrests for minor crimes (Jones, 2014), has recently been described in detail by Kohler-Hausmann (2013; 2014). Those drawn into the court system typically experience repeated court appearances often ending in no formal adjudication of their case. These continuous contacts are enforced by the promise of eventual dismissal following some series of court appearances (adjournment in contemplation of dismissal, or ACD). As Jacobs (2015) emphasizes any records about contact with the police have implications for a young person's future, irrespective of the ultimate disposition of their case.

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[1] Austin & Jacobson (2013) argue that proactive policing reduced incarceration. It did so because the police focused upon low level crime rather than the type of felonies likely to lead to prison sentences. Hence, the widespread experience of the public with petty offenses notwithstanding, a smaller group of more serious offenders received less attention from the police.

Another goal of these repeated interactions has been to determine if the person involved can and will follow rules. For example, charges may be dismissed after some period of time without further infractions because the person has shown an ability to adhere to the law. So for some period of time, at least, the system is tracking conduct to assess people's ability to be law abiding.

These minor-crime arrests also provide law enforcement with information about people by marking their files with a criminal record that follows them through life and influences their later experiences with law enforcement. Increasing and continuous contacts with the criminal justice system results in many people experiencing "procedural hassle" and facing the risk of having a criminal record for petty crimes. As an example, many young people have been arrested for marihuana possession during police stops and ended up with criminal records that interfere with their later ability to live in public housing, receive student loans, find employment, etc.

Unlike an earlier era of "rehabilitation" the police are increasingly focused upon crime control through incapacitation and punishment. At the tail end of the system this change is reflected in burgeoning prison populations. As its entry point the police view the issue is having and exercising control over the public and public behavior by the threat or use of punishment (Garland, 2001). As Garland notes these changes have developed gradually, resulting in a society with a large prison population; harsh punishments; and widespread officer based and electronic surveillance of public behavior. This increased surveillance is the natural result of a strategy based upon fear of punishment. If people fear punishment they hide their behavior and surveillance is needed to detect it.

IV. CHANGING POLICE DEMEANOR

The other changing aspect of police actions is reflected in the demeanor of the police toward those with whom they deal. As part of the model of police professionalism police authority has been centralized and "rationalized" through expert management. A key aspect of this approach has been the development of policies and practices within departments which are then implemented in communities. The promise is that expert management will deliver safety by controlling crime. The police, in other words, are professional crime fighters, who have expertise and technology, not "street corner politicians" who have a cooperative and interpersonal approach to managing problems (Sklansky, 2011).

Since the public lacks the training or capacity to rival police models of gaining intelligence about crime risks in the community of the type which is needed to make effective proactive judgments, the police emphasis is on instrumental top-down management of the public. The police define the problem and the tactics to address it, rather than either the goals or policies and practices flowing from the community and, as a result, instrumental mechanisms are needed to implement these police defined policies and practices within the community. That implementation occurs through service provision (rewards such as safety) and social control (sanctions). These strategies reflect professionalism but also remoteness and objectivity, rather than being linked to social connectedness. And, they assume that the public agrees with experts about what the problems in the community requiring police attention are.

The focus on instrumental mechanisms for compliance is different than the idea of police officers as "street corner politicians" who know how to interact with and manage the conflicts and other issues that arise when dealing with people in the community (Muir, 1977). This older conception of policing imagines a more interpersonally sensitive style of policing linked to

efforts to manage community problems informally and as much as possible without the use of force. As Greene (2014) notes "the premise of the police as "philosopher, guide and friend" which characterized much of the discussion about policing in the mid-twentieth century the focus was on balancing the social control and social facilitation roles of the police (p. 173)". Similarly Muir (2008) talks about police officers as civic educators, i.e. in the role of teaching people about the obligations of living in a democracy.

This view of policing is not new, and reflects the close connection between the community and the police imagined by Peel in his original discussions about its mission at the time of the founding of the London police department in 1829 ("policing by consent"). His principles emphasized the need for public approval as a way to limit the use of physical force and compulsion to enforce laws and the role of courtesy and impartiality in achieving such approval.

The policies of the police today reflect a newer command and control criminal justice culture (Garland, 2001). In many countries including the US the police have moved from shared authority based upon social connectedness to one of managing through directives enforced through sanctions. As Hough (2007) notes about the United Kingdom in the 1980's-1990''s "Britain was turning its back on the concept of policing by consent (p.65)" leading to "a considerable shift in power from the local government…to central government (p.68)" and to system wide performance related pay policies for police officers based upon their success in implementing national objectives such as crime reduction (for nationally defined priority crimes).

The proactive police contact model is based upon an assumed ability to separate community "undesirables" from the law abiding majority and treat each group distinctly, an approach that was envisioned in the original broken windows model. In the original broken windows model the police expressed the social disapproval of the community toward a distinct group of deviants, i.e. those who created perceived disorder through lifestyle crimes (squeegee men; prostitutes; drug users). They did so by adopting a command and control dominance style of policing which 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. However, the police have broadened this framework and treated a broader segment of the community in this demeaning and marginalizing manner.

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, so their alienation from the police diminishes public support for policing and increases the rate of crime.

V. EVALUATING PROACTIVE POLICE CONTACTS

How should proactive police contacts be evaluated (Meares, 2014)? One argument is the effectiveness argument. These efforts have been successful in their objective of proactively controlling crime (Rosenfeld & Fornango, 2014; Sampson & Cohen, 1988). Crime is down and the police claim credit for at least some of that reduction (Zimring, 2012). From a fear of crime

perspective one argument is that these policies and practices have met the public concern identified in the original broken windows article because they have reduced both the rate of crime and fear of crime. There is also some evidence that these strategies can increase fear of crime (Hinkle & Weisburd, 2008). However, a softer form of broken windows however did not find negative effects, but also failed to find any positive impact (Weisburd, Hinkle, Famega & Ready, 2011).

Although this argument has been frequently made, it is also important to note that one aspect of the original broken windows argument involves the importance of a shift in focus toward lifestyle crimes (public drunkenness, begging on the street) and away from the type of crimes traditionally of more concern to the police (violence), with one goal being to demonstrate responsiveness to community concerns about lifestyle crimes as a way of stemming the development of perceived disorder and decline. The focus on minor crimes is motivated by the desire to build links to the community and does so by letting the community define which types of crime its members believe are more in need of police attention.

In stop, question and frisk discussions, the justification for the police actions has recently again focused primarily upon the police goals of lowering violence and gun crimes, with recent reactions to critiques of these practices being met with the argument that they are necessary to diminish the level of violent crimes. Even when they are arrested for minor crimes, those being stopped are actually being stopped in an effort to suppress future violent crimes.

Our argument is that these proactive police actions have occurred because in recent years the police have been expected to have the ability to prevent crime. As noted there are disagreements about both the actual ability of the police to control crime and their particular role in producing these recent declines (see Meares, 2014), but what is not in dispute is that the public and political officials are increasingly likely to hold the police to account for crimes, believing that the occurrence of crimes reflects a failure of the police to do their jobs effectively. This puts pressure on police leaders to perform in ways that lower the crime rate and keep it low.

Such a goal requires a proactive strategy of some type and its pursuit has inspired many varieties of proactive strategy, including stop, question and frisk models, hot spots policing and (Braga & Weisburd, 2010) and gang network analysis (Papachristos, 2001a, b; Papachristos, Hureau & Braga, 2013).

