

Perspectives of directors of civilian oversight of law enforcement agencies

Directors of
COLE agencies

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Abstract

Purpose – The purpose of this paper is to involve interviews with civilian oversight of law enforcement (COLE) directors from throughout the USA with the purpose of obtaining their perspectives on what it takes to create and sustain successful COLE programs.

Design/methodology/approach – The project involved 24 semi-structured interviews with experienced COLE directors. The interviews were transcribed and coded and this paper presents these perspectives according to patterns identified during analysis.

Findings – The research identified themes and patterns in the attitudes of the oversight directors which included numerous conditions necessary for success of an oversight agency. Amongst the most important conditions included agency independence, director job security, the need for professional qualified staff, unfettered access to information, the ability to publicly report on the agency's work and a willingness on the part of government officials to tolerate criticism of the police.

Originality/value – This is the first study to identify the challenges and impediments to sustainable COLE mechanisms from the point-of-view of experienced agency directors. The findings can be used by future practitioners to learn from past experiences.

Keywords Civilian oversight of law enforcement, Police accountability, Police oversight

Paper type Research paper

Introduction

In the USA, the primary method by which police are held accountable to the public is through the political process. Elected officials are generally responsible for ensuring the effectiveness of policing through the appointment of police executives and the control of police budgets. However, these political methods of control have often been ineffective (Walker, 2001, p. 9; Police Assessment Resource Center (PARC), 2005, pp. 7-8).

Police misconduct and the use of excessive force by police have substantial impacts on public perceptions and on their willingness to cooperate with the police in promoting and ensuring public safety (Walker, 2001). Alternatively, research shows that when police treat members of the public with dignity and respect, the police are more likely to be viewed as legitimate and the public is more willing to accept police decisions and abide by the law (Tyler, 1990; Tyler and Fagan, 2008; Worden and McLean, 2017).

Over the last two decades, many jurisdictions throughout the world have created "Citizen Oversight of Law Enforcement" (COLE) agencies with the intent that the investigation, monitoring, auditing or adjudication of police complaints, police discipline and police use-of-force by independent civilian-led organizations will encourage public confidence in the police and help ensure accountable, effective and constitutional policing (Walker, 2001; Prenzler and Ronken, 2001; Ferdik *et al.*, 2013; Walker and Archbold, 2014).

As professional COLE practitioners have worked to identify best practices in civilian oversight, they have been challenged on all sides, alternatively being accused of being "pro-police" or "anti-police." The profession has been fraught with conflict and has been



forced to operate somewhere between the demands and expectations of the communities they serve and the police departments they oversee.

Although these oversight programs have been created in many different cities facing similar issues and controversies in policing, the programs tend to be extremely diverse. In fact, the specific politics, cultures and histories of each police agency and the government which creates it determines what powers and attributes each agency will have (DeAngelis *et al.*, 2016). A common issue of debate has been the extent to which such agencies have, in fact, been successful. The success or failure of these agencies is often assessed according to their longevity and the extent to which they have been the subject of adverse publicity or criticism on the part of the public or the police. However, little, if any, attention has been paid to the viewpoints of executive directors of such programs and their thoughts as to how to ensure the success and sustainability of an oversight organization.

Although substantive literature is available regarding the effectiveness of ensuring police accountability through third-party civilian oversight of law enforcement (COLE) mechanisms (DeAngelis *et al.*, 2016), no qualitative studies have been conducted that identify challenges and impediments to sustainable oversight mechanisms from the point-of-view of experienced oversight agency directors. This paper discusses the consensus perspectives of experienced oversight directors based on their experiences in attempting to create and sustain successful oversight programs throughout the USA.

Literature review

The foundation of modern policing is found in Sir Robert Peel's "Principles of Law Enforcement" which were developed as the result of a need to deal with crime and disorder in 19th Century London (Peel, 1829; PARC, 2005). Arguably, the foundation for COLE in the USA is based on the idea that it is the responsibility of COLE practitioners to "oversee the police and enforce Peel's principles" (PARC, 2005, p. 6). In fact, civilian oversight practitioners are generally committed to enforcing Peel's stated principles that "the police are the public and the public are the police;" "the police preserve public favor, [...] by constantly demonstrating absolute impartial service to [...] all members of society without regard to their race or social standing;" and the "police should only use the minimum degree of physical force which is necessary [...] for achieving a police objective" (Peel, 1829).

