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'Giving the right service to different people': revisiting police legitimacy in the Covid-19 era

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ABSTRACT

The suspension of certain civil liberties and the extension of police powers to combat the spread of the Covid-19 pandemic has provoked concerns about the longer-term implications of the pandemic on police legitimacy. Drawing upon pathways to police legitimacy identified within the literature, this paper examines police officers' perceptions of the impacts on, and potential challenges to, police legitimacy arising from the pandemic. Qualitative interviews, video diaries and focus groups were conducted with police officers in one police force area in England, captured over a five month period in winter 2020/21. The experience of policing Covid-19 left many police officers concerned about the possible consequences for the relationship with the public. The paper cautions that any gains in public perceptions of procedural justice through using enforcement measures only as a last resort, may be offset by losses in other pathways to legitimacy. Expectations of enforcement and increased visibility plus prolonged changes to deployment practices have all heightened a focus on the more instrumental aspects of police legitimacy. Concerns were also voiced that the policing of Covid-19 has accentuated divisions in society, exacerbating the sense of multiple *publics* to police, with different and often competing expectations of – and beliefs about – the police. Enforcement falling more heavily within some groups and locations risks exacerbating long-standing concerns about distributive fairness. As agents of social control with unique powers to exercise force and compulsion, the pandemic will require the police to exercise continued vigilance on the means by which public consent and support are sustained.

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Introduction

Measures adopted to prevent the spread of Covid-19 have unquestionably altered the nature and scope of policing in the UK. Police forces have been given new powers to enforce social distancing through the use of on-the-spot fines, and to direct or remove people to their homes, by force if necessary (see Barber *et al.* 2021 for a review of the Health Protection (Coronavirus Restrictions) regulations for each of four countries of the UK). Scrutiny of *how* police have exercised these powers and to what effect is both inevitable and necessary.

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Early in the pandemic the National Police Chiefs' Council (NPCC) and the College of Policing – representing policing in England and Wales – endorsed the '4 E's' approach: engage, explain, encourage and enforce – the latter to be used only as a last resort for obstinate non-compliers (College of Policing 2021). The approach prioritises public health outcomes over criminal justice measures: 'police are not seeking to criminalise people, but to ensure that people follow the life-saving guidance' (College of Policing 2021).

Whilst overall compliance with the restrictions has remained high (Office for National Statistics [ONS] 2021a) the potential exists for otherwise law-abiding people to find their actions liable to criminal sanction (Clements and Skidmore 2020). With much publicised government guidance on the restrictions extending beyond the actual legislative provisions, the risk of confusion with, and challenge to, the police implementation of the regulations has been ever present (Grace 2020, Halliday *et al.* 2020, Hough 2020, Sheldon 2021). Moreover, the practice of 'everyday' policing changed as police sought to minimise in-person contact with the public. The use of digital contact channels, telephone and online reporting, and response, investigation and resolution without deployment will certainly have impacted upon at least some of the public's experience of the service provided by police since the beginning of the pandemic (HMICFRS 2021).

Such rapid and large scale change poses real challenges to a model of policing predicated on the notion of consent (Bowling *et al.* 2019). With public approval, respect and 'willing cooperation' at the heart of the Peelian ethos, what citizens think and feel – and their perceptions of the legitimacy of the police and the law – are integral to the maintenance of a consensual equilibrium between the police and the policed (Jackson *et al.* 2012).

This paper argues that the experience of policing during the Covid-19 pandemic of 2020 and 2021 necessitates continued vigilance of the mechanisms by which police legitimacy is attained and sustained. In contrast to recent studies which have explored the views of the public in the Covid-19 era (Clements and Skidmore 2020, Yesberg *et al.* 2021) our intention is to give voice to the police themselves. Our primary focus has been to explore how the police think and feel about the impact of Covid-19 on their relationship with the public they serve, and the resultant impact on police officers' perceptions of their own legitimacy. In presenting the first-hand accounts of those seeking legitimisation from within their institutional and practice settings (Schaap 2021), we aim to inform Bottoms and Tankebe's (2013) dialogic model of legitimacy, requiring an appreciation of both audience (i.e. the public) and 'power-holder legitimacy' (in essence the beliefs of those who wield power about their own sense of self-legitimacy). The research draws on qualitative interviews, video diaries and focus groups with police officers of different ranks and roles in one police force area (Hampshire Constabulary) in England, captured over a five month period (November 2020 to March 2021) covering rapid changes to the restrictions and the consequent demands on the public.

We start with a summary of the key drivers of legitimacy, taking account of both the normative and instrumental traditions, before briefly visiting some of the emerging literature capturing the public response to the restrictions imposed on them. After detailing the methodological approach, we provide extended submissions from officers' accounts, identifying a workforce that is all too aware of the challenges ahead. In the discussion, we offer a discursive reflection of our research participants' contributions, venturing to understand the possible and plausible effects of the pandemic on the different strands of police legitimacy.

Legitimacy

Legitimacy is the act of bestowing an authority the right to exist, to exercise power and to fulfil its agreed functions (Jackson *et al.* 2012). Sunshine and Tyler (2003, p. 514) elaborate further:

Legitimacy is a property of an authority or institution that leads people to feel that that authority or institution is entitled to be deferred to and obeyed.

Central to this alignment with authority is that it is undertaken voluntarily rather than resulting from fear of punishment or expectation of reward (Tyler 2006a). In this sense, legitimacy necessarily involves the justification of an authority's power, arising from congruence between an authority's goals, practices and behaviours and those of the legitimising population (Jackson *et al.* 2013). Herein lies the normative foundation of police legitimacy – the belief that police are justified in exercising their considerable powers to uphold the collective norms and values of a community (Jackson *et al.* 2013).

A body of scholarly work published over the last twenty years shows the critical role that legitimacy plays in securing the public's compliance with the law and their cooperation with, and empowerment of, the police (Sunshine and Tyler 2003, Mazerolle *et al.* 2013). Jackson *et al.* (2013) assert that these are not simply outcomes of legitimacy, rather they are 'acts which constitute that legitimacy' signifying a relationship of trust and moral alignment between the police and the public, which extends beyond actual or potential police-citizen encounters to the obligations and expectations of everyday life (Mazerolle *et al.* 2013). Crucially, legitimacy cannot be taken for granted; it can be withdrawn or revised according to public judgements, perceptions and evaluations of the police and changing norms and events (Yesberg *et al.* 2021).

