

RESEARCH NOTES

Civilian oversight as a public good: democratic policing, civilian oversight, and the social

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In recent years, a number of community groups have mounted public campaigns for civilian oversight of police complaint processes, as ‘police investigating police’ is seen as failing to adhere to a principle of democratic policing: police are accountable to civilian authority. Drawing on notions of policing as a public good, I argue that civilian oversight is a source of physical and ontological security. In developing this perspective, I offer an explanation as to why policing scholars and persons affiliated with community groups might advocate for the use of civilian oversight, and consider a model by which to enhance perceptions of public security.

Keywords: civilian oversight; democratic policing; security; public good; accountability; legitimacy

Democratic policing supplies a small but vital component of the resources of secure belonging. (Loader, 2006, p. 210)

In recent years, a number of community groups have mounted public campaigns for civilian oversight of police complaint processes, as the act of ‘police investigating police’ is seen to violate a fundamental principle of democratic policing: police are accountable to civilian authority and the needs of *all* civilians (Goldsmith & Lewis, 2000; Landau, 1996; LeSage, 2005; Lewis, 1999; Lewis & Prenzler, 1999). Consequently, police abuses of authority reinforce the notion that some degree of civilian control of state agencies is necessary for the legitimacy of democratic states (Herbert, 2006). To this end, civilian oversight bodies are thought to generate a climate of accountability, openness and transparency in the communities they serve (Walker, 2005).

Thus far, discussions of civilian oversight have largely centred on issues of police accountability and legitimacy. The ways in which civilian oversight may contribute to the reaffirmation of ‘community’, ‘citizenship’ and ‘public security’, however, have been less often considered within the policing literature. In this article, I critically reflect upon the political significance of ‘civilian oversight’. My aim is to expand existing claims as to why we need external review and more specifically civilian oversight. With reference to Loader’s (1997a, 1997b, 1999, 2000, 2006, 2007; Loader & Walker, 2001) work, I argue that civilian oversight, as a form of external review, is consistent with the principles of democratic policing. Contrary to internal forms of review,

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civilian oversight is seemingly generative of community support for public police. Hence, a more critical analysis of civilian oversight reveals an increasingly complex picture: civilian oversight is a source of physical and ontological security. In exploring this claim, I answer the following question with reference to Loader and Walker's (2001) notion of policing as a public good: How does the idea of public security help us to justify our need for civilian oversight of police complaint processes?

In developing and illustrating this perspective, I also offer an explanation as to why policing scholars and persons affiliated with community organizations advocate for the use of civilian oversight. In the pages that follow, I provide a literature review of civilian oversight and its political relevance to democratic policing. Second, I discuss the ways in which civilian oversight is a source of public security and, by extension, a public good. Finally, I consider a strategy by which to enhance perceptions of public security in relation to civilian oversight.

Why is civilian oversight politically significant?

... The task is to engage citizens in public dialogue about policing in ways that enable them to see that the security and political freedom of each and all is more likely to be nurtured and protected through their participation with others in forms of common deliberation. (Loader, 2006, p. 281)

Public policing efforts rely on and involve a diverse array of community agencies and organizations. Persons working within community agencies assume a pivotal role in public policing by overseeing the social control efforts of the police and other state agencies. For instance, agency staff might assist in Restorative Justice¹ programmes through which the offender, victim and staff work together to repair and rebuild the fractured community bonds.

Community representatives may also participate in civilian review processes to evaluate potential cases of police misconduct and corruption. Representatives are thought to be objective, impartial judges, who advocate for their civilian constituencies. A respondent in Beattie and Weitzer's (2000) study captures this sentiment: 'I hope the review board is made up of people who are able to look at the situation in an unbiased fashion. Civilians view the situations differently than the police do, and we need someone to represent the opinion of civilians' (p. 42). The presence of civilians within police complaint processes is said to enhance police credibility, accountability, and ultimately, public confidence in police services (Watt, 1991).

Given the importance of the citizens' role in policing projects, the police must understand themselves as subservient to the community, and allow for citizens to evaluate police performance and assist in the construction of police policy (Herbert, 2006). Without such responsiveness, 'the police's inquest for legitimacy might well suffer' (Herbert, 2006, p. 69; see also Huey, 2007).

