



Policing Studies and the Use of Freedom of Information Requests

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April 20, 2020



CAIJ
Centre for Access to Information and Justice



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Recommended citation: Luscombe, Alex and Kevin Walby. 2020. *Policing Studies and the Use of Freedom of Information Requests*. Winnipeg, MB: Centre for Access to Information and Justice.

Report design: Alex Luscombe.

Cover photo: ©David von Diemar/Unsplash.

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The authors thank Rebecca Hume, Anne Louise Evans-Boudreau, and Muskan Kumar for their reflections and comments during the preparation of this report.

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- Engaging in outreach with a community and public interest focus.

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Executive Summary

Policing scholars around the world are increasingly turning to the use of FOI requests as a means of producing data for their research. Traditionally, policing research has relied almost exclusively on surveys, interviews, media analysis, ethnography, and other more mainstream approaches to producing data. Over the past decade especially, however, this has begun to change. Gradually, the number of academic research projects relying on data produced through FOI is increasing. In the field of Policing Studies, this trend reflects a growing acknowledgement of not only the capacity of FOI to provide researchers with access to valuable data, but also of FOI's legitimacy as a social scientific method. Furthermore, the data obtained through FOI enable researchers to both ask innovative research questions and shed light on old research questions in new ways.

In this report, we review all English-language scholarly publications from the last two decades that draw on FOI requests to generate data for their studies on policing. We pay particular attention to trends in frequency over time, geography, what other data sources are used to complement data produced through FOI, and what novel contributions FOI requests have allowed researchers to make to existing policing scholarship.

In total, we identified 48 publications that fit our selection criteria. Our findings highlight an upward trend over the past two decades in the number of publications on policing using FOI to produce empirical material, particularly in the past five years (2015-2019). We find that the vast majority of policing scholarship using data obtained through FOI comes from Canada (N=20) and the United Kingdom (N=20), with a lesser number being produced in the United States (N=8). We found only one policing publication using FOI outside of Canada, the United Kingdom, and the United States. We also examined the data sources these publications used: half relied only on data obtained through FOI, the other half combined their use of FOI requests with other methods of producing data.

Our qualitative analysis of these 48 articles revealed eight major ways that data obtained through FOI has helped scholars advance empirical, theoretical, and policy debates in Policing Studies. The eight themes that emerged from our review were: challenging official narratives, tracking resource deployments, patterns of arrest and intervention, covert policing and surveillance, private influence and privatization, constructing threat, audit studies, and new frontiers in Policing Studies.

Introduction

Throughout the world, but particularly in Canada, the UK, and the US, policing scholars are increasingly turning to Freedom of Information (FOI)¹ requests to obtain data for their research. In the past, policing research has relied primarily on traditional research methods such as surveys, interviews, media analysis, and ethnography. Recently, however, policing scholars are increasingly drawing on FOI to gain access to data. This reflects a growing acknowledgement of the capacity of FOI to provide researchers with access to novel forms of data, particularly in the field of Policing Studies. This method allows researchers to not only ask innovative research questions, but also approach old research questions in new ways.

In this report, we take stock of all English-language scholarly articles published in the last two decades (January 2000-February 2020) that use FOI requests to generate data for their studies on policing. We review these studies by examining trends in frequency over time, national focus, and data triangulation. Ultimately, we seek to develop a typology of the novel contributions FOI requests have allowed researchers to make to existing policing scholarship.

We first provide an overview of our main goals in conducting this review. We then discuss our methodology before highlighting some general trends and observations. We look at differences by country, number and types of data sources used, and changes in frequency of publications over time. Fourth, we present the results of our review. Specifically, we identify eight ways that FOI requests have helped scholars advance key empirical, theoretical, and policy debates in the field of Policing Studies: by challenging official narratives; tracking resource deployments; patterns of arrest and intervention; covert policing and surveillance; private influence and privatization; constructing threat; audit studies; and new frontiers in Policing Studies. Finally, we conclude with a general reflection on what our findings mean for Policing Studies and criminological research more broadly. We also make several recommendations on how future policing scholarship might take advantage of FOI as a means of producing social scientific data.

Report Objectives

In this report, we review literature in Policing Studies to understand how FOI is being used by researchers as a data generation tool. We set out to address three major questions:

1. In which countries are policing scholars conducting the most FOI requests to generate data for their research?
2. What other kinds of data do policing scholars use in combination with materials obtained through FOI?
3. How do data obtained through FOI help researchers advance key empirical, theoretical, and policy debates in Policing Studies?

Methodology

Our methodology consisted of reviewing every major peer-reviewed research article published in the past two decades (from the beginning of January 2000 through to the end of February 2020) on issues of policing in Canada, the UK, and the US that relied on data generated by filing FOI requests. We used three databases to identify these articles: Web of Science, the International Bibliography of the Social Sciences, and Google Scholar.

We looked exclusively at studies in which the researchers themselves submitted the FOI requests to the government agencies in question. This was a central criterion for inclusion in our review. Although scholars working in criminal justice, criminology, justice studies, law, and sociology departments conducted most of these inquiries, we did not exclude other disciplines (e.g., medicine) as long as their inquiry was focused on issues relevant to policing. In the end, only a very marginal percentage of the studies we reviewed came from scholars working in these other fields.

There are a number of major studies, e.g., into police militarization (Ramey & Steidley, 2018), police discrimination (Geller & Fagan, 2010), and political policing (Brame & Shriver, 2013; Cunningham, 2004), that have relied on the disclosures of

FOI requests filed by others. While these studies are important, we exclude them from our review here. We focused exclusively on studies in which the researcher conducted the FOI request themselves. This is because we wanted to assess the extent to which researchers are beginning to use FOI as a method of data collection by actively submitting their own requests rather than drawing on what is already available in the public record. Academic researchers have relied on the FOI disclosures of journalists and other organizations (e.g., civil rights groups, activist organizations, thinktanks) for a long time. When researchers craft and submit their own requests, we take it to reflect a shift in the field of Policing Studies toward a more investigative, intensive approach to getting records from the backstage of government. It may also reflect a growing sense of frustration among researchers with the quality of interviews they conduct with policing officials, who are becoming more planned and canned in their responses (Brodeur, 2010).

