Ethics, policing and the new visibility

Darren Palmer
Associate Professor in Criminology
Deakin University, Geelong

Presentation: National Investigators Symposium, 8-9 November, 2012
My interests

• **Personal**: Research interests in policing borne of practical experience, growing up in an area experiencing ‘improper’ policing

• **History**: Started on history of state (colonial) police


• **Present**: More recently working on policing in the night time economy, with an emphasis on surveillance techniques (established the Australian Surveillance Studies Centre, Deakin University)

• **Future**: Currently writing a book on democratic policing (2013): what does this mean, what does it look like institutionally, what kinds of practices do we expect, how does it fit with other institutions
Introduction

Two key issues:
• 1. the introduction of external anti-corruption agencies and the importance of trust
• 2. the growing role of social media

Both issues are relevant, in different ways, to the new visibility of policing

QUESTION: Does your agency systematically capture social media?
New media, new visibility

• Broad context of decreased deference to authority and a more adversarial media (Kearon 2012)

• “unstable communicative space” has emerged wherein “direct and high visibility challenges to the institutionally powerful have gained cultural, commercial and professional currency.” (Greer and McLaughlin, 2010)

• Several sources (formal, informal)
New visibility

• Recent work by Andrew Goldsmith (AG,2010)
• Historical importance of visibility to the ‘new police’
• truism within policing scholarship that street level police work is characterized by low visibility of decision-making
• Distinction between primary and secondary visibility
• **Primary** refers to direct experience of police
• **Secondary** refers to ‘mediated’ experience, such as print and television, and now increasingly social media
New visibility cont.

- Concentration here is on secondary visibility
- *Formal material* produced by various agencies eg Wood in NSW, OPI in Victoria, police themselves
- *Informal* can be produced by anyone
- ‘threshold event’ video recording of the Rodney King beating in Los Angeles.
- For the police, their ability to control the ‘backstage’ [Goffman] is lessening, with the effects of decreasing their ‘account ability’ [Ericson]
- Anti-corruption agencies interrupt this ability directly (eg covert investigations) and indirectly (reviews of management/supervision)
- Increased willingness and desire of the public to engage in ‘disruptive disclosures’ that “subvert the appearance of ‘normal policing’” (AG, 919)
Case studies of the new visibility

• (1) G20 protests in London 1 April 2009

• (2) RCMP use of Tasers on Robert Dziekanski, and his subsequent death, at Vancouver International Airport on 14 October, 2007

• Both instances caught on smart phone camera(s)

• Both led to a major inquiry (2 heavily reliant on one recording but much of the evidence and submissions focused on the video images

• (3) Qld 2009 use of Taser (CCTV)

• (4) WA 2009 use of Taser (private mobile phone camera)
The effects of informal surveillance

• In the case studies police accounts were challenged either solely by informal surveillance by citizen recordings or a mix of formal and informal recordings
• The alternative accounts captured by the recordings led to major inquiries into police practices
• But before this happened, and subsequently the reputational damage to police is significant
Effects of social media

QUESTIONS: Which one of these three options best describes your view about the impact on police of the use of social media?

1. part of a broadening and more effective means of police accountability;

2. part of and contributing to a growing indifference to police work on such issues as use of force; or

3. part of a growing fundamental doubt and distrust of the police no matter what ‘repair work’ is done
Managing material

• Social media can have positive effects
• But can also be part of overload (*Daily Telegraph* 9/11/2012: 1, 4): one airport noise complainant lodged 19,600 in 12 months (63% of total), another 4312 complaints
• WebTrak online ‘click and complain’
• Are agencies going to facilitate greater interaction via social media (Facebook, Twitter)?
• Online forms increasingly present in Aust. Anti-corruption bodies (generally including anonymous filings)
• File/image upload facilities are uneven
Police resistance

- Efforts to control use of mobile technology to record police practice
- UK using terrorism legislation
- US using surveillance provisions (12 states do not allow non-consensual recordings in public places)
- Australia? I know of cases of police confiscating citizen recordings, usually via ‘ways and means act’ (need evidence; hindering police)
- Can and should more be done to ‘capture’ what is only going to be an increasing number of citizen recordings of police work?
- Police also cooperating in TV shows
Final concerns

• Different **purposes** of recordings (evidentiary standards v general insight)
• Different **motivations** (not all recordings done in good faith). How to distinguish?
• Different **outlets**: generic (file sharing), specific state (complaints agency) or non-state (Copwatch; Policewatch; Fitwatch)
• YouTube generated 49,000 video clips on a ‘police brutality’ search (Jan. 2012, Kearon)
Trust, legitimacy & authority

• Trust is vital to police
• Also vital to new accountability agencies
• The rise of social media accounts of police might be undermining trust in police
• But what of trust in the accountability agencies
• Last week the ANU release survey results on public perceptions of corruption
• almost half of the respondents indicate they would report suspected corruption to police
• It suggests considerably more needs to be done to inform and engage with the broader public
Trust cont.

• But this is based on a foundation of trust
• Another truism of policing research
• People don’t complain for one or a combination of three things
• (1) no action will be taken
• (2) too much effort
• (3) fear of reprisal
• Can new agencies help in overcoming these problems?
• Generally yes, but much more difficult when their formation is deeply embedded in political contest
• In Victoria, the development of police specific OPI was founded in political ‘play’ (denial, delay, limits) and remains so (new agency forthcoming)
• We wait to see how it is received
Conclusions

• It is a changing social and technological environment
• New agencies playing a delicate role: unsettling police account ability whilst also trying to be part of trust building, for themselves but also for public trust in policing
• New social media and informal surveillance only going to increase
• Question is about how it can be used for better social justice outcomes rather than background noise, entertainment, or destabilising and distrusting