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Examining the Determinants of Police Department Online Transparency

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ABSTRACT AND ARTICLE INFORMATION

This study draws on the economic principle of supply and demand to examine police department online transparency. A sample of 350 department websites was evaluated using a 26-point index. To explain variation among the resultant transparency scores, several hypotheses are tested in order to identify the determinants of agency openness. Six hypotheses are driven by the notion that public demand—in the form of federally led organizational reform, legislation mandating data dissemination, and the presence of independent, civilian oversight—will correlate with increased transparency. Three others predict that ‘supply’ indicators, characteristics reflective of departmental openness, including the use of community policing strategies, the pursuit of agency accreditation, and voluntary participation in a longitudinal research study, will be positively correlated with openness. Results from several multiple regression models show support for three of nine hypotheses, with broad implications for both theory and public policy.

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Transparency is widely recognized as a defining characteristic of institutional strength and healthy democratic governance (Albalade, 2013; Bertot, Jaeger, & Grimes, 2010; Piotrowski & Van Ryzin, 2007). It has the potential to foster dialog between citizen and government and increase public participation in policy decision-making (Coglianese, 2009; Contradie & Choenni, 2014). Transparency has been shown to promote accountability by eliminating information asymmetries, in the process, enabling public oversight and reducing corruption (Albalade, 2013; La Porte, Demchak, & De Jong, 2002). Recent empirical literature has also shown that increased

access to government data is correlated with greater trust among citizens (Bertot et al., 2010; Shim & Eom, 2009).¹

The Internet has the potential to magnify the value of government transparency (Fung, Graham, & Weil, 2007). Unlike other more traditional platforms, the online space allows jurisdictions to make a vast amount of information public quickly and at relatively low cost. Electronic data can be consumed by anyone with the capacity to get online, regardless of day, time, or physical location. Examples abound of jurisdictions drawing on information and communication technologies (ICTs) to increase the efficiency of

service delivery (West, 2000), improve citizen satisfaction (Welch, Hinnant, & Moon, 2005), and reduce corruption (Bertot et al., 2010).

Yet, governments face several potential downsides to increased openness. Though the use of ICTs has changed the economics of transparency (Bannister & Connolly, 2011), there remain significant and ongoing financial burdens associated with the dissemination of information online (Breton, Galeoitti, Salmon, & Winrobe, 2007). Placing data online may expose public actors to heightened risk of scrutiny, criticism, and legal action (Barry & Bannister, 2013; Grimmelikhuisen & Welch, 2012). Doing so may also increase the likelihood that classified or confidential information is released to the public (Fenster, 2015; Pozen, 2013). In each instance, transparency loosens the government's ability to maintain control over the policy narrative, reducing an agency's ability to manage its public image (Cooke & Sturgis, 2009).

The potential costs and benefits of transparency are especially acute in the context of law enforcement. For decades, police-community relations have been defined by mistrust and a perceived lack of legitimacy, particularly among minority communities (Bayley & Mendelsohn, 1969; Tyler, 2005). Withholding information from the public may further feelings of mistrust (Goldsmith, 2005), with worrisome criminological implications. A citizenry lacking confidence in law enforcement has proved less willing to cooperate with ongoing investigations and less likely to voluntarily comply with the law itself (Tyler, 2006).

Sharing information can present risks as well. Recent controversy over the NYPD's use of stop-and-frisk techniques is just one recent example of how the dissemination of data can not only enable public criticism, but lead to both litigation and, ultimately, court-mandated policy reform (Goldstein, 2013; Rudovsky & Rosenthal, 2013; White & Fradella, 2016).

Police department public relations strategies have historically been quite conservative, with much of their focus on "controlling information and its flow ... and with protecting the reputation of the police" (Mawby, 2002, p. 307). The relatively slow pace at which the police have adopted web-based communication strategies has been attributed to similar factors (Kelly, 2014). In 2008, only 42% of police departments in the United States maintained an official website (Rosenbaum, Graziano, Stephens, & Schuck, 2011; see also, Jones & Guzman, 2010).

In the wake of the community-oriented policing (COP) movement and the increased emphasis on the importance of organizational legitimacy, police departments have become somewhat more media- and

PR-friendly in the last several years (Chermak & Weiss, 2005). Technological advancements have factored significantly in this shift. Recent findings suggest that the police are beginning to see value in using the Internet to communicate directly with their constituents (Mawby, 2010). Sites like *Facebook* (e.g., Unsworth, 2014) and *Twitter* (e.g., Crump, 2011; Haverin & Zach, 2010) appear to be of particular importance to the current strategy.

There is some indication that despite this increase in the use of social media platforms, local police departments have yet to recognize the potential value of a robust web presence. Tahiliani (2013) reviewed the content of 189 police websites from eight countries and found a "dearth" of available information (p. 43). Similarly, Rosenbaum and colleagues' (2011) analysis of 261 U.S. police websites revealed that very few departments make available either the information or applications (e.g., citizen commendation/complaint forms or other means of feedback) needed to facilitate police-community dialogue, promote agency accountability, or increase public trust and confidence.

Despite its clear importance to public sector governance, the management of public programs, and to the practice of policing, the issue remains vastly understudied. Scholars know relatively little about the extent of police department transparency and even less about those factors that drive agency decisions to disseminate information online.

To that end, websites from a sample of U.S. law enforcement agencies ($n=350$) are analyzed using a 26-point transparency index. Several hypotheses are tested to explore the notion that differences in agency transparency can be explained by the unique combination of 'supply and demand' pressures facing law enforcement agencies. The paper begins with a review of existing empirical literature on the determinants of local government transparency and an examination of relevant theory. Next, the data and method used to analyze police transparency are described, followed by a review of results generated by several multivariate regression models. The paper concludes with a discussion of implications for both theory and practice, as well as recommendations for future research.

Literature Review

Determinants of Web-Based Transparency

Several recent studies have examined the content of governmental websites in order to measure the availability and accessibility of public records (e.g., Armstrong, 2011; Ball, 2009). West (2001), for example, developed a detailed index to describe how America's 70 largest cities use the Internet to deliver

data and services. Norris and Reddick completed a similar survey in 2011. The majority of this research frames transparency in terms of “data visibility,” or the degree to which information can be easily located on a public website (Michener & Bersch, 2011).