In addition, our study excludes publications on policing and FOI that are strictly philosophical/theoretical (Hadjimatheou, 2017), methodological (Greenberg, 2016; Savage & Burrows, 2007; Rigakos & Worth, 2011) or related to broader concerns about police transparency (Bud, 2016; Dowling, 2015). Again, these are important contributions that we have learned a great deal from. In fact, many of our own publications on FOI would fit this description (Luscombe & Walby, 2017, 2015; Walby & Luscombe, 2017, 2018, 2019a,b). We do not, however, consider them here.

Finally, we exclude from our analysis papers where data were obtained by the researcher through FOI, but these data only played a tangential role in the overall analysis (Cooper, 2017; Lilley, 2017; Murray & Harkin, 2017). These are again important contributions, but they do not fit our selection criteria for this report.

In total, we identified 48 sources that fit our selection criteria. We believe this to be a fairly exhaustive list.²

Although we focus on Canada, the UK, and the US, there is literature using FOI to research policing in other countries too, such as South Africa (Bruce, 2016). Although we do not consider studies from outside of Canada, the UK, and the US in this report, we believe there will be more of

these studies as countries continue to pass FOI laws around the world, though there may also be additional barriers to using FOI in some national contexts, such as in countries with higher levels of political violence and unrest.

General Trends & Observations

We document an upward trend over the past two decades in the number of publications on policing using FOI to produce empirical material, particularly in the past five years (2015-2019).

Regionally, we find a much higher prevalence of studies using FOI requests to advance Policing Studies research in Canada and the UK than the US. Of the 48 total sources we reviewed, 42% (N=20) came from Canada, 42% (N=20) from the UK, and the remaining 16% (N=8) came from the US. This is reflective of Greenberg's (2016) observation that few criminologists and criminal justice scholars in the US have been open to using FOI requests in their research. It may also be reflective of the different methodological histories in the three countries. Canada and the UK tend to have much stronger qualitative traditions than the US, which has historically taken a much more quantitative and less investigative approach to research (Savage & Burrows, 2007).

Half the sources we identified relied on FOI as their sole source of data (N=24, 52%).³ The other half combined FOI with at least one other data source. Just more than a quarter of the publications we reviewed combined FOI with one other source of data (N=14, 29%). Nearly a fifth of the publications we reviewed made use of three (FOI plus two other sources) (N=9, 19%). Only one publication we reviewed made use of four.

Of those 24 studies combining FOI with one or more data sources, open source material was most frequently used by researchers (N=18, 75%). This includes census data, newspaper articles, published government reports, and any other information that is publicly available online without filing an FOI request. Other combinations were used with much less frequency, including combining FOI with surveys, experiments, focus groups,

