





Civilian Oversight of Police Through the Lens of Polarities of Democracy

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Abstract

Following the murder of George Floyd, the U.S. Congress called upon the National Organization for Black Law Enforcement Executives (NOBLE) to play a role in the reimagining of policing in America, including a transformation of policing from a warrior to a guardian mentality. In turn, NOBLE partnered with the Institute for Polarities of Democracy (the Institute) to conduct an analysis of the *21st Century Policing Report* (the Report), which focused on addressing a myriad of issues that challenged the relationship between the police and communities. The Report determined there were six “pillars” necessary for effective policing in America, including (1) Trust and Legitimacy; (2) Policy and Oversight; (3) Technology and Social Media; (4) Community Policing and Crime Reduction; (5) Training and Education; and (6) Officer Wellness and Safety that encapsulated areas in need of attention. This review was an in-depth analysis conducted with support from the Walden University Center for Social Change through its strategic alliance with the Institute.

In this article, we summarize the results of the Institute’s initial review of Pillar Two of the Report, Policy and Oversight, with a specific focus on civilian oversight of police. The Institute’s analysis of a sampling of responses (from the participants against a survey question) was identified as correlating with polarities of democracy values. Additionally, a separate comprehensive critical analysis was conducted by comparing various principles believed necessary for effective civilian oversight of police against individual polarities of democracies value sets. Finally, the 5-Step SMALL Process (**S**eeing, **M**apping, **A**ssessing, **L**earning, and **L**everaging) was identified as a tool that could be used to implement recommendations contained in the Report. From this tool, Polarity Maps for Justice and Due Process, as well as Participation and Representation, were developed to graphically depict the correlation of the polarities of democracy value sets with the preconditions for effective civilian oversight of police.

Keywords: *civilian oversight of police, polarities of democracy*

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Introduction

In the aftermath of the George Floyd murder, the Institute for Polarities of Democracy (the Institute) and the National Organization for Black Law Enforcement Executives (NOBLE) collaborated on an initiative to conduct an examination and analysis of the *21st Century Policing Report* (the Report) through the Institute’s lens. Through a memorandum of understanding (MOU) between NOBLE and the Institute, several goals were identified to support NOBLE’s efforts to transform policing cultures from a warrior mentality to one of guardianship through transformational reforms particularly related to the tenets of justice in policing act within the Report. While the MOU addressed several components, one component investigated engaging specifically in collaborative research projects with NOBLE. Given this mandate, the Institute decided to examine civilian oversight of police, which was raised in Pillar Two, Policy and Oversight, of the Report.

According to the President’s Task Force on 21st Century Policing (2015), the Report was developed to identify “best practices and recommendations on how policing practices can promote effective crime reduction while building public trust” (p. 5). Through this collaboration, a report was produced by the Institute that summarized the efforts of a year-long “Phase One Analysis” of four of the six pillars contained in the Report (Benet & McMillan, 2021a).

The Polarities of Democracy Theory consists of 10 values developed by Benet (2006, 2012, 2013, and 2023). In the theory, Benet posits that each value is essential, but none are sufficient by themselves in a democracy. Through his research, Benet suggests the 10 essential values are arranged in the following five polarities of democracy pairs:

- Freedom and Authority
- Justice and Due Process
- Diversity and Equality
- Human Rights and Communal Obligations
- Participation and Representation

Benet (2023) further posits that to realize the promise of democracy as a solution to oppression, the aforementioned pairs must be effectively leveraged to “maximize the positive aspects of each pole and minimize the negative aspects of each pole” (p. 1). According to Benet and McMillan (2021b), the Institute’s examination and analysis of the Report revealed that:

the various recommendations and action items contained within [the Report] were supported by the research and evidence underlying the polarities of democracy [values and] approach. In addition, the polarities of democracy approach provide local communities with a framework to analyze and assess police culture and develop transformational reform efforts to ensure that all members of the community are treated with dignity and respect. (p. 57)

Following the completion of the Institute’s examination, a decision was made to undertake a separate initiative to examine and analyze the extent by which the polarities of democracy value sets aligned with

principles of civilian oversight of police that were identified by the Institute from various feedback sessions held with community groups as an area of interest within Pillar Two, Policy and Oversight, of the Report.

First, data was extracted from the Report for the current review and formulated into a survey. This survey was subsequently distributed to chief executive officers (CEOs) of NOBLE prior to the 2022 CEO Symposium. Second, an initial analysis was conducted by correlating recommendations and action items from the Report against the polarities of democracy value sets. This resulted in the assessment that all recommendations and action items were positively or negatively affected depending on the extent to which the police and community effectively leveraged at least two or more of the “Polarities of Democracy” pairs. Finally, a secondary analysis conducted by McMillan and Benet identified strategies tailored toward addressing specific polarities related to civilian oversight of law enforcement. Pillar Two, Policy and Oversight, of the Report included civilian oversight of police as an area that necessitated examination.

Purpose

The purpose of the current review was to apply the polarities of democracy value sets to the specific perceptions of law enforcement professionals as they relate to civilian oversight of police. The analysis and this article were conducted with support from the Walden University Center for Social Change through its strategic alliance with the Institute.

By way of background, civilian oversight of police has its foundational development in addressing a variety of needs in communities. From the progressive era in policing through various models of civilian oversight, the oversight function has addressed a myriad of issues. Principle functional responsibilities consist of addressing misconduct allegations, formulating a structure to instill community faith, and continuously building trust in policing. Ultimately, the central goal suggests that various civilian oversight structures were created to ensure police accountability and meet local needs (Vitoroulis et al., 2021).

