

The Community Voice in Policing: Old Issues, New Evidence

Criminal Justice Policy Review

1–16

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DOI: 10.1177/0887403415598556

cjp.sagepub.com



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Abstract

The demand for a greater community voice in police policy has been a major part of police–community relations in the United States for over 50 years. Civil rights activists have demanded a greater voice as a way to reduce racially discriminatory practices by local police departments. For the most part, those demands have been rejected. Recent developments related to U.S. Department of Justice investigations and settlements with local police departments have introduced a new element in the community voice issue. This article examines developments in Seattle, Washington, and the implementation of a Settlement Agreement between the Justice Department and the Seattle Police Department. Community representatives gained a voice in the development of a new Use of Force policy for the police. The article examines the dynamics of that development and discusses whether it serves as a model for other communities.

Keywords

citizen oversight of police, police accountability, policy implications, criminal justice policy

Introduction

The demand for a greater community voice in police policy making has long been a controversial part of American policing. It was central to the police–community relations crisis of the 1960s and has continued over the past half century (National Advisory Commission on Civil Disorders, 1968; Walker, 1998). In that period, a variety of

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different approaches to enhancing the community voice have been proposed, debated, and in some cases adopted. This article argues that certain recent developments represent a significantly new approach to the issue, particularly aspects of the U.S. Justice Department Settlement Agreement regarding the Seattle, Washington, police department. The evidence to date is admittedly slender, but it is sufficiently important to merit close examination and discussion.

The Issues

The issue of community voice in police policy making involves a number of different questions. The first is whether community voice advances the principle of public control of law enforcement agencies in a democratic society.¹ That principle has been challenged by the principle of professionalism, which holds that only members of a particular profession have the expertise to make crucial decisions about appropriate professional practice (Moore, 1970). Second, does a greater community voice contribute to improved police services, or does it add an element of political interference that degrades the quality of policing? Over the past half century, the advocates of greater community voice in policing have argued that it will help reduce police misconduct and racial disparities in policing, and help develop greater trust and cooperation among citizens, particularly among communities of color (Walker, 2001).

This article does not address in full the issues identified above. It presents an analysis of a recent case study that, the article argues, offers a possible answer to the two questions that are posed. Although the developments examined in the argument are fairly recent, and we do not at this point know how they will eventually play out, the article argues that they are of sufficient significance to merit examination at this time.

The Historical Background

The demand for greater community voice in policing that arose in the 1960s was a response to the norms and practices of police professionalism that had developed by that time. The police professionalization movement, which emerged in the early 20th century, was a response to the serious problems of American policing that had developed in the 19th century (Walker, 1977).

Unlike any other country in the world, American policing is a decentralized enterprise, where democratic control is exercised by local governments (Fogelson, 1977; Miller, 1977; Walker, 1977). This is a sharp contrast to other countries where police services are delivered by one, or in some cases two or three, centrally controlled agencies. Today, the United States has 15,564 municipal police and county sheriff's departments (Bureau of Justice Statistics, 2008, Table 1).²

Local control of law enforcement agencies is consistent with the principle of democratic self-government, but in practice led to the undue influence of partisan politics over policing. American police departments by the end of the 19th century were corrupt, inefficient, brutal, and completely without any standards of professionalism. Local political parties regarded control of the police department as a source of patronage and

corruption, involving jobs for its friends and revenue through payoffs for not enforcing the law, particularly with respect to alcohol, gambling, and prostitution. Modern-style personnel standards were non-existent. The only criterion for employment was having the “right” political connections. Formal training for officers did not exist until the early 20th century. The absence of modern communications technology, moreover, made meaningful supervision of officers virtually impossible. There is also little evidence that the police did much to control crime (Fogelson, 1977; Miller, 1977; Walker, 1977). The London Metropolitan Police, by contrast, acquired a reputation for high professional standards, which was achieved primarily because of its undemocratic structure, in which the people of London had no voice over the agency (Critchley, 1972; Miller, 1977).