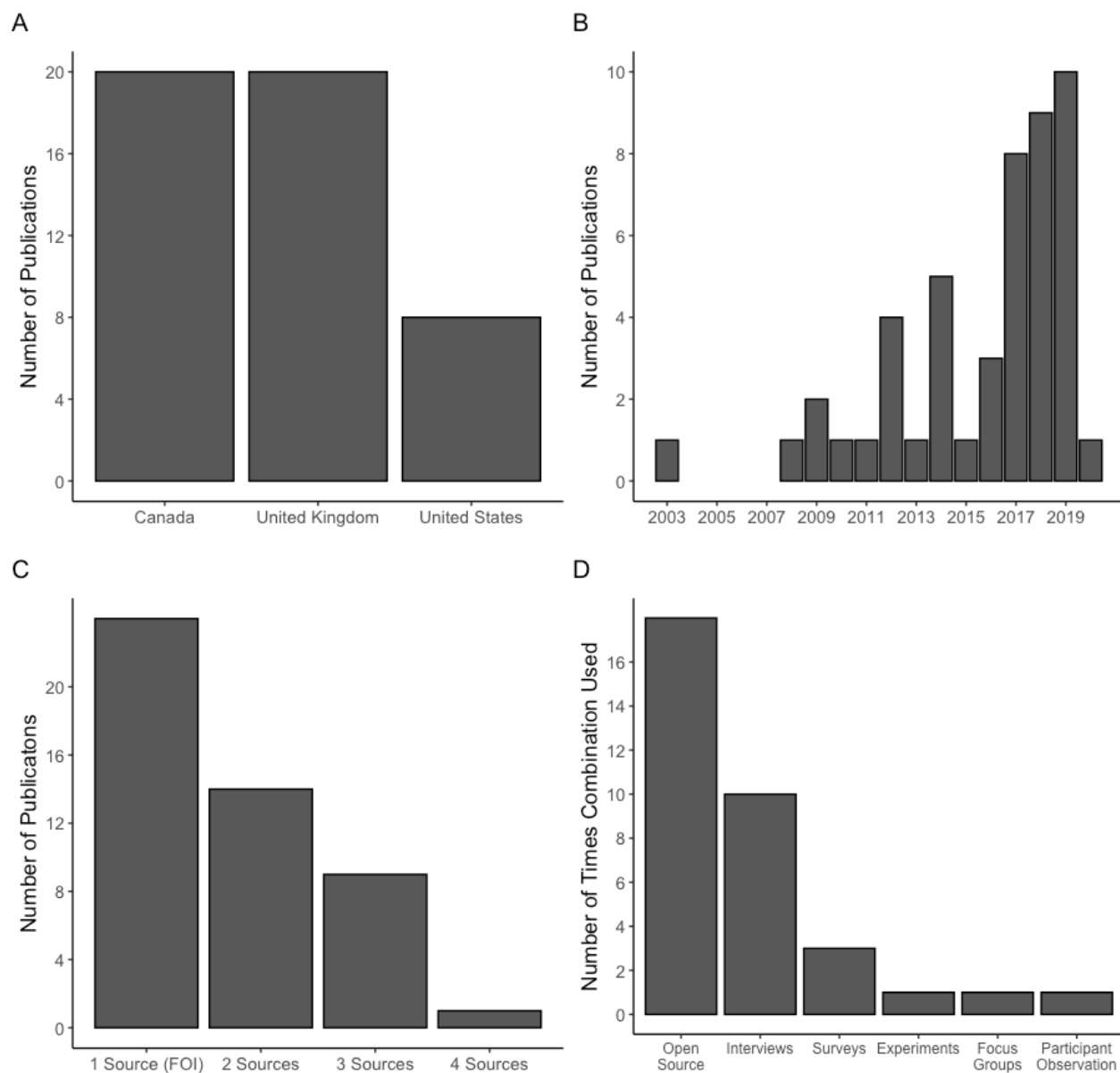


Figure 1: Trends in the use of freedom of information (FOI) in Policing Studies scholarship, January 2000-February 2020 (N=48). Panel (A): Number of publications using FOI requests as a primary data source by country. Panel (B): Number of publications using FOI as a primary data source by year (January 2000-February 2020; no publications found between 2000-2002, 2004-2007). Panel (C): Number of publications relying on a single source (FOI), two sources (FOI plus one other), three sources (FOI plus two others), and four sources (FOI plus three others). Panel (D): The sources most frequently combined with FOI in studies using two or more data sources. For code and data: <https://github.com/CAIJ-UW/foi-in-policing-studies>

and participant observation (N=6, 25%).

Overarching Themes

We organize our review according to eight themes that emerged from our analysis:

- *Challenging Official Narratives.* FOI is used as a means of reaching beyond official discourse, testing its veracity, and ultimately challenging it.
- *Tracking Resource Deployments.* FOI is used to obtain police administrative records that show how police staff and budgets are being allocated, and how tools and technologies are being procured and used.
- *Patterns of Arrest and Intervention.* FOI is used to obtain data on police charging and arrest practices to understand their patterns and relationship to key variables of interest (e.g., race).
- *Covert Policing and Surveillance.* FOI is used to reveal data about the often-invisible worlds of police criminal and security intelligence agencies.
- *Private Influence and Privatization.* FOI is used to explore how private agencies seek to influence the work of public police.
- *Constructing Threat.* FOI is used to examine how police and security agencies do knowledge work and create categories for analysis.
- *Audit Studies.* FOI is used to audit the performance of police agencies in terms of policy compliance, data management, etc.
- *New Frontiers in Policing Studies.* FOI is used to investigate other public organizations engaged in work that resembles policing.

Challenging Official Narratives

The first major contribution that FOI requests have made to policing scholarship is helping scholars in the field critically question the veracity of official narratives. FOI requests give policing researchers

access to an inside register of texts that can allow them to test the credibility of official justifications and other narratives about policing practices in a democratic society. For example, policing institutions make claims about why a particular strategy is necessary and how it is contributing to public safety. These claims, however, may be only peripherally based on actual data. FOI enables scholars to obtain access to data that allows them to critically evaluate the official claims made by police (and other connected state officials) by affording them access to an otherwise concealed layer of insider data.

Related to this first theme, three major studies drew our attention, one from the US and two from the UK. The first comes from [Lee et al. \(2009\)](#), who used FOI requests to test the extent to which equipping police with Tasers improved the officer safety and the safety of those subjected to police power. As in Canada, police departments in the US claim that Tasers improve officer and citizen safety. The authors used FOI requests in the US on 126 police and sheriff departments in California. They asked for quantitative data from all the departments on in-custody deaths in the absence of lethal force, deaths from lethal force (firearms), and officer injuries that resulted in visits to a hospital emergency room. They requested data on these three items from all departments over a 10-year period: five years before taser deployment in California, and five years after. Based on these data, they found that in the first year of deploying Tasers, in custody deaths and lethal force deaths actually increased considerably, falling back to pre-Taser deployment levels in years 2-5. Contrary to claims that Tasers made officers safer, the authors found based on the data they obtained through FOI that there was actually no significant change in officer injuries after the deployment of Tasers. These data counter claims made by police that Tasers contribute to officer safety and to the safety of people subject to police power.

A second study in this genre comes from [Kennedy et al. \(2019\)](#), who used FOI requests to produce data about the use of 'spit hoods' by police officers in the UK. Spit hoods, sometimes also called 'spit guards', are justified by police in the UK as a preventive measure for the spread of infectious disease. These authors set out to test the veracity of this official justification by police,

used FOI requests to obtain data on the use of spit hoods in England, Wales, and Northern Ireland. Despite frequent claims by police and other allied state officials that spit hoods are used to prevent the spread of infectious disease, they found in available data little evidence to support this claim. In fact, according to these records, there was little evidence of officers having ever contracted infectious disease via spitting/bites from arrestees. The authors suggest that the true function these masks is to act as an additional tool of arrestee restraint; the spread of infectious disease has little to do with it.

Pasternak & Schabus (2019) used FOI requests to examine how multiple agencies of the Province of British Columbia in Canada have responded to the Delgamuukw Supreme Court of Canada decision. The authors demonstrated how these government agencies were not in fact taking the Delgamuukw decision very seriously; backstage, provincial employees actively undermined the project of reconciliation by creating administrative hurdles. The same FOI request on government responses to the Delgamuukw Supreme Court decision was sent to the Ministry of the Attorney General (MAG), the Ministry of Indigenous Relations and Reconciliation (MIRR), the Ministry of Energy, Mines, and Petroleum Resources, and the Ministry of Environment and Climate Change Strategy. The authors analyzed legal cases and legislation and official rhetoric from the province as well, usefully juxtaposing the front stage and legal position of the province with the back stage organization against Indigenous title and sovereignty that was occurring.