Bottoms and Tankebe (2013) assert that the dialogic nature of legitimacy has frequently been neglected in the criminological and policing literature, this despite power-holders' sense of their self-legitimacy being a precondition for the realisation of audience legitimacy (p. 152). Authorities must justify their power – an act of *self-belief* in the manner in which authority is exercised, the ends to which it is directed, and their alignment with the values of the community (p. 162):

In a criminal justice context, the development of power-holder legitimacy is therefore best understood as the cultivation of self-confidence in the moral rightness of power-holders' authority, within a framework of both official laws and regulations, and societal normative expectations. (Bottoms and Tankebe 2013, p. 154)

How police officers think and feel about their (changing) role and relationship with the public is a central aspect of the achievement of police legitimacy.

Mazerolle *et al.*'s (2013) systematic review of police legitimacy identifies five 'pathways' by which public perceptions of police legitimacy can be fostered: procedural justice, performance, distributive justice, legality and tradition. Numerous empirical studies have demonstrated the dominant role of procedural justice (Tyler 2001, Sunshine and Tyler 2003, Pósch *et al.* 2020, Fox *et al.* 2021, Peacock 2021, etc.). In this model legitimacy emanates from the quality of inter-personal police-citizen encounters. Compliance, cooperation and empowerment result from the public feeling the police act fairly, with neutrality, conveying trustworthy motives, and affording them dignity, respect and a voice in their encounters and decision making (Tyler and Huo 2002, Tyler 2006b, Hamm *et al.* 2017, Trinkner *et al.* 2018). Emerging research suggests that efforts to secure procedural justice are likely to continue to play a critical role in securing public support for the police role in effectuating the Covid-19 restrictions (Grace 2020, Nix *et al.* 2020, Yesberg *et al.* 2021).

In contrast, instrumental concerns about police performance and outcomes, for example in detection rates, arrests and controlling crime etc., are understood to have a generally weaker effect on public perceptions of police legitimacy (Sunshine and Tyler 2003, Tyler and Fagan 2008, Mazerolle *et al.* 2013). However, there is some evidence to indicate that at times of heightened threat instrumental concerns can achieve higher importance amongst the public (Sunshine and Tyler 2003, Jonathan-Zamir and Weisburd 2009). Sunshine and Tyler (2003) compared the determinants of police legitimacy amongst two samples of New York residents, one surveyed shortly before the attacks on the World Trade Centre (September 11, 2001) and the other within one year after. Whilst procedural justice was the dominant predictor of orientation towards the police in both samples, instrumental issues were found to have a direct effect on the public's willingness to empower the police in the second sample, administered after the 9/11 attacks. Somewhat presciently they surmise 'we might find greater shifts if we focused directly on national-level issues of civil liberties' (p. 537).

Police legitimacy can also be influenced by distributive justice: the perception of fairness in the distribution of police services and activities between different communities, groups and individuals (Mazerolle *et al.* 2013). Disproportionate police contact with citizens in minority ethnic groups, the young and economically disadvantaged can give rise to claims that police powers are exercised unfairly. With the burden of police enforcement of the Covid-19 restrictions (e.g. issuing of Fixed Penalty Notices) falling more heavily on specific groups (see NPCC 2021) there exists a clear danger that perceptions of unequal treatment will be inflamed (Grace 2020, Sheldon 2021).

The legitimacy of the police can also be affected by perceptions of the legitimacy of the laws they are asked to uphold. Estrangement from a territory's laws, policies and rules can directly affect compliance and cooperation with the police and can also moderate the effects of procedural justice (Cherney and Murphy 2011, Jackson *et al.* 2011, Murphy and Cherney 2012). In the Covid-19 context, a weakening of commitment to the restrictions – 'lockdown fatigue' – and perceptions that they pose too high a cost on civil liberties can disrupt the public's sense of legal legitimacy.

Finally, Mazerolle *et al.* (2013) identify traditional and symbolic representations of the police as antecedents of legitimacy. The police hold a unique status in carrying both legal and symbolic power and what has historically helped to create and maintain this symbolic power is a belief in the legitimacy of those who exercise it (Bourdieu 1991, Loader and Mulcahy 2003). These representations of the police encompass inter-generational and community specific socio-cultural beliefs, expectations and responses which provide a powerful context to police-citizen interactions (St. Louis and Greene 2020). Legitimacy is also manifested in communities through often powerful yet delicately negotiated social capital and brokerage arrangements (Yogev 2021). McLean and Nix (2021) indicate that 'long standing custom' presents a direct pathway to police empowerment and obligation to obey for citizens of a conservative (with a small 'c') ideological persuasion regardless of perceptions of procedural justice or legal legitimacy which have greater importance to politically liberal individuals. This raises the important point that different people arrive (or not) at a position of legitimating the police through quite different mechanisms.

Emerging views from the public

From May 2020 a new module was included in the Crime Survey of England and Wales to capture perceptions of crime and the police during the Covid-19 pandemic (ONS 2021b). Over four reporting periods (covering May 2020 to March 2021) approximately 90% of respondents reported being very or fairly satisfied with the local police response to the virus outbreak. Longitudinal (panel) trends show a high, but slightly declining, proportion of respondents feeling a moral duty to obey the police (*'In the local area I feel a moral duty to obey the instructions of police officers, even if I don't understand the reasons behind them'*) with the proportion agreeing or strongly agreeing falling from 86% to 82% over the four periods. The proportion disagreeing or strongly disagreeing that they have a moral duty to obey the police (as opposed to being undecided) increased from 6% in the first two periods to 7% in the latter two periods.