Sustaining legitimacy is a central leadership obligation (Manning, 2001). The police must cultivate '... the inchoate, supportive feelings towards policing that exist within society' (Loader 1997a, p. 5) and capitalize on pre-existing symbolic capital between police and nation. A failure to do so may inhibit the development of effective community-police partnerships (Goldsmith & Lewis, 2000). Previous research has revealed that the lack of transparency evident within the internal handling of police complaints can be a significant barrier to police legitimacy, accountability and, in turn, to community support for public police (Hryniewicz, 2008; Landau, 2000).

Police accountability, a concept central to the discussion of community support for public police, encompasses issues of poverty, racism, homelessness and, in turn, the social movements that address these issues (Ceric, 2001). In Canada, the limitations of traditional, internal complaint processes have been documented by the Aboriginal Legal Services of Toronto (ALST). According to the ALST, ‘... there is sufficient, in fact substantial, empirical evidence, to show that communities do not have confidence in an oversight body that is not independent of the police, nor accessible to each community member ... The entire police complaints process lacks credibility in the Aboriginal community’ (2003, p. 1).

PIVOT Legal Society in Vancouver has reported similar findings. According to PIVOT (2004), marginalized citizens (e.g. homeless persons) who are the victims of police misconduct do not often trust the police to complete a fair investigation. Furthermore, marginalized victims fear retaliation by police officers if they do make a complaint (PIVOT, 2004).

In addressing the limitations of traditional complaint processes, civilian oversight seeks to deepen and extend expressions of citizenship – among all citizens – by presenting itself as an ongoing collective project in community policing (PIVOT, 2004). Citizens, united by a common need for security, derive an identity and sense of *security* from their attachment to a political community (Loader, 2006).

In this context, ‘security’ refers to the risks and dangers inherent in and a product of the environment. ‘Security’ encompasses the resources individuals and groups use to manage the unease that is generated by the risk of victimization (Loader, 2006). For instance, the police perform a security management function in which they are involved in restricting the exposure of members of the public to an array of physical and ontological dangers.

In reviewing the policing literature on civilian oversight, one theme persists: civilian oversight is inextricably linked to discussions of police accountability and legitimacy. In what follows, I consider the role of civilian oversight within public policing and democratic governance.

Civilian oversight as a public good

Our sense of safety and security is irreducibly social and deeply implicated in our relationship with others. (Loader & Walker, 2001, p. 26)

In exploring the associations between democratic policing, civilian oversight and the ‘social’, one must consider an often-overlooked aspect of public policing: the contribution of democratic policing to the social lies in task performance (Loader, 2006). Policing tasks must be performed in ways that sustain the conditions of a democratic ‘common life’ in which the security of all individuals and groups is protected (Loader, 2006). To this end, civilian oversight provides a way in which the police may reinforce and rationalize their public function as ‘democratic protectors’.

Public participation within the review process is fundamental to democratic governance and societal order. The external investigation of police complaints provides citizens with a mechanism by which they can reaffirm their social values; citizens are able to critically question and influence state proceedings. Hence, the contribution that civilian oversight makes to security provides citizens with a ‘token’ (Loader, 2006, p. 214) of their membership to a political community. Members of marginalized

communities, such as the homeless, the disabled and the Aboriginal community, share a vested interest with members of non-marginalized communities to ensure that police efforts and actions are legitimate. It follows, then, that individuals who advocate for external review are defending something that is inherently social: a desire for common security and protection from undemocratic acts.

Civilian oversight provides a political platform that all citizens, in theory, can access. Through civilian oversight, citizens engage the state in public dialogue, raising concerns that are responded to and considered within policy forums. As Loader (2006) contends, public dialogue is fundamental to political processes, as it demonstrates an important truth: the security and political freedom of each person is more likely to be nurtured and protected through their participation with others. In other words, the securities and freedoms of one are inextricably linked to those of another. Our physical safety and ontological sense of security are irreducibly social and deeply implicated in our relationship with others (Loader & Walker, 2001).

In considering civilian oversight as a source of public security, we might further this statement and make the claim that civilian oversight is a primary and fundamental example of a 'public good'; a good that is a prerequisite to the generation of other political goods (Loader & Walker, 2001). 'Public goods' are thought to be implicated in the process through which justice and equality are conceived (Loader & Walker, 2001). In the present case, civilian oversight serves as the catalyst by which democratic principles are reinforced and readapted. During the external review process, civilians and police personnel collaborate and consider political issues. Ultimately, both police and non-police persons work together to re-instil public safety and confidence in the police.

