



**ESS Round 5 – Question Design Template
with background information about the module and final survey questions¹**

Module Title: Trust in the Police and the Criminal Courts: A Comparative European Analysis

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SECTION A: Theoretical background

Describe the theoretical background of the module, its aims and objectives

Effective criminal justice policies are essential for the economic and social well-being of European citizens and for the establishment of a European knowledge-based society. Most Member States assess the success of their crime policies by reference to levels of crime – whether measured by police statistics or by national surveys of victimization or the International Crime Victimization Survey. It is important to do so, but it is equally important to measure two inter-connected social phenomena. First, whether citizens trust their institutions of justice. Second, whether citizens confer their institutions with the legitimacy that the justice system needs to exist and operate effectively.

A guiding premise of this module is that EU institutions and Member States need evidence-based indicators of public trust and institutional legitimacy if they are to devise, track and evaluate criminal justice policies. If Governments and the EU lack proper indicators and scientific evidence on the trajectory of trust and legitimacy over time, they will be unable to measure the impact of such policy. Trust and legitimacy indicators are vital for (a) better formulation of the problems of public confidence and (b) more effective monitoring of changes in public confidence in response to policy innovation.

Moreover, if Member States are to achieve balanced and effective crime policies, they need to pay closer attention to issues of trust and legitimacy. In particular, their criminal policies are likely to be skewed towards short-term crime control strategies at the expense of ensuring that the justice system commands legitimacy and that citizens feel safe and secure. Measures of trust in justice and the legitimacy of legal authorities can be used to inform careful and long-term policies to foster public compliance, instead of short-term and ‘electioneering’ strategies that exploit public feelings for political gain.

This module ties in with the promotion of crime control policies that recognise that the legitimacy of institutions of justice is of critical importance in securing public commitment to the rule of law. In doing so, the module will also promote a methodology for the assessment of impact of these policies.

In order to assess the empirical evidence for a model of regulation based on the social value of legitimacy, this rotating module also tests two models of cooperation (Tyler, 2004, 2006, 2008). The first model states that trust in justice fosters police and court legitimacy that, in turn, fosters public compliance with the law and cooperation with legal authorities. A value-based approach to legal regulation designs institutions in ways that promote the development of social values such as legitimacy. Legitimacy then encourages people to follow the rules, not out of fear of punishment but because they believe they ought to.

Compared to crime-control policies based around deterrence and instrumental models of cooperation (which seek to demonstrate to citizens that the police are effective and the courts are punitive), we assume that a values-based model is a more efficient and effective basis for encouraging people to bring their behaviour in line with law and legal institutions. If most people obey the law without the active force of deterrence and punishment, then the police can target the hard-core whose behaviour is motivated not by values, but by the rational choice of likelihood being caught and the severity of subsequent punishment. Without voluntary compliance, and without most people obeying most laws most of the time,

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there is significant cost for criminal justice.

The second model focuses on instrumental factors informed by rational choice. The starting premise here is that people are governed by self-interest in the form of sanctions or incentives. People will comply with the law when they judge it likely that they would be caught and punished if they committed a crime. If true, then the government should encourage cooperative behaviour by demonstrating that the police are effective in fighting crime and that rule breakers will be punished. Strategies such as the mass imprisonment that characterizes the US and Russia rely for their effectiveness either on imposing a price on offending that is high enough to deter those who are tempted to crime, or else on incapacitating those that do offend through imprisonment.

Repressive 'social control' or 'deterrence' strategies (Nagin, 1998; Kahan, 1999) are obviously unavoidable for some sorts of offender. But it seems costly to continually send messages of capture, punishment and deterrence. And these messages, incentives and rewards may not actually work for the vast majority of the population. We proceed on the assumption that coercing compliance with the law is a less efficient route to social order than securing normative compliance (Tyler, 2006).

In developing social indicators of trust in justice and the legitimacy of legal authorities – and in testing of two models of cooperation and social regulation – this module ties in closely to a recently completed European Commission 7th Framework Programme. Four of the five module authors were integral to the JUSTIS (Scientific Indicators of Confidence in Justice) project. Two benefits flow from this connection. First, we conducted comparative cross-national question-testing; the results will feed back into the ESS question development. Second – and more importantly for the theoretical framework – we have compiled national-level data that both augment survey-measures of legitimacy and highlight contextual statistics suitable for subsequent analysis of ESS data.

Overall, there are three module objectives:

1. to assess national levels of trust in justice and the legitimacy of legal authorities across Europe;
2. to test individual-level psychological models that link trust to legitimacy to compliance/cooperation (contrasting instrumental and normative modes of commitment); and,
3. to bring together survey- and national-level data, operationalising a notion of legitimacy that links national-level characteristics of the system to individual beliefs (we define legitimacy as both citizen-conferred legitimacy and system-conferred legitimacy; we pursue a dual notion of legitimacy that therefore captures both empirical and normative aspects at both the individual and national level).

The ESS module will advance the state-of-the-art in four ways:

- it will offer a coherent conceptual framework within which to think about trust in justice and the legitimacy of legal authorities;
- it will provide a *basket of indicators* for monitoring trust in justice and the legitimacy of legal authorities and a set of contextual indicators within which to interpret trends in trust and legitimacy;
- it will permit the comparison between countries in trust in justice and the legitimacy of legal authorities, using standardised and agreed measures; and,
- it will permit the test of two models of cooperation and compliance.

In order to meet these objectives, the ESS module will work within the following overarching structure (following the pioneering work of Atkinson and colleagues on European social indicators of poverty and social exclusion):

- **Primary indicators (level-1)** are a small number of lead survey measures of trust and legitimacy ('simple concepts' that are measured using single summary indicators, see sections B and D);
- **Secondary indicators (level-2)** support the primary indicators and go into more detail using survey measures of the various dimensions of trust and legitimacy ('complex concepts' that are measured using multiple indicators, see sections B and C); and,
- **Country-based indicators (level-3)** highlight local specificities and help interpret level 1 and level 2 indicators. A number of the level-3 indicators will combine with level-1 and level-2 indicators to comprise the measure of legitimacy. As is described below, legitimacy is therefore a joint property of public opinion (citizen-conferred legitimacy, *a la* empirical legitimacy) and system performance (justice system-conferred legitimacy, *a la* normative legitimacy).

The ESS module will collect level-1 and level-2 indicators. The country-based (level-3) data have been collected by the JUSTIS team and added to ESS resources. The country-based measures will provide contextual information to help interpret survey estimates. For example, survey indicators of public satisfaction with sentencing need to be set alongside information on the use of imprisonment by that country. Equally, perceptions of crime trends need to be compared with police or survey measures of crime trends. Just as importantly, however, some of the national-level data will also be used to measure system legitimacy. We reason that institutional legitimacy lies partly in public beliefs about that institution and partly in whether that institution meets certain standards of justice and rationality. For example, a particular country’s criminal justice system may, on balance, be judged to lack legitimacy even when the citizens seem relatively happy, expressly when that system has a poor record of integrity, accountability, and efficiency. The national-level data will be organised according to the following structure (although of course, we focus in this document on the survey-based indicators):

Table 1: Country-level (level 3) indicators related to the individual-level concepts measured by the ESS module

	TO HIGHLIGHT NATIONAL SPECIFICITIES TO AID INTERPRETATION OF THE LEVEL-1 AND LEVEL-2 INDICATORS	SYSTEM-CONFERRED LEGITIMACY
CRIME	Crime levels	
DEMOGRAPHIC COMPOSITION	Gender and age	
	Ethnicity (including legal/illegal immigration)	
	Urban/rural	
CRIMINAL JUSTICE SYSTEM		Corruption (including complaints from citizens and human rights record)
		Accountability and transparency
		Propensity of citizens to report crime (survey-based estimate)
		Efficiency
	Organisation and structure	
	Interactions between citizens and legal authorities (survey-based estimates of public encounters with the criminal justice system)	
	Legal reforms	
ECONOMICS CONDITIONS	Economic wealth	
	Social inequalities	
BROADER INSTITUTIONAL CONTEXT	Institutional trust (survey-based estimate from main questionnaire of the ESS)	

SECTION B. Briefly describe all the concepts to be measured in the module and their expected relationships, either verbally or diagrammatically. Sub concepts do not have to be specified here (these are specified in section C). Give each concept a 5-8 digit working name. [These do not necessarily match the variable names in the round 5 data file]. Identify each concept as simple (S) or complex (C)

Below is an overview of the level-1 survey indicators (Table 2) and the level-2 survey indicators (Table 3). In the proceeding text, we elaborate on the concepts and their expected relationships.

Table 2: Overview of the **level-1** indicators

CONCEPT	SUB-CONCEPT
Confidence in criminal justice (C, formative) [CONFov]	Confidence in the police (S) [CONFpol]
	Confidence in the courts (S) [CONFcrt]

Additional level 1 indicators were designed to measure ‘confidence in the prisons’, ‘confidence in the probation service’ and ‘confidence in the prosecution service’ were originally intended for inclusion in the module. But they were subsequently dropped from the module. First, the question development process suggested that many people do not know very much about prisons, probation and the prosecution service. Second, some countries do not have probation and prosecution services. Third, there were significant pressures on space in the module.

Table 3: Overview of the **level-2** indicators

CONCEPT	SUB-CONCEPT
Trust in the police (C, formative) [TRUSTpol]	Trust in police effectiveness (C)* [POLeff]
	Trust in police distributive fairness (C)* [POLdf]
	Trust in police procedural fairness (C)* [POLpf]
Trust in the courts (C, formative) [TRUSTcrt]	Trust in court effectiveness (C)* [CRTEff]
	Trust in court distributive fairness (C)* [CRTdf]
	Trust in court procedural fairness (C)* [CRTpf]
Perceived legitimacy of the police (C, formative) [LEGITpol]	Obligation to obey the police (C)* [POLobey]
	Moral alignment with the police (C)* [POLmoral]
Perceived legitimacy of the law and the courts (C, formative) [LEGITcrt]	Obligation to obey the law and court decisions (C)* [CRTobey]
	Moral alignment with the courts (C)* [CRTmoral]
<i>Competing motives to comply with the law</i>	
Perceived risk of sanction (C)* [RISK]	-
Personal morality (C)* [MORALITY]	-
Compliance with the law (C)* [COMPLY]	-
Cooperation with the police and courts (C)* [COOP]	-
Contact with the police (S)	Police-initiated positive experience [CONTpp]
	Police-initiated negative experience [CONTpn]
Perceived legality of police and court action (C)* [CORRUPT]	-
Punitive attitudes (C, formative) [PUNITIVE]	-

* Complex concepts with a reflective measurement model.

Additional level 2 indicators (‘trust in police priorities and shared values’ and ‘citizen-initiated contact with the police’) were originally intended for inclusion in the module but were also dropped from the module. First, there were space limitations. Second, ‘trust in police priorities and shared values’ may not

be that meaningful in some countries. Moving to just two questions about public contact with the police (where the police contacted the citizen) was particularly painful, but to fit into a 46-question module, something had to give.

Different agents of the criminal justice system are considered separately in the module

The criminal justice system is made up of a number of different parts. Its structure also varies across European jurisdictions, but the police and the criminal courts remain the most important in both their function and in public opinion. *Secondary* (level-2) indicators are defined only for concepts relating to the **police** and the **criminal courts**. Concepts related to the police and the criminal courts are separate and distinct: there is no immediate theoretical aim to combine their measures into measures of the justice system as a whole (although this may be considered in subsequent data analysis). The original intention was to field *primary* (level-1) indicators (one in each case) for prisons, the probation service and the prosecution service, thus providing a balanced assessment of public opinion on a relatively comprehensive set of agents of criminal justice. But as noted above, these three questions were dropped.