The police professionalization movement, which arose in the early 20th century, sought to remove the influence of partisan politics from policing, raise officer personnel standards, and introduce standards of modern management to police departments. The achievements of the professionalization movement included the appointment of recognized experts (typically from other professions) as police chief executives, the development of the first formal training programs for officers, and the development of the first specialized police units, such as juvenile and vice units (Walker, 1977). By the late 1950s, professionalization had made significant progress in raising the standards of American police departments.

Professionalization had a number of unanticipated consequences, however. Importantly, police departments by the early 1960s were criticized as closed bureaucracies, isolated to the public, and unresponsive to the demands of racial justice. The Kerner Commission, appointed to study the urban riots of the 1960s, specifically found “deep hostility between the police and ghetto communities” (National Advisory Commission on Civil Disorders, 1968, p. 299).

The ideology of professionalism justified most (but not all) of the isolation of police organizations. Police leaders embraced the norms and practices of other professions, particularly the idea that they were the “experts” who possessed a body of expertise similar to doctors, lawyers, and other established professions. Demands for community voice were rejected on the grounds that community representatives lacked expert knowledge about policing. In addition, community voice in policing was dismissed as a reversion to the 19th-century pattern of political influence over policing (International Association of Chiefs of Police, 1964).

The Demands for Community Voice

The racial crisis of the 1960s challenged the norms and practices of police professionalism. Perhaps the most devastating commentary on professionalism was delivered by the Kerner Commission report, which concluded that “many of the serious disorders took place in cities whose police are among the best led, best organized, best trained and most professional in the country” (Conot, 1967; National Advisory Commission on Civil Disorders, 1968, p. 301).³

The principal demand for a greater community voice in police policy making involved creating civilian review boards to investigate complaints against police

officers (American Civil Liberties Union, 1964). The demand had arisen in the 1950s and had achieved some limited success in New York City and Philadelphia (Walker, 2001). The demand for civilian review boards represented a pervasive distrust of police internal affairs units in the African American community and the belief that they did not investigate citizen complaints thoroughly or fairly, or at all (Chevigny, 1968). The Kerner Commission found an “almost total lack of effective channels for redress of complaints against police conduct” (National Advisory Commission on Civil Disorders, 1968, p. 310). Surveys in the mid-1960s found that about half of all police departments did not even have a formal process for receiving citizen complaints (President’s Commission on Law Enforcement and Administration of Justice, 1967). Despite the persistent demands, however, no new civilian review boards were created in the 1960s, and the two existing review boards in New York City and Philadelphia were abolished as a result of challenges by the new police union movement (Black, 1968; Walker, 2001).

A second form of community voice in the 1960s, advocated by many experts outside of law enforcement, involved the creation of community advisory panels (American Bar Association, 1980; President’s Commission on Law Enforcement and Administration of Justice, 1967). This idea involved the creation of boards consisting of appointed local community leaders, which would provide police chiefs with advice on matters of community concern. A number of cities created such advisory boards, but the President’s Crime Commission concluded that such “existing committees have been seriously deficient” (President’s Commission on Law Enforcement and Administration of Justice, 1967, p. 156).

Other responses to the demand for community voice included the creation of special police–community relation (PCR) units (President’s Commission on Law Enforcement and Administration of Justice, 1967; U.S. Department of Justice, 1973) and, in some cities, the opening of neighborhood police offices designed to facilitate public access to the police department (National Advisory Commission on Civil Disorders, 1968). PCR units were widely adopted in the crisis of the 1960s but disappeared in the early 1970s. Evaluations criticized them for being disconnected from basic police operations and for primarily attempting to “sell” the department to the community rather than to listen to it. Storefront police offices, meanwhile, did not function as a meaningful vehicle for community input into police policy making (Klyman & Kruckenberg, 1979; U.S. Department of Justice, 1973).