Despite the attention paid to describing the presence of local governments online, scholars have relatively scant empirical insight into the factors that drive the use of government websites to disseminate information and deliver services. Though the field has yet to develop a unifying theory for explaining public agency transparency (Meijer, 2009), somewhat of a consensus has formed around the groups of factors thought to affect web-based transparency at the local level: (1) agency organizational capacity, (2) the surrounding political context, and (3) the strength of external group interest in the matter.

Capacity. In a recent study of 80 Dutch municipal websites, Grimmelikhuijsen and Welch (2012) hypothesize that as budgets increase, so too will agency transparency. Interestingly, they find that economic capacity is correlated with the release of information on the outcome of policy decisions but unrelated to the availability of the policymaking process or the release of policy-specific information. These findings are consistent with other research showing that budgetary variables play no role in predicting transparency among municipal governments (Albalate, 2013; Piotrowski & Bertelli, 2010).

Capacity has also been defined in terms of jurisdictional size, where governments serving larger cities are assumed to have, by necessity, higher levels of professionalism, budgetary flexibility, and human resource capability, thus making transparency more likely (Gallego-Álvarez, Rodríguez-Domínguez, & García-Sánchez, 2010). These assumptions have held true in some instances, with larger jurisdictions more likely to have a web presence (Piotrowski & Bertelli, 2010) and a more advanced capacity to provide data and services online (Albalate, 2013; Armstrong, 2011; Styles & Tennyson, 2007). Others have found no relationship between population size and transparency (Ingram & DeJong, 1987; Laswad, Fisher, & Oyelere, 2005).

Research on the effects of other jurisdictional characteristics further complicates the notion that more complex, sophisticated administrative environments correlate with transparency. A recent study found that contrary to expectations, state capitals were less likely than other jurisdictions to release information online (Albalate, 2013). Other studies have shown no significant difference between city and county governments (Norris & Moon, 2005) or rural and urban jurisdictions (West, 2004) in terms of transparency.

Findings related to the effect of socio-economic indicators have been similarly inconsistent. The expectation that jurisdictional wealth, another indicator of capacity, will enable the development of an advanced web presence, in the process satisfying higher socio-economic status residents who have the time, interest, and educational capacity to consume data placed online (e.g., Smith, 2004). Yet, this hypothesis has found mixed empirical support. In their study of municipal budgetary transparency, Caamaño-Alegre and colleagues (2013) found that cities with higher unemployment rates were less likely to release fiscal data. Similarly, Smith (2004) showed that the release of financial information by U.S. city governments was positively correlated with per capita income levels. Conversely, other scholars have been unable to demonstrate a significant relationship between a city’s online transparency and its economic context (e.g., Albalate, 2013).

Political context. As with jurisdictional capacity, several recent empirical studies generated mixed results in their efforts to disentangle the relationship between political ideology and transparency. Some research has shown that jurisdictions with a more conservative ideology tend to be more transparent. For example, Armstrong (2011) found that the percentage of registered Republicans in a jurisdiction positively correlated with web-based transparency among cities in Florida.

These findings run directly counter to those expected by Grimmelikhuijsen and Welch (2012), who argue that left-of-center political parties are more likely to pursue transparency than their rightward leaning counterparts. Caamaño-Alegre and colleagues (2013), Guillamon, Bastida, & Benito (2011), and Albalate del Sol (2013) demonstrate empirically that cities with a greater percentage of left-leaning politicians were more likely to maintain transparent municipal websites.

Grimmelikhuijsen and Welch (2012) also argue that governments defined by interparty competition are more likely to be transparent than are governments controlled by a single dominant political party. Others contend that the pressure on local administrators to disseminate information is greater in jurisdictions characterized by a diversity of community interests and a contentious policy climate (Norris & Moon, 2005). Empirical support for this argument has been inconsistent (Laswad et al., 2005; Grimmelikhuijsen & Welch, 2012).

The intensity of a jurisdiction’s policy and political debate is very much consistent with the third component of this framework: external influence. Grimmelikhuijsen and Welch (2012) considered the extent to which the intensity of interest group, industry, and media presence correlates with higher

levels of web-based transparency, with inconsistent results.

Policy specific factors. In addition to organizational capacity, ideology, and external interest, several policy-specific factors have also been found to affect transparency, particularly in cases where the availability of substantively narrow information is considered. Caamaño-Alegre and colleagues (2013) found a correlation between budgetary transparency and a city's fiscal balance, as well as the presence of a political coalition among the city's elected leadership. These findings are consistent with other research tying jurisdictional economic indicators to the release of financial reports (Smith, 2004) and budgetary statements (Styles & Tennyson, 2007).

Similarly, Rosenbaum and colleagues (2011), authors of the sole empirical research on police transparency, framed their examination of police websites around insights from the policing literature and a test of organizational strategies unique to the police. They found statistically significant and positive correlations between a department's commitment to community policing strategies and web-based transparency. Interestingly, there was no link between an agency's strategic emphasis and the release of data related to the operation of the COP program or departmental accountability. Further, neither a jurisdiction's crime rate nor an agency's relative technological sophistication was predictive of departmental openness.

As the foregoing review makes clear, the field is just beginning to understand why jurisdictions release information online. There has been some very useful theoretical and empirical progress toward understanding how political, organizational, and sociodemographic characteristics influence government transparency. Much more can be done to understand the influence of external actors and to incorporate policy-specific factors into the statistical models used to study the issue. The need to better comprehend the extent to which broader legal and regulatory environments shape agency transparency decisions remains as well, as does a more thorough grasp of how agencies conceive of and manage the costs and benefits of information sharing.

Supply and Demand for Organizational Transparency

There is a rich scholarly history of applying microeconomic principles to public problems. Researchers have used fundamental economic concepts like supply and demand to explain legislative and judicial behavior in a diversity of policy contexts. This approach has also contributed to a deeper

understanding of executive agency rulemaking and administrative policy development.