Consider the practice of stopping, questioning and frisking large numbers of citizens in search for drugs and guns. Being questioned by the police is a common occurrence in New York City and other major cities for hundreds of thousands of residents and visitors, but particularly for young men of color (Fagan, 2010, 2013; Fagan, Geller, Davies and West, 2010). This policy expanded the scope of proactive police contacts by including people who were not committing any crimes or even engaged in overtly suspicious behavior. The scope of these programs was large. In New York, these policies have produced more than 4.4 million involuntary contacts between the police and members of the public between 2004 and 2012 (NYCLU, 2013), most with the members of minority groups, almost none of whom were carrying weapons or serious drugs. Of these contacts, about one in nine resulted in an arrest or a citation, and about one in five appear to fall short of constitutional grounds of legal sufficiency (Fagan, 2013).

Studies of this policy have suggested that the fig leaf of suspicion which is required by law is itself suspicious as an explanation for police behavior since studies indicate that almost all of those stopped were innocent of any crime (Natapoff, 2012). Almost none turn up guns or other contraband such as marijuana. Jones-Brown, et al, 2010 studied NYPD stops between 2003 and 2009 and found that only 1.7% led to finding contraband, 1.09% yielded non-gun

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 home or to visit family members in public housing buildings (Fagan and Davies, 2012).

An alternative basis for evaluating proactive police policies is the Constitutional Terry standard for police stops (Meares, 2014). According to those standards, the police are not allowed to intrude into the lives of members of the public unless they are engaged in wrongdoing ("crime is afoot"). The original broken windows model followed this standard because the objects of the police were engaged in crimes, as was the case with subsequent zero tolerance policing approaches. However, as the police have increasingly adopted stop question and frisk approaches, their actions have involved every larger proportions of innocent people. As noted, while the police often frame their actions as justified on the grounds of suspicion, the reality is that almost all of the people they have stopped are innocent of any crime. Hence, these policies raise the question of whether people's Constitutional right to be free of police intrusions has evaporated in the face of new models of proactive police contacts.

This paper examines proactive police contacts from a third perspective: impact on popular legitimacy. While the fear of crime and the Constitutionality of police actions are important issues, studies suggest that they are not the key to popular legitimacy. Neither fear of crime nor perceived disorder is found to be a central driver of legitimacy (Sunshine & Tyler, 2003; Tyler & Fagan, 2008; cf. Jackson *et al.,* 2012a). People also seem to be insensitive to the Constitutionality of police actions (Meares, Tyler & Gardener, in press). Hence, whatever the merits of these arguments they are distinct from a discussion on popular legitimacy.

An important part of the original broken windows agenda was to deal with public fears by addressing the concerns of the public about disorder which was at that time believed to be spiraling out of control. Implicit in the discussion of such efforts is the belief that broken windows policing policies show police responsiveness to community concerns and encourage public trust in the motives of the police because people see the police working to address the concerns of the community. Hence, proactive police contacts were expected to build popular legitimacy (Kelling & Wilson, 1982). Such a focus on the community is consistent with the general emphasis in the 1980's on policing strategies that emphasize reconnection to the community to both "enhance their crime-control effectiveness and to increase public respect" (Bayley, 1994: p. 2). Under the framework of community policing models the goals of being respected by the community and effectively managing crimes were viewed as interconnected strategies achieved in tandem.

This paper explores the reasons for this continuing disconnect between police actions and popular legitimacy. We argue that the police have misunderstood the basis of public support for the police. The original broken windows discussion articulated a connection between public concerns and police actions by emphasizing the importance of the police being responsive to public concerns and communicating a reassurance that the police respect the needs and concerns of the public (Jackson & Sunshine, 2007). Recent studies have reaffirmed the important role that believing there is a normative consensus between the police and the community concerning the goals of policing plays in public support for the police (i.e. the importance of "normative alignment"; see Tyler & Jackson, 2014). More recent models of proactive police contacts have however departed from these goals.

Recent studies have established important findings regarding the relationship between the police and the public. First, they show the central role of legitimacy, by demonstrating that the legitimacy of the police, the courts, and the law shapes a variety of important public behaviors. These include deference to police authority during personal encounters (Tyler & Huo, 2002); everyday compliance with the law (Tyler, 2006; Jackson *et al.,* 2012b); cooperation with the police (Tyler & Fagan, 2008; Murphy & Cherney, 2014); acceptance of police authority (Tyler & Jackson, 2014); and diminishing support for public violence (Jackson *et al.*, 2013). As a consequence, there are clear costs associated with the low levels of popular legitimacy noted above.

Studies have further shown that popular legitimacy is most strongly shaped by the judgments people make about the fairness of their treatment by the police. In particular people are found to care about whether the police show respect for them and their rights, treat them fairly, and genuinely address their needs. These judgments are manifestations of whether or not people trust the motives of the police (Tyler & Huo, 2002).

Issues of trust in police motives are discussed in the original broken windows article by Kelling and Wilson (1982). By focusing on lifestyle crimes and public disorder the police were responding to the concerns of many people in the community. Further, through contacts such as those in foot patrols, officers had the opportunity to engage with and show respect for the people in the community and to demonstrate that they were taking community concerns seriously and responding to them. Hence, broken windows policing was also seen as an opportunity to build popular legitimacy.

However, broken windows policing can be successful in building legitimacy only insofar as the police communicate respect for and concern about people in the community. That was, indeed, the case in early discussions of foot patrols and community policing, where the police were viewed as taking on the role of addressing the concerns of the mainstream members of the community, i.e. being respectful of and responsive to their conception of community issues. These tactics communicated to the public that they were respected by the police as decent and law-abiding members of the community, whose needs are of concern to the police.

In contrast, 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 criminals and wrongdoers. And this suspicious outlook is adopted in a zero tolerance fashion towards 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 (Tyler, Fagan & Geller, 2014).

The police also become associated with fear when they are viewed as the agents of sanctioning. 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 (Fratello, Rengifo & Trone, 2013; Stoudt, Fine & Fox, 2011/12). In particular, the widespread use of arrest to address minor crimes associates the police with demeaning non-voluntary experiences and increases the risk of people being drawn into the criminal justice system for misdemeanors or minor lifestyle misconduct.

 By dealing with the public through a framework of suspicion and sanctioning, we argue the police undermine their legitimacy. And, these negative effects are not counterbalanced by a

favorable impact upon legitimacy based upon declines in disorder and fear of crime, because disorder and fear of crime are not major factors that shape legitimacy.

VI. SUSPICION AND SANCTIONING

The first message conveyed by current approaches to proactive police contacts comes through the more widespread use of proactive police stops, frisks and searches. The more these practices became pervasive, the more they are likely to target innocent people who are then questioned and searched for evidence of current or potential future wrongdoing. The message of such experiences is one of suspicion in the character and motives of those stopped who are questioned and searched while generally engaged in noncriminal conduct. The police "tend to view young adults as suspects in need of control rather than potential victims in need of protection (Graham & Karn, 2013, p. 2)".