Finally, **Topping (2008)** used data obtained through FOI to problematize the implementation of community policing practices in transitional Northern Ireland. Topping evaluated the extent to which the Police Service of Northern Ireland's "Policing with the Community" policy had been effectively implemented. He looked at resistance from the community and from Northern Irish media to the Police Service of Northern Ireland's community policing plans. Northern Ireland is a transitional society, which Topping argues poses many problems and impediments to the Police Service's implementation of community policing. Despite rhetoric of 'community policing' in Northern Ireland, Topping finds based on FOI disclo-

tures that "the change to policing on the ground has been largely unaffected, and in many areas of the Province policing largely mirrors the reactive style of policing characteristic of the Troubles, albeit in a relative peace-time context" (p. 391).

Tracking Resource Deployments

The second major way that use of FOI requests has helped advance policing scholarship is through studies of resource deployments. Here scholars have used FOI to garner access to insider data about how particular police units are deployed, how certain tools are used by police, and how resources are allocated within the organization. These studies often challenge official narratives that are disseminated by police to justify the deployment of certain resources. Information from FOI reveal these resources are sometimes internally justified in ways that are contrary to public expectations or official discourse.

In the context of using FOI for policing research, the clearest example of this can be found in recent policing militarization studies. So far, these studies are restricted to North America, where police militarization has been occurring most intensely. In the US, **Mummolo (2018)** used FOI requests to acquire data on every SWAT team deployment in the state of Maryland over a 5-year period. Mummolo then combined these previously inaccessible data, which were geocoded to the zip code level, with a number of additional registers of data from open sources. Accessed through FOI, the rare and previously unseen SWAT team data, allowed him to calculate the impacts of SWAT team deployment on officer safety and community crime rates. He finds that, despite official rhetoric, SWAT team deployment did not reduce officer safety or local crime rates. Additionally, he found that the deployment of SWAT teams in Maryland were racialized: communities with higher proportions of African American residents experienced militarized SWAT team deployments more frequently than others.

Roziere & Walby (2018) similarly used FOI requests to trace SWAT team deployments in Canada. Systematic FOI requests over time and across multiple jurisdictions allowed the authors to accumulate a large database of SWAT team deployment logs from multiple police agencies

across Canada, which showed when and why police chose to deploy their SWAT teams. These data paint a clear picture of the kinds of situations these teams are actually deployed in response to. In Canada, contrary to official claims about SWAT teams being used only for the most violent and extreme emergency situations, SWAT teams are being deployed by police for increasingly mundane and routine matters, from warrant work, to traffic enforcement, to mental health crisis response. In the study noted above, Mummolo documented similar trends in the context of the US.

Another particularly germane study on the theme of resource deployments comes from [Button et al. \(2015\)](#), who used FOI requests to obtain data on financial crime investigation from all major police departments in UK. They assessed the organizational structures in place to deal with economic crime/fraud in UK police forces, the priority given to economic crime/fraud investigation in each agency, and the increasing role of civilian staff in economic crime/fraud investigation units (rather than just sworn police officers). Overall, they find that more resources were being put toward economic crime/fraud investigation units in the UK, a hopeful finding for anyone interested in this important area of policing. At the same time, their analysis highlights the need to go much further still in the allocation of resources for these important yet historically underfunded, understaffed, and under-used policing units. Using records obtained through FOI, the authors calculated that only 0.27% of police staff across the UK had been assigned to fraud/economic crime investigation. This is a very small percentage given how harmful fraud/economic crimes can be relative to other kinds of criminalized activities (e.g., illicit drug use/possession), as well as considering how many resources are needed to investigate these complex kinds of offences. Compared to the actual scale of the problem of economic crime/fraud in the UK, the authors demonstrate that the units tasked with controlling and investigating these issues were still hugely understaffed and underfunded.

Covert Policing & Surveillance

Generating data on covert policing and surveillance is notoriously difficult. FOI requests have

proven to be one means of access for scholars who study this otherwise hidden side of policing, which is also increasingly normalized ([Loftus et al., 2016](#); [Loftus & Goold, 2012](#)). [Egawhary \(2019\)](#), for one, researches how police agencies in the UK make use of social media in their work. She submitted FOIs to 46 police forces in the UK asking for their internal policies on social media and found that police forces in the UK use social media not only as a communication tool, but also as an investigative tool to spy on and to track how citizens may be using social media to monitor the activities of police.

Furthermore, the work of Jeffrey Monaghan and Kevin Walby (2012) offers another example of how FOIs can help expose covert policing and surveillance tactics in Policing Studies research. [Monaghan & Walby \(2012\)](#) use FOI requests in Canada to obtain data on how the Canadian Security Intelligence Service (CSIS), Canada's domestic intelligence agency, categorizes and surveils social movement groups. Their findings indicate that CSIS had created a novel administrative category of 'multi-issue extremism' to classify otherwise peaceful social movements as potentially dangerous and believed to possess extremist tendencies. Deployed in secret, the use of this new category then justified extensive surveillance of these groups by considering them threats to national security. This work exemplifies how policing scholars are using FOI requests to unearth pieces of otherwise hidden intelligence that make up and inform controversial state surveillance practices that are often taken for granted. This kind of information could not have been obtained by simply conducting interviews or sending CSIS a survey (which would never happen). Only an FOI request (or unauthorized leak) could achieve this sort of transparency. In a different study, [Monaghan & Walby \(2017\)](#) also use FOI requests to obtain records on RCMP surveillance of Indigenous anti-pipeline land defenders in Western Canada. Their findings show that the RCMP coordinated with local police and private corporate security for oil and gas companies to suppress what these police agencies refer to as 'Indigenous extremism.'

