



Police Legitimacy and Indigenous Self-Determination: Towards a Decolonised Dialogue

Michael K. Bryden

University of Technology Sydney, Australia

Abstract

In settler states, police are used to establish and maintain colonial order, suppress Indigenous resistance, and secure state authority. Today, Indigenous people experience disproportionate rates of police contact that emerged during colonisation. Yet, mainstream scholarship on legitimacy has largely ignored Indigenous perspectives on policing, the wider context of settler colonialism, and questions of self-determination. This article focuses on police legitimacy and Indigenous self-determination in Australia, with implications for other settler states. I argue that *Indigenous self-determination cannot be achieved without legitimate forms of social control*. Building on the theorising of Beetham (1991) and Bottoms and Tankebe (2012), this article suggests that decolonised legitimacy dialogues are necessary to understand how Indigenous peoples conceptualise legitimate policing. A decolonised dialogue acknowledges policing's colonial origins and its ongoing role in settler societies, the Western philosophies underlying legitimacy theory, and the need to centre Indigenous self-determination. I propose that "police" legitimacy can be enhanced via two pathways: (1) through reforms within state structures and/or (2) through Indigenous-generated alternatives (e.g., night patrols). This dual strategy considers the importance of both community-informed and evidence-based practices in policing to reduce harm while striving, ultimately, for as little (state) policing as possible. Here, I argue for epistemological consilience: the integration of Indigenous and Western knowledge systems.

Keywords: Police legitimacy; Indigenous peoples; settler colonialism; self-determination; decolonisation; epistemological consilience.

Introduction¹

Dennis Wrong describes the "problem of order" as a "transhistorical problem rooted in inescapable conflict between the interests and desires of individuals and the requirements of society" (1994, p. 36). The creation of the nation-state, which *claims* a rightful monopoly on the use of violence, is one solution to this problem. Norbert Elias argued that state formation gives rise to a "civilising process", contributing to long-term declines in violence over the past millennium, in part by reducing the need for individuals to pursue personal justice or vengeance (see Eisner, 2014). Yet the state and its coercive agents, the police and the military, can be used for domination, particularly against those considered "criminals" or those excluded from the "legitimate" political community (e.g., colonised or enslaved peoples). In this context, "policing can very easily become part of the problem of order, not part of the solution" (Bottoms & Tankebe, 2017, p. 63).

In settler colonies like Australia, Aboriginal and Torres Strait Islander peoples (Indigenous) are overrepresented at every level of the criminal justice system (Cunneen & Tauri, 2019). This problem exists in other Anglo-settler states, including Aotearoa New Zealand, Canada, and the US, which are home to an estimated nine million Indigenous people (Cunneen & Tauri, 2019). Despite this, research has largely ignored Indigenous peoples' beliefs about police legitimacy (for international exceptions, see



Campagna & Zaykowski, 2024; Cao, 2014; Griffiths & Clark, 2017; Gerber et al., 2018; for research on trust, see Panditharatne et al., 2021; for a related Australian pilot study, see Morgan & Dodd, 2025) and neglected to incorporate the context of settler colonialism (for post-colonial examples, see Tankebe, 2008, 2009). Studying legitimacy in other contexts is necessary to “avoid the perennial danger of transporting strategies wholesale from one social context to another without regard to situational factors” (Tankebe, 2009, p. 1267; see also Porter, 2016).

Recent high-profile policing cases in Australia and elsewhere have renewed debates about police legitimacy, reform, and abolition, highlighting the potential limits of institutional-level change to address deeper colonial and racial harms (see Cunneen, 2023, 2025; Norris et al., 2025; Vitale, 2017). This article explores the relationship between settler colonialism, legitimacy theory, and Indigenous self-determination. Self-determination is a fundamental collective human right that is enshrined in the 2007 *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) and other human rights instruments, such as the UN’s International Covenant on Civil and Political Rights (ICCPR). The UNDRIP promotes Indigenous peoples’ right to create the social, institutional, and political infrastructure to determine their futures.² My core argument is that *Indigenous self-determination is a prerequisite for legitimate authority in settler colonial contexts*. For established authorities, the acts of granting, revoking, or denying legitimacy are themselves expressions of self-determination. In Australia, the history of colonisation and the absence of meaningful political autonomy, such as a treaty, means that Indigenous self-determination is limited in practice. These questions remain prominent given both the failure of the “Voice” referendum to constitutionally recognise Indigenous peoples in 2023 and the ongoing treaty processes being pursued by state governments (e.g., Victoria and New South Wales).

This article draws on Beetham’s (1991, p. 14) concept of “legitimacy-in-context,” which claims that there is a universal structure underlying legitimate authority, and Bottoms and Tankebe’s (2012) conception of legitimacy as a perpetual dialogue between power-holders, such as the police, and their audiences, such as the public. This theoretical article advances legitimacy theory in three ways. It first argues that (police) legitimacy theory must be reconsidered in settler colonial contexts. Here, Indigenous self-determination is a *normative* condition for legitimate authority. It then proposes two heuristic pathways towards “police” legitimacy: reform within existing state structures and/or Indigenous-generated forms of social control, such as night patrols or justice reinvestment. In this approach, Indigenous communities should define the parameters of what constitutes legitimate and effective social control and assess whether the police meet these standards. Finally, this article argues that *decolonised legitimacy dialogues* provide a framework through which Indigenous people, scholars, and institutions can explore police legitimacy. The purpose of the dialogue is to rethink how authority, legitimacy, and social control are defined and evaluated in settler colonial contexts by centering Indigenous self-determination and knowledges. This reorientation may, in turn, help reduce broader harms, including violence and the impacts of the criminal justice system. Given the state’s monopoly on the use of force, this article focuses on policing as a critical site of contention in settler colonial contexts; however, the arguments developed here extend to broader questions about the state’s claim to legitimacy itself and other domains of public life.