The second message involves an emphasis on deterrence, i.e. on encouraging people not to commit crimes by increasing their estimates of the risk of detection and punishment for wrongdoing. From this perspective, a key function of police activity has been to raise the perceived probability of being caught, i.e. to shape current and future risk estimates. The police have done this by communicating that people are at risk of being stopped and searched when they are in public. These approaches emphasize that policing involves efforts to control people and dominate situations through a focus on threats and sanctions. However, such tactics also communicate to the people involved that the police regard them as potentially dangerous and untrustworthy (Collins, 2007; Delgado, 2008; Howell, 2009)

Discussions of experiences with the police confirm the public experience of suspicion and indignity in encounters with the police. Recently, Gau & Brunson (2010) suggested 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 both in New York City and elsewhere suggests that young men are often handcuffed, thrown to the ground, or slammed against walls while their bodies and belongings are searched (Brunson & Weitzer, 2009; Fratello, Rengifo & Trone, 2013; Powell, 2010; Rios, 2011; Ruderman, 2012). Force is significantly more likely to be used against minority suspects in street stop encounters than whites (Fagan, 2010). Stops also frequently involve assaults on dignity by including a dimension of racial targeting (Tyler, Fagan & Geller, 2014). 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 (Brunson & Weitzer, 2009; Gau & Brunson, 2010; Rios, 2011). Some young women stopped by the police report feelings of embarrassment and sexual intimidation when stopped, particularly when they are frisked by male officers (Ruderman, 2012b).

Similar messages come through arrests for minor crimes. When arrested, people are drawn into contact with the criminal justice system, which treats them as miscreants, rather than as respected citizens (Ward *et al.,* 2014). The demeaning procedures of arrest and detainment convey a message of social marginality and suspicious character (Jones, 2014). This both communicates mistrust and makes the costs of deviance clear. As was suggested years ago, going through this process is a punishment in itself (Feeley, 1979). But it is also a social message, one of being viewed by societal authorities as a "criminal". The danger is the reaction that people have to such marginalization: "Most worrisome is the possibility that field interrogations could provoke more crime by making young men subjected to traffic stops more

defiant toward conventional society and thus commit more crimes."(Sherman and Rogan 1995), i.e. there was the potential for overly harsh criminal sanctions to *increase* crime among certain groups (Sherman 1993; also see Wilson & Boland, 1978).

Much of the discussion on police practices has focused on the issue of disparate impact, i.e. on whether the proactive measures used by the police primarily target minority group members. While such impact is important and, as in the Floyd decision, can form the basis for a legal challenge to police practices, this focus obscures other fundamental issues about proactive police contacts. Even if the police do not disparately target minorities, their proactive police actions are potentially problematic.

As Epp *et al.* (2014) note, people make fundamental distinction between traffic stops, which occur when people break the law, and street stops. In the case of traffic stops two things are true: first, people know that they are breaking the law and therefore police stops are occurring for legitimate reasons; and second, people can control whether or not they are stopped. If people do not want to be stopped, they can follow the law. Street stops, in contrast, are unpredictable and outside of people's control. Aside from spending their entire lives within their homes people must be on the streets going to school, to work, shop, etc. Thus, they are subject to contact with the police. And if stories about street stops are to be believed, people often have no idea why they are being stopped; being stopped is not understood to be related to particular behaviors.

To some degree the practice of widespread and repeated street stops inevitably undermines police legitimacy. Epp *et al.* (2014) found that the repeated nature of stops in particular causes members of minority groups to judge such policies and practices to be unjust. In other words, people often begin by trusting the motives of the police and when first stopped believe that the police have a good reason for stopping them. However, over time multiple stops undermine this presumption and lead to cynicism and mistrust. Studies of street stops have shown that repeated stops have the consequence of undermining possible justifications for police action with those repeatedly stopped viewing the police as acting more unlawfully and with less fairness (Tyler, Fagan, Geller, 2014).

On the other hand, it is also clear that the police can engage in enforcement actions toward the public without undermining their legitimacy when people feel (as with traffic stops) that their actions have a legitimate legal basis, for example are due to their illegal behavior, and when they treat people fairly (Tyler & Fagan, 2008). The key to thinking about future police policies is to consider alternatives to a sanction based model.

VII. AN ALTERNATIVE MODEL

Our argument is that the proactive approach to policing as it has emerged in recent years is antithetical to a second model of policing. That model is based upon the goal of building popular legitimacy by shaping people's perceived obligation to support the law and legal authorities, as well as their motivation to cooperate with the police. This model focuses upon police activities which encourage the public to have trust in the police. It is ironic that proactive approaches to policing have spread widely at the same time that research has documented a variety of gains to be made by building popular legitimacy.

Research demonstrates that building legitimacy is linked to creating trust in the motives of the police. Tyler & Huo (2002) refer to such trust as "motive based trust", the belief that the police have benevolent intentions, i.e. an intention to do what is best for the people that they are dealing with. For example, when a crime occurs, do people believe that the police actually try to

solve it? When the community expresses concerns about the importance of particular problems, do the police actually care? People seldom have enough information to truly know the correct answer to such questions, but their inferences have a strong impact upon their relationship with the police. As an example, when people judge the actions of the police, they often consider whether practices such as disparate contact with minorities reflect police racism. When people trust the motives of the police they are more likely to believe that the police decide to stop because of legitimate crime control reasons and not because of racial biases (Tyler & Wakslak, 2005).

Focusing on the social relationship that exists between the public and the police is potentially valuable because it relies upon mechanisms outside of self-interest. In other words, this model is not related to showing people that following laws and directives is a way to avoid sanctions –an approach that has been found to be only partially effective (Tyler, 2006). When people trust authorities they develop a social connection with them, identifying with the authority and viewing the authority as sharing their goals and values (Jackson *et al.,* 2012b; Tyler & Jackson, 2014). As people come to identify with the police and legal authorities, they increasingly view those authorities as entitled to make decisions about how to maintain social order, and thus view their decisions as legitimate and entitled to be obeyed. Further, people voluntarily cooperate with police authorities they view as legitimate, by working with the police through neighborhood meetings, collective actions and efforts to engage in informal surveillance and reporting of problems in their community.

These non-instrumental connections labeled "relational bonds" (Tyler & Lind, 1992) are linked to issues of identity and status, not to material gains and losses. People who feel included within a community and accorded standing within it feel that they belong become motivated to promote the group's well-being (Bradford *et al.,* 2014). They identify with their community and its authorities and consequently want to act in ways that benefit their community (Tyler & Blader, 2000). Conversely, those who believe that marginalized or demeaned withdraw from the community and become less willing to comply with laws or cooperate with legal authorities. The goal of this paper is to test the viability of this relational approach to legitimacy through an examination of the impact of police suspicion vs. public trust in police motives and identification with police authority.

What type of police behavior builds the relationship between the police and the community? Studies of people's personal experiences with the police point to the centrality of people's judgments about the procedural justice of the police. In interactions between people and legal authorities people focus on four procedural justice issues (Blader & Tyler, 2003): two related to whether decisions are made fairly, and two related to how people are treated. In terms of decision making, procedural justice involves voice – the opportunity to explain one's concerns – and factuality/neutrality – evidence that decisions are being made based upon facts and without partiality. Treatment involves interactions marked with respect, courtesy and dignity and a belief that the motives of the authority are trustworthy. Both types of judgment about personal experience shape both overall police legitimacy and reactions to personal experiences with the police.