Over the last 25 years, a substantial number of books have discussed the handling of public complaints against the police and internal and external mechanisms for reviewing police actions, ensuring officers are held accountable and reducing the risk of police misconduct. Although some texts have been specific to policing in the USA (Perez, 1994; Walker, 2001, 2005; Walker and Archbold, 2014), similar issues and concerns have been discussed relating to other countries, most often describing experiences in the UK, Australia and Canada, but also to include experiences in other nations (Goldsmith, 1991; Sen, 2010; MacAlister, 2012; Scott, 2014; Prenzler and den Heyer, 2016).

Although oversight practitioners have contributed to the literature (Bobb, 2003; DeAngelis *et al.*, 2016) and, in some cases, have identified specific challenges and needs based on practical experience (Freckelton, 1991; Livingston, 2004), there are no published works which systemically describe or primarily rely on the perceptions of experienced oversight practitioners. In one case, however, a series of core principles for an effective Police Auditor's Office was developed as the result of a 2003 meeting of US Police Auditors. The principles developed noted that the need for independence, adequate jurisdictional authority, unfettered access to records, access to law enforcement executives and employees, full cooperation, support of process stakeholders, adequate resources and the need to be able to publicly report and provide transparency without being retaliated against (Walker, 2005, pp. 167-169).

The individual experiences that have been published have identified occurrences consistent with the principles developed by the US police auditors. For example, Freckelton, the former manager of the Police Complaints Authority (PCA) in Victoria, Australia described the loss of governmental support and the ultimate demise of the PCA after it published a report critical of police practices. He suggested that for a future similar body to be successful it would require: understanding from police executives as to the benefits of police accountability; the legislative authority to conduct investigations; “authoritative, talented and patient staff,” and a “genuine political commitment on the part of the government of the day” (Freckelton, 1991, pp. 108-109).

Livingston, the former Chair of the New York Citizen Complaint Review Board (CCRB) specifically referred to “the Unfulfilled Promise of Citizen Review” as it related to her organization. She discussed the difficulties faced by the CCRB as a “culpability-focused” organization and the need to balance collaboration with the police against the need for structural and perceived independence from the police (Livingston, 2004).

The academic literature similarly has noted the challenges faced by oversight systems which place an emphasis on punishing individuals rather than focusing on systemic issues (Goldsmith, 1995; Harris, 2012; Prenzler and den Heyer, 2016, pp. 132-133) and the challenges faced relating to “the potential for erosion of independence (or perceived erosion)” when oversight agencies work collaboratively with the police (Prenzler, 2000; Prenzler and den Heyer, 2016, pp. 243-245). In addition, other academics have identified the importance of independence, the challenges faced by offices lacking structural independence from the police department, the limited mandate of some oversight agencies, challenges due to limited resources and public outreach challenges faced by agencies required to provide fair and objective oversight (Prenzler and Ronken, 2001; Walker, 2001; Clarke, 2009; Savage, 2016).

Methodology

This research sought out the views and judgments of COLE agency directors who had longevity in their positions or who had led more than one oversight agency. The population of directors asked to participate all served at least six years in their positions. The six-year period was chosen because when terms of office do exist, they generally range from three to five years. As such, a director who had served six or more years could be considered to have served more than one term of office.

The research population was limited to directors of “independent” agencies. These agencies, as defined, had no structural ties to, and were designed to operate independently of, a police executive. As such, the police department’s successes and failures would not necessarily be shared by the oversight agency and similarly the successes of the oversight agency would not necessarily be shared by the police department. Instead, the COLE agencies’ successes could come at the expense of the police department and its reputation.

The applicable agencies chosen were required to be authorized by statute, ordinance, administrative rule or executive order to function on an indeterminate basis. In addition, the agencies must have reported themselves to be independent from the police agency over which they had jurisdiction and could not have hiring or firing authority over a police chief—which could result in the agency potentially being invested in the success of the department falling within its jurisdiction.

This limited population of agencies was necessary to ensure that the study included only directors of agencies subject to police opposition which had the potential to negatively impact the ability of the agency to be successful. These agencies face the most daunting challenges in creating and sustaining a successful oversight function.

