

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

**Transparency portals and Why They Are Needed in
Law Enforcement Organizations**

**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**

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September 2018**

ABSTRACT

One of the newest buzzwords in law enforcement as well as business is transparency. Law enforcement agencies in general have been viewed as closed organizations, but recent police shootings and high profile police events have led to civil unrest, distrust of the police, and cries for more transparency in law enforcement agencies across the nation. Law enforcement agencies draw their authority from the public they serve, so by making their agency more open and transparent, they can enhance the communities' confidence in their department. In fact, research has shown that the citizens' trust in police increases when they are given access to information (Bertot, Jaeger, & Grimes, 2010).

One way to be more transparent and provide this information to the community is through the establishment of a transparency portal. A transparency portal is another term for an online website where police agencies can post/display information regarding their department. Police agencies can be as transparent as they want, such as posting body worn camera videos, dash camera videos, policies, crime statistics, or calls for service depending on what their administration is comfortable with and what their citizens are calling for.

While there will always be pros and cons regarding the release of information, in today's society, the public is demanding more information, and law enforcement needs to be prepared to move into a new era of transparency. The implementation of a transparency portal is the first step for police agencies to begin regaining trust, and building credibility with the community they serve.

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INTRODUCTION

Transparency is defined as “the quality or state of being transparent” and “characterized by visibility or accessibility of information especially concerning business practices” (Transparency, 2017, para.1). The thought of transparency as it relates to law enforcement agencies is a relatively new concept. Law enforcement agencies have historically been closed or secret organizations, not willing to open up and allow “outsiders” or more appropriately the general public into their secret society. The prevailing thought has always been that anyone other than law enforcement officers in that particular agency are on a need to know basis regarding why and how they operate, and frankly, they do not need to know. This lack of information sharing ultimately leads to distrust within the communities. Recent police shootings and other high profile incidents (i.e., Michael Brown in Ferguson MO and Freddie Gray in Baltimore, MD) have led to civil unrest throughout cities, more distrust of the police across the United States, and calls for greater transparency in our law enforcement agencies.

Law enforcement agencies draw their authority from the communities they serve. So by opening themselves up to the public, they can regain or continue to build on trust within their community and improve the image of law enforcement in their community. These calls for change are now requiring law enforcement agencies to take an introspective look at when and how they disseminate information.

According to Anderson and Perrin (2016), 87% of Americans use the internet in some form or fashion today. According to Mitchell, Gottfried, Barthel, and Shearer (2016), nearly 40% of Americans get their news from an online source. This number is

nearly 50% of Americans 18-29 years old, and this number will continue to grow as society becomes more and more dependant on the internet and social media.

One way that law enforcement agencies can provide greater transparency in their communities is through the integration of an online transparency portal. A transparency portal is a relatively new term, which basically describes an online solution designed to bring better visibility, openness, and accountability to an institution or in this case, a law enforcement agency. Quite simply it is an online website provided by the law enforcement agency in which the public can easily access information. Law enforcement agencies can post as much or as little information regarding their institution online as they choose. Some examples of content that may be posted are the agencies' written directives/policies, crime heat maps for neighborhoods, crime statistics for the current year or comparative statistics for previous years, follow-ups on recent high profile arrests, racial profiling stops/statistics, body cam, or dash cam videos.

By becoming more transparent, law enforcement agencies are showing to the public they have nothing to hide, and they expect to be held accountable for all that they do. Ultimately, in this day and age, law enforcement agencies cannot afford to continue to operate as closed businesses with their heads in the sand; the public will not allow it. In order to continue to build trust and accountability in their community, law enforcement agencies should establish an online transparency portal.

POSITION

With recent high profile police events and the civil unrest that is constantly covered by our national media, it is becoming more and more apparent that the public is somewhat distrusting of law enforcement in general. In 2015, Reuters conducted a poll

of U.S. citizens, asking the question “Do you trust Police Officers to be fair and just?” (Zimmerman & Kness, 2015, p. 2). Fifty-three percent of those polled stated that they agreed, while 47% disagreed or were unsure (Zimmerman & Kness, 2015).

Mahoney and Ayres (2017) write, “How serious is law enforcement’s trust problem in some localities? In many areas across the nation, media reports indicate that the public’s trust and confidence level in law enforcement is at an all-time low” (p. 23). Statements like this seem to call into question exactly how does the community truly feel about their local agencies and whether agencies have lost touch with their community members. The 2014 death of Michael Brown involving the Ferguson Missouri Police Department is the most well-known recent event, which sparked a nation-wide debate on police use of force, police agency accountability, and cries for transparency (Chanin & Espinosa, 2016). The biggest complaint heard from citizens after this and other high profile events regarding law enforcement is a lack of transparency and how agencies need to be more public or forthcoming with information (Jackson 2015).

Although it seems that calls for transparency in government are a recent phenomenon, this is not a new issue at all. In 1765, John Adams (2nd President of the United States) wrote, “Liberty cannot be preserved without a general knowledge among the people, who have a right and a desire to know” (Dyer, Gehl, Wire, & Morin, n.d., p. 1). By writing this, President Adams was acknowledging that a strong government is an open government that allows the citizens to find the information they are looking for.