Markets develop around all valuable commodities, including governmental information (Stiglitz, 1998). In this market, there are incentives for actors on both sides of the transaction. From the government's perspective, the release of information may generate positive media coverage or promote trust among constituents, for instance, while secrecy has the potential to insulate administrative decision-makers from public pressure and criticism. Whether transparency strengthens or weakens the position of policy and managerial insiders is a function of several factors, including the presence of external demands for information and unique internal conditions that enable the proactive supply of information (Meijer, 2007).

The notion that agencies are more likely to make data visible when there is applied and persistent demand for its release is uncontroversial (Michener & Bersch, 2011). Statutes that use disclosure requirements or other means of targeted transparency to address policy failure (e.g., the passage of law requiring restaurants to publish health inspection results in response to an outbreak of food borne illnesses or the call for increased use of officer body worn cameras in the wake of a police-involved shooting) illustrate the power of legislative or court-based demand (Fung et al., 2007).² Political and social pressure can create similar demand for the release of information (Grimmelikhuijsen & Welch, 2012). In the context of police, the American Civil Liberties Union (2015) lists the demand for information about police practices as an "important part of the struggle to establish police accountability."

Yet, even in the absence of significant demand, certain conditions may exist to incentivize the proactive supply of information (Michener & Bersch, 2011). In this scenario, data are disseminated in part because the benefits to an agency, whether tangible (e.g., economic) or intangible (e.g., reputational, political), outweigh the alternative (Meijer, 2013). Though the basic tenets of the argument are relatively simple,³ scholars are just beginning to understand how local government actors weigh the unique costs and benefits of transparency (Feeney & Welch, 2012; Meijer, 2013; Welch, 2012). To that end, what follows is a discussion of the several demand and supply-side indicators used to predict police department online transparency.

Demand. In the context of the police, public demand manifests in several relevant ways. The first to be tested here is the demand created by a legally binding organizational-level reform mandate, implemented under the threat of civil litigation. In 1994, Congress granted to the US Department of Justice (DOJ) authority to investigate allegations that

state/local police departments have engaged in a pattern or practice of unlawful activity. If such a pattern or practice is discovered, the DOJ has authority to pursue civil charges in an effort to remedy this systemic misconduct.

To avoid court, several jurisdictions, including Los Angeles, CA; Washington, DC; and New Orleans, LA, have agreed to detailed settlement agreements that structure reform initiatives designed to “create models for effective and constitutional policing” (United States Department of Justice, 2016, para. 7). In addition to requiring scores of instrumental reforms, the agreements are used to promote community trust in law enforcement, increase transparency and data collection, and encourage greater officer and agency accountability.

Pattern or practice settlements vary in two important ways: (1) Some require the oversight of an independent monitor, while others do not, and (2) some include language mandating the collection and dissemination of data on police behavior. In other cases, transparency is only an implicit requirement. In testing the effects of these distinctions, it is expected that,

H1a: Police departments that have operated under oversight pursuant to the U.S. Department of Justice’s pattern or practice authority are more likely to be transparent than agencies that have not.

H1b: Agencies operating under the authority of settlement agreements that include specific transparency-related requirements will be more transparent than those whose settlements do not.

H1c: The presence of an independent monitor to oversee implementation of pattern or practice settlement reform will correlate with increased agency transparency.

The second type of public demand to be considered is that which derives from legislation. Clearly, statutes that require departments to collect and disseminate information are drafted specifically to increase agency transparency. For example, in 2001, the Texas State Legislature passed a law requiring all law enforcement agencies in the state to adopt a policy prohibiting racial profiling. To promote implementation, the law also required departments to collect and disseminate data on traffic stops by race (Texas Racial Profiling Law, 2001). Another example is the 2011 Pittsburgh ordinance that requires the city’s Bureau of Police to publish an annual report charting police use of force, stop-and-frisk incidence,

and traffic stop data by race, among other information (Smydo, 2011). Thus,

H2: Police departments operating in jurisdictions governed by state or local statutes requiring the capture and release of information are more likely to be transparent than those that do not.

Pressure to disseminate information need not be formally enshrined in law. Demand is also manifest in jurisdictions that maintain some form of independent oversight of the police. San Jose, California, for example, employs an independent auditor to oversee the police; in Spokane, Washington, the Office of Police Ombudsman provides citizen oversight. Several other jurisdictions, including Cincinnati, Ohio and Prince George’s County, Maryland, each have independent agencies to review complaints filed against police officers. Though none of these iterations necessarily mandate disclosure, the existence of a formal, independent accountability mechanism is believed to promote police transparency.

H3: Police departments operating in jurisdictions with independent oversight mechanisms are more likely to be transparent than those without them.

Supply. Police departments may opt to proactively supply information in various circumstances where the benefits of dissemination outweigh the costs of secrecy.

The first of those situations involves the adoption of community-oriented policing strategies. Since the early-1990s, several police departments have made the strategic calculation that crime control efforts can be made more efficient through strengthened police-community relations (e.g., Skogan & Hartnett, 1997). It is common for departments to pursue these goals by holding community meetings, forming advisory committees, establishing storefront officers, surveying the public, and creating information web sites (Skogan & Frydl, 2004). Based on this logic and existing empirical research (Rosenbaum et al., 2011), it is hypothesized that,

H4: Police departments that engage in community-oriented policing are more likely to be transparent than those that do not.

The pursuit of agency accreditation is another potential supply side indicator of transparency. Accrediting agencies like the Commission on Accreditation for Law Enforcement Agencies (CALEA) provide a set of standards designed to “serve as a risk management and mitigation tool, create opportunities for professional growth, promote

accountability, and support organization transparency within the service community” (Commission on Accreditation for Law Enforcement Agencies, n.d.b., para. 1). The application process is both lengthy and expensive, as is compliance with ongoing standards once accredited (McCabe & Farjardo, 2001). Acceptance of external evaluation of agency policy, practice, and management is an additional burden. A department’s pursuit of accreditation in light of these costs justifies the hypothesis that,

H5: Accredited law enforcement agencies are more likely to be transparent than non-accredited departments.

