

Legitimacy and confidence in public safety institutions: the case of São Paulo

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Summary:

Based on a *survey* applied in the city of Sao Paulo in 2013, this article presents the first results of a study that falls within the framework of a broader research project focused on the investigation of the relationship between factors such as criminal occurrences, confidence in institutions and social order, exploiting empirical connections between commission of crimes, feeling of insecurity, legitimacy and perception of institutional action. Despite the evidence of high criminal impunity found in some Brazilian cities, crime rates and low population confidence in law enforcement and the effectiveness of institutions (especially the police), there is not, in the Brazilian scenario, a clear empirical picture regarding the links between these various aspects.

Among the findings, this study highlights the significant association between the dimensions of procedural justice and institutional confidence and, though less closely, between the dimensions of institutional trust and police effectiveness. It also highlights the association of legitimacy with procedural justice, with personal victimization and with the perception of physical disorder in the neighborhood. Finally, some implications of these results and the prospects for the continuity of the research are discussed.

Keywords:

Confidence; Legitimacy; Institutional action; Police; *Procedural justice*.

Introduction: the problem of trust and legitimacy

The concern with trust in public institutions and the construction of the legitimacy of democratic institutions is a subject that has long been present among researchers in different areas, especially sociologists and political scientists. In recent decades, authors such as Zmerli and Newton (2006), Putnam (1996), Coleman (1988), Granoveter (1985) and many others have approached the topic in different ways, addressing in their studies factors that tend to lead, in some degree, either to an increase or a decrease in the belief in the virtue of the institutions and the ways they are constructed. Related to this, another central point addressed is the impact that this belief can have on the ability of different institutions to create and develop appropriate public policies within their field of responsibility.

The interest in the topic attracted greater attention especially in the 70s and early 80s, in an international context of the reduction of citizens' trust in public institutions, in a subsequent period of the economic crisis that began in the early 70s, shaking the very foundations of the welfare State in many countries. In search of coherent explanations, a number of theoretical perspectives have been propounded, focusing on distinct and sometimes complementary dimensions: the approaches that emphasize understanding of institutional performance - such as the way that institutions affect the behavior of actors who interact in the political process and how institutions are shaped by the historical process; approaches more related to the context in which institutions operate, with emphasis on socio-economic aspects or cultural variations; and the approaches that emphasize individual characteristics and adopt a more socio-psychological approach.

Although so far in small measure, the issue of legitimacy has motivated scholars of trends in crime and violence to focus on the investigation of the connection between factors such as criminal activities, trust in institutions and social order. With different formulations of legitimacy and trust in institutions, authors such as Nivette and Eisner (2013), Roth (2009), Sunshine and Tyler (2003), Eisner (2001), LaFree (1998), Sampson and Bartusch (1998), among others, have shown important empirical connections between institutional and political legitimacy, the commission of crimes and impunity, in different international contexts.

In this article, the main objective is to test, through the analysis of a *survey* conducted in the city of São Paulo, some of these relationships that have been studied, especially in recent decades, in the European and North American contexts. Thus, the essential relationship being considered links the different institutional actions (in particular criminal indicators of insecurity, criminal impunity and *procedural justice*) and institutional legitimacy and confidence, within the context of a Brazilian city. Later, as part of the development of a broader research project of which the production of this article is part^[1], these relations will also be studied in different socio-economic contexts and with the application of different methodologies in addition to the *survey* approach. This article therefore gives emphasis to the initial part of the research, which is dedicated to the definition of these concepts and variables, and the methodological strategies deployed to analyze them, in addition to presenting the initial results.

Thus, the institutional hypothesis according to which the functioning of the institutions, in this case those related to law enforcement, is able to reduce (or promote and strengthen) the belief and confidence that citizens have in political institutions and the proper functioning of the democratic structure, will be the subject of special analysis on the basis of the consolidation of the concept of legitimacy. Other hypotheses present in the specialized literature, such as the influence of faith in institutions and in the virtue of the laws as factors inhibiting the practice of illegal activities - and other structural and contextual aspects that influence these dynamics - will also be analyzed and discussed.

Advances in *procedural justice* (and some limitations)

In the field of public safety, justice and violence, a major change concerning the study of aspects that lie behind obedience to laws and the occurrence (or non-occurrence) of criminal offenses started to occur, at the end of the 80s, with the appearance of the work of criminologist Tom Tyler, along with several colleagues, who proceeded to discuss some of the traditional criminological theories concerning the determinants of these actions. The author and his colleagues questioned, particularly - through various empirical studies carried out especially during the two previous decades - the effectiveness of crime control strategies based only on the use of coercion and the threat of punishment and, consequently, the increased costs of the mechanisms of the protection systems and prisons responsible for the effective maintenance of its functioning. In opposition to this, argue the authors (guided also by extensive empirical research) that what drives different individuals much more effectively towards compliance with society's rules is their own self-regulation which individuals construct with respect to compliance with these rules. Thus they understand that crimes do not occur in large part because of the internalized constraints that inhibit individuals from committing them – in contrast to the primacy of the conception that this is mainly due to the strategies focusing on the repression and punishment that are imposed in response to these actions.