Primary and secondary indicators

We specify primary (level-1) indicators of 'overall confidence' in the criminal justice system. Covering the police and courts, these level-1 indicators are considered to be single-variable indicators of confidence in each of these two agents; they are thus treated as simple concepts. However, if desirable they may also be treated as indicators (in a formative measurement model) of overall confidence.

Secondary (level-2) indicators specify complex concepts that focus on trust and legitimacy regarding the police and the criminal courts, on contact with the police, on cooperation with the police, on compliance with the law, and on competing explanations of compliance with the law (as shown in Table 2). We elaborate below on the concepts, in both the 'relationships between concepts' and in section C.

Four top level concepts are treated as formative, other concepts as reflective

Four top-level concepts are **trust** in the police, **trust** in the courts, **perceived legitimacy** of the police, and **perceived legitimacy** of the law and criminal courts. Each of these is disaggregated into 2-3 complex sub-concepts as shown in Table 3. The measurement of each of these sub-concepts is treated as **reflective**. The remaining top-level concepts (cooperation, perceived risk of sanction, personal morality, cooperation and compliance with the law) are also treated as **reflective**. In other words, each concept (or sub-concept) is regarded as a latent construct that is the cause of its appropriate measures and which exists independent of those measures (Borsboom *et al.*, 2003). Variation in the latent variable is thus assumed to precede variation in the indicators; the measurement model for each concept typically specifies that its indicators are independent after conditioning on the latent variable.

In contrast, we prefer to consider the four top-level concepts of trust and legitimacy of the police and of the courts (trust in the police; trust in the criminal courts; legitimacy of the police; and legitimacy of the criminal courts) as **formative** concepts. We argue that levels of the corresponding sub-concepts cause (or *define*) some overall level of the concept. For example, overall trust in the police is built up from its three constituent parts (i.e. perceptions of effectiveness, procedural fairness, distributive fairness, and shared values) and each of these constituent parts cause – exist independently to – higher-level trust. Trust is thus subject to revision through direct and vicarious experience that has its impact expressly through specific assessments of these sub-concepts.

We acknowledge, however, that there may be good arguments to treat the four top-level concepts of trust and legitimacy as reflective rather than formative (indeed, either can still be considered in eventual analyses of the data). For example, a reflective definition of trust in the police states that overall trust causes the specific aspects of trust (effectiveness, procedural justice and distributive justice). If overall trust in the police is an independent psychological entity that causes specific assessments of police activity, then it is overall trust that is subject to revision through direct and vicarious experience. For example, a particularly negative experience of the police (where the police treated an individual unfairly, with little respect or dignity) would damage overall trust and this reduction in overall trust would then have a knock-on effect on trust in police fairness.

While we suspect that this is not really how it works (a simpler expectation is that unfair treatment

damages trust in police fairness, which then works to lower overall trust), our preference for a formative view of overall trust and legitimacy stems in part from the structural models that we aim to test (Figure 1 below gives an overview). These models link specific aspects of trust to specific aspects of legitimacy (see Figure 2 below). They do not specify a path from overall trust (a second-order latent variable) to overall legitimacy (a second-order latent variable). We know from US research that trust in police fairness has a stronger effect on perceived legitimacy than trust in police effectiveness. Our structural models depend in part on different outcomes of separate trust sub-concepts. There is also evidence to support the theoretical proposition that experiences with the police – contact with the police and the courts – influence specific aspects of trust in effectiveness and trust in fairness differently (Skogan, 2006; Tyler & Fagan, 2008; Bradford *et al.*, 2009).

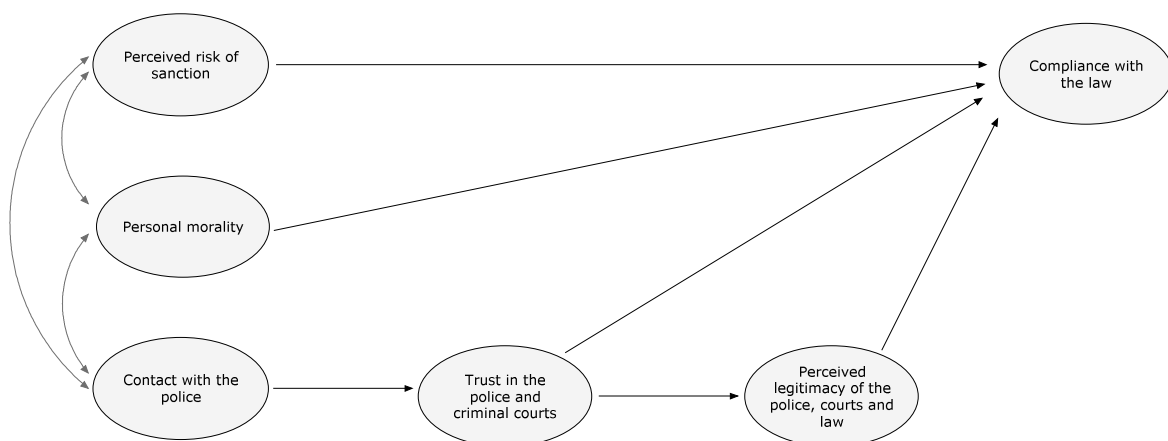
Moreover, a reflective measurement model would imply that measures of all of these are correlated. We do not expect there necessarily to be, in every country, a (positive) correlation between, say, trust in police fairness, trust in police effectiveness, and trust in police priorities. We imagine there will be a small to moderate correlation, but it is entirely feasible that there are some people who have, say, high trust in police effectiveness while also having low trust in police fairness. (And in the UK, people tend to rate judges as having high integrity but also rate them low in effectiveness, as reflected in beliefs about selecting suitable sentences.) Finally, these correlations may well be different in different countries. In a reflective measurement model such differences would be interpreted as evidence of lack of measurement invariance, while they are less problematic in a formative model.

In the terms set out by Borsboom *et al.* (2003), we thus adopt a realistic position on the sub-concepts of trust and legitimacy. But we also take a constructivist position on overall assessment of them. We assume that the more active assessments of specific types of police and court behaviour reflect real psychological entities (which are subject to revision through experience). Whereas overall assessment emerges as a composite of these expectations and assessments.

Relationships between the concepts

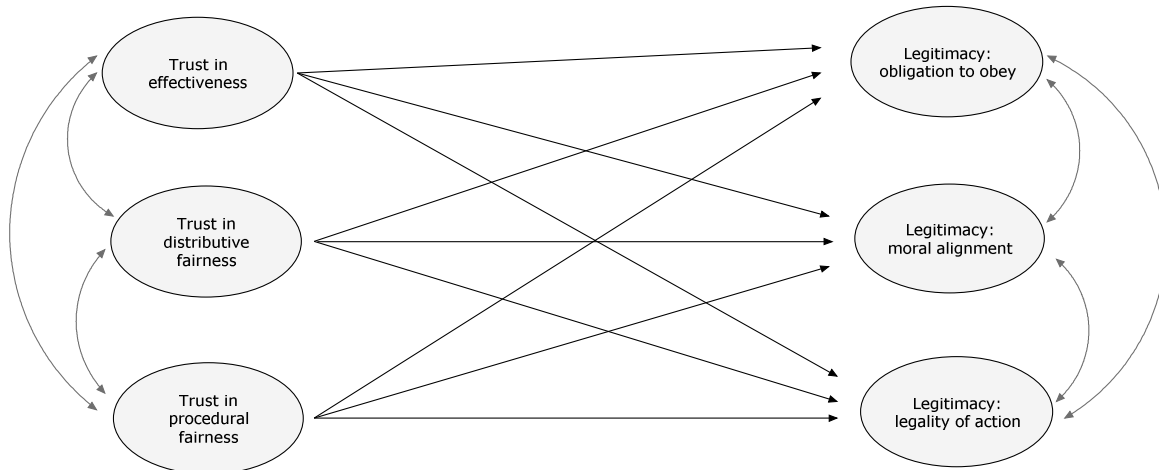
One possible representation of the overall relationships between the concepts is shown in Figure 1. Here trust and legitimacy refer to either police or the courts – we would draw a similar figure for both. Also, for the purpose of clarity, only compliance with the law is shown as the last variable affected by preceding ones. Cooperation with legal authorities would be used in a similar role. Figure 1 is just one possibility, and not meant to be a definite representation of the possible relationships of the variables. For example, some of the effects left out of the figure may well turn out to be present.

Figure 1: The overarching structural framework



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Figure 2: Unpacking trust and legitimacy



Please note: a previous version of this template included 'trust in shared priorities' as a predictor of legitimacy

The part of Figure 1 involving trust and legitimacy is expanded separately in Figure 2. What this means is that, in hypotheses and analyses involving relationships among the concepts, we focus on the sub-concepts of trust and legitimacy, instead of the overall concepts (unless empirical analysis suggests that the more parsimonious measures of the overall concepts are empirically sufficient for some purposes – which we sincerely doubt). Similarly, the arrow to trust in Figure 1 potentially represents arrows to each sub-concept of it. The arrow from legitimacy may originate from any or all of its sub-concepts (Figure 2).

On first glance, Figure 2 may suggest that we have no *a priori* reasons for ruling out any of the associations between the sub-concepts. However, this is not strictly speaking the case. In designing this module, we have in mind a core contrast between normative models of compliance, on the one hand, and instrumental models, on the other, where the perceived risk of sanction is the key determinant of compliance with the law and cooperation with the justice system.

Broadly speaking, then, the module is designed to test two models of trust, legitimacy and compliance (although the second model can take a number of forms). The first model predicts that the two main predictors of compliance with the law will be perceived risk of sanction and trust in police effectiveness. This operationalises a deterrence model of social regulation that revolves around rational choice and instrumentalism. If citizens are motivated by the likelihood of capture and punishment, then legal authorities must use threat and punishment to shape behaviour. They must send out messages that criminals will get caught and sanctioned and that the police are effective in solving crimes and catching criminals.

The second model (and variants of this model, as elaborated upon below) predicts that trust in the fairness of the police (and the law and criminal courts) are more important predictors of compliance with the law than trust in effectiveness. This effect is expected to flow through the perceived legitimacy of legal authorities. One can extend this to include contact with the police, where the experience of procedurally just and fair treatment at the hands of authorities such as the police is linked not only to satisfaction with the decisions reached and with the decision-maker, but also with increased propensities to offer assistance in the future, and, in the case of legal authorities, greater compliance with both the law abstractly defined and with concrete instructions emanating from the authority.

These effects are held to emerge because the experience of procedural fairness fosters in people feelings of motive-based trust in and shared group membership with the authority concerned – that both it and they are 'on the same side' – and because, by and through these mechanisms, procedural fairness enhances the authority's legitimacy. The procedural justice framework developed by Tyler and colleagues in the United States (Tyler, 1990; 2004; 2006; Tyler and Blader, 2000; Tyler and Huo, 2002) provides a specific, empirically testable model for the relationships between trust, legitimacy and support, and in doing so provides a potentially compelling argument as to why people do, or do not,

cooperate with the police and comply with the law.

The core proposition of Tyler's procedural justice model is that the activation of individuals' feelings of responsibility and obligation to their community – and to community authorities – leads to a more favourable orientation towards those authorities. A model of social regulation based on such internal motivations – or normative commitment to the law – is both safer and more efficient than social control based on coerced compliance. Authorities can rely on citizens' internal motives for self control rather than risking the cost, danger, and alienation associated with using actual force or the threat of force. Equally, internal moral drivers to obey the law and cooperate with the system may be *more powerful* than an external set of rules involving deterrent threat. These internal moral drivers may be fundamentally linked to the perceived legitimacy of the justice system. Such legitimacy is – according to Tyler – the obligation to obey police authority and is, as outlined above, separate to personal morality.