Whilst reported levels of self-compliance with the restrictions remained high (Fancourt *et al.* 2021, ONS 2021a), studies indicate a general perception that others failed to adhere strictly to the restrictions (Fancourt *et al.* 2020). The Crime Survey Covid-19 module (ONS 2021b) reveals that half of adults reported noticing others breaching virus restrictions in their local area since the start of the coronavirus outbreak, with 7% reporting the breach to the police. Whilst 9 out of 10 people surveyed by the ONS wanted police to be strict or very strict in enforcing the Covid-19 rules, fewer than half believed they had actually been so (ONS 2021b). Qualitative studies suggest that a perceived failure to enforce Covid-19 restrictions has had a detrimental effect on public perceptions of the police (Clements and Skidmore 2020).

However, support for police enforcement has been neither unqualified or immutable. Some measures to enforce restrictions, such as the use of facial recognition technology or tracking people's mobile phones attracted only a minority of the public's approval (Yesberg *et al.* 2021).

Other measures, such as setting up roadblocks to ask motorists to justify their journeys and asking people to report others who breach the rules, attracted sizeable minority dissent (Shaw 2021). Whilst the power to issue fines enjoyed clear majority support, this declined with time, particularly after the easing of the first lockdown in May 2020 (Yesberg *et al.* 2021).

Whilst a large majority of the public understood most of the government rules to control the spread of the virus, this declined to 70% after the easing of the first lockdown (in England) when tiered controls were introduced (Fancourt *et al.* 2021). Confusion about the rules or the rationale behind them, together with a waning commitment to their importance, was amongst the reasons given for selective non-compliance amongst different groups (Clements and Skidmore 2020, ONS 2021a).

To summarise this section, there exists a rich and burgeoning literature on the multiple ‘pathways’ by which police can attain and sustain legitimacy. Whilst procedural justice is widely understood to occupy a dominant role, instrumental concerns together with distributive fairness, acceptance of the law itself and culturally transmitted expectations of the police can influence public sentiment towards, and cooperation with, the police. Recent surveys of the public show compliance with the varied Covid-19 restrictions and, generally, satisfaction with the police to be high though not immutable. There exists a clear gap between public demand for – and the perceived delivery of – police enforcement of the Covid-19 restrictions. It is against this background that we now turn to the accounts of the police themselves – to explore their perceptions of the changing relationship with the public they serve over the Covid-19 period.

Method

The study utilised three methods of qualitative data collection to capture a range of contemporaneous and reflective accounts of both the operational and strategic issues arising during the research period.

Semi-structured interviews

This study formed part of a wider investigation into the effects of the pandemic on policing in the UK, undertaken during 2020 and 2021.¹ From a survey of 1,523 police officers and staff in Hampshire Constabulary, 653 respondents indicated a willingness to participate in follow-up qualitative interviews. 100 officers (interviews were restricted to police officers rather than staff) were randomly selected, stratified by gender, role and rank, resulting in 39 officers being interviewed between November 2020 and February 2021, a period covering marked changes to the level of restrictions imposed on the public.² A summary of the officers’ ranks and roles is given in Table 1. The vast majority had on-going contact with the public throughout the pandemic, including officers working in investigative and public protection roles, albeit the nature of contact changed in line with requirements to socially distance (this point is developed in the findings below).

Interviews were semi-structured covering the themes: changes to role during Covid-19; experience of policing the restrictions; organisational support; personal impacts; public compliance; and changes in crime and policing. Given the Covid-19 restrictions interviews were conducted via Zoom or by telephone then transcribed for analysis.

Video diaries

128 survey respondents (both police officers and staff) indicated a willingness to participate further in the research by recording video diaries, of which 59 were invited to take part. 23 accepted the invitation, resulting in 12 (10 officers and two police staff, see Table 1) submitting between two and 23 videos each between 13 November 2020 (eight days into the second national lockdown) and 1 February 2021 (26 days after the third national lockdown began). It is likely that officers’

Table 1. Summary of research participants, rank and role.

	Interviews	Video diaries	Focus groups
Rank			
PCSO / Special Constable	3	1	0
Constable	20	7	0
Sergeant	7	0	0
Inspector	6	1	0
Chief Inspector	1	0	23
Superintendent	2	1	8
Chief Superintendent	0	0	2
Staff	0	2	3
Total	39	12	36
Role			
Neighbourhood policing	8	2	2
Response and patrol	11	3	0
Contact management	3	1	4
Custody	1	0	1
JOU/Roads Policing	1	1	4
Investigations	6	3	5
Public Protection	3	0	1
District Commander	0	0	8
Other	6	2	11
Total	39	12	36

ability or willingness to participate in recording video diaries was affected by workload commitments or disengagement with the research process. We acknowledge that the 12 participants are unlikely to be fully representative of the whole Hampshire Constabulary workforce.

In total, 95 videos were received, each typically between one and four minutes in duration. The videos were transcribed allowing analysis of the auditory component of the material collected. Participants were deliberately given only cursory guidance about the scope of the research topics; rather they were invited to *'record your views about your new operating environment, the changing nature of policing within fluctuating levels of COVID-19 restrictions and how you feel you are managing these changes'*. Most diarists recorded videos immediately after completing a shift, upon returning home or on their day off, providing accounts of close temporal proximity to their day-to-day organisational experience (Zundel *et al.* 2018).

Senior officer focus groups

Finally, Hampshire Constabulary issued separate (to the survey) invitations to senior officers and staff to participate in one of three focus groups to explore strategic considerations arising from their experience of policing the pandemic. 36 participants – between the rank of Chief Inspector and Chief Superintendent, with three staff (see Table 1) – joined focus groups between 4 and 7 May 2021, roughly mid-way through the period of the easing of restrictions (the so-called 'Roadmap out of lockdown' (Gov.UK 2021)), and following considerable scrutiny of the policing of vigils for Sarah Everard, a 33 year-old woman murdered two months previously in London by a serving police officer (see Hamilton 2021). Focus groups lasted approximately one hour, facilitated by a senior member of the research team, over Zoom. Four broad topics were introduced for discussion: protecting policing by consent in a time of 'authoritarian' policing; police wellbeing; new aspects of policing that should be retained; and challenges encountered over the first 12 months of the Covid-19 pandemic. Each focus group was recorded and transcribed for analysis.