VIII. THIS STUDY

The value of popular legitimacy has been widely documented (Tyler, 2009a). As previously discussed, legitimacy provides a strong basis for the exercise of legal authority. However, the relationship between legitimacy concerns and current proactive approaches to

policing has not been examined empirically. Such an examination needs to address several questions. First, are issues of fear of crime and perceived disorder connected to popular legitimacy? The original idea underlying proactive police contacts was that fear of crime and perceived disorder undermined police legitimacy and that assumption needs to be tested. Second, does the experience of being stopped under conditions which communicate police suspicion (e.g. an investigatory stop) encourage the perceived risk that one will be caught for law breaking behavior among those who are stopped? If so, proactive police contacts should be part of an effective strategy for communicating a message of deterrence and is supporting a sanction based approach to policing. Finally, are the police undermining their legitimacy through proactive police contacts when they approach the public through a framework of suspicion?

A particular concern in the current analysis will be testing the relational argument that suspicion undermines legitimacy because it changes the relationship between the police and the public. This analysis will utilize three indicators of that relationship: trust in the motives of the police; identification with the police; and respect from the police. If, as argued here, a personalized belief that one is the target of police suspicion is damaging because of its relational impact, then changes in these social dimensions, rather than changes in judgments about the risk of being caught and punished for wrongdoing should shape the impact of suspicion on overall judgments about the legitimacy of the police and the law.

A second goal of the study is determining what factors are associated with the feeling that one is a target of suspicion? Is it living in a highly disordered neighborhood, being engaged in criminal activity; being a person of a particular age, race or gender, or is it the social message communicated to you by the police through the fairness of their treatment of you during personal interactions.

Each of these questions will be addressed using data from a national sample of adult Americans who completed an online questionnaire about the law, the police and the courts in 2012. The sample is weighted to represent a national cross-section of the population. The use of observational data precludes causal inference, of course, but a key strength here is the ability to infer to the general US population.

XI. METHODOLOGY

A. PARTICIPANTS

Participants for this study were drawn from a panel of compensated respondents maintained by Knowledge Networks. Knowledge Networks is a survey research firm in Menlo Park, CA that maintains a panel of respondents who complete on-line questionnaires for compensation. The panel is designed, with appropriate weighting, to approximate the demographics of the American population.

The fieldwork was carried out between August and September 2012. Individuals in the panel were offered the opportunity to complete this survey as part of their long-term commitment to the organization. The research panel comprised of a probability sample of US residents that was acquired through random digit dialing and address-based sampling methodologies of online and offline adults (18+). Selected respondents were contacted by e-mail and provided with a laptop computer and Internet access if needed. For this survey 2,561 respondents – randomly chosen from the larger ongoing panel of residents of the United States maintained by Knowledge Networks – were invited to take part in the survey and reminded after three days. This number was chosen to produce an adequate number of completed questionnaires. Of those who might

participate 1,603 individuals (62.5% response rate) completed the survey either in English or in Spanish. Potential respondents read a description of the content of the study and then chose whether to participate.

The sample was 48% male. It included 21% respondents who were 29 or younger; 26% respondents who were 30-44; 28% of respondents who were 45-59 and 26% respondents who were 60 or over. Education includes 30% high school graduates or less; 29% people with some college; and 29% college graduate or more. The sample was 36% with an annual family income below $40,000; 33% with an annual family income between $40,000 and $84, 000 and 31% with an annual family income $85,000 or above. It was 6% Hispanic; 12% African American; 72% White; and 10% other ethnicity. Finally 41% were Republican; 55% were Democratic; and 4% were undecided.

The panel sample is designed to approximate a national sample and the responses received were weighted to adjust for deviations from a representative national sample. This adjustment involved weighting respondents' questionnaires based upon their demographic characteristics. The characteristics used were gender, age, ethnicity, education, income, region and primary language. The comparison data is drawn from the Current Population Survey (2010), with Hispanic data drawn from the 2010 Pew Hispanic Center Survey. The weighted sample (n=1,603) therefore approximates a sample of American adults. A comparison of the sample to 2012 Current Population demographics indicated no significant deviations (Dennis, 2012). For example, in 2012 the US population was 72% White, and the sample was 72% White. The US population was 51% female, as was the sample. And in 2010 37% of the US population was age 18-44, as was the sample.

B. QUESTIONNAIRE

Respondents were interviewed regarding their views about the police using the following constructs:

1. PERSONALIZED POLICE SUSPICION

Respondents were ask "Based upon what you have seen and heard about the police would you agree strongly; agree; neither agree not disagree; disagree; disagree strongly that": "The police are generally suspicious of people like you" (10% agree); "The police treat people like you as if you were probably doing something wrong" (12% agree); and "The police treat people like you as if you might be dangerous or violent" (10% agree). (Three items: Alpha = 0.95).

2. DEPENDENT VARIABLES

a. *Legitimacy*: The analysis treats legitimacy as a general summary index that reflects the three elements of legitimacy identified in past research: obligation; trust and confidence and normative alignment (Tyler & Jackson, 2013). These indicators are related (mean r = 0.72).

b. *Obligation to obey law:* The items asked for agreement-disagreement that: "All laws should be strictly obeyed"; "It is hard to break the law and keep your self-respect"; "People should do what the law says"; "A person who disobeys laws is a danger to others in the community"; "Obeying the law ultimately benefits everyone in the community"; "Some laws are made to be broken (reverse scored)"; "Sometimes doing the right thing means breaking the law (reverse scored)"; "There are times when it is ok to ignore the law (reverse scored)" and "Sometimes you have to bend the law for things to come out right (reverse scored)" (Nine items; Alpha = 0.86)

      c.   *Obligation to obey the police*: The questions asked for agreement-disagreement that: "You should support the decisions of police officers even when you disagree with them"; "You should do what the police tell you even if you do not understand or agree with the reasons"; "You should do what the police tell you to do even if you do not like how they treat you" and "The police in your community are legitimate authorities so you should do what they tell you to do" (Four items; Alpha = 0.82)

      d.   *Legal normative alignment*: The scale asked for agreement-disagreement that: "The law represents the values of the people in power, rather than the values of people like yourself"; "People in power use the law to try to control people like you" and "The law does not protect your interests" The scores were reversed to reflect high legitimacy (Three items; Alpha = 0.83)

      e.   *Police normative alignment.* Respondents were asked to agree-disagree with six items: "The police generally have the same sense of right and wrong that you do."; "The police stand up for values that are important to you."; "The police usually act in ways consistent with your own ideas about what is right and wrong."; "You and the police want the same thing for your community."; and "The law represents the moral values of people like yourself.". (Alpha = 0.94).

      f.   *Generalized trust in legal authorities.* Respondents were asked: "How much do you personally trust each of these institutions in your own community": the police, the courts (Alpha = 0.86).

      g.   *Help police:* Respondents were asked how likely they were to: "Call the police to report a crime"; "Report suspicious activity near your home"; "Provide information to help the police find a suspected criminal". Scale (1) very unlikely to (4) very likely (Three items; Alpha = 0.91).

      h.   *Help legal system.* Respondents were asked: "If you saw someone push a person to the ground and steal their purse or wallet, how likely would you be to": "call the police?"; "if you were the only witness: how willing would you be to "identify the person who committed the crime"; and "Give evidence in court against the accused". Scale (1) very unlikely to (4) very likely (Three items; Alpha = 0.93).

