

SPECIAL ISSUE ARTICLE

GEORGE FLOYD PROTESTS AND THE CRIMINAL JUSTICE SYSTEM

Regulatory intermediaries and the challenge of democratic policing

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Abstract

Research summary: This study examines a model for achieving democratic governance over police departments: regulatory intermediaries, where non-state actors are empowered with regulatory authority over public institutions. Drawing on a decade of transcripts from monthly public meetings held by the Chicago Police Board (September 2009–February 2021), this study finds, however, that regulatory intermediaries can regulate the public as much as it does the public institution. We identify three ways that the regulating public becomes the regulatory target: through (1) institutional rules, (2) hierarchized responses, and (3) norms of civility.

Policy implications: The very multiplicity and heterogeneity of voices that democratic processes seek to incorporate can undermine the institutional changes envisioned. Our policy discussion highlights: (1) the value of subordinating fair policymaking processes when seeking substantive policy ends, (2) the potential and limits of curbing institutional incentives through institutional design, and (3) the importance of gauging community grievances through multiple channels for public input.

KEYWORDS

community demands, democratic policing, police reform, regulatory intermediaries

Policing is typically analyzed as dyadic interactions between individual members of the public and officers as representatives of the state. Yet, in terms of regulation and governance at the institutional level, these relationships are often mediated by intermediaries: citizen review boards, independent auditors, court-appointed monitors, and other agencies. Identified by a number of designations—here, we use the term “regulatory intermediaries” (Abbott et al., 2017; Ponomarenko, 2019)¹—these governance models are a pervasive democratic prescription to state overreach at the local level (Fung, 2004). From school and parole boards to various neighborhood councils, regulatory intermediaries feature the election or appointment of non-state actors empowered with regulatory authority over state institutions.

Amid escalating calls for police transformation (Cobbina, 2019; Soss & Weaver, 2017), regulatory intermediaries represent one popular proposal for infusing democratic principles into police decision-making. These governance structures are viewed as necessary given skepticism that police departments will pursue transparency, accountability, and other democratic ideals without an external entity overseeing these processes. While scholarship has explored the connection between policing and democracy for decades (Berkeley, 1969; Herbert, 2006; Loader, 2006; Manning, 2010; Sklansky, 2005), recent proposals have called for new or redesigned regulatory intermediaries—ranging from inspector generals who can recommend policies on behalf of the public (Ponomarenko, 2019) to new boards where power over policing decisions is shifted to community members (Simonson, 2021). Despite variation in the particular visions of democratic policing (Manning, 2010), researchers in recent years have expressed a common commitment to the importance of public input for effective and accountable policing institutions (Kleinfeld et al., 2017; Walker, 2016; for an exception, see Rappaport, 2020).

However, we argue that regulatory intermediaries can actually regulate the public as much as they do the public institution. Existing explanations would conceive this as a problem of capture: a regulated target influences the regulator in ways that deter full regulation. In contrast, by conceptualizing regulation as a three-party relationship, we propose that gaps between the promise and practice of regulatory intermediaries can be less of a problem of capture, and more a problem of coordination: when the regulator is the public, regulatory intermediaries seek to discipline it to distill its diverse demands into those it can successfully coordinate with the target.² Doing so involves overcoming three problems that regulatory intermediaries associate with community requests: their (1) multiplicity, (1) heterogeneity, and (3) resistance when dissatisfaction persists.

Our evidence draws on over a decade of transcripts of public meetings held by the Chicago Police Board (September 2009–February 2021). Every month, the Chicago Police Board holds a public meeting inviting residents to raise issues to appointed citizen board members, the Chicago Police Department’s (CPD) superintendent, and other police disciplinary administrators. We identify three ways the Chicago Police Board directed regulation toward the public, rather than the police department, in public meetings to respectively manage the problems of multiplicity, heterogeneity, and resistance: (1) *institutional rules* circumscribing public participation, rather than mandating police performance, (2) *hierarchized responses* to community demands that aligned more with police priorities, than to the frequency in which the public raised them, and (3) *norms of civility* that further dismissed complaints—without consideration of their substance—raised by those already marginalized by existing systems and practices.

This study thus reveals a fundamental challenge for democratic policing: the very multiplicity and heterogeneity of voices that democratic processes seek to incorporate can undermine the institutional changes envisioned. Regulatory intermediaries, even when composed of non-state actors, can establish formal rules and enforce situational decisions that regulate the regulator as much as, or even more so, than the target public institution. The point is not that regulatory

intermediaries should be incorporating each and every citizen complaint or some amalgamation of them, which is impossible to do. Instead, the point is that institutional dynamics on the ground contravene the democratic promises of their proponents. Despite their democratic design, regulatory intermediaries can further concentrate disempowerment among those needing the most relief from unwanted forms of state power. This study concludes with a policy discussion of policy-making processes, institutional design, and the multiple channels for public input as key considerations toward transforming mechanisms of inequality into sources of structural inclusion.

1 | THE CHALLENGE OF DEMOCRATIC POLICING

For over half a century, scholars have envisioned various forms of democratic governance over police departments (see Manning, 2010, who counts at least seven versions of democratic policing). Scholars since the 1960s have highlighted dilemmas on how to negotiate coercive police authority within a democratic society (Berkeley, 1969). Democratic policing scholars vary in their democratic visions today, but together believe in the “merit and importance of public opinion in a just and functional criminal justice system” (Kleinfeld et al., 2017, p. 1696). For example, Loader (2006, p. 203) defines democratic policing as the pursuit of “crime control and social ordering tasks in ways that recognize the legitimate claims of all individuals and groups affected by police actions and affirm their sense of belonging to a democratic political community.” Lum and Nagin (2017, p. 373) describe investing in two-way feedback with the public as a “hallmark of democratic policing.” Common democratic prescriptions thus include civilian complaint review boards, inspector generals, police auditors, community policing initiatives, and other entities that enhance public expression and oversight of police (Kleinfeld et al., 2017; Skogan, 2006; Walker, 2016).

Yet, the challenge of democratic policing endures because gaps repeatedly emerge between the promise and practice of participatory initiatives (see Gill et al., 2014). For example, a study of Seattle’s Weed-and-Seed initiative concluded that the “community” can neither (1) maintain the political responsibilities placed on them, with many uninterested in participating or skeptical of community policing’s effectiveness, nor (2) exercise sufficient political voice to genuinely hold police accountable, which police oftentimes cannot allow given their own constraints (Herbert, 2006). Similarly, evaluations of the Chicago Alternative Policing Strategy from the 1990s to early 2000s found that community meetings were overall productive in delivering services, but beneficiaries differed by race: Whites and African Americans benefited the most, though a gap persisted across measures like confidence in police responsiveness and performance, and Latinos benefited the least (Skogan, 2006).

These shortcomings have prompted new proposals that empower community members as regulatory intermediaries with either representative control or outright control over policing decisions. We define regulatory intermediaries as organizational entities featuring elected or appointed non-state actors empowered with regulatory authority over public institutions (Abbott et al., 2017; Ponomarenko, 2019). For example, one set of proposals calls for inspector generals, who can stand in for the public and help govern the police (Ponomarenko, 2019). These regulatory intermediaries are valuable because they can be granted greater access to police departments and may thus be better informed to propose policy recommendations. Another set of proposals calls for regulatory intermediaries with more direct community control over police departments. These proposals seek to establish new boards with citizens who have the final say—as opposed to mere input—over department decisions like terminating officers (Simonson, 2021). While both sets of

proposals seek to infuse democratic principles into police decision-making, they diverge on the optimal design of the regulatory intermediary (Ponomarenko, 2019; Rahman & Simonson, 2020).

