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# Fieldwork in police studies – the ethical dilemma in participatory observation with police patrols

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## Abstract

Police research in Norway is a young research discipline and its methodological approaches have to a small extent been discussed in public. The aim of this article is to discuss one of the most controversial approaches in police studies: participatory observation with police patrols. This research method becomes particularly controversial when participation takes place in a private arena, that is, in private homes. The conflict between two central values, a consideration of privacy versus the need for direct access to police methods, is examined in this article.

Ethical guidelines were mandated in Norway in 2005 to govern police research and to assist with providing a legal framework for researchers participating in police patrols within private domains. A call to amend the law to provide for this research method was proposed in 2007. A comprehensive public hearing as a result of the proposal did not lead to any initiative to adjust the law. In recent years there has been an increased participation of TV media<sup>1</sup> in the Norwegian operational police service resulting in an increased relevancy of this methodological discussion.

Using documents from the public hearing, this paper outlines the key arguments made. It contributes to the debate by further advancing a rationale for retaining the use of participatory observation in policing research. It highlights the potential positive and negative impacts of such research, concluding that the valuable contributions from this research methodology help to make a strong case for allowing this type of research to continue.

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<sup>1</sup>[https://www.dplay.no/programmer/nattpatruljen?utm\\_source=google&utm\\_https://www.viafree.no/programmer/dokumentar/hundepatruljen-oslo](https://www.dplay.no/programmer/nattpatruljen?utm_source=google&utm_https://www.viafree.no/programmer/dokumentar/hundepatruljen-oslo)  
<https://sumo.tv2.no/programmer/fakta/blaalys/>

## Introduction

The question of participatory observation in police studies was first put properly on the agenda in Norway when a research project which aimed to observe police work in domestic violence cases was stopped for ethical reasons (Aas, 2009). The researcher did not receive permission to take part in the police patrol in order to observe police work in the private sphere. The Norwegian council of professional standards and research (RTF), which is appointed by the Department of Justice, advised the Norwegian National Police Directorate (POD) to reject the application on the basis of principle. The research community at the Norwegian University Police College (PHS) stated that they could not accept this limitation, as it would weaken the police research in Norway significantly.

It is not just an insight into the police handling of family conflicts that is affected by this limitation. Police cooperation with psychiatry and child welfare, and police transportation of refugees who have received a final rejection for application for residence in the country, are also examples where it seems that direct research methods will be unacceptable (Myhrer, 2007). Police research is often confronted by weighting of key values; the contradiction between democratic values such as openness and transparency in the state's use of coercive force on one hand – and privacy considerations on the other.

In the application process for approval of participatory observation with police patrols, it was identified there was a lack of legal framework for this research method. The PHS thus proposed a bill that would make it possible to allow researchers to take part in a police patrol in all arenas where the police operate. The public hearing was completed during 2007 and involved a number of institutions in Norway such as the Norwegian Centre for Research Data (NSD), the Norwegian Data Protection Authority (DPA), the Director of Public Prosecutions in Norway (DPP) and the Norwegian Police Union (PF). Most of the institutions supported the proposal, but the Norwegian authorities chose not to proceed with it and thus did not facilitate its passage within the Norwegian parliament.

This proposed bill has been in a political limbo for some years and accordingly it is recommended that this research method with its ethical and legal implications is reviewed from an academic perspective.

The aim of this article is to contribute to the discussion about research methods in police studies, especially about the use of participatory observation in police research. This research method is undeniably controversial, especially when it comes to observing police work in

private homes. Participatory observation has obvious challenges in terms of privacy, and it therefore needs comprehensive and complete illumination in order to be accepted as a research method. The Norwegian debate around this method can supplement other countries' discussions of this method and thereby be of interest to a larger international audience, particularly police researchers, policy makers and practitioners that constitute the audience of this journal. The potential interests from an international audience can especially be related to the fact that participatory observation with police patrols in private homes is currently impossible in Norway. A broader international discussion can also lead to new discussions in Norway, which in turn may open the legislation for participatory observation.

The main issue of this article on the ethical dilemma of participatory observation of police patrols will be introduced by an outline of the significance of this research method in police science, where some landmark studies will be presented. The next step of the article is a presentation of policing family violence, which provides the contextual framework for the refusal of participatory observation with police patrols in private homes in Norway. It was in particular the observation of family violence policing that was the starting point for the Norwegian debate on this research method.

The article then moves on to a section on consent, a cornerstone in social research, but particularly difficult to ensure in fieldwork, especially in police missions on family violence. Furthermore, the methodological approaches behind the study presented in this article will be outlined before the proposed legislative changes that seek to allow participatory observation in the private arena are presented. The review of the proposed legislative changes is followed by a review of selected responses from the public hearing on the proposal. The article then moves on to this author's reflections upon the various arguments from the public hearing that eventually culminates with a conclusion.