This self-regulated behavior is, on the other hand, developed in the individual by means of motivational incentives which constitute important reasons for their internalizing notions such as respect for those socially established rules. But what are these reasons or under what conditions would the members of a society be required to comply with the laws that are enforced externally? This issue has already been seriously considered by the philosopher John

Locke, regarded as one of the classic theoretical foundations of the bases of the modern State. For Locke, this obligation of compliance with laws only exists if the authority behind the law is based on legitimacy (legitimacy here is seen, above all, as the basis on which the consensus on which to create laws and civil society is built). Tom Tyler and his many co-authors realize that legitimacy is the most important basis for the existence of the self-regulation of individuals with respect to social rules. This sense of legitimacy, related in its turn to the universe of criminal practice, is directly linked to the performance of the criminal justice system, in particular to the figures of and the role played by its operators in their administration of justice, security issues and conflict resolution. Respect for and fair treatment of citizens, equanimity, compliance with standards and so on are the main regulatory aspects of institutional performance. These characteristics summarize what these authors mean by *procedural justice*^[2]. Within this perspective, enjoying *procedural justice*, citizens will attribute legitimacy to legal authorities and social rules, and will with greater probability satisfactorily internalize conduct that will deter them from manifesting deviations from the law and criminal transgressions.

In addition to the institutional results with respect to existing criminal problems, the way in which state agents relate to the public and demonstrate in practice that they are attempting to solve the problems can also be indicated as having crucial importance for the citizens' perception of the functioning of these institutions and the level of confidence with which they are regarded. Characteristics such as fairness, honesty and promptness would thus be issues of prime importance in citizens' evaluation of institutions and their confidence in them. Thus the role that institutional performance can have both for strengthening the perception of the legitimacy of the institutions as well as for the actual effective functioning of these institutions with respect to the fulfillment of their obligations is clear from these and the other reasons set out above.

Even though theories of *procedural justice* have resulted in important advances in the field of the dynamics of transgressions, obedience to the laws and their determinants, and even though these theories have indeed presented notable results that demonstrate these advances – offering even the prospect of the improvement of public policies aimed at reducing criminal offenses and their treatment by the agents of the justice and security system - some important criticisms of the shortcomings of this approach have arisen over the last decade and comments on the need to advance further in other relevant items^[3].

In a recent study conducted on the subject, Nivette and Eisner (2013) have also pointed out some important methodological issues calling for clarification in this type of study. The authors, who examine the impacts of the existing lack of legitimacy (and low belief in law) on crime, have drawn attention to the need to study the problem in depth as well as longitudinally to better gauge the direction of the causality between the observed characteristics. That is, in the view of the authors, based on their analysis and other existing studies, on one hand it is possible that the growth in the number of violent crimes such as homicides, as well as the more limited application of the corresponding laws on these cases, contribute to the increasing lack of confidence in the judiciary and security institutions, and also in a broad way, to the lack of legitimacy of political institutions, as it may equally be possible that the disbelief in laws and institutions (which may also be related to many other social and political processes), on the other hand, can reduce obedience to rules and consequently increase the occurrence of crimes. This order of the factors involved has not, however, been effectively tested by studies dedicated to the subject. It is even possible that there be a circular effect relating these two dimensions, which would then feed each other in a vicious (or virtuous) circle.

Other factors which, for the authors, also deserve attention are the connection between the analysis of the micro and macro level and the operationalization of the concept of legitimacy. The macro-level analyses focus on the variations in crime and violence as between nations, regions and neighborhoods, and through time. The micro-level analyses focus on individual behavior with respect to criminal events and the perception of the legitimacy of political institutions and of the institutions responsible for law enforcement (Nivette and Eisner, 2013). Both levels have their strengths and limitations, a major aspect of the relationship between them being the difficulty of integrating the two different approaches which represent two sides of the same analytical dimension, whose effect would be to bring greater clarity to the understanding of the relationship. In the case of studies in the field of *procedural justice*, for example, they call attention to the fact that the theories have mostly thus far been tested on a micro (individual) level, leaving aside the enormous variation with which these dimensions are presented within different contexts and with regard to other structural indicators.