3.   RELATIONSHIP WITH THE POLICE

      a.   *Identification with the police:* Respondents were asked whether: "Most police officers in your community have similar views to your own on many issues"; "Most police officers have a similar background to your own."; "You can usually understand why the police in your community do the things they do."; "You generally like the police in your community."; and "Can you imagine being friends with the police officers in your community?". (Alpha = 0.86)

      b.   *Respect*: Respondents were asked whether, if they knew them, most police officers in their community would "respect their values"; "appreciate what they contribute to the community" and "approve of how they live their lives". (Alpha = 0.90)

      c.   *Trust in police motives.* Respondents were asked to agree-disagree that: "The police try to do what is best for the people they are dealing with."; "The police make decisions that are good for everyone in the community."; "You and the police want the same things for your community."; "The police respect people's rights." and "The police only care about the views of some of the people in your community (reverse scored)". (Alpha =0.87)

4.   POLICE PERFORMANCE

How likely is it that you would be caught and punished if you engaged in the following types of illegal behavior: "Making an exaggerated or false insurance claim"; "Buying something you think might be stolen"; "Taking something from a store without paying for it"; "Breaking traffic laws" or "Littering" (Three items; Alpha = 0.87).

5.   NEIGHBORHOOD CHARACTERISTICS

a.   *Disorder*: Respondents were asked how much of a problem each of these was in their community: "Teenagers hanging around on the streets"; "Rubbish or litter lying around"; "Vandalism, graffiti and other deliberate damage to property or vehicles"; "People being drunk or rowdy in public places". ((1) Not a problem at all to (4) A very big problem.) (Three items; Alpha = 0.87).

b.   *Fear of crime*: Respondents were asked "How much do you worry about": "Having your house broken into and something stolen"; and "Being mugged or robbed" (1) Very worried to (4) Not worried at all) (Two items; Alpha = 0.84).

c.   *Criminal activity*: Participants were asked how frequently they disobeyed five everyday laws in the last five years (Never; once; twice; 3-4 times; 5 or more times). The responses were skewed, with most respondents indicating that they never engaged in these behaviors. Major crimes were measured by asking about: "making an exaggerated or false insurance claim" (97% never); "Buying something you think might be stolen" (94% never); "Taking something from a store without paying for it" (94% never). These three items were combined into a scale of major compliance. Minor crimes were: "Broken traffic laws regarding speeding or running a red light" (38% never) and "Illegally disposed of rubbish or litter" (86% never). (Five items; Alpha = 0.60).

6.   JUDGMENTS ABOUT PERSONAL EXPERIENCE

The prior indices have measured general attitudes toward the legal system, law related behavior and evaluations of how the police and courts generally behave. An additional question is how respondents were influenced by their past personal experience with the police.

a.   *Frequency of personal experience*: Respondents were asked: In the past two years have: "the police approached you or stopped you or made contact for any reason (35% yes)"; "have you approached the police in your community to ask for help or assistance of any kind (25% yes)".

b.   *Procedural justice.* Respondents were asked: "How fairly did the police make decisions about what to do?" "How fairly were you treated by the police? (Five points; "very unfairly" to "very fairly"). (Alpha = 0.80).

c.   *Lawfulness of outcome.* "To what extent did you receive the right outcome based upon your understanding of the law? (Five points; "not at all" to "completely")".

X. RESULTS

Most Americans do not view themselves as the object of police suspicion. For each of the three items asked in this study an average of about 10% of American adults agreed that they were the focus of police suspicion and 21% were neutral (neither agree nor disagree). Most respondents either disagreed (33%) or disagreed strongly (36%) with these statements.

If people experienced being viewed as a suspect as communicating a social status/stigma message then that should be reflected in their views about their relationship to the police. It is

possible to explore the connection of being the object of suspicion to questions about the respondent's relationship with the police. Three aspects of that relationship are important (Tyler & Blader, 2000): general trust in police motives; whether people identify with the police; and whether they believe that the police respect them.

How does suspicion relate to trust in police motives? If asked whether the police only care about the views of some community members (meaning they show bias in the treatment of citizens), those who feel suspected are more likely to agree (r = 0.45, p < .001). This is also true in terms of believing the police do not want the same things for the community (r = 0.47, p < .001); and with thinking that the police do not try to do what is best for the people they deal with (r = 0.43, p < .001). This is also true in terms of thinking that the police do not do what is good for everyone in the community (r = 0.41, p <.001); and do not respect people's rights (r = 0.42, p < .001).

The second issue is whether people identify with the police. People who feel suspected indicate that they cannot understand why the police do the things they do (r = .35, p < .001); that they do not like the police (r = .39, p < .001); that they are dissimilar in their views on many issues (r = .29, p < .001); and that they cannot imagine being friends with a police officer (r = .35, p < .001).

In terms of respect those who feel suspected are more likely to believe that the police do not respect their values (r = .29, p < .001); do not appreciate what they contribute to the community (r = .27, p < .001); and do not approve of their lifestyle (r = .29, p < .001).

The relationship between being a target of suspicion and the relationship people feel they have with the police can also be addressed using regression analysis. Table 1 does so by considering the empirical links between being a suspect on people's trust in police motives, identification with the police, and the perception of being respected by the police, controlling for other variables in the model, including whether people live in a high social disorder neighborhood and whether they are engaged in illegal activities. This analysis looks at the influence of a variety of factors on people's views about the police.

Include Table 1 here

The results suggest that, as hypothesized, the perception of being a target of police suspicion is linked to a general negative status message about police motives (trust in police motives; beta = -.46, p < .001), to feelings of connection to the police (identification with the police; beta = -.37, p < .001), and to perceived standing in the community (respected by the police; beta = -.0.28, p < .001)

The results also show that people who live in more disordered neighborhoods tend to have weaker relationships with the police, so lowering the level of disorder might help to build police- community connections. And as might be expected, minorities and the young report more problematic connections to the police.

A second question is whether feeling like a suspect is related to people's perception of the legitimacy of the police and the perceived risk of getting caught by the police if they were to commit a crime. The number of recent prior stops was itself unrelated to risk estimates (r = .04, n.s.), so simply being stopped does not significantly change the perceived risk of being caught by the police for wrongdoing.

The connection of feeling suspected to legitimacy and perceived risk can be examined using regression analysis. That analysis is shown in Table 2. It indicates that feeling like a suspect is related to lower legitimacy (beta = -.45) and a lower estimate of the likelihood of being caught for wrongdoing (beta = -.10). These effects occur while controlling upon the frequency

of compliance with the law; the type of neighborhood people live in; and demographics. In other words, while it seems reasonable that those who commit more crimes would expect to be more suspected by the police, this effect occurs beyond any influence of criminal behavior.

It is particularly important to determine whether feeling suspected leads people to believe that they are more likely to be caught if they break the law? The results suggest the opposite conclusion. Those who feel suspected report lower estimates that that would be caught if they break the law (beta = -.10, p < .001). Hence, believing that one is one of the "usual suspects" is not associated with high risk estimates. On the other hand, those who believe that they are the focus of suspicion evaluate the police as being less legitimate (beta = -.45, p < .001).

Include Table 2 here

Table 2 indicates that suspicion is linked to legitimacy and risk judgments. What other factors shapes legitimacy? Table 3 examines this question and finds that, as hypothesized, police legitimacy is not connected to fear of crime. Legitimacy is linked to judgments about disorder (beta = 0.19, p < .001)(see also Jackson *et al.,* 2012a), something noted as early as the original broken windows papers, and it is linked to the ability of the police to arrest those who commit crimes (beta = 0.15).