### **Ethnology in police research**

Ethnology (field research) has long traditions in social research, and is simply about participating in people's daily lives over a lengthy period of time, observing what happens, listening to what is being said and asking questions in order to understand the contextual meaning of the experience. Such proximity provides unique opportunities for real life understanding about people's own premises. Ethnographic research has been concerned with providing descriptions and explanations of particular phenomena, and developing theories

rather than testing existing hypotheses (Hammersley & Atkinson, 1998, p. 8, 55). It is the interpretational sociological tradition that constitutes the framework for studying the police through fieldwork (field research). This tradition holds both ‘symbolic interactionism’ and ‘sociological phenomenology’ (ethnomethodology) as the central theories. These theoretical directions place the individual, ‘the social actor’, at the centre of the research – an actor that cannot be determined by external social structures, but one that creates his or her social reality in a creative and meaningful way. The interpretational tradition builds social science from the actors' interpretations of his or her social reality (Ritzer, 1992; Aakvaag, 2008).

In connection with this epistemological framework around fieldwork, Ericson’s police research appears particularly interesting. In his highly detailed description of the procedures in his fieldwork on police investigators in Canada, he pins this method of research as a dialectical process between ‘the subject’ (in this context the police officers) and ‘the object’ (Ericson, 1981, p. 23). Symbolic interactionism constitutes the theoretical basis for his study in which ‘the interpretive thoughts and perceptions of detectives’ are placed at the centre of the research. However, as important as it is to capture ‘the object (e.g.; the people detectives deal with, the documents they respond to and produce; the physical objects that they produce as evidence)’ (Ericson, 1981, p. 23), according to Ericson the very transaction between the object and the subject is what constitutes the core of participatory observation: ‘i.e. the interpretations of detectives as they translate their thoughts into factual documents, evidence etc. in making something (literally) out of their cases’ (Ericson, 1981, p. 23).

However, police patrols especially have been subject to participatory observation, and a number of researchers have adopted this methodological approach.<sup>2</sup> A classic pioneer study in police science, *Justice Without Trial* (Skolnick, 1975), was constructed through field research and participant observation. Skolnick’s study is one of the first scientific contributions to illuminate the police role from the inside, especially through core themes in police science such as police culture, police–public relations, police application of the law and the famous concept of ‘the policeman’s working personality’ (1975, p. 42). The study is rooted in both sociology and legal philosophy; as Skolnick explains: ‘From sociology I borrowed the “action perspective”, the idea that the investigator can best perceive the meaning of events through

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<sup>2</sup> Examples of internationally recognised contributions are *The policeman in the community* by Banton (1964), *Working the street: A developmental view of police behaviour* by Van Maanen (1974), *Police: Streetcorner politicians* by Muir (1977), *Police Work: The social organization of policing* by Manning (1997), *Policing space: Territoriality an the Los Angeles police department* by Herbert (1997) and *Policing citizens: Authority and rights* by Waddington (1997).

the eyes of the participant' (1975, p. 26). From legal philosophy he gained knowledge about the law as a tool for problem solving.

Høigård uses the term 'backseat research' to characterise fieldwork on policing where the researcher is literally in the back seat of a patrol car as the central viewpoint for the research (Høigård, 2005). 'Backseat research' is a striking picture of the perspective that this research method provides. In the back of a police car, the researcher has a stall seat of social reality as seen through the police's own 'glasses', that is, from their point of view.

Participatory observation with police patrols has been conducted in a number of studies in Scandinavia. In Norway, Finstad's (2000) landmark study of the so called 'police glance' is central. The study is based on 600 hours of participatory observation in police patrols. 'The police glance' is the central analytical term in exploring the police's interpretation, understanding and actions. It is how police officers read the social reality that is placed at the centre of Finstad's study, and research through participatory observation in all phases of the police service was considered necessary (Finstad, 2000).

In Denmark, Holmberg (1999) has conducted comprehensive fieldwork of 700 hours in operational police, where he was aiming to uncover how police officers apply discretion when making concrete decisions in every arena of the service – including in the private sphere of family violence. In Sweden, Lundberg (2001) conducted fieldwork to reveal how the police work on family violence, and especially the officers' rhetoric in these cases. Participatory observation was one of his central methodological inputs. In this study, Lundberg depicts detailed observations from police conduct and interaction with those involved in family conflicts in private homes.

### **Policing family violence**

It is primarily when it comes to policing family violence participatory observation as a research method has been put on the agenda in Norway. A large proportion of the family conflicts that the police encounter is about criminal acts such as violence, threats or other malicious behaviour committed by men against their female partner (Aas, 2009). When police patrols approach such assignments, it is quite evident what they have to deal with. The emergency calls to police are mostly about violence, but when the police arrive at the address and talk with the people involved, the patrol may soon conclude that the original message was

highly exaggerated. It is not uncommon for patrols to conclude that the incident is about noise from a conflict between the parties, but the police are not able to identify any acts of violence on the spot.