A law enforcement agency’s voluntary partnership with third-party researchers demonstrates a similar willingness to engage with outsiders to further a set of shared values and outcomes. The decision to avail the department and its staff to researchers seeking information and access to non-public information is not without potential downsides, both in terms of time and money. More than the tangible costs involved, these kinds of partnerships present non-trivial risks to agency proprietary data, officer privacy, and organizational reputation (Weisburd & Neyroud, 2013). Though transparency need not be a stated goal of a research partnership, a willingness to accept uncertainty and risk in order to engage with outside experts reflects an openness and foresight consistent with the hypothesis that,

H6: Law enforcement agencies willing to partner with third-party researchers are more likely to be transparent than those that have not.

Law enforcement agencies have a long history of using the dissemination of information to further instrumental ends (Mawby, 2002). Decisions like speaking to the media or sharing crime data with the public are often justified by their anticipated reputational, transactional, or symbolic benefits. Departments are more likely to release information thought to generate positive outcomes and hold back that which is perceived to be harmful. Much more work needs to be done to measure how the release of specific information affects a department, but in the absence of such empirical insight, we hypothesize that the perceived costs of releasing data that have the potential to reflect negatively on the department (for example, officer use of force statistics, as compared with the decision to post press releases or an annual report) will outweigh the benefits, and therefore is less likely to happen voluntarily. Twelve of the 26 transparency index elements are classified as

potentially damaging; they comprise what is referred to as the accountability-sub index (see Tables 1 and 2).

H7: Departments facing specific information demands, whether in the form of DOJ oversight, a statute requiring the release of information, or civilian oversight, are more likely to release accountability-related information than are other departments.

Methodology

Sample

The sample consists of 350 jurisdictions containing independent police or sheriff’s departments.⁴ Three hundred departments were selected at random from a list of the 14,633 city and county agencies submitting Uniform Crime Report data to the FBI in 2011 (Federal Bureau of Investigation, n.d.). The random sample is broken into two strata: agencies representing jurisdictions with fewer than 50,000 people ($n=77$) and those with 50,000 or greater residents ($n=223$). Large agencies were oversampled to reduce the odds of including agencies with little or no web presence, the majority of which tend to serve small communities (Rosenbaum et al., 2011). In addition to those departments drawn at random, the sample also includes all 50 agencies investigated under the U.S. Department of Justice’s pattern or practice police misconduct authority between 1994 and 2012.

Independent Variables

Data were gathered on several theoretically relevant independent variables. Three variables were developed to evaluate the notion that police department transparency is affected by various measures of public demand for information.

Pattern or practice reform. Three variables were created to gauge the effect of federal oversight on police department transparency. The first, CDMOA, includes jurisdictions that have negotiated a consent decree or memorandum of agreement with the DOJ in order to remedy a pattern or practice of unlawful activity. MONITOR, the second dichotomous variable, includes only those jurisdictions whose implementation of settlement reforms was overseen by an independent monitor. Third, the variable DOJ_TRANS, distinguishes those jurisdictions whose DOJ settlement includes specific language mandating the collection and dissemination of specific information. Data used to compile these variables were drawn from a Freedom of Information Act request filed by the DOJ’s Special Litigation Section, the agency charged with enforcing Section

14141 of the Violent Crime Control and Law Enforcement Act of 1994.⁵

State or local law. A dichotomous variable was created to test the proposition that laws requiring the collection and/or dissemination of data are predictive of police transparency. Data were drawn from several sources, including the Racial Profiling Data Collection Resource Center (n.d.),⁶ a repository for existing legislative efforts to promote the collection and analysis of racial profiling data maintained by Northeastern University. Jurisdictions within the 10 states requiring collection of data related to traffic and/or pedestrian stops were included.⁷ These data were checked against the results of a *Lexis Nexis* search for data collection legislation, whether related to racial profiling, use of force, or other police behavior.

Independent oversight. *H2* was tested using a dichotomous variable created to distinguish those jurisdictions that operate under the authority of an independent oversight entity. The data were drawn from two sources, including a list of civilian oversight agencies maintained by the National Association for Civilian Oversight of Law Enforcement (2014). Data were supplemented by a listing of oversight agencies found on the Police Assessment Resource Center (n.d.) website.⁸

Three independent variables were created to test the correlation between an agency's proactive supply of information and web-based transparency, beginning with a department's adoption of the community-policing model.

Community policing. COP agencies were distinguished by two operational definitions. First, agencies that either referenced COP in their organizational mission statement or defined themselves as an agency that practices community-oriented policing were classified as such.⁹

Community policing has long been considered a buzzword in policing circles (Brogden & Nijhar, 2013), which suggests that, to some, it is easier for agencies to claim use of than implement and practice (Rosenbaum, 1994). As such, a narrower definition was developed to distinguish those departments that have incorporated COP principles into their organizational and operational *modus operandi*. Agencies met this definition if in phone conversations with agency staff or through open source Internet searches uncovered a specific description of the department's COP program or the name/job description of a community policing officer.

Accreditation. A dichotomous variable was included to measure the effects of agency accreditation on transparency. Agencies found in the Commission on the Accreditation of Law Enforcement (CALEA, n.d.a) client database were considered accredited.

Research participation. To operationalize research participation, we searched *Criminal Justice Abstracts* and JSTOR databases for publications between 2006 and 2013 that drew on data gathered with permission from or collaboration with sample agencies.

To account for publication bias, agency participation in the following four broadly inclusive research initiatives was also tracked: (1) the University of Illinois-Chicago's *National Police Research Platform* (University of Illinois-Chicago Center for Research in Law and Justice, n.d.), a longitudinal data collection effort designed to promote "a deeper understanding of the contextual factors that help to explain the differences between and within [police] organizations" (para. 3); (2) the *National Network for Safe Communities*, an initiative led by faculty at John Jay College of Criminal Justice designed to facilitate the implementation of "interventions to reduce violence and improve public safety, minimize arrest and incarceration, strengthen communities, and improve relationships between law enforcement and the communities it serves" (National Network for Safe Communities, n.d., para. 1); (3) the Police Executive Research Forum's (PERF) effort to develop recommendations for implementing body-worn camera programs (Miller, Tolliver, & PERF, 2014); and (4) the White House's Police Data Initiative, a DOJ-led collaboration between technology experts and law enforcement to "increase transparency, build community trust, and support innovation" (Smith & Austin, 2015, para. 8).¹⁰

Dependent Variables

The study measures transparency in terms of data and information that are available via law enforcement agency websites. Between November 2013 and March 2014, the authors examined the content of sample police and sheriff department websites for the presence of 26 elements, which are detailed in Table 2.¹¹ Departments received one point only when these data points were identified, and zero points when they were not. Agencies are compared using a 26-point scale, with a score of 26 reflecting the most transparent department.