Settler Colonialism, Policing, and Incarceration

Patrick Wolfe describes settler colonialism as a “structure not an event” (2006, p. 388). Unlike colonies of exploitation, the purpose of settler colonialism is to establish *permanent* access to and control of Indigenous lands and resources. This is achieved through violence and social engineering, whereby “land is remade into property and human relationships to land are restricted to the relationship of the owner to his property” (Tuck & Yang, 2012, p. 5). Moreover, settler colonial states institutionalise violence. As Dunbar-Ortiz points out, “[p]eople do not hand over their land, resources, children, and futures without a fight ... In employing the force necessary to accomplish its expansionist goals, a colonising regime institutionalises violence” (2014, p. 8). This violence is accompanied by wider systematic efforts to devalue Indigenous worldviews and socio-political structures (Battiste & Henderson, 2000; Bhargava, 2013; Cunneen & Tauri, 2017).

Although modern policing is typically traced back to the creation of the London Metropolitan Police Service by Sir Robert Peel in 1829, the lesser-known story of imperial policing begins with the establishment of the Peace Preservation Force in Ireland in 1814, during Peel’s tenure as Chief Secretary (Sinclair, 2008). It was the armed para-military Irish model that was exported to the “Australian” frontier. The Queensland Native Mounted Police, for example, were established to protect settler interests, expand the frontier, and suppress Indigenous resistance (Connors, 2015). This force alone is estimated to have killed upwards of 30,000 Indigenous people (Reynolds, 2013). One illustrative incident occurred in 1871 when, in retaliation for the killing of a storekeeper named John Corbett, Sub-Inspector Macarthy and his troopers killed 17 Aboriginal people (Queensland Times, 1871). More broadly, writing in 1880, Carl Feilberg described the police’s actions in this period as a “fitful war of extermination waged upon the blacks” (1880, p. 560). Using violence, the police were able to create a “state of enforced harmony... through

a disregard for human life and legal process” (Copland, 1999, p. 2). In what became Australia, the police played a pivotal and violent role in the colonial process.

Towards the end of the 19th century, colonial governments shifted away from outright violence and towards “protectionist” and assimilationist policies. Racially targeted interventions were justified by the claim that Indigenous people were biologically and culturally inferior and therefore required state intervention (McGregor, 2002). Many Indigenous people were moved to superintendent-run reserves like Palm Island in Queensland, which has been described as a “peculiar mix of prison, protectorate and concentration camp” (Finnane & McGuire, 2001, p. 292). Similarly, police removed Indigenous children from their families and placed them in church- and government-run missions, where they were forcibly assimilated into a Western ethos and penalised for practising their customs and speaking their languages (Cunneen & Tauri, 2017). These children became known as the *Stolen Generations*. Protectionist and segregationist policies had, to a degree, insulated Indigenous people from the full force of the law through administrative alternatives to prosecution (Hogg, 2001). Following the shift to assimilationist policies in the mid-20th century, “administrative segregation in its various forms gave way to penal incarceration” (Hogg, 2001, p. 366).

The police continue to play a disproportionate role in the lives of Indigenous Australians. It is estimated that 47.6% of Indigenous males and 23% of Indigenous females aged over 15 will be formally charged by police during their lifetime (AIHW & NIAA, 2024). In Queensland, for example, Indigenous young people (10-17) are three to 16 times more likely to be charged by police than non-Indigenous children (Allard et al., 2020). In New South Wales (NSW), 9.3% of Indigenous young people under the age of 13 are prosecuted rather than cautioned, compared with 3.1% of non-Indigenous counterparts for comparable offending (Weatherburn & Thomas, 2023). By age 17, these figures rise to 40.7% and 16.9%, respectively (Weatherburn & Thomas, 2023). This contributes to Indigenous people being 19 times more likely to be incarcerated as young people and 14 times more likely as adults (Australian Institute of Health and Welfare, 2023). Due to incarceration rates, Indigenous people face a higher risk of dying in custody, but once in custody, their likelihood of dying is slightly lower (McAlister et al., 2023). Not only do Indigenous people face over-policing, but they also experience under-policing. This is evident where the state fails to provide protection, including in cases involving Indigenous female victims of intimate partner homicide (Cripps, 2023).

These criminal justice rates are partially driven by the “criminogenic effects of colonialism” (Cunneen & Tauri, 2017, p. 57; see also Blagg et al., 2020; Cao, 2014). For example, members of the Stolen Generation and Indigenous children who are removed by the state are more likely to be arrested (Weatherburn et al., 2025). This is exacerbated by both institutional and interpersonal racism towards Indigenous people, including racial profiling and disproportionate stops by police (Hopkins, 2022; Yoorrook Justice Commission, 2023). Moreover, Indigenous people who have experienced racist treatment in the last 12 months face an even greater risk of arrest (Weatherburn et al., 2025). As one Indigenous former NSW police officer observed, “(i)t almost feels like the behaviour of police is siphoning Aboriginal and Torres Strait Islander people into the system” (Harris, 2024; see also Gorrie, 2021).