Some reports of abuse are classified as misunderstandings by the patrols; after investigating the matter further, the police patrol occasionally conclude that the neighbour or others who called for police assistance misinterpreted the noise, and they leave the address without any further actions. Consequently, the concept of *conflict* is more useful when it also takes into account a series of events that is not be classified as ‘violence’. The open, unpredictable and indeterminate nature of police assignments, especially in the private sphere, is strikingly described by Carolyn Hoyle (1998) as ‘negotiating domestic violence’. This is also the title of her study of policing family violence in England. She used an interactionist perspective to understand police decisions, and elaborated in this way:

The decision about whether or not to enforce the law is rarely preordained by the initial call to the police or the type of dispute. It is, rather, arrived at through a process of negotiation between the significant actors. (Hoyle, 1998, p. 17).

When the patrols enter private homes where there is suspicion of violence, a process starts whereby the police must communicate with the involved – and based upon the information received they need to decide upon the appropriate action. The conclusion of the assignment depends not only on what actually has occurred, but also on the police’s interaction process with the parties involved. Such a process falls within Berger and Luckmann’s (1967) theory of ‘The Social Construction of Reality’ (Berger & Luckmann, 1967) and is also related to Loseke’s (1992) theory about ‘The Social Construction of Wife Abuse’. What becomes ‘abuse’, ‘violence’, ‘arguing’, ‘fighting’, ‘psychiatry’, ‘noise’ or ‘nothing’ is subject to the interpretations of the police patrol in a continuous process of construction. These interpretations are crucial to what practical solutions the police implement. The solutions may be arresting one of the parties, denying access to a residence, calling for child welfare services or an ambulance for transportation to a shelter.

An examination of the literature relating to Norwegian and International police forces engaged in policing domestic violence, revealed that police officers generally failed to enforce existing laws against violence. There was no common plan or strategy in policing family violence cases. The solutions were entirely up to the individual police officer. It appears that the police assessed the violence as a private matter and not as a proper police matter. It also appears that many police officers perceived intervention in family conflicts as a very

unattractive task, and usually found it sufficient to calm down the situation or mediate between the parties without further delays (Stanko, 1989; Hatty, 1989; Amundsen et al., 1981; Lund, 1989). Police rarely made arrests of suspects (Aas, 2009).

A widespread criticism of police passivity in family violence cases and an increased awareness of this kind of violence both in the media and on the political agenda, led to several action plans from both the Norwegian government and POD. In addition, a number of new provisions were introduced in the legislation (Regjeringen, 2000; Politidirektoratet, 2002; Braathen & Molstad, 2001; NOU 2003:31; Justis- og beredskapsdepartementet, 2014).

Despite increased public expectations of the police to arrest suspects involved in unlawful acts, the police patrol failed to meet these expectations when it came to family violence. For the police patrols, these domestic violence incidents often highlight police uncertainty about the culpability of the involved parties. Verbal accusations was a typical scenario encountered by the police. Additionally, victims often physically opposed police intervention or supported the accused's explanation. These issues help to explain why police failed to use existing legislation to make arrests (Aas, 2009).

Practical police work is to a great extent guided by discretion. The variety of texts that are supposed to regulate policing are highly discretionary. Laws, regulations, instructions and circulars have to be interpreted and adapted to a great variety of situations and cases. The rules are interpreted both by individual police officers and in various police units and police cultures (Ekman, 1999). Berg explains the nature of discretion as: 'the use of discretion is not an option for police officers; it is a necessary, unavoidable part of the job' (Berg, 1999, p. 254).

However, in a circular from The Director of Public Prosecutions in Norway in 2008, the expectation of establishing a criminal case was clarified more clearly than had previously been the case:

It is not acceptable to handle reports of domestic violence as 'domestic disputes' that after the call-out are regarded as 'resolved on site' ... It applies in all cases that as soon as the police realise that they might be facing a matter of domestic violence, investigation is to be initiated in order to clarify what kind of crime might have been committed, to what extent, and for what duration (Riksadvokaten, 2008; translation).



## Consent

Consent is a fundamental criterion in social science where data from identifiable persons are involved. Article 4 (11) of the General Data Protection Regulation (GDPR) defines consent as:

... any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her. (Art. 29 WP, p. 4).<sup>3</sup>

Persons who are included or affected by a social research project should in principle give their freely, informed and unambiguous consent to participation in the project in advance.

Consideration of privacy must take precedence over research considerations on a general basis. How can the requirement for consent be practiced in research on policing family violence incidents? The police encounters with these incidents occur as a result of an emergency call from one of the persons involved or a bystander. Occasionally, the situation is so dramatic that there is no time for the researcher to identify herself for those involved in the conflict. The fact that the police meet many people who have limited skills in communicating in Norwegian or English also raises the question of obtaining consent. The same applies to cases where the police encounter people who are affected by substance abuse. Indeed, on many occasions the researchers' role needs clarification but similarly the circumstances can impede obtaining valid consent (It would be a violation of the rules to obtain consent at a later time after the incident has been resolved – because the researcher has already acquired confidential information that he or she is not entitled to acquire, Aas 2009).