All agency websites were identified by a Google search using a string of key words that included the jurisdiction name and either 'police' or 'sheriff's department,' for example, 'Los Angeles Police Department.' The sample includes websites that are maintained by the agency themselves or housed within the broader city or county website.

The coding process began with the development of a detailed rubric, which included specific definitions and an exhaustive narrative description of each index item. After the rubric was completed, each

author coded an initial sample of 35 websites. Coding decisions were then compared and analyzed, yielding a convergence rate of 86.88%. The researchers then reconciled their coding decisions and updated the rubric to clarify instances of divergence and incorporate concrete examples in hopes of illustrating the preferred coding decisions in areas where divergences occurred. A second sample of 12 websites was then coded, with the reliability rate improving to 91.67%. After reconciling and updating the coding rubric a second time, the researchers coded a third sample, with the final 10-site comparison generating a 94.76% convergence. The full 350-site sample was then coded using the third and final iteration of the rubric.

Control Variables

To control for organizational and jurisdictional capacity and for differences in political context, several variables drawn from pre-existing research, beginning with those believed to reflect jurisdictional capacity and diversity. Data from the 2010 U.S. Census were used to account for jurisdiction population size and racial diversity, population density, median household income, and high school graduation rate. Bureau of Labor Statistics data were used to calculate jurisdictional unemployment rates.¹² The percentage of votes going to Mitt Romney in the 2012 presidential election was used to reflect jurisdictional ideology and political context.¹³

Election results were drawn from county-level data compiled by the *Washington Post* (“2012 Presidential Election Results,” 2014). Three policy-specific controls were included as well. An aggregate crime statistic (rate per 100,000 people) was developed using data from the FBI’s 2011 Uniform Crime Report, in addition to variables distinguishing county-level agencies and controlling for state and regional designations.¹⁴

Results

Descriptive Statistics

According to one recent estimate, only 42% of police departments nationwide maintained an official web presence as of March 2008 (Rosenbaum et al., 2011, p. 39). That number is likely much higher today. In fact, all 350 agencies included in the sample had a website.

With that said, U.S. police departments, regardless of size or interaction with the DOJ, have significant room to improve in terms of the content of their websites and the transparency they confer. As is shown in Table 1, the average department scored just 7.20 out of a possible 26. Jurisdictions investigated by the DOJ scored somewhat higher (and had more variance) than non-DOJ departments, and, as predicted, smaller jurisdictions tend to be less transparent than larger.

Table 1: Descriptive Statistics, by Sample Strata

Item	Random (n=300)	DOJ (n=50)	Full Sample (N=350)
Outreach Sub-Index (14)			
Min	1	1	1
Max	14	13	14
Mean	5.42	6.36	5.56
Standard Deviation	2.76	2.96	2.81
Accountability Sub-Index (12)			
Min	0	0	0
Max	10	12	12
Mean	1.51	2.42	1.64
Standard Deviation	1.83	2.67	1.99
Transparency Index (26)			
Min	1	1	1
Max	24	24	24
Mean	6.93	7.20	7.20
Standard Deviation	4.20	4.37	4.37

Table 2 provides descriptive results for the 26 variables that comprise the transparency index. These data are divided into two distinct categories: data

released to facilitate community outreach and those designed to promote accountability.

Table 2: Describing the Transparency Index

Item	Min	Max	Mean	St. Dev.	Count
Public Outreach (14)					
Social media	0	1	0.59	0.49	206
News feed/Press release	0	1	0.63	0.48	220
Citizen satisfaction survey	0	1	0.16	0.37	56
Branch/bureau contact info	0	1	0.98	0.14	343
Chief contact information	0	1	0.37	0.48	131
Leadership contact information	0	1	0.49	0.50	173
Current (2012 or 2013) annual report	0	1	0.28	0.45	99
Historical annual reports	0	1	0.27	0.44	94
Records request information	0	1	0.36	0.48	127
Use of force policy	0	1	0.09	0.28	33
Racial profiling policy	0	1	0.13	0/34	46
Other department policy	0	1	0.09	0.28	30
Current crime statistics	0	1	0.59	0.49	208
Historical crime statistics	0	1	0.51	0.50	179
Outreach subtotal	1	14	5.56	2.81	
Accountability (12)					
Citizen complaint data	0	1	0.24	0.43	83
Current (2012 or 2013) use of force data	0	1	0.06	0.24	22
Historical use of force data	0	1	0.08	0.27	27
Pedestrian stop data	0	1	0.04	0.20	15
Pedestrian stop data by race	0	1	0.03	0.16	9
Arrest data	0	1	0.35	0.48	122
Arrest data by race	0	1	0.05	0.21	16
Traffic stop data	0	1	0.14	0.35	50
Traffic stop data by race	0	1	0.05	0.23	19
Civil litigation information	0	1	0.02	0.13	6
Officer disciplinary decisions	0	1	0.07	0.25	24
Citizen complaint filing	0	1	0.52	0.50	181
Accountability sub-total	0	12	1.64	1.99	
Transparency Index Total (26)	1	24	7.20	4.37	

A majority of sample departments use their website to communicate with constituents, either through contact information (98.00% of websites reviewed), links to official social media accounts (58.86%), or by posting content from recent press releases (62.86%). Nearly half (49.43%) facilitate direct communication with high-ranking department staff. Citizens in 51.71% of sample agencies can use the department website to reach directions for filing a formal complaint against an officer. Interestingly, only 28.29% of agencies post the department annual report. Only 13.11% of agencies posted department policy on racial profiling, yet it was more common to find this information than it was department policy on use of force (9.43%), officer discipline (6.86%), or department general orders (8.57%). Overall, the mean agency shares 5.56 of a possible 14 community outreach variables, or 39.7%.