This study presents empirical evidence of how regulatory intermediaries can also direct regulatory authority toward the public to better coordinate exchange between police and residents. Scholarship has identified how police are important “legal brokers” (Gascón & Roussell, 2019) and organizational intermediaries (Jenness & Grattet, 2005) that determine whether policies are adopted and how demands are internalized. This study emphasizes the role of non-state actors (Rodríguez-Muñiz, 2017) in mediating relationships between police and the wider public. Examining the role of non-state actors is vital to policy discussions presenting public participation, input, or control—especially via regulatory intermediaries—as key mechanisms to police accountability and police transformation.

2 | REGULATION AS A THREE-PARTY RELATIONSHIP

When local institutions undergo crises of public legitimacy, our democratic impulses often direct public policy toward establishing regulatory intermediaries that can help secure public accountability. These oversight bodies introduce new dynamics between the public and public institution that would interest scholars across subfields: network scholars focusing on how brokers facilitate resource exchange (Gould & Fernandez, 1989), legal researchers theorizing about how organizations mediate the implementation of legal mandates (Edelman, 1992; Jenness & Grattet, 2005), and urban sociologists analyzing neighborhood institutions, non-profits, and other entities connecting residents to resources (Marwell, 2004; Levine, 2016; Small, 2006). However, the role of organizational intermediaries in regulation and governance remains underdeveloped—leaving open questions about how one of our most common models of democratic governance operates on the ground.

We focus on two defining features of regulatory intermediaries. First, their institutional mandate involves increasing the public accountability of a public institution. This sets up a three-party regulatory regime where the public institution is the regulatory target, the public is the regulator, and the regulatory intermediary is empowered to oversee or reform the target. Achieving their institutional mandate requires coordinating between the public’s demands and the public institution’s priorities. The more the regulatory intermediary can facilitate (actual or alleged) exchange between the public and public institution, the more it can claim effectiveness and institutional legitimacy. Second, regulatory intermediaries are operated by non-state actors. Regulatory intermediaries have democratic appeal because the state devolves power to elected or appointed non-state actors—empowering them in participatory enterprises that advance both public service provision and state legitimacy (Rodríguez-Muñiz, 2017; Vargas, 2016). However, the individuals comprising regulatory intermediaries are necessarily unrepresentative of either the public institution (e.g., they are not sworn officers) or the public itself (e.g., selection effects in who is appointed and institutional socialization over time). These dynamics position regulatory intermediaries to focus on maintaining their own institutional legitimacy by coordinating exchange between the regulating public and the target institution.

These relationships present a problem of ineffective regulation: regulatory intermediaries can actually regulate the public as much as, or more than, the public institution. Traditional explanations, especially those conceiving regulation as two parties, would attribute such ineffective regulation to regulatory capture: regulated targets influence regulators in ways that deter genuine oversight. While regulatory intermediaries can be captured too (Abbott et al., 2017), evidence of

Motivation	Request for Action	
	Enforcement	Discipline
Personal Incident	Crime Victimization	Police Victimization
Policy Issues	Policing Strategy	Institutional Reform

FIGURE 1 Disaggregated community demands toward police

the regulatory intermediary imposing unwanted actions on the public institution would weaken claims of capture.

In contrast, conceptualizing regulation as a three-party relationship can reveal problems of coordination. By facilitating exchange between the regulating public and target institution, regulatory intermediaries can prioritize disciplining the public to distill its diverse demands into those it can successfully coordinate with the target. Regulating the public becomes the most efficient way to coordinate exchange, as it is easier to achieve alignment by introducing rules and norms that winnow public input, than it is to shift the incentives of public institutions. In particular, regulatory intermediaries must manage three separate problems with community demands to successfully coordinate exchange in pursuit of “productive” public meetings: their (1) multiplicity, (2) heterogeneity, and (3) resistance when dissatisfaction persists.

2.1 | The problem of multiplicity

First, regulatory intermediaries must manage the multiplicity of community demands toward police. Across public service providers, a standard institutional practice to help manage the mismatch between supply and demand is to introduce requirements, such as qualification criteria or queuing for services (Lipsky, 1980). Despite their practical necessity, institutional rules like age limits pose arbitrary and absolute cutoffs that can disqualify those who need services the most (Cheng, 2017). Nonetheless, institutional rules advance organizational survival because they help identify the serious, legitimate, and other organizationally meaningful categories of clients (Maynard-Moody & Musheno, 2003).

To manage the problem of multiplicity, regulatory intermediaries will foreseeably establish *institutional rules* targeted at the public—rules they must follow as a prerequisite to their participation. In contrast, similar rules will unlikely apply to police. Unlike the unorganized public, regulatory intermediaries and police departments are likely to become increasingly connected with one another as organizational peers within the same institutional environment (Crank & Langworthy, 1992). By focusing institutional rules on public participation rather than police performance, regulatory intermediaries can better hold successful public meetings and coordinate exchange between the police who are present and the attendees who follow the rules.

2.2 | The problem of heterogeneity

Second, regulatory intermediaries must manage heterogeneous community demands toward police (Bell, 2019; Thacher, 2001). Figure 1 depicts one way to disaggregate community demands:

by their motivations and requests. First, based on scholarship about the relevance of victimization as a motivator for criminal justice action (Elias, 1993; Simon, 2007; Xie & Baumer, 2019), a resident's motivation can be rooted in either (a) a personal incident or experience or (b) a general policy issue of concern. Second, based on scholarship suggesting that residents conceive police as either an attractive amenity or public nuisance (Bell, 2020), requests for action will foreseeably reflect underlying preferences for either more enforcement or greater discipline. Whereas those who perceive police as an amenity to be consumed will likely request actions that exercise or expand policing (Carr, 2003), those who understand police as a threat to their own or the public's safety will likely raise requests that reduce or reform policing (Brunson, 2007).

Analyzing these two elements together—motivation and request—establishes a typology of community demands toward police. The four ideal types identified are (1) *crime victimization*: experiences of harm from a criminal offense, (2) *police victimization*: experiences of harm caused by a police officer, (3) *policing strategy*: how officers are deployed and their practices, and (4) *institutional reform*: structural changes to policing. While demands featuring crime victimization and police victimization are both rooted in personal incidents, crime victimization involves requests for greater enforcement, while police victimization features requests for police discipline. Similarly, although demands about policing strategy and institutional reform are both policy issues in nature, those about policing strategy usually involve requests for greater enforcement, while institutional reforms request greater discipline. Each of these demands express dissatisfaction toward the status quo, but have different visions of what changes should be prioritized.

This diversity of demands that exist within communities empowers regulatory intermediaries like the Chicago Police Board to deem legitimate the subset that best advances institutional interests. Regulatory intermediaries exercise discretion over whether to respond and how substantively to do so. Regardless of the frequency that each complaint type is raised, regulatory intermediaries will foreseeably prioritize those featuring crime victimization—as they authorize police to use their core services and enable the regulatory intermediary to coordinate exchange between police and the crime victim. In contrast, regulatory intermediaries will least likely respond to demands featuring institutional reforms since these often threaten the institutional legitimacy of both the police department and the regulatory intermediary.