Another related example is the research by [Crosby & Monaghan \(2016, 2012\)](#) into the policing of Indigenous social movements in Canada. Through systemic use of FOI requests, [Crosby & Monaghan \(2012\)](#) were able to reveal how mul-

multiple federal government agencies recast Indigenous sovereignty and struggle as a national security issue. They also show that security agencies in Canada treat Idle No More as a threat to the legitimacy of the settler colonial state, which has resulted in numerous, highly militarized security interventions and ongoing, pervasive surveillance practices.

Patterns of Arrest & Intervention

The fourth theme that we identified related to FOI requests advancing policing scholarship in Canada, the UK, and the US is that they provide access to patterns of arrest and conviction over time. FOI requests are necessary in this case because they afford researchers the ability to access materials beyond what is proactively disclosed or reflected in Uniform Crime Reports. This is because most police departments do not readily release data about arrests and charges laid, though some departments (e.g., Seattle, WA) are beginning to release more data proactively as part of their commitments to ‘open data’ and ‘e-government.’ Yet, even when police agencies do pre-emptively release arrest and charge data, they are unlikely to release every variable of interest. Race, for example, is one variable that is very unlikely to be publicly released by police departments, especially in Canada (Owusu-Bempah et al., 2019). Racialized arrest and charging practices would likely reveal evidence of racial disparities, which police officials fear will lead to controversy and loss of police legitimacy and impartiality. Therefore, releasing this sort of data (especially to researchers and journalists) poses a considerable risk for police in Canada. FOI requests, however, have afforded researchers with the ability to gain access to layers of arrest and conviction data that are not otherwise made public.

In our analysis, we identified three major ways that FOI has been used to advance research into patterns of arrest and intervention. First, it has been used to assess the impact of particular policing practices, especially controversial ones. Flacks (2018), for example, used FOI, combined with other data sources, to examine the effects of police stop and search practices. Using data from police in England and Wales, Flacks focused on the effects of police ‘stop and search’ practices on

youth under 18. Flacks combined these data obtained through FOI with other data, including survey results, focus groups, and one-on-one interviews. Flacks argued that more should be done to address the specific needs and vulnerability of youth, whom he argues can be harmed and traumatized in novel ways by police stop and search.

In another impact assessment study, Heap & Dickinson (2018) used FOI data to contextualize their critical assessment of the Public Spaces Protection Orders policy that was passed in the UK as part of the controversial Anti-Social Behaviour, Crime and Policing Act in 2014. They found that this had a detrimental impact on marginalized and vulnerable populations, especially the homeless, and how they used space.

Finally, Owusu-Bempah et al. (2019) partnered with then Vice News journalist Rachel Brown to use FOI requests to gain access to cannabis arrest data from five major cities across Canada. Based on three years of arrest data (2015-2017), the authors revealed how Black and Indigenous people had been disproportionately charged and arrested with minor possession during prohibition. Combining the results of FOI requests with survey data on rates of use, they show how white people were arrested at a far lower rate for cannabis possession than Black and Indigenous people, despite near equal rates of use across the three groups. The authors leveraged these data to highlight the need for Canada to take action to right the harms disproportionately suffered by Black and Indigenous people in Canada in the move to legalization. This could be done by expunging criminal records, letting criminalized populations have a central role in the licit cannabis industry, and reinvesting a portion of cannabis tax revenues back into the communities most harmed by years of harmful, prohibition enforcement by police across Canada.

The second way that policing scholars have used FOI has been to advance research into patterns of arrest and intervention in regards to descriptive statistics, especially about issues that the government may not release data on. This helps paint a more nuanced picture of who is being arrested/convicted for certain criminal activities. In the long term, it can help orient future research.

McGlynn & Bows (2019) used FOI requests to

trace the enforcement of laws in England criminalizing the policing of extreme pornography and rape pornography. They found that white men of all ages made up the vast majority of those charged. Moreover, among the possible reasons for charging someone under extreme/rape pornography, possession of bestiality images was the most common. In most of these cases, extreme/rape pornography charges in England were typically combined with other sexual offence charges.

Westmarland et al. (2018) used FOI requests in the UK to generate data on police use of 'out of court resolutions' (restorative justice and community resolutions) to resolve domestic abuse cases. They concluded that this use, common everywhere but Scotland, had been purposely happening 'under the radar', since their use in domestic abuse cases was technically in violation of policy. As the authors conclude their analysis, this low-key trend toward resolving domestic abuse cases with out of court resolutions represents 'a step back in time in terms of policing domestic abuse and [is] not safe or appropriate in the context.'

Bows (2017) used FOI requests to obtain records on sexual violence against people over the age of 60. These records from 45 police agencies provided data on sexual violence for the years 2009-2013. For context and to enhance the credibility of the study, the author conducted supplementary interviews with service providers helping victims. Bows also reported on the value of using FOI requests in feminist research design.

Bows & Westmarland (2017) obtained data through FOI from 45 police departments in England and Wales. They examined data on 655 cases of rape/sexual assault by penetration over five years. The patterns, by perpetrator age, relationship, location of crime and type of offence, challenged the 'real-rape' stereotype. In a similar study, also in England and Wales, **Weare (2020)** used FOI requests to obtain records on reported numbers of violent crimes involving sexual penetration from 37 police agencies. To provide context, the authors also analyzed secondary population statistics as well as legal cases and legislation.

Martin & Rawala (2017) used FOI requests on the British Transport Police to obtain ten years of

data (2000-2010) on suicides in the London Underground. Most were white northern European in ethnicity and 1/5th had a history of mental illness.

