Australasian Policing

A Journal of Professional Practice and Research

AiPol

Australasian Institute of Policing

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Editor

Jenny Fleming

Frequency

Summer and Winter

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Decision Making and the National Intelligence Model: No Accounting for Decision Bias

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Introduction

This paper discusses the role of decision making within the context of the Intelligence Led Policing (ILP) and suggests that reliance on this model may lead to some profound abstractions because 'knowledge' based on intelligence can be partial or incomplete and should not necessarily become the sole basis for constructing a strategic or tactical response to solving (at least in the long term) a crime problem. Intelligence is often limited, separate objects of information that then become the basis for constructing a view of a larger whole.

We suggest that ILP suffers from a system reliance bias where practitioners use a subsystem of intuitive mental routines to cope with the complexity inherent in their decisions. These simplifying heuristic mechanisms, although prone to bias and errors, are nonetheless essential in making decisions because decision makers rely on experiential, tacit knowledge supported by heuristic rules that enable decision makers to make sense of information.

As crime control is increasingly seen through the lens of intelligence, policing is accomplished 'through ILP': Strategies and tactics belonging to 'police experts' are translated into operational practice. Like structural-functional sociology, ILP systems are good at analysing information that restore or maintain the systems functionality rather than identify contradictions which could lead to the systems transformation. There is a danger that the use of analysis could dominate problem solving when innovative, creative thinking is required.

In policing this becomes problematic since choice heuristics are often constructed from internal organisational memory, or external policy or pressure, which may biased by prior evaluations of, and preferences for, the alternatives being considered.

Several of the more common biases relevant to policing are briefly discussed in this article. Our intent is to draw attention to the relevance and impact of cognitive heuristics and biases on the accuracy of ILP decision making.

Intelligence

In the recent era of increasing concerns about crime, policy makers and law enforcement officials are constantly seeking to improve their effectiveness in response to the demands imposed upon them by 'an increasingly diverse, technological, globalised, mobile, sophisticated rights – conscious and knowledge based society' (Walsh and Conway, 2011, 61). This is reflected in the development and deployment of new technologies and a shift towards intelligence led, proactive detection and prevention strategies. ILP has developed as a methodology for managing day-to-day tactical policing activities in a rapidly changing operating environment. It has becomes increasingly important in an age where the role of police has morphed from simplistic response and enforcement activity to one of managing human security risk. In this evolving paradigm shift it is argued that intelligence can be used to reduce the impact of strategic surprise from evolving criminal threats and environmental change.

Kelling and Bratton suggest that ILP facilitates, *"crime fighting that is guided by effective intelligence gathering and analysis – and it has the potential to be the most important law enforcement innovation of the twenty-first century"* (Kelling and Bratton, 2006: 6). The U.S. Bureau of Justice Assistance (2009: 4) has defined it as a, "collaborative law enforcement approach combining problem-solving policing, information sharing, and police accountability, with enhanced intelligence operations" which has later been narrowed to: "ILP is executive implementation of the intelligence cycle to support proactive decision making for resource allocation and crime prevention. In order to successfully implement this business process, police executives must have clearly defined priorities as part of their policing strategy."

The intrinsic problem with ILP is that it is an enabling or general purpose management tool which means its use and potential impact are mediated and direct. It is not ILP per se that makes an impact on crime but how it is used and whether such use effectively address crime problems and directs collective agency policy that have long term impacts on criminal capacities and behaviours. Additionally intelligence analysis is often inductive in nature not simply an information management methodology. Therefore we would argue that these are not definitions but descriptions of the functions of ILP. Taking this into account we would adopt the definition given by Ratcliffe (2008: 89):

"ILP is a business model and managerial philosophy where data analysis and crime intelligence are pivotal to an objective, decision-making framework that facilitates crime and problem reduction, disruption and prevention through both strategic management and effective enforcement strategies that target prolific and serious offenders".

Whilst this definition is an improvement on the previous ones, all definitions come from a perspective which derive from a standpoint definable in terms of the perspective of the definition maker, or of organisational experience both past and present and of expectations for the future. However these definitions suggest that the ILP is an information management tool that, 'enables access to and the processing of data' (Resnyansky, 2010: 638).The definitions are not based on any sophisticated theory of crime analysis or crime prevention, they define a mechanism designed to manage a social problem. This raises a number of issues about the long term effectiveness of ILP because, by definition, it presents itself as a system that can, at best, 'manage' the police response to crime by taking a systems approach. In terms of ILP effectiveness in preventing or disrupting crime we should acknowledge that the pressures on the police and other law enforcement agencies dictate how they use ILP. Indeed the primary task of ILP is to make the police aware of the crime problem so they can effectively manage that problem.

The implication is that the ILP's development is outside the mainstream research on any potential sociocultural changes that it should impact on. This raises issues about the connection between the process of information collection and the needs of those using that information. The concern is that the ILP technology is about providing an analysis based on the organisational need regardless of the social context in which the analysis is to be used.

It is our contention that law enforcement decision makers should not place intelligence in an idealistic position during the decision making process because their decisions will be based not just on the sources of the intelligence data but also by the tools used to assist in the interpretation of the data.

Strategies are deployed in contemporary policing mainly in order to comply with the framework set by ILP models (Alach 2011: 3). Their aim is to destabilise and disorganise criminal activity focusing on neighbourhood, individual offenders, prolific criminals and criminal networks and markets.

These targets are identified and selected through the use and analysis of intelligence which can, 'provide the decision-maker with a timely and accurate understanding of criminal threats and the components of the operational environment' (Quarmby, 2004:70). Mears and Bacon (2009:143) point to a 'critical problem' – there has been no systematic attempt to access the quality of the decisions made by practitioners and 'limited research on the range of decision making errors that might undermine effective decision making'. They go onto point out that research that focuses 'on evidence based policies – that is, programs, policies, and activities shown to be empirically effective in achieving particular outcomes – also does not directly lead to a focus on decision making. Rather, it leads to an emphasis on identifying and adopting effective approaches to improving outcomes'.

Policing is diverse and complex. Decision makers are faced with challenging choices when developing and implementing policies and practices that are effective at an operational and community level. Police decisions are affected by several 'internal' factors at an individual, organizational as well as factors 'external' to and not in the control of the decision maker. There is a growing body of research in the context of policing that focuses on the cognitive, 'internal' factors (Alison L et al., (2013), that affect decision making, less interest has been directed to considerations of 'external' influences. However it should be stressed that in the past decade or so, there has been a significant change taking place in policing and crime control strategies. The 'reactive' model of the enforcement-led style of policing has shifted towards a 'proactive', future-oriented, data-driven, intelligence-led approach to crime control (Ratcliffe et al, 2014). It is difficult to be certain as to whether the shift from 'reactive' to 'proactive' policing should be viewed and approached as an 'internal' or 'external' reason of the development of ILP. On the one hand, it is a result of the rapidly changing social, economic and political conditions in the late modern societies of industrialized countries. On the other hand, it is also the product of an internal tendency of the police, a need for more efficient strategic planning in an intelligence-led context. Either originating from inside or outside the police force, 'maximal-proactive policing' has been increasingly influential in recent decades.

The need for "a speedy solution to a given problem" as Johnston (2000: 148) puts it, is significant within the context of ILP, as tactical intelligence products require quick police activity in order to be useful. In this context crime control is increasingly seen through the lens of intelligence. Developing these observations, we consider a range of external and internal influencer, i.e. those reasons which originate from within the police service that result from police attempts to shift towards intelligence-led practices.

ILP, Decision Making and Heuristics

The process of making strategic and tactical decisions has emerged as a theme of research over the past 20 years ((Musso and Francioni, 2012). Within this context, ILP has been described as a, 'model for policing, defining a process for setting priorities and a framework in which problem solving can be applied' (Kirby and McPherson, 2004: 36). We suggest that ILP should properly be described as a composite that seeks to make sense of information through the production of actionable intelligence and the managerial decision making process, where the former is 'determined by comparing the organization's inherent capabilities with the opportunities and threats in its external environment' (Musso and Francioni, 2012: 280), whilst the latter is composed by the decision maker, beginning with the setting of a strategic plan or tactical options where managerial objectives dictate which option is the best choice.

The purpose of ILP is to provide an evidence base for police action. It is characterized as the systematic and procedural collection and analysis of information. This suggests that decisions are systematic and rational to the extent to which ILP based decisions allow the decision maker to make the best possible decision in the circumstances. Systems based decisions, could be described as being formalized to the extent to which they reflect organisational policies, understandings, rules and plans whether or not they are articulated explicitly or implicitly in any system based decision making tool such as ILP. Several studies have found that the adoption of formalized decision making models are positively associated to the organizational certainty that their decisions are rational (for summary see Musso and Francioni, 2012)

However, the notion that criminal investigation is guided by a search for the objective truth has been challenged. For instance, Innes (2002: 685) argued that the truth in the minds of criminal investigators is "not an 'absolute' truth, but one that 'suffices' and is 'good enough', given the complexities of the social world". There is, therefore, a danger that rationality is regarded as certainty, where certainty becomes the 'default assumptions' of law enforcement practitioners. For example errors may arise where law enforcement decision makers are faced with situations that are unusual or arise unexpectedly giving them little time to work systematically through the issues.

Whilst information allows for the situation to be identified and opportunities for action created, intelligence should not be viewed as an exclusive certainty that becomes actionable as a consequence of its exclusivity. In order to understand inferences are sometimes made to fill gaps where there is no substantive intelligence. It follows that the search for understanding is often a reconstructive process with subjective inferences. These gaps are filled by practitioners relying on heuristics to help them navigate the complexity of decision-making. Heuristics are simply cognitive short cuts to reduce complex problems into simple rules that work effectively. While heuristics can be adaptive, they can also lead to biases and inaccuracies. Mears and Bacon (2009: 145) suggest that, 'the use of heuristics occurs largely without conscious analysis… and does not occur by a linear, step by step combination of clues'.

Police decision makers routinely have to make quick and challenging decisions based on incomplete information. Intelligence provides a decision maker with what Herbert Simon (1957) referred to as 'bounded rationality' that influences the analytical capacity of the decision making. He argued that we seek to find satisfying solutions rather than optimal. The question is, do police decision makers use the appropriate heuristic? Police decision makers have to default to a reliance on heuristic processing, which may be problematic since decisions are constructed from memory so they may be biased by prior evaluations of, and preferences for, the alternatives being considered. Therefore decisions, notwithstanding a rigorous and systematic intelligence led decision process, could be flawed by a number of unwitting biases.

Quarmby (2004) identifies that a fundamental problem with ILP arises from the police's understanding of logic. Sheptyki (2009) suggests that system based assessments by the police are neither comprehensive nor accurate because of their focus on what is already known. This approach is likely to be associated with the law enforcement culture of evidence-based intelligence assessments' (Coyne and Bell, 2011, 72). Dean and Gottchalk (2007) point to the dangers of decision making in situations where knowledge is presumed because of organisational understandings which do not account for and deal with unknown complicating factors in the intelligence process which may include, 'human behaviour, community reaction, linkage blindness, gaps, overload, non-recording, institutional friction, and inter and intra-agency subcultures' **(De Lint et al 2007, 47)**.

The suggestion is that whilst ILP makes the information useful, the analysis and dissemination of the information takes place through shared police organisational values associated with prevention or risk reduction. Coyne and Bell (2011, 71) point to research that indicates a 'capability shortfall in law enforcement professionals', which they describe as, 'an inability to identify and conceptually picture the operating context' they are in. In such circumstances the decision maker are often influenced by prior knowledge and experience adopting a heuristic that has a predilection towards their organisational perspective (Neilson and Neilson, 2012). As Mears and Bacon (2009, 145) point out, 'there arise occasions in criminal justice in which decision making demands the use of heuristics, for example [where] the police confront the challenge of action in the face of incomplete information. The critical question is whether they use the appropriate or accurate heuristic'.

Musso and Francioni. B, (2012, 288) identify several strategic studies that focus on two main personality characteristics as influencing decision- making heuristics. These are, 'the need for achievement and risk attitude'. With reference to the need for achievement they say, 'a number of studies have found that decision- makers with a high need for achievement express more desire to effect and control the situation in which they operate. Moreover, they also have the propensity [for]… more formalised and rational decision-making and …they carefully analyse situations so that they can proactively manipulate them'.

They go onto add that decision-makers, 'tend to favour formal planning and systems for measurement and control'. Risk is identified as influencing, 'the decision-makers propensity to adopt a more formal and rational process. High risk decisions also tended to be intuitive rather than based on, 'formal and rational analysis'.

ILP is a decision support system designed to facilitate informed decision making – e.g., clarifying the reasons for a particular strategy or tactic, analysing the predicted consequences of the police response as well as balancing demands against resource – in order to allow for decision makers to make informed decisions. Despite this, no systematic research has been undertaken to determine the quality of decision making or the influences on the decision maker. For example police work is carried out under time pressure where often the seriousness of a particular situation means that many decisions must be made within restricted periods of time.

The police are often characterised by a specific occupational culture (Reiner, 2000) that places a premium on decisiveness (Mortimer & Shepherd, 1999). This may lead decision makers to develop a particular hypothesis or line of action that anchors or confirms their initial impression even when facing subsequent information. Motivated by the need for a quick fix this anchoring heuristic involves the tendency to perceptually lock onto salient features in the policing problem too early in the decision process and then fail to adjust (adjustment heuristic) this initial impression in the light of later information.

This can be compounded by a confirmation bias, which is the tendency to support a solution or tactic rather than to look for information to refute it, even though the latter may be more persuasive and definitive. These anchors may evolve from an individual's previous experience or from a partial assessment of the facts. Mears and Bacon, (2009, 146) draw an analogy with the medical profession where a 'physician anchors on to a particular diagnosis and then "cherry picks" those symptoms that support whilst down playing, ignoring or distorting the significance of other relevant symptoms.

The resulting decision 'results from focusing only on those symptoms or interpretations that "confirms" the initial diagnosis. In this situation, the heuristic dictates the initial impression, which in turn can reinforce… the putative validity of the heuristic'. They describe this heuristic as a form of 'attribution error'. For example, in policing operations, decision makers may make assumptions based on intelligence about gang behaviour or typical perpetrator features and may seek confirmation of assumptions without considering alternative possibilities— particularly if they have made a commitment to a speedy resolution of the problem based on these assumptions.

Police action, or inaction has increasingly become the focus of political, public and media's attention. In response to particular situation demands are made for police action where failure to provide quick solutions can lead to severe condemnation. For example, in recent years the police have faced criticism for failing to deal effectively with victims of domestic violence or child abuse, for not responding quickly enough to the recent riots in London, not adequately investigating the phone tapping scandal and deficiencies in addressing on line crime, the list is large but has to be read in conjunction with their commitments to deal with day to day routine policing demands including their role in maintaining community cohesion.

These strong external pressures demand the police 'get the right result' as quickly as possible and are, we suggest, likely to exert an influence on decision makers motivation, making them vulnerable to cognitive biases.

In these circumstance hindsight bias has become a significant issue. Hindsight is the retrospective view of events and how they unfolded; hindsight bias describes overestimation of how easy it should have been to be successful and oversimplification of what should have been done (Fischoff 1975; Hawkins & Hastie 1990).

This has been a particularly prominent issue in some areas of police activity which often result in post-operational reviews, frequently with some degree of political and media pressure. Such reviews are likely to be affected by hindsight bias, in which it is difficult, and arguably impossible, to ignore the effect of later information on a decision made in the absence of that information. In cases such as a failure to protect victims of domestic violence or child abuse, where—with the benefit of hindsight—commentators have been extremely critical of the police response. This has impacted on the procedures, policies and practices of future operations and thus is of critical importance for any future research.

Conclusion

In a nutshell our argument is that ILP will rarely, if ever, lead to an ideal solution to a policing problem. If we are correct in our assumption then claims for 'evidence based' policing should be viewed with some caution.

Herbert Simon referred to the notion 'bounded rationality' in situations where practitioners are not able to conduct the necessary cognitive steps to reach an appropriate decision. Our suggestion is that in such situations police decision makers rely on heuristics to support the 'bounded rationality' of their organisational needs and experiences. The obvious conclusion is that decision makers use heuristic reasoning to reach 'satisfying' decisions that may systematically deviate from ideals of rationality.

Bourdieu, refers to this a 'habitus' a system of heuristics which integrate past experience and enable individuals to cope with the diversity of unforeseen situations – dispositions which agents acquire either individually, or as a group through organisational socialisation (Chan, 2004: 333). In other words they reach a personally satisfying decision that may not achieve the optimum outcome desired. ILP, evidence led policing, may be able to point to a solution but it does not necessarily lead to better overall decisions. Following this theory, it pays if a condition cannot be reached (e.g. lack of information, impact on community cohesion etc.), to depart from other solutions and in this way reach a second- best outcome (which could be termed as a 'satisfying' decision).