Although the regulatory intermediary and police department converge in their likelihood to respond to issues of crime victimization and institutional reform, they will likely diverge in their responses to police victimization and policing strategies. On the one hand, police are more likely to respond to demands seeking to shape policing strategies—for example, more foot patrol or faster 911 response times—since these complaints still conceive police as service providers. In contrast, regulatory intermediaries will more likely respond to complaints about victimization by police, which is part of their institutional mandate, than they will to enforcement strategies outside their expertise. These predictions suggest that the complaint's motivation (personal incident or policy issue) is the more salient dimension to regulatory intermediaries, while the specific request for action (enforcement or discipline) matters more to police departments. Nonetheless, regulatory intermediaries will likely manage the problem of heterogeneous community demands by maintaining a *hierarchy of responses* that aligns more with police priorities, than to the frequency in which the public raises them.

2.3 | The problem of resistance

Third, regulatory intermediaries must manage resistance among participants who remain unsatisfied with the responses provided. As unsatisfied participants either break institutional rules or contest the hierarchized responses, regulatory intermediaries must enforce order—especially in public meetings—to maintain their institutional legitimacy. One way to enforce order is to invoke *norms of civility* that circumscribe the range of acceptable behaviors. Rather than formalized in institutional rules, these informal standards of decorum are oftentimes ad hoc responses to moments of resistance. They communicate the bounds of appropriate contestation within the space, and draw the line for how far participants can go in expressing grievances about the regulatory intermediary and its processes.

Institutional norms often have concentrated consequences for those who need relief the most. For example, street outreach workers often focus on gang members who demonstrate “readiness” for lifestyle changes—which can direct formal services away from the most at-risk youth (Cheng, 2017). In the courtroom context, court dates and other proceedings are scheduled around the professional and state actors involved, rather than defendants (Feeley, 1979; Kohler-Hausmann, 2018). Once scheduled, court dates will also more likely favor those defendants with the resources to smoothly interrupt their daily life—for example, arrange childcare, take off from work—to actually attend (Haney, 2018).

Norms of civility will thus foreseeably penalize participants for resisting institutional inaction. They will likely constrain the capacity of unsatisfied attendees to contest inaction—forcing them to navigate bureaucratic restrictions on top of their underlying complaint. These penalties often accrue along lines of race and class, especially given the selection effect of police interactions and those entangled in the criminal legal system (Clair, 2020; Cobbina et al., 2018). By penalizing resistance, these cumulative experiences can foster the legal estrangement that results in structural exclusion of those already most disempowered (Bell, 2017; Soss & Weaver, 2017). Nonetheless, through enforcing institutional rules, hierarchized responses, and norms of civility, regulatory intermediaries can discipline the public and its diverse demands into those that present opportunities for it to liaise exchange between police and the public. As explained below, doing so presents a key challenge to democratic policing: public input can become a participatory source for state authorization—not democratic governance.

3 | DATA AND METHODS

This case study analyzes the mechanisms theorized above by examining a setting where the regulating public, regulatory target, and regulatory intermediary all converge: monthly meetings at the Chicago Police Board [“Police Board”]. Established in 1960, the Police Board is composed of nine non-sworn residents who are appointed by the mayor. It achieves civilian oversight and community engagement through multiple responsibilities: deciding disciplinary cases when the CPD superintendent files charges against an officer or suspends them for more than 30 days, nominating three candidates to the mayor for superintendent searches, and holding monthly public meetings for community members to submit complaints, provide input, and ask questions to the board, police superintendent, and other top policing administrators. While appointed by the mayor, members of the Police Board are still local residents—as they often emphasize during meetings.

The Police Board's monthly public meetings represent a particularly insightful opportunity to analyze variation in police–community relations for both substantive and practical reasons. Substantively, these public meetings are open to the entire city—as opposed to beat or sector meetings in particular neighborhoods where variation in officer decision-making and neighborhood dynamics may be a greater concern. The police department's primary decision-maker—the police superintendent or their designated representative—is present at each meeting, which should provide for more informed exchanges and definitive decision-making. As one of America's largest police departments with 13,000 officers overseeing a population of 2.7 million, CPD's initiatives and interactions hold weight for police departments across the country. Practically, each Police Board meeting since September 2009 has been transcribed by an authorized court reporter. Constructing a dataset of meeting transcripts thus provides the opportunity to analyze police interactions with various community stakeholders across the past decade.

The dataset features Police Board meeting transcripts from September 2009 to February 2021. Meeting transcripts were obtained from the Police Board's website, with older records received through Freedom of Information Act requests. We conducted a content analysis by coding transcripts in the following steps. Both authors first read through the transcripts to determine a coding scheme. Informed by existing research on community meetings in general (Levine, 2017) and police–community meetings specifically (Cheng, 2020; Gascón & Roussell, 2019), we identified codes based on an abductive analysis (Timmermans & Tavory, 2012) aiming to discover new ways of understanding which community stakeholders influence Police Board decision-making. We approached coding by focusing separately on the resident's complaint and the institutional responses.

First, a typical resident's complaint usually has two components: background information that motivates the request and then a specific request for action.³ We coded motivation for whether the request derives from a specific event experienced by the speaker or their associate (“personal incident”) or pertains to policing practices in general (“policy issue”). We coded the request for action for whether the resident is implicitly or explicitly requesting greater enforcement using traditional policing methods, and/or whether the resident seeks officer discipline or some sort of systemic reform. For example, if residents described their fear of being attacked by a group who hangs around the nearby bus stop, that would be coded first as motivated by a personal incident. Even if an actual exchange has yet to occur, the request is still based on the speaker's experiences. Then, if they concluded by requesting greater police presence at the bus stop specifically or bus stops generally, they would be coded as requesting enforcement (“crime victimization”). Alternatively, if the resident concluded by requesting punishment of officers who failed to write a police report documenting their complaint, that would be coded as requesting both enforcement and discipline. If it turned out that the group hanging out at the bus stop were officers, then we coded the complaint as requesting discipline (“police victimization”). In contrast, if a speaker raised concerns about the lack of African American officers without rooting the complaint in a personal incident, we coded that as a policy issue requesting enforcement (“policing strategy”). Finally, if they spoke about a police killing to which they did not reveal personal ties and requested greater police accountability, we coded that as a policy issue requesting discipline (“institutional reform”).

Second, we coded the institutional responses separately for the Police Board and CPD. Responses included merely thanking the speaker, a longer explanation, promising to meet afterward, or following up in the future. An important limitation of the data is that it provides more opportunities to dissect resident requests than institutional responses. For example, it is unknown what specific actions, if any, were taken after meetings concluded and how those actions aligned

with meeting responses. At the same time, analyzing residents' requests was also limited: it relied on information voluntarily disclosed by the speaker, and so details like demographic information are only included below if the speaker revealed it or if it was confirmed via other sources (e.g., newspaper articles covering meetings). Pairing these transcripts with additional fieldwork following up on community residents and institutional actors would help provide a more comprehensive understanding of the totality of circumstances shaping speaker complaints, meeting dynamics, and the follow-up actions outside of them.

After agreeing upon the basic coding schedule, we applied the codes to a subset of the transcripts to establish intercoder reliability. After we each coded 100 randomly selected speakers, we found that 89.58% of our coding matched with a Cohen's kappa of 0.7064 (Cohen, 1960). Cohen's kappa measures the agreement between two coders accounting for their chance agreement. The formula is as follows:

$$\kappa = \frac{Po - Pe}{1 - Pe}$$

where Po is the observed difference and Pe is the amount of agreement expected by chance. The value of Cohen's kappa can range from -1 to 1 . Negative values indicate agreement worse than chance, zero indicates purely incidental agreement, and positive values indicate different levels of agreement. While no specific value definitively establishes intercoder reliability, general thresholds suggest that 0.41 – 0.60 signifies moderate agreement, 0.61 – 0.80 represents substantial agreement, and 0.81 – 1.00 means near perfect agreement (McHugh, 2012). After discussing disagreements, we conducted a second round on a new set of 100 randomly selected speakers. Our percentage agreement increased slightly to 92%, as did our Cohen's kappa to 0.7348. After reviewing coding differences, we decided to proceed to code the full dataset with "substantial agreement" in our codes.