These historical and contemporary dynamics raise a core normative question: what moral right do settler-established institutions have to police Indigenous peoples?

Rethinking Legitimacy

Legitimacy theory seeks to understand why “one lot of people” *ought* to wield power over “another lot of people” (Williams & Hawthorn, 2008, p. 5; see also Bottoms & Tankebe, 2017). Legitimacy can be understood as “a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions” (Suchman, 1995, p. 574). Thus, a legitimate authority is one that is “*justified in claiming the right to hold power over other citizens*” (Bottoms & Tankebe, 2012, p. 124, italics in original). This stands in contrast to power-holders who use coercion or violence to establish and maintain authority without a normative justification, a practice exemplified by colonial authorities (Connors, 2015; Cunneen, 2023).

I draw on Beetham’s concept of “legitimacy-in-context” to examine legitimacy in settler colonial contexts (1991, p. 14). Beetham contends that there is “an underlying structure of legitimacy common to all societies, however much its content will vary from one to the other” (Beetham, 1991, p. 22). This structure consists of three conditions: (1) that power is acquired and exercised in accordance with local conventions, rules, and laws; (2) that those rules and the exercise of power conform to shared beliefs about the rightful source of authority and its purpose; and (3) that positions of power and their holders are acknowledged as *rightful* through expressed actions by “subordinates” (i.e., public consent). When these conditions are met, Beetham argues that the governed have moral grounds to cooperate and comply with authorities. In policing, legitimacy exists when “there is *congruence between the system and the practices of policing*, on the one hand, and *the societal beliefs, values and expectations*

that provide its justification, on the other” (Bottoms & Tankebe, 2017, p. 61, italics in original). When applied to settler colonial contexts, this framework suggests that legitimate authority cannot be established without Indigenous peoples having the *right* to define the norms (condition 1), the purposes and boundaries of authority (condition 2), and the nature of community consent (condition 3) themselves.

There are two key reasons for using a Western theorist. First, Beetham’s framework offers an internal critique, revealing how settler states fail to meet the legitimacy standards set by normative theorists – a trojan horse, if you will. It bridges mainstream legitimacy theory with Indigenous conceptions of social control by demonstrating that legitimate authority in Indigenous contexts *must* be culturally bound and grounded in local Indigenous Law. Second, Beetham’s theory has been influential in segments of the established police legitimacy literature (see, e.g., Bottoms & Tankebe, 2017). Engaging with Western theories of legitimacy invites established policing scholars to contribute to this discourse by offering a *common* framework to rethink police legitimacy in settler states.

Beetham’s theory, however, may not fully align with Indigenous perspectives on power. As the Anishinaabe scholar Dana Hickey writes: “Western societies have allowed people to accumulate disproportionately high levels of power over others because it is considered either virtuous, righteous, or legitimate. In Indigenous societies, the source of power is the sacred network of interconnectedness of all elements of the universe, swirling around in a dance of perpetual change and transformation - or the flux” (2020, p. 61). Likewise, Tyson Yunkaporta from the Apalech clan in northern Australia notes, “we hold that power together as equals”; he describes power as heterarchical and governance as a “living process rather than a tool of control and compliance” (2024, ch. 5). In other words, both Western and Indigenous theories of power, albeit for different reasons, raise critical questions about the legitimacy of state police in settler colonies. Conceptually, as Porter observes in her work on policing, “it is both impractical and dangerous to look for some abstract set of rules or singular understanding about [Indigenous] ‘self-governance’” (2018, p. 463).

Drawing on the Weberian theories of legitimate authority, Bottoms and Tankebe (2012) contend that legitimacy is a “perpetual dialogue” between power-holders who make claims to possess and exercise legitimate authority and responses by their audiences (e.g., other citizens). This emphasis on dialogue is echoed in broader political theory. As Lipset argues, legitimate authority “depends in large measure upon the ways in which the key issues which have historically divided the society have been resolved” (1959, p. 86). When the behaviour of authorities fails to meet the legitimacy demands of their intended audiences, legitimacy may be diminished or revoked, and the authority may suffer a legitimacy crisis.

Colonial authorities established alien power structures that reflected British forms of governance, in part, by “unleashing uniformed men to enforce its conception of order” (Tankebe, 2008, p. 69). Using Beetham’s framework, the state’s *moral* right to exercise power over Indigenous peoples is arguably illegitimate given the history of colonisation and Indigenous peoples exclusion from the formation of the nation and the creation of the police (see Porter, 2016). In the *Uluru Statement from the Heart*, 250 Indigenous delegates observed, “[sovereignty] has never been ceded or extinguished, and co-exists with the sovereignty of the Crown” (Uluru Statement, 2017). Indigenous peoples continue to exercise their sovereignty through efforts to maintain Aboriginal Law(s) and cultures (Blagg et al., 2020). Discussing post-colonial Ghana, Tankebe (2008) highlights how the absence of popular consent in colonial societies undermines the legitimacy of settler-established state institutions. He suggests that speaking about “policing by consent” or legitimacy in colonies is “oxymoronic” (Tankebe, 2008, p. 74). In Beetham’s words, “[w]ithout a common framework of belief ... the powerful can enjoy no moral authority for the exercise of their power” (1991, p. 69). Therefore, without a “moral consensus” (Tankebe, 2008, p. 73) between Indigenous nations and settler-established states, criminal justice institutions will continue to lack legitimacy.