According to Zimmerman and Kness (2015), everything starts with transparency when discussing how to begin earning trust and legitimacy. When the citizens are

exposed to the policies and procedures the police use, and when the agencies hold their officers accountable when these procedures are not followed, the people in the communities begin to gain trust in the police agency and the officers in their community. Jackson (2015) writes “When there is a match between the values or ideas associated with the actions that an organization takes and the norms of acceptable behavior in the society around it, the organization is viewed as legitimate” (p. 3) Jackson makes it known that when a police agency is looked at by the community and the members of that community see an agency that is honest, competent, and acting with the best interest of the public in mind, that agency can be trusted. Jackson went on to say, “When the public does believe there are problems, legitimacy and trust will drive their view of the right way to respond and whether they will have confidence in the actions that are taken” (p. 4).

Law enforcement agencies in general have been viewed as secretive, closed organizations that do not post or share information with the public. Law enforcement agencies have historically viewed transparency only as a public relations tool. Information about crime rates, current investigations or personnel staffing levels were only made available to the citizens when assistance was needed or to protect an agency’s reputation (Chanin & Espinosa, 2016).

Craven (2015) writes that in business (law enforcement is viewed as a customer service oriented business), transparency is often not viewed in the proper context. For example, some businesses only use it in the case of owning up to a mistake. This viewpoint does not take into account the larger scheme of things and ultimately is not a good way to build trust with the customer (the community). Craven (2015) states

“Customers will be far more forgiving of mistakes if a company has a history of being forthright with all interactions, not just the negative ones” (para. 4).

In today’s society with the constant demand for information, law enforcement agencies should be using every resource they have to supply the citizens they serve with information. A review of the websites of 261 U.S. law enforcement agencies revealed that agencies that have implemented community policing were more likely to use their agency websites to provide information and communicate with their community members (Rosenbaum, Graziano, Stephens, & Schuck, 2011). Another item of note is that recent research has revealed that as more information is released, the communities’ trust in government increases (Bertot, Jaeger, & Grimes, 2010).

One way to provide this information to the community is through the implementation of a transparency portal. As previously described, a transparency portal is simply another term for an online website/link where agencies can post/display certain information regarding their department. Agencies may choose to be as transparent as they want, posting written policies/procedures, crime statistics, body worn camera videos, dash camera videos, and calls for service depending on their administration and what their community is calling for.

Law enforcement agencies draw their authority from the communities in which they serve, so by making their departments more transparent, they can enhance the community’s confidence in their department. This added transparency will also provide a greater measure of accountability within the departments and officers. A good example of this would be in the case of a high profile use of force event or officer involved shooting. The public may be initially outraged thinking the officer acting

inappropriately, but by having policies posted online for citizens or even the media to view, they can quickly see if the officer acted according to policy, and if so, this might quell the potential uprising or grumblings in the public.

In May of 2015, a report titled “Final Report of the President’s Task Force on 21st Century Policing” was released. This report was the result of a task force that was formed in 2014 by President Obama to examine the issues between local police and the communities they protect and serve. This report attempted to establish best practices and offered recommendations on how policing practices can promote a reduction in crime while establishing trust within their respective communities. The recommendations are organized around six main “pillars”, the first of which is “Building trust and legitimacy.” Under Pillar 1 is section 1.3.1 Action Item, which states “To embrace a culture of transparency, law enforcement agencies should make all department policies available for public review and regularly post on the departments website information about stops, summonses, arrests, reported crime, and other law enforcement data aggregated by demographics” (President’s Task Force on 21st Century Policing, 2015, p.13). By making these recommended documents available online via a transparency portal, law enforcement agencies would be able to comply with this action item, which specifically addresses citizen’s concerns as well as those of the federal government.

One cannot speak about transparency without at some point bringing up the word “accountability”. If a law enforcement agency is going to be transparent and display information, policies, procedures crime statistics, and videos online, it is incumbent upon the agency to make sure they are providing accurate information and

abiding by their prescribed policies. By being transparent, law enforcement agencies are providing a greater measure of accountability within the department and the officers. For example, if an agency boasts, “our crime rate is the lowest in the state”, they will be able to back it by the posting of their crime statistics reflecting this. Or if an officer in an agency is involved in an officer involved shooting and an agency spokesman comes out and states that the shooting was within policy, they need to be correct and ensure that the incident was clearly covered by the same policy that the public now has access to online. This level of accountability can go a long way in improving community relationships with their law enforcement agency.

With the Internet becoming a primary mode of receiving information, it makes sense for law enforcement agency information to be posted online. Recent studies suggest that 87% of Americans use the internet in some form and nearly 40% of all Americans get their news from an online source (Anderson & Perrin, 2016; Mitchell et al., 2016). This number is closer to 50% of Americans 18-29 years old and 49% among Americans 30-49 years old (Anderson & Perrin, 2016; Mitchell et al., 2016). This number will continue to grow as society becomes more and more dependent on the Internet and social media.