The question is, though, whether those involved in the conflict will feel that they have a real choice to reject the observer's presence. However, a presentation of the researcher and the research project before entrance to a private home will in any case be inappropriate for both the police and the persons involved. For those involved, it may easily become an additional burden if they have to deal with consent in addition to the urgent problem they face. The police have to communicate with those involved in the tragedy and act in relation to the circumstances. Acquiring consent in emergency situations may be a problematic sidetrack.

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<sup>3</sup> The «Working Party» was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC. The secretariat is provided by Directorate C (Fundamental Rights and Union Citizenship) of the European Commission, Directorate General Justice, B-1049 Brussels, Belgium, Office No MO-59 02/013. Website: [http://ec.europa.eu/newsroom/article29/news.cfm?item\\_type=1358&tpa\\_id=6936](http://ec.europa.eu/newsroom/article29/news.cfm?item_type=1358&tpa_id=6936). The Norwegian Centre for Research Data (NSD) refers to Article 29 WP in their new guidelines for consent.

Nevertheless, the circumstances will not satisfy consent requirements because the situation is not appropriate for the persons involved to be informed properly about the research project. In addition, there is a context of coercion when the police enter private homes - a context that fails to conform with voluntary consent. In a letter to the RTF of 27th of June 2005, POD states the following about requests for consent in emergency situations:

It is crucial for the police's work on these kinds of cases that the police instil confidence. It would be unjustifiable if the police responded to emergency calls about domestic violence bringing along a person to clarify questions of professional discretion before the police start their work at the crime scene. Such an arrangement would weaken trust in the police. (Translation)

The mandate of the RTF is to assess whether researchers can be granted exemption from confidentiality (cf. the Norwegian Public Administration Act, section 13 d) if the researcher for various reasons is prevented from asking for consent from the parties involved. The Council is supposed to decide the researcher's access to confidential information when the persons involved cannot give their consent to it. By consent, people can voluntarily decide whether they will convey confidential information about themselves. When, for various reasons, they are not given the opportunity to give their consent, the Council have to decide it (if consent can be overlooked). In a letter to POD on 14 May 2004, the council argues for its objection to participatory observation with the police in the private sphere in this way:

The council would like to emphasise that in the situations in question – acute situations of violence – the consideration of preventing confidential information from spreading, as well as matters of privacy protection and public security, needs to be given particular weight, as people in very vulnerable situations are involved. Consideration of the possibility of children being involved highlights this need. Acute situations as described can be experienced as very traumatic for the parties involved, and the presence of other officials than the police might contribute towards increasing the level of fear and insecurity. (Translation)

If we put consent into the broader framework of social science, the Norwegian anthropologists Øye and Bjelland raise the question whether the rules about consent are about to threaten anthropology as a scientific discipline. Participatory observation is the primary research method in anthropological research, and it is alleged to be threatened by strict rules of consent (Øye & Bjelland, 2012).

Anthropological research has examined, among other things, the informal structures among the members of various organisations and cultures. However, who the 'members' of such

groups are and what to ask them can be difficult to predefine. Obtaining consent from everyone included in a fieldwork and clarifying in advance what to ask informants as required by the rules, becomes virtually impossible to handle. These rules trip up the anthropologist, who should be open to the unexpected and unpredictable in the field. In addition, obtaining consent can adversely affect the interaction processes by making those involved particularly aware that they are the subject of research and consequently act differently than they normally do (Øye & Bjelland, 2012).

### **Document analysis**

This study used a qualitative research method with document studies as the source of the data material. Unlike qualitative methods such as interviews and observation, where the researcher creates the data through interaction with the informants, document studies are aimed at texts that exist before and independent of the research project. Document studies focus on secondary data, not primary data such as interviews and observation (Leseth & Tellmann, 2014).

It is the statements from the participants in this case which constitute the data base for this study. The application for the researcher's permission to participate as an observer on police patrol was reviewed by primarily RTF, POD and the Research Ethics Committee of the PHS. In addition, the responses from the public hearing constitutes a central part of the data base for the article. (None of the documents presented in this article are exempted from public disclosure).

Research projects on policing confidential information have to be approved by POD. In order to achieve access to confidential information POD have to ask RTF for approval. The role of the council is to advise POD whether information subject to confidentiality should be made available to the researcher. POD was advised to reject the application for participatory observation with police patrols, and POD did so. The rejection led to the construction of a research ethics committee at PHS to assist police researchers in similar application processes and ethical guidance of various projects.