The population of directors was identified after conferring with the executive board and staff and past and present officers of the National Association for Civilian Oversight of Law

Enforcement and asking identified directors about their knowledge of other potential members of the population. In total, 26 directors and former directors were subsequently identified, with 24 directors agreeing to participate in the study. As the participants were located all over the USA interviews were conducted by phone over two phases: directors who had created more than one program were interviewed between February and March 2017; all other directors were interviewed between August and October 2017. Semi-structured interviews were conducted with each director, all of which were audio recorded and transcribed.

The following questions were asked of each participant:

- (1) Tell me what it was like to (create your first agency)/(run your agency at first). (How did (community, government, police) stakeholders respond initially?) Did response change over time?
- (2) How did your experiences differ (if at all) with respect to your second/third agency?
- (3) What do you believe a successful oversight agency looks like?
- (4) How would you define success with respect to a COLE agency?
- (5) How can a new executive director of a COLE agency ensure the agency's long-term success?
- (6) To what extent does the willingness of a COLE agency director to work collaboratively and cooperatively with the law enforcement agency under his/her jurisdiction impact the agency's ability to be successful in the long-term?
- (7) What are the conditions of success necessary to ensure the sustainability of a COLE agency?
- (8) What have you found to be the most significant challenges to the sustainability of a successful COLE agency?
- (9) What are the most important tools needed to ensure a successful COLE agency?
- (10) What adjectives would you use to describe a successful oversight director?
- (11) Any other additional comments that would assist future oversight practitioners?

Using NVivo software, an open coding process was employed; thematic elements of the interviews were identified and specific segments were aggregated as common themes were brought together and identified as theoretically interesting. In total, 24 themes were initially identified (as mentioned by ten or more participants) and those themes involving consensus were then combined into the sections described below.

Findings

As shown in Table I, there was substantial diversity amongst the study participants to include gender, ethnicity, professional backgrounds and models of oversight agencies supervised. Although there were differences of opinion between directors, up to and including criticisms of actions of other study participants, the study findings presented here are limited to areas in which general consensus was found amongst and between study participants.

Quotations used in this paper are primarily from interviews conducted during the first phase of the research. Subsequent interviews corroborated the perceptions and thoughts represented in the quotations. Given that many of the participants were currently serving in oversight positions, anonymity was required to obtain honest appraisals of COLE performance. As such, quotations have not been attributed to any particular participant.

Table I.
Participant
Demographics

13 males (54%) 11 females (46%)	12 Caucasian (50%) 8 African-American (33.3%) 4 Hispanic (16.6%)	54% lawyers 16% former prosecutors 28% with Liberal Arts or Psychology backgrounds 16% former police officers
33% (8) led more than one agency 12.5 % (3) led more than two agencies	Participants led a total of 35 agencies: Auditor-Monitor Focused (45.7%) Review Focused (37.1%) Investigation Focused (17.1%)	Director longevity: average time in service: 13 years 6–12 years: 11 (45.8%) 12–20 years: 10 (41.6%) > 20 years: 3 (12.5%)

Note: For definitions of classification schemas for oversight agencies, see DeAngelis *et al.*, 2016, pp. 24-25, 27-30

The research identified themes and patterns in the perspectives of the oversight directors which included the numerous conditions necessary for success of an oversight agency. Agency directors exhibited a strong sense of passion for their work, believing that it is essential to ensuring constitutional and effective police practices and reducing the risk of police misconduct and malfeasance (Table II).

Impressions of oversight directors

Some of the COLE oversight directors involved in this study began working in the profession in the 1990s and many are currently engaged in the profession. Oversight directors described their jobs as requiring tact and diplomacy, strategic thinking and good communication.

Success

Various definitions of “success” were provided by the participants, to include: “when the community views that the services that you provide (#1) have value and (#2) are legitimate;” “It’s a question of building the trust of the community, not only in your work, [...] but also in the work of the police department;” “the ability to enter just and fair determinations of police misconduct complaints in as timely a manner as possible;” and “when you can actually ensure that the department is conducting fair, thorough and complete investigations, imposing discipline in a reasonable manner, and that the policies and practices of the department are in accord with the reasonable expectations of the community.” One participant noted that “success also looks like when the agency is taking on the [police] department and holding it accountable for its failures.” However, there was also general agreement that providing transparency in decision-making, even where it does not result in department action, is an important role for oversight: “sunshine is the best disinfectant.”