The other point, the importance of the operationalization of the concept of legitimacy arises from the great variety of ways in which the concept has been characterized and which

consider, whether jointly or separately, some distinct notions such as the morality of legal laws, the consent of the population, the obligation to obey and legal cynicism (which characterizes the interpretation by certain population groups that governments, or criminal justice sectors, are unjust and illegitimate and do not deserve that their laws and norms be respected). Of course, in accordance with the concepts and ideas used, there is room for great variation in the analysis of the problem. There here again appears another important limitation with regard to studies in the field of *procedural justice*, which is the fact that there is often a lack of clarity in the distinction between empirical measures of the concepts of legitimacy and compliance with laws, that in the studies of Tyler and his colleagues often appear as two almost indistinguishable dimensions, composed of the same attributes.

Further, concerning the means used to express legitimacy, another factor that should be highlighted, being present in different contexts, is the relationship with the practices of police violence and police misconduct, which acquire especially strong contours in certain contexts. In Brazil, for example, where high rates of police violence are concentrated, it has long been suggested that if policies that exalt police violence are commonly put into effect, that is because they are popular and tend to be directed almost exclusively against the poorest and most vulnerable (Chevigny, 2000, p. 66). Thus it seems clear that some different life contexts and face-to-face experiences with security agents are also important aspects which determine the relationship between institutional performance, confidence in the police and legitimacy^[4]. Some recent studies, investigating the relationship between institutional performance and confidence in the police and which have analyzed the Brazilian context specifically, have indicated the importance of joint analysis of these variables. Among the main aspects to which attention has been drawn, these studies have found significant associations between factors such as violence and police abuse, inefficiency in controlling and in solving criminal problems, disrespectful treatment meted out to citizens, inequality and other variables of institutional performance (in line with factors linked to the *procedural justice* indicators) (Junior, 2011; Lee, 2008; Soares, 2000).

Among the various important institutional aspects, in some contexts in countries characterized as emerging or developing (as is the case of Brazil), the issue of public safety has, in recent times, presented a dramatic picture, with a significant impact on the daily lives of citizens and their belief in the capacity of the institution (police and judiciary) directly involved in the

subject, effectively to solve the problems concerned, consequently impacting the very belief in the institutions of democratic government within which other institutions are set.

Within this scenario, the effect of the numbers of cases of impunity on the solution of crimes of which the police are notified demands our attention. By impunity we do not mean the absence or reduction of rigor in the application of criminal laws, as is often suggested in some communication media or in the speeches of some politicians and other citizens, but the overall reduction of the certainty of punishment for authors of crimes, determined by the waiving of the application of criminal laws in some stages of the criminal justice system.

Despite the scarcity of evidence, some research has outlined this scenario. In a longitudinal study with data relating to the period from 1991 to 1997 in São Paulo, Adorno (2007) found a rate of total robberies registered at police stations converted into investigations of just 4.88%. Considering crimes such as homicides and rapes, which tend to have considerably higher conversion rates than property crimes such as robberies, the same survey found respective rates of 60.13% and 22.33% for these two crimes. Using cross-sectional studies^[5] (which do not accompany the progress of the legal process through its bureaucratic channels over time, transmitting only a “snapshot” - and certain crimes can take years to be “solved”) Misse and Vargas (2007) in Rio de Janeiro and Saporì (2008) in Belo Horizonte found homicide conversion rates of 14% and 15%, respectively. Whatever the methodology used the available evidence has consistently shown that on average our institutional capacity to solve crimes is considerably lower than that of countries with better structured police and justice sectors, and even than that of countries with structural and institutional characteristics similar to those of Brazil.

Within this scenario, the high recorded indices of criminality in different Brazilian States, with wide variations depending on the regions and types of occurrence, demands our attention. The country figure, for example, among the ten countries with the highest homicide rates in the world, is an index of 29 homicides per 100,000 inhabitants in the year 2012. This index, however, exceeds 60/100,000 in the State of Alagoas, which has currently the most serious situation with respect to this type of occurrence in the country. The Northern and Northeastern States, where paradoxically (because they are the States which have experienced the greatest socio-economic advances in the last decade) the largest growths in the murder rate in the past ten years have occurred, are also the States with the greatest increases in the

indices of economic crimes. São Paulo and Rio de Janeiro, which are States that had during that same period the greatest reductions in criminal indices, in particular with respect to homicide, still have homicide rates considered epidemic by the World Health Organization (above 10/100,000 inhabitants).

The absorption capacity of the demand and the positive response in the work undertaken to solve crimes is therefore a key aspect of the proper functioning of the institutions of justice and security and their due legitimacy. Interestingly, it is also a factor that, in a sense, establishes a bridge between two factors that appear as opposites in the procedural analysis: aspects of procedural justice *versus* police effectiveness (and of the Justice system) in solving the crimes. In this sense it can be assumed that some procedural aspects such as correct and fair treatment, listening and responding to citizens may also have the potential to amplify the ability to solve the crimes that come to the knowledge of the police and before the criminal justice system.