The Documentation Centre in the Norwegian Ministry of Justice has released all the statements from the public hearing. A total of 28 responses were received from different instances in the hearing. However, most of the instances express that they do not have any opinion in this case. None of the responses in the public hearing oppose the proposal to open

the legislation for direct research inspections of police work in the private arena. However, the selected statements indicated different views on researchers' participatory observation with police patrols. A total of 10 documents were selected for the article. These are the documents that significantly shed light on this research method. The documents are of a size of 2-6 pages.

A large number of organisations and institutions were asked to participate in the public hearing, namely: the Norwegian Centre for Research Data (NSD), the Norwegian Data Protection Authority (DPA), the Director of Public Prosecutions in Norway (DPP), the Public Prosecution Offices of all the prosecution districts in Norway, the Norwegian Police Union (PF), the Norwegian University Police College (PHS), the Norwegian National Police Directorate (POD), the Norwegian Police Security Service (PST), the Supreme Court of Norway, Borgarting Court of Appeal, the Municipality of Oslo, the Norwegian Confederation of Trade Unions (LO), the Confederation of Norwegian Enterprise (NHO), all the Norwegian government ministries, and the Attorney General.

The statements (responses) from organisations or institutions selected for this study are primarily actors who have authority in privacy issues. In addition, organisations that responded with in-depth statements have been selected. (Many of the organisations that were asked to participate in this public hearing gave no opinion.) The selected statements have been scrutinised for arguments that directly affect the issue of participatory observation, and that is how the quotes are selected.

### **Proposed legislative changes**

RTF referred to 'public place' if the researcher wants to observe police work. But what is really a 'public place'? Is a police car a 'public place'? The ethics committee at PHS interpreted 'public place' as:

It is the opinion of the committee of research ethics at the PHS that access to observing the police at work without the consent of the RTF or the concerned party is not to be decided based on whether the observation takes place in a 'public place' or not. The decisive factor should be whether the observation takes place in a context where the researcher is put in a special position relative to the ordinary public. This means, in the committee's opinion, that discussions and talk in the patrol car or in situations where the police actively keep the public at bay also should be included in that which requires special consent ... The aforementioned does not necessarily imply that the researcher must leave the car when arrestees are to be transported. That somebody is arrested and perhaps put in a police car is something that may also be

observed by the public. Hence, the researcher does not attain any information not available to the public. The researcher must, however, have made it clear to the police officers that it would be a problem if the researcher were to witness any ‘interrogation’ of the arrestee and so on during transportation. If the researcher stays in the police car during the transportation of an arrestee, the arrestee must be informed of who the researcher is and what the researcher is doing. (Letter from The committee of research ethics at the PHS to the undersigned researcher 14.06.2007; translation)

With this interpretation of ‘public place’ fieldwork in policing seems to be very demanding to undertake. The Norwegian legislation contains no provisions that directly allow researchers access to sensitive information as described above (Myhrer, 2007, p. 6). In order to rectify this, a new provision is proposed for the Police Act, Section 13A, which provides an explicitly legal basis for allowing others to observe police work both in private and public places. Furthermore, clarification is proposed to the regulations in the Public Administration Act, these being: Section 13d, first paragraph, and the Public Prosecution Act section 61e, first paragraph. The purpose of the additions is to make it clear that researchers may also be granted access to classified information through direct observation of a primary source in private and public places (Myhrer, 2007, p. 56). The Ministry of Justice sent this bill to hearing in the autumn of 2007.

## Public hearing

The Ministry of Justice implemented the hearing, and commented upon the bill as follows:

The use of observation as a method of research on police work raises difficult questions related to professional secrecy and privacy protection. The Department remarks that the proposal does not imply a general disregard of the regulations on professional secrecy. Such research projects shall still be regulated by strict quality requirements and conditioned by consent from the RTF. According to the proposal, however, the ability to deny such projects in general by claiming that there is no legal authority to give consent will no longer be possible. It should be possible to grant permission to use observations as a method in research after an individual assessment of a project. The threshold for approving such projects shall, however, still be high.

Furthermore, there was an emphasis made that the proposal does not imply any access for researchers to observe or do research on ‘the clients’ that have encounters with the police. It is ‘police work’ that is the object of research and observation ... The Department is prepared to assess the proposals in the report, but wishes to await the consultative round before taking a position in the matter. (Justis- og politidepartementet, 2007, pt. 3.2.4; translation)

This statement clearly identifies the dilemma with participatory observation research, especially in relation to privacy. The Ministry clarifies some significant aspects of the bill, such as that it can no longer be possible to reject participatory observation with the police

categorically, but each project should be carefully and critically evaluated. Furthermore, the Ministry finds it important that the research focus is particularly on police actions and not those involved in family conflicts. In practice, however, this limit may be difficult when the police work is in interaction with the parties involved. The Norwegian Centre for Research Data (NSD) expresses their unilateral support for this research method in the public hearing (23.10.07) in this way:

To begin with, the NSD approves of the proposed changes ... It is the NSD's opinion that it is favourable that allowing observations of police work is now explicitly a possibility, as this may contribute to more research on a important field that seems difficult for researchers to get access to under the current law ... Observational studies provide data that have a clear advantage when it comes to enlightening some research questions. Direct observation of situations where the police meet 'clients' may provide a basis for research that cannot be done based on other data sources ... Research on police work and the officers' meetings with 'clients' may be of great use to society for several reasons. (Translation)

The central point in this argument lies in the democratic value of gaining insight into the working methods of the police, and that observation studies would provide sufficient insight into police work. The Norwegian Data Protection Authority (DPA) on the other hand, has a more circumspect approach (26.10.07):

In the consultation paper, an assessment of whether those other than who do services or work for the police should be given permission to follow and observe police work in private and public places .... The Norwegian Data Protection Authority (DPA) does not support a proposal to allow members of the press to follow and observe police work *in private places* ... The DPA harbours fewer doubts about giving researchers permission to follow and observe police work. (Translation)

This hearing response was influenced by the fact that the TV-media participated in the police service at the same time as the public hearing, where police work was broadcast for the entire population. In these documentary programs, partially camouflaged people were seen both in the private and public arena in interaction with the police<sup>4</sup>. With such a backdrop, researchers' involvement with the police is seen as less problematic. The Director of Public Prosecutions in Norway raised (28.11.07) the issue; 'Should researchers be permitted to take part in a police patrol at private area?' – and express a certain ambivalence:

Although the Director of Public Prosecutions has some doubts about allowing it, he supports the notion. An absolute condition should be that the research project is

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<sup>4</sup> <http://arkiv.nrk.no/programoversikt/avansert/index2287.html>

assessed and approved, that the research is of high quality, and that necessary anonymity is guaranteed. (Translation)

The Public Prosecution Office in Oslo, however, expresses a more unambiguously positive view than its superior office (The Director of Public Prosecutions) with this statement (30.10.07):

The report points out that by using observation as a method in police research one will gain a basis for insightful and critical evaluation of the part of the police's work that to a large degree is hidden to the public eye. Such research may – as mentioned in the report – contribute to both correctional changes, measures to increase efficiency and to keep or improve the trust between the public and the police. Furthermore, the report points out that the decisive matter will be if the advantages of the methods outweigh the disadvantages related to individuals' privacy protection.

It is the opinion of the Public Prosecution Office in Oslo that police research may be of such public utility that the letter of the law should facilitate participatory observation as a method in police research. It is therefore our view that the changes in the law that have been demonstrated to be necessary should be implemented. (Translation)

The central argument from The Public Prosecutor's Office in Oslo is that the value of the research method is of benefit for society. The Norwegian Police Union (the trade union which organises employees from all levels within the police force) focuses on improving police own methods when supporting the bill in this way (22.10.07):

As long as it is police work that is the object of research and observation, the Police Union cannot see that this type of observation can be ethically unjustifiable... This is research that will be important for the police for acquiring better methods for dealing with the crime conditions of the future. (Translation)

## **Discussion of participatory observation and its alternatives**

In response to the concerns raised at the public hearing, the author presents further analysis and discussion of participatory observation and its alternatives.

### **The merit of participatory observation**

A key question about participatory observation is whether the researcher's presence can worsen the situation of those visited by the police in family conflicts. Researchers may aggravate the situation and some people may be bothered by the uninvited presence of the researcher. However, the presence of a researcher can be perceived in different ways. It is also possible that those involved may perceive the researcher as a neutral third party observing the

police, and thus the researcher's presence may increase the involved persons' sense of security.

The researcher can largely influence whether those involved in family conflicts feel increased discomfort and insecurity with his/her presence. How the researcher performs can be crucial. However, Wadel (1991) claims that you don't find 'how-to-do-it' books about conducting fieldwork. (p. 22). Obviously, it is difficult to make clear guidelines for research behavior when the situations are so different and unpredictable.

As previously shown, the unpredictable nature of fieldwork is the main argument against rigorous regulation of this type of research in the social anthropology community (Øye & Bjelland, 2012). Nevertheless, it is possible to provide some general guidelines for research behaviour in observing family conflicts. For example, if the researcher is perceived to be aimlessly present then it is likely that the researcher will attract a negative response from the aggrieved parties. However if the researcher indicates that he/she is merely an observer then the response may be less hostile.

Common courtesy and respect for the involved parties can be demonstrated by the use of non threatening eye contact and appropriate body language. Around this time it might be appropriate for the researcher to indicate that the presence is only as an observer of the police actions and thereby clarify their role to all concerned. If the researcher is refused entry or asked to leave the apartment, it should of course be respected. The observer should at all times consider whether it is appropriate to take part in the patrol.