In response to the question regarding an oversight agency’s success in the face of obstinate behavior by the police or a police executive, one director suggested that it is the “responsibility of the oversight agency director to educate the collection of stakeholders in a way that people would realize that [the Chief’s actions are] unacceptable [...] Where a police

Foundation in legislation Adequate Scope and mandate Structural and actual independence Adequate budget and resources Unfettered access to information	Qualified, capable and selfless director Dedicated and talented staff Support from government and community Collaboration with police executive Transparency through public reporting
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Table II.
Primary themes

chief is being completely obstinate, it is the responsibility of the oversight agency head to alter that situation.”

Directors were asked to describe the kind of oversight director who is most likely to succeed. Participants described a wide array of traits that included being diplomatic and collaborative, tactical and strategic, innovative, persistent, politically savvy, resilient, passionate, principled, empathetic, thoughtful, articulate and objective. This combination of attributes was used to describe a person who is able to constantly balance the sometimes conflicting expectations and demands of diverse stakeholders within a community.

Participants were specifically asked about their thoughts regarding the extent to which an oversight director needs to work “collaboratively and cooperatively” with the police. While participants recognized the importance of being able to work with the police, they also recognized not only the importance of independence but also the perception of independence. Some recognized that the term “collaborate” could be interpreted to suggest that the COLE was “in bed” with the police department. Regardless, participants supported the collaboration with their police departments.

It was noted that a COLE director who is unwilling or unable to work with others will “quickly or eventually sink the ship for that agency; at the same time, if the director or executive is too willing to work cooperatively and is essentially looking to please people, they will be seen as ineffectual, ineffective and co-opted.” Working collaboratively was identified as helping to enhance government support for an oversight agency: “elected officials and the public at large like to see us working together on something that benefit[s] them [as long as it is not] something where structurally we’re not supposed to be working together.”

One Director described the balancing act required to collaborate with a police agency:

[...]it is a rule of inverse proportionality: the closer you are to an agency, the more access you have, the more you are able [to be] productive—the greater likelihood that you will be perceived as being too close and lacking independence. The more distance you place between yourself and the agency through different devices, the more you will be perceived as independent, but the less you will actually be making a difference in impacting how the agency decides issues of accountability.

The ability “to write fair and objective reports that pinpoint reforms and get the police departments to implement those reforms” and the need to come up with “sound, reasonably articulated and reasoned opinions and recommendations” were also considered requirements for long-term success.

The need for directors to be passionate about their work identified concerns regarding managing an agency:

It can be done as an exercise in a bureaucracy. As a transactional enterprise [...] But, to be really successful, one has to be passionate about the enterprise of the work.

Finally, participants recognized that an oversight director needs to be both strategic and tactical: a director needs to know when to leave an issue for another day. With respect to the sustainability of the agency, participants highlighted the need to think about long-term risk management and further, to consider whether “this is the hill you want to die on.”

Selflessness

Participants recognized that in order to be successful in civilian oversight, a director could not be “feint of heart.” Participants generally expressed agreement with the philosophy that “you’re going to be criticized no matter what you do, so you might as well be criticized for doing the right thing.” Ultimately, directors appeared to believe that there was a need to subsume one’s own personal goals and feelings to the needs of one’s organization and the overall public good.

Independence and director job protection

Job protection for COLE executives is controversial. Many municipalities are reluctant to give job protection to these positions, concerned that an incompetent or over-aggressive director could cause substantial damage to the reputation of the city. Even though most municipalities in the USA engage their COLE director on an “at will” basis (DeAngelis *et al.*, 2016, Table B7), the need for executive director job protection was a concern for most of the research participants.

Participants were concerned that a director who fears losing his or her job would be less independent and less able to pursue important but controversial issues. While it was understood that mechanisms to remove an incompetent director are necessary, directors also need “to be free from politics” and “insulated from the shifting winds of the politics of the moment.” Regardless, participants agreed that agency directors must be willing to make tough decisions that could result in the termination of their employment.

Importance of legislative authority

Participants emphasized the importance of having an appropriate legislative foundation to provide the necessary conditions for success. Most important was the need to have the organization’s foundation in Charter or ordinance. “Whatever enables the agency to exist and to operate; the more immutable the better.” “You need a strong foundation in legislation, hopefully in Charter, to ensure it’s difficult to remove the organization.”

With respect to legislative content, the most common suggestions involved the need for structural independence, a scope and mandate consistent with community expectations, the need for “unfettered” access to department information and records and the ability to publicly report (without censorship on the part of the city government) on the COLE agency’s work and the police department’s performance.