Based on the aspects that are commonly related to a greater or lesser propensity to open a police enquiry and initiate effective investigation of crimes (authorship, crime type, outcome), it may be suggested that there are also certain other reasons, related to these questions, which exercise an influence on the efforts of law enforcement agencies to solve crimes. Among the many reasons that can lead to selectivity/reduction of police investigations, we may also cite issues such as citizens' distrust of police agencies and justice and even the fear they feel of getting in touch with the police (Adorno and Pasinato, 2010, p. 77). This distrust of institutions could be leading citizens to avoid reporting crimes of which they are the victims, to the police, especially as regards certain crimes considered less serious and, in the case of property crimes, when there are no legal requirements demanded for claiming the insurance benefits to which they are entitled. Likewise, it could be leading citizens to avoid testifying on events or providing any other additional information for the investigation of occurrences, thus making the work of solving cases even harder, in a vicious circle.

Despite the little (though consistent) evidence of the high level of criminal impunity found in some Brazilian cities and the data from some victimization surveys that show the low level of confidence that people have in law and order institutions (especially the police)^[6], there is no clear empirical picture as to the connection between the two aspects.

Institutional police action and confidence in institutions: an approach to the Brazilian case

Methodological aspects

In view of these objectives to be developed through more extensive research, in this article we concentrate our efforts on the analysis of information on the themes and concepts highlighted with the purpose, as expressed above, of starting a first analytical approach by focusing on a particular Brazilian city. For this purpose we use as a source of analysis a 2013 sample of a *survey* undertaken by the Center for the study of violence at the University of São Paulo (NEV-USP).

The *survey* conducted by NEV-USP, which is a research project into "attitudes, cultural norms and values concerning human rights and violence", has been developed by NEV-USP since 1999 (having been undertaken since then every two or three years) in the city of São Paulo and also, alternately, in other municipalities of the country, so far totaling ten. In the 2013 *survey*, the total number of interviews held covered 1001 respondents.

The *survey* contains a series of questions relevant to the analysis of some of the topics addressed in this research, so as both to analyze the various aspects discussed here and to discuss the analyses that have been made within the international context regarding the relationship between trust, institutional performance, compliance with laws and the practice of crimes.

Variables

Initially, a few sets of specific variables were selected:

- a set of variables of victimization built up by means of questions such as: "Since you came to live in this neighborhood, has anyone tried to steal something from you, threatening you with a firearm?", "Since you came to live in this neighborhood, have you suffered any kind of physical aggression?"; or "Since you came to live in this neighborhood, has anyone tried to steal something from you, threatening you with a knife?";

- a set of institutional action variables (variables on police presence or of perception/evaluation of actions carried out by the police): "What is the propensity of police promptly to respond to community calls", "Can the police keep the neighborhood quiet?", "Are the police polite when addressing people in the streets?", or "quantity/quality of existing policing";
- or, directly, about confidence in the police: "In a general way, how much confidence do you think you have in the police?";
- variables related to deviations/offenses committed by police officers: "Since you came to live in this neighborhood, has a police officer or authority threatened you to make you get him some money", "Since you came to live in this neighborhood, have you suffered any aggression or ill-treatment on the part of police officers?" or "Do the cops protect drug traffickers?";
- perception of urban disorder variables, as in the case of: "perception of the absence of street lighting" (Does the absence of street lighting worry you?) and "perception of abandoned cars" ("Are you aware of abandoned cars?);
- perception of security: "Do you feel safe when walking alone at night in your neighborhood?";
- and a measure of "legitimacy of laws": "people should obey the laws even when they disagree with them" (which is one of the main questions as to how legitimacy of laws is measured in the studies on *procedural justice*).

In addition to these variables, we have also included in the analysis some measures of the "individual morality" of the respondents, including questions such as: "Do you think it is better to let 10 guilty people go free rather than condemning an innocent man" and "Can a police officer beat a prison inmate who has tried to escape?" (which are issues that express the problems involved in citizens' willingness or otherwise to agree with deviations from laws and rules on the part of public officials as a contribution to results/punishments in the field of Justice and security).

Of the total number of *survey* respondents, 53.1% were female and 46.9% male. Regarding the educational level of the sample, 40.4% of respondents had concluded elementary school [**ensino fundamental**] (i.e., had studied until they were 14 years old). Of these, 18.1% of the total sample reported having completed the fifth grade of elementary school (up to ten years of age). 39.1% said that they had studied up to some high school grade and 20.5% said they had some level of university education. Regarding the age of *survey* respondents – who included only interviewees of 16 years or more – they consisted of adolescents and young people of 16 to 25 years of age (22.2%), of people of 26 to 35 years of age (24.5%) , of 36 to 45 years old (20.3%), of 46 to 60 (19.2%) and respondents over the age of 60 (13.8%). Of the respondents, 53.3% declared themselves to be "white" and 45.3% "black" (including the different shades of "black" that exist in Brazil such as "mulatto", "moreno" and so on). The other categories of race/ethnicity together comprised 1.3% of the respondents.