Building on these ideas, I argue that legitimacy dialogues between settler states and colonised peoples need to be “decolonised.” Decolonisation, in this context, refers to the re-examination and transformation of settler-established social control, alongside the reassertion of Indigenous worldviews and normative frameworks. As an analytical lens, a decolonial approach draws attention to the power relations that shape policing in settler societies, including the normative assumptions that underpin legitimacy theory. Currently, Indigenous peoples’ participation in shaping state policing tends to be consultative, fragmented, and tokenistic rather than grounded in Indigenous self-determination. These dialogues also raise methodological questions about how legitimacy is researched and whose epistemologies guide the process – questions that Indigenous criminology has begun to engage with (see Tauri & Cunneen, 2024). While the term decolonise may evoke notions of radicalism, it is used here to *abnormalise* prevailing approaches to policing through a focus on Indigenous self-determination, the settler colonial context of policing, and reflection on the internalised “cops in our own heads” (McDowell & Fernandez, 2018, p. 386; on normalisation, see Foucault, 1995, esp. pp. 177-183). The term “abnormalise” is used to encourage the reader to critically reflect on the cultural origins of their perspectives and their assumptions about policing and crime control, including the worldviews and

epistemologies that shape them. Some communities may nonetheless choose to avoid explicitly decolonial language for political, strategic, or philosophical reasons.

Viewed this way, a decolonised dialogue provides a legitimacy framework for re-centring Indigenous self-determination within police legitimacy theory and practice. In practical terms, this means recognising that Indigenous peoples have “institutional” authority grounded in their own governance structures to determine how policing and social control are carried out in their communities. This includes decision-making over who exercises power, how harm and order are defined, and the purposes, forms, and limits of policing (see UNDRIP, 2007, arts. 3, 4, 5, and especially 34). At the same time, the concept of Indigenous self-determination is neither straightforward nor fixed, differing across philosophical, political, cultural, and practical contexts (see Porter, 2018).

These intercultural dialogues can occur between Indigenous communities, the police, and the state (Blagg et al., 2017), but also between and within Indigenous communities themselves. The form of these dialogues, and the criteria for success, whether they occur at the micro-level (e.g., with frontline police) or the macro-level (e.g., with institutional or state actors), will be determined by each community (see Martin & Bradford, 2021). This is necessary given the potential for contrasting and evolving paths to legitimacy. The process is further shaped and enriched by the heterogeneity of First Nation groups and the evolving nature of Culture and Law (Blagg et al., 2020). While this complexity should not preclude dialogues or justify existing conditions, it underscores the importance of ensuring such dialogues are localised, decolonised, and perpetual. These discussions should include both victims and offenders with lived experience of policing (Jackson, 2024). For Indigenous peoples, this will likely include “truth telling” that recognises the police’s full role on the colonial frontier and how colonialism continues to shape contemporary policing (e.g., Barolsky et al., 2023).

Despite the centrality of colonialism to policing in settler states, the scholarship on police legitimacy largely ignores Indigenous peoples and continues to operate “without a theory of colonialism” (Tauri, 2018, p. 2). Newburn (2022) warns against the overreliance on procedural justice to address police legitimacy without consideration for the social and political contexts (see also Bell, 2016; Tankebe, 2009). Relatedly, although analytically distinct, Jackson et al. (2023) have called for race to be centred in procedural justice and police legitimacy scholarship. These shortcomings are not merely conceptual but are also reinforced at the organisational level through police culture. Police cultures can act as a barrier to reform, particularly when institutional racism is present (e.g., Cefai, 2015; Gorrie, 2021; Hopkins, 2022). This concern is reflected in Victoria, where the *Yoorrook Justice Commission* (2023) calls on police to acknowledge and address systemic racism within its culture and ranks.

The persistence and disproportionate impact of settler-established policing on Indigenous communities can be viewed as a continuation of the colonial legacy and a violation of Australia’s commitment to Indigenous self-determination under the UNDRIP (Behrendt et al., 2017). In practical terms, “we need to explore the *possibilities* of new forms of policing, and a *rethinking* of policing in the light of Indigenous aspirations for self-determination” (Cunneen & Tauri, 2017, p. 87, italics in original).

To meet Beetham’s (1991) demands, this article argues that police legitimacy can be improved via two pathways grounded in Indigenous perspectives: community-led reforms to state policing and/or the creation of Indigenous alternatives to state policing. These paths represent different ways a decolonised dialogue might be pursued and, in doing so, contribute to ongoing debates about legitimacy. Drawing on police legitimacy literature, settler colonial theory, and Indigenous criminology, this framework creates space for autonomous, hybrid, and state-based reforms. These pathways are not mutually exclusive, nor are the illustrative examples that follow exhaustive. Rather, these pathways provide a heuristic for critically examining police legitimacy, while the examples serve as concrete illustrations of the kinds of practices that could emerge from a decolonised dialogue. While some communities may embrace police reform, others may view reform itself as reproducing colonial logics and cementing state hegemony. Ultimately, Indigenous peoples have the right to determine the moral foundations that govern their relationships to Country (often understood as a living and law-bearing entity, rather than as property), Law, and each other.