The module is designed to apply and extend Tyler's procedural justice work (which originates in the US) into a flexible conceptual framework that captures regularities and local peculiarities across Europe. Relevance and flexibility is achieved by broadening out the concepts of trust and legitimacy, by measuring different dimensions of trust and legitimacy in countries, and by letting it be a series of empirical questions which paths (from trust to legitimacy to compliance/cooperation) pertain to which contexts. Thus, it may be that trust in the priorities of the police plays an especially important role in the UK, given the strong symbolic role that the police have come to play in local communities (witness demands for more visible policing of low-level anti-social behaviour and neighbourhood disorder).

To recap, we expect the concepts and their measures to be associated as follows:

- Perceived risk of sanction, personal morality and contact with the police are considered on an equal footing, as predictors for the rest of the complex concepts. They may all be correlated with each other.
- The remaining complex concepts are ordered as shown in Figure 1. The figure shows one example of possible dependencies among them.
- Any pairs of individual sub-concepts of trust and legitimacy may be associated with each other, and individually affected (predicted) by preceding variables and affecting subsequent ones.
- Compliance with the law and cooperation with legal authorities are both potentially affected by all the other concepts, and may be conditionally associated with each other even given the other concepts.
- As is standard in reflective measurement, all individual indicators of any concept or sub-concept in Figures 1 and 2 are considered independent of each other and of all other concepts and indicators, conditional on the concept they are measures of (unless conditional dependencies due to correlated measurement errors are indicated by prior theory and data analysis).

The order of the questions: The order of the questions in the source questionnaire **differs** from the order of the concepts and measures described in this template. The content of the module follows the structure below:

Personal morality (items D1-D3)
Perceived risk of sanction (D4-D6)

Police

Overall confidence in the police (D7)
Contact with the police (D8, D9)
Trust in police distributive fairness (D10, D11)
Trust in police effectiveness (D12-D14)
Trust in police procedural fairness (D15-D17)
Police legitimacy: Obligation to obey the police (D18-D20)
Police legitimacy: Moral alignment with the police (D21-D23)
Perceived legality of police action (D24 & D25)

Courts

Overall confidence in the courts (D26)
Trust in court effectiveness (D27)

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Trust in court procedural fairness (D28)

Trust in court distributive fairness (D29, D30)

Perceived legality of court action (D31, D32 and D37)

Legitimacy of the courts and law: Obligation to obey the law and court decisions (D34-D36)

Attitudes towards punishment (D33, D38, D39)

Public cooperation with the police and courts (D40-D42)

Compliance with the law (D43-D45)

SECTION C: Complex Concepts. For each complex concept listed in Section B, describe it in detail and specify the sub concepts as appropriate.

Once the conceptual structure is agreed with the CCT add the question wording for the proposed item.

Please note: the QDT distinguish between trust in the police and trust in the criminal courts. In the text below, they outline their general theoretical perspective on trust. The same theoretical work motivates the approach to trust in the criminal courts.

COMPLEX CONCEPT NAME: Trust in the police

Describe the concept in detail, outlining the various sub concepts it comprises

Our focus in this module is not on social or interpersonal trust, but the kind of trust that people invest in institutions. We consider the trust that people invest in their legal authorities.

Broadly speaking, trust can be seen as inherent in, and formative of, many social situations, including face-to-face encounters and relationships between individuals and organisations, institutions and the state. Some theorists emphasise that trust reduces the complexity of the world by 'bracketing out' many possible future events (Luhmann, 1979; Giddens, 1991). Trust frees us up to act as if it is certain that possible future events are not going to occur; trust becomes necessary in situations of uncertainty and risk, particularly uncertainty regarding the motives, intentions and future actions of others on who we depend.

Inherent in these ideas is that trust involves, to some extent, placing oneself at the mercy of others. Trust is thus deeply embedded in our social relationships (Tilly, 2005). At its root lies tacit (or explicit) expectations that others will behave in predictable ways (thus enabling the bracketing out of many things they *could* do). A key element is the expectations that actors within relationships have of each other (Barber, 1983). These can range from the general – that the behaviour of the other will serve to maintain and replicate the assumed natural and moral social order – to the specific, that the other will be technically competent in the roles assigned to them within the relationship and within the broader system it is part of, and that they will carry out their fiduciary obligations (that is place the interests of ourselves above their own). Trust is less an orientation of the individual (although it is still also that) and more a product of a socially embedded relationship.

This relational aspect of trust implies a certain (social) connection between trustor and trustee. The trustor must be able to imagine that the trustee can apprehend what their interests actually *are*, and that furthermore they share an understanding of the general order under which they are operating. Central in our theoretical framework is the concept of motive-based trust, as developed by Tyler and colleagues (Lind and Tyler, 1988; Tyler, 1990; Tyler & Huo, 2002). According to this account, trust stems less from perceptions of predictability and perceived willingness or ability to keep promises – as Luhmann and Giddens might stress – and more from estimates of character and affect. Motive-based trust holds central the perception that the trustee has the best interests of the trustor at heart. Motive-based trust is primarily social rather than instrumental in character. It is premised on the idea that the parties involved have shared social bonds which make it possible for the one to imagine, apprehend and influence the interests of the other.

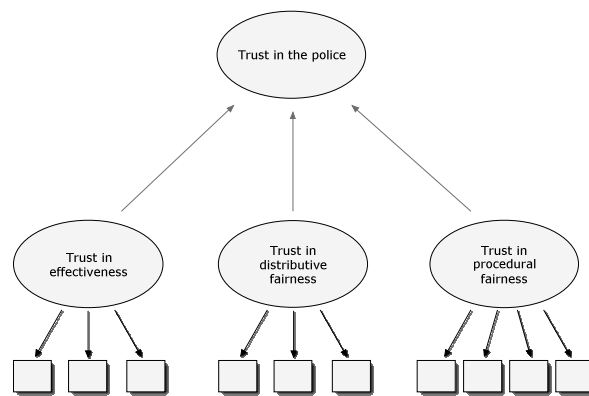
Consider Hardin's (2002) definition of trust as 'encapsulated interests.' Here, trust turns on whether A's interests are encapsulated in the interests of B, i.e. on whether B counts A's interests as his or her own interests. Such trust is based around a narrow sense of predictability due to a perceived willingness to keep promises: the predictability involves A's expectation that B will consider A's interests in their decisions to cooperate or behave in some particular manner. Tyler & Huo (2002) calls this 'instrumental or expectation-based trust.' There certainly does seem to be an expectation-based trust that captures some of the more instrumental dimensions of public evaluations of the police and the courts. Think of the expectation that the police will respond quickly to an emergency for example.

But motive-based trust captures some more interpersonal dimensions of public evaluations that can build up over time through one-to-one encounters and vicarious experience. Think of the expectation

that police officers will treat one with fairness and dignity. These dimensions of trust capture the range of ways in which the police come to encapsulate citizens' interests through shared moral commitments (rule of law) and a shared commitment to the regulation of social life. The police are the most visible form of social control in society; they represent the rule of law; they are the first port of call for some problems. The police are also group representatives of given social and moral communities; they communicate group status to citizens through their actions and defining group norms through providing a visible and accessible presence.

There is a good deal of evidence that we should distinguish between effectiveness, fairness and shared priorities/interests. As Barber (1983) and others might expect, the extent to which people trust the police implicates judgements about effectiveness (technical competence), commitment to community values (placing the trustors interests first, principally by understanding the needs of the community and being an accessible and visible source of moral authority), and fairness and justice when dealing with people. We focus in this module on effectiveness and two aspects of justice: distributive and procedural (see below). Figure 4 captures the basic conceptual structure of 'trust in the police.'

Figure 4: Conceptual structure of 'trust in the police'



Please note: a previous version of this template included 'trust in shared priorities'

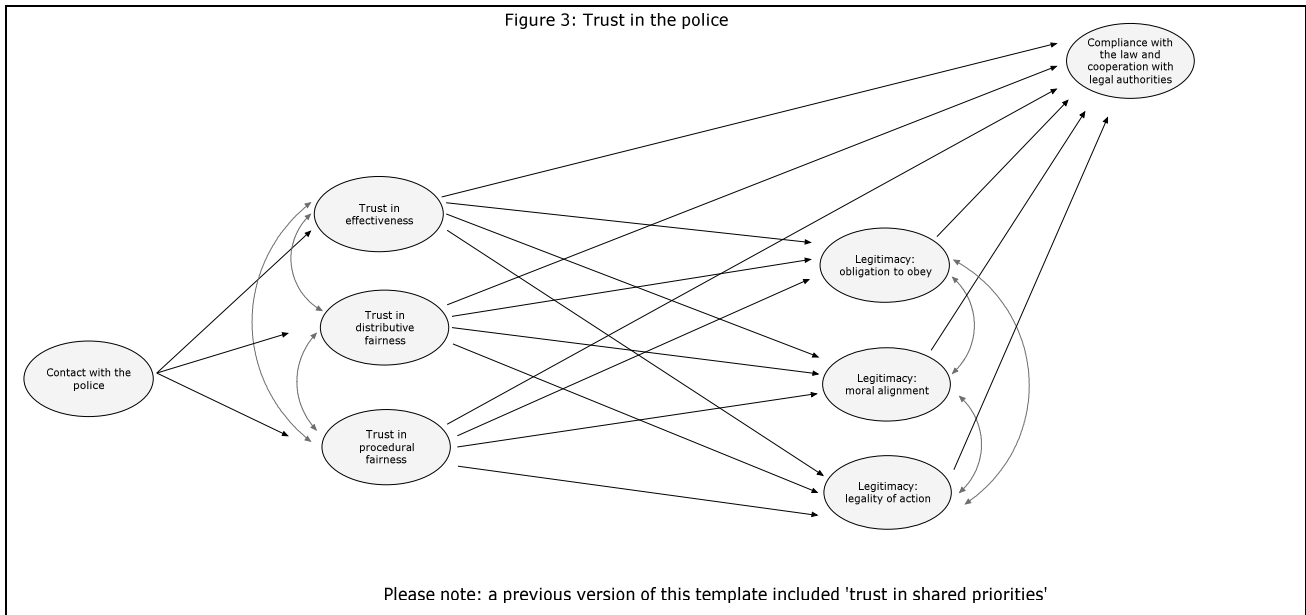
We should stress that people's views on legal authorities are not expected in a state of constant review, but trust is subject to revision through experience, whether this is direct, vicarious, or mediated. If trust is rooted in understandings of the role and nature of the police as relatively abstract and distant body, it can nevertheless be undermined by events or long term processes that may include:

- single incidents, involving accidents, incompetence, incivility or malpractice;
- perceived changes in levels of police visibility;
- perceived declines in availability and readiness to intervene; and
- increasingly widespread ideas that police do not treat everyone the same.

Expected relationship with other complex and simple concepts

We have outlined in Section B the overarching theoretical framework. Figure 3 summarises. Contact with the police is also added. Contact is expected to have positive and negative effects on trust depending on whether or not the individual felt that the police treated them fairly. We should reiterate that different models specify significant or non-significant paths between (a) trust and legitimacy, (b) trust and compliance, and (c) legitimacy and compliance. Figure 3 provides all arrows, but this should not be read as our final model.

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SUB CONCEPT NAME: Trust in police effectiveness

Describe the first sub concept in detail outlining any further sub concepts or specifying that it can be measured directly

Trust in police effectiveness is focused on outcomes rather than specifically the efficiency of the institution, although of course an inefficient police force might be bad at providing services.

Expected relationship with other sub concepts

In an instrumental model of cooperation and social regulation, trust in police effectiveness is expected to predict compliance with the law, net of other aspects of trust, and conditioning on all aspects of perceived police legitimacy.

Question item wording

D12 CARD 31 Based on what you have heard or your own experience how successful do you think the police² are at preventing crimes in [country] where violence is used or threatened? Choose your answer from this card, where 0 is extremely unsuccessful and 10 is extremely successful.

Extremely unsuccessful		Extremely successful	(Don't know)								
00	01	02	03	04	05	06	07	08	09	10	88

D13 STILL CARD 31 And how successful do you think the police are at catching people who commit house burglaries³ in [country]? Use the same card.