Analysis

Thematic analysis – of the interview, video diary and focus group data – was performed in NVivo (v12), broadly following the six phase approach of Braun and Clarke (2006). Each transcript was

reviewed to ensure familiarity with the overall content and the main issues raised. This was followed by an iterative process of coding the data, producing groups and hierarchies of codes and identifying emerging themes. A final review to check for consistency of coding was performed, before the overarching themes were named and defined.

The findings reported below are confined to the broad themes of legitimacy: first, the policing of Covid-19; second, policing non-Covid-19 matters; and lastly, issues arising from the policing of protests. Other themes from the research – beyond those concerned with police legitimacy – are reported elsewhere (see, for example, Ghaemmaghami *et al.* 2021).

Findings

Policing Covid-19

Perceptions of the role of police

All research participants were acutely aware that newly acquired duties in policing Covid-19 were a significant departure from their traditional policing domains. The requirement to enforce restrictions on civil liberties – whilst ostensibly a necessary intrusion for a specific and time-limited goal – extended the policing of the public's conduct into unchartered waters.

actually a lot of the things that we're now asking people to do don't ... fundamentally it's not wrong and fundamentally it doesn't make you a bad person. [9]

For some, this incursion of the law and policing into modes of public behaviour previously outwith the scope of sanction posed a threat to the long-standing tradition of consent between police and the policed, with the possibility of real-world consequences:

the public have not really fully bought into this strategy, into lockdown. This is not the normal way that we run things in a country, as a culture. We're very free, we're very liberal. People rarely get told what to do. Which is why ... I think people are quite happy to come up to a police officer in this country. We are not authoritarian ... So, it's almost this policing by consent, that's fine, you've got it, but then don't ask us to come in and police the public in this. [19]

Response and patrol and neighbourhood policing officers reported widespread public support during the early stages of the pandemic, frequently characterised as being 'swept along with the goodwill towards the National Health Service'. This presented a sense of police as 'key workers'; an integral component of the collective effort to prevent the spread of the virus. Yet the officers interviewed reported such sentiment to be short-lived as the police role in regulating the public's movement and conduct were uncoupled from health workers' role in 'saving lives'.

Distinguishing policing from government and other authorities

Whilst the majority of the public may have been supportive of – or at least acquiescent to – the restrictions, expressions of resistance were frequently aimed at authorities' framing of the nature and severity of the virus as a public health emergency:

it's difficult because a lot of the public, their perception of it all is, you know, it's not as bad as what the government are making out and it's very difficult to try and, sort of, change their mind When we've, sort of, approached them their instant reaction is, well, we're not doing anything wrong and I genuinely think they just think it's the government trying to control and manipulate them. [16]

they were posting online that they were staying open, that they didn't believe the lockdown, that they thought it was an infringement on people's human rights. [Video diarist 9]

Several interviewees and focus group participants placed importance on the need to distinguish between government policy in response to Covid-19 and police practice. Presenting the latter simply as the application of the former provided jurisdictional distance between operational policing

and the ‘decision-making’ and ‘the politics of it all’, whilst legitimating police action as a matter of upholding the law.

ultimately the police are driven by the government, so we’re only doing what we’re told. [17]

all the mistrust, et cetera, seems aimed towards the government, not towards us because we’re not ... we haven’t turned it into a fascist state by turning everyone over and demanding to see reasons why you’re out, et cetera. [6]

For other officers interviewed the central challenges of policing in a public health context were of competence and the scope of the police role vis-a-vis other agencies:

trying to deal with public health matters which aren’t police matters. You know, we’re not trained in public health. We don’t ... we can’t give enormous amounts of advice about what we know about public health because that’s not our job. We’re supposed to do crime and they weren’t seen as criminal offences, but we still had to do something. [25]

do the public want the police going to restaurants to see if they ... if we had a phone call about a breach in a restaurant, is that a job for the police? We are emergency service, is that for us or is that for the local authority to deal with or a regional manager for [named brewery] pub chain? [12]

Policing the Covid-19 restrictions

Almost all police officers interviewed approved of the national ‘4 E’s’ policy: engage, explain, encourage with enforcement as a last resort. Many interviewees commended this approach for offering fairness to the public, given the novelty of the (frequently changing) restrictions and the propensity for infractions to result from unwitting mistakes rather than deliberate breaches. In addition, affording the public an opportunity for dialogue was understood to be – in the most part – effective. Citizens were reported to be likely to comply with instructions, and where necessary the rules could be explained to inform future conduct.

we’re using the explain, engage, and it’s just general conversation we’re having with people. And I think when people know they’re doing wrong then, you know, they’re very quickly to accept that they’re doing wrong, and apologise and engage with us, and do what we ask of them to do. [13]

Tactically, several police officers interviewed spoke of the importance of dialogue as a means of communicating the utilitarian basis of the restrictions. Whilst members of the public may have been in breach of the regulations and have therefore committed an offence, dialogue was utilised to promote personal behaviour that could prevent the spread of the virus, rather than to instigate a sanction.

it’s more of an educational viewpoint is where we’re going from. So it was more ... rather than enforcement. That was always a last resort. It was trying to engage them, understanding a bit of education around this is pretty bad, this is unprecedented times, we don’t really know how long it’s going to last, et cetera, et cetera. And it was, yeah, more of an educational point of view we’re trying to give the public, just saying, look, we are all in the same boat here. [36]

Many response and patrol and neighbourhood policing officers voiced concern over the clarity of the restrictions, particularly outside the periods of lockdown when different areas of the force moved between different ‘tiers’ at regular intervals. Officers spoke of a lack of confidence in enforcing regulations they themselves were unsure about, and the potential their actions would be challenged both by members of the public and their superiors.

it’s been like a right muddle about what our powers are, what we’re enforcing, how we’re enforcing it, how we’re expecting to enforce it changes constantly. [Video diarist 13]

conversation this morning revolved around Scotch eggs, and whether your front garden counted as public space, Tier 2 and all that. No two police officers in that conversation of about six, had the same answer, as to what is and what isn’t allowed. [Video diarist 9]

as for the regulations, fairly confusing. Continually. Um, likelihood of enforcement, pretty much zero. It would have to be really really obvious. [Video diarist 3]