Path 1: Rethinking State Policing

While Tom Tyler’s (1990) procedural justice model of policing has dominated legitimacy scholarship over the last several decades, the assumptions and applicability of the model warrant re-examination in settler colonial contexts. The first path considers how a decolonised dialogic model might be used to move beyond shallow reforms by focusing on how state police could respond to Indigenous peoples’ legitimacy demands. This includes approaches such as procedural justice, evidence-based policing, and community-oriented strategies, as well as participation in truth-telling and meaningful efforts to address police racism. Nevertheless, state-based reforms may only achieve a limited form of Indigenous self-determination.

While Indigenous peoples (Campagna & Zaykowski, 2024; Cao, 2014; Gerber et al., 2018; Panditharatne et al., 2021) and racialised minorities (Bell, 2016; Jackson et al., 2023; Peck, 2015) tend to hold more negative views of the police, evidence indicates that police can improve this relationship by behaving lawfully, improving their effectiveness, and using procedurally just practices that promote legitimacy (Ali & Murphy, 2024; Madon, Murphy, & Sargeant, 2017; Sargeant et al., 2023). In turn, police legitimacy has been linked to voluntary compliance with the law (Mazerolle et al., 2013; Walters & Bolger, 2019; for a critical review, see Nagin & Telep 2020), cooperation with the police (Bolger & Walters 2019; Madon, Murphy, & Cherney, 2017), and the belief that the police have the rightful monopoly on the use of force (Gerber et al., 2018; Jackson et al., 2013). This is advantageous for the police and the public given the resource-intensive and harmful nature of overly coercive approaches (Murphy & McCarthy, 2024; Nagin & Telep, 2020; Tyler, 1990). This type of policing has the capacity to inflict additional physical and psychological harm on affected communities, further diminishing their trust in police.

Research suggests that Indigenous people's experiences of policing shape their view on police legitimacy. In Chile, for example, survey data suggests that Indigenous people who view the police as procedurally fair were more likely to see the police as legitimate, more likely to support police use of force, and less likely to support Indigenous activist violence (Gerber et al., 2018). Likewise in the US, Native Americans are more likely to experience police traffic stops and to view those stops as illegitimate (Campagna & Zaykowski, 2024). In Aotearoa New Zealand, Māori are less likely to trust police, particularly when this intersects with economic disadvantage (Panditharatne et al., 2021). More theoretical and empirical scholarship is needed to explore the applicability of these findings to the Indigenous Australian context.

There are three noteworthy developments in policing that warrant cautious optimism. First, police are increasingly interested in assessing their perceived legitimacy through citizen satisfaction surveys. This has coincided with a surge in academic literature on police legitimacy over recent decades (e.g., Nagin & Telep, 2020; Mazerolle et al., 2013). More recently, this literature has expanded to include what Bottoms and Tankebe (2012) call *power-holder legitimacy* or *self-legitimacy*; that is, how police view the rightfulness of their own authority and its impact on their attitudes and behaviour. For instance, police who fear being viewed as racist are more likely to support coercive policing and less likely to support procedural justice policing (McCarthy et al., 2021). In contrast, officers with higher self-legitimacy have less coercive attitudes. More broadly, higher self-legitimacy has been linked to greater police support for procedurally fair practices and lower support for coercive policing (Murphy & McCarthy, 2024). Taken together, this body of work suggests that key police stakeholders, including officers themselves, are open to engaging with questions of police legitimacy.

Second, the global rise of evidence-based policing (EBP) indicates that *some* police are eager to partner with researchers to pursue practices that are scientific, effective, and legitimate (Sherman, 2022). At its core is the notion that policing should be based on the most rigorous scientific evidence about “what works” best. This public policy approach seeks to address what Strang and Sherman describe as the “morality of evidence”; here, they claim that it is “immoral to use *untested* forms of justice that could cause more crime” (2015, p. 13, italics in original). For example, Superintendent David Cowan from Victoria Police, writing with Strang, Sherman, and Munoz (2019) found that increased offender diversions could have prevented almost 40,000 offences over a 10-year period. Thus, EBP can be used to challenge ineffective or counterproductive policies. The expansion of EBP has led to a seismic shift toward practitioner-academic partnerships and practitioner degrees (Piza & Welsh, 2021).³ Against this backdrop, Indigenous communities may choose to engage EBP strategies instrumentally to develop their own evidence base (e.g., in conjunction with justice reinvestment) and challenge unsound policies.

Nevertheless, when it comes to EBP, there are important limitations to consider, including political will, epistemological blindness, the marginalisation of critical voices (Betts, 2022), racial bias in justice data (Brunson et al., 2024), the uncritical entrenchment of police power (Cunneen, 2025), and police racism (e.g., Hopkins, 2022). These concerns extend beyond questions of evidence to broader institutional, cultural and structural barriers. For example, Cefai (2015) argues that bureaucratic structures and racism within policing restrict Aboriginal officers' ability to carry out “cultural work” in their roles, thereby limiting the potential transformative power of EBP or more systemic reforms.

Third, in Australia, restorative justice (RJ) operates as an alternative victim-centred approach to the traditional punitive model. Restorative policing has shown promising results for both victims and offenders (Sherman et al., 2015). Experimental research has also linked police-led RJ conferences to greater levels of compliance with the law and cooperation with the police (Mazerolle et al., 2013), yet their application and utilisation remain limited (e.g., Price et al., 2025). Meanwhile, Cunneen (2016) has called for RJ processes that acknowledge the colonial context of crime and the assumption that Indigenous peoples are the “problem” and settler states have the solution.