Extremely unsuccessful		Extremely successful	(Don't know)								
00	01	02	03	04	05	06	07	08	09	10	88

² Again the generic name for all police in [country] should be used (see footnote 35 – in the Round 5 source questionnaire). The question itself and those that follow provide specific cues to respondents that might limit the frame of reference to a specific group / type of police in some countries. However this should be achieved by the crime referred to and NOT by amending the name of the specific police referenced.

³ House burglary is when someone breaks into a property or enters uninvited with the intention of stealing.

D14 CARD 32 If a violent crime^{4 5} were to occur near to where you live and the police were called⁶, how slowly or quickly do you think they would arrive at the scene? Choose your answer from this card, where 0 is extremely slowly and 10 is extremely quickly.

Extremely slowly											Extremely quickly	(Don't know)
00	01	02	03	04	05	06	07	08	09	10	88	
(Violent crimes never occur near to where I live)											55	

SUB CONCEPT NAME: Trust in police distributive fairness

Describe the first sub concept in detail outlining any further sub concepts or specifying that it can be measured directly

This captures the idea that the police treat all members of society equally.

Expected relationship with other sub concepts

We hypothesise that trust in distributive fairness will be more important to members of minority groups in predicting perceived legitimacy, compliance with the law and cooperation with the police.

Question item wording
ASK ALL
Now some questions about whether or not the police in [country] treat⁷ victims of crime equally. Please answer based on what you have heard or your own experience.

D10 CARD 29 When victims report⁸ crimes, do you think the police treat⁹ rich people worse, poor people worse, or are rich and poor treated equally? Choose your answer from this card.

Rich people treated worse	1
Poor people treated worse	2
Rich and poor treated equally	3
(Don't know)	8

[See page 14 for question D11]

⁴ 'Violent crime' meaning crimes where violence is used or threatened.
⁵ See question D12.
⁶ Called in the sense of telephoned.
⁷ Treat in the sense of how the police respond to and deal with people.
⁸ Report in the sense of 'report in person' so that the police can see them.
⁹ Treat in the sense of how the police respond to and deal with people.

D11 CARD 30 And when victims report crimes, do you think the police treat¹⁰ some people worse because of their race or ethnic group or is everyone treated equally? Choose your answer from this card.

People from a <u>different</u> race or ethnic group ¹¹ than most [country] people treated worse	1
People from the <u>same</u> race or ethnic group ¹² as most [country] people treated worse	2
Everyone treated equally <u>regardless</u> of their race or ethnic group	3
(Don't know)	8

SUB CONCEPT NAME: Trust in police procedural fairness

Describe the first sub concept in detail outlining any further sub concepts or specifying that it can be measured directly

This focuses on the fairness with which the police wield their authority. Drawing upon work by Tyler on procedural justice, it is comprised of trust in police treatment and decision-making.

Expected relationship with other sub concepts

In a procedural justice model of cooperation and social regulation, trust in police procedural fairness is expected to predict compliance with the law, net of other aspects of trust and all aspects of perceived police legitimacy.

Question item wording

Now some questions about when the police¹³ deal with crimes like house burglary¹⁴ and physical assault. The next few questions do not have a showcard.

D15 Based on what you have heard or your own experience how often would you say the police generally treat people in [country] with respect ...**READ OUT...**

- | | |
|----------------------|---|
| ...not at all often, | 1 |
| not very often, | 2 |
| often, | 3 |
| or, very often? | 4 |
| (Don't know) | 8 |

[See page 15 for questions D16 & D17]

¹⁰ Treat in the sense of how the police respond to and deal with people.

¹¹ See core questionnaire item B36 for a translation of 'people from a different race or ethnic group as most [country] people'.

¹² See core questionnaire item B35 for a translation of 'people from the same ethnic group as most [country] people'.

¹³ Note we do not suppose there is a police force that only deals with burglary and physical assault in a particular country. A general reference to the police should be used throughout the module (see footnote 35 – [in the Round 5 source questionnaire]).

¹⁴ House burglary is when someone breaks into a property or enters uninvited with the intention of stealing.

<p>D16 About¹⁵ how often would you say that the police make fair, impartial¹⁶ decisions in the cases they deal with? Would you say...READ OUT...</p>	<p>...not at all often, 1</p> <p>not very often, 2</p> <p>often, 3</p> <p>or, very often? 4</p> <p>(Don't know) 8</p>
<p>D17 And when dealing with people in [country], how often would you say the police generally explain their decisions and actions when asked to do so? Would you say...READ OUT...</p>	<p>...not at all often, 1</p> <p>not very often, 2</p> <p>often, 3</p> <p>or, very often? 4</p> <p>(No one ever asks the police to explain their decisions and actions) 5</p> <p>(Don't know) 8</p>

SUB CONCEPT NAME: Trust in police priorities/group engagement [please note, this sub-concept has been dropped from the final module]

Describe the first sub concept in detail outlining any further sub concepts or specifying that it can be measured directly

This is the sense that the police have the local community's 'interests at heart'. It is about the alignment between the public and police interests. It overlaps with trust in police effectiveness (in that, it is in the interests of the public that the police achieve their core objectives), but it goes beyond the outcomes of policing to the more value-oriented idea that the police care about and are aligned with specific local needs. A visible, accessible and engaged service listens to members of the community, and allows members of the community to have a say in how their neighbourhood is policed. Given the comparative nature of the ESS, we believe it is also important to ask one question that assesses the extent to which respondents think that the police *should* understand the needs of the local community.

Expected relationship with other sub concepts

In the UK, trust in police engagement seems especially important in an overall conception of trust in policing. Perhaps this is because of the long-standing symbolic role in the police in notions of 'Britishness' and in symbols of moral authority. Indeed, trust in police engagement or shared priorities is highly correlated with trust in police procedural fairness (Jackson & Bradford, 2010). We predict that in some countries, trust in police engagement will be more important in predicting legitimacy and compliance with the law than in other countries.

Question item wording

This sub-concept was dropped from the final module. As mentioned above, the reasons were (a) space limitations, and (b) indications that the sub-concept had less relevance in some European countries than in the UK.

¹⁵ About in the sense of approximately or roughly.

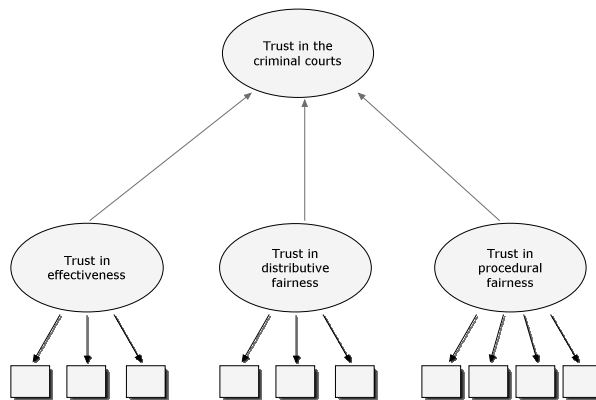
¹⁶ 'Fair, impartial' - in British English the use of both of these words clarifies the meaning of 'fair' in the context of this question. Countries should ensure that impartiality is conveyed.

COMPLEX CONCEPT NAME: Trust in the criminal courts

Describe the concept in detail, outlining the various sub concepts it comprises

We have covered our basic theoretical position on the nature of trust. The same structure applies to the criminal courts as it does with the police (Figure 5). Trust in court effectiveness refers to the sense in which the courts perform adequately in establishing the truth, promoting justice, getting the right people, and doing this in an efficient and timely manner. Trust in distributive fairness refers to the sense in which the courts give equal treatment (procedure and outcome) to all groups in society. Trust in procedural fairness refers to the sense in which the courts wield their authority in a fair and respectful manner. We should note that while the focus in ‘trust in the police’ is on the local police, the focus in ‘trust in the criminal courts’ is at the highest level of the court system, which is likely to be at the national-level. We reason that high-profile and the most serious criminal cases are more at the forefront of the public mind, and better represent whether ‘justice is being done’ in society.

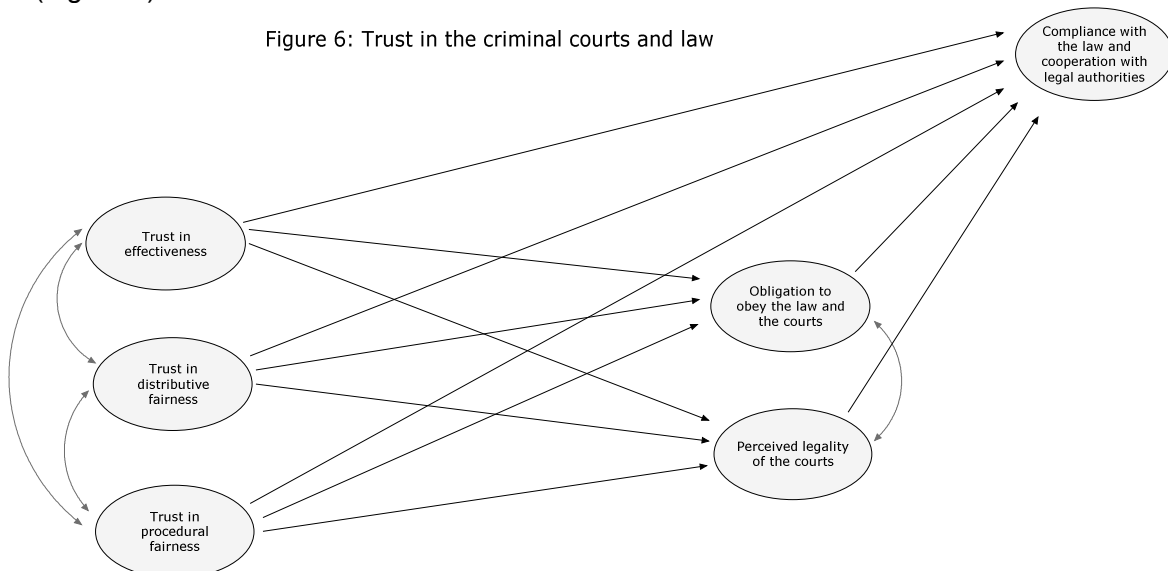
Figure 5: Conceptual structure of 'trust in the criminal courts'



Expected relationship with other complex and simple concepts

As with trust in the police, we predict that trust in the criminal courts will predict perceived legitimacy of the criminal courts. In turn, legitimacy will predict compliance with the law and cooperation with the police (Figure 6).

Figure 6: Trust in the criminal courts and law



SUB CONCEPT NAME: Trust in criminal court effectiveness

Describe the first sub concept in detail outlining any further sub concepts or specifying that it can be measured directly											
This is the sense that the criminal courts 'get the right people', 'process cases efficiently', and 'establish the truth.'											
Expected relationship with other sub concepts											
In an instrumental model of cooperation and social regulation, trust in court effectiveness is expected to predict legitimacy, cooperation with legal authorities, and compliance with the law.											
Question item wording											
D27 CARD 37 Please tell me how often you think the courts make mistakes that let guilty people go free? Use this card where 0 is never and 10 is always.											
Never								Always		(Don't know)	
00	01	02	03	04	05	06	07	08	09	10	88

SUB CONCEPT NAME: Trust in court distributive fairness

Describe the first sub concept in detail outlining any further sub concepts or specifying that it can be measured directly										
This is the sense that the criminal courts get appropriate outcomes for all people and give equal treatment to all people that results in a just distribution of actual outcomes.										
Expected relationship with other sub concepts										
We hypothesise that trust in distributive fairness will be more important to members of minority groups in predicting perceived legitimacy, compliance with the law and cooperation with the police.										
Question item wording										
Now some questions about the chances of different people in [country] being found guilty¹⁷ of crimes they did not commit.										
D29 CARD 38 Suppose two people - one rich, one poor - each appear in court, charged with an identical crime they did <u>not</u> commit. Choose an answer from this card to show who you think would be more likely to be found guilty.										
The rich person is more likely to be found guilty								1		
The poor person is more likely to be found guilty								2		
They both have the same chance of being found guilty								3		
(Don't know)								8		
[See page 18 for question D30]										

¹⁷ 'Found guilty' in the sense of being formally convicted by the courts.