Enforcement

Several officers recognised that an overly zealous approach to enforcement posed several risks to the police. Unwitting violators of the rules might feel unfairly treated, both because their individual behaviour could have been dealt with without recourse to sanction, and also the perception that their conduct was not exceptional ('others are getting away with it ...'). Officers spoke about the real possibility of police being cast as the 'baddies' or 'villains' as a result of having to enforce restrictions, and of the risk of undoing previous efforts to engage with communities.

it's not a nice place to be, is it ... I think, the police service have done a fantastic job in recent years in, you know, showing the public that we're not just the ... we don't just go and nick people and lock 'em up and throw away the key. We've done so much engagement and tapped into, you know, youngsters right through, showcasing the work through all the social media stuff, the good work that we're doing and now we've become this, you know, horrible agency that just want to slap a fine on somebody. [26]

Many respondents lamented prominent media reporting of police enforcement activity – particularly the news stories about officers in Derbyshire using drones to monitor walkers in remote locations (see BBC 2020) – and the impact this has on broad public perceptions of policing. Many were also concerned that 'over-enforcement' may have particularly deleterious effects on some sections of the community with whom the police have been attempting to foster stronger relationships in recent years.

I would say the biggest challenge around policing at the moment is that legitimacy of use of force of our diverse communities etc. so that we can really get their confidence to understand that whilst we do need to use enforcement at times we will use other tactics as well. [Focus group respondent]

If we focus too hard on enforcement, that potentially risks excluding our hard to reach communities who have felt victimised by policing in the past. Legitimacy and engagement must remain central. [Focus group respondent]

Whilst enforcement may have been considered the reluctant tool of last resort, nonetheless, its role was not wholly deprecated. Three interviewees pointed to widespread, popular support for the Covid-19 restrictions and the expectation of large sections of the public that the police would fulfil their obligation to effectuate the rules, by enforcement if necessary. Many officers told of the relatively high number of reported breaches of the restrictions made to the police, which might be considered indicative of this demand for police action. Just as with 'over-enforcement', officers were concerned that accusations of 'under-enforcement' could be equally damaging to public perceptions.

I think equally there're people who are very fearful of Covid who are very conscientious of the rules and, therefore, if any rules are getting broken at any time felt that the police should be responding and also were really quite quick to criticise when the police didn't respond, and we potentially would lose the respect of them because we weren't doing what the Government said that we would do. [9]

Generally, most officers were sympathetic to the policy of 'quicker enforcement' introduced in 2021. For many, the necessity to educate the public – to give them a 'fair chance' – in the earlier stages of the pandemic, had diminished with time, leaving non-compliance to be seen as an informed choice.

I do think it's right that we do use the enforce stage when people are completely disrespecting the rules and that you're not ... they're not sticking to them at all and they'll repeat ... you know, they're habitual offenders ... offenders is not really the right word, habitual breakers of those rules. You know, I do think that we do need to show that presence and say, actually there is a point where, you know, enough's enough and you can't be doing this, because actually rightly or wrongly, whatever anyone thinks about the rules, if everyone broke the rules we'd be in an even worse state than what we are now. [9]

Non-compliers

Some officers expressed firm views that non-compliance with the restrictions was more prevalent amongst particular groups of people or in particular locations, with particular reference to gatherings of young people and motorists travelling in the evenings and night-time. Whilst such attitudes may be borne out through the experience of day-to-day policing, this raised the prospect of a targeted and selective approach to enforcement.

there are areas and certain dynamics of people that just wouldn't want to comply, and didn't comply. And we ended up targeting these people because they were just blatantly disregarding the lockdown [13]

So the, this round of lockdown is just ... it's paper thin. Nobody is, it's just the good people who are feeling imposed by it, the bad people, the people who don't obey the rules as well as the criminals who think it doesn't apply to them ... [Video diarist 9]

Policing non-Covid-19 matters

Changing deployment patterns

Hampshire Constabulary operates a Threat, Risk, Opportunity and Harm model (THOR) designed to assign a higher level of resource to prevent and tackle high harm offences (Hampshire Constabulary 2019). At least in the first lockdown the requirement to police Covid-19 restrictions was reported to have had a sizeable effect on deployment, effectively elevating the THOR threshold for non-Covid-19 related reports to be allocated an in-person police response.

certainly at the moment it's a lot of what we go and do is people breaking the regulations, not adhering to the rules. So that's had a big impact on our ... what we go and do and obviously the amount of time we spend doing that, rather than normal police business so to speak. [34]

Many frontline and investigation officers welcomed these developments, indicating that the pandemic had necessitated a marked change in policy which was overdue. Aside from responding to Covid-19 incidents, these officers felt that the heightened threshold ensured they were deployed to 'jobs that really matter' and afforded the time to listen to victims and witnesses, investigate where required and to complete paperwork. However, other officers worried about losing the public's support as a result of not attending reports of non-Covid-19 incidents, and questioned whether the effective prioritisation of Covid-19 breaches fairly reflected the policy of deploying according to the potential for harm. One video diarist described incidents where a member of the public had reported a breach of Covid-19 restrictions in an attempt to gain a police response to a non-Covid-19 related matter.

They're definitely using coronavirus to gain a police response ... Once we, once police attend we find other offences have been committed ... I wonder if, if the public now want a police response they have to, they have to yell coronavirus or Covid-19 breaches, to elicit that said response. [Video diarist 18]

I think for people who are generally law-abiding citizens who very rarely call the police, who call them in their hour of need, I feel that if we can't respond to these people because we're responding to other things Covid related we potentially lose the respect of those people because actually they see us failing to fulfil almost their basic need as a citizen of the United Kingdom. [9]

it's very strange to me to think that those incidents which do carry a bit of risk and a bit of threat and harm there are overshadowed by regulations which are fairly new and are almost being treated as more important. [28]

Resetting public expectations

The focus groups instigated real debate about whether the actions of police in responding to relatively minor breaches of the Covid-19 restrictions would reset the public's expectations about what the police would attend post pandemic. One view was that the public's countenance of reduced attendance to non-Covid-19 matters was a temporary concession which would be rescinded once

the requirement to police the restrictions come to an end. Some officers felt a clear need to demonstrate a return to 'real police work' with a focus on catching criminals.

