Police Governance Reform – The Age of Enlightenment

By Fred Kaustinen, 5 March2016

**Why do we need police boards?**

When first creating police in England, Robert Peel postulated that, in order to operate legitimately and effectively, local public police needed local "public consent". It was not considered the job of the government to set up and control a police force; rather there should be <u>local, non-government control of police</u>.[i]

Local public consent for policing occurs when the public "sees and knows" that police actions and inactions are congruent with local community needs, values and expectations. "Seeing and knowing" requires police transparency, integrity and accountability – each of which is assured through local police governance.

Local police governance requires stewardship, in the form of local police boards, that is relevant to the community it serves, appropriately-independent of police and politics, and competent in fulfilling its fiduciary responsibilities.[ii]

The Generic Governance Model – "Just 3 Basic Things"

A governing body, <u>any governing body</u>, needs to do "3 basic things" to fulfill its fiduciary responsibilities:
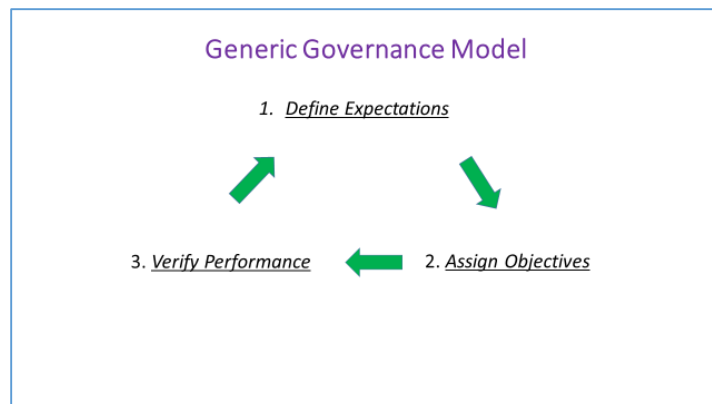
1. **Define Expectations** - Determine, definitively, the owners'/shareholders' expectations of the organization being governed (i.e. what do they expect the organization to <u>achieve</u>?)

2. **Assign Objectives** - Establish accountabilities, typically by tasking and empowering the CEO to attain certain <u>outcomes</u> (e.g. production levels, service efficiency, customer satisfaction, market share, profit margin, share price, etc.), within specified <u>limitations</u> (e.g. regulatory compliance, risk mitigation, investment, etc.)

3. **Verify Performance** – Ensure that the organization's performance is indeed congruent with the owners'/shareholders' expectations, and make adjustments as necessary

Governance Evolution from Industrial Age to Information Age

Board governance began in earnest with the advent of the Industrial Age, as wealth transferred from ruling elite to a burgeoning middle class. In the Industrial Age *governance*, like *management*, consisted primarily of <u>procedural</u> direction as a means of ensuring consistency and compliance, and avoiding risks. But things have changed with the Information Age…

Industrial Age		Information Age
Mass production		Tailored production
Limited choices		Unlimited choices
Risk avoidance		Risk management
Attrition		Manoeuvre
Single-function work teams		Multi-discipline work-teams
Isolation		Collaboration
Consistency		Adaptiveness
Micro-management		Empowerment
Procedural policies		**Outcome policies**

<u>Information Age</u> governance is about managing risks, empowering others, and collaborating with non-traditional partners to make the very most of opportunities, as they present themselves, in order to best fulfill and/or surpass owners'/shareholders' expectations.

The Police Governance Model

The generic governance model described above can be easily adapted to police governance. The owners'/shareholders' of local police are in fact the residents of the local *community*. Their needs, values and expectations regarding police activities are related to *public safety*.

When we adapt the generic model to police governance, we get:

Police Governance Model

1. *Define* Community-Owners' Public Safety **Needs, Values & Expectations**

2. *Assign* Public Safety **Outcomes & Limitations**

3. *Verify* Organizational **Performance**

Step 1 – Define Community Owner's Public Safety **Needs, Values and Expectations**. The first goverance task is to determine the community's public safety desires, as owners of the police service rather than consumers of police services. This is an important distinction. For instance, when it comes to road safety, a consumer is inclined to desire speed enforcement (an activity), while an owner is more inclined to desire "zero traffic fatalities" (an outcome). It is the outcomes that are the Information Age governance objectives.

The police board may use a variety of techniques and sources to determine the Community's needs, values and expectations. It may research, conduct surveys and hear deputations. It might commision academics, engage community activists, and seek input from the police themselves. Whatever means it employs, the police board should strive to be as representative as possible of all of the community owners, not just some. Recall that those owners are all resdients, not just property tax payers and not just citizens.

The job of determining the communty-owners' needs, values and expectations is fundamental to effective governance; if it is delegated to the police themselves, then governance itself is also delegated to the police, and the police unduly "consent themselves" within the communtiy.