Third, the second author coded the full dataset of meeting transcripts. Throughout the coding, both authors discussed borderline cases, emerging themes, and additional dynamics to track. For example, we realized that multiple residents often came to meetings as representatives of neighborhood organizations. We began to track these organizational affiliations to trace when different groups started and stopped participating, and how Police Board and CPD responses differed across these organizations. We also tracked moments when speakers perceived institutional responses to be insufficient and how the Police Board managed them. In these moments of speaker resistance, the board asserted meeting rules and norms, which we tracked and explain further below. Ultimately, this dataset offers the opportunity to systematically analyze the evolving community requests and institutional responses to 385 individual residents speaking 948 times over the span of almost 11 and a half years.

4 | FINDINGS

The Police Board is designed to be a form of democratic governance over the CPD. According to Section 2-84-030.2 of the city's charter, one of the Police Board's core powers and duties was to "adopt rules and regulations for the governance of the police department of the City." In annual reports from 2009 and 2019, the board wrote that it "strongly encourage[s] you to attend our meetings" because they "serve as an important forum for discussion of police-related matters and increase accountability and responsiveness to the public's issues of concern" (Chicago Police

Board, 2009, p. 4, 2020). In other words, legitimation for the Police Board involved coordinating non-confrontational exchanges between the police and public—promoting cases where police are actually responsive to an issue raised by a member of the public. The three sections below discuss how, in pursuing these opportunities for coordinating exchange, the Police Board enforced (1) institutional rules, (2) hierarchized responses, and (3) norms of civility that became a form of democratic governance, not over the police department, but over the public itself.

5 | INSTITUTIONAL RULES

To manage the multiplicity of public demands, regulatory intermediaries like the Police Board establish institutional rules regulating the terms of public participation. First, residents interested in speaking must sign up in advance via telephone or email. Those who did not sign up were unpermitted to speak. For example, right before the president moved to adjourn the November 2012 meeting, an audience member pointed out: “You didn’t call him.” President Carney responded: “He didn’t sign up. You are not on the list. We are adjourning the meeting” (November 2012). The Police Board even enforced the advance sign-up requirement when meetings were shorter than usual. As the standing president was about to end the May 2010 meeting, an audience member asked: “Excuse me. We didn’t know where to sign up to speak at, and it’s a lot of us here that still have questions that we want to ask... May I?” The board explained the sign-up process and how to register their name on it, but another audience member pointed out: “There’s two or three people that didn’t show up. How come can’t she speak?” Mr. Gonzalez of the board responded: “I am sorry, ma’am, we have these rules in place.” Despite having enough time to let them speak, Mr. Gonzalez nonetheless adjourned the meeting.

Second, since meetings were held within CPD headquarters, residents were required to pass through security to enter the meeting. Controversy erupted in 2019 when city reporters discovered that the CPD conducted criminal background investigations and Internet searches on the residents who signed up to speak since at least 2006 (Gorner & Pratt, 2019). Besides the substantive privacy concerns that this practice raised, it also posed symbolic implications for how the police department viewed the public—even those attending a community meeting. The practice was particularly concerning for community organizers like Crista Noel, who explained how she had convinced the family members of several victims of police violence to attend these meetings, only to subject them to greater surveillance: “So when people came to me, Martinez Sutton, Rekia’s brother, Bettie Jones’ family, all these people ... I knew that because their loved ones had been killed by cops, that they were going to be afraid of them” (August 2019). Noel believed in exposure therapy—that bringing these surviving family members to Police Board meetings might accelerate healing. However, news of the background checks erased these possibilities: “I cannot tell you how hurt I am that I brought people here for them to recover and they were looked up.” Neither the Police Board nor the police department could identify the origins of the practice, but promised that it ended. Nonetheless, since meetings remained inside police headquarters, all attendees were still required to pass metal detectors.

Third, those who signed up to speak at meetings could only speak for a maximum of two minutes—a rule that was situationally invoked at the president’s discretion. When residents raised issues about crime victimization, the two-minute rule was often unenforced. For example, Nancy Rodriguez described how the Maniac Latin Disciples controlled the area around her home (August 2012). They often congregated around a nearby liquor store and threw parties. However, her calls to 911, the mayor’s office, and her alderman led to insufficient action. While she has

“a whole list here of crimes that I witness on a daily basis,” she stopped talking after recognizing that “I only have approximately two minutes.” However, President Carney encouraged her: “Take your time.” President Carney then specifically asked: “I just have to call on the Deputy Superintendent. How can we help this citizen?” As other crime victims told their stories and sought police services, the president often forwent the two-minute limit—again, encouraging speakers to “take your time” (February 2014), expressing empathy and outrage toward their experiences (“That’s a staggering piece of news,” July 2011), and calling upon police to coordinate action with the resident (“Probably sooner than later. I think these people need to speak with him [the new commander] because they were promised a meeting,” June 2014). Cases of crime victimization present the best opportunities for the Police Board to coordinate exchange, as residents demand the core enforcement services that police are willing to provide. These were the cases that were worth consuming limited meeting minutes.

In contrast, the president actively managed speaking time for complaints against police violence. For example, before the December 2012 meeting, President Carney stated: “We have a series of speakers here tonight, so I know many of you have legitimate concerns, but everyone else has concerns, so I am going to kind of move it along so that everybody who has signed up gets a chance to speak” (December 2012). All 11 of the meeting’s speakers demanded justice and reform in relation to (1) police torture and false confessions associated with Officer Jon Burge and (2) the police killings of Dakota Bright and Rekia Boyd. Throughout the meeting, President Carney rushed speakers—reminding them to “be quick” and that “we have to move this quickly because we’ve got a lot of speakers.” However, this meeting only had two more speakers than the August 2012 meeting in the previous paragraph, where President Carney encouraged the speaker to “take your time” in recounting her experiences with gang activity. If time was kept equally across residents and their requests, two additional speakers would only amount to an additional four minutes. President Carney’s warning of strict time constraints also came at the very beginning of the meeting—before any resident actually spoke—further revealing the role of advanced sign-ups in managing meeting complaints.

Unlike the institutional rules that defined the prerequisites of public participation, the Police Board lacked strong rules mandating police performance—promoting perfunctory forms of police engagement. For example, multiple residents observed the frequent meeting absences of various superintendents over the years. While institutional rules permitted the superintendent to designate a representative to attend meetings on their behalf, residents preferred directly asking questions to the superintendent since they have ultimate decision-making power. However, out of the 139 meetings in this dataset, the superintendent was absent in about half of them ($N = 69$). Rather than explaining or interrogating these absences, the Police Board accommodated them by defending them. For example, when Robert More asked: “For the historical record, why were you absent from the past five meetings,” President Carney responded: “The Superintendent is busy sometimes” (March 2014). When Robert asserted that the question was directed to the Superintendent, President Carney instructed: “Mr. More, keep going.” Robert insisted and President Carney declared: “Motion to adjourn.” The motion passed and the meeting was adjourned over Robert’s claims of “[t]his is outrageous. I got five other questions.” Similar exchanges unfolded across multiple meetings as Robert tried to get an explanation for the superintendent’s absences (e.g., April 2014, September 2015, February 2016, October 2016).

