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Procedural Justice and Police Legitimacy

Procedural justice and police legitimacy have increasingly converged, becoming a focal point of discussion for law enforcement throughout the United States. The topic has become so galvanized that President Obama stated, "the most important issue in America today is police having trust in different communities."

Procedural justice and police legitimacy concepts developed over several decades. Pragmatic and implementable approaches, along with contemporary information, combine to build upon the understanding of these principles. Various approaches have been created and utilized over many years of collaboratively working in partnership with law enforcement stakeholders interacting with many projects across a very diverse set of industries and sectors.

Procedural Justice

Fundamentally, procedural justice concerns the fairness and the transparency of the processes by which decisions are made, and may be contrasted with distributive justice (fairness in the distribution of rights or resources), and retributive justice (fairness in the punishment of wrongs). Hearing all parties before a decision is made is one step which would be considered appropriate to be taken in order that a process may then be characterized as procedurally fair.

Some theories of procedural justice hold that fair procedure leads to equitable outcomes, even if the requirements of distributive or restorative justice are not met. It has been suggested that this is the outcome of the higher-quality interpersonal interactions often found in the procedural justice process, which has shown to be stronger in affecting the perception of fairness during conflict resolution.

Police Legitimacy

Police legitimacy reflects the belief that the police ought to be allowed to exercise their authority to maintain social order, manage conflicts, and solve problems in their communities. Legitimacy is reflected in three judgments. The first is public trust and confidence in the police. Such confidence involves the belief that the police are honest, that they try to do their jobs well, and that they are trying to protect the community against crime and violence. Second, legitimacy reflects the willingness of residents to defer to the law and to police authority, i.e. their sense of obligation and responsibility to accept police authority. Finally, legitimacy involves the belief that police actions are morally justified and appropriate to the circumstances.

Research consistently shows that minorities are more likely than whites to view law enforcement with suspicion and distrust. Minorities frequently report that the police disproportionately single them out because of their race or ethnicity. This perception about the lawfulness and legitimacy of law enforcement are an important criterion for judging policing in a democratic society. Lawfulness means that police comply with constitutional, statutory, and professional norms. Legitimacy is linked to the public's belief about the police and its willingness to recognize police authority.

Racial and ethnic minority perceptions that the police lack lawfulness and legitimacy, based largely on their interactions with the police, can lead to distrust of the police. Distrust of police has serious consequences. Most importantly, it undermines the legitimacy of law enforcement. Without legitimacy, police lose their ability and authority to function effectively.

Additional Resources Available

A wealth of resources are available regarding procedural justice and police legitimacy. [View articles, videos, and literature](#) that may provide further insight on these topics.

POST recognizes that effective law enforcement is the cornerstone of a free and safe society and is committed to a vision of the future that ensures quality, integrity, accountability, and cooperation; encourages new ideas; explores and uses appropriate technologies; and delivers relevant, client-based programs and services. POST programs and services have historically included training in community-based-policing, racial and cultural diversity, racial profiling and discrimination, persons with developmental disabilities or mental illness, and a full spectrum of other training designed to help law enforcement build cooperative relationships with the communities they serve while, at the same time, decreasing the emergence of racial animosities.