The Community Policing Era, 1980

The community policing era that emerged in the early 1980s brought a number of innovations that included important steps in the direction of a community voice in police policy (Greene, 2000; Kelling & Moore, 1988). It was paralleled by the spread of citizen oversight of the police, which in some aspects added a greater community voice (Walker, 2001). Community policing embraced the critique of traditional police professionalism, particularly the argument that police bureaucracies were isolated from the communities they served. To develop effective programs regarding crime and

disorder, community policing and problem-oriented policing involved both a decentralization of police operations and the creation of working partnerships with community groups. In addition to simply listening to community partners, projects in many instances conducted form surveys of neighborhoods to assess specific problems and the perceptions of local residents (Greene, 2000; Scott, 2000; Sparrow, Moore, & Kennedy, 1990). There is much uncertainty about how many community policing or problem-oriented policing projects fully implemented the basic principles of the original idea. Nor is it clear how many survived for any length of time. Nonetheless, there is evidence that some problem-oriented policing projects had genuine substance, had longer life spans, and had some impact on the broader culture and orientation of some police departments (Center on Problem-Oriented Policing, 2015; Ikerd & Walker, 2010; Scott, 2000).

To the extent that some community policing and problem-oriented policing programs did involve working partnerships with neighborhood residents in the development of strategies to address crime and disorder, they did provide a meaningful community voice in police policy. This voice, however, was limited to the specific community policing or problem-oriented policing programs, and did not necessarily involve community input on general police department policies, in particular issues of immediate community concern such as allegations of excessive force or racial profiling.

Citizen oversight of the police experienced considerable growth beginning in 1969 and had matured by the 1980s to the point where a national professional association was formed (Walker, 2001).⁴ By 2015, the National Association for Citizen Oversight of Law Enforcement counted about 200 oversight agencies in the United States (“Hearings Before the President’s Task Force,” 2015; National Association for Citizen Oversight of Law Enforcement, 2015).

Most citizen oversight agencies engage in public outreach, primarily through community meetings in which members of the public have an opportunity to express their views on police issues, including complaints about excessive force, racial profiling, and other issues (Denver Office of the Independent Monitor, 2015; District of Columbia, Office of Police Complaints, 2015; San Jose Independent Police Auditor, 2015). In this respect, as government agencies with a formal role in overseeing their respective police departments, citizen oversight agencies provide some limited community voice in police policy making. It should be noted, however, that oversight agencies have only the power to listen and to make recommendations; no citizen oversight agency has any authorized power to make changes in police departments (Walker, 2001). The exact nature and impact of these community outreach activities on police policy making, however, has not been researched.

Most recently, the President’s Task Force on 21st Century Policing (2015b) recommended that law enforcement agencies “should involve the community in the process of developing and evaluating policies and procedures” (1.5.1 Action Item). The Task Force report provided no commentary on the recommendation, however, even though it did provide such commentary on other recommendations. Nonetheless, the Task Force’s recommendation is the first time a high-level governmental report recommended community involvement in police policy making.

New Developments Regarding Community Voice

The most important new development with regard to community voice in policing involves recent settlements of investigations by the Special Litigation Section of the U.S. Justice Department's Civil Rights Division into allegations of a "pattern or practice" of violations of peoples' rights (Chanin, 2014; Rushin, 2014; U.S. Department of Justice, 2015; Walker and Archbold, 2014; Walker & MacDonald, 2009). Rushin (2014) reported that 19 of 38 cases that were formally investigated by the Special Litigation Section investigations had resulted in a "negotiated settlement" (p. 3226), involving either a consent decree or a memorandum of agreement requiring major reforms in the local law enforcement agency. Additional negotiated settlements have occurred since he completed his research (U.S. Department of Justice, 2015).⁵

The authority of the Justice Department to investigate pattern or practice allegations is granted in Section 14141 of the 1994 Violent Crime Act (Chanin, 2014; Rushin, 2014; U.S. Department of Justice, 2015; Walker & MacDonald, 2009). (The law is better known for creating both the "COPS" Office and the Violence Against Women Office in the Justice Department.) The first settlement of an investigation occurred in 1997 with the Pittsburgh Police Department (*United States v. City of Pittsburgh*, 1997). Enforcement of Section 14141 has been through three phases. The administration of President Bill Clinton investigated and reached settlements with a number of major law enforcement agencies (e.g., New Jersey State Police, Los Angeles Police Department, Cincinnati Police Department). The administration of President George W. Bush reduced the enforcement substantially and initiated no new investigations of major city police departments (Chanin, 2014; Walker & MacDonald, 2009). The administration of President Barack Obama and Attorney General Eric Holder revived the program by appointing a new director of the Special Litigation Section and substantially increasing the number of lawyers assigned to it (U.S. Department of Justice, 2015; Walker, 2014).