The lack of institutional rules mandating police participation in meetings translated into low overall response rates to community demands. Across the 2010 decade, the CPD provided a response to 23.4% ($N = 222$) of the 948 speakers. The Police Board president was the meeting host and thus the default first responder to residents, though the superintendent could always

respond first if they wanted to (e.g., May 2014). Yet, despite being the default first responder, the Police Board had a similarly low response rate. Across the 948 times a resident spoke, the Police Board thanked the speaker and moved on to the next one 62.3% ($N = 591$) of the time. They provided more substantive responses—an explanation, offer to meet afterward, or promise to follow up—to only 22.3% ($N = 211$) of the issues raised.

New institutional rules further revealed the perfunctory nature of the Police Board's requirements toward the police department. In 2019, the Department of Justice and City of Chicago agreed to a consent decree. In response, the Police Board required the police department to prepare Community Input Reports: written responses to the issues raised during meetings. However, the patterns in verbal responses were now reproduced in written form. Between June 2019 and February 2021, a total of 218 meeting attendees spoke evenly about discipline ($N = 73$, 33.5%) and enforcement ($N = 85$, 39.0%). This contrasted with the distribution of demands in the 20 months prior, where a clear majority of the 126 meeting attendees spoke about discipline ($N = 77$, 61.1) versus enforcement ($N = 20$, 15.9). As demands for police enforcement and services increased, police responsiveness did too: from 22.2% of speakers to 34.9% after Community Input Reports were introduced.

While the response rate was higher due to the larger proportion of complaints calling for enforcement and services, it was still not 100% because the Police Board only directed CPD to respond to certain complaints. For those speakers who did not receive a written response, the CPD wrote: "The Office of the Police Board determined that remarks made by [names of speakers] do not require a response in addition to that provided at the meeting." However, the response that these speakers—who typically demanded police discipline and reform—received at the meeting was merely "thank you." Starting in September 2019, the Police Board also no longer permitted the police superintendent to waive their oral report at the start of meetings. On the one hand, these new institutional rules weaken claims of police capture since they represented affirmative demands on the police department. But at the same time, these administrative tasks did not substantively shift police participation or performance—maintaining the disproportionate institutional rules disciplining public participation.

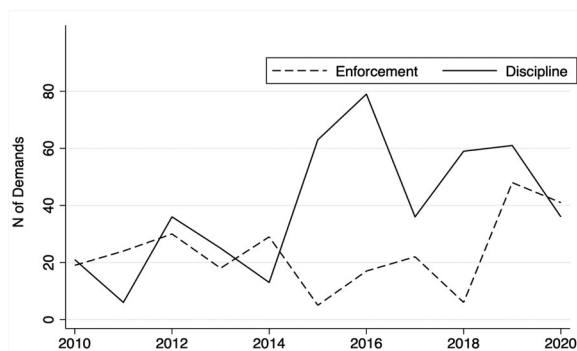
6 | HIERARCHIZED RESPONSES

Faced with heterogeneous community demands, the Police Board differentially responded to them—establishing a hierarchy of responses that aligned more with police priorities than to the frequency in which the public raised them. Overall, a greater percentage of the 948 demands called for discipline and reform (47.6%, $N = 451$) than for enforcement and services (29.7%, $N = 282$). Nonetheless, the dominant type of community demand shifted across the 2010 decade. Figure 2 illustrates the frequency of demands for police enforcement and discipline over time. In the first half of the decade, Police Board meetings featured just as many complaints demanding enforcement and services, as it did for discipline and reform. In the latter half of the decade, Police Board meetings became dominated by demands for discipline and reform—with those seeking enforcement and services seeing a proportional decrease. However, after 5 consecutive years of meetings dominated by demands for discipline and reform, the demands in recent years have reconverged. In fact, for the first time since 2014, requests for enforcement and services in 2020 overtook those for discipline and reform.

Institutional responses were unevenly distributed across these community requests. Those demanding greater police enforcement and services represented only 29.7% ($N = 282$) of total

FIGURE 2 Annual frequency of demands for greater police discipline versus enforcement.

Note: Besides demands for police discipline and enforcement, speakers also asked questions, gave thanks, and provided non-police related statements



complaints, yet comprised 38.4% ($N = 81$) of Police Board responses and 64.9% ($N = 144$) of CPD responses. In contrast, 47.6% ($N = 451$) of complaints requested greater police discipline and systemic reforms. However, the Police Board thanked the speaker and moved on in response to 74.9% ($N = 338$) of these complaints, and the CPD did not respond to 88.9% ($N = 401$) of them.

Further disaggregating community requests and institutional responses revealed two key patterns. Figure 3 shows the frequency and response rates to four types of community demands—crime victimization, police victimization, policing strategies, and institutional reforms—identified by unbundling its motivation and specific request for action.

The outside set of bars indicate the first key pattern: the *most* common community demands were the *least* likely to elicit a response, and the *least* common community demands were the *most* likely to elicit a response. On the one hand, the most common community demands were for institutional reforms ($N = 277$), yet both the Police Board and CPD responded to less than 10% of them ($N = 25$, 9.0%; $N = 22$, 7.9%). On the other hand, the least common community demands involved crime victimization ($N = 124$), yet the Police Board and CPD responded to them at a rate of 40.3% ($N = 50$) and 69.4% ($N = 86$).

For example, in the November 2019 meeting, African American Jennifer Edwards and three others from a neighborhood group called Communities Organized to Win explained how the “community asks for foot patrol, beat integrity, alley patrols, and more police coverage.” Communities Organized to Win is an umbrella group of 30 neighborhood organizations from 69th Street to the Pullman area. Since attending their first meeting in July 2019, representatives from Communities Organized to Win collectively spoke 45 times in 19 months. Out of these 45 times, 80% ($N = 36$) requested greater police enforcement and services. These requests included: expanding qualifications to the department’s cadet program (August 2019), holding backyard conversations and “coffee with the captain” events (January 2020), “ramp[ing] up your investigative divisions” given the “lull in public disorder and crime” during the COVID-19 pandemic (May 2020), and increasing civilian patrols (June 2020). When Jennifer requested foot patrols, President Ghian Foreman asked the police chief to respond to this point specifically. Chief Waller replied: “As far as the foot patrol, absolutely. We encourage more foot patrol.” After President Foreman said that he will provide the Chief with the groups’ written recommendations so “[y]ou guys can spend some time talking,” Chief Waller confirmed: “I’ve already spoken to this group before, and we have each other’s information and contact information.”

In contrast, the very next speaker was Eric Russell. Eric is president of the Tree of Life Justice League, a group representing “40 families nationwide whose loved ones have been brutalized, tortured, or murdered by police.” He previously mentioned that he used to come to Police Board meetings with the victims’ family members, but realized that doing so is often “an exercise in

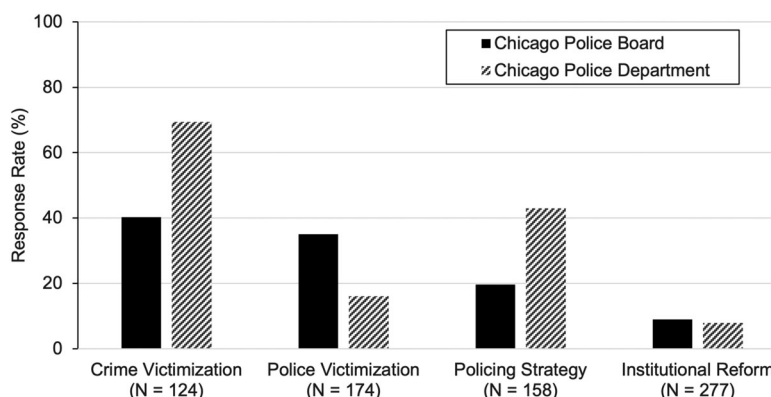


FIGURE 3 Response rates by Chicago Police Board and police department to community demands

futility” (December 2018). Nonetheless, Eric was present today to speak on behalf of Martina Standley who, in January 2019, approached a police SUV, knocked on the window, and was run over: “She is now in the hospital suffering traumatic brain injury with crushed ligaments.” Eric requested that the names of the officers be released, as well as all the video related to the incident. Unlike his response to Jennifer Edwards, President Foreman simply responded: “Thank you.” Chief Waller remained silent, and the meeting moved on to the next speaker.