Access to information

Participants noted that it is impossible for a COLE agency to conduct independent investigations and inquiries without complete and unfettered access to department information and department staff. Without the ability to access department records and staff, the agency can become completely dependent on the good graces of the police executive and potentially be rendered ineffectual.

Transparency and public reporting

The ability to publicly report on the agency’s work and the successes and failures of the police agency being overseen was identified as essential to the success of an oversight agency. Directors agreed that “the freedom to report needs to be enshrined in authority, in other words, full editorial independence in whatever the agency publishes.”

Scope and mandate

Participants noted that the need for enabling legislation to identify a sufficient scope and clear mandate and the authority to execute on that purpose and mandate. It was also noted that COLE agencies needed “a large enough scope [to] “effectively impact law enforcement.” Participants also commented on the need to conduct independent investigations, when necessary, to ensure effectiveness in those cases where the police department maybe incapable or uninterested in conducting a thorough or unbiased investigation.

The importance of staff

While the ability of the oversight director to manage and lead the office was universally recognized as essential to program success, having a professional and talented staff was

viewed as just as important. Directors who struggled with incompetent or biased staff described programs that were doomed to fail.

As indicated by one director:

No one does it alone [...] the success of the agency is going to largely rise or fall on the acts of the people selected [to staff the office] [...] so much of this does comes back to the talent that you are able to recruit and attract.

Difficulties with staff retention were also identified: “You absolutely need to be able to maintain people for a certain amount of time. If there’s a heavy turnover, it detracts from making the organization more sustainable and viable.”

Another director warned of the potential for and consequences of arrogant or incompetent staff:

Finding the right people is much harder than it looks. The reality is that most people are not suited to oversight, but think they are. So, there will be a lot of people applying who think they know exactly what to do and how to do it, and think they are absolutely right for the job, and then they get in and they’re disasters. They’re unwilling to listen, they’re arrogant, there’s a combination of arrogance and incompetence. And so, if you don’t have the right people, you just can’t create successful oversight agency.

Opinions differed regarding the extent to which oversight staff should have job protection. However, there was general agreement that the agency director needs the power to dismiss agency employees “who either can’t produce or are found to be compromised in some way with respect to the agency.”

The need for support

Community support. One of the most substantial and common conditions for the success and sustainability of an oversight agency was described as the need for community support. Directors spoke in terms of the need to build relationships with a variety of stakeholders and building realistic expectations amongst those groups. As noted by one participant: “oversight agencies often come about as a result of crisis and many people have great expectations when these agencies are created. One of the challenges is properly managing the expectations [for] the agency.” Ensuring a “sustainable base of support” was described as essential to long-term success and maintaining these relationships required constant and ongoing attention.

One director commented on the difficulties in engaging with those members of the community who often support the police department regardless of the circumstances:

There are large parts of the community that are perfectly happy with police practices that might be discriminatory towards people who are criminals, towards people who are disenfranchised, towards people who are just difficult, people who are mentally ill, people who are jerks and they don’t think in the long-term about how when the police treat these minority populations badly, how it could negatively impact them.

Regardless of these challenges, it was recognized that to be successful, an oversight agency needs general public support for the existence of the agency and the work that it does. To achieve this outcome, the agency director must engage in meaningful public education and skillful use of the media to ensure public awareness of the existence and mission of the agency.

Government stakeholder support. It was also recognized that the success of an oversight agency depends, in large part, on the support received from members of the government, including the Mayor, the City Manager and/or the City Council. One participant specifically pointed out the importance for government support of the oversight agency’s need to be “transparent and publicly critical.” One director described “the death knell” for an

organization when government officials were not supportive of public comment and “resisted everything they could about transparency.”

Directors agreed that without the support of the jurisdiction’s elected officials, the agency will be at risk of being underfunded and, rendered effectively useless. “[A]n openness to the idea of police oversight in all the various relevant areas of government,” was identified as necessary for program success. In addition, “if the police chief sees that the elected officials aren’t taking you seriously, [the Chief] is not going to feel compelled to take you seriously either [...] ultimately, the City Manager responds to the elected officials and is influenced by their behavior.”

With respect to the ability to implement recommendations, “if you don’t have the support of your elected officials, sooner or later you’re going to feel as if you are writing letters to yourself.” Although some directors spoke in terms of the “support” of government officials, it was also recognized that as long as these officials were “open” to the concept of oversight, they did not necessarily need to be “advocates” on behalf of oversight.