Include Table 3 here

Equally important is the demonstration that legitimacy shapes cooperation. Those who view the police as legitimate tend to be willing to report crimes to the police, and help to prosecute criminals. This relationship has been demonstrated in prior studies (Sunshine & Tyler, 2003; Tyler & Fagan, 2008) and is as expected found here. It is central to discussions about a legitimacy based approach to policing which has as a comparative advantage the ability to leverage public efforts to work with the police to maintain social order. Further, people are more willing to forego private violence and let the police manage problems in the community.

A.   PEOPLE'S RELATIONSHIP TO THE POLICE

Why does feeling suspected by the police change people's views about police legitimacy? This analysis suggests that relational bonds between the police and the public are central. We focus on the social aspects of that relationship: whether people trust and identify with the police and whether they feel respected by them. And, the analysis shows that it is because it shapes that relationship that being viewed with suspicion is damaging.

In contrast, being viewed with suspicion could be important because it communicates risk and influences people instrumentally. These two possibilities were compared using structural equation modeling. In the analysis perceived suspicion was allowed to predict legitimacy in three ways: directly; through impact upon the respondent's social relationship with the police (trust; identification, police respect) and by influencing risk assessments. The social relationship variable was a latent variable composed of the three elements mentioned.

The results of the analysis are shown in Figure 1. They suggest several conclusions. Most importantly, the relationship between feeling like a suspect and police legitimacy is totally mediated by the nature of people's perceived relationship with the police. Whether people feel the police are trustworthy, whether they identify with the police, and whether they feel respected by the police are three interrelated judgments (mean r = 0.54) that taken together reflect people's views about their social relationship with the police. The relationship is social in that it is linked to issues of identity and status. And, that social relationship mediates between perceptions of being a suspect and legitimacy.

In contrast, there is no correlation between whether people feel they are a suspect and their risk estimates. These results suggest that suspicion is important because of how it shapes the way that people think about their identity and status in the community as a result of messages communicated to them by the police. It is not important because the message of suspicion that the police communicate leads people to feel that they are more likely to be caught and punished if they break the law.

<div align="center">Include Figure 1 here</div>

B. WHY DO PEOPLE FEEL SUSPECTED?

There are several reasons that people might feel suspected by the police. One is that they live in areas of disorder and the police act differently toward the people who live in high crime/disorder areas; another that they are engaged in criminal conduct and the police treat criminals differently. They may also anticipate different treatment because of the type of person they are, with the police acting differently toward men, the young, the poor and minorities. Finally, they may infer how the police view them from the treatment they receive from the police.

The results are shown in Table 4. This table shows the empirical links between personal experience and whether a respondent feels like a suspect. People who feel suspected by the police often indicate that they experienced unjust treatment during recent personal encounters with the police. They are further likely to be minorities; be young; be poor; and be male. Finally, they live in areas of high disorder. Hence, where you live; who you are and how the police treat you all predict whether you feel targeted for suspicion. Interestingly, whether you are committing crimes does not predict whether you feel suspected (beta = -.03, n.s.).

Our examination of proactive police contacts distinguished two issues: police efforts to make decisions about whether a person is engaged in criminal conduct and police treatment of the people they deal with. Many open-ended discussions of policing emphasize unhappiness about police efforts to project dominance and control, which people experience as harassment and disrespect. Column two separates fairness of decision making and quality of treatment and suggests that it is quality of treatment that is particularly important in shaping reactions to experiences with the police. In other words, people do react strongly to police treatment and that reaction is distinct from beliefs about how the police are making decisions.

<div align="center">Insert Table 4 here</div>

XI. DISCUSSION

This paper begins with an historical analysis of changes in American policing since the 1960's. It suggests that there has been a growth in proactive police contact with the public. It further argues that such contacts have been framed around efforts to identify and stop potential current and future criminal conduct, a style that communicates suspicion and mistrust.

We argue that the experience of being policing in this way is to undermine police legitimacy and that as a consequence, any potential increases in public support for the police developing out of increases in police professionalism and declines in crime have been offset by the broader experience of mistrustful and unfair treatment by the police. The consequence has been a more or less steady level of police legitimacy among the public over recent decades and the continuation of high levels of mistrust in the minority community.

The cross sectional national survey which forms the focus of this paper cannot directly address changes in policing policy and practice over time or explore changes in the experience of

being policed during different eras. But the survey can examine the impact of suspicion-based policing upon the public to test our argument that such policing does not lead to deterrence, but does undermine the social bonds between the police and the public, diminishes police legitimacy and lessens public cooperation with the police.

The current model argues that proactive contact identifies ongoing crime and communicates the risk of wrongdoing for potential future crime, thereby lowering current and future crime. Yet, as we have noted studies suggest that proactive contact seldom identifies active "ongoing" crime, so the focus in our analysis has been on the communication of risk, which might deter future crimes.

The data reported here provide limited support for the arguments in favor of proactive police contacts. First, they suggest that fear of crime is not related to police legitimacy, a conclusion consistent with other recent studies (Gill, et al, 2014). Second, while neighborhood disorder has a clear effect, and thus addressing disorder can potentially help the police can build legitimacy, the role of disorder is weak and it is not the primary factor predicting judgments of police legitimacy.

Also central to the 'legitimacy through safety' model is that police stops shape judgments about the costs of committing crime. It is argued that stops diminish the level of crime because they increase the perception of the risk of being caught for rule breaking. This argument is not supported by the data reported here. Those who believe they are suspected by the police typically estimate the risk of being caught if they break the law as being lower. And this statistical effect is found controlling for both the level of criminal behavior they are engaged in and the level of disorder in their neighborhood.

Hence, a first important conclusion of this analysis is that the assumptions underlying proactive police contacts should be reexamined. First, the focus on fear of crime and perceived disorder that is a hallmark of early broken windows models may not have the net effect of creating legitimacy today. Further, the anticipation of being stopped and arrested if engaged in criminal conduct that flows from feeling like a suspect is not linked to people breaking the law less in their everyday lives so stops are not acting as a deterrent.

This may seem illogical since discussions of the police emphasize their presentation of force as a mechanism of communicating the costs of rule breaking. Police officers carry guns and clubs, and they are empowered to threaten citizens with physical injury and incapacitation, among other penalties; they thereby "manipulate an individual's calculus regarding whether 'crime pays' in any particular instance" (Meares, 2000, p. 396). Reiss (1971) points out "the uniform, badge, truncheon, and arms all may play a role in asserting authority" in the effort to "gain control of the situation" (p. 46). On the other hand, the ability of force to communicate risk may be overstated.

McCluskey (2003) tests the effectiveness argument using observer ratings of police behavior. He focuses on police requests for citizen self-control and notes, "surprisingly the coercive power that police bring to bear on a citizen in the form of commanding, handcuffing, arresting and so on, has a minimal impact on citizen's compliance decision" (p. 100). "the higher the level of coercive power displayed by police, the less likely targets are to comply….For every one unit increase in the index of coercion citizens are about twice as likely to rebel against the self-control request" (p. 108). As a consequence, police scholars generally argue that "[t]he best officers are those who use less, not more force" (Terrill, 2001, p. 232). If force is not effective in changing behavior in the immediate situation it is not surprising that

police stops do not generally shape public risk estimates concerning future criminal behavior. That is what we find in this study.

Of course, these findings are not an indictment of the original broken windows model, which developed in a different era that had different concerns. But they are a statement about the potential utility of that model today. In fact the call within that original model for the police to show signs of responsiveness to community concerns very much echoes the implications of the findings of this study.