If we consider civilian oversight as a constitutive public good – a 'source of security whose actualization is so pivotal to the purpose of community that it helps to construct and sustain our "we-feeling" and our very sense of "common publicness"' (Loader & Walker, 2007, p. 164) – we must consider the political implications of this claim. We must ask ourselves how the processes of civilian oversight enhance public security.

Civilian oversight: a security-enhancing strategy

There is a tendency for the quality of security to be enhanced in the case of any particular individual when the security of those with whom that individual shares a social environment is also reasonably attended to. (Loader & Walker, 2007, p. 161)

As observed by Loader (2000), policing commissions are intended to fulfil their remit in ways that sustain considerations of democratic deliberation, equity and effectiveness in the delivery of policing and security services. In light of Loader's (2000) discussion of plural policing and democratic governance, I consider four *critical* dimensions of the civilian review process: public agreement, democratic decision-making, public accountability and evaluation.

Public agreement

Quite simply, civilian review boards aim to arrive at decisions that secure the broadest levels of public agreement without either: '(1) prejudicing the active rights of any individual or social group affected by the decision; or (2) acting in ways that are

disproportionately detrimental to the other interests and aspirations of such individuals and groups' (Loader, 2000, p. 338). From this perspective, the unwarranted 'over-' (or overly invasive) policing of particular individuals, as well as the 'under-policing' and inability of marginalized civilians to acquire a proportionate level of policing resources, are considered undemocratic and thus unacceptable actions.

Democratic decision-making

Civilian review boards are responsible for arriving at decisions that are democratically constituted. A variety of agencies, which are publicly funded and 'democratically steered' (Loader, 2000, p. 339), assist in the review and are provided with an opportunity to select community representatives who actively participate in the review proceedings.

Public accountability

The rationale underpinning this dimension is to '... enable an unbroken chain of legitimation to be traced from any one of the plethora of agencies who may be undertaking (governmental) policing functions to some form of democratically constituted political authority' (Loader, 2000, p. 339). In other words, the agencies and community groups participating in the review processes are accountable to the public. As in the case of police institutions, citizens participating in the review process are must consider and uphold the principles of democratic governance central to police operations. Public support for civilian review processes hinges on positive perceptions of the police (non-civilian) and community (civilian) organizations.

Evaluation

Evaluation provides a vital addition to the review committees' functions. Citizens are able to '... reflexively supervise the delivery of [complaint] processes across a locality and remove or replace agencies whose performance serves to undermine the considerations of equity, effectiveness and democracy that the commission has been constituted to protect' (Loader, 2000, p. 340).

Discussion

Meaningful civilian involvement in the handling of public complaints against the police has been a focus of scholars, police reformers and commissions of inquiry for some time. Intermittent scandals involving police mistreatment of ethnic minority individuals and groups have contributed to recent calls for reform in the Canadian context and elsewhere (PIVOT, 2004).

In response to these and other incidents, a number of community groups have mounted campaigns for civilian oversight of police complaint processes. Incidents of police misconduct reinforce the notion that some degree of civilian control of state agencies is necessary for the legitimacy of democratic states (Herbert, 2006). Civilian oversight bodies are thought to generate accountability, openness and transparency in the communities they serve (Walker, 2005).

I have argued that civilian oversight of policing is a source of both physical and ontological security. Civilian oversight expresses and gives effect to an idea of a

society that is an ongoing, collective project, enabling citizens to derive an identity and sense of security from their membership of, and attachment to, a political community.

As a source of security, civilian oversight is a vehicle by which democratic principles are reinforced and readapted. Individuals who advocate for external review are defending something that is inherently social: a desire for common security and protection from undemocratic acts. Given that civilian oversight is linked to notions of citizenship, community and security, it is imperative that future research evaluates the extent to which individuals and community organizations feel confidence in their local police complaint process. In soliciting the views of marginalized citizens (who are often excluded from civilian review processes), we will gain insight as to how police governing agencies (i.e. police review boards and civilian oversight committees) can best assist in the fostering of civic solidarity and identification across the boundaries of local or ethnic community.

Note

1. An approach to justice where offenders are encouraged to take responsibility for their actions and to repair the harm they have done by apologizing, returning stolen money or doing community service.

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