Further tracing Eric Russell’s demands demonstrates the specific divergence between responses to institutional reforms versus crime victimization. Between April 2016 and August 2020, Eric spoke eight times. In seven of those eight times, Eric spoke as the representative of various families of victims of police violence, including Bettie Jones (April 2016), Jose Nieves (February 2017), and Martina Standley (November 2019). In each of the seven times that Eric demanded police discipline, the Police Board reminded him that his time was almost up, asked him to conclude, thanked him, and moved on to the next speaker. However, in one of the eight times Eric spoke, he described how there was an “attempt on my life” (July 2016). It started on a Sunday morning at 1:00 AM, when Eric woke up after hearing four shots outside his southside Chicago home. He ignored it. The very next morning, however, he woke up to shots again, but this time discovered that his car was “bullet riddled and shot up.” Declaring that “activists’ lives matter” too, Eric described how he reluctantly filed a police report. Unlike the other seven times he spoke about institutional reforms, speaking about his crime victimization earned him a follow-up discussion. The Police Board president stated: “Frankly, Mr. Russell, I would like to chat with you afterwards myself. If you believe you’ve been targeted, then we need to do—we need to get on that right away.” Chief Waller agreed: “I’ll be available to talk to you also.” Within the 4 years of attending meetings, Eric only received an invitation for a follow-up after speaking as a crime victim.

Besides Eric, representatives from the Chicago Alliance Against Racism and Political Repression [“Chicago Alliance”] also advocated for institutional reforms. Between October 2015 and February 2020, members of the Chicago Alliance spoke at least 31 times. Over the years, representatives from the group have demanded justice for multiple police victims: Rekia Boyd, Laquan McDonald, Bettie Jones, and Dakota Bright. They have often demanded particular policy changes, including a proposal to establish the Civilian Police Accountability Council (CPAC): “a fully elected, democratically governed, all-civilian police accountability board with the power to fire police officers and hire the police superintendent (October 2017). Out of the 31 times that members spoke, the Police Board simply stated “thank you” and moved on 28 times. Similarly, the CPD

provided a response only twice. While neither the Police Board nor the CPD have the administrative authority to actually implement an initiative like CPAC, they still could have directed residents to additional outlets as the consent decree requires, amplified these complaints to city council, or made themselves as available as they do for complaints involving crime victimization.

Besides the responsiveness to crime victimization and unresponsiveness to institutional reforms, Figure 3 illustrates a second pattern. Specifically, the middle set of bars indicate divergence between the Police Board and CPD: the Police Board prioritized personal complaints about victimization, while CPD was more responsive to those that conceive police as service providers. In other words, while both the Police Board and CPD were most responsive to complaints about crime victimization, the next set of demands that the Police Board was most responsive to was police victimization ($N = 174$, 35.1%). In contrast, the CPD was subsequently most responsive to demands involving policing strategy ($N = 158$, 43.0%). In fact, the Police Board and CPD's response rates to police victimization and policing strategy were inverted: 35.1% and 16.1% to police victimization versus 19.6% and 43.0% to policing strategies. This divergence further weakens evidence of CPD capture of the Police Board.

For the Police Board, the demand's motivation was the more salient dimension than the request for action. Although the Police Board deferred to the police superintendent on issues of policing strategy, it often provided clarification to police victims on the administrative process of police discipline. Between May 2010 and January 2020, African American mother Octavia Mitchell spoke at 15 Police Board meetings seeking justice for her son Izael Jackson. In April 2010, Chicago police fatally killed Izael during a traffic stop after he opened fire on police while fleeing. Despite the shooting being ruled justified, Octavia returned meeting after meeting demanding that the case be reopened because a DNA swab from a gun on the scene was never tested. She argued that if the results did not contain Izael's DNA, that would warrant a re-investigation that would vindicate her son. In the meetings where Octavia did receive responses from the Police Board, the responses articulated specific administrative and legal steps that Octavia must take to move her case forward: identify what laboratory the DNA swabs are held in (January 2019), get a judge's order to release the swabs (May 2019), and obtain the chain of custody documenting possession of the swab (June 2019). In the few times that CPD responded, Octavia resisted their efforts to deflect. For example, in June 2019, Chief Waller responded to Octavia's request for specific documents with: "Ma'am, I'll speak to you offline." However, Octavia interjected: "No . . . You're not off offlining me again. I've been here for six months, every third Thursday. You're not off lining me again. I want to know how do I get this paperwork and which way do I get this paperwork." Ultimately, the DNA swab was tested and the results returned inconclusive with three different DNA profiles on it (January 2020).

In contrast to the Police Board, the CPD was more likely to respond to policing strategies than to police victims—indicating that the demand's request for action was the more salient dimension for the CPD than its motivation. A March 2014 meeting highlighted how the Police Board and CPD differentially responded to complaints about police victimization and policing strategies. First, the meeting began with Anna Czapkowska, whose husband was attacked by neighbors in front of a police officer and yet, the officer arrested her husband. She also referenced her long-standing complaints about drug dealing around her house, which she first raised several years earlier: "So my question is today, how many days do we need to fix it? Is there any plan at all or there's no plan?" Superintendent McCarthy responded directly. After briefly stating that the Internal Affairs Division is investigating Anna's claim, McCarthy cited the promise of her area's new district commander Glenn Evans, who is "probably the most aggressive district commander in the Chicago Police Department." In fact, the next four speakers were all from Commander Evans' now-former district

and requested that he remain there: “Under his leadership we formed strategies and initiatives to control a violent environment. The commander is our best hope to stop the violence in the 3rd District.” Superintendent McCarthy then spent one-third of the entire meeting—approximately 12 of the 33 pages of the meeting transcript—thanking the residents for their support, complimenting Commander Evans as “one of our absolutely best performers,” explaining the department’s promotion initiative, and assuring residents of the qualifications of their new commander who he personally appointed.

But then the meeting moved on to Camara Bowden. Two months ago, Camara was leaving his house when four plain clothes officers approached him with guns pointed asking about the location of a white van. With his family present, officers handcuffed Camara, who was humiliated and feared for his life. The officers eventually released him, but refused to provide their names or badge numbers. Camara went to the precinct to file a complaint. However, he did not receive answers as to why he was targeted. Camara thus came to the Police Board for the second straight month after no one followed up with him the previous time. Members of the Police Board clarified the “miscommunication” and explained that an investigation was already initiated, which they will notify him once it is complete. Camara’s father was also present and testified to the harm that wrongful police actions impose on young people, like his 5-year-old granddaughter. Members of the Police Board thanked the Bowdens for coming and promised to follow up. Superintendent McCarthy, who had proactively assured the previous residents at-length about crime victimization and policing strategies, spoke not a single word in this case of police victimization.