The Bush administration interlude was the occasion for a rethinking of the pattern or practice litigation program on the part of a number of interested scholars, civil rights attorneys, and former attorneys with the Special Litigation Section. One issue of concern involved the perception that settlements to that time did not include community groups in the settlements or the settlement implementation process—many of which had brought the complaints and/or litigation that led to Justice Department intervention in the first place (Working Group on Police Pattern or Practice Litigation, 2009). Some observers argued that the exclusion of community groups deprived the settlements of a valuable perspective, alienated them from the reform process, and caused a loss of legitimacy for the settlement reforms.

The exception to the rule in pattern or practice settlements involved the two parallel settlements in Cincinnati. The Justice Department suit resembled other pattern or practice settlements in terms of both its findings and its remedies (In re Cincinnati Policing, 2002; *United States v. City of Cincinnati*, 2002). The suit brought by community groups, however, was settled through a Collaborative Agreement that both directed the Cincinnati Police Department to change its style of policing and adopt problem-oriented policing

and also gave the plaintiffs (representing the community voice) a direct role in implementing problem-oriented policing and other reforms (In re Cincinnati Policing, 2002). The Collaborative Agreement was developed through the involvement of eight different community groups and feedback from more than 3,500 individuals. One of the three principles of the Collaborative Agreement was achieving “mutually agreeable solutions” to the problem of PCRs in the city (para. 13). The text of the Agreement was filled with references to community voice, including “partnership” (para. 27), “two-way dialogue” (para. 28), “jointly accountable” (para. 29), “mutual accountability plan” (para. 30), “in consultation” (para. 50, 53).

Following the election of Barack Obama as president, and in anticipation of a Justice Department more sympathetic to police reform, a small group of interested parties in 2009 formed the Working Group on Police Pattern or Practice Litigation, which developed a set of recommendations for improving pattern or practice litigation. One recommendation, reflecting the Cincinnati experience, was that the “Special Litigation Section should make special efforts to engage members of local communities,” explaining that community groups can help “to implement agreed-upon reforms” in the settlement of investigations (Working Group on Police Pattern or Practice Litigation, 2009). The report of the Working Group was communicated privately to officials in the Obama administration Justice Department in the spring of 2009 and, as this article argues, apparently had some impact in terms of subsequent settlements that included greater community voice.

The so-called “Cincinnati model” of court-ordered reform that includes a community voice component caught the attention of other authorities. In the highly publicized stop and frisk case in New York City, which in August 2013 found that the practices of the New York City Police violated both the 4th and 14th Amendments, the District Court ordered a structured community voice in its remedies order. The Court noted that “A community input component is increasingly common in consent decrees and settlements directed at police reform” (*Floyd, et al., v. New York City*, 2013; para. 28). The District Court added that “community input is perhaps an even more vital part of a sustainable remedy in this case” because it is not a negotiated settlement, and that “the communities most affected” by the New York City Police Department’s (NYPD) practices “have a distinct perspective that is highly relevant to crafting effective reforms” (*Floyd, et al., v. New York City*, 2013; para. 29). The Court then outlined a process for ensuring a community voice in the reform process that it ordered.

Community Voice in Recent Justice Department Settlements

Provisions for community voice are included in recent Justice Department settlements regarding the police departments in New Orleans, Louisiana; Portland, Oregon; East Haven, Connecticut; Seattle, Washington; Newark, New Jersey; and Albuquerque, New Mexico (U.S. Department of Justice, 2015).