After a preliminary analysis in which we selected the most representative variables for the proposed analysis - and in which we removed very similar variables - we analyzed in two steps, by means of logistic regression models, the set of variables to be maintained in the study, considering the topics of interest (one step having institutional trust as dependent variable and another having legitimacy as dependent variable). To carry out this analysis, the different variables were transformed into dichotomous variables, uniting, for example, categories like "agree" with "slightly agree" and "strongly disagree" with "disagree a little", or "always" with "almost always" and "never" and "almost never", and so on, assigning the values 1 and 0 for each of the groups of which the variable was composed. In order to follow some existing evidence as to the relationship between the issues of legitimacy, of trust and of different dimensions of institutional actions and perceptions of citizens with respect to security, we have worked with variables similar to some of those frequently used by some recent analyses of the international scenario.

In the regression models only age and educational level were used as socio-economic variables of structural control, which in addition to helping to adjust the models, presented themselves as statistically significant variables. The variables sex, race/ethnicity and class (a measure of the distinctions between economic groups) were not statistically significant nor did they help to adjust the model, and have not therefore been maintained in the analysis (the last tends to lose significance when considered in conjunction with educational level, because both

variables – as has already been perceived in many studies – tend to measure very similar attributes).

The lack of statistical significance of the race/ethnicity variable is an issue that draws attention. As already observed in many studies concerning legitimacy, police action and institutional confidence, especially in European and North American scenarios (see, for example, Tyler and Fagan, 2008), the black population tends to have indices of mistrust and of a lack of perceived legitimacy in law enforcement institutions in a considerably higher proportion than is true of other groups. In a preliminary analysis of the variables related to the perception of the police action, legitimacy and institutional confidence analyzed in the present *survey*, we see that while the perception of blacks of police action is considerably less-favorable than that of non-blacks - which includes those who have already suffered ill-treatment or aggression by policemen in the neighborhoods in which they live in larger proportion than non-blacks, have a worse evaluation of the speed of the police service than non-blacks and have a proportionately keener perception that the cops did not pay any attention to what was said to them (the cops) in the case of a contact with the police, than non-blacks, and also that the police take bribes, among other items – this does not seem to occur with respect to the evaluation of confidence in the police and, more broadly, the legitimacy of laws. One possible explanation for that would be the fact that these historically disadvantaged populations have a lower expectation regarding police action than do the population in general, and for this reason the characteristics of this police action do not affect their evaluations of trust and legitimacy.

Results

Confidence in the police

The analysis of the relationship between trust and legitimacy and the other variables listed was carried out in two stages. First, we took confidence in the police as the dependent variable and then we applied the same process with the legitimacy of laws as the dependent variable. The first two models presented correspond to the final analysis models of each of the principal dimensions (trust and legitimacy), which are the two steps mentioned above. Each of these models presents the set of variables that remained after the separate analysis of each variable

with the dependent variables, and after the gradual increase of new variables, according to the level of significance of each variable. Finally, the models retained the variables that were statistically significant at the time of entry into the model, or those which, although they were not significant helped to adjust the model, impacting the ratios of chance (*odds-ratio*) of the remaining variables and/or its significance. In the models the *odds-ratio* for each variable are presented, as also its significance level.

In the first step, as we see in model 1 presented below, we have obtained some important results among the variables analyzed with respect to institutional confidence, which are very similar to those of other analyses carried out on the international scenario (Tyler and Jackson, 2013; Sunshine and Tyler, 2003, Tyler et al., 1990). As an example, it was found that when police officers "were polite" during a police action this increased the chance of a person's having confidence in the police by 14 times. This is, a priori, a variable related to the correct treatment on the part of institutional actors vis-à-vis the population, one of the components of the actions of *procedural justice*. The ability of police officers to keep the streets quiet, which is an indicator of police effectiveness, in turn, increases by 2.5 times this same chance.

The threat by a policeman or other authority, although not significant in the model, helped to adjust it, increasing the significance of the remaining variables. The same occurred with the variable related to victimization by firearms in the neighborhood where the victim lives, and for that reason the two variables were retained in the model. Educational level and age variables also changed considerably the significance of variables (increasing them), thus helping to adjust the model. Both variables are also statistically significant: each year of educational level increases by 2.6 times the chance of trusting in the police, and each additional year of life increases this chance by 1.1 times.