The tricky part is to research the impact of human decision making properly. We would like to see more empirical work on the adaption necessary when decision-making processes are systems based. There is something interesting in taken-for-granted statements such as, 'policing by intelligence' or indeed 'evidence led policing.'

Such statements do not take into consideration elements of incompatibility or of the inevitable friction involved in transitions from intuitive decision making to system based decision-making. The role of research in this context is to provide a higher degree of contextual specificity in order to a better understand if process of ILP (in this context)

has transformed decision making for the better. The ILP processes, with management of risk as its central purpose, points to a different role for police decision makers, a new way of defining the general interest as well as innovative strategies and tactics to reach a solution.

There are many studies about ILP but there are few on the actual use of ILP in the context of effective police decision making. Our overall goal is to suggest the possibility that errors can occur in ILP based decision making and to encourage research that helps to understand how these errors may typically be made and to take corrective action to avoid them.

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Mental Health and Policing in the UK – A Watershed Moment?

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Mental health issues take up to 20 percent of police time – a significant contributor to overall police demand. Every year in England and Wales the police detain approximately 22,500 people under section 136 of the Mental Health Act 1983 and some suggest that 'the number of people arrested for substantive offences who may be experiencing a serious mental health problem equates to between 25% and 40% of all those detained' (Brown 2014).

Data around those with mental health problems and other vulnerable people in the criminal justice system has traditionally been somewhat 'unreliable' for a number of reasons. What we do know is that the proportion of individuals with mental health needs and learning disabilities are greater within those who are both victims of crime and offenders than within a general population (Adebowale 2013).

In the United Kingdom mental health has become the centre of health reform and while these reforms have been advocated for some time, 2014 does seem to be a potential watershed in mental health reform and particularly as it relates to policing.

This paper outlines some of the issues that have been identified as crucial to any progress in this policy area ; outlines a number of initiatives and looks at a specific partnership model employed by the British Transport Police. It suggests that despite renewed funding this new thrust towards reform may founder on an inability to establish strong partnership foundations and the impact of financial constraints.

In February 2014, the Mental Health Crisis Care Concordat was established with 20 national statutory organisations including health, social care and criminal justice organisations signing up to a central partnership committed to working together to deliver a high quality response when people – of all ages – with mental health problems urgently need help (HM Government 2014: 6):

> We commit to work together to improve the system of care and support so people in crisis because of a mental health condition are kept safe and helped to find the support they need – whatever the circumstances they first need help – and from whichever service they turn to first.
>
> We will work together, and with local organisations, to prevent crisis happening whenever possible through prevention and early intervention. We will make sure that to meet the needs of vulnerable people in urgent situations. We will strive to make sure that all relevant public services support someone who appears to have a mental health problem to move towards Recovery.
>
> Jointly, we hold ourselves accountable for enabling this commitment to be delivered across England (HM Government 2014).

The document recognised the importance of partnership and that it made sense both in terms of 'the health of the population and in terms of economics, to intervene early when people have an issue with their mental health, in order to reduce the chances of them going on to develop more serious and enduring mental health problems which are worse for the individual and harder and more expensive for the NHS [National Health Service] to treat' (HM Government 2014: 12). The 'economic case' for such intervention and prevention strategies had been made consistently for some years (see Knapp et al 2011).

The importance of policing to the wellbeing of vulnerable people has been on the agenda of governments and specialist care organisations for some time. In 2013, the HMIC [Her Majesty's Inspectorate of Constabulary] in conjunction with other organisations, published their review of police custody, examining the extent to which police custody was used as a place of safety under Section 136 of the *Mental Health Act* 1983 (see below). As well as looking at police use of S136, the investigation considered multi-agency working and the strategic oversight and direction of partner agencies. In the context of partnerships and multi-agency working, the Report concluded that while strategic partnerships were in place and that there was clear policy around multi-agency work – the quality and sustainability of these linkages varied enormously (HMIC 2014: 37-39). A previous review undertaken by the Independent Police Complaints Commission had reached similar conclusions about the use of custody as a place of safety six years previously (IPCC 2008).

In 2013 the Independent Commission on Mental Health and Policing stated that 'mental health was part of the core business for the police' and provided the Metropolitan Police and other police organisations across the country with recommendations and advice about how to prevent injury to vulnerable people and those with a mental illness (although such recommendations and advice did seem to ignore the fact that police essentially lack training in these areas). The published Report argued that: the support of other agencies [in responding to incidents involving mental health issues] was crucial because the police 'cannot and indeed are not expected to deal with vulnerable people on their own' (Adebowale 2013). Other organisations had also commented on multi-agency agencies concerned with mental health, social care and policing and identified issues about the apparent confusion about which agency should be responsible for which task in this delicate policy area (HM Government 2014: 13).

Section 136 of the Mental Health Act 1983

Section 136 of the Mental Health Act 1983 (amended) provides police officers in the UK with the authority to remove individuals who appear to be suffering from a mental illness from any public place to a designated 'place of safety' for appropriate assessment. The police station (Custody Suite) is formally cited as a 'place of safety'. Other 'places of safety' are: residential accommodation provided by a local social services authority, a hospital as defined by the Act and an independent hospital or care home. Despite the fact that the Mental Health Code of Practice Section 10.22 (England) and Section 7.20 (Wales) suggests that a police station should only be used as a place of safety in certain circumstances, it is not acceptable for a police station to be the first option as a place of safety'.

While the average length of stay for vulnerable people in police custody under S136 is 10.5 hours (HMIC 2013:8) it is possible that those with mental health needs could be held for up to 72 hours. Statistics suggest that there is a high prevalence of schizophrenia, personality disorders and mania in individuals detained under Section 136 and we know there is an over-representation of black and multi-ethnic peoples. When one considers that others detained in custody for criminal matters under the *Police and Crime Evidence Act* (1984) can only be held for 24 hours, it does seem a little innocuous.

The HIMC review identified two common reasons for detention under S136 – attempting self-harm/suicide in 81% of cases and 'concerning behaviour' (e.g. confusion; experiencing paranoia) in 17% of cases.

Despite poor record keeping generally, the HMIC identified four reasons why despite recommendations to the contrary, the police were still using the police station as a 'place of safety':

- no available beds in hospitals and other care units
- insufficient staff available to supervise at the health=-based place of safety
- hospitals will not accept anyone who is effected by alcohol
- hospitals will not accept anyone who is showing violent tendencies or has a history of violence

The HMIC review suggested that vulnerable people detained under S136 were largely treated as other detainees in respect of 'booking in procedure; risk assessment; and ultimately, being locked in a cell'. Most officers expressed regret that the police station was used as a place of custody as it 'was not an appropriate place for those appearing to suffer from a mental disorder' (HMIC 2013: 8-9). Despite these apparently sincere sentiments, in 2011/12, more than 9,000 people were detained under S136 in police custody while 16,035 were taken to a hospital. The Concordant has pledged to reduce this number by half by 2014-2015 but experimental data published in 2013 suggests that in 2012/13 police stations had already used the custody suite as a place of safety 7,761 times.

Currently, there is a Joint Review of S136 of the Mental Health Act 1983 being conducted by the Home Office and the Department of Health. A survey has been issued and evidence has been taken by the Home Affairs Select Committee (Home Office 2014).

Interventions

Early intervention strategies have long been part of professional practice in health, social care and criminal justice organisations. However, the Concordant and the salience of mental health discourse in policy debate at the present time has given some prominence to various intervention models. The following section provides examples.

Early intervention strategies may include: single point of access to a multi-disciplinary mental health team; 'help at home services'; peer support system with access to crisis houses; and respite for carers (HM Government 2014: 18-19).

The police operate within these strategies as part of a team or triage initiative where mental health practitioners (MHP) join with the police to allow professional assessment of individuals that have been apprehended or brought to the attention of police. There are various triage models in place. Currently, the Department of Health is funding 12 month triage pilots across nine police forces. The aim is to test different approaches and models of police and health professionals working collaboratively to improve the experience, outcomes and access to relevant services at the point of crisis. These triage pilots take many forms: mobile units where an MHP is on hand to assist police officers; in control rooms where an MHP is available when calls come in concerning people with possible mental health issues and on the street to provide 'on-hand' advice. This advice may include personal information about a specific individual (information that police may have difficulty accessing) or offering a professional opinion (these individuals may not be offenders). The objective of these initiatives is to provide police with a greater understanding of mental health issues and in some cases a more detailed background about an individual that they are dealing with.

The overall aim is to reduce the use of S136 by police. At the time of writing, evaluations of the pilots are said to be taking place. A mobile unit car in Leicestershire is said to have led to a reduction in the use of S136 detentions of 33 per cent. The triage car deals with approximately 120 cases per month. There is sufficient optimism around these pilots to suggest that such funding will be available to roll out to all police force areas by the end of 2015 (HM Government 2014: 22-28).

Liaison and Diversion services operate by providing access for those arrested for an offence to relevant services and any mental health issues/history, learning disabilities, substance misuse or other vulnerabilities are taken into account through the court system. Once again trial schemes are operating across England during 2013/2014 and will be evaluated in 2015 and in the following year it is hoped that a further roll out will be viable.

The services are provided out of police stations and courts – emphasising the joined up working between justice partners, health professionals, social care services and other relevant support services (HM Government 2014: 19). The partnership model is the basis of all these initiatives and a very specific and apparently successful partnership is in place with the British Transport Police.

British Transport Police[3]

The British Transport Police (BTP) provides the policing service to Britain's railways (including the London Underground). A total of 2899 police officers, 358 police community police officers and 1434 police staff are deployed across England, Wales and Scotland's railway network. Mental health and suicidal incidents are an everyday occurrence for railway staff with BTP dealing with approximately 17,000 mental health related incidents every year, of which over 4400 involve suicidal activity. The operational costs to the railway network exceed £50 million per annum.

In 2013/2014 BTP recorded 240,163 incidents on its Command and Control system. 17, 048 (7%) had some element of a mental health issue. 4,427 involved suicidal behaviour and there have been 1745 detentions under S136. In the same period, BTP dealt with 381 fatalities of which 325 were suspected suicides and of which 158 (48.6%) had a known mental health history. The BTP recorded 91 attempted suicides of which 42 (46%) had a known mental health history. The BTP varied out 631 potential life-saving interventions – 416 individuals were taken to hospital under S136 and 32 were returned to their mental health unit.

The figures are startling:

- For every robbery offence there are 39 mental health related incidents and 10 will be suicide related
- For every sexual offence there are 15 mental health related incidents and 4 will be suicide related
- For every assault offence there are 2 mental health related incidents and 0.4 will be suicide related
- There are 2617 more mental health related incidents than reports of thefts from passengers across the whole Great Britain rail network including the London Underground.

For the BTP staff there were a number of problems associated with dealing with vulnerable people on the Railway Network. These included:

- Reluctance on the part of many agencies to share data and information

- Lack of medical oversight of police decision making
- Significant differences in local Health and Social Care service provision
- Inconsistency in clinical judgements
- Unfamiliarity with local Health and Social Care services and structures

Operation Partner

In 2012, in order to resolve some of the barriers to effective responses to vulnerable people, BTP approached partners in the railway industry and the health service to try a joined up approach to address the issue of vulnerable people in the rail network and to ensure appropriate access to the relevant services for these people. At the same time BTP made a senior appointment of a National Head of Suicide Prevention and Mental Health to drive this initiative forward. Funding was provided by Network Rail for a pilot and to coordinate the various services. The National Health Service (NHS) also provided funding for NHS resources and staff to work with BTP in the pilot which as conducted in the area that the highest number of suicide and mental health related incidents per annum. The area (London North, [LN]) had policing responsibility for seven of the ten rail routes using Network Rail infrastructure. NHS MHPs and BTP staff also worked with volunteer supporters from the Samaritans and other volunteer organisations such as *Papyrus.* In April 2013, there was an expansion of the pilot team with an increase in NHS resources funded by the London Underground

The pilot scheme provided:
- Medical operational review of BTP Suicide Prevention Plans
- MHPs working in the LN Custody Suite to provide screening of detainees
- Deployment of MHPs to provide assessment on an out-of-reach basis
- Fast Access to Information
- A specific MHP with social care skills to help in understanding and tackling particular social and economic issues believed to be contributing to suicidal behaviour and fatality rates on the railways in Hillingdon and Ealing

BTP reported almost instantaneous benefits resulting from this partnership focusing specifically on its ability to cut through the organisational and technological barriers that had hitherto hindered its staff in trying to connect vulnerable people the right health and social care services.

The BTP reported its first year results (2013):
- Of the 986 people in mental health crisis reviewed by the Operation Partner service in 2013, 3 have gone on to take their own lives on the railway to date (0.3%). This compares with 5 of the 137 people who were on Suicide Prevention Plans (prior to Operation Partner) on LN who went on to take their own lives in 2012
- During the first year of operation (12 months for LN area and 9 months for LU area) there was a significant difference in the combined suicide and injurious attempt statistics compared with the rest of the force
- Throughout 2013 the main line rail network saw a worrying increase in the levels of suicide. The only BTP areas not to record such an increase but which in fact witnessed a decrease were Scotland, LN and LU. The common factor for the two English areas is the Operation Partner process

- Comparing the whole of 2013 to 2012, UK wide, BTP saw an 8% increase in suicides and injurious attempts combined and an increase of 10% for suicides only
- In contrast, London North Area (where Operation Partner had been operational all year) saw an 11% reduction in suicides and injurious attempts combined and a 14% reduction in suicides only
- Comparing April to December (the period that the LU were involved with Operation Partner), there was an 18% increase in suicides and injurious attempts combined nationally, whereas the LU area saw an 8% reduction

By April 2014, the pilot had been expanded again and Operation Partner had been recognised as good practice by an independent commission into mental health and policing in London (Adebowale 2013). On the strength of its success BTP has been able to secure funds under the Street Triage programme which has allowed it to establish a new joint BTP/NHS team which formally started in April 2014.

But funding won't always be available. BTP has costed its Operation Partner with the NHS at £700,000 per annum working on an 8am-9pm rota including weekends. A 24 hour service would require an additional £180,000. At the time of writing it is not clear whether such funding will be available.

Concluding Comments

The Concordat document sets out the principles by which agencies could work together emphasising joint policies and protocols particularly in respect of S136. The document argues that such joined up support will effectively enable the sharing of good practice, allow better data sharing, 'explore potential for better integration', improve the efficiency of responses, encourage a consistent response for vulnerable people and the dissemination of good practice guidance and information (HM Government 2014: 37-54). Operation Partner and indeed other initiatives across the country suggest that successful and well balanced, collaborative partnerships will deliver results, or at the very least improve the experience of vulnerable people in their dealings with police.

However, as governments continue to cut police (and other public sector) budgets and central grants to the bone – and indeed signal more for the 2016/7 period – the prioritisation of tasks remains a relevant factor to the success of the various pilots and initiatives that have sparked such optimism in policing and mental health circles over the past two years. As police have discovered, the government's demand for efficiencies (but not at the expense of services) has been a tall order and many policing activities have been cut – neighbourhood policing and road traffic have been notable casualties in some areas. Recruitment freezes and forced redundancies are a reality in many forces.

Rationally, partnerships seem like the ideal solution. Sharing resources, working collaboratively to solve problems, pooling good practice and facilitating access to data and information would sound like good common sense in times of austerity; not to mention the 'good news' stories (such as Operation Partner) that suggest good health and social outcomes can be achieved. Yet as many years of partnership and network literature has demonstrated; there are a number of challenges associated with collaborative work between agencies, not least the availability of core staff and training issues (see Crawford 1998; Rosenbaum 2002; Bullock *et al.* 2006; Fleming 2006; Turley *et al.* 2012; O'Neil and McCarthy 2014).

Inspector Michael Brown[4] and a prominent commentator in the UK on mental health issues spoke of the challenges of policing mental health in the context of training in September this year:

> The appetite for abstraction for training is a pressure point not just in the police but in all the public services – the College of Policing has a challenge in terms of how we produce that training for 43 forces so it survives contact with the operational realities in those areas[5].

In his submission to the Home Affairs Select Committee in October 2014, Brown echoed Adebowale's findings that 'a lot of policing and mental health arrangements go awry because of a lack of proper partnerships at the most strategic level'. They are not governed by law and there is no mandated oversight or governance of these arrangements (Brown 2014).

As Crawford (2015) points out, 'partnerships are demanding and often not accomplished' so while collaborative arrangements have become a dominant feature in the local governance landscape, their realisation remains precarious and considerable debates persist about what makes for good partnership working. While partnerships appear attractive in dealing with 'wicked' problems, short term cost savings enacted in times of financial constraint may well be at the expense of partnership commitments. 'Successful inter-organisational partnerships don't just happen; they need to be fashioned, crafted, nurtured and supported. They need both strategic leadership and the appropriately skilled people to deliver them on the ground' (Crawford 2015). In times of austerity these imperatives become harder to achieve; we must hope that the significant efforts being put into improving facilities and services for mental health and other vulnerable people, particularly in the context of criminal justice and policing, are not enacted in vain and the watershed moment we have anticipated comes to pass.

