CCi
CUTTING CRIME IMPACT

Factsheet

Ethical, legal & social issues impacting Community Policing

This Factsheet is based on research conducted for the review of ethical, legal and social issues impacting Community Policing (CCI Deliverable – D5.1). It follows on from the Factsheet "Community Policing".

Cutting Crime Impact (CCI)

CCI is an EU-funded Horizon2020 project that enables Law Enforcement Agencies (LEAs) and relevant local and national authorities (i.e. security policymakers) to reduce the impact of crime and, where possible, prevent crime from occurring in the first place. The CCI project will enable a preventative, evidence-based and sustainable approach to tackling high-impact petty crime.

The CCI project is designing, developing and demonstrating four toolkits, in the areas of:

Predictive Policing

Community Policing

Crime Prevention through Urban Design and Planning (CP-UDP)

Measuring and mitigating citizens' feelings of insecurity

What is Community Policing?

Community Policing is a strategy that focuses on police officers engaging and working closely with local communities. The foundation for Community Policing is local officers assigned to small geographical areas or 'neighbourhoods', patrolling on foot, and establishing close ties with members of the public and local agencies. This supports partnership working, problem-solving and the co-creation of strategies for reducing crime and disorder. Community Policing may be implemented by LEAs that are prioritising improved community relations and addressing security issues that are impacting the everyday lives of citizens.

Why do ethics and human rights matter for Community Policing?

Effective Community Policing is about fostering citizen's trust and confidence, and increasing the legitimacy of the police in the eyes of the public. In EU law, these fundamental values gain expression through provisions within human rights legislation, which also endorse the values of living in a democratic society and the rule of law.

Consequently, LEAs in the EU are bound by the rule of law, which connects the executive with their constituents, the citizens. If policing is about implementing the rule of law, Community Policing can be considered a collaborative, citizen-focussed and consensual means of achieving this. Community Policing raises questions about the degree to which the relationship between the community, the citizen, and the police (as representatives of the state) is appropriate. While it is clear that the police must monitor and be present in communities, it is difficult to anticipate when this becomes unacceptable.

For example, intensive monitoring by the police, together with constant intervention and pressure, might facilitate the creation of a 'police state'.

The less the operations of LEAs are perceived as legitimate in a democratic social context, respecting the rule of law

and human rights, the more difficult it will be to engage with communities. In addition, working with hard to reach groups will become even more difficult. LEAs must reconcile on the one hand their obligation to care for communities and prevent harm, and on the other their potential role in depriving individuals of their collective autonomy.

Community Policing and networked governance

Community policing is heavily influenced by socio-economic developments taking place since the millennium, including the re-definition of the relationship between the individual and society that has been transformed by globalisation and digitalisation. To better understand this transformation, Hazenberg and Zwitter[1] identify three modes of governance:

Mode 1: Traditional command and control structures, mostly embedded in the state.

Mode 2: More horizontal forms of governance that include private actors.

Mode 3: Governance structures characterised by the changing and multiple roles of actors, and the necessity to designate roles depending on network clusters and policy domains.

Hazenberg and Zwitter 2017, p.184-209

[1] Hazenberg, J. L. J., and Zwitter, A. (2017) "Network Governance im Big Data- und Cyber-Zeitalter". Zeitschrift Für Evangelische Ethik, 61(3), 184–209.

Government agencies often perceive Community Policing as an investment in proactive approaches oriented towards preventing future problems. This involves a network of partners collaborating on a shared mission, and cooperating predominantly in Mode 3 governance. The trend towards digitalisation and the use of 'big data', as well as opportunities provided through automated decision-making (e.g. Machine Learning and Artificial Intelligence), increase the relevance of networked governance[2]. From this perspective, Community Policing may be considered an interesting example of how traditional fields of law enforcement are adapting to the challenges and themes of their time, bringing together police, other public actors and citizens to co-produce safety and security.

[2] Castells, M. (2011) The rise of the network society (Vol. 12). John wiley & sons.

Understanding Community Policing through concepts of communitarianism and good governance

Arguably, the persistent ambiguity around the terms 'community' and 'good governance' are of particular interest to Community Policing. In the context of Community Policing, the term community can be defined within the concept of communitarianism, which identifies three types of communities[3]:

· **Communities of place** – Based on a shared geographical location.