What, then, *could* the police do? Community policing offers a potential organisational strategy that has been shown to enhance legitimacy, particularly among racialised minorities (Peyton et al., 2019). Skogan (2006) distills the concept down to three

components. First, community involvement is based on the idea that the public provides valuable insights into the issues that affect them and their communities. It takes the public's concerns seriously and helps to establish them as "co-producers" of safety. Second, problem-solving moves beyond traditional reactive policing by focusing on the root causes of crime and the implementation of "true" preventative strategies, such as youth diversion. Third, decentralisation enables local police leaders and frontline officers to respond to the specific needs facing communities. This is designed to encourage police and residents to generate local solutions. In the Torres Strait Islands, community policing is used to help build trust between Indigenous people and the police, settle disputes, promote cultural sensitivity, and identify local crime problems (Emzin et al., 2022; for an international overview of community policing in Indigenous communities, see Nalla & Newman, 2013). While the evidence of community policing's impact on crime is mixed (Ekici et al., 2022; Gill et al., 2014), it may nonetheless help to address issues of legitimacy.

Community policing could be coupled with focused deterrence, a well-evidenced and conceptually aligned violence prevention strategy (Abt & Winship, 2016; Braga et al., 2019). The strategy brings together local community stakeholders, social services, and law enforcement to provide targeted "credible threats of enforcement and credible promises of assistance" (Abt & Winship, 2016, p. 20). This approach seeks to reduce offending by the "felonious few" who are responsible for most of the harm (Liggins et al., 2019). More targeted policing can, in turn, reduce over-policing, including practices that are racially biased and perceived as illegitimate (Jackson et al., 2023). For example, in North Carolina in the US, this strategy has been used to reduce intimate partner-violence-related calls to police, injuries, and recidivism rates (Sechrist & Weil, 2018). However, any place-based strategies need to carefully consider the potential to exacerbate racial inequality (Brunson et al., 2024). Here, it is worth emphasising that violence can be reduced without the police in some contexts, thereby avoiding "attendant harms of policing and punishment" (John Jay College REC, 2020, p. 3). This can occur, for instance, through non-police interventions at crime hot spots (Shader et al., 2024).

Critical scholars raise valid concerns about the potential limits of police reform, including their failure to usher in real change and their capacity to simply reinforce the hegemony of state police (e.g., Betts, 2022; Cunneen, 2023, 2025; Norris et al., 2025; Porter, 2016; Vitale, 2017). At the same time, the aim of this approach is to balance shorter-term "crime" control with broader social control that promotes self-determination. Crucially, drawing on critical scholars, it acknowledges the potentially heterogeneous desires of Indigenous communities, which may differ across time and space (Blagg et al., 2020; Porter, 2016; Scott et al., 2018; Staines et al., 2021). For example, a Northern Territory study found that Indigenous community members generally support police assistance, including proactive patrols, but felt police were ineffective at addressing domestic violence and illicit drug use (Georg & Manning, 2022). In the Torres Strait Islands, a hybridised policing model has been credited with positive community relations and lower crime rates (Staines et al., 2021). Similar patterns have been observed in non-Indigenous contexts. Following the murder of George Floyd, a Gallup poll found that while more than 90% of Black Americans want police reform, the majority nonetheless want police to maintain (61%) or increase (20%) their local presence (Saad, 2020). Taken together, these examples suggest that some Indigenous peoples and other racialised minorities, in some contexts, may not be opposed to the *existence* or *presence* of the police per se, but rather *how* they are policed and *what* is policed.

This dynamic is reflected in dialogic policing practices that have been operationalised in some Indigenous contexts. In the Yukon, Canada, Griffiths and Clark (2017) observe that ongoing reform-orientated dialogues between First Nations people and the police were associated with the development of trust and legitimacy. They note, "(t)he willingness of the police and the communities to listen, and hear, one another was a common thread in many of the initiatives" (Griffiths & Clark, 2017, p. 568). This illustrates how dialogic approaches can build trust and legitimacy in Indigenous contexts.

Still, there are valid questions about whether Indigenous-led state police reforms constitute "real" self-determination and whether self-determination ought to be viewed as a continuum, where incremental progress is a worthy pursuit. Yunkaporta (2024) cautions that Indigenous-led reforms pursued under the laws of the occupying power risk being reduced to forms of "self-administration." Indeed, reflecting these tensions in practice, Porter observes that self-determination and decolonisation in policing can be "more subtle, ambiguous, changeable and inconsistent... [than] sometimes appears in literature" (2018, pp. 448–449).

Path 2: Indigenous Self-Policing

The second path towards police legitimacy emphasises that Indigenous communities can create and co-create alternative forms of "policing" and social control that may diverge entirely from state-based policing, grounding legitimate authority instead in community, culture, and collective healing (for related discussions, see Blagg et al. 2020; Cunneen & Tauri, 2017; Georg & Manning, 2022). Here, social control refers to the "capacity of a group to regulate its members according to desired principles – to realize collective, as opposed to forced, goals" (Sampson et al., 1997, p. 918). The UNDRIP specifies that Indigenous

people have the right to self-determination and, in particular, to “autonomy or self-government in matters relating to their internal and local affairs” (United Nations General Assembly, 2007, arts. 3–4). This right, one would assume, extends to local policing capabilities, whether through granting legitimate authority to state police or through the establishment and maintenance of Indigenous-led alternatives. This could lead to the creation of more legitimate forms of “policing” that are more responsive to the unique issues facing Indigenous peoples in settler colonies in Australia and beyond (for a global discussion on policing in Indigenous communities, see Nalla & Newman, 2013). At its core, legitimate policing should “create an environment that allows liberty to flourish, not to create a police state” (Nagin & Telep, 2020, p. 776).