The settlement with the City of Portland (*United States v. City of Portland*, 2012) states that “the community is a critical resource” and provides for “redefining and

restructuring existing community input mechanisms” (Ch. IX). The City “shall establish a Community Oversight Agency Board” that will “independently assess the implementation” of the Settlement Agreement, and “make recommendations to the Parties” to the agreement and also to the Compliance Officer Community Liaison person, and “contribute to the development and implementation of a Portland Police Bureau (PPB) Community Engagement and Outreach Plan (‘CEO Plan’).” The New Orleans settlement, meanwhile, requires the police department “to support community groups in each District . . . and to meet regularly with the communities each District serves” (*United States v. City of New Orleans*, 2013, para. 227). The Newark, New Jersey Agreement in Principle states,

The City is establishing and will fund a civilian oversight agency for the NPD . . . and will establish a mechanism through which it will work with the community to determine the appropriate form and scope of oversight . . . (*United States v. City of Newark*, 2014, para. 1.a)

The most important settlement, which is the basis for the discussion that follows, involves the Seattle police department (*United States v. City of Seattle*, 2012b, Sec. B). The Settlement Agreement orders the creation of a Community Police Commission (CPC) and declares that “the community is a critical resource,” and calls for “on-going” input into the reform process. The Settlement Agreement further states that “police officers also bring an important voice to the reform process,” and calls for their involvement in the reform process. Importantly, the Settlement Agreement requires that “the Commission will review the reports and recommendations of the Monitor, described below, and may issue its own reports or recommendations to the City on the implementation of the Settlement Agreement” (*United States v. City of Seattle*, 2012b, Sec.B.7.b). As will be discussed in the next section, it is important to note that the Settlement Agreement provided for only an advisory role for the CPC. That role expanded, however, as a result of demands by CPC members.

Evidence of the Impact of Community Voice in Seattle

Implementation of the Settlement Agreement in Seattle offers some evidence that the formal role of community voice in that process has in fact made a significant difference, on at least one particularly important police policy—Use of Force. While this evidence is admittedly slender at this time, it is nonetheless significant and merits examination and discussion.

Implementation of the Seattle Settlement Agreement resulted in the adoption of a new Use of Force policy in December 2013 (Bobb, 2014a, 2014b; Seattle Police Department, nd). The development of the new Use of Force policy was the result of circumstances that, in the judgment of key stakeholders (Walker, 2014, 2015), were not only unique to the social and political climate of the Seattle community with respect to police issues but also went beyond the formal requirements of the Settlement Agreement.

The most notable aspect of the new Use of Force policy is that it opens with a discussion and mandate regarding the duty of officers to de-escalate encounters with

people, unless the circumstances immediately require some use of force (Seattle Police Department, nd). De-escalation has emerged in the last few years as an important issue in routine policing. The Police Executive Research Forum conducted a working group session on the subject and issued a report in 2012 that gave de-escalation a strong endorsement. The basic thrust of the report is that de-escalation can prevent many instances of unnecessary use of force by officers, particularly in cases of people having mental health crises, but that implementing a de-escalation policy involves a number of significant training and supervision challenges (Police Executive Research Forum, 2012). De-escalation also received much attention at the initial hearings of the President's Task Force on 21st Century Policing (2015a) in early 2015 and was recommended in the Task Force's Interim Report. This technique is seen as an important means of developing legitimacy and trust in the police (President's Task Force on 21st Century Policing, 2015b, 1.5.1 Action Item).

The new Seattle Use of Force Policy begins with a statement of principle on the department's commitment to "Defending the Civil Rights and Dignity of All Individuals, While Protecting Human Life and Property and Maintaining Civil Order" (Seattle Police Department, nd: Policy8001, Section 1). The second section then states that police officers have an obligation to "Gain Compliance and Deescalate Conflict Without Using Physical Force." De-escalation is then further discussed at length in a separate policy (Seattle Police Department, Office of Professional Accountability, 2015, Policy 8001, Section 3). Only in the third section does the policy provide guidance on the use of force in situations where it is "unavoidable."