What is the consequence of the suspicion communicated by the police about the public through widespread police investigatory stops? The results of this study suggest that people who feel like they are suspects tend to have more negative views about police legitimacy. Further, these lower legitimacy judgments are also linked to lower cooperation with the legal system. Hence, by communicating disrespect and distrust the police undermine the goal of building a strong relationship with the community and gaining the benefits of public compliance and cooperation. In fact, the results link police signs of suspicion to lower legitimacy precisely because they undermine people's relationship with the police.

Based upon empirical evidence, this paper suggests that in fact feeling like a subject of suspicion undermines the relationship between people and the police, with those who view themselves as suspects feeling less respected by the police and more distrustful of police motives. These findings have implications for our understanding of policing models. Ironically the original broken windows theory was based upon the goal of building relationships with the community, which was a general goal during this earlier era and often labelled as a concern with community policing. Broken windows theory argued that the police could build relationships by being responsive to community concerns over lifestyle crimes and through showing responsiveness and good intentions by addressing the factors leading to fears about crime.

The results of this study suggest that being responsive, showing respect, and being seen as having good intentions may build both police legitimacy and relationships with the community. Those who experience the police as having these characteristics are less likely to believe that they are the subjects of suspicion and mistrust and more likely to view the police as legitimate. These findings support the relational view of legal authority. They suggest that the issue is not police contact per se but the style of policing through which contact occurs.

However, the policies and practices of the police no longer encourage the types of judgments about the police that would promote legitimacy. The police are not seen as responding to the community. Rather this study provides direct evidence that the actions of the police undermine connections between the people and the police. In other words "the police are not simply agents of order maintenance and crime control but inescapably conduct their ordering work in ways which are deeply entangled with the shape and practice of democratic life. Policing materially and symbolically mediates belonging. The police send authoritative messages to citizens about the…community and the…place they occupy in its extant hierarchies (Loader, in press)".

The findings also support the suggestion that when personally dealing with the police, people focus on whether or not they experience procedural fairness. A consideration of procedural justice highlights that there are two distinct aspects of proactive police contacts as it has been enacted by the police. One aspect is broadening the scope of stops in an effort to identify crimes and criminals. This leads to a larger group of community members who experience and evaluate police decision making, considering if it is neutral and if rules are

consistently applied, as well as whether officers get the right information to make good decisions, for example by allowing people voice.

A second aspect of policing behavior is connected to a model of social control in which the police implement their search policies by projecting dominance and control. This style of policing is experienced by people on the street as disrespectful and humiliating. It is this latter aspect of police contacts that is found to be especially likely to communicate distrust and lead people to feel suspected by the police. In the discussion of personal stops, for example, it is not professionalism or lack of professionalism in police decision making that is important, rather it is quality of interpersonal treatment.

A.   WHY HAS BROKEN WINDOWS DRIFTED?

The discussion of policing changes suggests a drift from one conception of broken windows policing toward a broader less targeted model of stops. It also depicts a shift from reassurance toward sanction based fear and even intimidation. Why has this shift occurred? We argue that the police have increasingly held themselves responsible for stopping crime. And, the tool they have used to do so is proactive police stops to communicate risk. However, as has been generally shown in the deterrence literature and is also found here the influence of risk judgments on behavior is overestimated. It is often not found and when found is typically found to be weak. However, once authorities embark on this route toward obtaining compliance they define their relationship with the public in sanction based terms. Over time the inability of this approach to be sufficiently effective has an inevitable dynamic leading to more surveillance and more severe sanctioning. Once trust is undermined authorities have only fear as a motivating force, and fear does not work particularly effectively.

B.   IMPLICATIONS

The era of stop, question and frisk is widely reported to be ending. So one question is what relevance these findings have for the future. Is this an article about a historical practice – proactive investigatory stops by the police -- which is already over? We suggest that the findings outlined provide a cautionary tale for evaluating the policies and practices of a rapidly emerging risk management approach. While the specific tactic of stop, question and frisk may be diminishing the idea of proactive police prevention motivated surveillance and investigation is more powerful than ever. People see many signs indicating that they are "suspects" in the eyes of legal authorities.

Of course, there are many forms of suspicion. One question is whether people have a choice, i.e. whether they can control whether they are under suspicion. If you go to an airport you voluntarily accept the choice to be screened and you can avoid that screening by deciding not to fly. Studies indicate that on the street people do not feel free to decline to answer police questions or to allow themselves or their car to be searched, so street stops are an arena in which people lack perceived choice. Ebb *et al.* (2014) suggests that this is a central distinction between traffic and investigatory stops. People believe they can prevent traffic stops by obeying the law, but they feel that investigatory stops are beyond their control. Obeying the law does not prevent street stops. The data in this study suggests a small correlation between law breaking and suspicion, so people could lower their sense of being a suspect by obeying the law, but this connection was weak ($r = 0.11$, $p < .001$). Much of being suspected is beyond personal control, for example the role of race.

These different approaches communicate mistrust to those targeted. What are the possible downsides of such surveillance and the resultant mistrust? Ultimately this involves a question of the most desirable relationship between the police and the public. Recent research has emphasized the value of voluntary acceptance of and cooperation with legal authorities in fighting crime (Tyler & Fagan, 2008) as well as the potential role of police legitimacy in encouraging engagement in communities (Tyler & Jackson, 2014). This latter argument emphasizes that the police can contribute to "social cohesion and solidarity (Loader, in press)". That acceptance and cooperation depends upon popular legitimacy. Hence, perceived mistrust undermines a legitimacy based relationship.

This argument flows from the recognition that police officers represent society and their treatment conveys important messages of reassurance or alternatively threat concerning the treatment that people can expect when dealing with legal authorities. Those messages impact upon perceived status in society and inclusion among those who are accorded the rights of citizenship. The question of whether stops are "stigmatizing", "frightening" or "offensive" is central to their impact upon the person, shaping whether those stops create stress and anxiety. And, in support of this perspective recent studies show that street stops impact upon everyday stress, with disturbing experiences generating measurable levels of post-traumatic stress disorder (Geller, Fagan, Tyler & Link, 2014).

The key point is that law and the actions of the police carry a great deal of social meaning and being suspected of or even arrested for minor crimes carries social and identity related messages of great weight (Becker, 1997; Gusfield, 1981). As a result "the consequences for one's moral, as well as social and economic, identity seen to result from the enforcement of the criminal law against a mass activity, have been shown to result in a reassertion…[by the individual of their] essential law-abidingness and respectability" (p. 132).

In particular, this finding supports the suggestion that fairness encourages identification with authorities and institutions, which in turn leads to cooperation (Bradford, et al, 2014; Fisk, 2015; Tyler, 2009; Tyler & Blader, 2000). This relational perspective suggests that there are distinct links between people and authorities are rooted in identity, not instrumental outcomes, and which motivate both supportive values and cooperative behaviors. When people feel respected in a community and accorded standing by its representatives they become motivated to promote the group's well-being.

As we have noted, researchers disagree about the impact of proactive police contacts on the actual crime rate. However, it is important to recognize that due to the negative effects of these policies and practices on popular legitimacy, street stops also encourage crime. This possibility was raised in early discussions of proactive police contacts and is supported by research findings. As an example, Tyler, Fagan and Geller (2014) found that lower legitimacy resulted from experiencing stops, and that the resulting lower legitimacy increased criminal behavior, as well as lowering the willingness to cooperate with the police. Hence, police efforts to suppress crime may have the paradoxical effect of increasing it.