In Australia, Indigenous communities are using alternative approaches to justice and social control that promote self-determination (Behrendt et al., 2017; Blagg et al., 2020; Porter, 2018). As Emzin et al. note, “(a) decolonised police service may involve nurturing alternative forms of policing rather than merely improving the activities of state police” (2022, p. 242; see also Porter, 2018). To illustrate this, there are three promising examples. While these examples are not strictly policing initiatives in a narrowly-defined institutional sense, they represent different Indigenous approaches to social control that rely less on deterrence, coercion, and punishment (Porter, 2018). They look beyond the immediate crime and instead at the wider social context in which “deviance” occurs (Georg & Manning, 2022).

First, at the frontline level, night patrols are a form of community self-policing (Porter, 2016, 2018). In Australia, there are at least 130 different patrols (Blagg & Valuri, 2004). Rather than relying on formal police powers and the threat of force, the patrollers prioritise wellbeing and attempt “to intervene in situations where Indigenous people are at risk of enmeshment in the criminal justice system” (Blagg & Valuri, 2004, p. 315). They have been found to have greater community support than local state police (Georg & Manning, 2022), enhance police-community relations, reduce police call-outs (Bamford, 2018), and improve public perceptions of safety (Scott et al., 2018). Porter has suggested the night patrols are a form of “counter-policing” because they seek to reduce contact between Indigenous youth and the police “by shepherding young people away from police ‘hotspots’” (2016, p. 559). While not without significant tensions, Porter (2018) found that police and patrol workers identified areas of common ground, including shared recognition of patrol workers’ capacity to intervene before police are needed. There is also scope for improvement, with others suggesting that night patrols could benefit from greater youth participation, more autonomy from state regulatory bodies, and better integration with community services (Scott et al., 2018).

Another frontline example is the hybrid model of policing in the Torres Strait Islands. Torres Strait Islander cultural practices and “policing” structures have largely retained their pre-contact self-policing structures (Staines et al., 2021). In these communities, “[l]ocal norms are reinforced through tightknit social networks from which multiple forms of policing have both arisen and been enmeshed” (Staines et al., 2021, p. 14). Today, Queensland Police Service officers work alongside civilian Torres Strait Island Police Support Officers, many of them Indigenous, to serve communities with a greater emphasis on consent-based community policing (Emzin et al., 2022). They adopt a flexible “localistic” approach that uses local networks and emphasises discretion rather than a “legalistic” one. This has resulted in stronger police-community relations and may explain lower crime rates (Staines et al., 2021). Despite limitations in legal powers, resourcing, and officer pay, Emzin et al. conclude that these initiatives “evolved as ‘bottom-up’ strategies and may offer an everyday example of Indigenous governance and local knowledge” – a model they describe as “policing light” (2022, p. 252).

Finally, across Australia, justice reinvestment is expanding as a whole-of-community approach to crime and social harm (Allison, 2023; Willis & Kipira, 2018). Justice reinvestment diverts resources from carceral strategies and reinvests them back in the community in the form of early intervention, diversion, and community development (e.g., Blagg et al., 2017; Cunneen et al., 2018; John Jay College REC, 2020, on non-police community responses). In addition, some have suggested that “[t]o be effective, diversion has to involve diversion *not just out of one system but into another*” (Blagg et al., 2017, p. 249, italics in original). For example, young people could be diverted to “On Country” initiatives (Indigenous-led, community place-based programs) that strengthen cultural identity and connection to community and land (Blagg et al., 2017, 2020; Cunneen et al., 2018). One such initiative is the Yiriman Project in the West Kimberley, where Elders take young men out bush to learn about Aboriginal Law and care for Country (Clark, 2025).

The tensions between state-based policing and Indigenous self-policing models creates an opportunity to reimagine modern policing in settler states, and more broadly. Proulx describes this process as a “blending of justice” that can “produce stronger philosophical and practical approaches to law [and] justice” that move beyond colonial binaries (2005, p. 104). These intercultural conversations could create a space for a “justice system to flourish that respects Indigenous law and culture” (Blagg et al., 2017, p. 352).

Towards a Decolonised Dialogue

If Indigenous self-determination is a precondition for legitimate authority, decolonised dialogues are necessary to determine what forms of social control are legitimate and whether the two heuristic pathways are regarded as morally and pragmatically sound from the standpoint of Indigenous communities (for example, see Blagg et al., 2020). This form of dialogue recognises the colonial origins of the criminal justice system (e.g., frontier expansion), the Western assumptions that underpin authority and social control (e.g., settler state hegemony), and Indigenous sovereignty. Fundamentally, a decolonised dialogue aims to flatten the hierarchical relationship between state power-holders and Indigenous communities, opening space for locally defined and evidence-based forms of social control (for related discussions, see Blagg et al., 2020; Cunneen & Tauri, 2017; Sherman, 2022). This process could be formalised through treaties that recognise Indigenous peoples' right to be involved in "policing" decisions, ultimately promoting "local visions of governance" (Porter, 2018, p. 451). Crucially, these political dialogues cannot be separated from the knowledge systems that inform them; as such, research on police legitimacy must undergo a parallel transformation. This epistemological reorientation recognises that criminology's "failure to reckon with the colonial past has left it theoretically and methodologically underdeveloped" (Agozino et al., 2024, p. 260).