Finally, one director noted: “elected officials are interested in supporting things that have broad public support. And they’re not interested in supporting things that don’t have broad public support. Particularly they’re not interested in supporting things, or being anywhere near anything that the public derides, or has negative opinions of.” As such, the need to maintain the respect of the public, in the form of the media and major stakeholders, is ultimately perceived as being essential to long-term organizational success.

In some cases, participants reported that having an established memorandum of understanding between the oversight director and the administrative arm of government, specifying roles and responsibilities, had the potential to adequately prepare government actors for controversial positions that might have to be taken by the applicable oversight agency.

Chief executive support. Special attention was given to the need for support from the chief executive of the law enforcement agency, usually the chief of police, although it was noted that many chiefs were hesitant in their dealings with their oversight agency. In many cases, oversight was either foisted upon the chief of police or the chief was given the Hobson’s choice of supporting oversight or losing his or her job; in some cases, oversight was created over the express objection of a chief.

A recalcitrant or obstinate chief of police can make it difficult for an oversight agency to get the government support it needs, but participants also recognized that there were means to get around this impediment. Building strong relationships with community and other government stakeholders was deemed essential when faced with a chief who did not want to work collaboratively with an oversight director. It was pointed out that it “is incumbent” on the oversight director “to educate other city officials [...] to get outside groups riled up” in the face of an obstinate police chief. That said, building a strong working relationship with the police chief was viewed as the easiest means to improve an oversight agency’s opportunity for success.

One COLE director noted the following technique for obtaining police executive support:

Most police executives like knowing when there’s a problem and they want to know before anybody else finds out. And they want to head it off, and they want to solve the problem, prevent bad outcomes, and so, rather than surprising the head of the law enforcement agency with some brilliant recommendation I was making to them about how to overcome some horrible problem they had, I figured out pretty quickly that if I went to the chief of police and said: “I’ve noticed this pattern, I’ve come across this information, not an individual act of misconduct, per se, or maybe that’s been investigated separately, but here’s an area where it seems your agency’s got some problems, and I’d like to help you fix them. And let’s work together to study the problem, find out its root causes, and come up with the best solutions to it and we can both claim credit.

Participants agreed that resistance from the leadership of the police organization is a huge challenge that can be difficult to overcome and, as such, efforts to work collaboratively and cooperatively with police administration are essential.

The most insidious type of police opposition, and perhaps the most difficult to overcome, was described as: “slow, intentional, passive-aggressive [...] noncompliance that looks like compliance by either the police executive or people in the police department.” As described by one director: “they’re doing everything they can to make it as difficult as possible for the oversight agency to get its work done. It’s hard, what’s so hard is [it] is so pernicious [...] they’re ‘slow walking’ it.”

Police rank and file (union) resistance

Historically, police executive and rank and file resistance have reportedly been the most substantial impediment to the creation of oversight agencies (Bayley, 1991; Walker, 2001, 2005; DeAngelis *et al.*, 2016). Arguments are made, to this day, that civilians do not have the expertise, knowledge or experience to understand the needs or responsibilities of the police and to make sustainable policy recommendations. And although some oversight mechanisms have the final say in police policy decisions (for example police commissions), independent COLE mechanisms rely almost exclusively on the ability to publicly report on their recommendations without the ability to force those recommendations on the police departments they monitor, audit or investigate (DeAngelis *et al.*, 2016). Directors noted instances in which police unions place “obstacles” in the way of oversight, to include personal and professional attacks on oversight directors. “Ugly Guerilla warfare tactics” were described in some cases.

Police unions often have enormous influence in municipal and local politics. The police tend to get the support of conservative politicians and police unions often have the ability to obtain the support of more liberal politicians who tend to support organizations that represent workers. “So, the police get this enormous amount of support, no matter how bad they are, or no matter what they do and as a result they have staying power and they can really outlast you and they can outlast mayors, and they can outlast city councilmembers, and they can resist public pressure to a large extent.” However, some noted that police union resistance could generally be overcome as long as the oversight agency had the support of government actors and/or the community and the resources needed to effectively complete and publicize its work.

Nevertheless, directors also spoke in terms of attempting to collaborate with police unions whenever possible. In many described cases, however, collaboration efforts broke down in the face of oversight agency disciplinary recommendations that were opposed by the police unions. In some cases, the risk of union opposition could be mitigated by leaving open lines of communication and advocating on behalf of the rank and file when possible and appropriate.