What is left as a basis for evaluating police conduct? This paper argues that the focus should be upon the impact of police practices on the public. The broken windows model of proactive police contacts argued that such policing would build relationships with the community by being responsive to community concerns and showing concern with addressing community problems. However, at least in terms of legitimacy, the efforts made to address fear of crime and community disorder have not built a relationship with the community and increased popular legitimacy. Crime has declined, but popular legitimacy has not increased.

Table 1. The influence of feeling suspected by the police on people's relationship with the police.

	I trust the police (H = yes)	I identify with the police (H = yes)	The police respect me (H = yes)
The police suspect me (H = target of suspicion)	-.46***	-.37***	-.28***
Disorder (H =a problem)	-.16***	-.13***	0.01
Level of compliance (H = not a criminal)	0.00	-.03	0.00
Hispanic (H = minority)	0.00	-.04	-.08**
African-American (H = minority)	-.09***	-.02	-.12***
Age (H = old)	0.08***	0.11***	0.11***
Education (H = high)	-.01	0.03	0.11***
Income (H = high)	0.03	-.01	0.03
Gender (H = male)	-.06**	0.02	0.00
Adjusted R.-sq.	32%***	19%***	12%***
	1,603		

Whether a person feels suspected of current or future criminal conduct by the police shapes their trust in police motives; whether they identify with the police; and whether they feel respected by the police. The results are beta weights for a regression analysis. *p < .05; **;p< .01; ***p<.001.

Table 2. The influence of feeling suspected by the police upon legitimacy and risk judgments

	Legitimacy	Likelihood of being caught
The police suspect me (H = yes)	-.45***	-.10***
Hispanic	0.03	0.03
African-American	-.05	0.02
Age	0.15***	0.09***
Education	0.05*	-.03
Income	0.02	-.02
Gender (H = male)	-.01	-.07*
Disorder (H = high)	-.15***	-.04
Level of legality	0.05*	0.08**
Adjusted R.-sq.	34%***	4%***

Whether they feel suspected by the police of criminal character shapes whether people feel that the police are legitimate and whether they think they are likely to be caught if they break the law. Greater perceived suspicion is connected to higher perceived legitimacy and to a lower perceived likelihood of being caught. The results are beta weights for a regression analysis. *p < .05; **;p< .01: ***p<.001.

Table 3. The influence of police legitimacy upon law related behavior.

	Police legitimacy	Report crimes to the police	Help prosecute criminals	Allow the police to handle problems
Police legitimacy	---	0.35***	0.27***	0.19***
Risk of being caught	0.16***	0.10***	0.03	0.01
Fear of crime	0.02	-.08**	0.02	0.03
Level of legality	.09***	0.04	0.01	0.08**
Neighborhood disorder	-.19***	-.04	-.01	0.04
Hispanic	-.03	-.07**	-.08**	-.00
African-American	-.15***	0.02	-.03	-.03
Age	0.19***	0.14***	0.10***	-.16***
Education	0.12***	0.01	0.08**	0.10***
Income	0.05	0.08**	0.08**	0.08**
Gender	-.04	0.03	0.04	-.14***
Adjusted R.-sq.	22%***	23%***	14%***	12%***

Those respondents who view legal authorities as more legitimate cooperate more with the legal system. The results are beta weights for a regression analysis. *p < .05; **;p< .01: ***p<.001.

Table 4. What shapes suspicion among those with personal experience with the police?

	Feel suspected by the police (high is feel suspected)	
Police used fair procedures during personal experience	-.22***	---
Police made decisions fairly (professionalism)	---	-.11
Police treated me fairly (respectfulness)	---	-.20**
Police acted lawfully during personal experience.	-.05	-.08
Comply with the law (H = yes)	-.03	
Disorder (H = high)	0.20***	---
Hispanic (H = yes)	0.13***	---
African-American (H = yes)	0.27***	---
Age (H = old)	-.11***	---
Education (H = high)	-.07	---
Income (H = high)	-.10*	---
Gender (H = male)	0.09**	---
	32%***	13%***

Several factors lead people to believe the police suspect them, including being treated unfairly; being a minority group member and living in a high crime neighborhood. The results are beta weights for a regression analysis. *p < .05; **;p< .01: ***p<.001.

Appendix A

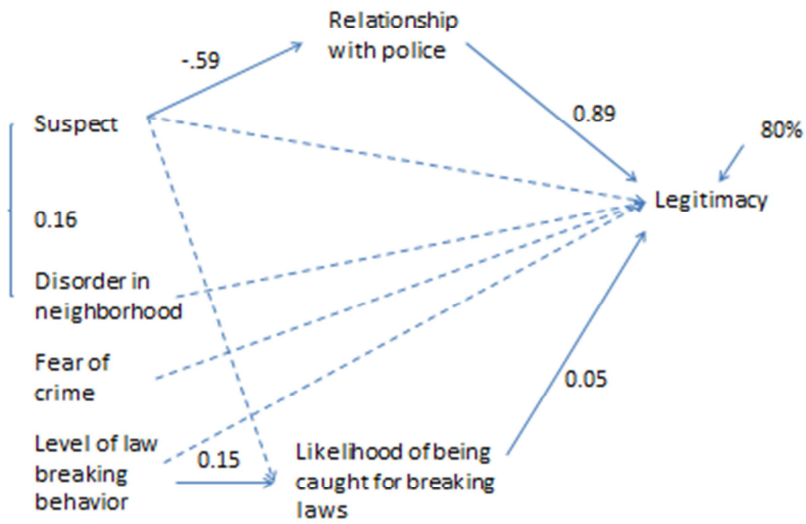|	N	High means	Range	Mean (SD)
Suspect	1539	Feel like a suspect	1-5	2.08(1.00)
Trust police motives	1560	Trust	1-5	3.08(0.68)
Identify with the police	1557	Identify	1-4	2.81(0.53)
Feel respected by the police	1551	Feel respected	1-4	3.03(0.56)
Defer to police authority	1566	High	1-4	3.36(0.77)
Defer to law	1540	High	1-4	3.40(.057)
Normative alignment - law	1537	High	1-4	3.81(0.67)
Normative alignment – police	1554	High	1-4	3.64(0.77)
Trust and confidence in police/courts	1593	High	1-4	3.53(1.06)
Report crimes to the police	1550	Yes	1-4	3.44(0.67)
Help prosecute crime	1567	Yes	1-5	3.53(0.68)
Ability to deter	1550	Likely to be caught	1-4	2.90(0.85)
Neighborhood disorder	1563	Crime is a problem	1-4	2.05(0.73)
Fear	1561	Safe	1-4	2.74(0.79)
Level of compliance	1543	High	1-5	4.58(0.48)
Demographics				
Hispanic	1603	Yes	0-1	0.14(0.35)
African American	1603	Yes	0-1	0.12(0.32)
Age	1603	Old	1-7	3.72(1.01)
Education	1603	High	1-4	2.74(1.00)
Income	1603	High	1-19	11.65(4.47)
Gender	1603	Male	0-2	0.48(0.50)
Personal experience				
Personal Procedural justice	707	Fair	1-5	4.01(1.07)
Personal lawfulness	702	Lawful	1-5	3.95(1.20)

Figure 1. Impact of being a suspect on legitimacy. Is impact mediated by influence on relationship with the police?

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