According to Benet and McMillan (2021a), following the completion of the reviews by the team examining the area of Policy and Oversight, an analysis was conducted of all recommendations and action items contained within various components of the Report. Benet and McMillan examined the extent to which the Report’s recommendations and action items were supported by the research and evidence underlying the Polarities of Democracy Approach within the first report. The level one analysis confirmed that in every instance the various recommendations and action items contained within the Report are supported by the research and evidence underlying the Polarities of Democracy Approach. Further, the analysis identified all recommendations, and action items were positively or negatively affected depending on the extent to which the police and community effectively leveraged at least two or more of the Polarities of Democracy Approach pairs.

A review of the Section 2.8 Recommendation in the *21st Century Policing Report* identified the value and importance of civilian oversight to buttress relationships between law enforcement and communities. Central to this approach, the Report formulated a strategy designed to meet the unique needs of the community served by the oversight entity. The Action Item in Section 2.8.1 suggests the need for the National Institute of Justice (NIJ) to expand research into the arena of civilian oversight, and the Action Item in Section 2.8.2 calls for the Community Oriented Policing Services (COPS) office to award grant funding in order to provide technical assistance and, according to the President’s Task Force on 21st Century Policing (2015), to “collect best practices from existing civilian oversight efforts and be prepared to help cities create this structure, potentially with some matching grants and funding” (p. 26).

Literature Review

The purpose of this literature review was to understand the broader contextual issues of civilian police oversight. A broad search of the literature was conducted to include literature published in the last 5 years. The databases searched were ERIC, EBSCO Host, ProQuest Central, SAGE, and meta-search engines. Thoreau and Education Source meta-search engines were also conducted. Search terms were conducted individually and in combination with each other. Terms included *civilian oversight*, *police oversight*, *benefits of police oversight*, *effective oversight committees*, *criminal justice initiatives*, and *21st-century policing*.

The search for the current literature was expansive, particularly within the last 2 years. Previous research on police–community interactions shows that trust and legitimacy have been severed in the events following the George Floyd incident. Also, the “us versus them” police mentality has relied on citizen recollections of past interactions or researcher observation of officer behavior to assess procedural fairness. Although these methods are invaluable, they offer an indirect view of officer behavior and are limited to a small number of interactions. Furthermore, the very presence of researchers may influence the police behavior those researchers seek to measure (Voight et al., 2017). Lessons and practices from previous policing encounters have not been favorable to the public, particularly those encounters that are unjust and unfair, and have resulted in counterproductivity (Maguire et al., 2017; Mazerolle et al., 2013; Reisig et al., 2018). Police perception and public support are critical to procedural justice in establishing police legitimacy, civilian cooperation, and preventing crime (Kirk & Matsuda, 2011; Wolfe et al., 2016).

The review determined that the National Association for Civilian Oversight of Law Enforcement (NACOLE) identified civilian oversight of police as being addressed in the Report (Vitoroulis et al., 2021a). The authors suggested that the creation of such oversight bodies must be consistent with the needs of the community. Through such efforts, it was envisioned that trust and legitimacy between the police and the communities they serve could be enhanced.

According to Vitoroulis et al. (2021b), the accomplishment of civilian oversight of police is achieved through various models, including investigative-focused, review-focused, and auditor/monitor-focused, and each approach has a distinctive feature. Following is an excerpt from the Vitoroulis et al. article *The Evolution and Growth of Civilian Oversight* (2021b):

1. **Review-focused models** typically assess the quality of finalized complaint investigations undertaken by the police or sheriff department’s internal affairs unit or conduct reviews of the overseen law enforcement agency’s policies, procedures, and disciplinary activities.
2. **Investigation-focused models** employ professionally trained staff to investigate complaints of alleged misconduct independently and separately from the police or sheriff’s department they are responsible for overseeing.
3. **Auditor/monitor-focused models . . .** Auditor/monitor agencies may review internal complaint investigation processes, evaluate police policies, practices, and training, actively participate in open investigations, conduct wide-scale analyses of patterns in complaints, and communicate their findings to the public.
4. **Hybrid civilian oversight exists in two ways:** hybrid agencies and hybrid systems. In the first case, an agency may primarily focus on one oversight function while also performing other functions (such as reviewing internal investigations and auditing policy compliance). In the latter case, a single jurisdiction may have multiple agencies overseeing the same department, such as an independent investigative agency and an inspector general, or a monitor agency and a civilian board acting in an advisory capacity to the law enforcement agency or other civilian oversight agency. (p. 8)

The basic tenet of creating a police oversight institution is for its members to be ethical, transparent, and accountable in their actions of serving communities. Supporting such goals requires obtaining an understanding of the level of engagement of civilian oversight in American cities. According to Stephens et al. (2018), the Major Cities Chiefs Association conducted a survey of its member agencies and found that 79% reported some form of civilian oversight board in their communities. The resultant report addressed the dearth of information relative to the overall effectiveness or evaluations of civilian oversight of the police. A review of the Report by the Institute identified objectives for obtaining trust in communities through the formulation of civilian oversight organizations. However, this review failed to identify the existence of value sets necessary for functioning in a democratic society as suggested by the Institute. Given the lack of information associated with aligning value sets with the identified civilian oversight of police models, the current Institute examination and analysis by Benet and McMillan fills a void in this arena.