Regarding the possible burden to those involved in family conflicts by seeing a civilian in their home, it should be added that 'civilians' (such as officials from the child welfare services and police officers without uniform) may at any time accompany a police mission on private grounds without necessarily identifying themselves or their role. The presence of the police in one's home is in itself very intrusive to one's privacy. Privacy can be considered in different ways in this debate.

However, the researcher risks not only to become a burden for those involved in family conflicts, but also for the police patrol. Skinns, Wooff and Sprawson (2016) show an example where the presence of the researcher can influence the behaviour of both the police and those involved. In the worst case scenario, the researcher may stand in the way of emergency solutions, as safeguarding the researcher on dangerous missions may distract the police in



their work. Thus, for the sake of the police patrol, it is important that the researcher is very conscious of his or her own role in the fieldwork, for example by staying sufficiently in the background and leaving the patrol if necessary if the external circumstances require it.

What can legitimise participatory observation of the police's conduct in private homes when valid consent from the persons concerned in family conflicts is neither possible nor ethical? A key discussion in the public hearing related to this question was if the value of the research outweighs the possible disadvantages of the intrusion of the concerned's privacy.<sup>5</sup> In other words, why is it so important to study what the police actually do in their work with family conflicts and family violence cases? One argument was that the purpose of participatory observation as a research method is to strengthen the protection of persons who call for police assistance in such cases.

Police work should be examined and evaluated particularly as it relates to the legal rights of those who are vulnerable. The RTF criticised the research method arguing that participant observation had the potential to undermine public confidence in the police. However, the opposite argument may be equally valid. If research can contribute to improve the police work, it may strengthen the confidence in the police. It is hard to imagine development of policing if there is no proper knowledge of what the police actually do.

However, a pitfall of field research is that the researcher fails to maintain adequate distance from the police. Skinns, Wooff and Sprawson (2016) argue that a close relationship between the researcher and the police can easily become research *with* the police, and consequently research that primarily serves police organisations. Skinns, Wooff and Sprawson (2016, p. 198) explain:

The emphasis on the need for research to make an impact – by influencing policy and police practices – places additional pressures on relationships between policing researches and research participants, potentially aligning researchers more closely with the police than the policed.

The research should also serve 'citizens, community groups, campaigning organizations etc.' (Skinns, Wooff & Sprawson, 2016, p. 196), which requires a (more) critical distance to the police. The field research's endeavour of capturing the actors' (the police's) point of view

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<sup>5</sup> This issue correspond to a utilitarian mindset, where the benefit to many can legitimise the burden for a few. In a strict deontological (duty-based) ethics perspective such a principle cannot be accepted. Kant's categorical imperative says that an individual cannot be a means of achieving a goal, but only a goal in itself (Hammerlin & Larsen, 1997). The question is how far such considerations can be taken into account in practical life situations.

becomes flawed unless the police work in question can be read through the glasses of various groups in society, especially less privileged groups that have to endure far more police contact than the rest of the population (Finstad, 2000).

### Alternative research methods

In a letter to POD 24<sup>th</sup> of August 2004, RTF requested alternative research methods:

That domestic violence is a political topic of high priority says nothing about the choice of research method. The RTF cannot see that presence in private homes is absolutely necessary for the objective of the research knowledge of police work. There has been too little discussion about whether alternative methodological set ups can be used .... Why cannot some of the same objectives be reached by for instance contacting (in writing) concerned parties through the police some time after an emergency incident, requesting interviews about their view on the police work on their case? (Translation)

There are a number of different methodological approaches that enable studies of police work in relation to domestic violence. As the Council points out, it is possible to ask the involved parties to accept an interview after the police visit. Interviewing victims of violence is, however, common in victimological studies where the main purpose of the research is to uncover the victim's perspective (Lund, 1992; Skodvin, 2000). Studies of police documents and observing police interviews with both victims and suspects at the police station could also provide valuable insight in addition to interviews with police officers. Westmarland (2016, p. 163) demonstrates the difference between several methodological directions in ethnographic studies of police culture in this way:

Of course, other methods can and have been used to consider police culture. These include interviews, questionnaires and surveys. But for the in-depth understanding of a culture, the true picture of police life in all its gritty realism, it has long been believed that observations, preferably long term and in-depth, represent the gold standard.

Observation as a method provides a valuable means of entry into the context of policing. Observation can provide detailed descriptions of police behaviour and the subsequent decision-making. The process of police decision-making underpins the focus of observational research and is especially relevant when physical force is used.

The police are required to intervene in domestic violence and additionally need to assess if any law has been contravened. This is often a difficult assessment for the police patrol – for example if there are no visible marks on the victim that may indicate that she has been subjected to acts of violence. The police often feel that they have to conduct a credibility

assessment of both parties through numerous discussions with the involved parties. The police officers at the scene are required to seek solutions to the situation in an impartial and empathetic manner. The police patrols' assessments are often influenced by sympathy for those involved and considerations of what would be a fair outcome of the incident (Aas, 2009).