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Endnotes

1. This article reflects a plenary talk given to the Law Enforcement and Public Health conference in Amsterdam on 7 October 2014.

2. This paper barely skims the surface of the tremendous work that is being done currently in the area of mental health and criminal justice. For those interested in reading more, the references supplied here will provide a good starting point.

3. The following account is taken from British Transport Police (2014) Written evidence submitted by the British Transport Police to the Home Affairs Select Committee.

4. Inspector Michael Brown is a police inspector and has recently been appointed as the Mental Health Coordinator at the College of Policing

5. Michael Brown is very prominent on social media – this is a 'tweet' from September 2014.

Policing Youth Curfews: The 'Wee Willie Winkie' Model of Enforcing Bail Conditions

Angela Robinson[1] and Isabelle Bartkowiak-Théron[2]

Wee Willie Winkie runs through the town,
Upstairs and downstairs in his night-gown,
Tapping at the window, crying at the lock,
Are the children in their bed, its past ten o'clock?
(Nursery Rhyme)

Abstract

This paper examines the criminalisation of young people placed on bail. It focuses specifically on Tasmanian youth subject to curfew bail conditions and how police intervene should they breach curfew. Curfew policing involves officers attending residences to verify the youth's presence during the night or early hours of the morning - the 'Wee Willie Winkie Policing Model'. Secondary analysis of data from the Magistrates Court demonstrated the prevalence of arrest or detention in custody for youths charged with breaching bail without associated further offending.

These figures were compared to rates of arrest and detention in custody for youths charged with criminal offences at the time of breaching bail conditions. The study analyses the adherence of pro-active curfew policing to legislated youth justice principles and international charters proclaiming the rights of the child. In doing so, it discusses the appropriateness of formally processing young people through the criminal justice system for non-crime related breaches of bail.

Introduction

Policing youth curfews is often justified as decreasing 'the opportunities for night time offending' (Raine and Willson 197: 598). However, with youth property offences rising steadily in Tasmania during this same period (Department of Justice 2010: 33), the practice of aggressively policing bail curfew becomes questionable. Empirical evidence on breach of bail, and empirical research about bail more generally is crucially lacking (Bartkowiak-Théron et al, 2013).

This paper contributes to filling this gap by evaluating the appropriateness of arrest and detention for youths who commit the 'technical offence' of breaching bail without further offending. It addresses two specific facets of strictly policing curfews:

the prevalence of arrest and detention for youth allegedly committing non-criminal bail breaches, as well as the appropriateness of strict curfew policing given the impact on youths and their families. This study highlights the non-adherence of current policing procedures for breach of bail committed by young people to legislated youth justice principles and international obligations.

Background: curfew as conditional bail

Once arrested and charged with a criminal offence by police, a person may be released from custody, on bail pending their court appearance on those charges (Newburn and Neyroud 2008). Until the 1970s in Australia, 'bail was restricted to a release following the payment of money' (Steel 2009: 229) and the main deliberation was whether or not an offender would appear in court.

Bail is indeed usually granted so people 'not yet found guilty remain free in the community' because the 'law presumes all alleged offenders to be innocent' until convicted (Tasmania Law Reform Institute 2004: 1-3). However, wider society often claims bail is now given too easily and that protection of the community instead should be paramount (Tasmania Law Reform Institute 2004: 5).

Reflecting these views, research from overseas since the 1970s has influenced changes to laws now focusing upon 'conditional bail that emphasised forms of reporting or compliant behaviour' (Steel 2009: 230). These bail conditions include curfews, which Canton and Hancock define as 'being obliged to stay at home during specified periods' (2007). The main reason police were given power to impose conditional bail was to immediately release people from custody, if conditional bail was a suitable option. Before this shift in procedure, these people were detained overnight in cells awaiting a court appearance (Raine and Willson 1997: 594).

With prominence no longer resting upon the likelihood of defendants appearing in court, the 'original principles that once promoted release on bail have been largely reversed' (Steel 2009: 237).

Canton and Hancock (2007) identified how utilisation of conditional bail has expanded rapidly with more curfews employed on young people as part of anti-social behaviour legislation or, as Raine and Willson argue, a method of crime control (1997). The curfew facet of policing conditional bail ensures youths are at a designated address during the night: a 'Wee Willie Winkie Model of Policing'.

With recent studies showing that most youths 'have all charges related to the bail hearing withdrawn' (Sprott and Myers 2011: 404) this causes concern when 'almost three quarters of young people who have breached their bail but have not reoffended' are detained in custody throughout Australia (Stubbs 2010: 498).

Despite good intentions and the efforts of criminal justice authorities to use bail conditions as a crime prevention tool (Raine & Willson 1997), to protect the community and reduce a youth's future criminality, 'there is no evidence to show that the imposition of restrictive…bail conditions will…reduce re-offending' (Wong, Bailey and Kenny 2010: 16). Actually, there is evidence this practice may unintentionally set 'youths up to accumulate further criminal charges of failing to comply' with conditional bail (Sprott and Myers 2011: 404).

Studies have been unable to draw a causal link between a reduction in property crime and remanding juveniles in custody (Stubbs, 2010). In Tasmania, although youth complaints for breaching bail jumped 174% from 2006-07 (469) to 2009-10 (816), property crime complaints also rose steadily during the same period (Department of Justice 2010: 33) – perhaps indicating strict policing of youth on bail is not reducing crime.

Effectiveness of conditional bail relies upon defendants believing 'compliance [is] likely to be monitored and enforced' (Raine and Willson 1997: 603), therefore necessitating police to make an 'increased investment of time in monitoring bail' (1997: 604). This investment to enforce conditional bail is required of all law enforcement agencies. Considering ongoing government budget cuts and calls for service rationalisation, such an investment is in need of evaluation.

While bail should not be an instrument of punishment and should rather ensure defendants return to court to face charges (Trichter 2002: 2), current legislation enables conditions to be imposed upon a charged person. In Tasmania, sections 5(3) and 5(3A) of the Bail Act 1994 (Tas) provide police with the legal authority to impose conditions 'that the person admitting him or her to bail considers necessary or desirable, limiting the conduct of bailed defendants. These include 'a "curfew" prohibiting a person from being in a certain geographical locality' (Trichter, 2002: 5) or to remain at a specified address between designated times. Although lawful, it has been argued by others that nightly curfew compliance checks 'may be excessive, oppressive and a questionable use of police resources' (Stubbs 2010: 497), especially since legal restrictions upon a bailed person's behaviour should 'not lose sight of the circumstances...one is confronted with an alleged crime and an unconvicted accused person and...the liberty of the subject is...fundamental' (Walker 1978, in Stubbs 2010:486). Discussions around bail raise a complex debate between strict policing of conditions versus defendant's civil liberties (Trichter, 2002).

'Net Widening': criminalising legal behaviour?

Although bail conditions are only imposed once a person is 'formally charged with offences' (Raine and Willson 1997: 604), numerous cases do not proceed in court for various reasons, or defendants are later acquitted. In the meantime however, these persons have endured 'imposition of conditions and associated restrictions of liberty viewed as having been particularly unjust' (Raine and Willson 1997: 604).

Studies demonstrate police generally impose bail conditions 'perceived to be the more effective ones in terms of crime control' and show a preference for 'conditions...where compliance could easily be checked' (Raine and Willson 1997: 597). As such, curfew is not only easily enforceable, but also a

convenient form of behaviour and social control which is often justified by police as an attempt to 'reduce the opportunities for night time offending' (Raine and Willson 197: 598). However it has been claimed young people 'are subject to more numerous and onerous bail conditions than adults' as well as being more strictly monitored by police for compliance (Brown 2011: 4).

Consider the argument that 'bail conditions commonly provide justification for police surveillance of non-criminal behaviours, and even intrusion into the ordinary domestic routines of young people' (Stubbs 2010: 496). Committing criminal offences whilst on bail is different to simply breaching a condition of bail, which is widely considered a 'technical' offence (Wong, Bailey and Kenny 2010). 'Technical breaches' have been described as 'circumstances where a young person is arrested for a breach of bail condition/s' that is not criminal, does not cause harm to the youth, any other person or the community (Wong, Bailey and Kenny 2010: 19) – e.g. arriving home late. Considering breach of bail is not a crime, it is 'alarming that such a large number of young people are arrested and placed in detention' due to breach of bail (Wong, Bailey and Kenny 2010: 17).

Policing bail conditions: legal principles and civil rights

The policing of young people is bound by strict guidelines which state that 'arrest should only occur in particular circumstances' (Wong, Bailey and Kenny 2010: 3). Such circumstances include: preventing the continuation or repetition of the offence; facilitating issuance of a restraining order or family violence order; ensuring appearance in court; or stopping the loss or destruction of evidence. Whilst it could be argued non-compliance with curfew is technically an offence to be ceased or prevented, evidence is yet to be found linking this behaviour with non-appearance in court. Therefore, arresting youths for only breaching curfew raises queries regarding fulfilment of these arrest criteria. On that point, Cunneen notes justly that when a 'Bail Act covers both children and adults it may contradict the principles of juvenile justice...that detention of juveniles should be a last resort' (in Tresidder and Putt 2005: 8).
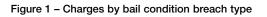
Recent law reform work on bail requires 'special consideration...in relation to young people' (NSW Law Reform Commission, 2012: xvii) and it has been made apparent that arrest and detention procedures for

youth breaching bail without associated criminal charges, although lawful, do not comply with legislated youth justice principles or international children's rights conventions. Statistics show that approximately 80% of youths do not receive a control order [detention]' (NSW Law Reform Commission 2012: 72) upon finalisation of matters in court. Yet 60% of them have been held in custody for breaching bail (Wong, Bailey & Kenny 2010: v) in the meantime.
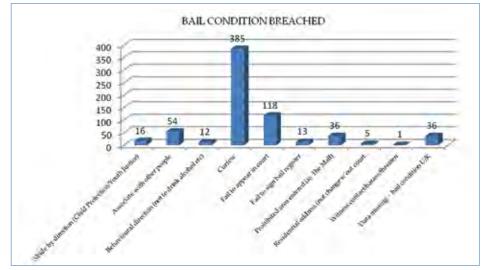
The study

This quantitative study, conducted by an operational police officer, sought to analyse the extent of criminalisation for youth participating in otherwise 'non-criminal' behaviour in Tasmania. The research considered over 3000 records from courts state wide. Data consisted of complaint records entered into the Tasmania Police prosecution database. Purposive sampling included all persons who had charges for 'Breach of bail' type offences lodged between 1 July 2010 and 30 June 2011, within the jurisdiction of the Magistrates Court throughout the state of Tasmania (N = 1538).

The overall population was demographically analysed for age/gender, police/court division statistics, plus bail breach only versus bail breach and crime records. Records for youths aged 10-17 years old (N = 1004) were sorted into two categories. The first category was youth records with both breach of bail offences and criminal charges on the same date/complaint (N = 328), which indicated they allegedly committed crime whilst not abiding by bail conditions. The remaining data contained youth records of 'breach of bail' without linked criminal offences (N = 676) and this was the sample focused upon. Records relating to *Youth* in the *Bail Breach Only* group were further examined, by cross-referencing them to a second data set which outlined the actual type of bail breach for each record. This ascertained how many youth were charged with breaching curfew without committing crime.

Data detailing the nature of bail breaches were in narrative text format, with a template populated by the other details (date, offence, location etc). These narratives were manually analysed and charges categorised according to the nature of the breach. For example *'...you were not present at 1 Elizabeth St Launceston between 9:00pm and 7:00am as required'* was noted as a Curfew breach, or *'...you entered and remained in the prohibited area of the Brisbane Street Mall'* as a Prohibited Area breach.

Figure 1 – Charges by bail condition breach type

Finally, section 5 of the *Youth Justice Act 1997* (Tas), in conjunction with the United Nation Convention on the Rights of the Child (UNCROC), was examined to ascertain the principles for criminal justice intervention upon young people. Section 5(1)(g) of the *Youth Justice Act 1997* states specific criteria to be considered when detaining a young person in custody and section 5(2) designates the underlying principles for criminal justice intervention with a young offender. The non-compliance of current policing procedures for non-criminal curfew breaches to these youth justice principles was then discussed, in relation to the impact upon the young person and their families.

Results

Analysis of defendant age groups reiterated previous research which found youths 'aged 15-19 years old are more likely to be processed by police' for their offending behaviour (Richards 2011: 2), with the majority of defendants in this particular data set being males aged 16-17 years old at the time of the offence (48.5%). Charges for youths (total N = 1004) who breached bail and committed crime versus those who only breached bail conditions, showed 67% of youth records for breaching bail did not have associated criminal offences (676). This result also echoes Bureau of Crime Statistics And Research statistics which found two thirds of the young people who breached bail had not re-offended (Stubbs 2010: 497). These findings also reiterate Sprott and Myers study where almost 'a third... were charged with failing to comply with conditions' (2011: 404) as well as Brown's study (cited in Hucklesby 2000: 154) in which only 24% of defendants reoffended whilst on bail.

Previous research demonstrates youth breaching bail most frequently fail to comply with curfew (Stubbs 2010: 497). This is consistent with our findings, where the most prevalent charge for [non-crime associated] breach of bail related to non-compliance with curfew at 56.95% (Figure 1).

The results of this study indicate that youths were summonsed to court much less frequently than adults, which goes against legislated youth justice principles designating youths are not to be treated more harshly than adults would be (*Youth Justice Act 1997* Tas, section 5(1)(b). Also worth noting, 9.02% (61/676) of **Breach of Bail Only** charges (no alleged crime) indicate the youth was remanded in custody awaiting court – yet only 1.83% (6/328) of youth complaints containing both breach of bail *and* alleged criminal charges show the defendant was detained in custody pending their court appearance (Table 1). It therefore seems unequitable that youth who are not charged with criminal offences are being detained in custody more frequently than those alleged to have breached bail and committed crime. This finding also raises concerns about the prevalence of arrest and/or custody for defendants who have not committed crime, when one considers previous studies demonstrating 'only marginal increases in custody rates for defendants' who were actually alleged to have reoffended whilst on bail (Hucklesby 2000: 166).

As established earlier, the major consideration when granting bail in the past was whether a charged person would appear in court (Tasmanian Law Reform Institute 2004: 5). However as *Table 1* demonstrates, of those youths charged with breaching bail by 'Failing to appear in court' (the second most common bail condition breached) only 19.49% (21 + 2 = 23/118) were actually arrested, or arrested and detained, to appear in court. Yet of those who breached their curfew [technical offence] 42.34% (126 + 37 = 163/385) were arrested or arrested and then detained for court (Table 1).

Table 1 – Youth Defendant Criminal Justice Processes

BAIL CONDITION BREACHED	METHOD VIA WHICH YOUTH DEFENDANT APPEARED IN COURT							TOTALS
	Summons/ on Notice	Arrested/ Warrant	Court Bail	Police Bail	Other Adjournment	Remand in Custody	Not Served/ No Data	
Abide by direction (CP/YJ)°	0	0	1	0	2	13	0	16
Association with others	7	19	3	14	11	0	0	54
Behavioural direction	0	8	1	0	2	1	0	12
Curfew	28	126	24	96	72	37	2	385
Fail to appear in court	40	21	5	37	13	2	0	118
Fail to sign bail register	2	8	1	0	2	0	0	13
Prohibited area entered	1	3	1	22	5	4	0	36
Residential address	0	5	0	0	0	0	0	5
Witness contact	0	0	0	0	1	0	0	1
Data missing	1	22	1	4	4	4	0	36
TOTALS	79	212	37	173	112	61	2	676

Further to these findings, it is noteworthy that the vast majority of both female and male defendants charged with an offence under the *Bail Act 1994* (Tas) only had 1 charge each – relating to breach of bail without an associated criminal offence. These figures raise queries about the appropriateness of formal arrest and detention procedures for youths who are not repeat offenders and who have not been charged with criminal offences.

Discussion

Curfew is perhaps one of the 'easiest' bail conditions to police in terms of process or resources in comparison with other conditions (for example: prohibiting defendants from associating with other people). Curfew monitoring usually involves officers attending an address between designated times, checking the person is at the residence and if they do not physically present themselves to police, prosecuting the person for breach of bail. It is possible due to this 'ease of access' that an inflation of numbers for those breaching curfew, rather than other conditions, has resulted.

However, these results do demonstrate that youths who only breach bail conditions are being arrested or held in custody at almost five times the rate of those who do criminally offend whilst breaching bail. This alarming result resonates with recent NSW Law Reform Commission findings that 'revocation of bail for breach of conditions is contributing significantly to the rise in remand rates in relation to young people' (2012: 59).