Petrossian et al. (2016) and **Kurland & Pires (2017)** used FOI to trace illegal wildlife seizures made at US ports of entry. **Petrossian et al. (2016)** obtained data on seizures from 2003-2013. They found that 94% of illegal seized wildlife imports fell into six groups (mammals, molluscs, birds, reptiles, fish, coral) and were mostly imported as leather, medicine or meat. Most were imported from six countries too, smuggled in via airline baggage. They found that seizures of all but birds were on the rise. eeeee

In the UK, **Clifton-Sprigg et al. (2020)** use FOI requests filed between 2011-2017 with 47 police agencies to obtain records on reported numbers of hate crimes. These records reveal hate crimes by type of crime, as well as ethnicity and nationality of the victim, for the years 2011-2017. Most-but not all-police forces provided records. To assess what variables influenced frequency of hate crimes, the authors also used secondary population statistics on percentage of type of religiosity, labour market characteristics, and other factors in these jurisdictions. The authors also report on a number of limits of using FOI requests to obtain police records.

Allen et al. (2019) used FOI requests to study dog thefts in the UK. They collected dog theft data from 2015-2017 from all 41 police forces in England and Wales. The authors looked at how dog theft statistics were recorded, framed, analyzed, stored and used by these police departments. They found that there had been an increase in dog theft crimes in this three-year period, but a decrease in court charges related to dog theft crimes.

Payne-James et al. (2014) used FOI requests to examine both the occurrence and changes in the occurrence of 'less-lethal forms of use of force' including pepper spray, impact rounds, and Tasers, and the use of firearms by police between 2007-2011 in 50 jurisdictions in England and Wales. However, only 10 of these departments provided complete data; 47 jurisdictions responded but most gave incomplete data or refused to comply under s.12 of the Freedom of Information Act in the UK (which pertains to time and cost). Within the limited data they received under FOI, they

tracked the use of pepper spray, impact rounds, and Tasers while also considering the implications for health facilities and policy.

Finally, although rarer, we want to note that FOI has also been used by researchers to access data that can help specify and refine criminological models and explanations of police behaviour. [Ashby & Tompson \(2017\)](#) used FOI requests to obtain six years of police search data from the London Metropolitan Police Service, which they then compared with search data from the New York City Police Department. They looked at the potential impact of macro, city-level events (e.g., public holidays) on police 'stop and search' practices in these two jurisdictions. Engaging with routine activities theory, a major criminological theory, they use their analysis to suggest ways of improving future models aimed at accounting for temporal variation in police 'stop and search' practices.

Private Influences & Privatization

Private influence and privatization of policing functions is on the rise in countries throughout the world ([Zedner, 2006](#); [Van Steden & Sarre, 2007](#); [Ayling & Shearing, 2008](#); [Hucklesby & Lister, 2017](#)). In countries like Canada, the UK, and the US, police agencies are increasingly entering into contractual relations with private entities, outsourcing aspects of their mission and workload, and opening themselves up to new opportunities for private influence. This occurs, for instance, when police agencies hire a private security firm or send crime scene samples to a private lab for processing. Furthermore, many police agencies, particularly in the US, are now accepting large monetary and in-kind donations from individuals and corporations. Although police agencies deny that these donations imply any degree of reciprocity on the part of police, a number of controversies involving donations from companies like Taser and Motorola have called the one-way nature of these transactions into question ([Winston & Graham, 2014](#)). In some cases, the very companies who donate are the same companies who bid on police procurement contracts. Evidently, this poses a serious conflict of interest. Yet, much like research into covert policing and surveillance practices, access to these kinds of public-private arrangements tends to be limited. Aware of the potential for con-

troversy in these private arrangements, police and corporate actors, tend to minimize outside exposure as a public relations strategy. By getting at the 'public' side of a public-private partnership, FOI requests provide researchers with one tool for researching these often-hidden institutional arrangements. In theory, there will be a paper trail generated by police agencies concerning the formal dealings and contracts they have with private actors. Although these records produced through FOI will not provide insight into everything that is going on in a given relationship, they provide a compelling entrypoint.

[Eagly & Schwartz \(2017\)](#), for example, used public records requests in the US to research the role of Lexipol, a private corporation, in creating internal policies for police agencies throughout the United States. More than 3,000 agencies in 35 US states have hired Lexipol to provide them with their policies. Established in 2003, Lexipol's goal is to standardize the policy-making process and provide police with standardized internal policies. These regulations guide officers on everything from use of force, how to avoid racial profiling, and issues of jurisdiction (when to enforce federal immigration laws in particular). The problem is that this is a private company drafting legislation and public policy. When a public police force relies on policies drafted by a for-profit company with a liability risk perspective and with lower standards of democratic transparency and accountability, there are a lot of potential problems.

[Walby & Lippert \(2012a\)](#) have used FOI to research the growth of Municipal Corporate Security (MCS) departments in Canada. MCS departments are notoriously difficult to study. There is little information available on them in open sources. Their websites, for instance, offer very little insight into what they do. To fill this gap in the literature, the authors submitted FOI requests to MCS departments in 16 Canadian cities in seven provinces. They sought a wide array of previously undisclosed document types from these units such as internal threat assessments and other documents that would shed light on how MCS departments were operating in cities across Canada. They requested reports, budgets, job descriptions, governing protocols, itemized expenditure lists, and more. They supplemented this information with analysis of online open source

materials and through conducting qualitative interviews with MCS personnel. They conclude that MCS units are an increasingly prevalent source of policing and security across Canada and the implications this has for conventional understanding of policing and security.

Luscombe et al. (2017) and Zaia et al. (2019) used ATI/FOI requests to generate data for their cross-national and comparative investigations into 'paid duty' policing and private sponsorship of police in Canada and the United States. In regards to paid duty policing, the authors show that public police officers make an incredible amount of money from buyers of paid duty, and that the potential for graft and abuse of the paid duty system is significant. As it regards private sponsorship of police, the authors show that private organizations are able to funnel private money to public police in numerous ways, and that these funds can change the values and procurement practices of police.