we have told the communities publicly for a number of years that we're focusing on high harm crimes and we can't investigate that matter that you want us to investigate ... , and we've been able to ride that wave a bit due to austerity and the focusing on the harm model. And then obviously throughout Covid the public have seen us - although focusing on harm - ... it's been walking up and down the seafront sometimes talking to older people telling them they can't stop and have a coffee. So I think that public confidence and expectation bit built in relation to 'well I'm telling you I'm a victim of crime and that's the person that's done it, and actually your harm explanation isn't kind of going to hold water going forwards because I now actually expect you to do something because for the last year you've been able to do this [Focus group respondent]

I think, going forwards, it's going to be really vital that we sell ourselves as being an enforcement agency so we tell the public that we're out there catching burglars or drug dealers or whatever it is and really focus on that because that I sense is what the public want to see us doing ... we need to publicise that we are doing "real police work" as some people would see it. That doesn't need to be damaging to communities who don't trust us, most people want to see police arresting the bad people. [Focus group respondent]

Contact with the public

Most officers indicated that the move to remote crime reporting, investigation and resolution had generally been met with high levels of public acceptance and understanding, albeit some members of the public were disappointed and frustrated not to speak to an officer in person. Again, the key question raised was whether such approval was granted temporarily, or whether it might be sustained into a post Covid-19 future response model. Participants in one focus group noted that effects of greater remote working on detections and resolutions were likely to be a matter for empirical scrutiny in the future, which may have a bearing on public support for this approach. Other officers interviewed expressed concern that remote working practices may lead to important, high harm, incidents going unreported or unidentified, and vulnerable people being overlooked.

Changes in deployment together with reduced non-Covid-19 demand (during the first lockdown) and the requirement to ensure compliance with the restrictions also afforded police the opportunity to increase their levels of routine patrol, visibility and engagement. For some, this was heralded as a return to 'old fashioned' policing, with a focus on benign interactions, reassurance and forging relationships within communities.

the change in deployment policy, they loved that because it meant that they could do that old fashioned engagement work and actually get to know their public. [15]

I think initially the trust and confidence from the public in policing went up massively at the start of the crisis because they could see our visibility, they saw a lot more of us, because of course no-one else was out on the streets, so we were noticeable. And the vast majority of the public that we surveyed were happy with the police visibility, the response and our approach to it. [30]

Some interviewees and focus group members spoke about the need for purposeful engagement, focusing on identifying harms hidden by the previous volume of demand, emerging risks and matters of community concern. Community officers described their efforts to maintain contact with the public (and particularly vulnerable people) during lockdown through targeted engagement in food banks, supermarkets and 'street meets'. Many welcomed the force's increased use of social media and the potential to reach much larger numbers of the public than might be possible in more traditional fora. However, some officers recognised that social media was unlikely to offer a channel into all sections of the community and that too great a focus on this means of engagement may risk excluding hard-to-reach groups.

our reach was massive, and we're now using that much more in the virtual space ... 'cause obviously we can't engage in the normal way, we're not having our traditional beat surgeries, and face to face contact that we would have. So we're now actually having proper Q&A sessions online, and you get far more feedback. [30]

we've got a lot of areas where they are just not going to have the facilities for that for the virtual side of things, the demographic with that is just not going to be the same and we have to look at what we can do to get into those communities. [8]

Policing protest

The policing of protest during the Covid-19 pandemic raised important concerns amongst most research participants. Many officers conceded that the operational demand on Hampshire Constabulary to manage events of organised protest had not been as great as that experienced by other police forces in the UK. Officers reported relatively small and isolated demonstrations in support of Black Lives Matter (prompted by the killing of George Floyd in the U.S.A. in May 2020), predominantly in the university cities of the county. Nonetheless, the climate of protest evoked much deliberation of both the broad socio-political principles and practical implications of facilitating protest during a pandemic.

Balancing rights and risk

Numerous officers highlighted the seemingly intractable difficulty of balancing the right to freedom of expression with the exigencies of policing the pandemic.

I think Black Lives Matter certainly do matter; but then, when you are trying to deal with a pandemic, I think you've got to adapt to a way of protest that doesn't put unnecessary risk or other people in danger. Are you ultimately making your point at the sacrifice of a bigger population, et cetera? [2]

There was a clear sense that the police had been left 'carrying the can' in making extremely difficult decisions about how to implement government policy and the longer-term consequences of their actions.

we're then in a position when you're policing protests of having to essentially make decisions about what's allowed and what isn't in terms of freedom of speech. [Focus group respondent]

I think there's a risk that policing has been seen as the ones who stop protest; the ones who give the tickets . . . You asked us, we did it, and now no one loves us anymore. [Focus group respondent]

Arbitrating the right to protest was regarded as tantamount to positioning the police between two (or more) opposing publics, with the inevitable consequence that one or possibly both would be left unsatisfied with the outcome.

there's people that are angry that we've not dispersed the crowds, but on the other side, if we had dispersed them, there'd be people angry that we had done that [29]

Entrenched public perceptions

Whilst the need to police protest within the Hampshire area may have been limited officers reported a clear sense that perceptions of policing were been affected by events from outside their force area. Across the UK events during the Covid-19 period included demonstrations of support for BLM, protests against the Covid-19 restrictions or vaccine, and the high-profile vigil in London for (murder victim) Sarah Everard. Many research participants voiced their frustration that the police had been unavoidably drawn into politically sensitive issues that risked compounding long-standing sentiments in some sections of society about police partiality.

I think those that like the police kind of always will, but then those that will look at the BBC News and take one particular story as, well, that is now the brush I shall tar all police officers with, they are all racist and they are all sexist, misogynist, you know, and that just fuels the fire that they need. [17]

Seeing the press reaction to the police whilst all this is going on has been um, it just makes it, feel a bit low, there's just been so much negative press. Police can't do right for doing wrong. Uh you know there's protests

and the police get uh physically and verbally abused for it, um ... Politicians are coming at everybody from all sides, it's either ... too much, it's not enough, it's uh a no win situation. [Video diarist 23]

Participants in one focus group argued that police leaders needed to present a clearer narrative of policing to the public, emphasising their impartiality and their legal mandate.