Youths in this study who breached a bail condition (only) were arrested or held in custody at more than twice the rate of those who failed to appear in court. With likelihood of appearance in court one of the major considerations when granting a person bail (Tasmanian Law Reform Institute 2004: 5) this result is particularly concerning, given that custody officers are encouraged to impose appropriate conditions…primarily for ensuring appearance' but 'not to be oppressive' (Trichter 2002: 3).

Previous Australian research found 56% of young people held in custody for bail breaches had not committed a [further] criminal offence (Wong, Bailey and Kenny 2010: v). This study also confirms that 67% of youths charged for breaching bail were not charged with an associated crime. Considering other studies show one third of youths on remand in Tasmania spent

over 11 weeks in detention, when 39% did not receive custodial sentences once their matters were finalised (Tresidder and Putt 2005: 5), the process of holding youths in custody for non-criminal bail breaches seems inappropriate. As Fitzgerald and Marshall argue 'there are substantial implications to incarcerating someone there who may well be innocent, or who will later receive a non-custodial sentence…inappropriate use of remand in custody potentially may *increase offending*' (1999: 7).

Widespread use of remand for youths breaching bail without committing crime should be avoided, as it is inconsistent with the principle of detention as a last resort for juveniles (Richards 2011:5). Article 37 (b) of the UNCROC also supports this stance, stating 'No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time'. Detention periods for remand identified at Tasmania's Ashley Youth Detention Centre (Tresidder and Putt 2005) do not fit these UNCROC criteria.

State laws reiterate this principle; section 5 (1)(g) of the *Youth Justice Act 1997* (Tas) states detention of a young person should only be used for as little time as possible and as a last resort. Even for sentencing of convicted offenders, section 80 of the Act further states detention orders should only be enforced when all other available sentences have been considered. However the *Youth Justice Act 1997* (Tas) does not refer specifically to *remand* and as Tresidder and Putt argue, 'under the *Bail Act 1994* in Tasmania, adults and juveniles are treated in a similar manner when it comes to bail considerations' (2005: 10).

Considering almost 60% of Australian youths held in custody for breaching bail were re-bailed by courts (Wong, Bailey and Kenny 2010: v), the merit of policing practices which involve arresting or detaining youths who breach bail only is questionable – especially considering the utilisation of scarce police resources to undertake this process. Once entrenched into routine police practice, it is perhaps easy to lose sight of the negative impact of detaining people in custody:

> Remand in custody…is at odds with the presumption of innocence; is stigmatising; disrupts relationships with family and community, education and work; may impact adversely on preparation for

court proceedings and on the outcome and sentencing; and may expose young people to negative influences and result in increased recidivism' (Stubbs 2010: 486).

Given the reported lack of criminal offending by youth breaching bail in this study, the 'principles of diverting young people away from the justice system and the current practices of policing and monitoring this group of young people' (Wong, Bailey and Kenny 2010: v) are highly contradictory.

Article 16 of the UNCROC states: 'No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family…' and youth justice legislation echoes this sentiment. "Wee Willie Winkie" style practices which allow 'police to visit and disturb the family by making frequent visits to the home at any time' would undoubtedly place strain on relationships, the youth, their family and have flow on effects that could impact upon the youth's educational and employment obligations (Wong, Bailey and Kenny 2010: 24).

The following *Full Narratives* of charges for breaching bail <u>without criminal offences</u> detail the nature of the breaches as: 'you were not present at 2:50am', 'you were not at <address> at 2:45am', 'you were absent from <address> at 03:55am', or 'you failed to be present at <address> at 4:10am'. Curfew checks conducted at times such as these are disruptive not only to the youth but also to their families.

At 4:10am in the morning, a breach of bail charge by 'failing to be present' could arise when a knock on the door by police goes unanswered and the youth thus fails to physically verify their presence at the residence. However if police do not search the residence, there is no solid evidence to verify the young person was NOT present when police attended. The youth, like the rest of their family, may simply have been asleep and not heard the knocking at the door.

Contrast this with the situation where the young person is actually located by police in the local skate park at 4:10am; then they are clearly not present at their designated address during curfew times and thus are in breach of their bail condition. However, one could still argue it is unnecessary to arrest this youth, contact their parents at 4:10am and request they come into the police station so their child can be dealt with, even though this youth did not commit any criminal

offences – particularly in light of previously identified principles which permit the arrest of youths under Tasmanian legislation.

This study found a majority of youths charged with breaching curfew without criminal offences only had one such offence. Perhaps this one breach incident was similar to that above, where after five continual weeks of disrupted sleep from curfew checks, the family were tired and slept through the knock on the door at 1:45am.

In the meantime though, curfew checks became a 'no win' situation, with those who did the right thing treated as harshly as those who do not. Family privacy is interrupted nightly so youths can present themselves to police irrespective of the actual outcome – whether compliance or non-compliance with bail.

Considering evidence that curfews 'imposed on a young person...may have no discernible link to whether a young person will appear at court…or to whether the young person will reoffend' (Wong, Bailey and Kenny 2010: 2), the negative impacts of pro-active curfew policing currently undertaken outweigh any potential gains via crime control or ensuring reappearances in court.

Conclusion

Two of the main considerations when granting bail to a charged person are appearance in court to answer charges and risk of re-offending whilst on bail. With this in mind, the findings of this study demonstrate that youth in Tasmania are being overly criminalised for non-criminal behaviour, as the majority of youth charged with breaching bail conditions were not charged with associated criminal offences and were only charged *once* for breaching their conditions.

As only 17.46% (118 out of 676) of youths charged for Breach of bail (without criminal offences) failed to appear in court, it is argued that most youth alleged to have breached bail are being inequitably dealt with via current arrest and detention procedures. There is certainly a minority of repeat offenders who commit multiple crimes whilst breaching curfew or other bail conditions. However they should be dealt with on an individual basis. Presently, this small group of recidivists are creating an overly punitive environment for policing those alleged to have committed only one minor technical offence.

Current monitoring of curfews for those who commit criminal offences whilst ignoring bail conditions should be maintained case-by-case. Yet a change in position should be considered on generalised policing of curfews, as well as the use of youth justice procedures to resolve non-crime associated breaches of bail for youth.

Such a stance is supported by the results of this study, which shows the prevalent criminalisation of young people for otherwise legal behaviour. It also demonstrates that pro-active policing processes of strictly monitoring compliance with bail curfews are not in coherence with international conventions on children's rights or legislated youth justice principles. Any attempts to reduce the prevalence of young people detained in custody unnecessarily would be dependent upon the adoption of alternative methods to deal with youth who breach their bail (Wong, Bailey and Kenny 2010: 1). Since completion of this study, the Tasmanian Government have enacted the *Youth Justice (Miscellaneous Amendments) Act 2013* (Tas), which removes the ability for police to arrest a youth in regards to a breach of bail unless the breach is a failure to appear in court.

Within the near future, an examination into the merit of actuarial decision making processes for granting bail is called for, in order to help reduce the negative shadows cast by criminal recidivists over potential bail compliance for youths alleged to have committed minor technical breaches.

The 'Risk Assessment Screening Tool' currently conducted with complainants in matters of family violence is one such example of this method already adopted by Tasmania Police. Such a procedure would not be a significant cost at a time when government budget cuts dictate more action with fewer police resources. A move away from pro-arrest or detention policies for non-criminal breaches of bail, in conjunction with such a bail risk assessment tool, could actually help Tasmania Police cope with the demands of policing youth offenders during this difficult time.

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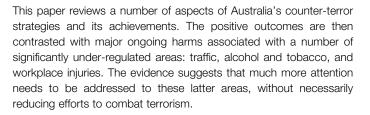Walter, M. (Ed) (2010) *Social Research Methods - Second Edition.* Oxford University Press, South Melbourne.

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End Notes

1. University of Tasmania and Tasmania Police

2. Tasmanian Institute of Law Enforcement Studies, University of Tasmania

Re-thinking Counter-Terrorism and Crime Prevention Strategies from a Harm Perspective

Tim Prenzler

This paper reviews a number of aspects of Australia's counter-terror strategies and its achievements. The positive outcomes are then contrasted with major ongoing harms associated with a number of significantly under-regulated areas: traffic, alcohol and tobacco, and workplace injuries. The evidence suggests that much more attention needs to be addressed to these latter areas, without necessarily reducing efforts to combat terrorism.

Australia's counter-terrorism strategy appears to have been extraordinarily successful. The 2001 '9/11' attacks in the United States mark a key turning point in the escalation of terrorism prevention efforts worldwide. Since that time, no one has been killed or injured in a terrorist attack on Australian soil. This contrasts with the situation in many other countries. According to the US Department of Homeland Security, in 2013 there were 9,707 terrorist attacks around the world, a total of 17,891 persons were killed, 32,577 were injured and 2,990 kidnapped or taken hostage (START, 2014, p. 3).

Since 9/11, Australia's anti-terror strategy has been complex and evolving. One key strategy has been to support international efforts at democratisation, peace keeping and, where necessary, military suppression of terror groups. Another strategy has involved a pre-emptive intelligence-based approach to plots within and outside Australia. This approach was stimulated in part by terror attacks offshore involving Australian victims subsequent to 9/11. Examples include the 2002 Bali bombings, which killed 202 people including 88 Australians (Ramakrishna, 2003).

The intelligence-based approach has been particularly successful within Australia. The strategy includes preventing entry to persons suspected of terrorist intentions, and also identifying and shutting down home-grown plots. The most prominent example of the latter is Operation Pendennis in 2005, which resulted in arrests of conspirators in Melbourne and Sydney, leading to 21 convictions related to terrorism planning (Jopson, 2012).

Another key area of focus has been situational prevention measures, mainly at airports, aimed at keeping terrorists, explosives and weapons off passenger jets through entry screening mechanisms. Evaluations of these measures have been greatly concerning. For example, the 2005 Wheeler Report identified major gaps in airport security systems including inadequacies in cargo screening, probity checks on staff, supervision, and coordination between public and private security providers (Wheeler, 2005).

The evolution of on-site security measures at critical infrastructure sites has been largely reactive, driven by unexpected events and scandals (Prenzler, Lowden, & Sarre, 2010). For instance, the Wheeler Review was forced on authorities by the revelations of an Australian Custom's whistle-blower (later convicted for an offence that entailed revealing the truth about lax security). Security innovations have also been expensive. A Counter-Terrorism White Paper, released in 2010, announced a $200 million commitment to aviation and border security over four years (Department of Prime Minister and Cabinet, 2010). This included $69 million allocated to fingerprint and facial recognition technologies. However, despite such outlays, it would seem the travelling public has been protected as much by chance or lack of attempted attacks than systematic prevention efforts (Prenzler, et al., 2010).

In 2014, a new wave of counter-terror measures was triggered by the surprising success of Islamic State in launching a ground war and capturing large swathes of Syria and Iraq. Islamic State recruited fighters from Western democracies and it encouraged 'lone wolf' attacks by radicals in various countries including Australia. In response, the Australian federal government raised the terror alert level and legislated stronger powers to stop financing of terror from Australia and prevent Australians joining overseas terror groups. The government had staked its credentials on reducing Australia's mountain of debt. However, the Prime Minister announced an additional $630 million 'to boost the counter-terrorism capacity of the Australian Federal Police, ASIO, ASIS, Customs and Border Protection and other agencies' (Abbott, 2014).

In the current rush to escalate Australia's counter-terror efforts with new laws and more spending of public money, it is instructive to consider terrorism in the context of other threatened harms. Harm is already arguably the most significant factor in defining criminal offences and assigning penalties. In a democracy, harm and threated harms are also meant to inform the allocation of police resources, although this is very much an under-developed science (Paoli & Greenfield, 2013). Harm can be measured in a variety of ways. Obvious factors include lethality, injury, disability and psychological damage. Financial measures can also be applied in terms of direct costs to victims and various indirect costs associated with preventing or responding to harms (Rollings, 2008). Overall, this is obviously a complicated analytic process with considerable ambiguity and some controversy, but necessary nonetheless.

With these caveats in mind, let's conduct a preliminary investigation by comparing harm from terrorism within Australia to harms from some other crimes or activities. As reported above, despite weaknesses in our home defences against terrorism, the line has held so far with no successful attacks, zero fatalities and zero casualties.

A very different picture is apparent for road crashes, as one starting point. Time series data on incidents are available in the Productivity Commission reports assessing the performance of Australian police departments. In an 11 year period post-9/11 – from 2002-03 to 2012-13 – a staggering 16,348 people have died on Australian roads. During the same period, 432,695 people were injured to the point where they needed to be hospitalised. In terms of financial costs, a one off study by the Australian Bureau of Infrastructure, Transport and Regional Economics put the total cost of road crashes for the year 2006 at $17.85 billion (Risbey, Cregan & de Silva, 2010). This included $1.77 billion for costs related to disabilities and $4.23 billion for vehicle repairs. Simply multiplying the total figure for 2006 by 11 provides a rough cost post-9/11 of $196.4 billion.

Another example concerns harm caused by two regulated drugs: alcohol and tobacco. Unfortunately, reliable data in a time series format are not available in Australia. However, data are available from two studies estimating the number of deaths and the financial costs (e.g., hospitalisation costs, lost productivity, etc.) for the years 1998-99 (two years before 9/11) and 2004-05 (Collins & Lapsley, 2002, 2008). For 1989-99, the estimated number of deaths from alcohol was 4,286 and the estimated costs were $7.6 billion. For tobacco, the number of deaths was 19,693 and costs were $21.1 billion.

For 2004-05, deaths from alcohol were put at 3,494 and costs at $15.3 billion. For tobacco, the figures were 15,050 and $31.5 billion. There are different trends apparent here, so averaging the numbers and multiplying by 11 would be a way of generating a very rough overall estimate for the post-9-11 period. The result is an estimated 42,790 deaths from alcohol over an 11 year period, and $125.8 billion in costs. For tobacco the figures are 191,081 deaths and $289.0 billion in costs.

Finally, what are the harms from workplace injuries, often deemed 'accidents'? Data collected by Safe Work Australia for the 11 years 2003 to 2013 identified 2,806 'worker fatalities' (2014, p. 7). These figures do not include 'work-related disease fatalities' resulting from exposure to hazards. Exposure incidents have been related to 'between 2,300 and 7,000 deaths annually' (Safe Work Australia, 2012, p. 24). Work-related injuries and diseases resulted in 2,610 fatalities in one year alone – 2008-09 – in one of the more recent reports available (Safe Work Australia, 2012, p. 24). In addition, in the same year, 3,700 persons suffered 'full incapacity', 82,100 suffered partial incapacity, and 185,600 experienced a 'long absence' from work (5 or more days). The overall costs to employers, employees and the community for the same year were put at $60.6 billion (p. 27). Over 11 years post 9/11 we are looking at something like 28,600 fatalities from harmful exposure, 40,700 cases of full incapacity and $666.6 billion in costs.

In light of these data it would seem that the preoccupation – sometimes the hysteria – around terrorism is severely misplaced or, at best, way out of balance in relation to what would appear as appropriate responses to threats from other sources. Ironically, deaths and injuries on the roads occur in situations of extreme violence not dissimilar to some terrorist attacks, but they result in most cases from violations of road safety legislation. Many of the incidents generating harm in the workplace also involve violence and result from the significant under-policing of health and safety legislation (Ransley & Prenzler, 2012). Researchers in the areas of road crashes, alcohol and tobacco abuse, and work-related injuries generally agree that there is enormous capacity for improvements through enhanced regulation – better 'policing' in the broad sense of the word (e.g., Bates, Soole & Watson, 2012; Hemenway, 2009; Terer & Brown, 2014

When it comes to both legal and illegal drugs we often hear the claim that 'prohibition doesn't work'. This is partly the reasoning behind the current system of relatively liberal access to alcohol and tobacco. As noted above, very rough estimates from the Collins and Lapsley (2002, 2008) studies for the post-9/11 period would attribute about 42,790 deaths to alcohol and $125.8 billion in costs; with 191,081 deaths from tobacco and $289.0 billion in costs.

It is useful to compare this with the heavily policed area of prohibited 'illicit' drugs, where the same rough calculations show much lower rates of harm: 10,296 deaths and $78.5 billion in costs. The obvious implication is that a more restrictive approach to alcohol and tobacco – possibly even the prohibition of tobacco – could produce very large reductions in fatalities and costs.

What should be done about the contradictions and hypocrisy in policies around terrorism, crime and safety in Australia? Police are supposed to be experts on crime and crime prevention. That should include knowledge of the relative harms associated with different threat sources. Police also have significant discretion in determining priorities, and their advice to their political masters should carry a great deal of weight. This is not to say police should be more involved in areas such as controlling smoking or workplace health and safety at the operational level. However, these issues are part of the broader policing and regulatory complex, and it would be good to see police

leaders contribute to a more scientifically informed approach to overall harm reduction. No doubt, criminologists could also do a lot more, including focusing more on questions of what works in harm reduction.

The well-being and longevity of many millions of Australians could be greatly enhanced through a more scientific approach to the policing of diverse crime and safety problems.