The Polarities of Democracy Theory is drawn from five broad categories of literature: general democratic theory; workplace democracy theory; general organizational development theory; occupational safety and health theory; and economic democracy theory. The theory was tested through comparison to the literature from these five categories and to five exemplary models of democracy that were drawn from each of the five broad categories (Bernstein, 1976; Blake & Mouton, 1985; Butts, 1980; Ellerman, 1990; Karasek & Theorell, 1990), according to Benet (2006).

The Institute for Polarities of Democracy (the Institute) uses the Polarity Map™ structure (see Figures 1–5 developed by Dr. Barry Johnson and Polarity Partnerships (Johnson, 2020) as a means by which to help organizations and communities determine the warning signs of when they are experiencing the negative aspects of a polarity pole, and the action steps needed to maximize the positive aspects of both poles and minimize the negative aspects of both poles (Benet et al., 2023).

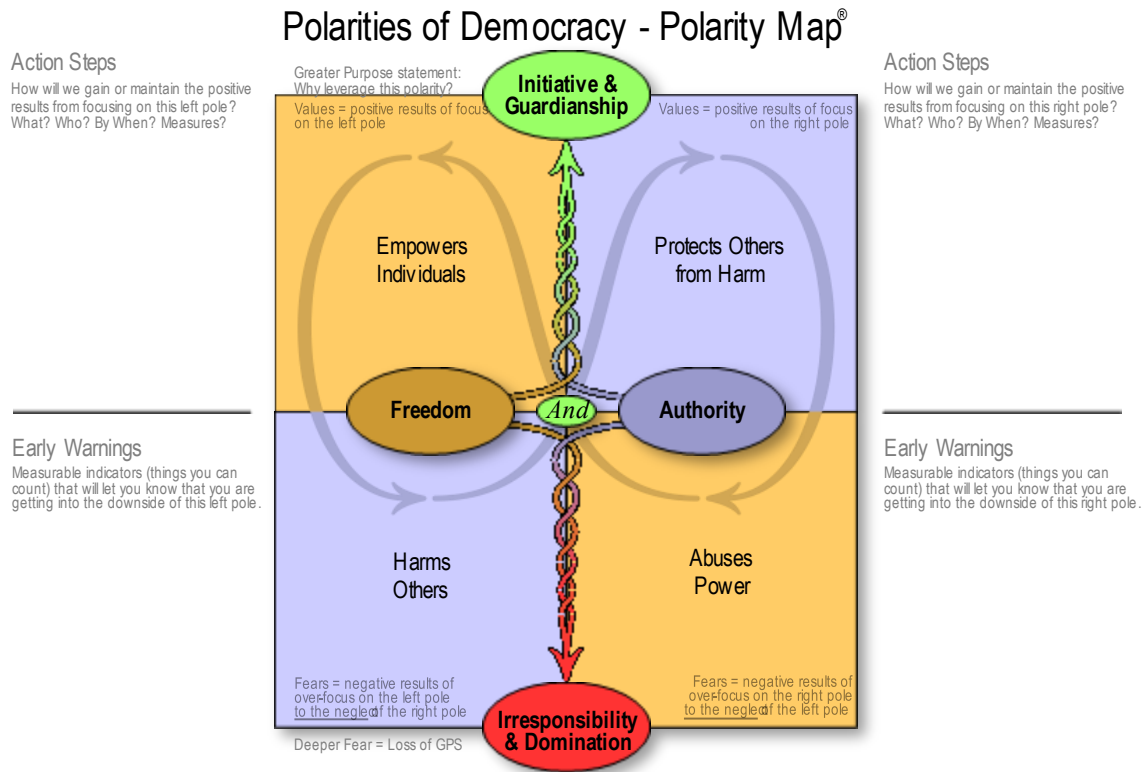
As depicted in Figures 1–5, the structure of each polarities of democracy map includes the specific poles; the upper and lower quadrants associated with the poles (the positive and negative aspects of each pole); a higher purpose and deeper fear related to the poles; early warning signs of when a polarity is not being leveraged effectively; action steps to better leverage the polarity; and a grey *infinity* loop that represents a polarity that is being leveraged effectively. The basic maps contain a very short description of one positive and negative aspect for each of the Polarities of Democracy pairs (Polarities of Democracy Institute, 2023, p. 3). According to the Polarities of Democracy Institute (2023):

Basic Maps represent just one example of the potential positive and negative aspects of the Polarities of Democracy pairs. They should not be thought of as the only possible positive or negative aspects of the ten values that make up the five pairs of the Polarities of Democracy theory. Nor should the higher purpose and deeper fear associated with an individual pair be thought of as the only possibility. Students reading my original dissertation research, or conducting their own research, can find dozens if not hundreds of other examples of positive and negative aspects that could be used in the appropriate quadrants along with an appropriate higher purpose and deeper fear. (p. 16)

According to Benet and McMillan (2021a, pp. 39–40), the 5-Step SMALL Process (**S**eeing, **M**apping, **A**ssessing, **L**earning, and **L**everaging) is an invaluable tool that can be used to formulate approaches. Further, it provides a method to implement recommendations contained in the Report. Through its application, communities and policing entities can identify strategies to address polarities collectively identified. Additionally, as designed, the SMALL Process provides the capability to accentuate both early warning signs that necessitate attention and pertinent action steps to ameliorate identified concerns. The SMALL Process consists of the following:

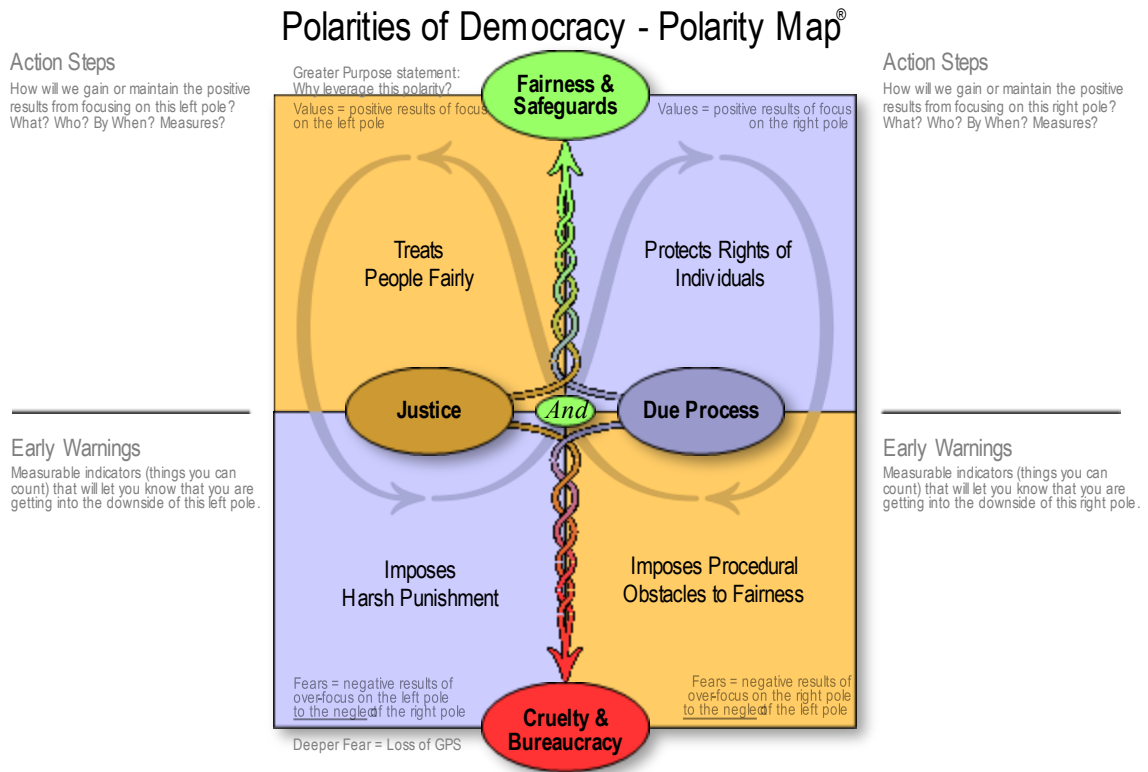
1. **Seeing**—Appreciate the interdependent nature of past, present, and future values, competencies, and strategic objectives. Differentiate “Problem-Solving” from “Polarity Leveraging,” as well as how and when to use both.
2. **Mapping**—Identify desired results to achieve and understand the negative consequences associated with an over- or under-focus on one pole of a polarity to the neglect of the interdependent pole.
3. **Assessing**—Assess your current strengths and vulnerabilities for the key polarities identified and mapped.
4. **Learning**—Deepen data-driven insights and qualitative connections among key stakeholders in the evaluation and meaning-making of Polarity Assessment results.
5. **Leveraging**—Develop dual-strategy Action Steps and measurable Early Warnings that support achieving your preferred future, faster and more sustainably. Retain what has worked from the past, attain what is needed for the future, and sustain the results over time.

Figure 1. A Polarity Map for Identifying the Positive and Negative Aspects of the Freedom and Authority Polarity Pair of the Polarities of Democracy's Values



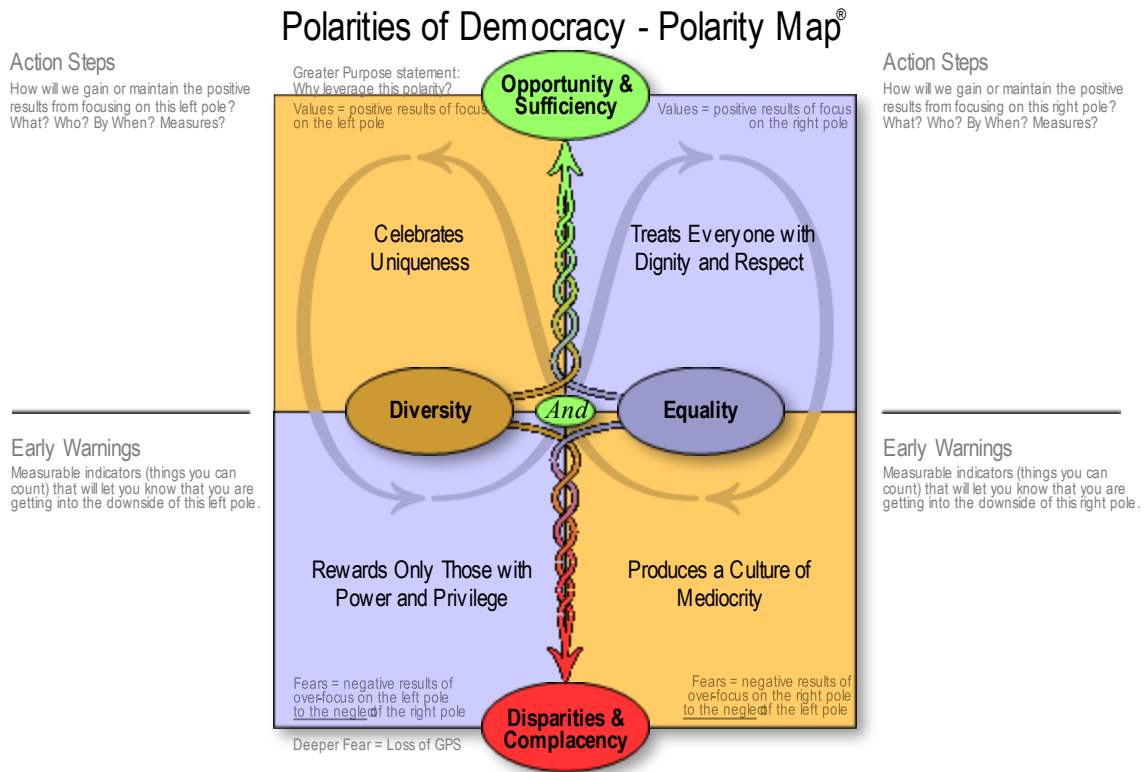
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Figure 2. A Polarity Map for Identifying the Positive and Negative Aspects of the Justice and Due Process Pair of the Polarities of Democracy's Values