Kennedy et al. (2019) study complaints filed against health-care professionals in both police custody settings and sexual assault referral centres. They conclude that private outsourcing was a major barrier to their research; they struggled to access data since the police forces countered that health care provision is outsourced to private companies and therefore outside their jurisdiction.

Constructing Threat

Broadly, FOI requests provide citizens access to a register of bureaucratic government texts that showcase how policing and security officials think and orient their activities toward particular perceived threats to public safety. These texts can also provide insight into how suspicion is constructed and justified over time. When deliberating whether or not to take suppressive action on a particular group or social movement, for example, police will often first brainstorm and discuss what they know about a particular group, what kinds of potential ways they could interact with it, and what other jurisdictions within and outside of Canada have done so far.

As noted above, Monaghan & Walby (2012) showed how policing and security agencies in Canada engage in social movement suppression.

They showed how the term 'multi-issue extremism' was used to frame non-violent groups as potential threats to national security and therefore 'worthy targets' of high policing surveillance in Canada. This is a great example of this theme as well as the theme of covert policing and surveillance.

Another example that showcases the theme of constructing threat comes from Clément (2017). After five years of requesting and appealing requests for information under the federal Access to Information Act, Clément obtained 50,000 pages of RCMP documents pertaining to the RCMP's security operations during the Montreal Summer Olympics in 1976. The author showed how the security operation was based largely on imagined rather than real, objective threats, with the larger consequence of setting a precedent for the security operations of future Olympic events. The author reveals how the RCMP's work at the Montreal Olympics had other implications for policing in Canada too. The Olympics generated new links between policing and security agencies in Canada that did not previously exist.

Boyce (2018) studied border patrol policing in Detroit. The US Border Patrol's Detroit Sector is one of the fastest growing border patrols in the US, growing from 38 agents to 411 starting in 2001. Boyce used the US Freedom of Information Act to gain access to internal US Border Patrol records, which he supplemented with ethnographic observation and interview data. The goal was to examine the everyday narratives of threat and suspicion that informed their policing practices at the US/Canada border. He finds that people viewed 'out of place' were flagged, which was framed through geographic origin, location, and travel destination. Looking at apprehension logs, which he obtained through FOI, he found that the agents, using this understanding of threat and suspicion, primarily targeted Latinx residents.

Monaghan (2014) has been using FOI requests to research how policing and security agencies police radicalization in Canada. Using FOI he has revealed how the anti-radicalization training of policing and security agencies relies on stereotypes about terrorism and terrorists.

Dafnos (2013) for example used ATI/FOI records to show how the OPP framed Indigenous activists as threats to national security.

Crosby & Monaghan (2016) and Crosby & Monaghan (2012) similarly used FOI requests to show how policing and security agencies in Canada not only treat Indigenous activists as threats to national security, but also actively work with private petroleum companies to essentially carry out a kind of state-corporate espionage.

Audit Studies

Researchers have been using FOI to explore how particular laws are being used by police agencies, how well new policies are being followed, and the quality of police record keeping. The goal has been to use FOI to assess how good of a job police are doing in these areas.

Our first example comes from Kennedy et al. (2017), who used FOI requests to obtain data from all police departments in England, Wales, and Northern Ireland, from professional regulatory agencies, and from the UK's Independent Police Complaints Commission to access data on complaints that had been filed against health-care professionals in police custody settings and in sexual assault referral centres. The first goal of their study was to learn about how frequently complaints were received against health care professionals in police custody and sexual assault referral centres. They also aimed to better understand the nature of these complaints against HCPs in the UK. The second major goal of the study was procedural: to understand whether or not these complaints were investigated once received, and if they were investigated, how well they were attended to. Interestingly, the authors find that the vast majority of police forces in the UK portrayed a 'very low level of awareness' about both the complaints and complaints-process against HCPs, and the majority of these police departments 'did not or could not provide this information.' For the majority of cases, the departments provided neither information on the frequency of complaints, nor the nature of complaints. Police services frequently responded by citing that health-care provision in these settings is contracted out to private companies, therefore it resides outside of their jurisdiction. Overall, the authors argue that 'an opportunity to identify learning for improvement is being missed as a result of the absence of standardised complaints handling procedures

and, most importantly, periodic systematic review of all complaints.' And, because access issues make this impossible, they call for a 'standardised complaints handling procedure' in all police departments across the UK.

Stoneman et al. (2019) used FOI requests to study police detainment practices in England and Wales. They filed requests with 43 police departments seeking data about risk assessments. The authors wanted to assess whether national guidelines were being followed and how consistent risk assessments were being conducted from force to force. They found that detainee risk assessments were not consistent across police departments. The processes used strayed from national guidance, and the content of the assessments varied between police forces.

Daubney & Nicholas (2019) used FOI requests to research 'heritage crime' in England specifically looking at data from 49 police forces in England and Wales on illicit use of metal detectors to search for and obtain valuable artifacts from historic, archaeological sites. They contrasted internal records obtained under FOI with other 'unofficial' data sources and conclude that better data needs to be collected/stored on this issue.

Worrall & Zhao (2003) used FOI requests to collect data on the granting practices of the COPS office, finding that most grants were awarded to community policing initiatives.

Kingston & Thomas (2014) submitted FOI requests to 43 police departments in England and Wales to examine frequency and application of s.14 of the Policing and Crime Act of 2009. S.14, which added to the Sexual Offences Act of 2003 by the Policing and Crime Act, makes it an offence to pay for sex work services when the sex worker has been coerced into providing them. They asked for data on whether it had been applied and why. The authors found that while most police departments had not used the policy, at least one had used it as many as 81 times, often inappropriately.

Finally, other works have used FOI to examine how police manage the collation and release of information under FOI. Kingston et al. (2019) have examined how police calculate the cost of FOI requests and how police use cost to mitigate access. Comparing police agencies in Canada and the United States, Luscombe et al. (2017) have also examined techniques that police use to mitigate

access to records.