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Police Overseas Service Medal
Awarded to
Royal Papua New Guinea Constabulary

Maxwell R. HAYES, RPNGC 1959-1974,
The POLICE OVERSEAS SERVICE MEDAL

The Police Overseas Service Medal (POSM) was created by Royal letters patent on 25th April 1991. It is an award within the Australian Honours and Awards to "members of Australian police forces and certain other persons who render service in international peacekeeping operations, or following a request from another government for assistance". As at 1.2.2008 approximately 4,200 medals had been awarded.

The 38mm nickel-silver medal is ensigned with the Crown of St. Edward (commonly known as the "Queen's Crown"). The obverse features a globe of the world. The globe is centered on Cyprus, the first international deployment of Australian police, and is surmounted by a branch of wattle, Australia's national floral emblem.

The rim of the medal is a checker board pattern as is the 30 mm ribbon in alternating squares of black and white, such pattern commonly representative of police forces. The medal reverse displays a Federation Star. The words "POLICE OVERSEAS SERVICE MEDAL" are inscribed around the rim and the recipient's name is engraved. The regulations prescribe for the POSM to be awarded posthumously. The medal is to be worn on the left breast by an entitled awardee. In other cases it is worn on the right breast.

Since then, this medal and has been awarded mainly to members of the Australian Federal Police (AFP) who have served in Bougainville, Cambodia, Cyprus, East Timor, Haiti, Mozambique, RAMSI (Solomon Islands), Solomon Islands, Somalia, Sudan, Timor Leste and South Sudan. As at 1.12.2012 twelve clasps have been awarded each representative of the area served in.

The thirteenth clasp has now been awarded "TPNG" (the combined Territory of Papua New Guinea). With the exception of one (Cyprus May 1964 to current) all medals and clasps have been awarded subsequently to the institution of the POSM in 1991. In practice this medal, by virtue of

the international activities of the AFP its members are the usual recipients except where members of state police forces have served in an international capacity, e.g. Cyprus (the United Nations "Blue berets").

Following a Bill tabled before Parliament on 21.11.2011, Mr. Scott Morrison (then) Opposition Liberal M.P, introduced The Police Overseas Service (Territories of Papua and New Guinea) Medal Bill 2011, into the House of Representatives, Parliament of the Commonwealth of Australia, which sought recognition for a medal which may be awarded to members of Australian police forces who served in the Royal Papua New Guinea Constabulary in the Territories of Papua and New Guinea between 1 July 1949 and 30 November 1973 inclusive for a period of thirty days (or more, along with varying conditions).

The Bill was debated in the House on 2.2.2012. In the Bill a definition of "Australian police forces" means a police force (howsoever described) of the Commonwealth of Australia or of a State or Territory, including the Royal Papua and New Guinea Constabulary.

In the scramble for overseas colonies in the nineteenth century, Great Britain and Germany planted their flags on the eastern half of the world's second largest island, New Guinea. Germay took possession of the northern half.

The colony of Queensland took possession of the southern half in the name of Great Britain (both later to become adversaries in World War 1) and it was named British New Guinea.

With the proclamation in 1888 of the British New Guinea possession (administered by Queensland), the British New Guinea Armed Constabulary (BNGAC) was formed in 1890. Following Federation of Australia in 1901, the possession became an Australian external territory known as Papua in 1906. The police force was then known as the Armed Native

Constabulary (Papua) and in August 1939 was granted a Royal warrant and became known as the Royal Papuan Constabulary.

In the 1880's Germany took possession and retained sovereignty until 11.9.1914 when Australian military and naval forces captured German New Guinea in Australia's first battle in World War 1. In the carve up of Germany's overseas colonies, the League of Nations awarded Australia a mandate to administer the former colony as from 1921.

The New Guinea Police Force was then created on 9.5.1921 and administered until World War 2, when Japan captured much of the Territory of New Guinea. Civil administration for the Australian separately administered Territory of New Guinea and the Territory of Papua ceased on 14.2.1942 as World War 2 raged in the Pacific.

Following the Japanese defeat in 1945, civil administration was resumed in 1946 and both territories were jointly administered from Port Moresby as one called the Territory of Papua New Guinea.

Myself as RPNGC Inspector (1st class = Chief Inspector) August 1974. Wearing the United Nations medal ribbon for my Korean service (the 1st and then the only medal I had for my service in RAAF and RPNGC; 21 years)

The police force was then known by the cumbersome title of the Royal Papuan Constabulary & New Guinea Police Force. As far as I can ascertain, the pre-war Royal Papuan Constabulary Regulations remained in force from 18.10.1946 until repealed by the Royal Papua and New Guinea Constabulary Ordinance of 1955 was commenced on 7.5.1959.

This Ordinance (Act) created the Regular Constabulary, Field Constabulary, Special Constabulary and Native Constabulary.

Since the formation of the BNGAC, and from the German era, almost all of the vast (then) largely unexplored interior of the colonies has been administered by field officers. Post World War 2, such field officers (of varying grades) were widely known as "kiaps". This title is believed to have derived from the Melanesian Pidgin English German word "kapitan".

Patrol Officers of all grades were deemed to be Commissioned Officers of the RPNGC Field Constabulary. They were not uniformed or armed, though over the years, some at remote patrol posts chose to equip themselves with a type of police uniform and some were armed in the case of exploratory patrols in restricted areas though in every case when in the field on patrol duties they were accompanied by local members of RPNGC who were armed.

I have no access to the files of the Department of District Services and Native Affairs (later the Department of Native Affairs) but it is generally agreed that there were approximately 2,000 patrol officers between 1945 and 1975 with expatriate patrol officer ranks ranging from Cadet Patrol Officer to District Commissioner.

Generally officers of the regular constabulary were responsible for law and order primarily in the larger and lesser towns and generally did not police the rural areas although in 1967 one regular police officer lead a month long patrol into an unpatrolled area to apprehend a number of murderers.

By notice published in the Commonwealth of Australia Gazette dated, Tuesday 10 July 2012, H. M. Queen Elizabeth the Second, signed Letters Patent amending the Police Overseas Service Medal regulations. The thrust of the amendment specifically gave recognition to the meritorious service of "patrol officers of the Royal Papua New Guinea Constabulary".

Above: My medals awarded since 1974. Explanation if desired. The sixth medal from the left is the RPNGC Centenary Medal 1988.

Below: International Police Assoc. my 50th medallion of membership years. I was the only member of RPNGC to join the English Section in 1964. The Australian Section IPA formed late 1964 did not then cover Papua New Guinea.

In 1997 I spent about two months in PNG archives at Waigani, Port Moresby, going through the Australian police officers' personal files for the years 1945-1975. There were a total of 405 expatriate, uniformed and armed Commissioned Officers of the regular constabulary with expatriate ranks from Assistant Sub Inspectors to the Commissioner.

The first presentation of the POSM took place at Parliament House, Canberra on 8.7.2013 when 55 former patrol officers were presented with medals by the Minister for Home Affairs and Minister for Justice. Regular uniformed officers of RPNGC have been receiving their medals since then. The POSM is being distributed by the AFP upon application supported by documentary evidence.

There is clearly further deliberation to be made to establish criteria for the award of the POSM. For example, there were several hundred, both male and female, expatriate civilians sworn into the uniformed but unremunerated RPNGC Reserve Constabulary created in 1968, and who served many hours in the major towns each week in a voluntary capacity. The exact number is not known due to lack of records. The Reserve ceased in 1971.

There were also some 35 members of Australian state police forces, seconded from their parent police force to which they returned, and who were sworn into, uniformed and armed during the crisis period 1972-74 when many regular RPNGC officers saw no future in rapidly developing Independence for Papua New Guinea and resigned. With the granting of the "Royal" warrant in 1939, the RPC (later the RPNGC) became a unique police force and remained

one of only three "Royal" constabularies (police forces) in the Western world until 1967.

From my personal point of view there also were some eight thousand Australians who served in the Administration public service between 1945-50 1974 in medical, nursing, educational, agricultural, trawler crews and many other former duties and who will never receive any recognition for their meritorious service in post-war Papua New Guinea.

This seems extremely unfair to those many thousands, of ordinary public servants of whom many have passed on since PNG Independence nearly forty years ago, and who helped to administer often in dangerous, isolated and volatile districts in Australia's largest overseas and populous territory. These deserve long overdue recognition for their dedicated and frequently dangerous service but this will never happen unless the Australian Government creates a special "PNG service" or similar medal. This is seriously unlikely to happen.

The POSM, as an Australian award, unfortunately does not include many thousands of Papuan and New Guinean police who served with distinction, many of whom were killed on duty, over a great number of years. Without their dedication and loyalty there would be fewer former patrol and uniformed police officers around today and who are in receipt of the POSM.

On 16.9.1975 the Independent State of Papua New Guinea became a member within the British Commonwealth and remains so today with its own order of decorations, medals and awards. Any former regular uniformed or patrol officer entitled to the POSM can contact me for a downloaded application form.

Maxwell R, HAYES.

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The Utility of Community Policing
– Insights from England and Wales and Uruguay

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Abstract

Democratic policing models if they are to be successful depend upon many factors, not least the ability of the police to engage with communities and involve them in various prevention activities. It is believed that this, coupled with increased perceived legitimacy of the police from within the community, fuelled by procedural justice, will combine to produce a more crime resistant community which works well with the police, producing a safe environment. This article compares current policing activities in two countries, Uruguay and England and Wales and considers the perceived impact that recent government policies may have upon the future of policing in both countries.

Introduction

Shifts and changes to policing systems in most countries can be identified over the years and these tend to be based on circumstances that are sometimes global, but mainly in response to local issues. For example, historical issues such as the Brixton riots of the early 1980s in the UK saw the publication of the Scarman report (Scarman, 1982) which sought to re-introduce more community focused policing as well as providing for suitable equipment for police to deal with such incidents in the future. Recent years have seen the introduction of ideas to address crime and disorder such as the introduction during the mid to late 1990s of the so called 'zero tolerance' approach to policing (Mallon et al, 1997; Punch, 2007). The point is of course that policing does not exist in a vacuum, but has to constantly re-invent itself in many ways, depending upon local and occasionally global changes. One such ongoing attempt to're-invent' policing is ongoing in the South American country of Uruguay with an initiative at specific police stations in the capital city, Montevideo. Here, an attempt to introduce a more community focused approach to policing is being undertaken. The reasons for such an introduction revolve around the concept of community involvement, and a reestablishment of good working relationships between the police and communities. In contrast, it is argued, by some that the long historical and traditional view of policing in England and Wales as being that of community policing, appears to be involved in a slow withdrawal from the form of community policing known as the neighbourhood policing approach (Stephens 2013)

This article, based upon recent research conducted by the authors, will explore the utility of the community policing approach from a Uruguayan and England and Wales perspective. It will consider the apparent trends in both countries and explore and discuss the possible consequences of such trends. However, in order to understand the application of and implications of the use of Community Policing, it is necessary to framework the idea in the broader political and philosophical ideas of the democratic policing model.

Defining Democratic Policing

As Dunleavy and O'Leary (1987) point out, the concept of democracy is best understood through its Greek roots, with demos meaning 'the citizen body' and cracy meaning 'the rule of'. Therefore the great advantage of public policing in democratic countries is that it is accountable to every citizen through the mechanisms of representative government (Bayley and Shearing 2005). This in turn means that the police have a legitimacy within communities, which makes the application of their duties much easier. Defining the idea of a democratic policing model can, however, be difficult. Whilst the antithesis of democratic policing is the police state, democracy itself has many meanings and definitions. That said, there are certain important underlying themes and elements to the idea of democracy. These are consensus, freedom and equality, within which the concept of democratic policing needs to be situated. In the following paragraphs we consider these underlying themes in greater detail.

Consensus

All politically civilised societies owe their continuing existence to a consensus concerning the foundations of society (Berkley 1969). Citizens agree upon a common purpose, the procedures by which these purposes are to be affected and the institutions which are intended to preserve them. Without consensus, therefore, no democratic system would survive for very long. Aligned to the concept of consensus is the idea that society allows policing by consent, which is a crucial concept for how we think about public policing in most Western Societies. Countries such as USA and the UK and Canada have historically been source countries for police expertise and training for developing countries, based upon the premise that policing is supported by consensus and the consent of the public. By comparing police systems based on consent and consensus with alternative, state-centred, social ordered systems consent based policing generally appears in a favourable light (Sklansky2008). That's not to say that everything in the democratic policing model is rosy, of course, and the consent of some groups to being policed has sometimes been lacking or unsatisfactory (Goldsmith 2001). One example is the policing of some minority ethnic groups in different countries. Nonetheless, the rhetoric of needing the consent of people to being policed still appears to retain a certain value.

However, the idea of a model of policing based upon near full consent of the governed is now open to question. Broad social changes, as well as changes to police management mean that there needs to be a reappraisal of the idea of consent-based policing. As Fukuyama (1999, 2005) suggests there has been a rise in sceptism and distrust among citizens in western societies towards institutions representing political authority and public service. This scepticism can also erode the confidence required to support the idea of legitimacy from the public that the police require. But not many would argue that this should lead to the end of the police.

Freedom and equality

Another vital element of democracy is 'Freedom', and in particular that individuals in society need freedom to participate in politically motivated discussion and are able to hold government officials to account. Police do not meet citizens on an equal footing. Police are equipped with additional legal powers, both formal and informal, and they also carry weapons as the tools of their trade (Skansky 2008). No matter how efficient the police may be and no matter how careful they are to observe civil liberties of long standing, they will always have to fight their way against an undercurrent of opposition and criticism from some citizens, who are also the very people they are paid to serve and protect and to which, in the last analysis, they are responsible. This is the enduring paradox of the police in a democracy (Manning, 2008).

Further complicating issues is that policing is no longer monopolised by the public police, that is, the police entrusted by government with a monopoly on the use of state sanctioned force (Klockars 1985). Policing is now widely offered by institutions other than the state, most importantly by private companies on a commercial basis and by communities on a volunteer basis. What we have witnessed increasingly over the past decade the rise of pluralised policing provision (Crawford et al. 2005, McLaughlin 2007). The great advantage of public policing in democratic countries is that it is accountable to every citizen through the mechanisms of representative government. This is not the case for commercial private policing organisations, who are accountable – ultimately – to their shareholders.

Several major works have historically described and analysed democratic accountability of policing and its importance. Heavy weight scholars such as Bittner (1980), Sklansky (2008), and Punch (2011) have all contributed to the notion that democratic policing cannot survive without accountability. In support of these seminal writers, one of the most important documents regarding democratic accountable policing in Europe is the recent 2008 publication by the Organisation for Security and Cooperation Europe (OSCE, 2008). This publication reinforces the key principles of democratic policing, in particular police accountability and transparency. Here, democratic policing is considered to require that the police be and consider themselves to be accountable to;

- The citizens
- Their representatives
- The State and
- The law.

Therefore public police activities ranging from behaviour and attitude, strategies for police operations, appointment procedures and even budget management must be open to scrutiny by a variety of oversight institutions. Furthermore, if a central feature of democratic policing is the consent of the people , prerequisites for the gaining public support should be *'providing transparency in police operations and mutual understanding with the public the police serve and protect'* (OSCE 2008:13). The recent introduction of Police and Crime Commissioners in England and Wales is considered partly to be a bridge between communities and police as a mechanism to strengthen police accountability to the public (Rogers and Gravelle 2012).

Community Policing defined

Much has been written about exactly what constitutes community policing (see Palmiotto 2013; Rogers, 2012; and Trojanowicz and Bucqueroux, 1990 for example). However, one useful understanding of community policing is provided by Friedman (1992), which builds upon Trojanowiczs earlier work. In essence, community policing receives its mandate for existence from community support and from police professionalism. Its broad function is the provision of services in a decentralised environment that features intimate and informal and formal relationships with the public. Supporting the idea are principles developed as a result of experiments carried out by the Michigan State University emanating from the Flint foot patrol experiment (Trojanowicz 1983). In brief these principles are as follows:

- Community policing is a philosophy and a strategy
- It requires implementation by all personnel
- It requires a new type of police officer
- Police should work closely with volunteers
- It introduces a different kind of relationship between police officer and citizens
- It adds a proactive dimension to police work
- It aims to protect the most vulnerable in society
- It seeks to balance human skills with technological innovations

One of the greatest strengths of community policing however, is that it assists in supporting the legitimacy for the police. This is considered vital for community and police to work together to deal with crime and other types of disorder.

Increasing police legitimacy

In any democratic policing model the acceptance of police legitimacy is paramount for the police and community to work together (Tyler and Huo, 2002). Police legitimacy has been described as the right to rule and the recognition by the ruled of that right. Therefore despite the fact that police organisations are given the right to rule by the state or government, legitimacy only exists when it is perceived by the public. Research suggests that legitimacy traditionally captures the degree to which citizens have trust and confidence in authorities and importantly are willing to obey the directives of authorities such as the police (Hough et al 2010). Additionally, whether the police and the public are morally aligned, by sharing similar values for example, has been seen to be an additional and important element of police legitimacy. Further research also suggests that there are two key elements that support legitimacy (Tyler 2003). The first is the way people perceive police performance. This means how well the police do their job, as police will not achieve the legitimacy they need if they lack the ability to be successful in carrying out their core functions, which is tackling control crime and disorder.