We're not politicians. We should be working without fear or favour. We should be objective. And I just think sometimes we just sort of lose our way. And actually if we could redefine that and have that through strong leadership, explain to the public what we do and accept it that sometimes when we explain what we do they may not be happy with that, but actually we're doing it for the right reasons and it's embedded in law, and again it's impartial and fair – that's probably a better way. [Focus group respondent]

Other officers anticipated formidable challenges in trying to police increasingly diverse and fractious sections of society.

You could really see the public polarisation around all sorts of subjects coming up now ... whether it's the Sarah Everard thing which is obviously really terrible but it's polarised different views, BLM, but also just the whole vaccine thing and all those sorts of things, and there is something about our depth of public understanding ... I don't know that we understand that nuance and difference and understand giving the right service to different people means. [Focus group respondent]

To summarise our findings, the experience of policing Covid-19 has left many police officers concerned about the possible consequences for the relationship with the public they serve. Tasked with upholding newly created restrictions to prevent the spread of Covid-19, officers have risked censure for pursuing both too lenient and too zealous an approach to enforcement. Deploying to reported breaches of the Covid-19 restrictions at the expense of other calls for service have prompted concerns about the public's perception and expectations of the police. Officers expressed unease at having to implement new powers to curtail people's freedom to assemble and to protest, and the possibility that the exercise of these powers would further exacerbate long-standing anti-police sentiment in some sections of society. Whereas the public may have celebrated the efforts of health sector workers during the pandemic many police officers felt castigated for having to effectuate restrictions not of their making.

Discussion

There can be little doubt that the Covid-19 pandemic has changed the nature, purpose and practice of policing since the first lockdown of March 2020. Encounters with the public – as citizens, as victims of crime or as suspects – have manifestly changed as police have contended with their new role in preventing the spread of the virus. Scrutiny of the police – from the media, politicians, commentators and the public themselves – has intensified.

So, what are the implications for police legitimacy? How has the experience of policing the pandemic affected police officers' perceptions of their own legitimacy and in what ways? The research described in this paper sought to enrich our consideration of these questions by contributing the thoughts, opinions and experiences of police officers themselves acquired in 'real time', as the pandemic – and the police response to the pandemic – changed. We make no claim that the research speaks for all police officers or offers quantifiable predictors of what measures of legitimacy will reveal in the future. In this section of the paper we offer a discursive reflection of our research participants' contributions, venturing to understand the possible and plausible effects on police legitimacy. Of course, perceptions of legitimacy garnered from 'power-holders' (i.e. the police) need also to be considered in the context of emerging findings about the effects of the pandemic on audience (i.e. the public) legitimacy (Bottoms and Tankebe 2013).

In many respects the policy of Engage, Explain, Encourage with Enforcement as a last resort is an exemplar of the procedural justice model of legitimising policing. Many of the research participants described their interactions with the public as conversations, with dialogue utilised to foster a collective sense of endeavour between the police and the policed in the face of an extraordinary

threat. The 4 E's approach was regarded as fair, providing officers with room within the encounter to explain the rules and giving unwitting violators the opportunity to modify their conduct without recourse to sanction. Given the rules and exemptions were fast-changing and to some extent subjective in their interpretation, this participatory strategy – giving voice and agency to members of the public – afforded many police officers reassurance that their actions were justified and proportionate. Whilst the 4 E's strategy may have bolstered officers' self-belief in the 'moral rightness' of their approach (Bottoms and Tankebe 2013) findings from surveys of the public indicated a preference for more strict enforcement of the rules (ONS 2021b). Within a dialogic model of legitimacy, there exists the possibility that power-holders' preference for procedural fairness lies – at least partially – at odds with an audience appetite for instrumental effectiveness (we return to instrumental considerations below). Although the officers interviewed in this research reported reserving enforcement for only the most recalcitrant or blatant of violators, the potential for some citizens to believe their encounters with police to be unfair or unjust cannot be ignored. Trinkner *et al.* (2018) argue that the public do not cede infinite power to authorities even when such power is exercised in a procedurally just manner (the 'boundaries of authority'). Participants in this research recognised that their duties in effectuating the restrictions extended the reach of police in both public and private spheres and into areas of conduct that would have been previously outwith their remit (e.g. sitting on a bench, gathering in a park, attending house parties etc.). A small number of officers were clearly troubled by the potential for even procedurally just encounters to transgress long-established boundaries to the scope of the policing role and the longer-term risks this posed to the foundation of public consent.

Judgements about legitimacy are, of course, not confined to assessments resulting from the interpersonal, transactional experience between police and the members of the public they encounter. A recurring concern of many participants in this research was the evolving narrative of policing during the pandemic, and the fear that public sentiment would be adversely affected by critical media reporting of exceptional Covid-19 police interventions. Officers resented the suggestion in some media that they were 'heavy handed' in their approach and simply 'slapping a ticket on anyone'. The perceived gulf between media accounts and the reality of day-to-day policing of the pandemic was a cause of both personal concern to officers and worry about the longer-term impact on public support. In this sense, perceptions on unfair media reporting go beyond a mere 'PR failure' to form an unwelcome interference in power-holders' efforts to cultivate both their self-legitimacy and legitimacy in the eyes of the public; an interference in the 'dialogue' of legitimacy (Bottoms and Tankebe 2013). ONS (2021b) data suggesting that public satisfaction with the police was high in the early stages of the pandemic but declining towards the end of 2020 would indicate this to be an important subject for further research.