7 | NORMS OF CIVILITY

When residents resisted the institutional rules and hierarchized responses described in the previous two sections, the Police Board deployed norms of civility that justified dismissing complaints, without regard to their substance, on the grounds of maintaining meeting control. These norms of civility regulated “personal attacks, obscene language, fighting words, conduct intended to disrupt or interfere with the meeting, and comments not related to matters [outside their jurisdiction]” (February 2010). Norms of civility left no room for residents to resist Police Board decisions, as violating norms “may result in barring the violator from participating in the meeting, removal of the violator from the meeting room, or the immediate adjournment of the meeting.” In fact, presidents have prohibited residents from speaking for not removing their hat (September 2009), instructed officers to escort speakers out of the building for refusing to stop speaking (February 2016), prevented residents from bringing in protest signs (July 2015), and adjourned meetings because of chanting and protesting (August 2015, March 2016, June 2016).

Those marginalized by existing system and practices were the most likely to engage in resistance, yet norms of civility dismissed their complaints precisely for engaging in such resistance. For example, in the beginning of the November 2009 meeting, Superintendent Weis attributed youth violence to the code of silence—telling attendees that police cooperation is needed for safer communities. However, several attendees demanded disciplinary action against Officer Richard Fiorito, who they accused of repeatedly committing violence against gay and lesbian residents. Andy Thayer was particularly exasperated with the inaction: “I find it frankly outrageous, Mr. Weis, for you to talk about the problem of silence when you, yourself, have been silent about this issue, whereas the Police Board has been silent about this issue, and the Cook County State’s Attorney’s [sic] office has also been silent about this issue in spite of there now being some 34 lawsuits against this man” (November 2009). Andy then dropped a pile of complaints against Officer

Fiorito onto the floor, explaining that he is leaving it here for Superintendent Weis. Andy relinquished his remaining time for the Superintendent to respond, but President Carney jumped in: "I think your behavior of throwing the complaints on the floor is completely out of line. Pick them up and give them to the Superintendent, or they will be thrown away." President Carney viewed Andy's actions as uncivil, and immediately moved on to the next speaker after threatening to adjourn the meeting. No matter the content of the documents, the Police Board was willing to literally throw them away if delivered disrespectfully. Superintendent Weis remained silent throughout the exchange, and Andy never received a response about disciplining Officer Fiorito.

Given the hierarchy of responses, the board typically invoked norms of civility against residents raising issues of police victimization. For these residents, norms of civility delegitimized efforts to both grieve and resist the oppressive policing system that killed family members and remained unaccountable. The August 2015 meeting was Lori Lightfoot's first as the new president of the Police Board. She began the meeting with reminders: "[Y]ou may disagree with our decisions, but I urge you for the sake of our continued and important dialogue, be respectful. We want to hear from you, but I will not hesitate to take action if the lines of decency are crossed" (August 2015). Each of the speakers at the meeting demanded institutional reforms and police accountability. For example, for the first time since 2012, Martinez Sutton spoke at the meeting. In 2012, off-duty officer Dante Servin fatally shot 22-year-old Rekia Boyd—Martinez's sister—in the head after firing at the group of four with whom Rekia was walking. A couple months before this meeting, Officer Servin was cleared of charges. Martinez explained: "For three years my family has been disrespected." He explained how officers have harassed his family. "The difference between me and the officer, is you all let him walk free for three years, get to go home and enjoy his family. This is what I got ... I got a fucking picture on a shirt." President Lightfoot was about to warn Martinez about his language by starting "Mr. Sutton—," but Martinez interrupted: "No, you listen to me." President Lightfoot interjected that his time was up, and after Martinez continued, Lightfoot declared: "All right, sir, I understand you have a lot of emotion, but we are not going to do that." Martinez persisted: "No, you listen. This is all I have of her." As the audience encouraged Martinez to "say her name, say her name," President Lightfoot instructed "everybody sit down" and explained the need for advanced sign-up: "If you want to be heard, you will sign up beforehand." With continued chants of "fire Servin," President Lightfoot announced: "I will entertain a motion at this time to adjourn the meeting" and ended it. In subsequent meetings, President Lightfoot continued invoking norms of civility to regulate Martinez's cursing (November 2015, February 2016), with officers on stand-by to escort Martinez out if he did not abide by the board's rules and norms (January 2016).

Norms of civility have become even more important since 2019 as Police Board meetings became more contentious. In 2019, as major cases of police killings came before the Police Board, a new voice emerged and established itself in Police Board meetings: the Fraternal Order of the Police (FOP). As the CPD's largest police union representing 12,000 officers, FOP leadership began attending meetings to vindicate Officer Jason Van Dyke and four other officers in the fatal shooting of 17-year-old Laquan McDonald, as well as Officer Robert Rialmo in the fatal shooting of 60-year-old Bettie Jones. FOP claims often escalated into heated exchanges with other speakers. For example, when Vice President Patrick claimed that the Police Board represents "the radical elements of our society," audience members began contesting the characterization (July 2019). As introduced above, Crista Noel has spoken in Police Board meetings 60 times between October 2009 and February 2021. She primarily advocated for police discipline and reform ($N = 47$, 78.3%) and organized police victims to attend meetings (e.g., August 2017). Crista called out from the audience: "He called us names and he's lying" (July 2019). President Foreman tried to regain

order and asked Crista to “let him have his time to speak,” but Crista demanded that Patrick “better stop calling us names. We didn’t get up there calling cops—can I say killer cops?” President Foreman invoked norms of civility against Crista, but not Patrick. He warned Crista that he will “ask you to leave if you don’t allow him to finish.”

The discretionary nature of invoking norms of civility meant that they were often inconsistently applied—to the benefit of institutionally savvy stakeholders like the FOP. In April 2018, during a meeting dominated by demands for the board to fire Officer Robert Rialmo, audience members began interrupting Martin Preib—the FOP’s Second Vice President—as he began to speak. Martin asked the board: “Sir, can you control the meeting, please?” Even before the request, however, Vice President Foreman had already asked officers to remove the disruptors: “I’m trying to control the meeting. I just asked the officers to escort them out. If you can give me one second, I will give you an opportunity to speak.” In contrast, in September 2019, now-President Foreman invited Joseph Lipari of the Office of Inspector General to present the online data available on city agencies. Joseph began describing how a nonprofit named the Invisible Institute had already publicized much of their data on officer complaint histories, when Martin interrupted from the audience: “Now, wait a minute. The Invisible Institute is a private organization . . . Where in the Police Board [guidelines] is this presentation authorized?” When President Foreman explained that he invited Joseph, who is not part of the Invisible Institute, Martin continued: “I could care less.” Martin described the Invisible Institute as “a journalism front for the civil rights law firms who make a lot of money suing police officers.” Rather than invoking a norm of civility and removing Martin, President Foreman announced “Mr. Preib, we’re going to continue,” and Joseph proceeded with his presentation.

Growing FOP meeting attendance emphasized the escalating politicization of police discipline. While the Police Board has made major decisions about officer discipline in the past, the FOP’s recent decision to start attending board meetings reflects how they are becoming an increasingly contentious space, where *all* members of the public come to vie for their visions of policing. Whether and how the Police Board invokes institutional rules, hierarchized responses, and norms of civility will shape the voices heard in meetings, what demands are viewed as legitimate, and ultimately, the board’s potential in driving or constraining institutional change.