D30 CARD 39 Now suppose two people from different race or ethnic groups each appear in court, charged with an identical crime they did not commit. Choose an answer from this card to show who you think would be more likely to be found guilty.

The person from <u>a different</u> race or ethnic group than most [country] people ¹⁸ is more likely to be found guilty	1
The person from <u>the same</u> race or ethnic group as most [country] people ¹⁹ is more likely to be found guilty	2
They both have the same chance of being found guilty	3
(Don't know)	8

SUB CONCEPT NAME: Trust in court procedural fairness

Describe the first sub concept in detail outlining any further sub concepts or specifying that it can be measured directly																												
This is the sense that the courts wield their authority in a fair manner using fair procedures.																												
Expected relationship with other sub concepts																												
In a procedural justice model of cooperation and social regulation, trust in court procedural fairness is expected to predict legitimacy, cooperation and compliance with the law, net of other aspects.																												
Question item wording																												
D28 STILL CARD 37 How often you think the courts make fair, impartial ²⁰ decisions based on the evidence made available to them? Use the same card.																												
<table border="0" style="width: 100%;"> <tr> <td style="text-align: left;">Never</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">Always</td> <td style="text-align: right;">(Don't know)</td> </tr> <tr> <td style="text-align: center;">00</td> <td style="text-align: center;">01</td> <td style="text-align: center;">02</td> <td style="text-align: center;">03</td> <td style="text-align: center;">04</td> <td style="text-align: center;">05</td> <td style="text-align: center;">06</td> <td style="text-align: center;">07</td> <td style="text-align: center;">08</td> <td style="text-align: center;">09</td> <td style="text-align: center;">10</td> <td style="text-align: center;">88</td> <td></td> <td></td> </tr> </table>	Never												Always	(Don't know)	00	01	02	03	04	05	06	07	08	09	10	88		
Never												Always	(Don't know)															
00	01	02	03	04	05	06	07	08	09	10	88																	

COMPLEX CONCEPT NAME: Perceived legitimacy of the police

Please note: as with trust, we distinguish in this module between perceived legitimacy of the police and perceived legitimacy of the law and criminal courts. In the text below on police legitimacy, we outline our general theoretical perspective. The same theoretical work motivates our approach to court legitimacy.

Describe the concept in detail, outlining the various sub concepts it comprises
Legitimacy refers in part to public beliefs that the justice system has a right to exist, to determine the law, and to govern through the use of coercive power to punish those who act illegally. Following Beetham (1991) we break this down into three criteria (see below). We also assume that legitimacy resides in not just public beliefs, but also in institutional performance (again, see below). Legitimacy is thus measured not just using level-1 and level-2 survey indicators, but also national-level data on efficiency, corruption, accountability and transparency (level-3 indicators).
Legitimacy is the right to govern and the recognition by the governed of that right (Beetham, 1991; Coicaud, 2002; cf. Tankebe, 2007). In order to develop, operate and reproduce themselves effectively,

¹⁸ See core questionnaire item B36 for a translation of 'people from a different race or ethnic group as most [country] people'.

¹⁹ See core questionnaire item B35 for a translation of 'people from the same ethnic group as most [country] people'.

²⁰ 'Fair, impartial' – in British English the use of both of these words clarifies the meaning of 'fair' in the context of this questions. Countries should ensure that impartiality is conveyed.

social and political arrangements and institutions must have some form of legitimacy. Those who are subject to these arrangements must see them as right and proper.²¹ A necessary condition of justifiable use of state power is the legitimacy of the police and the courts. Legitimacy is the very foundation of legal authority. A legitimate police force demonstrates to citizens why its access to and exercise of power is rightful, and why those subject to its power have a corresponding duty to obey (Tyler, 2006).

The concept of legitimacy is generally bound up with the right to be recognised, to have remit over a certain area of life (Habermas, 1979), and to command and be obeyed (Weber, 1978; Tyler, 1990). Applied to the criminal justice system the concept of legitimacy brings to the fore notions of power and authority. While definitions of legitimacy vary widely, a key feature of many is that it confers the right to command and promotes the duty to obey (Weber, 1978; Tyler, 1990). People defer to, and cooperate with, legitimate authorities because they feel it is right to do so (Sunshine and Tyler, 2003a; 2003b). Theorists from Weber onwards have viewed legitimacy as a vital component of social institutions, both in the long run for their very survival, and also on a day-to-day basis since people will defer to and assist institutions they feel to be legitimate.

Hinsch (2008) makes a useful distinction between concepts of legitimacy and conceptions of legitimacy:

- Concepts of legitimacy tell us what it means to say something is legitimate;
- Conceptions of legitimacy specify the criteria that have to be met in order to be legitimate.

In his broad overview, Hinsch identifies two concepts of legitimacy. The first is the empirical concept of the social sciences, the second the normative concept of political philosophy. The empirical concept goes back to Weber, for whom legitimacy denoted the approval or sincere recognition of a norm, law or social institution. Applying this to the legal system, we might say that the rule of law is legitimate when people see the legal system and authorities as providing an appropriate standard of conduct that must be complied with (crucially, not complied with because of external sanction but because it is seen to be the correct standard). As Hinsch (2008: 40) states: 'Since no political regime or social order could persist without a fairly high level of unenforced compliance with its rule, the empirical understanding of legitimacy naturally occupies a central place in explanatory theories of social order.'

This is a citizen-conferred account of legitimacy: it states that a system is legitimate when the public grant it legitimacy. An observer sitting outside the system might find a particular arrangement unjust and unacceptable, but they must nevertheless conclude that it is legitimate when those governed believe it to be so. *To say something is legitimate is to make a factual claim about the subjective state of mind of particular individuals that belong to one political society.*

The criteria of legitimacy determine the qualities that make an arrangement legitimate, and some political philosophers have followed a loosely Weberian tradition, situating legitimacy in individual's perceptions that the rule of an authority is justified. Here there might be just one criterion of legitimacy: that individuals have an obligation to obey the rules set forth by the legal system and enforced by legal authorities (such as the police). Consequently, according to the empirical concept of legitimacy we could say that the police are legitimate when citizens feel obligated to obey police directives.

But others maintain that in as much as legitimacy is granted by the individual to the institution, it must also contain a normative element – a decision by the individual, whether conscious or not, that the institution shares a certain moral or ethical position (Beetham, 1991). Legitimacy is not just an excuse for power, it is also a justification of that power. This adds to the picture some kind of 'moral alignment' between individuals and the legal/criminal system around them. If one follows this criterion then judgements among individuals about the legitimacy of an institution must be based to some degree on assessments of the congruence between its goals, practises and behaviours and their own.

Indeed, Beetham (1991) adds a third criterion: the perceived legality of legal authorities themselves. Legitimacy, for him, is about the moral justifiability of the power relations bound up in the state and its justice system – conformity to people's values, its ability to satisfy public interests and normative

²¹ Although some political philosophers would argue that legitimacy must involve some 'objective' criteria or requirements of justice and rationality (see Habermas, 1979; Rawls, 1993).

expectations, and in the legality of power. All considerations of legitimacy must involve a normative, ideological or moral element; and those granting legitimacy always do so on the basis that it is an expression of common shared values.

Perceived legitimacy is very much the focus of Tyler (2006). Tyler defines legitimacy as a 'psychological property of an authority, institution, or social arrangement that leads those connected to it to believe that it is appropriate, proper, and just.' Tyler specifies police legitimacy as one construct, measuring using multiple indicators that tap both obligation to obey the police and broader issues of institutional trust (Trust, 2011). The addition of institutional trust into the scale means, for Tyler, that obligation is not obligation for fear of coercion and reprisal. Individuals may feel obligated to obey (even if they disagree with the specifics of the particular directive) because there is a shared alignment between citizens and the police (this shared alignment is captured by the institutional trust items).

Our approach is to define perceived police legitimacy as three potentially separate constructs: (a) obligation to obey the police (even if individuals disagree with the content of the orders); (b) moral alignment between citizens and individual police officers; and (c) perceived legality of action. Our framework already captures trust in the model.

We reason that moral alignment between citizens and officers not only provides a measure of whether the police are to be seen to operate with some shared ethical and moral framework, but also that moral alignment provides the police with *moral authority*, as well as the authority to command compliance. We define moral authority here as respect for good character and a source of guidance or an exemplar of proper conduct. Importantly, we consider it an empirical question whether obligation to obey and moral alignment actually scale together on one scale. Alternatively, they may constitute separate latent constructs, but that moral identification predicts/shapes obligation to obey. It may be the case that they scale together in some countries (and therefore would be combined into one measurement part of a broader structural model) but do not in other countries (and therefore just be separate parts of the structural model).

We also add the perceived legality of police action, i.e. conformity to established rules that to some degree constitute the normative justification of their power. We assume that an individual confers legitimacy on the justice system when that individual feels (a) an obligation to obey the authority, (b) that the authority expresses shared morals, and (c) that the justice system follows its own internal rules. Our definition of perceived (empirical) legitimacy thus captures perceived duty to obey, moral value congruence (moral alignment) and the belief that the police themselves operate under the rule of law. We assume that citizen-conferred legitimacy is a *formative concept* – it is formed out of a linear combination of the three dimensions (obligation, moral alignment and legality).

The normative concept of legitimacy sets out 'objective' criteria according to which an authority or institution is legitimate, not because of the subjective state of mind of those it governs, but rather because the arrangement meets certain substantive requirements (usually requirements of justice and rationality, for which objective evidence can be adduced). In addition, any normative conception of legitimacy has to describe why meeting these criteria confers authority on norms, institutions, or persons. Why do the criteria generate morally binding rules? Empirical legitimacy means stating that people believe an arrangement to be right and just. *Normative legitimacy means substantive recognition that the truth (or validity) of these arrangements is right and just.*

To summarise, police legitimacy is defined as citizen-conferred (obligation to obey; moral alignment; and perceived legality of action) and system-conferred (expressed consent; normative justifiability of power; perhaps defined as levels of accountability and transparency; and legality of action, perhaps defined as levels of cooperation and abuse). The ESS is the source of the data for citizen-conferred legitimacy. A combination of ESS and contextual data can make up the other estimates.

Overview

The second organising notion in the module is, therefore, *perceived legitimacy of legal authorities*. This we divide into (a) *perceived legitimacy of the police* and (b) *perceived legitimacy of the criminal courts*. As stated above, we see legitimacy as a property both of institutional performance and structure (captured by national-level statistics of efficiency, accountability, legality, and so forth) and of the views

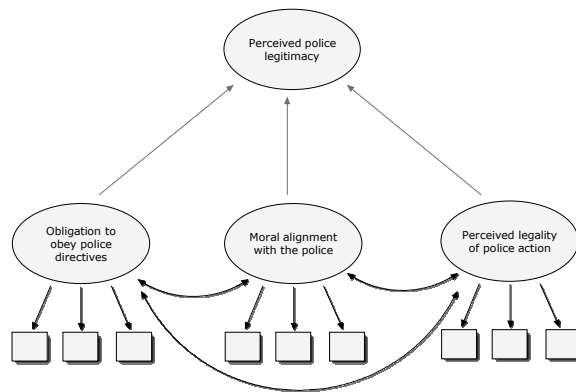
of individuals who are subject to the social arrangements (and may need to be treated as a formative construct). System-conferred legitimacy is measured by level-3 indicators, so is not elaborated here. Where we refer to legitimacy below, it should be assumed that we are referring only to perceived (or citizen-conferred) legitimacy.