· **Communities of memory** – Based on a shared pool of memories, knowledge and information that is significantly associated with a social group's identity (e.g. national, ethnic or religious identity).

· **Psychological communities** – Based on collaboration between groups of people with high levels of trust,including family, work, school and sports teams.

[3] Bell, D. (2016) "Communitarianism", The Stanford Encyclopedia of Philosophy, Edward N. Zalta (ed.), retrieved from: https://plato.stanford.edu/entries/communitarianism/

By default, LEAs have a territorial scope, mindset and mandate. Consequently, policing approaches are often focused on 'communities of place', regardless of whether this is appropriate from the perspective of individual citizens. Community Policing raises questions around how communities are engaged and citizens that may not feel part of such communities included. The second relevant concept for Community Policing is good governance. The Office of the United Nations High Commissioner for Human Rights[4] (OHCHR) has identified the key attributes of good governance:

1.
Transparency

2.
Responsibility

3.
Accountability

4.
Participation

5.
Responsiveness (to the needs of the people)

Having a visible police presence that engages with the public is a feature of participatory governance, in that it enables a form of public participation in policing. At the heart of Community Policing is the prioritisation of the needs of communities and the adoption of a problem-oriented approach, which aligns with the good governance parameter "Responsiveness (to the needs of the people)". Knowledge of what constitutes good governance is useful in understanding the broader context for Community Policing.

[4] The United Nations Human Rights Office of the High Commission (n.d) Good Governance and Human Rights, retrieved from: https://www.ohchr.org/en/issues/Development/GoodGovernance /Pages/GoodGovernanceIndex.aspx

Ethical, legal and social concerns

· Ethical concerns

There are three main ethical concerns that should be taken into account by those undertaking Community Policing:

Perception of police fairness and trust in policing

· Coombs[5] (1998) warns that Community Policing may result in the unfair targeting of lower social classes and minorities, with the potential to undermine trust in policing among these communities. Furthermore, with the increasing automatisation of policing activities (e.g. Predictive Policing, facial recognition, automated surveillance, etc.) it is necessary for LEAs to have detailed and clear policies on the selection, combination, analysis and use of personal data, as well as on how the use of such data is communicated, and consequential interventions in place[6].

Stigmatisation of areas

· Increased LEA activity in certain areas can potentially have stigmatising effects for the area and the individuals living within it. The stigmatisation of areas can have tangible and material results. For example, the value of homes and businesses in an area might decrease. Real or perceived stigmatisation of minority groups and individuals is a serious concern, and one that can fuel distrust in LEAs.

Discretion of front-line officers

· Community Policing brings front-line officers into close contact with the public and often involves dealing with less-serious crimes and incivilities. The majority of people do not wish to see legal enforcement for minor offences, such as jaywalking. Hence, front-line officers must apply their discretion and take appropriate action so as to maintain the trust of communities.

[5] Coombs, M. I. (1998) "The constricted meaning of community in community policing", St. John's Law Review, 72 (Issues 3-4), pp. 1367–1375.

[6] Richardson, R. and Schultz, J. & Crawford, K. (2019) "Dirty Data, Bad Predictions: How Civil Rights Violations Impact Police Data, PP Systems, and Justice" (February 13, 2019). New York University Law Review Online, Forthcoming. Available at SSRN: https://ssrn.com/abstract=3333423

· Legal concerns

While Community Policing is a core aspect of a nation's security and therefore the applicability of EU law seems limited, general provisions such as those enshrined in the EU Human Rights framework remain relevant. Furthermore, trends such as digitalisation and globalisation increase the need for cooperation across national borders, especially when LEAs are confronted with cyber-enabled or cyber-dependent forms of crime. Community Policing is also affected by cross-border threats, such as online-radicalisation or terrorism.