As we identify in the introduction, public estrangement from the laws, rules and policies of a territory can disrupt people's willingness to comply and cooperate with authorities tasked with upholding them. Deficits in legal legitimacy risk at least some parts of the community aiming their fire at the messenger. Whilst a clear majority of the public accepted the Covid-19 restrictions, a minority were resistant (ONS 2021b). Tactically, our research participants described their efforts to foster a collective sense of moral commitment to the rules when intervening with the public ('*we're all in this together*') alongside a conscious separation of the roles of government and the police in making and enforcing the rules respectively ('*we're only doing what we're told*'). The easing of restrictions in between the periods of lockdown may have brought some respite from the draconian limitations on freedom of movement and assembly but it did so at a cost of reduced understanding of the remaining rules amongst both the public (Fancourt *et al.* 2021) and our research participants. Importantly, as a result, officers in our study reported feeling less able to enforce the rules, which may have implications for more instrumental measures of public satisfaction with the police (see below). Whether the result of principled objection, confusion or observance fatigue, declining moral commitment to the law risks reducing the effects of any gains acquired through procedurally just interactions.

It is certainly plausible that the policing of the Covid-19 pandemic may have rekindled interest in the instrumental aspects of police legitimacy. Sunshine and Tyler's (2003) examination of New Yorkers' beliefs and attitudes towards the police both before and after the 9/11 attacks suggests that in times of 'strife and difficulty' concerns about the effectiveness of the police weigh more heavily in the public consciousness, albeit they remain secondary to judgements about procedural justice. We tentatively propose that instrumental aspects of police legitimacy may have been elevated over the Covid-19 period for four reasons.

First, surveys indicate that the vast majority of the public expect police to enforce the Covid-19 restrictions strictly, yet only a minority feel the police are doing so (ONS 2021b). In the face of an unprecedented threat, the perception of police failure to enforce the law raises questions about police effectiveness and performance and the provision of a credible deterrent to would-be violators. Most of our frontline research participants were sympathetic to the government's change of policy to expedite enforcement from the turn of 2021. The sense that the public had been given a 'fair chance' and that 'enough is enough' with breaches of long-standing Covid-19 rules, suggests a belief amongst some officers that a change in tactics was a necessary step towards re-balancing the police response to be in-line with public expectations.

Second, it is unclear what impact reduced deployment and the move to remote reporting, investigation and resolution of some non-Covid-19 incidents will have on levels of public satisfaction (and, in turn, whether and how this will affect police legitimacy). Whilst new working practices offer potentially attractive benefits (particularly reduced cost), some officers expressed concern that continuing with them post Covid-19 risks the charge of failing to respond effectively to victims in their hour of need. Some interviewees and focus group participants questioned how a deployment model based on an assessment of harm, threat and risk could continue to prioritise Covid-19 breaches over other incidents and called for a return to 'normal' or 'real' police work.

Third, will the increased visible presence of police – particularly in the first lockdown – and their readiness to engage with the public reset expectations of an ongoing police presence and contact with communities? Our respondents were generally positive about the increased opportunity for visible policing and community engagement, though many doubted this could be sustained post Covid-19 and some feared that a new found focus on social media may offer benefits to only select groups. Fourth, preliminary research indicates that police actions in effectuating Covid-19 restrictions, and in particular in their enforcement, have fallen more heavily on some people, locations and communities than others (Harris *et al.* 2021, NPCC 2021). A small number of research participants were concerned that the experience of Covid-19 will have only increased long-standing disquiet about the distributive fairness of police intervention and sanction.

The policing of protest during the Covid-19 pandemic provoked what might be described as a 'perfect storm' for police legitimacy. Whilst Hampshire Constabulary officers may have been relatively insulated from the direct transactional encounters of other UK police forces they were acutely sensitive to the implications for broader public perceptions. Decisions about which protests to accommodate and which to effectively prohibit or disrupt left the police in the unenviable position of adjudicating when licence to freedom of expression could be granted or denied. For many research participants this was an unwelcome prerogative exposing police to unavoidable complaints of unfairly privileging one interest group over another or failing to deliver the instrumental objectives of the Covid-19 restrictions.

St. Louis and Greene (2020) argue that a fuller understanding of police legitimacy is gained by looking beyond police-public transactions towards the broader socio-cultural acceptance of police interventions in communities. This acceptance, or otherwise, is subject to change, particularly during periods of crisis (or 'altered conditions' (Loader and Mulcahy 2003, p. 319)) when traditional conceptions of social capital are challenged (Yogev 2021). Questions about the degree of moral alignment between the police and public (Hough 2020) and the legacy of tradition in granting legitimacy to the police over normative concerns with fairness (McLean and Nix 2021) appear especially relevant in the post-Covid-19 world. Loader and Mulcahy had already indicated in 2003 a 'fracturing

of police authority' amongst groups who had different stakes in conformity linked to particular sensibilities towards the police (2003, p. 100). For many of our research participants the policing of Covid-19 has underlined such divisions, accentuating the sense of having multiple *publics* to police, with different and often competing expectations of – and beliefs about – the police. Pre-existing tensions about police partiality have been amplified. It seems possible that the legacy of the pandemic may be the entrenchment of distinct and polarised socio-cultural narratives of policing, and the incumbent difficulties these bring for a police service attempting to foster legitimacy across the whole public.

Conclusion

The suspension of civil liberties and the extension of police powers to combat the spread of the Covid-19 pandemic has, inevitably, provoked concerns about the longer-term implications on the relationship between the police and the public. Whilst the government has attempted to frame the changing role of the police as part of a joint approach with healthcare professionals to save lives, police legitimacy derives from a complex and multi-faceted settlement with the public which is distinct from that of their healthcare counterparts. The national policy of Engage, Explain, Encourage with Enforcement as a last resort may have embedded the principles of procedural justice into Covid-19 related encounters with the public, however the fact remains that some sections of the community were recalcitrant to the restrictions imposed by the police. That enforcement has fallen more heavily on some groups, communities and locations risks exacerbating long-standing concerns about distributive fairness. The potential for a perceived lack of enforcement together with changes in service provision to increase instrumental pressures on policing cannot be discounted. As agents of social control with unique powers to exercise force and compulsion, the pandemic will require the police and agencies concerned with policing to exercise continued vigilance on the means by which public consent and support are sustained.

Notes

1. Ethical approval provided by the Faculty of Humanities and Social Sciences Ethics Committee of the University of Portsmouth – FHSS 2020-038.
2. Whilst 100 officers received invitations to participate only 39 responded or were able to participate during the data collection phase of the study.

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