We define the perceived legitimacy of the police according to two empirically testable models. The first specifies a formative concept with two sub-concepts:

- Obligation to obey – or some part of what Beetham calls expressed consent. Here, the perceived legitimacy of the police is measured by asking people whether they would obey the directives of the police, *even if they disagreed with the reasons*. A legitimate authority garners obedience from subordinates.
- Moral alignment – we take a social-psychological perspective here, in that the perceived legitimacy of the police is measured by asking people whether decisions are made which accord with the moral values of themselves, and by extension – we assume – their social group(s). This is a sense of moral value congruence with the police as a group authority: it is the assessment of the police as a prototypical representative of moral values.
- Perceived legality of police action – this is the sense that the police act within the ‘rule of law,’ i.e. that they abide by the same rules and laws that they themselves impose on others.

Legitimacy is built upon from its three constituent parts (Figure 7). Crucially, individuals may see the police as following their own rules, and having an appropriate sense of right and wrong, but not necessarily hold an obligation to obey the police. In other words, we treat legitimacy as forming out of the various constituent parts not as directing the various constituent parts.

Figure 7: Conceptual structure of perceived police legitimacy

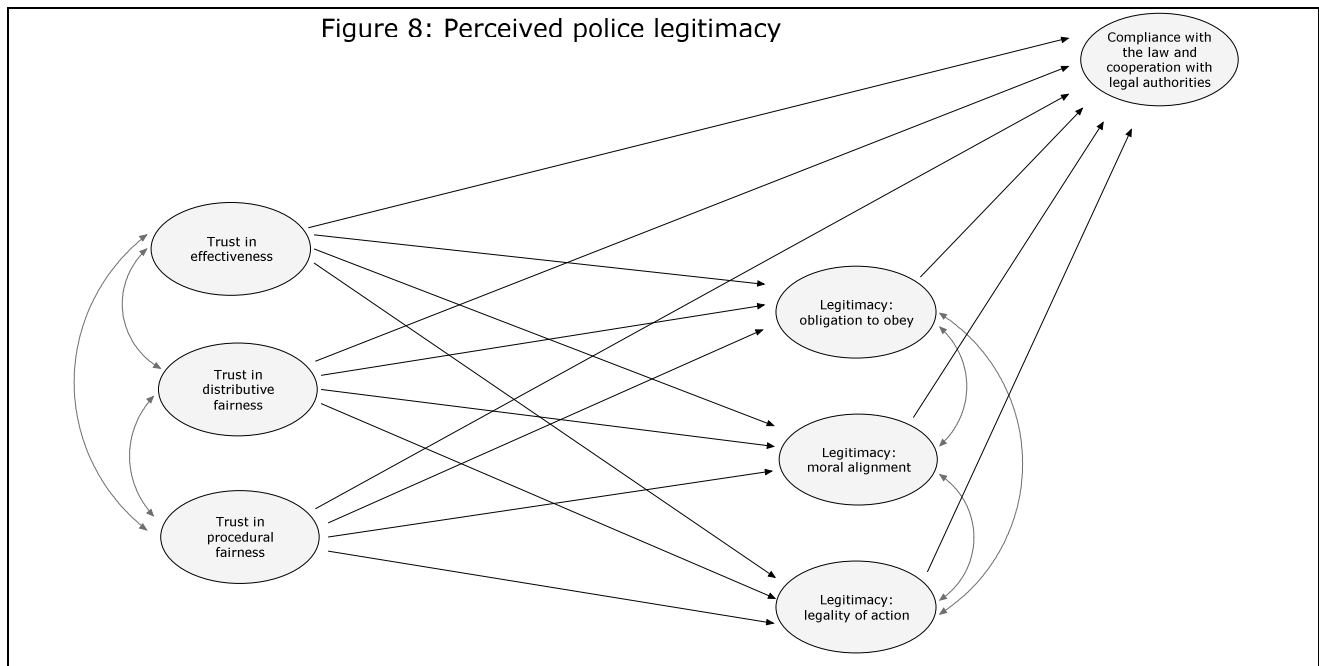


The second model is based on the hypothesis that the indicators of obligation to obey and moral alignment together scale on one latent variable. If so, then police legitimacy is defined as a formative second-order latent variable.

Expected relationship with other complex and simple concepts

We have outlined above the overarching theoretical framework. Figure 8 summarises, for ease of reference. We should reiterate that different models specify significant or non-significant paths between (a) trust and legitimacy and (b) legitimacy and compliance. Figure 8 provides all arrows, but this should not be read as our final model.

Figure 8: Perceived police legitimacy



SUB CONCEPT NAME: Obligation to obey the police

Describe the first sub concept in detail outlining any further sub concepts or specifying that it can be measured directly

This captures the idea that people justify the existence of legal authorities when they feel they have an obligation to obey the rules set forth by the legal system and enforced by the authorities (such as the police).

Expected relationship with other sub concepts

Tyler’s US-based research has found that obligation to obey police directives (which we could also refer to as the perceived authority of the police) is a more important predictor of compliance with the law than the perceived risk of sanction. Coupled with the role of procedural justice, this relationship is central to the overarching argument. Of note is that Tyler treats obligation to obey as the core measure of legitimacy, although he often includes institutional trust measures into the scale as well.

Question item wording		Not at all my duty											Completely my duty (Don't know)	
<p>Now some questions about your duty²² towards the police in [country]. Use this card where 0 is not at all your duty and 10 is completely your duty.</p> <p>CARD 33 To what extent is it your duty to...READ OUT...</p>														
D18	...back ²³ the decisions made by the police even when you disagree with them?	00	01	02	03	04	05	06	07	08	09	10	88	
D19	...do what the police tell you even if you don't understand or agree with the reasons?	00	01	02	03	04	05	06	07	08	09	10	88	
D20	... do what the police tell you to do, even if you don't like how they treat you?	00	01	02	03	04	05	06	07	08	09	10	88	

SUB CONCEPT NAME: Moral alignment with the police

Describe the first sub concept in detail outlining any further sub concepts or specifying that it can be measured directly

This captures the idea that people justify the existence of legal authorities when they judge that they have a moral right to exist, i.e. they enact, defend and strengthen the morals of themselves and their community.

Expected relationship with other sub concepts

It may be that moral alignment with the police is a more important predictor of compliance with the law than obligation to obey. This is the sense that the police represent and enact the appropriate social and moral values that shape what is ethically and normatively appropriate action. Obligation to obey is more of a 'pure authority' – i.e. we should obey authority *because that is the right thing to do*.

Question item wording

CARD 34 Using this card, please say to what extent you agree or disagree with each of the following statements about the police in [country].

READ OUT EACH STATEMENT AND CODE IN GRID

²² 'Duty' in the sense of a citizen's moral duty to the state. The same translation for duty should be used for the scale labels at D19 and D20.

²³ Back in the sense of 'support'.

		Agree strongly	Agree	Neither agree nor disagree	Disagree	Disagree strongly	(Don't know)
D21	The police generally have the same sense of right and wrong ²⁴ as I do.	1	2	3	4	5	8
D22	The police stand up for ²⁵ values that are important to people like me.	1	2	3	4	5	8
D23	I generally support how the police usually act.	1	2	3	4	5	8

SUB CONCEPT NAME: Perceived legality of police action

Describe the first sub concept in detail outlining any further sub concepts or specifying that it can be measured directly

In contrast to trust in police fairness, this refers to higher-level corruption and the extent to which the police break laws and their own rules, in particularly tapping into issues of corruption (bribery) and unreasonable influence (state capture).

Expected relationship with other sub concepts

As with moral alignment and obligation to obey, we predict that perceived legality will predict cooperation with legal authorities and compliance with the law. The reasoning is simple. If the authorities are thought not to follow the laws that govern society, this may create a certain cynicism and disengagement among citizens. The legitimacy of the institution is eroded and normative motivation (to comply and cooperation) is damaged.

Question item wording

CARD 34 Using this card, please say to what extent you agree or disagree with each of the following statements about the police in [country]. **READ OUT EACH STATEMENT AND CODE IN GRID**

		Agree strongly	Agree	Neither agree nor disagree	Disagree	Disagree strongly	(Don't know)
D24	The decisions and actions of the police are unduly influenced by pressure from political parties and politicians.	1	2	3	4	5	8

Now one last question about the police and things they may or may not do.

D25 CARD 35 How often would you say that the police in [country] take bribes²⁶? Choose your answer from this card where 0 is never and 10 is always.

Never											Always	(Don't know)
00	01	02	03	04	05	06	07	08	09	10	88	

²⁴ 'Sense of right and wrong' in terms of 'feeling of morally right or wrong from a personal point of view'.

²⁵ 'Stand up for' in the sense of 'defend/uphold/promote'.

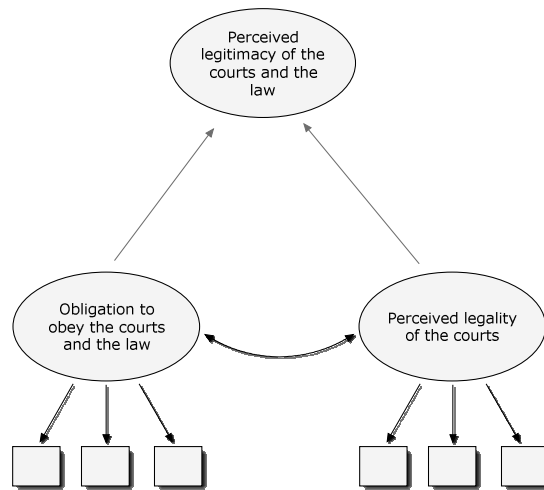
²⁶ 'Bribes' can include ANY unauthorised inducement – whether it is an amount of money and/or something else that is valuable or gives influence.

COMPLEX CONCEPT NAME: Perceived legitimacy of the law and criminal courts

Describe the concept in detail, outlining the various sub concepts it comprises

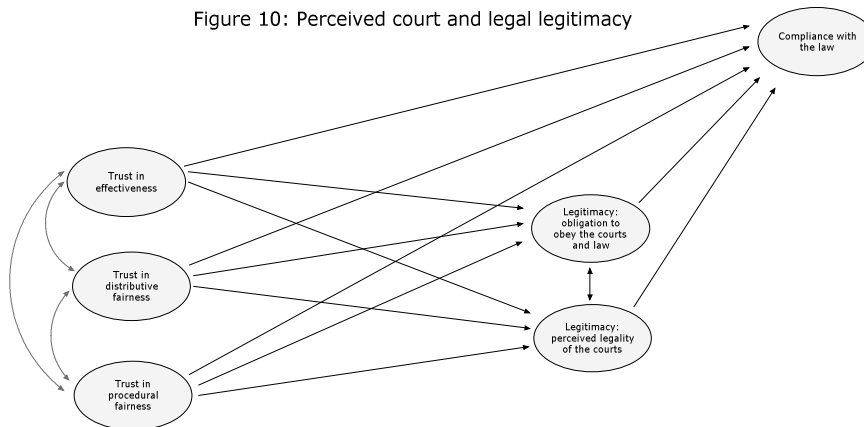
We have already covered our basic theoretical position on the nature of perceived legitimacy. The same structure applies to the law and the criminal courts as it does with the police (Figure 9). The one exception to this is that we drop moral alignment with the court (to some degree, our personal morality scale corresponds to moral alignment with the laws that proscribe these three behaviours). Perceived legitimacy of the law and the criminal courts refers to the sense in which the law and court directives should be obeyed and whether the courts are seen to act under the rule of law. As with the police, it may be that different models apply in different countries. In other words, obligation to obey and perceived legality may be separate constructs in some countries. But they may also combine to form a single reflective concept that we would name 'perceived legitimacy of the law and criminal courts'.