The colonisation of Indigenous peoples went beyond the theft of lands and included the delegitimisation of Indigenous knowledges and ways of knowing (Cunneen & Tauri, 2019; Rigney, 2001; Tauri, 2018). Colonialists and settlers engaged in "cognitive imperialism," whereby their political advantages were used to establish their "knowledge, experience, culture, and language as the universal norm" (Battiste & Henderson 2000, p. 134). Bhargava argues that such processes result in an "epistemic injustice ... [which] occurs when the concepts and categories by which a people understand themselves and their world are replaced or adversely affected by the concepts and categories of the colonizers" (2013, p. 414). As such, Indigenous epistemologies can promote "counterhegemonic knowledges" (Santos, 2018, p. 30) that challenge the North's "cognitive empire" (Santos, 2018).

The decolonisation of research methods is the first step towards deconstructing dominant epistemologies and respecting Indigenous knowledges (Blagg et al., 2020; Cunneen et al., 2017; Rigney, 2001; Tauri, 2018). Indigenous knowledge is more relational in nature; it recognises the symbiotic interdependence between people, including the researcher, communities, and the land (Cunneen & Tauri, 2019). Indigenous methodologies seek to ensure that the design, implementation, and outcomes are responsive to Indigenous needs and cultural protocols (Cunneen et al., 2017). One way to approach this philosophical quagmire is to work towards what I call "epistemological consilience"; that is, the unification of distinct knowledge philosophies. The term "consilience" is borrowed from the renowned biologist Edward O. Wilson who argued that the sciences and humanities should unify to "grasp the human condition" (1999, p. 177). Here, I seek to draw on the strengths of positivist, qualitative, critical, and Indigenous scholarship. We should, however, consider the potential risks, such as the dilution of Indigenous knowledges, power imbalances, and the privileging of Western frameworks and values (see Hickey, 2020).

In this context, Cunneen and Tauri (2016) identify three guiding principles for Indigenous criminological research. First, scholars need to adopt "committed objectivity"; that is, they need to be able to speak with "empirical authority about that life-world of Indigenous people" that is "predicated on *purposefully standing in the social context*" (Cunneen & Tauri 2016, p. 31, italics in original). Put simply, it is necessary to recognise Indigenous worldviews and settler colonialism. Second, they should speak truth to power and give back to communities with whom they have generated knowledge with. This includes *giving* voice to the silenced, such as the policed (e.g., Jackson, 2024), rather than *speaking* of the silences. Third, the research should be "real," rooted in knowledge that comes "*from within*" Indigenous peoples and their communities. More recently, Tauri and Cunneen added an additional four principles to Critical Indigenous Criminology that emphasise "facilitating reciprocity," "centering the colonial project," "advancing the decolonisation project," and "supporting and sustaining Indigenous self-determination" (2024, p. 3). These principles should be further guided by appropriate ethical standards (Bargallie et al., 2020). Taken together, these principles may help guide the conceptualisation and implementation of future research on police legitimacy in settler colonial contexts.

Conclusion

Beetham (1991) argues persuasively that legitimate authority must be established and exercised within the norms, rules, and laws of the culture in which they exist. Therefore, I call for the expansion of Bottoms and Tankebe's (2012) dialogic legitimacy model to include decolonised dialogues that recognise settler colonialism, promote Indigenous self-determination, and, where desired by communities, advance epistemological consilience. My central theoretical claim is that Indigenous self-determination is a necessary precondition for legitimate authority. If police are viewed as part of the problem of order, then self-determination cannot be realised, and liberty cannot flourish.

This article proposes two methods to decolonise power and legitimise authority: (1) re-orientating state policing through the eyes of Indigenous peoples and/or (2) supporting Indigenous-led forms of social control. The overall aim should be to reduce police contact and incarceration rates (Bargallie et al., 2020). In combination, a dual approach acknowledges the heterogenous and evolving views of Indigenous peoples, challenges the idea of a pan-Indigenous solution, and recognises real world constraints (e.g., community capacity, resourcing, and the available evidence base). While my core argument raises more questions than it answers, it is a call to advance the police legitimacy scholarship to meaningfully address the settler colonial context in Australia and beyond.

Without Indigenous self-determination, the legacy of colonialism will endure. While it may be difficult to reimagine forms of social control that promote Indigenous self-determination and contend with settler colonialism, the short history of Robert Peel's London Metropolitan Police and the democratic state, more broadly, indicates humanity's enormous capacity for social and institutional transformation. Before proceeding, however, the anthropologist Richard Wrangham warns that "we should constantly remind ourselves of how easily complex social organisation can decay, and how hard it is to construct" (2019, p. 280).

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Correspondence: Michael K. Bryden, Chancellor's Postdoctoral Indigenous Research Fellow, Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney, Australia. michael.bryden@uts.edu.au

¹ The author is of Palawa (Tasmanian Aboriginal) and English descent.

² For a broader overview of Indigenous self-determination, see Rademaker and Rowse (2020).

³ For a repository of police intervention evaluations, see the *Global Policing Database* (Mazerolle et al., 2023) or the Evidence-Based Policing Matrix (Lum et al., 2024).

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