Additionally, 59.43% of agencies post current crime data, while some 51.14% make historical crime data available. Given that the sample was drawn from agencies that compile and submit annual crime data to the FBI, these figures are lower than expected. Similarly, only 34.86% of agencies provide any sort of arrest data to the public. On the other hand, it is not surprising that police are much less likely to make public data related to officer misconduct. Only 23.71% of departments post data on citizen complaints. Fewer than seven percent of agencies provide data on use of force (6.29), traffic stops (5.43), or pedestrian stops (4.29), and even fewer provide such data broken down by race. On average, sample departments scored a 1.64 (13.7%) of a possible accountability sub-score of 12. Tables 3 and 4 provide descriptive data on the study's independent and control variables.

Table 3: Descriptive Statistics for Independent Variables

Item	Min	Max	N	Percent
Demand Indicators				
Case/law requiring data collection (LAW)	0	1	89	25.43
Civilian Oversight (OVERSIGHT)	0	1	56	16.00
DOJ Intervention (CDMOA)	0	1	20	5.71
CD/MOA with monitor (MONITOR)	0	1	13	3.71
CD/MOA requiring transparency (DOJ/TRANS)	0	1	12	3.43
Supply Indicators				
Accreditation (ACCREDITATION)	0	1	65	18.57
Community Policing – Broad (BROADCOP)	0	1	288	82.29
Community Policing – Narrow (NARROWCOP)	0	1	159	45.43
Research partnership (RESEARCH)	0	5	115	32.86

Table 4: Descriptive Statistics for Control Variables

Item	Min	Max	Mean	St. Dev	Freq. (%)
Population	489	8,175,133	259,398	634,980	
Population density	1	17,450	2,747	2,818	
Median household income (\$)	4,200	142,469	51,820	19,006	
Percent white	2.9	98.92	68.40	20.46	
High school graduation rate	13.0	98.4	83.9	10.72	
Unemployment rate	1.9	14.5	5.85	1.87	
Crime rate (Per 100,000)	6	39,536	5,128	4,718	
Romney vote (%)	0	100	47.6	14.3	
City/County	0	1	32.86		60 (17.14)*
State capital	0	1			12 (3.43)*
Region	0	3			
West					91 (26.00)
East					76 (21.71)
Midwest					75 (21.43)
South					108 (30.86)

* Denotes county/capital frequency distributions

Analytical Results

We draw on a series of negative binomial and Poisson regression models to explain variability in the transparency indices, which are comprised of count data.¹⁵ All of the control variables listed in Table 4 were tested in various combinations; results presented in Table 5 reflect the specific construction that generated the best combination of parsimony and explanatory power.¹⁶

The first set of demand variables examines the effects of the DOJ's pattern or practice initiative on agency transparency. CDMOA, which measures the effect of DOJ-led reform, regardless of whether the negotiated settlement underlying the reform required an independent monitor or included specific language related to transparency (*H1a*), produced no statistically significant results. Further, the data show that neither the presence of an independent monitor

Table 5: Modeling Web-Based Transparency Among Law Enforcement Agencies

Item	Model 1: Full Index	Model 2: Public Outreach	Model 3: Accountability
CONSTANT	0.13*** (0.06)	0.26*** (0.12)	<0.01*** (<0.01)
CDMOA	1.14 (0.22)	1.06 (0.19)	1.65 (0.66)
MONITOR	0.91 (0.23)	0.93 (0.22)	0.75 (0.38)
TRANS_CD	1.06 (0.21)	1.17 (0.22)	0.86 (0.34)
LAW	1.06 (0.06)	1.00 (0.05)	1.25* (0.15)
OVERSIGHT	0.99 (0.08)	1.03 (0.07)	0.80 (.14)
ACCREDITATION	1.16** (0.07)	1.13** (0.06)	1.27* (0.16)
BROADCOP	1.07 (0.08)	1.04 (0.07)	1.30 (0.24)
NARROWCOP	1.15** (0.06)	1.12** (0.06)	1.26** (0.15)
RESEARCH	1.06 (0.03)	1.04 (0.03)	1.09 (0.08)
POPULATION (log)	1.22*** (0.03)	1.17*** (0.03)	1.45*** (0.08)
CRIME (log)	1.17*** (0.04)	1.11*** (0.03)	1.49*** (0.12)
PERCENT WHITE	1.01** (<0.01)	1.00*** (<0.01)	1.01** (<0.01)
UNEMPLOYMENT	0.99** (<0.01)	0.99** (<0.01)	0.98* (0.01)
COUNTY	0.86** (0.07)	.88* (0.06)	0.79 (0.14)
Ln Alpha	-2.88 (0.28)		-1.30 (0.27)
Alpha	0.06 (0.02)		0.27 (0.07)
Log Likelihood	-838.51	-722.13	-520.26
Pseudo R ²	0.10	0.11	0.12
Wald chi-square	190.48	180.46	136.96

* = $p \leq 0.10$ ** $p \leq 0.05$ *** $p \leq 0.01$

Note: Models 1 and 3 are negative binomials; Model 2 is a Poisson. Results listed in terms of Incidents Rates Ratios; standard errors shown parenthetically.

(*H1b*) nor language in the negotiated settlement mandating data collection and dissemination (*H1c*) affected jurisdiction scores on the full index or either sub-index.

There was mixed support for *H2*, which posited that departments required by law to collect and disseminate data were more likely to be transparent than jurisdictions not subject to similar statutory demands. The LAW variable was not a statistically significant factor in predicting overall transparency or higher scores on the outreach sub-index. Agencies subject to legal mandates were found to have higher accountability scores.

OVERSIGHT, the variable created to measure the effects of independent oversight on department transparency scores, had no statistically significant effect on agency transparency. The expectation that the demands placed on police departments by civilian groups charged with overseeing police procedures was unfounded when measured in terms of the full transparency and both sub-indices.

