

Policing Legitimacy: Social Media, Scandal and Sexual Citizenship

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Cham: Springer Nature Switzerland AG

Pp. 180 ISBN 978-3-030-735180

The global emergence of new digital technologies during the late 2000s and early 2010s has had a profound effect on relations between the police, the mass media and the public. These new technologies have enabled the police to communicate more directly with the public than ever before, without the intervention of the mainstream media and increased their powers of surveillance. At the same time, these technologies have also provided the public and the press with greater capacity to monitor the police. In the past, the only way members of the public could bring video footage of police brutality to the attention of a wider audience was by handing that footage over to mainstream media outlets; but digital platforms now allow members of the public to bypass the media and post footage themselves in real time on YouTube and Facebook – a recent example of this being the murder of George Floyd in Minneapolis, which triggered worldwide demonstrations and protest.

But as Justin Ellis notes in his first book, *So Policing Legitimacy, Social Media and Sexual Citizenship*, there are checks and balances to both the increased capacity for surveillance on the part of the police and the ability of the public - and the mainstream press - to hold the police to account in the digital age. Ellis's book provides a detailed and nuanced account of the context and impact of digital media technologies on public order policing and citizen resistance through "sousveillance" (Mann et al. 2003). It builds on scholarship into pre-digital police scandals such as the beating of Rodney King by LAPD police officers, and more recently, partially social media generated police scandals such as the Robert Dziekanski case in Vancouver in 2007 and the Ian Tomlinson case in London in 2009 (Goldsmith 2010; Greer and McLaughlin 2010). Additionally, it also contributes to the growing body of work on public protest through social media, particularly by marginalised or oppressed communities, most notably the recent work by Richardson (2020) documenting how Black Americans are using smartphones to create video evidence for each other, in cases of excessive police force.

Ellis asks two key questions in his book: how does social media affect negotiations of police legitimacy and what factors might contribute to fluctuations in police legitimacy over time? In answer to the first question, he introduces the concept of what he terms "the social media test" (page 2) or the evaluation of police actions and accountability through social media representations.

As one of his police interviewees notes:

... years ago, the test was always, are you happy to see your actions or your story on the front page of The Daily Telegraph [a Sydney tabloid newspaper]. We don't call it that any- more, I guess it's a social media test, which is more contemporary. (page 2)

Ellis explores the "dialogic" conceptualisation of legitimacy (Bottoms and Tankebe 2012) or "the negotiation process through which police and their audiences test the parameters of the legality of legislation and its interpretation, and the extent to which justification to the public is required to police by consent" (page 143) through the impact of digital technologies on the relationship between the NSW police and LGBTQI communities in and around Sydney. As Ellis argues, the "social media test" increases the "exposure of police excessive force through bystander video distributed through social

media in shorter timeframes to larger audiences” (page 143). Additionally this “amplified scrutiny” is not only prolonged through stories oscillating from social media platforms to mainstream media and back again, but such incidents of police brutality are captured online in perpetuity. As a result, the capture of these individual incidents on video can not only challenge mainstream media narratives or statements issued by the police, but also “catalyse direct action, calibrate police practices and permanently shame police officers” (page 143). Ellis gives an example of this when, following public protest at the beating of Jamie Jackson Reed, members of the LGBRQI community were invited to discuss policy recommendations on officer conduct with the NSW Police Force.

But as Ellis also comments, in answer to his second question, there is a difference between being able to pressure the police to account and holding the police to account, particularly when those holding the police to account are members of oppressed or marginalised communities. In the second half of his book, he broadens his discussion to explore more generally the relationship between the NSW police force and LGBTQI communities and to explore the factors that contribute to the fluctuation of police legitimacy over time, including the impact of new digital technologies on the relationship. In this respect, Ellis’ study also contributes to the growing body of work on “digi-queer criminology”. Digital criminology interrogates the ongoing integration of the social and the digital while “queer” criminology enhances and evaluates efforts to address the inequalities and discrimination faced by LGBTQI people in the criminal justice context. Digi-queer criminology maps the intersection of digital and queer criminology, and in Ellis’ work, explores the impact of new digital technologies on negotiations for LGBTQI rights and recognition.

Since the mid-to-late 1980s in Australia, one form of police recognition of LGBTQI rights has been community policing initiatives. But as Ellis notes, over recent decades, through documenting the experiences and perceptions of the police by LGBTQI communities, it is clear that “the police do not treat everyone the same” (Bradford and Jackson 2010, p. 2). Ellis argues that over the last ten years, new digital technologies have also “more readily reveal[ed] the internal inconsistencies within police rhetorics and the limits of community policing initiatives that serve minority community interests” (page 118). He charts how digital technologies have provided vulnerable communities with the means to bring about change in police practices. In particular he suggests that the exposure and scrutiny of questionable police practices through bystander social media videos can enable audiences to better “evaluate proportionality within context and question the lawfulness of police conduct and the necessity of police powers” (page 14). He also notes that such videos can give context to the incident and in the case of Jamie Jackson Reed, demonstrate to vulnerable communities “how trivial gateway offences such as offensive language can escalate to more serious charges” (page 54). Finally he also suggests that the capture of such incidents on video enables victims of excessive police force to compare their accounts with others. He suggests that individuals typically lack the information required to evaluate the fairness of the outcomes they receive from criminal justice actors. By contrast, he argues that “the digital abundance of social media can provide multiple accounts from a range of perspectives” and that “through comparison with others in similar situations, this offers an opportunity to evaluate more clearly victims’ own experiences” (page 88). However, he also notes that the ability of vulnerable communities to hold the police to account is limited. Bystander video footage of police brutality can be dismissed as a partial representation of events, while new technologies such as Body Worn Cameras afford the police, in turn greater powers of surveillance. As a result, he notes that “teachable moments” may “not necessarily reorder the status quo on institutional police accountability and transparency” (page 140).

Ellis has produced an authoritative and sophisticated analysis of the play of the significance of new digital technologies for the negotiation of police legitimacy - and how legitimacy may be lost and regained. This is an important contribution to the literature on police/media/public relations as well as advancing theoretical debate through Ellis' "digi-queer" conceptual approach to explore the impact of digital technologies on public order policing and resistance by minority and marginalised groups, as well as laying the foundations for further research in this field.

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The expertise of the author

How well does it cover its topic.

Does it break new ground

Author's perspective and methodology

Arrangement of book and intended audience