Interviewing police officers and studies of police documents provides a researcher with very limited access to these decision-making processes. It therefore becomes imperative for the researcher to be present during domestic incidents in order to accurately capture the contextual setting. Police officers often say that they are guided by an overall impression of the situation and their own 'gut feeling' (Paulsen & Frogner, 2017). Such vague and undefined phenomena are impossible to explore if the researcher does not see and hear the basis for these perceptions. For example, if a police officer feels that the involved parties are lying to him, it is important to see what may be the reason for this perception. Decision-making can be influenced by the suspect's demeanour, speech content, mode of dress, or general behaviour.

Also it is noteworthy to observe whether or not the police officers demonstrate a level of respect and empathy especially when children are involved. Some studies indicated a degree of uncertainty when conversing with children (Aas, 2014); some police officers emphasise an empathic and conversational style whilst others make the child disclose information about the parents behaviour resulting in the arrest of a parent and thereby placing the child in a conflict of interest or putting the child at risk. Nonetheless it is recommended that the child is encouraged to talk about any presence of violence as a means of demystifying a domestic violence situation (Øverlien & Aas, 2015). However, there is a conflicting dual role of the police: the patrol is not only committed to supporting people in tragic situations, but also controlling criminal behaviour. This is one of several dilemmas related to policing family violence which warrants further attention.

Another point is the fact that admission to family conflicts has a potential of risk to the police patrol. An apartment is a closed room with limited opportunities to escape. Moreover, it is not uncommon that the parties involved show aggression to the police (Aas, 2009). When a researcher takes part in the patrol, the involvement becomes less dispassionate and more personal allowing one to more easily understand how fear and stress can affect the actions of the police. Participant observation is not just about observing, but also about empathy with the

participants, a key feature of understanding the stakeholders and the experience. When a researcher joins a police patrol he/she is exposed to almost the same conditions as the officers, and experience reality in almost the same way (Prieur, 2002).

As previously stated, RTF has proposed interviewing both police officers and those involved in the aftermath of an emergency situation. However, the value of such interviews should be seen in conjunction with participatory observation. If the interview is the sole source of information gathering then it is unlikely that the decision-making context will be uncovered and that information gathering will be restricted to the participants' memory. The use of interviews only can limit information gathering to the level of recall that is often influenced by interviewees' perception of the actual events, especially if the use of police force was involved.

Police power has the potential for abuse and often any such behaviour is hidden from either the public or senior police authorities, especially if there is a reliance on police recall after several hours. Much of the police service is performed in pairs (there are usually two police officers in a Norwegian car patrol). Robert Reiner (2000, p. 218) explains further:

There are other aspects of policing which make it especially hard to uncover information which the subjects wish to keep hidden. Since the birth of police research in the 1960s researchers have pointed to the 'low visibility' of everyday police work as a major factor hampering the achievement of effective accountability to organizational supervisors, let alone process of external accountability (...) The main modes of police work are uniform patrol and plain-clothes investigation. Both take place outside the organization, away from immediate oversight by managers, with officers generally working alone or in pairs.

Whilst police are accountable to higher authorities they generally have a high degree of autonomy that has the potential to be misused when they operate unseen in domestic situations – a further reason for the use of participatory observation as a valid research tool.

As an alternative research method for participatory observation studies of police work through body-worn cameras should be mentioned. Such cameras are attached to the body or clothing of police officers at chest height, on the shoulder, around the neck or on glasses, hat or helmet. These cameras are in use in several countries, but not in the ordinary police patrol service in Norway (Phelps & Simensen 2019). A body-worn camera arrangement could provide good insight into policing which is less intrusive than participatory observation.

## Conclusion

Taking part in a police patrol in order to observe policing in family violence cases has proved to be a particularly controversial approach in police research. Consideration of privacy issues clash with the need for transparency of police methods. The question is whether the potential burden of including a researcher in a police patrol is so overwhelming that the research method under no circumstances should be accepted – or whether it can be weighed against the value of this kind of research. A more rigorous version of the question is whether the method should be rejected on the basis of principle or whether a pragmatic assessment can be made. If we accept the pragmatic approach, we could argue that the image of burdens should not be unilateral. It is also possible that the presence of a researcher can contribute to increased security.

Arguments associated with this research method should also be addressed at an overall level. The idea that the research method may weaken both the confidence of the police and the privacy of those involved can soon be met with the counter-argument: Participatory observation has the capacity to increase police transparency, improve quality assurance of police actions and establish research based guidelines for policy making. Alternative research methods, such as interviews and document reviews, should also be considered as viable means of gathering data, but it is the observation factor that provides a unique and rich insight into understanding the complexity of police work within domestic violence. Observation is supposed to provide detailed descriptions of police actions and provide greater access to the total context of policing. Participatory observation is necessary in order to adequately understand police work. However, this can partially be achieved if the Norwegian police were to be equipped with body-worn cameras documenting police work which are then made available for research.

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