Model 1: *Odds-ratio* -O.R. of independent variables for the confidence in police São Paulo, 2013

	O.R.	Sig.
Police officer being polite	14.067	**
Police keep streets quiet	2.487	*
Threat by officer/authority	2.306	
Threat by firearm	4.878	
Age	1.123	**
Educational level	2.560	**

N	1001
Pseudo R ²	0.239

* p < 0.1

** p < 0.05

Source: NEV/USP, 2013

With regard to this first model, controlled by educational level and age, in addition to the variables concerning victimization and threats made by police or some other authority, we see that the variables which most impacted trust in the police are indicators relating to *procedural justice* and police effectiveness, the first having a considerably greater impact than the second (odds ratio of 14 for the first and 2.5 for the second).

In addition to these variables analyzed with respect to confidence, some data relating to attitudes expected by the population on the part of the police in some specific situations indicate that these characteristics of confidence, support and approval of institutional entities that were analyzed need to take into account perceptions that this population analyzed has with respect to topics such as police action, use of force and individual morality. From the data gathered from the *survey* used, a preliminary analysis of the relationship between confidence in the police and legitimacy indicators and issues related to those dimensions was undertaken. This preliminary analysis presented an ambiguous relationship, as we found both an association between confidence and legitimacy and statements like "a policeman can beat an inmate who tried to escape", in association with the sentence "better to let 10 guilty people free rather than condemn an innocent man".

Thus we find in these cases both the support of rigid attitudes indicating the presence of a "culture of violence" in the perception of citizens regarding police organizations, as also, depending on the situation, a perception of legitimacy and confidence in the police which agrees with values that favor the protection of rights and the use of non-violent forms of conflict resolution. When we include these variables in the regression model, however, the only variable that was retained in the models was the variable corresponding to the question "better to let 10 guilty people free than condemn an innocent man". The model 2 below presents the first model, concerning the issue of "confidence in the police", including also this last variable cited (this variable will also be presented in model 4, concerning the question of "legitimacy").

**Model 2: Odds-ratio -O.R. of independent variables for confidence in police (with inclusion of the variable “free guilty people X condemn innocent”)
São Paulo, 2013**

	O.R.	Sig.
Police officer being polite	17.056	**
Police keep streets quiet	14.226	**
Threat by officer/authority	3.973	
Threat with firearm	9.208	*
Age	1.150	**
Educational level	3.597	**
Guilty people free X condemn innocent	25.289	**
N	1001	
Pseudo R ²	0.270	

* p < 0.1

** p < 0.05

Source: NEV/USP, 2013

We may observe that the inclusion of the variable modified the previously observed coefficients substantially. In this second model, police "being polite" changed its representativeness by increasing 17 times the chance of having confidence in the police. The ability of the police to keep the streets quiet grew even more, increasing from 2.5 to 14.2, showing that there is a relationship between this variable and the added issue of individual morality. The threat with a firearm became statistically significant ($p < 0.1$), with a 9.2 times greater chance of having confidence in the police. The chance of having confidence in the police, in turn, is 25.3 times higher when individuals agree with the sentence corresponding to the new variable included in the model on the morality of individuals ("better to let 10 guilty people free rather than condemn an innocent man").

Legitimacy

With respect to the legitimacy of laws ("people should obey the laws even when they disagree with them"), however, we found important differences with respect to the variables. In this model, three variables were retained that were not reflected in the model concerning confidence in the police: security perception ("feel safe"), perception of the amount of existing lighting in the neighborhood ("absence of lighting") and perception of police misconduct

("police officers protect the drug traffic"). On the other hand, "have already suffered threat by police or authority" was excluded from the model.

In this model relative to legitimacy, a police officer's "being polite" (in the course of a police action) remains an important impact factor, increasing the chance of respondents' recognizing laws' legitimacy, as well as the "threat with a firearm". The variables "police officers protect drug traffic" and "absence of lighting", in turn, reduced the chance of respondents recognizing laws' legitimacy. The perception that the police protect the drug traffic reduces the chance of believing in legitimacy almost fourfold (0.277) in comparison with the absence of such a perception, while the absence of lighting in the neighborhood reduces the recognition of legitimacy threefold (0.3) in comparison with this same recognition when there is regular lighting in the neighborhood. One must also consider that the lack of lighting in a neighborhood can be a sign of the existence of a number of shortcomings in public policies of various types, experienced by the local population.

Interestingly, no variable relating to police effectiveness was retained in the model for having an impact on the legitimacy of laws. Only the variable about the ability of the police to "keep streets quiet" was maintained because of its importance in adjusting the model, although it had no statistical significance. In earlier models built by Tyler and colleagues, although this dimension presented smaller impact than the variables of *procedural justice*, it was demonstrated that such variables had a not negligible impact on legitimacy.