Step 2 – Assign the Public Safety **Outcomes and Limitations**. Having defined the community's needs, values and expectations, the next step is to assign work that will satisfy the community's best interests. This is best articulated (in the Information Age) in terms of outcomes and limitations.

Outcomes are measurable situations that are achieved. They differ fundamentally from outputs which are activities or means. Examples of outputs and outcomes include:

Outputs		Outcomes
Industrial age metrics		Information age metrics
# of patrol hours		Safe community/Absence of crime
# of traffic tickets		Safe streets/Absence of accidents
# of RIDE stops		Absence of alcohol-related accidents/injuries/fatalities
# of crimes solved		Safe community/Absence of crime

Outputs have their place in *managing* work performance. They do little, however, to demonstrate fulfillment of community needs. It is well-established that general patrol does not in itself reduce crime, certainly not overtime.

Boards should impose **limitations** on police to ensure that potential risks to community-owners' needs, values and expectations are proactively mitigated, and that unintended consequences are avoided or otherwise minimized. Examples of risks include: undue detention/suspension of liberties, undue escalation of force, over-representation of police at public events, unfair treatment of some residents or visitors, unnecessary police vehicle speeds, and cost over-runs.

By assigning outcomes and limitations on the police service, via policy through the Chief of Police (and with his/her general concurrence of attainability), the police board steers police actions towards fulfilling the community's needs, values and expectations as defined by the community-owners'

representative: the police board. This policy direction can be likened to the public's "consent" for local police actions and non-actions.

Thereafter the police board does not manage, or interference with, <u>ongoing/underway</u> operational (or administrative) activities. In this manner a police board is fulfilling its first 2 responsibilities (defining needs, values and expectations; and assigning outcomes and limitations), without interfering with <u>ongoing/active</u> police operations and activities.

Step 3 – Evaluate Organizational Performance. The third step is audit police service performance to <u>test for organizational</u> <u>congruence</u> with the outcomes and limitations assigned to it via police board policy. In this regard, we can liken the performance of the service as a whole to the performance of the Chief as its leader (or OPP/Sûreté/RCMP Detachment Commander).

One method of evaluating organizational performance is as follows:

In accordance with a board-determined schedule/forecast of Compliance Reports, the Chief provides, for each outcome & limitation policy:

- written interpretation of policy requirement, which serves to improve mutual understanding of the board-assigned tasks; and

- <u>evidence</u> of compliance (or non-compliance) with board-stated outcomes and limitations, citing as a minimum any board pre-determined performance metrics.

Upon receipt of the one of these Compliance Reports, the Board needs to make the following decisions (by way of motion):

- whether the Chief's interpretation of the outcomes/limitations policy is reasonable, or not (and if not where not)

- Whether the evidence presented is sufficient to determine organizational compliance with policy, or not, and subsequently whether the organizational is or is not policy-compliant

- Corrective action &/or policy refinement

- Schedule any additional Compliance Reports, and re-evaluation

Keys to Success

Good governance is hard work, and yet it is essential to health and prosperity in a democracy. This Police Governance Model for the Information Age is no different: it is hard work, and it is essential to community safety and well being.

There are several criteria that can ensure success of this Police Governance Model. They are:

Police Governance -
Success Criteria

Clear legislated roles

Mandatory and meaningful training

Direct access to key information and expert advice

Meaningful evaluation of police board performance

1. **Clear legislated roles** that are highly relevant to what the community needs of its local police board

2. **Mandatory and meaningful training** that fully prepares board members and boards to excel in fulfilling these highly relevant legislated responsibilities; training that inculcates leading police governance practices

3. Direct police board **access to the information and expert advice** it needs to make informed decisions in each of the 3 fundamental responsibilities/steps, and the financial means to engage such assistance, without relying on the police chief/service to do the work for the board (and thereby "consenting itself")

4. Effective **evaluation of police board performance** (not just individual members' conduct), against well-established performance standards regarding the 3 fundamental responsibilities/steps in the Police Governance Model described above, such that boards are afforded meaningful feedback and corrective action is initiated (for example, in increasing degrees of intervention: awareness of performance standards and metrics, remedial training, additional expert support, board partial or full replacement)

Closing Remarks

Police boards exist to govern police on behalf of their communities. Those communities have evolved considerably since the Industrial Age, when local police were created. It only stands to reason that police governance should be equally enlightened.

About the author. Fred Kaustinen is a governance consultant and Executive Director of the Ontario Association of Police Services Boards (OAPSB). He is a former Major in the Canadian Army, and has an MBA specializing in Transformational Leadership.

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[i] http://en.wikipedia.org/wiki/Peelian_Principles
[ii] http://www.oapsb.ca/2015/04/10/indep_cit_gov_police_oapsb_4_nov_2014_final.pdf