Three measures thought to indicate a department's willingness to proactively supply information were also tested against the transparency index. The more inclusive community policing variable, BROADCOP, was not statistically significant. The more conservative definition, NARROWCOP, however, had a statistically significant and positive effect on web-based transparency. In fact, the analysis suggests that COP agencies score between 12 and 26% higher than non-COP departments. The second supply-side variable, ACCREDITATION, measured the effects of agency accreditation on transparency. Like NARROWCOP, agency accreditation was a significant and positive predictor of transparency in each of the three models.

Finally, the variable developed to evaluate the relationship between academic collaboration and transparency, RESEARCH, was not correlated with web-based transparency.¹⁷

Several control variables were of statistical significance, including jurisdictional population; as cities and counties increased in size, so too did police online transparency, consistent with the notion that jurisdictional capacity correlates with agency openness. Relatedly, jurisdictions with higher rates of crime were also more likely to use the department website to share information. Taken together, the models predict statistically significant relationship between police transparency and a jurisdiction's unemployment rate and percentage of minority residents. The size of the effects is so small in each case as to be practically irrelevant, however. Finally, the COUNTY variable was statistically significant and negatively correlated with transparency across two of the three models, suggesting that County sheriff's

departments are less likely to release information online than are municipal agencies.

In *H7*, it is hypothesized that demand-related indicators are more likely than supply-side indicators to correlate with the release of accountability-related data. The results presented in Table 5 document partial support for this supposition: The presence of a law requiring data collection or dissemination has a statistically significant and positive effect on the release of accountability-related information but does not appear to influence the likelihood that a department will place outreach-related information online. Conversely, the DOJ's inclusion of transparency-related requirements in pattern or practice reform agreements was not a statistically significant predictor of the appearance of accountability-driven information.

Discussion and Conclusion

This research drew on a theoretical concept fundamental to microeconomics—supply and demand—to identify the determinants of police department online transparency. Five hypotheses were driven by the notion that public demand—in the form of pattern or practice reform, legislation mandating disclosure, and the presence of independent oversight—would correlate with increased transparency. Three others predicted that departmental characteristics indicative of openness, including the use of community policing strategies, CALEA accreditation, and research partnerships, would be positively correlated with openness. Three of nine independent variables had a statistically significant effect in the predicted direction, establishing solid support for three of the nine hypotheses tested. Several policy implications merit further discussion.

The DOJ's pattern or practice initiative is a powerful mechanism for promoting lawful, accountable policing with the clear potential to affect organizational transparency. Yet despite listing transparency as a central goal of the reform process, federal oversight does not correlate with increased web-based information sharing. As this study's results suggest, if the DOJ wants to improve transparency, settlement authors, DOJ staff chief among them, must recognize the limits of implicit priorities and the absence of self-executing clauses.

Policy implementation is not guaranteed, as these findings suggest, but clear, specific language is often tied to successful top-down reform (Chanin, 2014; Matland, 1995; McLaughlin, 1987). It appears that the Obama DOJ has recognized the import of explicit demand; all seven settlement agreements initiated between 2008 and 2014 include transparency provisions.

Much of the debate surrounding police department management emphasizes the authority of executive actors (e.g., Goodman, 2013; Grynbaum & Goodman, 2013). In most cases, mayors and city managers select agency leadership, and in the process have an outsize, albeit indirect, influence on the agency's strategic focus, operational emphasis, and organizational culture. Yet, the results of this study highlight the power of legislators to directly affect police department transparency, particularly in terms of accountability. Most of the legislation included as part of this study requires departments to capture and make public data related to traffic stops. In addition to this focus on racial profiling, city councils would no doubt see increased transparency gains and other clear benefits from requiring the same of departments in cases of use of force, citizen complaints, civil litigation, and other means of promoting external accountability.

The power of city councilors to promote transparency does not end with direct mandate legislation. In many jurisdictions, the existence of third party oversight mechanisms, whether in the form of citizen review boards or an ombuds, are the products of city ordinance. Most of these offices are charged with promoting accountability through independent review of misconduct incidents and complaints.

Yet, as these findings show, despite the symbolic value of civilian oversight, their presence does not correlate with web-based agency openness. Future research should examine this connection in more depth; a greater understanding of the direct and indirect benefits of third party accountability could have significant implications for citizen oversight of the police and other public agencies. Further examination of other potential demand indicators is also warranted, including media attention (Cuadrado-Ballesteros, Frías-Aceituno, & Martínez-Ferrero, 2014; Michener & Bersch, 2011), calls for the adoption of officer body worn camera policies (Berman, 2015; Shorman, 2014), the strength of formal and informal citizen coalitions, and other manifestations of social capital (Grimmelikhuisen & Welch, 2012). One also wonders whether department views toward transparency have been affected by the increased visibility of officer behavior, in part owed to the increased use of body worn cameras and the proliferation of citizen mobile device footage. Deeper insight into the utility functions of police leaders related to data sharing and use of the Internet as a means of community engagement is a critical step toward promoting public trust and accountability.

This research also has implications for existing theory. Several recent studies make the point that data availability does not necessarily promote

accountability, participation, or access. Fox (2007) argues that information released by an institution may in fact provide little insight about how institutions operate in practice, how they make decisions, or the results of their policy actions.

To that end, Michener and Bersch (2011) distinguish between "data visibility," or "the degree to which information is complete and can be easily located," and "inferability," which the authors frame as "the degree to which information can be used to draw verifiable inferences" about agency operation (p. 6). In developing the theory of supply and demand that underlies this study, Michener and Bersch (2011) posit that demand indicators should predict data visibility, but to properly assess inferability, one ought to look instead at the motivations and constraints of suppliers. Yet, the current research demonstrates that supply-side indicators are useful not only as an insight to agency incentives and orientation, but can be predictive of data visibility.