**3 Model: Odds-ratio -O.R. of independent variables to legitimacy of laws
São Paulo, 2013**

	O.R.	Sig.
Police officer being polite	2.451	*
Police keep streets quiet	1.085	
Feel safe	1.539	
Threat with firearm	2.993	*
Age	0.971	
Educational level	0.987	
Absence of lighting	0.304	**
Police officers protect drug traffic	0.277	**
N	1001	
Pseudo R ²	0.16	

* p < 0.1

** p < 0.05

Source: NEV/USP, 2013

When we inserted the variable related to the imprisonment of innocent people ("better to let 10 guilty people free than condemn an innocent man"), in contrast to what occurred with respect to the analysis of confidence in the police, only the variable "police officers protect the drug traffic" continues to have an impact on legitimacy - in addition to the new variable inserted - while all other variables lose their significance.

**Model 4: Odds-ratio -O.R. of independent variables to legitimacy of laws (with inclusion of the variable free guilty people X condemn innocent)
São Paulo, 2013**

	O.R.	Sig.
Police officer being polite	1.782	
Police keep streets quiet	1.034	
Feel safe	1.063	
Threat with firearm	2.505	
Age	0.969	
Educational level	1.115	
Absence of lighting	0.353	
Guilty people free X condemn innocent	5.456	**
Police officers protect drug traffic	0.265	**
N	1001	
Pseudo R ²	0.23	

* p < 0.1

** p < 0.05

Source: NEV/USP, 2013

Legitimacy X Trust

Analyzing the direct relationship between confidence and legitimacy of laws, we found an also modest relationship between variables, with a chance of legitimacy's increasing 1.5 times when there is confidence in the police ($p < 0.1$). The intensity of this relationship between the two dimensions confirms the analysis that has shown the indirect effect (though not very pronounced) advocated in the procedural justice theory, between the different institutional actions (in particular the variables properly considered as *procedural justice*) and the institutional legitimacy socially conferred, that depends on the strengthening of institutional trust.

Even if there is an intersection between these two spheres, it is also important to state here that we corroborate with the notion that they correspond to very different ideas. Perhaps the

main idea among them resides in the "permanent" nature of the legitimacy ideal: as stated by Moisés and Carneiro (2008) in a study on the relationship between democracy and political confidence, legitimacy would be "a normative orientation accepted by most people – though not necessarily by all" (p. 11), and may vary, therefore, "from individual to individual". Institutional trust, on the other hand, relates more to the evaluation that individuals make in relation to institutions (or a particular institution) based on their contact and practical experience with the institution, comparing this practical experience (to what actually occurs in different relations with institutions) to the (normative) expectation about what citizens believe that would corresponds to what should occur. In this sense, by giving confidence to an institution individuals are simultaneously operating a rational and a normative assessment about this institution. Consequently, in this view the field of normative ideals about the institutional world joins the field of practical experiences experienced with this world, which makes institutional trust a fundamental concept. By a specific angle of analysis, it also becomes clear why this important relationship between legitimacy and confidence, particularly for that transitory character of trust, is much more variable and undefined than it may seem.

Discussion and considerations

As initially stated, this is a first approach to these dimensions of analysis, using a set of *survey* data that allows us to establish relationships with some previous studies developed in the international scenario over legitimacy and institutional confidence, in the field of *criminal justice*. In addition to the presented relations, many efforts need being made in order both to best assess the analytical dimensions of the specific theoretical field of *procedural justice*, as in the sense of seeking to deep and to evaluate this field of analysis following the criticisms and notes that have been made about these relationships in recent years.

Although bringing new information to the analysis, this set of information presented does not allow assessing, for example, the relationship between trust, legitimacy and aspects as cooperation and compliance (or, on the other hand, the propensity of people to transgress the laws and practice crimes), which are also fundamental issues explored in the framework of the aforementioned theories. The complementation of these analysis with the existent possibilities

of survey analysis, as well as its deepening, are fundamental steps for the advancement of the analysis of these dimensions that has been observed since the first studies of *procedural justice*.

Similarly, as we said in the beginning, in the context of this study it is necessary to bear in mind the particularities of the national scenario studied, as well as the limitations that the commonly used methods for the development of these analysis are presented, making necessary the development of methodological innovations to be put into practice in the way of production of knowledge on the topics in focus. In this sense, the use of longitudinal surveys, and in-depth interviews, can bring important results for the study of trust and legitimacy (in the field of justice and security but also in other fields of analysis) to deepen the relationship and the direction of impact between the different dimensions studied. As pointed out by Bradford and Quinton (2014, p. 18), the surveys only cover statistical associations and non-causal processes.

Among the relevant points to be underscored, it is important not to overlook the need also to observe the influence of those contemporary issues in the field of Justice and security which have still not been sufficiently absorbed in this thematic area of analysis and that present relevant challenges for the future. Among these issues, as pointed out by Loader and Sparks (2013), are the remarkable transformations taking place in the field of governance, with the participation of forces external to governments in the management of public policies. Also of great importance and calling for incorporation into these studies are the phenomena of the transnationalization of crime and the increasing influence of new security technologies and strategies, which challenge public authorities and the current "rules of the game", at the same time in which, paradoxically, they are increasingly present as important actors in the sector, leading to changes and innovations of the most varied types of safety practices.