New Frontiers in Policing Studies

Lastly, we found that FOI has been useful in pushing Policing Studies forward into new areas of research. A benefit of FOI is that it allows the researcher to ask for records related to particular issues, rather than simply allow the government to control which issues to address. Official data released by the government tend to reflect common sense assumptions about criminal justice practices and who carries them out. What is often not released proactively are data about new areas police may be venturing into, or how government institutions that have not typically had any involvement with criminal justice may not be conducting policing functions.

One example of this kind comes from [Henshall \(2018\)](#), who studied the deployment of police officers in British schools. Previously, no research in this area had been conducted in the UK, and there was little data publicly released on it. Henshall used FOI requests to generate data on the presence and work of police officers in schools in England and Wales. Based on FOI requests submitted to all police forces in England and Wales, she finds that 17 of them were deploying police officers. Combining these FOI requests with additional data sources, she further finds that schools in disadvantaged neighbourhoods are more likely to deploy police officers, whose securitizing presence changes the experience of attending school. Prior to this work, little was known about what these officers did, what kinds of impact they had on the school environment, and even the extent to which they were present in schools across the UK. Henshall's research is significant in that, while leaving much answered, it opens up this important line of inquiry in the UK for future research.

Kevin Walby and colleagues have used FOI requests access internal records showing how Canadian conservation officers engage in what would more conventionally be conceived of as 'police work'. [Walby & Hurl \(2014\)](#) for example used ATI/FOI requests to get access to records from two government agencies in Canada: the National Capital Commission in Ottawa and the Toronto and Region Conservation Authority. They showed how the kinds of police work these agencies engage

in generates a particular boundary between the meaning of urban and nature. Walby and colleagues have also conducted work into how conservation authorities police sex work in parks, and even worked with national security agencies in Ottawa to surveil and suppress Occupy Ottawa ([Luscombe & Walby, 2014](#); [Walby, 2009](#)). [Walby & Lippert \(2012b\)](#) showed how conservation officers engage in the policing of homeless people in Ottawa, Canada too.

[Walby & Monaghan \(2010\)](#) have used FOI requests to investigate the way that Canadian Nuclear stations are policed. This has implications for policing critical infrastructures in Canada. There have also been some studies of police work overseas. [Walby & Monaghan \(2011\)](#) have also used FOI requests on RCMP, CSC, and Canadian International Development Agency to show how these institutions engaged in police reform, border policing, and helped refurbish and construct prisons in Haiti in the aftermath of the coup that led to the fall of President Jean-Bertrand Aristide.

[Lippert & Walby \(2012\)](#) have used FOI requests with municipalities across Canada to examine the surveillance and regulatory practices of municipal corporate security units. These municipal corporate security units are in-house, public bodies but Lippert and Walby found they are using many investigative and surveillance techniques used in the realm of private corporate security and industrial security.

Overall, these studies show that FOI is serviceable for conducting research on all kinds of regulatory and governance practices, not simply those of public police.

Concluding Remarks

Researchers are increasingly rejecting the rhetoric of police as a reliable source of data, opting instead to directly access police records through FOI requests. As echoed throughout our review, these documents are more revealing of criminal justice trends and police practices, a great deal of which would never have been known or analyzed were it not for tools like FOI. We estimate, moreover, that these documents are more accurate and credible than official statements in many ways. This con-

firmly our long-held belief that FOI is a powerful methodological tool in the social sciences as well as in journalism and in activism.

Through our analysis, we were also able to show how researchers use FOI in conjunction with other data sources and methods. FOI records can reveal a major part of the policing process, but they cannot reveal all angles or dimensions of that phenomenon. It is thus important for social scientists using FOI in their research to continue to innovate in regards to research design, data collection, and data analysis. Triangulating FOI requests with other means of producing data amplifies the methodological and analytical rigour of scholarly research.

In the Canadian context, [Rigakos & Worth \(2011\)](#) contend that FOI requests can provide access to valuable insights about policing. The authors also warn that police agencies can manipulate the FOI process to stymie access and accountability. In the Irish context, [Dowling \(2015\)](#) likewise argues FOI is a limited tool for examining police practices and for holding police agencies accountable. We agree there are limits ([Luscombe & Walby, 2015](#); [Luscombe et al., 2017](#); [Walby & Luscombe, 2017, 2018, 2019a,b](#)). However, we also think the vast array of research designs demonstrated here and the incredible findings of the publications summarized in this report show there is reason for optimism and continued use of FOI requests in policing research.

The use of FOI requests in Policing Studies, is at this time, clustered in Canada and the UK, with less FOI research emerging from the US. We found only one study—in South Africa—outside of Canada, the UK, and US. Will there be more policing research coming from other countries as they continue to pass and strengthen FOI laws? In our work ([Walby & Luscombe, 2017](#)), we have suggested that the association of FOI with journalism might be one reason that social scientists are reluctant to use it. As the quality of more traditional methods like surveying, however, continue to get called into question in the social sciences ([Savage & Burrows, 2007](#)), we believe that more and more researchers will begin to use FOI, along with other innovative tools, such as data scraping.

And yet a more serious barrier, especially in countries outside of Canada, the UK, and the US, could be fear of police and state retaliation. While

many countries across the world have enacted FOI laws, this does not mean that those countries are without political policing and violence against those whom are critical of the state. In many Western countries, journalists and researchers still enjoy freedom of the press and academic freedom, which translates into an environment that is relatively free of threat of violence from the state. However, our colleagues elsewhere across the globe may have a well-founded fear that the submission of an FOI request might be met not with stiff fees, delays, or exemptions, but an ominous knock on the door in the middle of the night.

Notes

¹Throughout this report, we use the term FOI generally, rather than specify the name of the exact law.

²We apologize in advance to any authors whose work we may have missed. Our searches were thorough, but not perfect.

³Percentage scores add up to more 100%, as some studies combined more than one data source with FOI.

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