8 | DISCUSSION AND CONCLUSION

Drawing on a decade of transcripts from public meetings held by the Chicago Police Board, this study offers insights into a core model of democratic governance. This model features regulatory intermediaries, where non-state actors are empowered with regulatory authority over state institutions. While the public institution requiring governance is the police department, the findings show how the regulating public can actually become the regulatory target. First, to manage the multiplicity of community demands, regulatory intermediaries can enact institutional rules—advanced sign-up, security checks, and two-minute limits—that define the prerequisites of public participation. In contrast, rules that do not mandate performance from the public institution can facilitate perfunctory forms of participation. Second, to deal with the heterogeneity of community demands, regulatory intermediaries can selectively respond to complaints. These selective responses can establish a hierarchy that aligns more with the public institution’s incentives than with the distributive frequency of the public’s demands. Third, when subsets of the public express resistance to the regulatory intermediaries’ (in)actions, boards can invoke norms of

civility that further dismiss complaints—without regard to their substance—from those already most marginalized by existing systems and practices.

These findings offer key insights for both scholarship and policy. First, we identify a mechanism for how democratic governance through participatory initiatives can disempower subsets of the community: by establishing regulatory intermediaries that target the public for regulation, as opposed to the public institution, as a by-product of managing what it views as practical problems emerging on-the-ground. For instance, faced with the sheer number of community requests, the Police Board strictly enforced the advanced sign-up rule. Given the diversity of requests, it only responded to those it could easily coordinate with the police department. And to maintain meeting order and control, it invoked norms of civility only when it viewed some speakers' behaviors as unacceptable. These management strategies were unlikely intentional forms of community disempowerment: the Police Board did coordinate exchange for certain community complaints and, within its hierarchy of responses, it did prioritize complaints about police victimization over policing strategies. Nor did we find evidence of capture by the police department: the board did assert some requirements for the police department, even if it resulted in perfunctory engagement, and the hierarchized responses did not perfectly match police priorities, despite aligning more with them.

Instead, this study highlights a fundamental challenge with democratic policing more broadly: normative commitments to particular policy ends—especially those raised in the aftermath of police violence—may not be realized through initiatives prioritizing democratic processes. This tension is rooted in the distinction between initiatives targeted at policymaking processes versus substantive policies. Gardner (2021) explains the value of subordinating concerns for fair processes below priorities for fair policies: alleviating the multiple criminal justice crises will likely require a commitment to particular policy ends, no matter through what process they are achieved. Regardless of whether democratic initiatives introduce public participation or community control over policing decisions (Simonson, 2021), no particular changes in policing policies are guaranteed. In fact, this study's findings show how, in the context of public meetings hosted by a civilian oversight board, the heterogeneity in community requests helped affirm police authority.

When confronted with these challenges, democratic policing scholars have focused on optimizing institutional design (Ponomarenko, 2019; Rahman & Simonson, 2020). On the one hand, several elements of institutional design could foreseeably shape institutional responsiveness: whether officers are present at meetings and, if so, officers at what rank, whether board members should be appointed or elected, who are the designated meeting facilitators, and what recourse is available for dissatisfied attendees. Even rules and norms around meeting civility—how long attendees can speak, whether people can hold signs, and how purposeful forms of disruption are managed—will likely shape the capacity of community stakeholders to contest and disagree. At the same time, however, enduring institutional incentives are likely to shift and overcome changes in institutional design: the Community Input Reports, a transparency initiative recommended by the city's consent decree, replicated in written form the selective responsiveness within meetings. All of these dynamics must be considered for public input to be substantively incorporated in more representative ways.

These issues relate to a second key implication from this study: a commitment to incorporating community voices may be incompatible with the institutional transformations often envisioned with democratic initiatives. This study indicates that the reasons are (a) there is heterogeneity inherent in community requests and (b) when institutions decide which public issues should be prioritized, that heterogeneity can matter more than the relative frequency of different subsets. Further complicating such heterogeneity is the persistent empirical puzzle that some of the

populations most likely to be cynical toward the law still often voice demands for police enforcement (Bell, 2016; Campeau et al., 2021; Carr et al., 2007; Hagan et al., 2018; Vargas & Scrivener, 2021). This study also emphasizes how opening discussions to the community also invites stakeholders like the FOP, who are unlikely the local voices that scholars and policymakers sought to amplify through democratic initiatives. Either way, the heterogeneity across community complaints empowers regulatory intermediaries, police departments, and other public institutions to identify and pursue courses of action that are most consistent with enduring institutional incentives.

These concerns raise an important point about gauging community preferences toward police: the multiple channels for public input that exist within communities must be accounted for to determine public demand for different institutional priorities. Even as new initiatives like regulatory intermediaries are established, they still only represent one channel for public input. And as they instill management strategies like norms of civility, certain attendees will likely drop out of attendance—exacerbating the selection effect of who attends in the first place. These realities make it imperative for scholars and policymakers to purposefully examine and support alternative channels of public input, especially those not sponsored by state institutions. For example, while analyzing the police department's Community Input Reports would reveal high police responsiveness to repeated requests for police services, understanding the recent national protests against police violence as legitimate expressions of public input would reveal contrasting preferences that are important for institutions to internalize. Providing new spaces for community members to voice their grievances and visions—such as Portals (Prowse et al., 2020) and other venues outside of state-sponsored channels—will be critical in guiding the future of policing. However, as important as it is to gather and amplify community voices, this study stresses the challenges of substantive policy change given that institutional actors are not neutral actors. Anticipating these challenges will be key first steps in avoiding policy proposals that undermine our very own normative visions.

Finally, the implications of this study must also be contextualized by its limitations. In a city of 2.7 million, the residents participating in these meetings represent a particular subset of engaged locals. An important line of inquiry will be to determine how representative are the issues vocalized in meetings to those in the broader community. As described above, incorporating additional data sources will help answer important questions that the transcripts analyzed here cannot resolve: how do meeting dynamics shape institutional actions outside of meetings, why do some residents return despite institutional inaction, and what types of exchange do regulatory intermediaries and police departments engage in. Examining these questions can provide insight into the extent to which the decision-making patterns described above are driven by institutional incentives broadly or by the design of the Chicago Police Board specifically. Future studies can provide even more granular analysis of why the Chicago Police Board rejected specific community complaints, and to what extent do insufficient legal authority or organizational resources exacerbate its attempts to coordinate exchange between police and the public. Lastly, regulatory intermediaries only represent one model of democratic governance. As democratic policing scholars continue designing new mechanisms to achieve civilian oversight and police accountability, a fundamental task for any evaluation effort will be to define what constitutes success. Within these efforts, this study highlights the challenges of when institutional actors have asymmetrical control over the processes that promise public input.

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ENDNOTES

- ¹ Abbott et al. (2017, p. 19) use the term “regulatory intermediaries” more broadly to cover “any actor that acts directly or indirectly in conjunction with a regulator to affect the behavior of a target.”
- ² This study uses demands, requests, and complaints interchangeably to refer to action(s) that the individual wants to see done.
- ³ Some of the requests (1) featured questions and () involved thanking the Board or CPD for their services. First, some residents posed their requests as informational questions rather than an outright request ($N = 100$, 10.5%). Nonetheless, we coded these questions for whether they implicitly or explicitly revealed an underlying request for greater enforcement (e.g., what is the department’s enforcement strategy at the park) or discipline (how many police killings have there been in the past year). Second, some requests involved thanking the Board or CPD for their services ($N = 88$, 9.3%). Even while giving thanks, however, residents often made additional requests for action. For example, if a resident thanked police for a recent series of arrests and said they would like to continue seeing police presence, that would be coded as enforcement and thanks.

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CONFLICT OF INTEREST

The authors confirm that they have no conflict of interest to declare.

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