In addition to these limitations, challenges and prospects posed, it is also important to present some important results obtained by this work. Using a *survey* undertaken in 2013 in São Paulo, we started by investigating the topic through an analysis of a set of variables often used in the field of *procedural justice*. This analysis allowed us to perceive, with regard to the sample analyzed, some similar relationships to those found in studies conducted on the international scene, with a significant relationship between the dimensions of procedural justice and

institutional confidence (i.e., in the police) and, albeit with less power, among the dimensions of institutional trust and confidence in the police.

With respect to the variable related to legitimacy and other variables analyzed, we find two important associations between legitimacy and variables related to police action, one of which directly related to aspects of procedural justice (police officer being polite during the action) and another related to the perception of police misconduct (police officer protect drug traffic). Additionally, we also found a significant association between legitimacy and a personal victimization variable (have been threatened with a firearm) and another between legitimacy and a variable related to the perception of physical disorder in the neighborhood (absence of lighting). The existence of each of these items increases or decreases, in different proportions, the chance that people confer legitimacy to the laws. When we insert a variable related to individual morality in this model of legitimacy, on the other hand, the only variable that remains with a significant impact on legitimacy – besides the variable inserted – is that related to the perception that the police protect criminal activities (in this case, drug trafficking). It should be noted that this last variable also represents an immersed dimension of considerable "moral burden".

The presence of this variable on individual morality, both with respect to legitimacy and to confidence in the police, is something which requires attention. In both cases, and especially regarding confidence in the police, this is the variable of greatest impact. In this way, given the data available here, notwithstanding the influence that factors such as the way in which the police treat citizens have - and also the effectiveness of the police in solving problems related to crime - trust and legitimacy are considerably more sensitive to the values that build their individual morality in the individual citizen.

In addition to the results observed above, it is also essential to continue to advance in terms of the description and measurement of the concept of legitimacy. As noted in other studies seeking to analyze the relationship between legitimacy and police attitudes, especially those produced by Tyler and his colleagues in the field of *procedural justice*, it is necessary to advance in the comprehension of some important attributes related to the propensity of individuals to obey the laws, such as the conviction that they should comply with them (or not), the fear of the possible consequences of not doing so, the *legal cynicism* and moral alignment of individuals with the laws and institutions.

These issues do not, therefore, end here, but present themselves as a seed-bed for further investigation directed to better qualify and explore these concepts, in different contexts.

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^[1]The post-doctoral research project "Criminal Impunity and Confidence in Institutions", developed within the program "Building Democracy Daily: human rights, violence and institutional trust", a project of the Center for the study of violence at the University of São Paulo – NEV/USP (CEPID-FAPESP).

^[2]For the concept of *procedural justice* see, among others: Tyler and Jackson, 2013; Sunshine and Tyler, 2003 and Tyler, 1990.

^[3]On these criticisms, see for example: Eisner and 2013 Nivette, Loader and Sparks, 2013, Hough, Jackson and Bradford, 2013 Tankebe and Liebling, 2013, and others.

^[4] As emphasized in a recent institutional report of the Center for the Study of Violence - University of São Paulo, "the literature on police image emphasizes the importance of police behavior when face-to-face with citizens if public support for the police is to increase. Numerous researchers (...) have claimed that this aspect of their performance has more importance than clearance rates and crime rates when it comes to citizens' evaluation of their police force" (University of São Paulo, 2013, p. 67).

^[5]Unlike the longitudinal studies, cross-sectional studies do not accompany the developments of crimes in criminal justice institutions over time, but give only a snapshot – and therefore as a rule in cross-sectional studies have considerably lower indices than in longitudinal studies, because certain crimes can take years to solve.

^[6]Many research projects have shown, on the national scene, in some cities or specific states, this scenario of low institutional trust, which is mainly present with regard to justice and security institutions. See, for example, surveys conducted in recent years by research institutes such as the Brazilian Institute of Public Opinion and Statistics - IBOPE, the National Confederation of Transport - CNT and the Welfare Reference Indicators of the City of São Paulo - IRBEM. Interestingly, we can also note that some measurements, such as the study of the Index of Perception of Compliance (IPCL) of the Law School of the Getúlio Vargas Foundation, undertaken in 2013, demonstrated, that if on one hand it is common to find in the country this picture of disbelief in laws and institutions, on the other hand, when citizens are asked about certain infractions (such as driving without a license or after the excessive consumption of alcohol, among other forms of disrespect to the laws) they seem to be much more tolerant with respect to their own attitudes to social norms.