The second is what has been termed 'procedural justice', which is broadly speaking the quality of police treatment and the quality of police decision making. There are several key elements of procedural justice, they being dignity and respect, trustworthy motives, neutrality and voice. When police treat people with respect, demonstrate trustworthiness, are neutral in their decision making and provide people with an opportunity to participate in the process and air concerns before decisions are made, people are more likely to believe police are being procedurally just. It is the widespread use of procedural justice that is one of the most effective ways to promote police legitimacy. Procedural justice is important therefore for fundamental reasons, but there are some other important reasons why it should matter. The first is that people tend to comply with the law when the police are not around. Compliance with the law is not purely explained solely by the threat of punishment or the use of coercive power. Additionally, utilising this approach will make the police more effective in their work of controlling crime and disorder as they will be able to ensure valuable assistance from the general public, including those considered as the most vulnerable in society. Communities can help the police become more efficient in their day to day activities in their crime control and prevention work. This concept is one that has gained prominence in Uruguay in recent years.

Policing in Uruguay

The history of policing in Uruguay is a chequered one. Despite the fact that the country had, since its creation, a reputation for social equality and community focus, during 1973, following period of social unrest and economic instability, a military government was set up, with a democratic system being restored during 1985. The police in Uruguay are a national force with somewhere around 28,000 personnel (Das and Palmiotto 2005). It is fair to say that the police during the military government system may have lost the confidence of the people during this time, with a consequent reduction in community and police interaction, something that is vital if a democratic model of policing is to be established. However, despite the fact that the democratic political system has been restored, the police are still treated with some suspicion by communities. In addition to this underlying problem, in recent years there has been a rise in recorded crime, particularly in terms of violence against the person and acquisitive crime.

Recent crime problems

Public safety conditions in Uruguay have been deteriorating, a fact highlighted both by statistics and by perceptions of fear and victimization. In the period 2005-2010 the homicide rate per 100,000 inhabitants rose from 5.7 to 6.1 nationwide, and from 6.4 to 8.0 in Montevideo; incidences of violent robbery were up by 120% (from 25.3 to 55.6 per 10,000 inhabitants); the rate of domestic violence increased 223% (from 207 to 462 per 100,000 inhabitants); and the prison population grew 22%. In terms of perceptions, 69% of Montevideo residents believe that crime in the country has increased in the past year; 64% consider it likely or highly likely that they will be the victim of a crime in the next few months; 52% feel that their neighbourhood is unsafe or very unsafe; and 71% consider it likely or highly likely that they will be assaulted in the street.

These perceptions and statistics are in fact concentrated in terms of both geography and age group. Montevideo, with 39.8% of the national population, accounted for 58% of crimes nationwide and 83.61% of violent robberies in 2010. In 2011, 25% of the population outside the capital city fell victim to at least one crime, whereas the rate in Montevideo was 45%. This is similar to the trend for 2005-2010, when 19% of the population of Montevideo were victims of violent robbery, while the equivalent figure outside the capital was 3%.

The concentration by age group is among young males up to 24 years of age, and particularly juveniles under 18 years, who exhibit a high incidence of violent crimes. In 2007, 10% of homicides in the country were committed by juveniles; in 2010, that figure had risen to 26%.2 in 2010, 53% of violent robberies committed in Montevideo and investigated judicially were attributable to juveniles (who represent 24% of the city's population). At present, there are approximately 900 juveniles under age 18 in the criminal justice system nationwide, half of whom are serving prison sentences and the remainder are serving alternative penalties. Over a five-year period, the proportion of juvenile victims of violent robbery rose from 15% to 23%.

Responding to the problem

There were two areas that were considered to be in need of attention. These were:

(i) the apparent ineffectiveness of the National Police as a deterrent to violent crime, reflected in weak capacity for community prevention work and investigation of criminal activity;

(ii) The weakness of existing social programs for secondary and tertiary prevention, which are not adapted for dealing with population groups who have a high concentration of risk factors for violence and/or have already run foul of criminal laws.

To address this situation, the Government of Uruguay has taken a number of actions now under way, including:

(i) Approval of a new legal framework for the Uruguay Institute for Children and Adolescents (INAU), which creates a new criminal justice system for adolescents;

(ii) Budgetary and technological strengthening of the National Police, including average annual salary increases of 15 to 18% and the purchase of equipment, together with management commitments (greater control over absenteeism);

(iii) Functional restructuring of the criminal investigation area, assigning regional chiefs and investigative teams to four zones of Montevideo;

(iv) Deployment of a crime control strategy that involves joint operations with the justice system in the most crime-prone areas of Montevideo;

(v) Identification of teens and young people who are neither studying nor working as the priority population group for attention from social-sector authorities; and

(vi) Coordination of efforts targeting the juvenile population linked to crime and violence with the Ministry of Social Development (MIDES) with the aim of creating a social network of secondary and tertiary crime and violence prevention. This strategy involves the coordination with several important ministerial departments such as the Ministry of Education and Culture (MEC), the Ministry of Health (MSP), the Ministry of Labour and Social Security (MTSS), the National Institute for Employment and Vocational Training (INEFOP), the INAU, the National Youth Institute (INJU), the National Drug Council (JND), and the Municipal Government of Montevideo (IMM).

In an effort to maximising the effectiveness of police investigation, in 2012, the National Police grouped all its police districts in four zones of the capital city, Montevideo. Since then, police investigations are carried out by specialized investigators with a local-based knowledge of the problems which occur in each zone. Police work was also centralized in each zone, specifically property and crimes against the person, and illegal drugs use. Further structural changes came about with the creation of a Response Division, a Public Safety Division and a Specialised Division. The latter is in charge of different specialised and task forces, such as the Tactical Reserve Group, the Dog Support Unit, Traffic Police, Tourist police, Domestic Violence Units amongst others.

This restructure was further developed in 2013 through the dissolution of the *Radiopatrulla Force,* which had provided police patrol across all of Montevideo, and being decentralized among the four zones. This final act of decentralization meant that the new zones became operational headquarters in themselves, being responsible for the management and deployment of investigation and police patrol units, and also supervising the police stations inside their jurisdictions. This meant that the police were brought closer to the communities they work within.

However, underlying all of these changes was the recognition that there needed to be a change in policing philosophy from one of pure enforcement to one of policing with the consent and cooperation of the community. Consequently, the National Office of Community Police was introduced in 2011. Its purpose is to unify the work of the community polices of each department of the country. The aim of this office is to coordinate the community policing approaches within all of the current police structure. As a result initiatives have been introduced in several areas of Montevideo itself which applies the principles of community policing utilising specific officers purely in a community policing role, whereby they encourage public interaction and involvement in crime prevention. These officers have been trained in Problem Oriented Policing ideas as well as other community policing ideas. The aim is to introduce therefore a better 'community and police work together' model and encourage what has been termed policing below government. Therefore the legitimacy by which the police are held by the public is vitally important. This aspect of the policing changes in Uruguay, a community centred approach which relies upon procedural justice and close community ties, is central if this initiative is to be successful, impactive and enduring.

Current context of policing in England and Wales

The local basis of policing, as aspired to by the police in Uruguay, is an important feature of policing in the UK and has a long history. Some historians, such as Reith (1952), suggest the continuance of community involvement being traced back as far as the thirteenth century Statute of Westminster, which established the 'watch and ward' system and required public involvement in the apprehension of wrongdoers. This is of course open to conjecture, but In 1829, the Metropolitan Police Act established the modern professional police approach in the UK with an emphasis on provision of a service to community, although this may have been utilised to overcome opposition from certain sections of society (Emsley 1986). In more recent times the idea of partnership policing involving communities and other agencies was legally formalised through the introduction of the Crime and Disorder Act 1998 (Home Office 1998).

The idea therefore of a democratic style partnership based policing approach based upon problem solving has been a feature of policing in the UK for many years. Indeed the idea of this approach can be seen in the concept of Neighbourhood Policing Teams (NPTs). NPTs are a mixture of police officers, volunteers and others who engage in what has been termed 'slow time 'policing (Waddington 1991) – involved in community based activities, listening to problems affecting communities and providing a multi agency response to these problems In this way, the police reinforce their legitimacy and acceptance and the idea of community policing is thought to be endemic throughout the police system, as reflected in many police websites. (see for example Gloucester Police at http://www.gloucestershire.police.uk/)

However, there appear to be some potential problems with the idea of NPTs and the community policing approach. A recent HMIC report examining how the police service in England and Wales is dealing with budget cuts (HMIC 2014) concludes some rather disturbing ideas regarding the approach as a whole, based upon potential problems should the austerity cuts continue over the next few years. In particular, the concept of the neighbourhood police teams was considered. When considering the workforce as a whole, the report highlighted that by March 2015, the total police officer workforce is projected to have been reduced by some 34,400 since March 2010. There are planned to be 16,300 fewer police officers than in 2010. However, since 2013, HMIC report that there has been a considerable change in the planned reduction in Police Community Support Officers (PCSOs). Whereas police forces plans previously forecast a reduction in PCSOs by 17percent between March 2010 and March 2015, the planned reduction over the same period is now 22 percent, which means a further 700 PCSO posts will be lost above the previously anticipated 2,900. The problem with this reduction lies in the fact that PCSOs in the main form the basis of the current police approach to neigbourhood policing. Consequently, it appears that in order to ensure police maintain their 'crime fighting' ability, there appears evidence that the workload and remit of neighbourhood teams are broadening, in the face of reduction in numbers of staff, especially in terms of the use of PCSOs. This will undoubtedly impact upon the service provided to the community at the neighbourhood level and there is a fear that in some areas the police will become increasingly reactive with a focus on 999 call response and investigating crimes, rather than preventative work within and involving communities. In turn, the inability to prevent crime and reduce demand will be seriously undermined, with a cycle emerging which involves less preventative activity and more reactive responses and increased demand.

Conclusion and discussion

The current community policing initiatives in Montevideo are still underway and will be subject to ongoing evaluations in the future. However, initial findings from the field research suggest some very encouraging signs. More and more people are becoming involved in police/community activities and community police officers are reporting an increase in personal contact with key individuals within communities. Whereas there were certain 'no go' type geographical areas where police would only attend on emergency calls, community police officers on foot patrol, are engaging and talking with the public, increasing contact and confidence in the police as a whole. At this time there also appears to be a reduction in certain crimes being reported within those areas. Whilst the initiative is still in its early stages, and a change in cultural views about government organisations can take some time, there appears to be an increase in the confidence of community police officers in the areas where the imitative is taking place, which it is believed will increase the communities acceptance and provide an increase in the legitimacy of the police in Uruguay.

What this brief comparative analysis of the two countries and their respective policing approaches demonstrates is the sliding continuum of policing ideas that are introduced as a result of changes at the local and global level. For Uruguay it would appear that driven by an understanding of the need for greater community and police interaction, more police officers are being trained and placed into communities, to invoke a consultative and problem based approach to tackling crime, whilst also improving police legitimacy.

Ironically, in England and Wales, so long held up as a model for this type of democratic policing approach, economic changes at international and national levels have seen the austerity measures propel some police forces away from this type of historical policing approach. Her Majesty's Inspectorate of Constabulary (HMIC, 2014) recent report on core business, clearly indicates that for some forces, a reduction in the number of neighbourhood team officers, including PCSOs, and an almost 'decriminalisation' of some crimes such as auto crime, may be taking place. The fear is of course, that as the police disengage with community at this level, their attempts to maintain police legitimacy and procedural justice levels, may be come damaged.

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Instructions for Authors

1. Your paper should be submitted via e-mail in Word format to **j.fleming@soton.ac.uk**

2. Contributions should be between 4-8 single-sided A4 pages (including references) using single spacing and 12 point font.

3. Do not use footnotes. Endnotes should be kept to a minimum.

4. When an acronym is first mentioned, it should be written in full with the acronym in brackets immediately following. The acronym is to be used thereafter. Uncommon abbreviations should be explained in full. Full stops should not be used in abbreviations or acronyms, eg NSW.

5. Use single quotation marks to introduce a word or phrase used as an ironic comment, as slang, or which has been coined. Use quotation marks the first time the word or phrase is used; do not use them again. Do not use quotation marks to introduce a technical or key term. Instead, italicise the term.

6. Tables to be created in the document (do not paste in as a picture from another application).

7. Charts to be created in Excel using placement instructions in the Word document, ie 'Insert Fig X here'. Charts are to be formatted as follows: Arial 10pt, no chart title, standard black for text and chart axes, no background colour and the legend placed at the bottom of the chart. Separate Excel files must also be provided so that the charts can be reformatted if necessary.

8. Table and figure captions must be included.

9. Photographs to be supplied as separate jpg or TIF file at a high resolution (600dpi).

10. References should follow the Harvard in-text style and format as follows: The theory was first propounded in 1970 (Larsen, 1971). Larson (1971) was the first to propound the theory. Drawing on research recently conducted with Australian police unions (Fleming & Marks, 2004, pp. 673-76). Examples of references are: Fisse, B. & Shearing, C. (1989) 'The proceeds of crime act: The rise of money laundering, offences and the fall of principle'. *Criminal Law Journal, 13, 5-23. Macpherson, W. (1999) The Stephen Lawrence inquiry.* London: Oxford: Oxford University Press. Newburn, T. (2003) 'Policing since 1945'. In T. Newburn (Ed.), *Handbook of Policing.* Cullompton: Willan, pp. 84-105. Sherman, L., Strang, H., Barnes, G., Braithwaite, J., Inkpen, N. & Teh, M.M. (1998) *Experiments in restorative policing. A progress report on the Canberra reintegrative shaming experiments.* Research School of Social Sciences: Australian National University. Jonas, B. (2003) *Discrimination against indigenous peoples in the justice system – examples, experiences, and governmental, administrative and judicial measures to ensure equitable justice system.* Retrieved July 15, 2004, from **http://www.unhchr.ch/indigenous/backgroundpapers.htm**

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Governing Science

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Introduction

A favorite family pastime is to discover road signs that, either through ambiguous wording or lack of punctuation, lend themselves to multiple different interpretations.

One of my daughter's favorites has always been:

If read as presumably intended, the sign warns motorists there might be children nearby, and SLOW is a command. But my daughter points out that SLOW could be an adjective instead: Perhaps motorists should allow more time for the (slower) children to get out of the way. And, she says, if this appeared outside the headmaster's office rather than by the side of the road, it might be a reminder to the children themselves to conduct themselves with decorum and not go tearing around.

Likewise, the title of this paper — *Governing Science* — could suggest three different meanings in the context of policing. Perhaps the word *governing* is an adjective, in which case it would be the *science* that is doing the governing. Then the object might be to explore and define the science that should govern police as they consider how to conduct their business.

A second interpretation could be that *governing science* is a job to be done, with perhaps a hint that science (or scientists) might need to be controlled or restrained. In the context of policing, a discussion along these lines might set appropriate limits for the role of science and the influence of scientists.

A third possible interpretation arises from reading the phrase *governing science* the same way we read the phrases *fishing tackle* and *climbing gear*. There is a challenge to be met: to catch fish, or to conquer mountains, or to provide quality democratic governance. Through years of accumulated experience and often painful experimentation, those facing the challenge develop a sense of *needs.*

To meet those needs, they invent or design various types of *tackle* (for fishing), *gear* (for climbing), or *science* (for governing) to help get the job done. If we wanted to know what the *science for governing* was that might improve the quality of life in a democracy, we would first focus on clarifying the role for police within the broader frame of democratic governance; second, we would define the types of science and areas of application that might best serve in support.

David Weisburd and Peter Neyroud have presented a paper in this series, titled "Police Science."[1] Their subject, broadly viewed, covers the merits of closer collaboration between the fields of policing and scholarship. Anyone who cares about policing cherishes that collaboration enormously.

It has already delivered considerable benefits for policing and is poised to deliver many more. Everyone should want that relationship to flourish. However, at this time, the relationship remains fragile, and much harm might be done if we accept a vision for the future of the relationship that is somehow misguided, inappropriate or off-base.

The Evidence-Based Policing Movement

Despite their very broad title, Weisburd and Neyroud (hereafter W&N) echo many of the familiar themes of the *evidence-based policing* movement (hereafter EBP), which espouses a very particular vision of how the relationship between scholars and police should work. In presenting their diagnosis of how and why the relationship currently fails, W&N emphasize the following five major points:

1. They observe a "fundamental disconnect between science and policing."[2] The "evidencebased model for developing practices and policies has not been widely adopted by police agencies."[3]

2. Why not? In their view, mostly because "police agencies have little interest in using scientific methods to evaluate programs and practices,"[4] and police generally implement strategies, therefore, "with little reference to research evidence."[5] W&N describe "the lack of value of science in much of the policing industry"[6] and suggest that, in the future, police "will have to take science seriously."[7]

3. W&N contrast the police profession with other professions — particularly medicine and public health — that have huge research infrastructures and substantial levels of government-funding to support research. As a result of these disparities in attention to science, W&N state that medical practice is now based soundly on scientifically validated practices, whereas policing is not.