Figure 9: Conceptual structure of 'perceived legitimacy of the courts and the law'



Expected relationship with other complex and simple concepts

Figure 10: Perceived court and legal legitimacy



As with police legitimacy, we predict that trust in the criminal courts will predict perceived legitimacy of the law and courts (Figure 10). In turn, legitimacy will predict compliance with the law and cooperation with legal authorities.

SUB CONCEPT NAME: Obligation to obey the law and court decisions

Describe the first sub concept in detail outlining any further sub concepts or specifying that it can be measured directly

We consider obligation to obey the law and criminal courts in much the same way as obligation to obey the police: that citizens feel the duty to obey, even if they disagree with the specifics of the particular law, decision or directive.

Expected relationship with other sub concepts							
Obligation to obey the law and the courts is hypothesised to generate/reflect part of the authority that the justice system needs to generate to instil in citizens compliance with the law, even when people do not agree with a specific law.							
Question item wording							
CARD 41 Using this card, please say to what extent you agree or disagree with each of the following statements about [country] nowadays.							
READ OUT EACH STATEMENT AND CODE IN GRID							
		Agree strongly	Agree	Neither agree nor disagree	Disagree	Disagree strongly	(Don't know)
D34	Everyone has a duty ²⁷ to back ²⁸ the final verdict of the courts.	1	2	3	4	5	8
D35	All laws should ²⁹ be strictly obeyed.	1	2	3	4	5	8
D36	Doing the right thing ³⁰ sometimes means breaking the law.	1	2	3	4	5	8

SUB CONCEPT NAME: Moral alignment with the courts

Describe the first sub concept in detail outlining any further sub concepts or specifying that it can be measured directly							
As with the police, it is important to go beyond dull compulsion to assess whether obligation to obey is based upon shared, normative and ethic frameworks. So it may be that obligation to obey and moral alignment scale together, or it may be that they are separate constructs.							
Expected relationship with other sub concepts							
As indicated above, we hypothesise that moral alignment will predict both obligation to obey and compliance with the law, and that compliance with the law will also be predicted by obligation to obey.							
Question item wording							
CARD 41 Using this card, please say to what extent you agree or disagree with each of the following statements about [country] nowadays.							
READ OUT EACH STATEMENT AND CODE IN GRID							
		Agree strongly	Agree	Neither agree nor disagree	Disagree	Disagree strongly	(Don't know)
D32	Courts generally protect the interests of the rich and powerful above those of ordinary people.	1	2	3	4	5	8

²⁷ 'Duty' in the sense of a citizen's moral duty to the state. The same translation for duty should be used for the scale labels at D19 and D20.

²⁸ Back in the sense of 'support'.

²⁹ 'Should' - in the sense of 'must'.

³⁰ 'Doing the right thing' in the sense of 'morally from a personal point of view'.

COMPLEX CONCEPT NAME: Perceived legality of court action

Describe the first sub concept in detail outlining any further sub concepts or specifying that it can be measured directly

This refers to perceptions of corruption and the extent to which the police and the courts break laws and their own rules, in particularly tapping into issues of corruption. We also extend the notion of legality to protecting the interests of the rich and powerful, on the assumption that people should be treated equally under the rule of law.

Expected relationship with other sub concepts

As indicated in Figure 1, we expect perceived legality to shape expectation-based and motive-based trust.

Question item wording

Now a question about judges and things they may or may not do.

D31 CARD 40 Using this card please tell me how often you would say that judges in [country] take bribes³¹?

	Never										Always	(Don't know)
	00	01	02	03	04	05	06	07	08	09	10	88
					Agree strongly	Agree	Neither agree nor disagree	Disagree	Disagree strongly			(Don't know)
D32					1	2	3	4	5			8
					Courts generally protect the interests of the rich and powerful above those of ordinary people.							
D37					1	2	3	4	5			8
					The decisions and actions of the courts are unduly influenced by pressure from political parties and politicians.							

COMPLEX CONCEPT NAME: Public cooperation with the police and courts

Describe the concept in detail

Criminal justice agencies have come to recognise that building or retaining public trust is a central aspect of police performance. In a democratic society, people have the right to feel that the police both represent and serve them. But more pertinently in the current context, trust is thought to be important because it is related in some way to people's propensities to defer to, assist and otherwise support the police. The more favourable public opinion, it is held, the greater the likelihood that people will help, and call on the help of, the police.

Cooperation, of course, has different shades of meaning. Some governments, especially those that see (or present in their policy documents) crime control as a struggle between the 'law-abiding majority' and 'criminals,' think of cooperation in terms of the *support* given to law enforcement by the former in pursuit of the latter – reporting crimes to the police, for example, and acting as witnesses and jurors. Equally or more important, cooperation with law could be construed to embrace *compliance*, in the sense of obedience to the law. We have taken the view that it is simpler and less confusing to define cooperation and compliance as conceptually and empirically separate processes.

³¹ 'Bribes' can include ANY unauthorised inducement – whether it is an amount of money and/or something else that is valuable or gives influence.

The procedural justice perspective provides a compelling argument as to why people do, or do not, cooperate with the police and other criminal justice agencies. Backed by a wealth of empirical evidence, the procedural justice approach holds that public perceptions of fairness, equitability and transparency of procedure are central in securing support for and cooperation with criminal justice institutions. Fair and decent treatment fosters satisfaction with the authority involved and enhances its legitimacy. This enhanced legitimacy is then itself linked not only to greater compliance with the authority's instructions but increased propensities to assist it in the future (Tyler 1990; Tyler and Huo 2002). Indeed, for Tyler and colleagues the defining feature of a legitimate authority is that those subject to it feel that it should be deferred to and obeyed as of right (and not, for example, because of the threat of physical force).

In contrast, if the police are perceived to be illegitimate not only will cooperation decline. People will be less likely to obey the law. This may encourage or force authorities to take a more punitive and/or aggressive stance, which will likely be perceived as procedurally unfair by members of the public. A downward spiral of increasing separation and antagonism between police and public is therefore one possible outcome from public perceptions that police are procedurally unfair or unjust – exactly the situation pertaining in the brief examples of police-community relations cited above.

Question item wording

ASK ALL

Now some questions about what you would do if you were the only witness to a crime. The next few questions do not have a showcard.

D40 Imagine that you were out³² and saw someone push a man to the ground and steal his wallet. How likely would you be to call³³ the police? Would you be...
READ OUT...

- | | |
|-----------------------|---|
| ...not at all likely, | 1 |
| not very likely, | 2 |
| likely, | 3 |
| or, very likely? | 4 |
| (Don't know) | 8 |

D41 How willing³⁴ would you be to identify the person who had done it? Would you be...READ OUT...

- | | |
|------------------------|---|
| ...not at all willing, | 1 |
| not very willing, | 2 |
| willing, | 3 |
| or, very willing? | 4 |
| (Don't know) | 8 |

D42 And how willing would you be to give evidence³⁵ in court against the accused? Would you be...READ OUT...

- | | |
|------------------------|---|
| ...not at all willing, | 1 |
| not very willing, | 2 |
| willing, | 3 |
| or, very willing? | 4 |
| (Don't know) | 8 |

³² 'Out' as in 'not at one's home'.

³³ 'Call' refers to telephoning the police.

³⁴ 'Willing' in the sense of 'freely choose to'.

³⁵ 'Evidence' refers to the 'testimony' a witness gives verbally in court.

COMPLEX CONCEPT NAME: Compliance with the law [S: Comply]

Describe the concept in detail	
<p>Compliance with the law is one of the key concepts of the module. Modelling factors that help explain compliance with the law allows us to make core theoretical and political conclusions about the nature of cooperation and self-regulation, as well as the type of criminal justice policies that are likely to secure public compliance and cooperation.</p> <p>In the first document submitted to the ESS team in May 2009, we suggested the following three behaviours/crime-types: (a) bought something you thought might be stolen; (b) illegally disposed of rubbish or litter; and (c) committed traffic offences. Respondents would be asked how often they had done each of these things during the past five years ('often', 'sometimes', 'seldom', or 'never').</p> <p>We moved to these categories:</p> <ul style="list-style-type: none"> • made an exaggerated or false insurance claim; • bought something you³⁶ thought might be stolen; and, • committed a traffic offence like speeding or crossing a red light. 	
Question item wording	
<p>Now some questions about things you might have done.</p> <p>CARD 44 Using this card please tell me how often you have done each of these things in the last five years? How often have you...READ OUT...</p>	
	<p>Never Once Twice 3 or 4 times 5 times or more (Don't know)</p>
D43	<p>...made an exaggerated or false insurance claim³⁷?</p> <p style="text-align: center;">1 2 3 4 5 8</p>
D44	<p>...bought something you³⁸ thought might be stolen?</p> <p style="text-align: center;">1 2 3 4 5 8</p>
D45	<p>...committed a traffic offence like speeding or crossing a red light?</p> <p style="text-align: center;">1 2 3 4 5 8</p>

COMPLEX CONCEPT NAME: Perceived risk of sanction

Describe the concept in detail
<p>There are at least three reasons why people comply with the law:</p> <ol style="list-style-type: none"> 1. Legitimacy of legal authorities: we hand over responsibility to authority figures to define and enforce acceptable conduct 2. Risk of sanction: people are governed by their self-interest 3. Personal morality: when our sense of right and wrong is aligned with the law (and by extension the CJS) <p>The perceived risk of sanction captures the idea that people comply with the law when they think that doing otherwise would lead to capture and punishment.</p>

³⁶ 'You' as in 'the respondent personally'

³⁷ The phrase 'Made an exaggerated or false insurance claim' was included in Item E15 in ESS Round 2 but the question stem was different.

³⁸ 'You' as in 'the respondent personally'

Question item wording

CARD 26 Now just suppose you were to do any of these things in [country]. Using this card, please tell me how likely it is that you³⁹ would be caught and punished⁴⁰ if you... **READ OUT...**

		Not at all likely	Not very likely	Likely	Very likely	(Don't know)
D4	...made an exaggerated or false insurance claim ⁴¹ ?	1	2	3	4	8
D5	...bought something you ⁴² thought might be stolen?	1	2	3	4	8
D6	...committed a traffic offence like speeding or crossing a red light?	1	2	3	4	8

COMPLEX CONCEPT NAME: Personal morality

Describe the concept in detail

Personal morality refers to a motivation to comply with the law because *it is the right thing to do*. Please note; we suspect that this scale should go right at the start of the module. If it is next to other items (chiefly, the risk of sanction and self-report scales), it may encourage people to present an artificially consistent front to the survey interviewer.

Question item wording

Now some questions on a different topic.

I would now like to ask you some questions about how wrong⁴³ you consider certain ways of behaving to be.

CARD 25 Using this card please tell me how wrong⁴⁴ it is to...**READ OUT...**

		Not wrong at all	A bit wrong	Wrong	Seriously wrong	(Don't know)
D1	...make an exaggerated or false insurance claim ⁴⁵ ?	1	2	3	4	8
D2	...buy something you ⁴⁶ thought might be stolen?	1	2	3	4	8
D3	...commit a traffic offence like speeding or crossing a red light?	1	2	3	4	8

³⁹ 'You' as in 'the respondent personally'.

⁴⁰ 'Punished' as in 'punished by the law'; this could be in the form of a prison sentence, fine or any other sentence.

⁴¹ The phrase 'Made an exaggerated or false insurance claim' was included in Item E15 in ESS Round 2 but the question stem was different.

⁴² 'You' as in 'the respondent personally'.

⁴³ 'Wrong' in the sense of 'morally wrong'. Countries should use the scale used at E13-E16 in ESS Round 2 for items D1-D3. Note however that only D1 was fielded in Round 2 (as E15) but in a slightly different form.

⁴⁴ 'Wrong' in the sense of 'morally wrong'. Countries should use the scale used at E13-E16 in ESS Round 2 for items D1-D3. Note however that only D1 was fielded in Round 2 (as E15) but in a slightly different form.