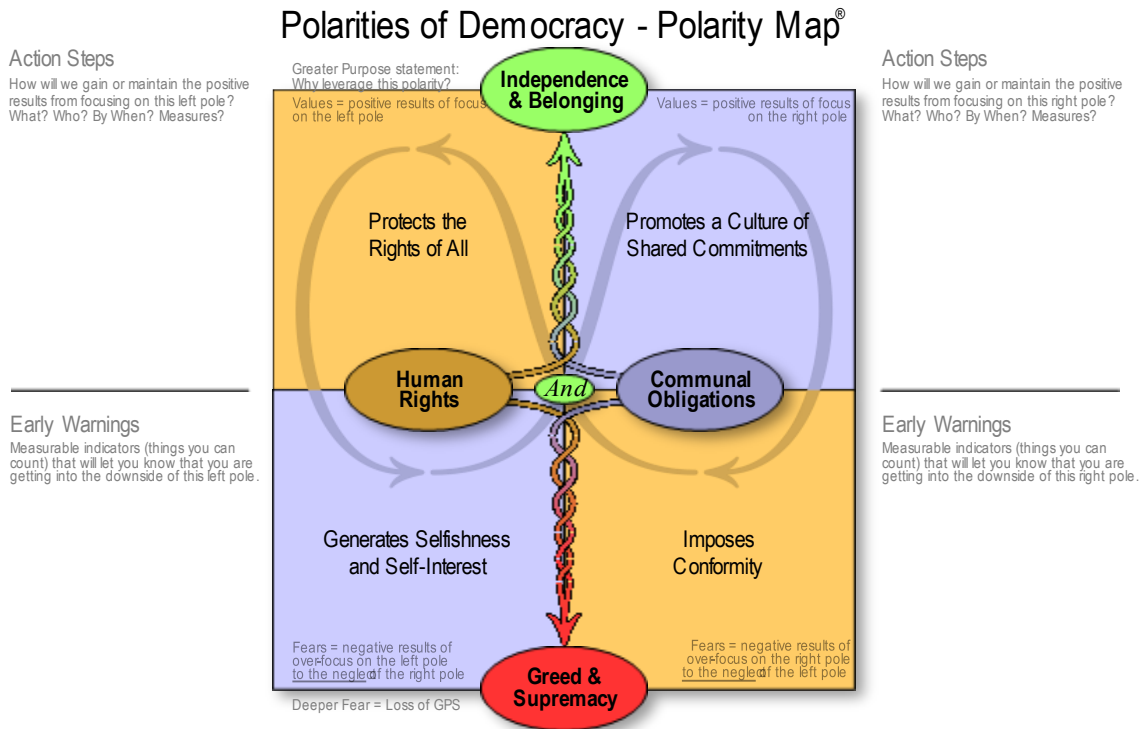
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Figure 3. A Polarity Map for Identifying the Positive and Negative Aspects of the Diversity and Equality Pair of the Polarities of Democracy's Values



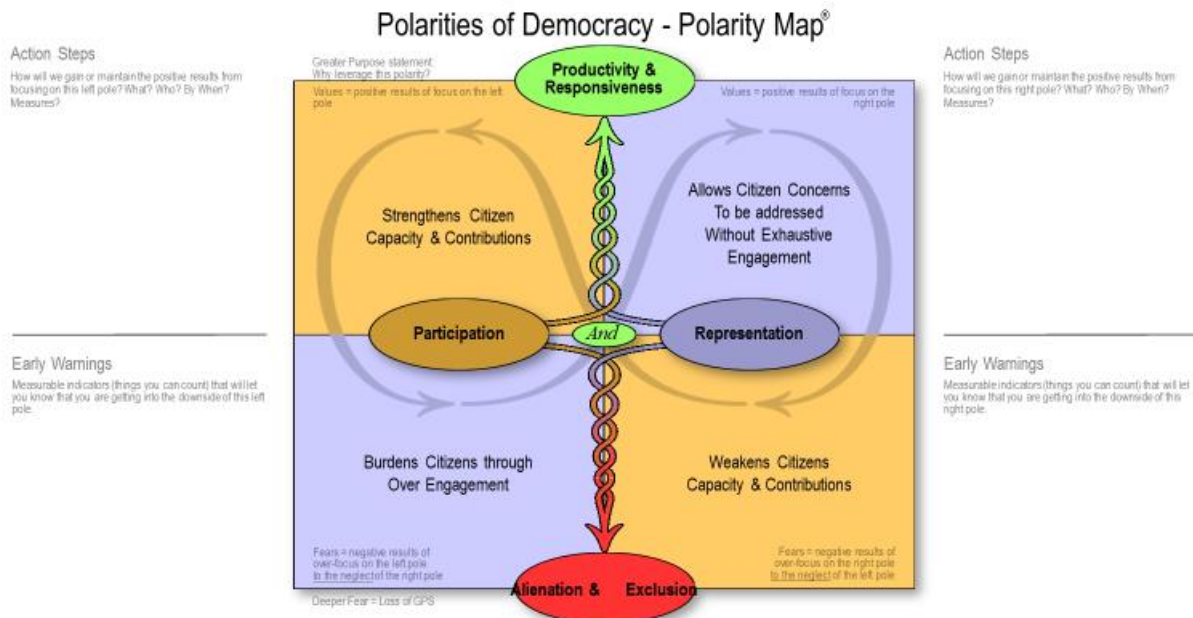
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Figure 4. A Polarity Map for Identifying the Positive and Negative Aspects of the Human Rights and Communal Obligations Pair of the Polarities of Democracy's Values