The order of priority for the three sections is particularly significant, as the instruction regarding de-escalation precedes the specific instruction regarding the use of physical force. To select one example that illustrates the standard form of use of force policies around the country, the Use of Force policy of the Minneapolis, Minnesota Police Department includes a de-escalation component, but it is placed after the instructions regarding the proper use of force (Minneapolis Police Department, 2015). De-escalation, in short, is given a lower priority than the use of force itself. (A quick caveat is needed here. There is no comprehensive survey of use of force policies with respect to de-escalation at this time.)

The significance of the change in the new Seattle Use of Force Policy is indicated by three factors. First, de-escalation was a policy that was "asked for by members of the Seattle community for years" (Bobb, 2014a, p. 18). That observation clearly implies that the previous requests (or demands) were rebuffed and that was one source of police–community tension. Second, it was developed only through a lengthy and contentious dispute among the parties to the Settlement Agreement—the U.S. Justice Department, the City of Seattle, the court-appointed Monitor, and the Seattle Community Police Commission (CPC) (2015)—over the role of the CPC (Bobb, 2014a, 2014b; Walker, S. 2014, 2015). Third, it was challenged by a lawsuit filed by Seattle police officers following its adoption, arguing that its provisions posed a danger to them in critical situations where force might be necessary (*Officers Robert Mahoney, et al. v. Eric Holder, et al.* [2014]). (The suit was dismissed by the District Court.)⁶

The process by which the Use of Force policy was adopted involved actions that went beyond the requirements of the Settlement Agreement with respect to the role of the CPC and the Memorandum of Understanding (MOU) that elaborated upon the responsibilities of the CPC. Both the Settlement Agreement and the MOU gave the CPC a *voice* in the implementation of reforms mandated by the Settlement Agreement but did not give it any formal power to approve or disapprove new policies. The MOU, for example, states that the CPC “will *review* the reports and recommendations of the Monitor . . . and may issue its own reports or recommendations to the City on the implementation of the Settlement Agreement” [italics added] (United States v. City of Seattle, 2012a).

It is important to note that the MOU regarding the CPC explicitly gave the CPC responsibilities regarding five different policy issues: “Community Engagement,” “Accountability,” “Investigatory Stops and Data Collection,” “Officer Assistance and Support,” and “Transparency and Public Reporting” (United States v. City of Seattle, 2012a). The responsibilities included “review” of various reports and recommendations and the power to “issue its own reports or recommendations to the City on the implementation of the Settlement Agreement.”⁷ The memorandum did not, however, specify any responsibilities regarding input into the development of a new Use of Force policy, and this exclusion became the point of contention in the events that followed.

As the development of the new Use of Force policy proceeded, however, members of the CPC quickly reached a consensus among themselves that they should have a greater role in the process of implementing reforms under the Settlement Agreement, in particular the development of a new Use of Force policy. CPC stakeholders in the process recalled that at its initial meetings, members of the CPC developed a strong consensus of opinion that they would not be “window dressing” in the larger reform process (Walker, S., 2015). Representatives of the City of Seattle and the Monitor rejected this argument, citing the explicit language of both the Settlement Agreement and the MOU. Tense negotiations ensued, and the CPC filed a lawsuit demanding a greater role. The District Court rejected the CPC’s claim, however, but did grant it authority to file *amicus* briefs on Settlement Agreement matters before the court (United States v. City of Seattle, 2013).

The pivotal moment in the dispute over the role of the CPC came when the members of the CPC, speaking with one voice and with no evident dissent, threatened to resign as a group. As key stakeholders recall, they agreed that they would not be “window dressing” in the broader reform process. (There is some ambiguity in the recollections of key stakeholders regarding how that threat was actually communicated to the City and the Monitor.) In response, the City and the Monitor acceded to the demands of the CPC for a greater role in the reform process and the development of the new Use of Force policy in particular. In the judgment of key stakeholders, the City and the Monitor were unwilling to face the consequences of a mass resignation of the CPC (Walker, S., 2015). In short, the CPC gained a greater community voice in the police reform process than it had been given in official documents by making a demand and threatening to resign if it were not granted.