⁴⁵ The phrase 'Made an exaggerated or false insurance claim' was included in Item E15 in ESS Round 2 but the question stem was different.

⁴⁶ 'You' as in 'the respondent personally'.

COMPLEX CONCEPT NAME: Attitudes towards punishment

Describe the concept in detail

In the past, public opinion polls seemed to suggest that individuals wanted more punishment and to get tough on crime (Cullen, Fisher & Applegate, 2000). But it emerged in the 1990s that people's understanding of sentencing severity was often distorted and underestimated the harshness of the sentences imposed on offenders (Roberts, 1992; Roberts & Stalans, 1997). At the time most measures of punitiveness consisted of one or two questions, typically asking individuals whether they supported a punitive policy such as the death penalty or thought the courts were harsh enough. Soon thereafter, criticisms emerged as to these measures over-simplification of punitiveness. Indeed, further studies revealed that once presented with the details of specific cases, individuals tended to express less punitive sentencing preferences.

This problem was tentatively redressed by new measures of punitiveness. In criminological and psychological literature, understandings of punitiveness have shifted and place more emphasis on punitive dispositions, motivations, beliefs and attitudes. Various methodologies are employed to get at the complex nature of punishment. Methods include correlating or predicting punitiveness based on dispositions (e.g., socio-demographic factors, emotions, personality) using measures of punitiveness such as agreement with statements relating to sentencing goals, satisfaction with and beliefs about the criminal justice system, attitudes toward punitiveness and support for preventative or punitive programs. Other methods related to motivations to punish include observing participants punitive behaviour (i.e., assignment of punishment points) in public goods experiments or asking individuals to assign punishment using one or more Likert-scales (e.g., ranging in severity of punishment, length of jail sentence, fairness/sufficiency of punishment) based on vignettes in which features of the offence and offender thought to influence punitiveness are manipulated.

Still, there continues to be an important focus on individuals' punitive attitudes or sentiment, that which was presumably captured by earlier questions. For instance, questions designed to measure punitiveness often include 'People who break the law should be given stiffer sentences' which fails to discriminate between individuals desire to punish and their attitudes toward the criminal justice system. This issue is exemplary of a broader issue which is the failure to distinguish between individuals' beliefs about the goals and functions of punishment from their punitive attitudes. Though these measures tend to converge, as suggested by factor analyses, it is important to distinguish between the beliefs that people harbour (e.g., about the function of punishment as captured by questions such as 'Capital punishment reduces crime in the long run') from their support for punitive policies (e.g., 'Criminals who commit three or more felonies should be put in prison for the rest of their lives'). Indeed, evidence suggests that individuals may harbour deterrence beliefs yet be unwilling to adopt harsh punitive responses such as mandatory or determinate life sentences (Carlsmith & Darley, 2008). Similarly, measures of punitiveness which factor in the criminal justice system may be confounding individuals' punitiveness with their trust in the criminal justice system.

There will be many opportunities to explore the relationship between punitive sentiment, trust and legitimacy using the ESS data. One question is whether attitudes towards punishment are part of trust and legitimacy, or whether punitive sentiment is more closely related to ideological preferences regarding societal ordering and institutional response to threat and transgression.

Question item wording

CARD 41 Using this card, please say to what extent you agree or disagree with each of the following statements about [country] nowadays.

READ OUT EACH STATEMENT AND CODE IN GRID

	Agree strongly	Agree	Neither agree nor disagree	Disagree	Disagree strongly	(Don't know)
D33 People who break the law should be given much harsher sentences than they	1	2	3	4	5	8

are these days.⁴⁷

D38 CARD 42 People have different ideas about the sentences which should be given to offenders. Take for instance the case of a 25 year old man who is found guilty of house burglary⁴⁸ for the second time. Which one of the following sentences do you think he should receive? Please use this card.

INTERVIEWER NOTE: If the respondent wants to choose more than one sentence, record the sentence with the lowest code number. Code 1 is the lowest code number and code 5 is the highest code number.

If asked what a suspended sentence or community service is please say:

'A suspended prison sentence is only served if the offender commits another crime or breaks other specific conditions during the suspended sentence period'

'Community service refers to a sentence OTHER than a prison sentence or fine where the offender is asked to perform a task or tasks that benefit the community'

Prison sentence	1	ASK D39 GO TO INTRODUCTION BEFORE D40
Suspended prison sentence	2	
Fine	3	
Community service	4	
Any other sentence	5	
(Don't know)	8	

ASK IF PRISON SENTENCE GIVEN (code 1 at D38)

D39 CARD 43 And which of the answers on this card comes closest to the length of time you think he should spend in prison? Please use this card.

1-3 months	01
4-6 months	02
7- 11 months	03
About 1 year	04
About 2 years	05
About 3 years	06
About 4 years	07
About 5 years	08
6-10 years	09
More than 10 years	10
(Don't know)	88

⁴⁷ This item was included as D5 in Round 4

⁴⁸ 'Wrong' in the sense of 'morally wrong'. Countries should use the scale used at E13-E16 in ESS Round 2 for items D1-D3. Note however that only D1 was fielded in Round 2 (as E15) but in a slightly different form.

COMPLEX CONCEPT NAME: Fear of crime

Describe the concept in detail

The fear of crime remains a topical social and political issue that attracts a wealth of research from a variety of social scientific disciplines. Much of the attention is predicated on the status of the fear of crime as a significant social problem. Research shows that a relatively large minority of citizens of countries across the world worry about becoming a victim of crime. Resulting anxieties are believed to erode well-being, promotes precaution, restricts movement, encourages 'flight' from deprived areas, and harms social trust, inter-group relations and the capacity of communities to exercise social control.

The module was originally intended to include new measures of the fear of crime, but we have decided to instead capitalize on the measures of worry about crime that were introduced into the main questionnaire in Round 3 (and will therefore be present in Round 5). There are two reasons for this. First, we have conducted an empirical assessment of the scaling properties of the new measures, concluding that they work well as a single categorical scale that is suitable for cross-European analysis. The analytical strategy employs a model-assisted method that begins with latent class modeling then adjusts the classification by hand according to certain simple principles (Jackson & Kuha, 2010). Second, opting for existing measures rather than devising new measures frees up space in the 50-item module for the core topics of trust in justice, legitimacy of legal authorities, and outcomes/alternative explanations of trust and legitimacy.

Question item wording

The measures of worry about crime in the main questionnaire focus on the frequency of past experience of worry about crime and on the impact of such events on people's quality of life. Building upon recent developments in the measurement of the fear of crime (Farrall & Gadd, 2004; Jackson, 2005; Gray *et al.*, 2008; Jackson & Gray, 2010), these measures conceive fear of crime less as a generalised perception of unsafe streets and more as a pattern of ecologically locatable emotions that harms well-being and constrains lives.

The frequency questions included in the core of the ESS are:

- How often, if at all, do you worry about your home becoming a victim of violent crime?
 - All or most of the time
 - Some of the time
 - Just occasionally
 - Never
 - (Don't know)
- [If answer other than 'never'] Does this worry about becoming a victim of violent crime have a...
 - ...serious effect on the quality of your life
 - ...some effect
 - ...or no real effect on the quality of your life?
- How often, if at all, do you worry about your home being burgled?
 - All or most of the time
 - Some of the time
 - Just occasionally
 - Never
 - (Don't know)
- [If answer other than 'never'] Does this worry about your home being burgled have a...
 - ...serious effect on the quality of your life
 - ...some effect
 - ...or no real effect on the quality of your life?

SECTION D: Simple Concepts. For each simple concept listed in Section B, describe it in detail here.

Once the conceptual structure is agreed with the CCT add the question wording for the proposed item.

SIMPLE CONCEPT NAME: Contact with the police

Describe the concept in detail

We focus only on the police partly because of space, and partly because the point of contact between police and citizens is arguably the most frequent but also the most important. It is vital to distinguish first between public-initiated contact and police-initiated contact, and second because experience that individuals judge to be positive and experience that individuals judge to be negative (Skogan, 2006; Bradford *et al.*, 2009). Please note that we do not intend the four items listed below to work together as a scale. Following prior research, we envisage these to create four dichotomous variables that can be added into various regression models to predict trust in the police.

Question item wording

ASK ALL

D8 In the past 2 years, did the police in [country] approach⁴⁹ you⁵⁰, stop you or make contact with you for any reason?

Yes	1	ASK D9
No	2	GO TO D10
(Don't know)	8	

ASK IF HAS BEEN APPROACHED / STOPPED / CONTACTED BY THE POLICE FOR ANY REASON IN PAST 2 YEARS (code 1 at D8)

D9 **CARD 28** How dissatisfied or satisfied were you with the way the police treated⁵¹ you the last time this happened? Choose your answer from this card.

Very dissatisfied	1
Dissatisfied	2
Neither dissatisfied nor satisfied	3
Satisfied	4
Very satisfied	5
(Don't know)	8

SIMPLE CONCEPT NAME: Overall confidence in the police

Describe the concept in detail

Given the level-1, level-2 and level-3 structure that we are working within, it is important to have a single-indicator measure of overall confidence in the police (level-1 indicator). We prefer the word 'confidence' as to us, this denotes an overall summary of the job that the police are doing, whereas 'trust' denotes a more complex set of expectations and predictions that are rooted in a kind of relationship between individuals and institutions. It is, of course, vital to also break down trust into various sub-concepts (see Section C), and these represent our level-2 indicators. We hope the ESS team will be patient with our desire to treat confidence/trust in the police as simultaneously a simple (confidence) and a complex (trust) concept. There are questions – as yet unresolved – about the ordering of the level-1 and level-2 items.

⁴⁹ Approach for any reason (e.g. to ask you for information or because they suspect you have committed a crime or they need to ask you to do something).

⁵⁰ 'You' as in 'the police approached, stopped or contacted the respondent personally'.

⁵¹ 'Treated' in the sense of how the police responded to or dealt with the respondent.

Question item wording

Now some questions about the police⁵² in [country].

D7 CARD 27 Taking into account all the things the police are expected to do, would you say they are doing a good job or a bad job? Choose your answer from this card.

- | | |
|--------------------------|---|
| Very good job | 1 |
| Good job | 2 |
| Neither good nor bad job | 3 |
| Bad job | 4 |
| Very bad job | 5 |
| (Don't know) | 8 |

SIMPLE CONCEPT NAME: Overall confidence in the courts

Describe the concept in detail

Given the level-1, level-2 and level-3 structure that we are working within, it is important to have a single-indicator measure of overall confidence in the courts (level-1 indicator). It is, of course, vital to also break down trust into various sub-concepts (see Section C), and these represent our level-2 indicators. We hope the ESS team will be patient with our desire to treat trust in the courts as simultaneously a simple and a complex concept.

I am now going to ask you some questions about the courts in [country] that deal with crimes such as house burglary⁵³ and physical assault. Again please answer based on what you have heard or your own experience.

D26 CARD 36 Taking into account all the things the courts are expected to do, would you say they are doing a good job or a bad job? Choose your answer from this card.

- | | |
|--------------------------|---|
| Very good job | 1 |
| Good job | 2 |
| Neither good nor bad job | 3 |
| Bad job | 4 |
| Very bad job | 5 |
| (Don't know) | 8 |

⁵² Note that a generic term should be used here and consistently throughout the module. The translation should encompass all of the different types / levels of police in [country]. Countries might refer to the translation used at B6 in the core questionnaire. If any country specific examples are required to demonstrate that all the police are to be included (e.g. City guards in Poland) these should be mentioned once here and the respondents should then be informed that 'from now on we will simply say the police in [country]'. Countries should reflect on the questions in the module and consider whether any officials who share a range of powers with the police should be mentioned. Note that groups who only control parking should not generally be included.

⁵³ 'House burglary' is when someone breaks into a property or enters uninvited with the intention of stealing.

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