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Figure 5. A Polarity Map for Identifying the Positive and Negative Aspects of the Participation and Representation Pair of the Polarities of Democracy's Values



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Methods

Data for this study came from a survey distributed to CEOs of the National Organization for Black Law Executives (NOBLE) prior to the 2022 CEO Symposium. The study adopted a basic qualitative design approach. A basic qualitative design was appropriate because the purpose of the study was to explore the experiences and observations of local policing interactions with their respective civilian oversight committees.

The survey was initially distributed to 1,656 CEOs of law enforcement (chiefs of police, commissioners, and police executives from municipal and sheriff agencies). Participants of the 2022 CEO Symposium represented various departments across the United States and were invited to participate in the 12-question survey. The survey offered an opportunity for police executives to largely inform the Institute about their real experiences working with their respective civilian oversight committees in their jurisdictions. A total of 35 survey respondents, which equated to a 0.02% response rate, participated in the survey. Interestingly, it was noted that only 36 CEOs were interviewed by the 21st Century Task Force Commissioners, according to transcripts from the Report.

The current examination and analysis is a continuation of the collaborative effort between the Institute and NOBLE. According to Benet and McMillan (2021b), the Institute's report regarding Pillar Two Policies and Procedures Analysis Team identified the following seven key themes:

1. There is a need for law enforcement agencies to collaborate with disproportionately affected communities regarding the deployment of police resources.
2. There is a need for law enforcement agencies to develop comprehensive policies encompassing training, use of force, de-escalation, and other tactical areas.

3. There is a need for independent criminal investigations in police use-of-force cases.
4. There is a need to collect police use-of-force data.
5. There is a need for law enforcement agencies to revamp mass demonstration policies and integrate de-escalation strategies.
6. There is a need for the creation of civilian oversight review boards.
7. There is a need for greater police transparency during the execution of enforcement actions. (p. 56)

Analysis of the themes by the Institute identified that each theme is supported by the research and evidence underlying the polarities of democracy value sets.

Results

Benet (2013) “suggests that the Polarities of Democracy model can provide a unifying theoretical framework that can be used to plan, guide, and evaluate social change efforts” (p. 10). While many polarities of democracy value sets were found to align with the principles of civilian oversight of police, the elements of Freedom and Authority, Justice and Due Process, along with Participation and Representation, aligned with many survey respondent results.

From the survey, the size of the agencies’ jurisdictions that served communities ranged from populations with as many as one million to as few as 25,000. All survey respondents served in urban areas, with no rural areas being reported. Approximately 0.34% of respondents reported their jurisdiction has a police oversight committee, mostly with a hybrid (review–audit) make-up. Less than 0.25% reported that external stakeholders are a part of the process, and the remainder did not know or respond as to whether stakeholders participated in like evaluation of a civilian oversight apparatus within their jurisdictions. Another percentage of less than 0.31% did not have the resources (personnel, budget, equipment, etc.) necessary to support the current civilian oversight agency within their jurisdiction. The last three questions of the survey explored if the police chief, officers (0.11%), political leaders (0.40%), and community stakeholders (0.37%) mutually understood the rationale and creation of a civilian oversight agency in their jurisdiction. Unfortunately, the aforementioned statistics were dismal, and less than 0.35% of respondents communicated a full understanding of the actual goal of civilian oversight.

Through this examination, survey participants provided their assessments of the Report concepts relative to civilian oversight of police. From these results, the Institute analyzed a sampling of responses from the participants against the following survey question:

Table 1. Question: Please specify how community stakeholders do or do not understand the rationale for the creation of a civilian oversight agency.