It should be noted that the City of Seattle had powerful incentive to reach a satisfactory resolution of the dispute over the role of the CPC. A resignation of the entire membership of the CPC would certainly disrupt and delay achieving full compliance with the terms of the Settlement Agreement and also lead to possibly undesirable consequences, including extension of the consent decree for an unknown number of years, additional financial costs, and continuing community tensions as a result of the delay. The failure of the parties in a similar settlement in Oakland, California, for more than a decade serves as a stark example of a fate that all parties to the Settlement Agreement most certainly would want to avoid. The plaintiffs petitioned the U.S. District Court to place the Oakland Police Department in “receivership.” The Court did not accept that request but did impose stricter controls over the police department (in what some characterized as “receivership lite”; *Allen v. City of Oakland*, 2004; Oakland Police Department, 2015).

The underlying dynamics of the process by which the CPC gained a greater role in the police reform process involved two important factors that require further elaboration. The first is the long history of police–community conflict in Seattle, and the second involves new and unexpected dynamics within the CPC itself.

Police–community tensions in Seattle, focusing particularly on the allegations of use of force and the failure of the Seattle Police Department to hold officers accountable for use of excessive force, has a long history in Seattle. This article is not the place for a full review of that history. One of the notable landmarks in that history was the creation of the Office of Professional Accountability (OPA) as a quasi-independent form of citizen oversight within the Seattle Police Department in 1999. Another measure of the level of community activism in that history is the fact that representatives of 34 community organizations signed the original letter to the U.S. Department of Justice in 2010 (American Civil Liberties Union of Washington, 2010), which resulted in the federal intervention and eventual Settlement Agreement. The relevant point of this history is that, over time, a large number of community organizations worked together, building relationships, expertise, and shared assumptions and goals about police reform. Key stakeholders argue that this history explains much of the unity within the CPC and its willingness to demand a greater voice in the reform process (Walker, 2014, 2015).

The second factor involves the unexpected consensus of opinion within the CPC regarding its position and tactics that included both community representatives and the two police officer representatives; one representing the rank and file officers through their collective bargaining unit, and the other mid-level managers through their collective bargaining unit (City of Seattle, 2012a). Through the prior history of police–community tensions, community advocates and police officer groups have been the major, if not the principal antagonists over the contested issues such as officer use of force. Within the CPC, however, the two traditional antagonists evidently found common ground. The two police officer representatives, in the view of key stakeholders, felt that they never had a meaningful voice in the public debates over police policies, and saw the CPC and the broader reform process as their best chance for gaining some voice (Walker, 2015). This perception, in short, made possible the CPC unified front in its conflict with the City and the Monitor.

In conclusion, the most significant aspects of the CPC process is that it certainly represents the first time in the history of the American police where community representatives had a formal voice in the making of police policy. It is all the more remarkable that the representatives of two police officer groups also gained a formal voice in policy making (i.e., outside of the channels of police administration). And the two groups were evidently able to find common ground in the CPC process and reach a consensus over one of the most contentious issues that had always separated them: police officer use of force. Finally, the substantive result of this process was the adoption of a new component of the police department's Use of Force policy—de-escalation—that has emerged as a recognized best practice (Police Executive Research Forum, 2012).

To answer the question posed at the beginning of this article—does community voice make a difference—it is safe to conclude that in the Seattle case, the answer is clearly affirmative. The process resulted in a new and different policy, and as already noted, on one of the most important policy issues in policing.

Discussion

A number of questions remain regarding the relevance of the experience described in this article for the future of police reform, in both Seattle and in other communities. First, the future and ultimate impact of the Settlement Agreement in Seattle is uncertain at the time this article is written. Only time will tell whether the CPC will continue to be a viable functioning entity, and whether it will continue to have a substantive and positive impact on police policies in policing. Even more important, it is not clear what will happen when the terms of the Settlement Agreement are met and the supervision of the federal district court and the court-appointed monitor end. The history of policing is filled with examples of reforms that were important in their time but which eventually faded away, and did so with little notice. Institutionalizing police reforms is a subject that has received little attention from scholars (Ikerd & Walker, 2010; Walker, 2012). With respect to Justice Department pattern or practice litigation in particular, Chanin (2014) found cause for concern about the sustainability of the required reforms.