4. W&N focus mainly on two types of science relevant to policing. One is social science research (which includes *criminology*), and the other involves *new technologies* arising from advances in natural sciences and engineering (e.g., DNA, computer forensics, and surveillance).[8] They regard the police profession as insufficiently concerned with social science research and overly eager to adopt new devices and technologies, even without properly evaluating their efficacy.[9]

5. W&N conclude that "a radical reformation of the role of science in policing will be necessary if policing is to become an arena of evidence-based policies."[10] Their proposed solution is a "shift in ownership of police science from the universities to police agencies,"[11] and they provide various suggestions as to how that might happen. One thing they suggest is a "committed percentage of police spending devoted to research, evaluation and the development of the science and research base … ."[12]

W&N acknowledge some divergence of interests between the partners (scholars and police) in terms of their areas of interest. They observe that police need to act quickly and care about issues such as finance and efficiency as well as effectiveness. Academia, by contrast, is often slow to reach any conclusions, often too late to be operationally relevant and, in studying crime prevention, focuses on programs of not much interest to police (such as early childhood interventions and their effects on delinquency or criminal propensity later in life).[13] W&N also suggest that part of the underlying problem might be that police do not study scientific methods and scientists do not know much about operational policing, so the relationship has a rocky start, lacking common ground or shared experience.

W&N's proposed remedy involves repositioning the relationship, changing the sources of impetus and support, and thus shifting the balance of ownership between the partners. They focus less on the underlying defects in the relationship and why it is not working. They certainly admit that it is not working; indeed, that is what motivates their paper. They express concern that investments made during the 1990s have since dwindled, police science having failed to establish itself or produce many results of value or relevance to police agencies.

This paper focuses on the underlying assumptions of W&N's paper rather than on its particular suggestions. Many social scientists would not relish their suggestion — that police take charge of the research agenda — fearing a drop-off in the quality of scholarship. In that respect, W&N's conclusions are unusual. However, their underlying assumptions — that policing should be evidence-based, and that you can't know what works unless you take scientific research seriously — align closely with the foundations of the evidence-based policing movement.[14] This paper examines the underlying assumptions of that broader EBP movement, as what EBP proposes requires some counterbalance and caution, particularly at this time in the development of policing.

Evidence-based policing rests on an underlying assumption that the only way for police to know what works is for them to allow social scientists — the professional evaluators — to make determinations for them, and that social scientists, being trained in statistical and empirical methods (whereas police generally are not) can offer their "high science" of controlled experiments and sophisticated program evaluation methods. Police ought then to be keenly interested in and grateful for the truths that social science methods make available. Furthermore, the champions of EBP propose that police should subsequently limit themselves to using only those programs that the scholarly community has been able to establish as effective. In other words, *science should govern policing.* Thus, the central message in the EBP movement aligns quite well with the first of the three possible interpretations of *governing science*.

Lawrence Sherman, describing the underlying theory of EBP in 1998, proposes:

One way to describe people who try to apply research is the role of "evidence cop." More like a traffic cop than Victor Hugo's detective

Javert, the evidence cop's job is to redirect practice through compliance rather than punishment. While this job may be as challenging as herding cats, it still consists of pointing professionals to practice "this way, not that way."[15]

Police practitioners might bristle at the notion of being herded (like cats) by social scientists. However, Sherman pushes further, proposing that police be *evaluated* on the basis of whether they conform to what the researchers have recommended:

Evidence-based policing is the use of the best available research on the outcomes of police work to implement guidelines and evaluate agencies, units, and officers. Put more simply, evidence-based policing uses research to guide practice and evaluate practitioners. ...

Evidence-based policing is about two very different kinds of research: basic research on what works best … and ongoing outcomes research about the results each unit is actually achieving by applying (or ignoring) basic research in practice.[16]

This kind of language infuriates police practitioners. Should police managers — who carry all of the responsibility for day-to-day policing and suffer directly the consequences of failure — be chastised by social scientists (who carry none of the responsibility) simply because they chose to ignore a published research finding, or executed an untested or unproven strategy? The idea that science should guide and govern policing in such a way — so that scientists discipline practitioners who don't comply with scientific guidelines — seems ridiculous to practitioners and completely inappropriate to many academics as well. But exactly why the relationship should *not* be structured this way is a serious enough question, which this paper seeks to answer.

Many of us are more attracted to the third interpretation of *governing science* that, by exploring the police role in the context of democratic governance, emphasizes multiple dimensions of performance and value, and embraces a range of operational styles that move considerably beyond the replication of a small number of "proven" or approved programs. This third interpretation of *governing science* also seems most neutral on the question of which partner (police or science) is supposed to govern the other. It suggests a more healthy collaboration in the long term, with each party delivering their appropriate and respective contributions in support of democratic policing.

Given the more aggressive claims of some of EBP's champions, there is also some serious work to be done along the lines of the second interpretation. Police themselves need to do some *governing.* The police profession needs:

- A more comprehensive view of the range of scientific methods relevant to policing.
- A proper understanding of where different types of science belong.
- Confidence to specify the investments in science that they most need.
- A clear sense of what might be at risk when scholars claim too much or stray beyond their proper role.

Periodic Reminders for Social Scientists

Social scientific research methods have their place, of course, in adding to knowledge. The evidence-based policy movement in general emphasizes program evaluation techniques and concentrates on determining causation. Many of the relevant research techniques require analytical sophistication. Valid experiments take considerable care and skill to design, conduct and evaluate. The tools of EBP are expensive, but anyone who values knowledge should surely value methods that can help to produce it.

Reliable findings about what works, and what doesn't, can help avoid the perpetuation of useless practices and can prevent police officials

or politicians from making bogus claims about their achievements or perpetuating useless programs for personal or political reasons. Police managers should surely take note of experimental results and research findings that impinge on operational decisions they need to make. Not to do so would be professionally irresponsible.

From time to time, though, it seems that social scientists need to be reminded of a few things:

- They have no monopoly on useful knowledge or on useful methods for acquiring it.
- Experience and skills count too; there are myriad ways of discovering useful truths without the elaborate machinery of social science evaluations.
- The majority of scientific advances benefitting humankind have arisen and become firmly established without their help.
- "Lay inquiry," with its messier methods and iterative ad hoc experimentation, contributes mightily to the development of knowledge.
- Program evaluation comes very late in a long process of research, problem identification, diagnosis and policy development. All of the earlier stages — spotting problems in the first place, scoping them, figuring out their structure and dynamics, and designing a set of plausibly effective interventions — all require analytic support, too, but not normally of the specific types offered by the conventions of social science research.

In 1990, Charles Lindblom, a professor of political science at Yale University, published *Inquiry and Change: The Troubled Attempt to Understand and Shape Society.* Lindblom set out to examine "how people in contemporary industrialized societies, competently or not, go about gathering and analyzing information in grappling with social problems."[17] Lindblom's "people" (who go about this task) include politicians, citizens, natural scientists, social scientists, practitioners, and ordinary but curious folk — whom he labels "lay inquirers."

By no means did Lindblom set out to attack the social sciences, but in the process of evaluating relative contributions from different types of inquiry and groups of inquirers, he does end up giving social scientists a very hard time. They make the mistake, he says, of overvaluing their own highly technical approaches to the acquisition of knowledge and of presuming that opinions reached any other way must stem from unfounded beliefs or foolishness:

> To be sure, many social scientists and other commentators on social problem solving have fallen into believing that decision makers can approach problems in only one of two ways: either technically, as means to ends, or with all the rigidities, obfuscations, and imprecisions of ideology. But a third option is available: selective and varied probing of both ends and means, as well as of other values.[18]

Mark Moore (2006) also comments on the challenge that a continuum of knowledge poses, and the perils of ignoring everything between the extremes:

> [B]oth the research and the practice field in policing face the important question of how far down the path of scientific sophistication they should go in their combined efforts to establish a firm experiential and empirical basis for policing. More provocatively put, they have to decide what to do with the knowledge that lies between mere opinion on one hand, and results established through randomized trials on the other.[19]

A 1995 paper by Moore, titled "Learning While Doing," examines the linkages between knowledge and policy formulation, specifically in the context of community policing and violence prevention in the United States.[20] Moore recognizes, of course, the value of social science research methods and acknowledges their place in policy development, but, like Lindblom, he warns against giving them too central a role in policy development:

Let me hasten to say that I don't think that social scientists are wrong to want knowledge to guide policy. Indeed, it would be irresponsible not to use thought, evidence and experience to guide policy makers when they commit substantial public resources to a particular goal. Instead, I think their mistake lies in having too narrow a view of what constitutes knowledge valuable enough to use in confronting public problems, too rigid an idea about where and how useful knowledge accumulates in the society, and too unrealistic a view of how knowledge might best be diffused and deployed in aid of both immediate action and continued learning.[21]

Not Just Another Periodic Reminder

My purpose here is not just to issue yet another periodic reminder. Others have done that job quite thoroughly elsewhere and continue to do it in a variety of fields, whenever social scientists exaggerate their own contributions or attempt to exert control over practitioners (i.e., to *govern* policymaking). The contention of this paper is stronger, more particular, and timely, I hope. I believe that we are in a particularly important period in the development of police science, requiring enriched and productive relationships between police and academia. I also believe that much harm might result if we give EBP a dominant position in the context of that relationship.

Why Police Should Govern the Role of Science

Here are three reasons why the police profession should work particularly hard to govern science at this time.

1. **The methods championed by proponents of EBP are fundamentally incompatible with the operational realities of problem-oriented policing.** Although many departments have made some progress in learning some particular forms of the problem-solving method, relatively few have developed the kind of versatility that Herman Goldstein originally envisaged. Fewer still have developed the range of analytic techniques, organizational fluidity, and related managerial skills that would enable them to work effectively on problems of all shapes and sizes. The maturing of the problem-solving approach remains a priority for the profession, particularly as the range of threats confronted by police expands beyond those that are neighborhood or place-based. EBP represents a potential threat to, and a diversion from, the styles of scientific inquiry needed to advance the art of problem-oriented policing. Social scientists championing the cause of EBP, if given their head at this particular point in time, could unwittingly obstruct the maturation of the problem-solving strategy.

2. **The social scientific research methods embraced by EBP represent a tiny fraction of the scientific methods relevant to policing.** They should therefore represent a small portion of the relevant investment portfolio, and should garner a relatively small fraction of the attention given to science. Giving too much attention to EBP at this time necessarily means giving too little attention to a much broader range of scientific inquiry methods that deserve higher priority. Equating EBP with science is grossly misleading.

3. **The form of the relationship between police and academia envisaged by EBP is unstable and unsustainable.** There is too much in it for the social scientists, and almost nothing in it for the police. That is precisely why the champions of EBP press so hard, and why police continue to show so little interest and remain largely unaffected. It is not so much that the relationship needs to be relocated (as W&N suggest); it needs to be redefined. The prescription is wrong. If EBP is given a central place in the relationship, the relationship may in fact be damaged, and many other opportunities for productive collaboration may be lost as a result.

The following sections examine each of these three arguments in more detail.

Why Evidence-Based Policing Is Fundamentally Incompatible With Problem-Oriented Policing

EBP is incompatible with POP for the following seven reasons:

1. **EBP is too slow in making determinations to support operational problem-solving.** The problems that spawned the interventions have themselves long since passed, or morphed into another form, by the time the interventions can pass through the elaborate experimental and evaluative procedures espoused by EBP. EBP may eventually produce dependable results with high levels of confidence, but these typically arrive between 3 and 5 years after the development of an intervention. This makes EBP findings relevant to operations only when it evaluates programs that are permanent or long-standing and change very little over time or across jurisdictions. Such programs are not the focus of problem-oriented policing, which seeks ad hoc and sufficient solutions for the problems of the day and then moves on quickly to the problems of tomorrow, expecting that those will be different.

2. **EBP produces no new solutions and may even narrow the range of solutions available.** Proponents of EBP suggest or imply that police should only use those methods that EBP scholars have already been able to validate. Problem-oriented policing, by contrast, encourages creativity and rapid experimentation, thus dramatically expanding the range of techniques and methods available. Ceding too much influence to EBP may therefore produce a bias against action and too narrow a search for solutions.[22]

3. **Social scientists focus on subtle effects at high (aggregate) levels; problem-solving focuses on much more obvious effects but at lower levels.** Social scientists (and economists) have tended to conduct macro-level analyses on aggregate data sets. They like to use sophisticated statistical methods on large data sets to reveal subtle correlations and causations between factors and outcomes. Inheriting these tendencies, EBP emphasizes the importance of evaluating the effect that particular programs (e.g., DARE, early childhood intervention programs, or random patrols) might or might not have on overall crime rates or on some major category of crime rates (e.g., violence), delinquency rates, or addiction rates later in life.

Problem-solving, as taught by Goldstein, emphasizes careful *disaggregation* of broad crime categories, following the intuition that major crime problems have many parts (lower-level components) and that, usually, the various parts each behave differently and depend on different factors. Once the lower-level objects have been found (often through analysis), then each one can be studied and "unpicked." In *The Character of Harms,* I have described how the art of navigating these lower level strata of *problems* or *harms* is emerging as a vital professional skill for regulators and law enforcement:

> The habits of mind… have something in common with the skills involved in a relatively mundane task: the undoing of knots. Give a knotted mass of string to an adult, who has developed all of the relevant cognitive skills (and maybe had some experience too), and watch how they behave. Notice how they hold the whole object up to the light, and look at it this way, then that way, turning it around and around, examining it diligently from all sides — careful all the time not to pull or tug or to make matters worse — until they begin to understand the *structure of the thing itself.* As the structure of the knot becomes clearer, so the components or stages of a plan begin to form in their minds. … If they understood the structure correctly, and fashioned a plan accordingly, the knot eventually falls apart, and is no more.

> In the regulatory field, we have a growing list of harms undone, knots untied, risk-concentrations eliminated or substantially

mitigated. Invariably, the knots undone by regulators, or others who act in this vein, are not broad, general phenomena (at the level of "air pollution," or "corruption," or "motor vehicle accidents"). Nor are they minutiae, representing single incidents (of crime, or injury, or death). These knots untied, these harms undone, all lie in *between*, where the object of study is larger than a single incident or event, but smaller than a general class of harms. It is in this *in-between* realm where much exciting work seems to take place, amid the complex and multi-layered texture that connects individual incidents at the bottom to entire classes of risk (with their one or two word descriptions) at the top.[23]

The impetus for problem-oriented policing arises in part from the realization that it makes little sense to focus on general programmatic treatments for general crime categories if the texture beneath is in fact highly complex, variegated, and populated by many unlike objects. Problem-oriented policing is born from a conviction that working in the textured layers beneath (rather than at the level of generalities or major crime categories) offers greater promise and quicker results.

4. **Ironically, greater influence for EBP may *reduce* the rate of experimentation in policing.** Professional researchers, as masters of experimental design and evaluation, regard themselves as the authority on what constitutes a "proper" experiment. Thus, police agencies where the *evidence cops* hold sway might be less inclined to proceed with any experimentation that falls short of scholarly standards. In particular, such agencies might be less inclined to proceed with the type of iterative, developmental and exploratory experimentation that characterizes problem-solving.

EBP proponents want valid controls as well as crystal-clear specification of the intervention being tested. Their design purpose is to establish causal connections. However, problem-solvers' purposes and methods are different. They seek to quickly generate creative, plausibly effective solutions, which are worth trying just because there is a chance they might fix the problem.[24] Problem-solvers certainly want to see problems reduced or eliminated and should be methodologically rigorous when it comes to monitoring the abatement of the specific problems addressed so they can tell when progress is being made (hence, Goldstein's strong emphasis on measurement and monitoring).[25] However, they are not so concerned about proving causality. Consequently, problem-solving does not normally impose the additional methodological constraints that would support determinations of causality.

Problem-solvers use iterative techniques, short-cycle development and rapid, early assessments of impact, followed by ad hoc and multiple adjustments — all of which confound the technical methods of social science evaluation. As John Eck has pointed out, "Rigorous evaluations are an awkward, inefficient, and unnatural way to learn about what works when we are interested in small-scale, small-claim, discrete interventions."[26] Hence the danger: If EBP is allowed to set the standards for police experimentation, then much valuable experimentation might be curtailed.