Response: We maintain a good relationship with the community and have not had any incidents that warrant the formation of such since I became chief approximately 18 months ago.	Polarities of Democracy Values: Justice and Due Process; Participation and Representation
Response: They don't feel the need for civilian oversight of police until something goes wrong. If things are running smoothly then they don't seem interested.	Polarities of Democracy Values: Justice and Due Process; Participation and Representation
Response: They believe they would have power over the police department and do not care that they would look at facts and conduct an investigation.	Polarities of Democracy Values: Justice and Due Process; Participation and Representation
Response: I don't know if they understand but as a department, we have made attempts to engage the community with different decisions within the department. (Accident Review Board participation, hiring process, and others).	Polarities of Democracy Values: Justice and Due Process; Participation and Representation
Response: The community knows it's needed to oversee police functions.	Polarities of Democracy Values: Justice and Due Process; Participation and Representation
Response: We currently have a publicly elected police commission that oversees our department much like a civilian oversight agency.	Polarities of Democracy Values: Justice and Due Process; Participation and Representation; Freedom and Authority
Response: Unwanted. The elected council members already do it.	Polarities of Democracy Values: Freedom and Authority; Participation and Representation
Response: The community understands the importance of civilian police oversight because we have been under a Consent Decree for the last 10 years. They do understand we don't have the political influence that wants it to happen.	Polarities of Democracy Values: Justice and Due Process; Human Rights and Communal Obligations; Participation and Representation

During July 2022, following the CEO Symposium, a workshop on the topic of civilian oversight was held at NOBLE's Annual Conference in Orlando, Florida. The purpose of the workshop was to provide understanding and practical guidance on civilian oversight information to participants. Further, workshop participants envisioned the necessity to use the forum as an approach to improve trust between police and the communities they serve and further the tenets of community policing.

National experts from policing agencies, oversight boards, and the research community engaged in guided discussions surrounding civilian oversight, current best practices, and how implementing and supporting civilian oversight can promote legitimacy and advance procedural justice for civilians, officers, and police executives. A moderated question and answer (Q&A) session was held with participants and covered a variety of areas associated with civilian oversight of police including methods to build trust with the community; the

distinction between the various models used by locations; how to measure the benefits of police oversight for communities and for law enforcement agencies; the trends or changes since the Report was issued; themes identified from the civilian oversight survey conducted by the Institute with NOBLE CEOs; and discussions regarding the tension between oversight and unions.

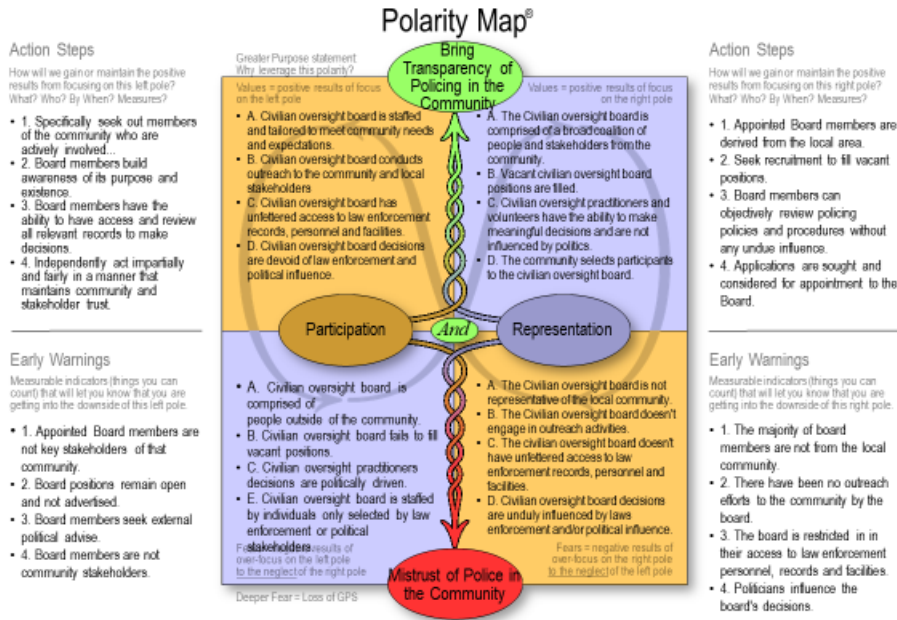
Strategy for Implementation of the Findings

As suggested from the information developed during this examination, formulating an approach that can be utilized by communities is important to implement necessary reforms to bridge communities and police operations. Utilization of the SMALL Process affords the ability to develop strategies tailored toward addressing specific polarities related to civilian oversight of law enforcement operations. Given the myriad of challenges associated with addressing civilian oversight of law enforcement issues, it is important to integrate standards that can be appropriately considered. A review of research, conducted and identified by Vitoroulis et al. (2021b), suggests the following 13 principles “form the preconditions for effective civilian oversight of law enforcement” (p. 12). These 13 principles include:

1. Independence
2. Clearly defined and adequate jurisdiction and authority
3. Unfettered access to records and facilities
4. Access to law enforcement executives and internal affairs staff
5. Full cooperation
6. Sustained stakeholder support
7. Adequate funding and operational resources
8. Public reporting and transparency
9. Policy patterns in practice analysis
10. Community outreach
11. Community involvement
12. Confidentiality, anonymity, and protection from retaliation
13. Procedural justice and legitimacy (pp. 12–15)