Law enforcement agencies, along with other governmental bodies, are consistently being asked to provide more services with fewer resources. With many departments working at a daily minimum on manpower, they may not have the resources to dedicate to having an actual person consistently putting out information to the general public or answering general questions in a timely manner. By placing this information online via a transparency portal and refreshing it with data when necessary,

agencies have effectively saved valuable man hours, freeing up another officer for more vital duties.

Mutual trust between law enforcement agencies and the communities they serve are absolutely essential to maintaining order and fighting crime. Law enforcement agencies rely on community members to provide information about crime in their neighborhoods, and citizens expect law enforcement to be transparent and trust them with the knowledge of how their agency operates. Citizens, now more than ever need to know that police actions reflect community values and incorporate the principles of procedural justice and legitimacy. The integration of an online transparency portal will go a long way in making this happen.

COUNTER POSITION

In reviewing the concept of implementing an online transparency portal, some might consider this to be negative proposition and counterproductive to the department's mission of protecting and serving. Many naysayers may argue that posting too much information online can infringe on privacy issues for citizens and potentially police officers. The thought is an un-redacted report, incorrect crime statistics, or police camera footage depicting a complainant or victim might inadvertently be released causing issues for the citizen involved as well as embarrassment and potential civil suits for the agency. While there is always this possibility, this risk could be mitigated by implementing a strict policy regarding the posting of information on the portal along with establishing safeguards along the way to ensure that all info or content is thoroughly reviewed and signed off on by a command level officer before being placed online.

Another concern by law enforcement and the community revolves around the cost needed to implement and maintain an online transparency portal. The cost can exceed \$40,000 for just the initial setup, plus upwards of \$30,000 per year in maintenance fees (Z. Lajoie, personal communication, February 2, 2018). Law enforcement and the citizenry alike may look at this cost and believe this type of money would be better off spent on crime fighting tools or more personnel on the streets versus a system for transparency. As stated by Fairbanks, Plowman, and Rawlins (2007) (in reference to transparency), "When agencies and communicators consider opening up agency processes they have to balance the impact committing more resources in one area will have on another area" (p. 32). While cost is always a concern and money will always be a consideration, as with many things in the law enforcement field, this cost could be offset considerably or completely thru the use of a law enforcement grant, seizure funds, or other means that would not affect the agencies yearly operating budget.

Yet another argument could be made that by posting local crime statistics online without context could be detrimental to the agency and create a panic in the community for no reason. The thought behind this is that basically people may begin to view society or their city as more dangerous than it actually is. As a result, the citizens can become scared to live in their communities for no real justifiable reason. For example, an agency posts crime statistics which indicate robberies are up 75% from this time last year. If taken out of context with no reference, these numbers could alarm the average citizen. Also, this does not take into account that of these robberies perhaps only 5% were true strong arm robberies; the rest may have been exaggerated thefts or criminal

on criminal crime. Law enforcement agencies can mitigate this confusion by attaching references or additional information to their posted UCR (Uniform Crime Reporting) numbers that are posted online (i.e. of the 12 listed robberies, only one involved a weapon and an unknown assailant). Like any new endeavor in policing, there will be concerns for those agencies wishing to become more transparent by implementing a transparency portal, but with proper procedures and oversight, those concerns can be minimized.

RECOMMENDATION

In this day and age, law enforcement agencies can no longer afford to continue to operate as a closed or secret organization. Recent police involved shootings and other high profile events have brought the public's scrutinizing eye to rest on law enforcement and how agencies operate. Now more than ever, the public is calling for transparency in all forms of business and government, especially law enforcement. Law enforcement draws their authority from the communities they serve, so by becoming more transparent, agencies can build upon their communities' trust and improve the image of their agency.

Studies show that the overwhelming majority of Americans use the internet in some form and almost half of the citizens get the news from an online source. This number will only continue to grow as society becomes more dependent on the internet and social media. One way that a law enforcement agency can provide transparency to their citizens is to take advantage of citizen use of the Internet and implement an online transparency portal. Law enforcement can establish this portal to provide the public with as much or as little information as they choose. Some examples of content that an

agency may post can include written policies/procedures, crime heat maps for neighborhoods, crime statistics, police camera footage on recent events, and follow up on high profile arrests. By having this type of information posted online, the public can see exactly how police operate and what officers are required to do by policy. This type of information could provide facts instead of opinion and help quell speculation in the event of a high-profile incident.

While the majority of the public may call for more transparency, there will be others that will pose questions regarding privacy issues for both citizens and officers. This may be a valid point. However, these issues could be mitigated with a strong system of checks and balances and a strong policy regarding what can be posted.

Others may argue that the money spent on establishing an online transparency portal is a waste of an agency's budget and takes needed funds away from other necessary crime fighting tools, and/or manpower. This too is a concern. However, like so many other law enforcement programs, these funds could come from grants, seizure money, or perhaps local donations, which would not affect the normal operating budget.

While there are obviously potential issues with the implementation of any new technology, law enforcement is moving into the era of transparency. The public is demanding more information. By integrating a transparency portal and establishing transparency as a new standard, police agencies can gain trust and build credibility with their communities.

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