· Social concerns

The primary social concerns of Community Policing are rooted in the ambiguity of the term. What community or communities are we talking about? How can police forces understand communities and their needs? What if a community has particular desires and expectations that come at the cost of other individuals and groups? Approaches and interventions based on the understanding of only one community can have negative consequences for others. Hence, social concerns of Community Policing are closely linked to ethical aspects, such as the fairness and trustworthiness of LEAs.
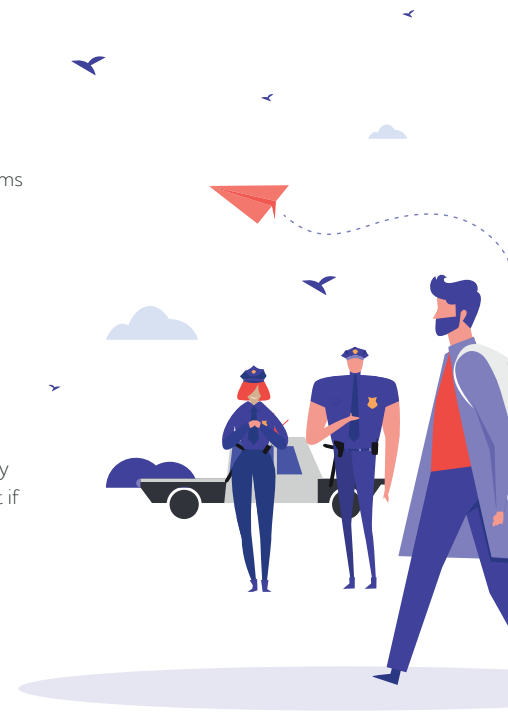
Community Policing in Europe

A state-of-the-art review was carried out by the CCI project, focusing on four European LEAs: Catalonia (ES); Greater Manchester (UK); Lisbon (PT); and Lower Saxony (DE). This revealed three common characteristics:

Visible police presence in communities

Typically, this entails police officers on patrol in neighbourhoods. It is important to mention that police presence does not just mean having officers and staff on the ground, it can also be supported via digital means.

Citizen engagement

Participation of the public in co-producing safety and security can be problematic if there is a lack of trust. However, trust is supposed to be an outcome of Community Policing — meaning that in the absence of trust this model becomes a catch-22[7] situation[8]. Another realm of citizen engagement concerns the online space[9]. Through social media, LEAs can undertake activities such as communication with citizens, as well as the gathering of intelligence. The success of online citizen engagement seems to hinge on the digital skills and literacy of officers, as well as understanding how the cyber interacts with physical space.

Prioritising community concerns

Prioritising the concerns of communities relates closely to modern ideas on good governance. In the analysed communities, LEAs are keen to take the concerns of citizens seriously, with a particular focus on the prevention of crimes targeting vulnerable people. Prioritising processes might also benefit from the skilled use of digital tools such as chatbots, messaging apps or online forums.

[7] A catch-22 is a paradoxical situation from which an individual cannot escape because of contradictory rules or limitations.

[8] Davey, C., Wootton, A.B., Guillén, F. Diniz, M. and van Soomeren, P. (2019) D2.4. Review of State of the Art: Community Policing, Cutting Crime Impact, June 2019.

[9] Bayerl, P.S. and Jacobs, G. (2017) "Evaluating the Design and Implementation of COMMUNITY POLICING-Support Technologies: A Participatory Framework", in Bayerl, P. S. et al. [eds] Community Policing – A European Perspective, Springer 2017.

Lessons learned from CCI

Despite differing cultural contexts and societal differences, it is possible to identify common characteristics for Community Policing across Europe. These can be tied to the values of trust, confidence, and legitimacy.

The main strength of Community Policing is a proactive problem-solving approach. Furthermore, Community Policing addresses crime prevention for vulnerable groups.

Nevertheless, more research is needed to be in a position to evaluate the impact of Community Policing. Despite some positive results that it can reduce victimisation (Davey et al. 2019), the extent to which it contributes to reducing crime remains unclear.

Globalisation and digitalisation are catalysts for the redefinition of the relationship between the individual and society. Community Policing is affected by global issues such as (online-) radicalisation, terrorism and cross-border crime. This highlights the importance of cross-border cooperation and a strategy to address crime facilitated in and by the digital domain.

LEAs should increasingly consider communities of memory, as well as psychological communities, rather than merely communities of place. This, together with a recognition of a networked society, might help LEAs to continue to make Community Policing a fruitful exercise.

Community Policing will be one of the most prominent areas in which citizens experience and interact with the state. Hence, a visible police presence in communities, engaging citizens, and the ability to effectively prioritise concerns in communities is essential not only for LEAs, but for the wellbeing of society in general.

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