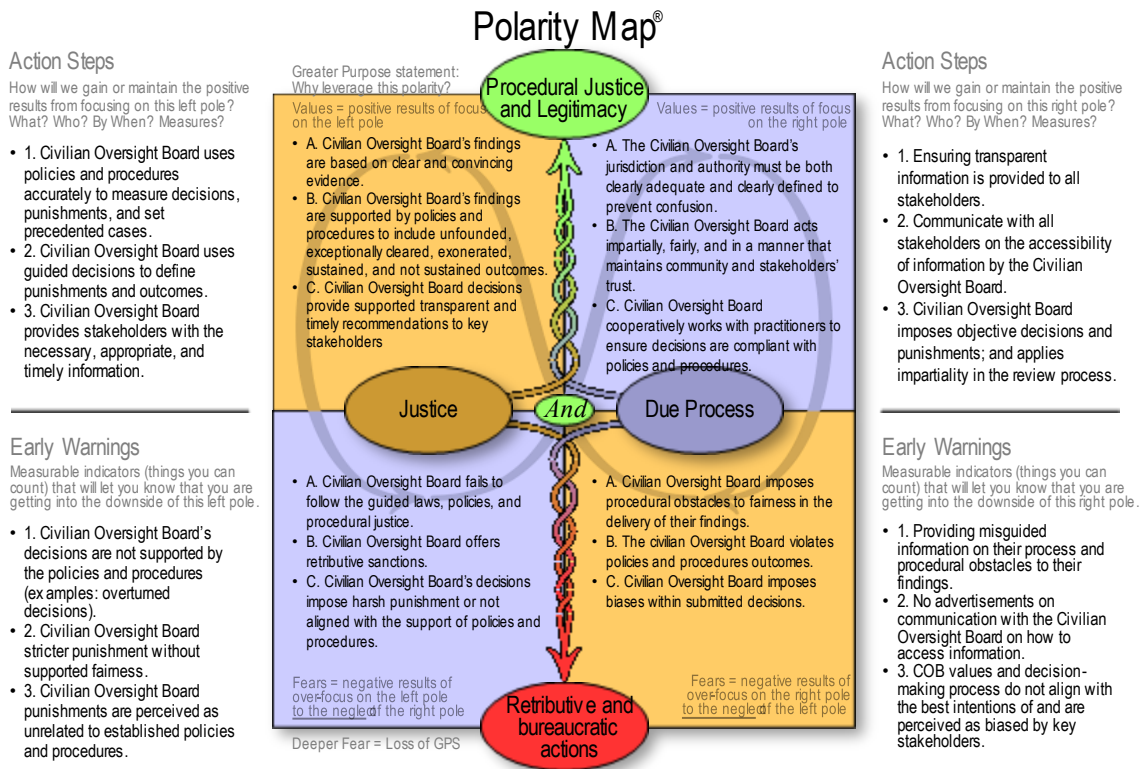
Several of the 13 principles were examined and aligned with value sets associated with the polarities of democracy. For example “Independence” aligns with “Freedom and Authority;” “Clearly defined and adequate jurisdiction and authority” aligns with “Justice and Due Process;” “Having access to law enforcement executives and internal affairs staff” aligns with the “Value Sets for Participation and Representation;” “Public reporting and transparency” aligns with “Justice and Due Process,” as well as “Participation and Representation;” “Confidentiality, anonymity, and protection from retaliation” aligns with “Human Rights and Communal Obligations,” as well as “Justice and Due Process;” “Community involvement” aligns with “Participation and Representation,” as well as “Justice and Due Process;” “Procedural justice and legitimacy,” aligns with “Justice and Due Process,” as well as “Human Rights and Communal Obligations.” From this review, Polarity Maps for Participation and Representation, as well as, Justice and Due Process (Figures 6 and 7) were developed to graphically depict the correlation of the polarities of democracy value sets with the preconditions for effective civilian oversight of law enforcement.

Figure 6. A Polarity Map for Participation and Representation Pair of the Polarities of Democracy's Value Correlated to Effective Civilian Oversight of Law Enforcement Preconditions



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Figure 7. A Polarity Map for Justice and Due Process Pair of the Polarities of Democracy's Value Correlated to Effective Civilian Oversight of Law Enforcement Preconditions



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Limitations

The present NOBLE study suffered from several limitations. Despite overtures, limited responses were received from individuals targeted to participate. Targeted survey participants were offered several reminders to complete the 12-question survey, including for 3 weeks following the NOBLE CEO Symposium. Notwithstanding these notifications, minimal responses were received. An additional limitation resulted in the respondents not carefully and completely answering all the questions. Additionally, some responses came with inferences and no elaboration.

For a broader generalization, further studies should elicit responses from different police executives of various rural and urban areas and explore correlations with polarities of democracy value sets. The current examination's results, while limited, offer insight into the importance of applying polarities of democracy value sets to civilian oversight of police operations.

Conclusion

The significant challenges facing police departments and communities have come into greater focus following such events as the murder of George Floyd. These challenges include the utilization of effective civilian police

oversight and transparency of police operations, as recommended through the *21st Century Policing Report* and prepared under President Obama. Such transparency enhances community and police relations and meets the demands by communities for police reforms grounded in rigorous accountability. In 2020, the U.S. Congress called upon NOBLE to join in playing a lead role in the implementation of the *21st Century Policing Report*.

To that end, NOBLE has engaged the Institute in a multiphase effort to apply the polarities of democracy value sets to the creation of meaningful standards and processes by which such reforms may be assessed. Our ongoing research demonstrates that the polarities of democracy value sets provide the ability to enhance and validate civilian police oversight functions grounded in accountability and transparency.

As demonstrated through this study, and in every instance, the various Recommendations and Action Items contained within the Report related to civilian police oversight were supported by the research and evidence underlying the Polarities of Democracy Approach. Further, the results received from the NOBLE survey suggested that effective leveraging of specific polarities of democracy values may be an essential component of police reform efforts.

Achieving understanding, commitment, and progress for police legitimacy and transparency requires policymakers, community stakeholders, police, and civilian oversight bodies to collaborate in the creation of programs that demonstrate meaningful successes. This phase of our research suggests that successfully applying the polarities of democracy values may be essential in generating opportunities to cultivate civilian oversight functions between police officials and the broader community that reflect the desired reform efforts of the *21st Century Policing Report*.

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