Resource/budgetary needs

Inadequate funding was also recognized as an obstacle almost impossible to overcome. One suggestion was tying the oversight agency budget to the police budget (suggesting an oversight budget equal to 0.5 percent of the police budget). As noted by one director:

[...] the fact is that when you solve issue[s] surrounding independence, you always have the money issues where they can control you by virtue of your budget. So, if you tie it to a percentage of the police budget, you can minimize that. There will always be some politics involved, but you can minimize that; because there will always be a police budget.

Challenges in retaining personnel due to low salaries were an additional concern and a challenge associated with achieving long-term success. As long as an agency is constrained

from being able to “consistently attract the best and the brightest and to retain them,” it will be difficult for the agency to succeed in the long-term. Although the ability of an oversight agency to attract talented staff based on the nature of the work was recognized, even at a lesser salary, one director pointed out that “can only work for [so long] before they get the experience, the excitement, the thrill of that experience and move on to other opportunities [...] that pay more.”

In addition, a sustainable budget was consistently mentioned as an essential need for an oversight organization to ensure appropriate office space, tools and equipment, and staff and training opportunities.

Professionalism and respect

Directors pointed out the need to obtain respect from the police organization over which they have jurisdiction and most agreed that an oversight agency is responsible for developing “sound, reasonably articulated and reasoned opinions and recommendations.” In some cases, directors described programs where police executives needed to obtain information and data from the oversight agency, which brought with it a desire of the chief of police to work collaboratively and cooperatively with the agency. Directors also described their agencies as much more effective when their advice and recommendations gained the respect of police executives.

Conclusion

The current literature on police oversight highlights multiple instances in which COLE mechanisms have failed. More often than not, these failures are attributed to police resistance, a lack of tangible support from government actors and inadequate resources provided to accomplish the goals expected for the agency. In some cases, bureaucratic responses by COLE management led to a failure to provide robust oversight as expected or demanded by the community.

Not surprisingly, similar themes were identified by the oversight directors interviewed for this study. However, the interviews disclosed the importance of not just the organizational or political factors that influence civilian oversight’s success or failure, but also the more personal aspects of the work. The need for tact and diplomacy as well as stubbornness and resilience; the need for dedication and passion in the face of personal and professional attack; and the need for oversight executives to balance ideology and practicality in achieving their ultimate goal of ensuring constitutional and effective policing in their jurisdictions.

Most directors stated a willingness to compromise with police agencies and governmental actors in order to achieve long-term goals. However, many of the directors also shared stories of aggressive responses to resistance faced from different stakeholders. Regardless, there was a strong consensus amongst the study participants in favor of cooperation and collaboration between oversight and the police whenever possible.

The research project has identified significant similarities in perceptions of oversight professionals who have come from diverse backgrounds and who have led diverse agencies. This is an important finding due to the extraordinary diversity of oversight agencies where “almost no two oversight agencies in the US are identical. Each agency has its own political, social and cultural tensions that influenced the development of each oversight agency’s legal authority, structure and organizational practices” (DeAngelis *et al.*, 2016, p. 22). Even so, the directors who participated in the study identified similar challenges and barriers to their success.

Given these findings, the results of this study appear to be generalizable to any structure of civilian oversight that maybe identified as the best fit for a particular community and should be taken into account by governmental actors in the creation of agency enabling legislation and in taking action to ensure the sustainability of any agency they chose to create.

Future research

This research can serve as the foundation for future studies that involve interviews with a larger population of oversight directors. Experiences of directors who lost their jobs after conflict with police or community, or directors who have led agencies perceived as failures would have experiences and perspectives that should be compared and contrasted with the directors in this study. Further, a comparison of the differences of opinions, as opposed to consensus opinions of oversight directors, particularly as they may relate to differences in gender, ethnicity, professional background or oversight agency model could be helpful in identifying the challenges that may face future oversight directors. In addition, comparison of the experiences and philosophies of those directors with the directors included in this project would potentially help identify to what extent individual director personalities, abilities and philosophies may impact on COLE agency successes or failures.

Overall, one of the most difficult challenges faced by municipalities creating COLE programs involves the selection of a director for that agency. This research is potentially a good starting point for providing a basis for identifying individuals with the highest potential for success in these important roles. As more research is conducted, objective criteria for hiring into these positions can be created, tested and verified.

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