Results showing a connection between the visibility of data and the three supply variables were plausible, if not a bit surprising. Proactive behavior—whether in terms of strategic choices, as indicated by the use of COP strategies or the voluntary pursuit of third-party accreditation—are indicative of a progressive, confident agency, one capable of accepting the risks of operating outside of the traditional bureaucratic mode that has defined the police institution for decades. So, too, is online transparency. Yet, despite this logical connection, our knowledge about those factors driving this type of proactive behavior is relatively limited. The field would benefit from closer attention to the challenge of identifying other 'supply' indicators and working to further understand those factors that explain how and why local government agencies adopt this unique, outward-facing orientation.

What is more, future research should more carefully assess the relationship between demand indicators and data inferability, particularly as it relates to agency incentives. For example, the creation of a citizen oversight agency is on some level designed to increase the costs of police misconduct and with it shift incentives away from hiding data, rendering it unusable, or "cooking" it. If this holds true, then the citizen oversight agency, like other demand indicators, would influence the quality of data released.

There is also room to refine the approach used to classify supply and demand indicators. On one hand, the proper classification of certain indicators as either 'supply' or 'demand' is rather difficult. For example, Michener and Bersch (2011) characterize compliance with legislation requiring data dissemination as a function of supply-side transparency. In the case of law enforcement, at least, it is arguable that

transparency deriving from city/county ordinances is instead a function of demand. It is fair to conclude that legislation requiring police transparency would exact too heavy of a political cost, whether in the form of anger from police leadership, opposition from the policy union, and so on. In other words, these types of laws do not get considered, debated, or passed without considerable demand from the community.

The current research focuses solely on data visibility; analysis of the quality of the material found on each website is beyond the immediate scope. Subsequent research should work to develop a way to evaluate the inferability of data found on police websites in hopes of examining more carefully the theoretical connection between supply-side indicators and the quality of information available.

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Endnotes

- ¹ The relationship between transparency and trust is complex. In contrast to theoretical expectation, there is a line of empirical research that has found that exposure to information about government decision making may, in fact, reduce trust in government (e.g., Grimmelikhuijsen, 2010).
- ² Hood (2001) refers to this idea as the “rule of law theory.”
- ³ Examples of agencies proactively releasing information abound, ranging “from toxic-release inventories to organic certification, third-party policy evaluations, and post-authoritarian truth commissions” (Fox, 2007, p. 665).
- ⁴ Power analysis calculations suggest that a random sample of 300 can be generalized to a population of 14,633—the number of agencies submitting UCR data to the FBI in 2011—with a 95% confidence level and a 5.60% margin of error.
- ⁵ On file with author.
- ⁶ These data are no longer available online.
- ⁷ The ten states include Connecticut, Illinois, Nebraska, Nevada, North Carolina, Maryland, Oklahoma, Texas, Utah, and Washington. Maryland Transportation Section 25-113, which requires law enforcement to collect basic information about the driver, the officer, and the stop itself, and report annually on the data, is representative. Available here: <http://law.justia.com/codes/maryland/2005/gtr/25-113.html>.

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- ⁸ These data are no longer available online.
- ⁹ Forty-three of the 288 BROADCOP agencies were identified through the FBI's 2013 LEMAS database; 189 were identified through an open source Internet search, which included reference to agency websites, press releases, annual reports, and in rare cases, media reports. The outstanding 118 agencies were contacted by phone. Of these, 56 either confirmed that their agency mission statement includes reference to COP or characterized their agency as practicing community-oriented policing strategies.
- ¹⁰ The 350-site sample includes 32 of 110 Platform participants, 34 of 79 National Network members, 39 of 90 participants in the PERF conference on body camera policy implementation, and 12 of 21 members of the White House Data Initiative. Eighty-five agencies were the subject of published research between 2006 and 2013. Three agencies are involved with all five research initiatives, five are involved in four, 17 are involved in three, 26 in two, and 64 are involved with one; 235 are uninvolved.
- ¹¹ Given the significant lag between finalization of the content analysis and coding process and publication, it is likely that these data are not fully current.
- ¹² Data are from April 2014.
- ¹³ There are currently no publicly available measures of ideology, party affiliation, or voter registration at the city or county level. The use of Presidential vote is an imperfect measure of jurisdictional ideology, but it continues to be used in the political science literature (e.g., Adroin & Garand, 2003).
- ¹⁴ Ninety-one of 350 jurisdictions (26%) are located in the Western region (AK 1; AZ 6; CA 48; CO 9; HI 2; MT 3; NM 5; NV 2; OR 4; UT 2; WA 6; WY 3); 76 (21.71%) are Midwestern (IL 16; IN 7; IA 1; KS 6; MI 15; MN 2; ND 1; NE 5; OH 17; WI 4); 75 (21.43%) are Northern CT 5; DC 1; ME 3; MA 8; MD 10; NH 1; NJ 6; NY 24; PA 13; RI 3; SD 1); and 108 (30.86%) are from the Southern region (AL 5; AR 4; FL 18; GA 7; KY 3; LA 8; MS 3; MO 2; NC 14; OK 6; SC 3; TN 8; TX 20; VA 6; WV 3).
- ¹⁵ A series of 2-level generalized linear models were also tested during the model-building process. We examined the extent to which nesting jurisdictional data within regional, state, and county level groupings and found no statistically significant effect on our ability to account for variance among variables at different levels (results on file with author). As such, we opted for the simplicity of Poisson/negative binomial models.
- ¹⁶ Multicollinearity was not an issue in any of the three models. The mean VIF was 1.81 and all variables generated VIFs well below the recommended maximum threshold (Neter, Kutner, Nachtsheim, & Wasserman, 1996). With that said, the three DOJ-related predictors—CDMOA (3.15), MONITOR (4.26), and TRANS_CD (2.72)—were relatively high, resulting in possibly inflated standard errors for these variables. None of the results changed significantly when the models were re-run using one DOJ variable at a time.
- ¹⁷ None of the four variables created to test interaction effects—LAW*OVERSIGHT, NARROWCOP/BROADCOP*ACCREDITATION, LAW*OVERSIGHT*CDMOA/MONITOR/CD_TRANS, and NARROWCOP/BROADCOP*ACCREDITATION*RESEARCH—were statistically significant. Their inclusion either had no effect on or decreased the explanatory power of the three included models.