Second, there are serious questions regarding the applicability of the settlement process described in this article to other communities. As argued above, Seattle had a particularly broad and cohesive set of community groups advocating for police reform. That shared experience gave the members of the CPC the cohesion and sense of strength to assert itself and claim a role that was not formally given to it in the Settlement Agreement. Virtually, all big cities in the United States have had histories of police–community relations conflict, with accompanying histories of community activism. It is not known, however, whether the degree of cohesion that exists in Seattle, which gave the CPC members their sense, exists among community groups in other jurisdictions. In addition, the terms of the Settlement Agreement gave the members of the CPC a special opportunity to assert themselves, and it is not clear how often similar circumstances will exist in other jurisdictions. To cite one important factor, the Settlement Agreement was the result of intervention by the Special Litigation Section of the Civil Rights Division of the U.S. Department of Justice. The Section is extremely

small in the context of more than 15,000 law enforcement agencies in the United States (Bureau of Justice Statistics, 2008) and cannot be expected to undertake more than a few cases in any one presidential administration. In short, it is not clear whether the special circumstances surrounding the process examined in this article could be replicated in other communities.

As stated at the outset, this article does not attempt to address all the questions related to community voice in police policy making. Nor can it provide a definitive conclusion regarding the developments it does examine. The developments it examines, however, are of considerable significance, given the broader historical context of police–community relations and the related demands for a greater community voice in police policy making, and therefore merit an early examination and discussion. Events in the near term, both in Seattle and in other communities, will determine whether this article has identified a permanent development or simply a one-time and passing set of events.

In conclusion, even if the circumstances regarding the Seattle CPC experience may not be replicable in other jurisdictions, it is important to note the genuinely historic nature of what did occur. The Settlement Agreement/CPC process brought together the two historic antagonists over police policy—community critics of police practices and the representatives of the police officer rank and file—and created a structured mechanism that forced them to talk to and negotiate with each other. The result, moreover, was the development of a new Use of Force policy that community representatives had sought for many years and which is consistent with the emerging best practices in policing. It is also remarkable that the two historically antagonistic parties found common ground through the CPC. (It is important to stress that a compulsory element overhung the process described in this article: the Justice Department investigation, the resulting court-approved Settlement Agreement, and the unknown costs of the CPC resigning as a group, as discussed earlier.)

In the context of the decades-long history of police–community tensions in this country, it is worth speculating on the possibility of creating other forms of structured discussions and negotiations through which community and police representatives could reach consensus on the issues that have divided them for so long. That speculation is beyond the scope of this article, but it is something that would seem to be worth the effort if we are serious about resolving our PCR problem.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

Notes

1. The tension between democratic control of the police and professional standards of due process and equal protection is argued in Walker (1998). An important but somewhat

- different examination of the tensions affecting American policing is the classic work by Jerome H. Skolnick (1994).
2. The lack of a precise number of local law enforcement agencies arises from the fact that a variety of different agencies legally meet the standard that their officers have arrest powers. These include some college and university police units, Native American tribal law enforcement agencies, some state game and park agencies, and so on. In common parlance, however, the term *local police* typically refers to municipal police departments.
 3. It is generally believed that the statement was a thinly veiled reference to the Los Angeles Police Department, which had cultivated a reputation as the most professional department in the country. Los Angeles, meanwhile, experienced a devastating riot (the “Watts Riot”) in 1965.
 4. The term *citizen oversight* is used to cover a variety of formal arrangements for some form of public overview, review, or input into policing issues. Civilian review boards, which involve the review of individual complaints, are but one form of citizen oversight.
 5. The number of settlements cited here represents the figure in Rushin (2014) plus settlements (cited on the Special Litigation Section website) made since his article was completed.
 6. Upon examination, the complaint filed by the officers misrepresented the terms of the new Use of Force policy. Importantly, it claimed that it “handcuffed” officers and endangered their safety, when in fact a careful reading of the policy clearly authorized officers to use force where the circumstances of an incident justified it.
 7. These responsibilities were reiterated in the mayor’s executive order creating the Community Police Commission.

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