5. **EBP may reinforce and perpetuate the program-centric mindset in policing, which problem-oriented policing was supposed to dispel.** The entire motivation for problem-solving — not just in policing but also across the whole field of social regulation — is to help public agencies understand the deficiencies of a functional or programmatic view of their work, and discover what it means to be task-based rather than tool-based.[27] Skilled craftsmen do not spend the day staring at the array of tools hanging from the workshop wall, contemplating which ones work and which ones don't; rather, the craftsman stands at the task bench and focuses on what must be accomplished. Problem-solving represents a fundamental departure from a tool-centric or program-centric approach, because it recreates the experience of the craftsman in his shop, standing at the task bench, studying the

task, facing the dawning and uncomfortable realization that "I don't have a tool for this"; at which point the successful craftsman invents and fabricates a new tool tailor-made for the job.

Proponents of EBP argue that they, too, realize that programs should not be mindlessly copied from one jurisdiction to another. They acknowledge the need to anticipate adjustments and refinements based on local conditions when replicating successful programs. However, this is a tiny move and not enough to restore the appropriate frame of mind for problem-solving. Make some minor adjustments to a hammer and it is still fundamentally a hammer. Adjust your saw blade, and it still only makes cuts. A tool-focus is what we were trying to escape.

An adjustable wrench is still a wrench, and no amount of fiddling with it will help if the task is to retrieve a loose screw lodged deep in an engine crankcase, and the craftsman has no suitable tool for that. Making tools adjustable might make them more broadly useful. Nevertheless, focusing first on programs is still a fundamentally different frame of mind than focusing first on problems; these two mindsets lead to entirely different organizational behaviors and responses.

6. **With its reliance on statistical techniques, EBP may not recognize or reward the best problem-solving performance.** In any risk-control or harm-reduction setting real success means "spotting emerging problems early and suppressing them before they do much damage."[28] Sophisticated analysis and pattern recognition capabilities, along with bristling intelligence antennae and other forms of alertness and vigilance, can help an agency spot emerging problems earlier rather than later. The earlier the *spotting,* the less noticeable (in a statistical sense) will be the *suppressing.* The problem itself and the effects of any intervention will each be less discernible through quantitative analysis if the action was early and swift. By contrast, problems that have been allowed to grow hopelessly out of control, and which are then dramatically reduced through some sizeable effort, are much more likely to show up as demonstrable successes through the evaluative lenses of EBP. EBP's methods will mostly recognize only bigger, later suppressions and may not be able to discern or appreciate the deftness and nimbleness that constitutes real problem-solving success. Allowing EBP to arbitrate what works could have the perverse effect of leading the profession to celebrate only those crime-reduction successes that had been preceded by substantial failures.

7. **EBP focuses only on specific interventions and pays little attention to the development of an agency's problem-solving capacity and skills.** Problem-oriented policing has profound implications for almost every aspect of a police department's operations:

- It requires new sets of skills for officers engaging in it.
- It requires extensive analytic support at several different stages of the problem-solving process.
- It makes senior officers responsible for tackling a portfolio of problems or risks rather than managing a portfolio of programs or functions.
- It severely stretches the internal fabric of an agency because the majority of problems simply don't fit neatly within existing organizational units.
- It plunges the agency into a constellation of complicated inter-agency and cross-sectoral partnerships, simply because real-world problems don't respect agency boundaries either.

EBP focuses closely on the evaluation of specific interventions and very little, if at all, on the development of agency competencies. Even interventions that failed — in the narrow sense of having produced no measurable impact on levels of crime or disorder — may nevertheless have contributed to agency experience, developed the capacity and confidence of its officers, enriched important partnerships with other parts of government, and strengthened community engagement through collaborative efforts. For problem-oriented policing to mature, the profession must pay significant attention to all of these other forms of progress, which EBP tends to overlook.

Evidence-Based Policing Fights Back

Several of these arguments have been made before, and some of the more enlightened advocates for EBP seem prepared to acknowledge many or all of them. But the EBP movement seems unwilling to let problem-oriented policing alone or to recognize it as an area where EBP's preferred methods might have severely limited value.

Curiously, as if problem-solving represents some kind of threat to the status of social science, EBP seeks to reassert control, and its supporters appear to have pursued two particular strategies for this purpose.

Evaluating Problem-Oriented Policing as a General Strategy

The first involves moving to a higher level. EBP may concede that social science research methods cannot keep pace with operational policing, and might be too expensive and elaborate to apply to low-level and short-term problem-solving efforts, but they can surely *evaluate the overall strategy of problem-solving!* This represents an attractive proposition for the scholars, if only it were possible. They might be able to establish that problem-solving actually works to reduce crime and disorder, in which case EBP could share the credit for anything that problem-solving subsequently accomplished. Alternatively, perhaps scientific research might demonstrate conclusively that problem-oriented policing doesn't work at all, in which case all of the threats to the scientists' *right to govern* policing, laid out earlier, would simply fizzle away.

As a theoretical matter, evaluating an overall strategy (such as *problem-oriented policing)* is quite different from evaluating a set of particular interventions that the strategy has produced.[29] As a practical matter, there is no way that the efficacy of problem-oriented policing, as an overall strategy, could be determined through formally structured experiments or evaluations. There are simply too many different forms of it, many of them deemed "shallow" one way or another by the scholars,[30] and too little maturity in terms of the broader versatility originally envisaged.

The prospect of finding even 50 departments who operate the same version of problem-solving, and another 50 who clearly do not (for the sake of providing a suitable control group), seems extremely remote.

A recent study led by David Weisburd illustrates the difficulties involved in trying to evaluate problem-oriented policing as an overall strategy. It also provides a wonderful illustration of the consequences of focusing first on quality of evidence rather than on a broader search for operational insights. Four researchers set out to conduct a

"Campbell Systematic Review" of existing literature in order to determine "whether POP is effective in reducing crime and disorder."[31] Following protocols established by the Campbell Collaboration,[32] these researchers first conducted a massive troll of the research literature, uncovering no less than 5,500 relevant articles and reports. They applied the standard methodological threshold tests and concluded that only 10 of these studies (those that involved randomized or well-matched comparison groups) made the cut.

Weisburd and his fellow researchers then combined the findings from these 10 studies, using meta-analysis techniques, and arrived at the conclusion that POP seemed to have some modest, but nevertheless perceptible effect.[33]

However, the researchers noted that, if they had chosen to use a different method of combining the results from these 10 studies (a method called *votecounting*[34]), then the conclusion would have been entirely different (i.e., "no discernible effect").[35] After all that effort, their eventual determination of whether POP has any effect at all hinges on the researchers' choice among available methods for combining the results.

There was potentially more encouraging news from the second part of this study. The authors noted that, by relaxing their methodological standards somewhat (admitting studies that had pre/post data but lacked control or comparison groups), they could bring in a further 45 studies from the remaining pool. The combined results from this broader collection were "overwhelmingly in favor of POP effectiveness."[36] However, the authors then noted that combining the effects from a broad collection of problem-solving interventions, each aimed at quite different types of problems, seemed problematic. Indeed, it does. After all, the idea was to test the *overall strategy* of problem-oriented policing, not to try to combine a set of miscellaneous but particular *interventions* that problem-oriented approaches had produced. Using statistical aggregation techniques to combine outcomes from interventions focused on quite different types of problems seems vaguely bizarre. It is like posing some general and high-level question such as "Do drugs work?" and then trying to answer that question by combining studies involving quite different drugs, applied to patients with quite different conditions. Normally meta-analysis techniques are used to combine results from several implementations of the *same program*. Cognizant of this difficulty, Weisburd and colleagues add an appropriately cautious rider to these (initially more encouraging) results: "this diversity of programs and approaches also should bring caution to any conclusions drawn from our study."[37]

The net result? A mammoth undertaking, involving the review of 5,500 articles and reports, rejection of all but a handful of them because the evidence they contained was deemed not of sufficient quality, and sophisticated meta-analysis of the few that did clear the threshold, yielding highly tenuous conclusions that readers are advised to treat with "caution." For professional social scientists, this is a veritable *tour de force* demonstrating the highest levels of technical and methodological sophistication. And for operational policing? Probably nothing much useful: no new insights or ideas, and no reliable conclusions. No wonder that scholars across many policy domains are now asking, "What is it about experimental evaluation, or … quasi-experimental evaluation, which leads even the very best of it to yield so little?"[38]

Of course, had this review uncovered hundreds or thousands of properly conducted experiments, rather than only 10, then the results might have been more conclusive. Weisburd and his colleagues are quick to observe the general absence of such studies, concluding that "the evidence base in this area is deficient given the strong investment in POP."[39] How should we remedy that deficiency? Weisburd and colleagues offer the standard EBP proposal that "a much larger number of studies is needed to draw strong generalizations regarding the possible effectiveness of POP."[40]

Of course, there might be some other ways to remedy the situation. One might pay more attention to other forms of evidence or ponder, at least for a moment, the insights and wisdom contained in the other 5,445 reports.

Gilles Paquet, former President of the Royal Society of Canada, describes a variety of "blockages" to the production of knowledge suitable for informing public policy and aims squarely at the evidence-based policy movement generally:

> The second family of blockages pertains to the notion of evidence. It stems from a tendency of the fundamentalists to summarily reject a whole range of types of knowledge as irrelevant, if not meaningless, if that knowledge does not originate from the credentialized tribe and is not the result of work done according to certain prescribed protocols.[41]

Proponents of EBP have set the bar for *knowing* so high, and made the means for generating knowledge so particular, that they end up knowing relatively little. Operational police need to know much more, just well enough and much sooner, in order to keep up with the pace and variety of the challenges they face.

Focusing on Place-Based Problem-Solving Interventions

EBP will probably never manage to produce a convincing evaluation of problem-oriented policing at the level of a departmental strategy. Perhaps recognizing this, the EBP movement makes a second attempt to re-insert itself firmly into the problem-solving arena. If the research scientists can't keep pace with individual problem-solving projects, and they have little hope of evaluating the overall strategy, then maybe they can find some particular *version* of problem-solving that can act as a proxy for the overall strategy and which they can actually evaluate. EBP does seem to have found one: the use of *place-based interventions.* Much of the current energy in the EBP movement seems to be gravitating to this area — testing the effects of order maintenance and other localized interventions — and confirming for us what must have seemed intuitively obvious to police executives for decades: Place-based problems tend to have place-based solutions.

It seems somewhat curious that EBP, in trying to offer some insight on the efficacy of problem-oriented policing, would end up focusing on such an old and familiar police tradition, one that actually predates Goldstein. Perhaps EBP focuses on place-based interventions because place-based experiments are relatively easy to design and conduct. The data required to identify spatial (or temporal) concentrations already exists. The analysis required to identify geographic clusters is straightforward and familiar. Furthermore, places, when divided into treatment and control groups, don't complain, call their lawyers, or lodge constitutional objections about unequal treatment.[42]

Organizing experiments around *other* dimensions may be more difficult. Substantial ethical difficulties arise and potential legal challenges may result whenever randomized controlled experiments are organized around pervasively criminal families, classes of victims, or different cohorts of schoolchildren drawn into gang-related activity — where substantial groups of *people* end up getting quite different treatments.

"But, in medicine, they do that all the time," some may object. "They conduct experiments on issues of life and death, with human control groups, all day and every day." True. However, medical experimentation is based on *informed consent* and *voluntary participation* — features of the experimental environment that policing seldom enjoys.

One of the broader and more sophisticated inquiries into the efficacy of problem-solving was conducted recently by Anthony Braga and Brenda Bond, working with the Lowell, Mass., Police Department.[43] Through analysis, they identified 34 crime hot spots in Lowell and allocated 17 of them to a treatment group and 17 to a control group, using a matching procedure. Three types of problem-solving interventions were applied within the treatment group: (1) sustained programs of misdemeanor arrests, (2) other "situational" (i.e., place-based) strategies, and (3) some "social service" strategies (referrals and other services offered to specific individuals).

Braga and Bond's analysis of the experiment, which employed *mediation analysis* and other highly sophisticated statistical methods, enabled them to draw two main conclusions: (a) a collection of interventions, "focused at specific high-activity crime and disorder places in the city," can generate crime prevention gains;[44] and (b) "the strongest crime prevention benefits were driven by situational strategies that attempted to modify the criminal opportunity structure at crime and disorder hot-spot locations," with misdemeanor arrest strategies and socialservice-type interventions scoring less well.[45]

Should we therefore conclude that situational crime prevention techniques are hereby validated and that the alternate (people-based) strategies should continue to be regarded with continuing skepticism? I think not. I have complete confidence in these two authors' analytic skills, experimental disciplines, and the diligent cooperation of the Lowell Police Department under their Chief at the time, Ed Davis. However, I have a strong suspicion that the conclusions the researchers could draw as a result of this experiment are not surprising and are largely determined by the way the experiment was designed. The crime concentrations selected as the foundation for the experiment were *spatial.*

Experience with problem-solving in a broad range of other domains teaches us that the dimensions in which a problem or risk is concentrated are often (but not always) closely related to the dimensionality of the solutions.[46] Place-based problems are more likely to have place-based remedies. Family-centered problems are more likely to respond to family-centric interventions. Social-needs-based problems are more likely to benefit from the provision of social services. Thus, it is not fair to compare three classes of intervention, each organized around different dimensions, starting with only place-based crime concentrations. One might expect, or might even predict, that place-based strategies would come out on top.

It may be that criminologists conduct place-based experiments simply *because they can.* (In Weisburd and colleagues' Campbell Systematic Review, they found only four randomized studies among the 5,500 POP-related articles, and *all four* involved place-based experiments.[47]) Researchers may therefore be quicker to confirm the efficacy of place-based strategies than other types of problem-based interventions. The danger, of course, is that the audience for these evaluations might imagine this actually teaches us about what works and what doesn't in policing.

What EBP can actually "prove" has as much to do with the limitations and feasibility of their own research methods as it has to do with what actually works. Perhaps this is why the list of approved interventions remains so short. The shortness of the list might have much less to do with the effectiveness of policing strategies, and much more to do with the limitations of EBP's approved methodologies, and the difficulties of applying them in the policing environment.

A Broader Range of Scientific Methods

The social sciences have an older brother, the natural sciences, with a better established and more robust record of accomplishment. Natural scientists not only look into different areas (physics, biology, chemistry, astronomy, engineering) but also tend to inquire in different ways.

Social science experimental techniques tend to treat complex systems (e.g., communities, families, school populations, and even crime organizations) as black boxes. Researchers can control the inputs, testing them in various combinations; and they can monitor what comes out at the other end of the box some time later (e.g., delinquency rates, crime rates, addiction rates, or propensity for violence). They can then apply sophisticated statistical techniques to their accumulated data about inputs and outcomes, and draw causal inferences in some cases.

Natural scientists tend to have different instincts. They lift up the lid of the box and peer inside. They poke and prod around, not knowing at the outset what they expect to find, open to all sorts of possibilities, not yet knowing what tools they will need to probe further. Their inquiry methods are *reflexive,* which means that, as Gilles Paquet explains, "knowledge acquired gets integrated during the process; it influences the design and thereby modifies the outcome."[48]

They do not emphasize any particular or preferred toolkit, nor do they have ingrained in their consciousness any formally approved hierarchy of evidence. They *explore.* They inspect mechanisms up close, rather than observing inputs and outcomes in the aggregate and from a distance. As Pawson and Tilley observed, very few experiments in natural science use experimental/ control-group logic.[49]

Different Scientific Traditions

I remember a recent day-long meeting at Harvard University's School of Law that drew faculty from several of Harvard's schools and from many disciplines. The subject was addiction and addictive behavior, particularly among juveniles, and the effects that various early childhood programs might have on addictive behavior exhibited later in life.[50] For the first hour or so of the meeting, the social science researchers held sway, describing this study and that one, and what they could and couldn't tell from the collection of available studies (which were contradictory in some areas, and generally inconclusive in the aggregate).

The moderator invited Jack Shonkoff (Professor of Child Health and Development, and Director of the Center on the Developing Child at Harvard University), who had been quiet until that point, to comment. His first words were:

> I wouldn't start with program evaluation. Nor would I start by talking about early preventive programs. I'd start with the science, and what we know about early brain development.

Professor Shonkoff and a colleague, Charles Nelson (Professor of Pediatrics), proceeded to explain to the group what they knew about the plasticity of the brain and the effects of toxic levels of stress during early childhood. Through intensive use of brain scans, the pediatric neuroscience community had been able to watch over time the different effects of too much stress, too little stress, and healthy levels of stress during the early years of childhood, when the patterns of synapses within the brain are still being formed. Natural scientists and medical experts know the value of program evaluation, but they draw on a much broader repertoire of inquiry techniques.

Ernest Nagel, in *The Structure of Science,* points out just how much has been learned by the human race through lay inquiry, careful observation, creativity, exploration, experimentation, trial and error, and incremental adjustment.

> Long before the beginnings of modern civilization, men acquired vast funds of information about their environment. They discovered the uses of fire and developed skills for transforming raw materials into shelters, clothing, and utensils. They invented arts of tilling the soil, communicating, and governing themselves. Some of them discovered that objects are moved more easily when placed on carts with wheels, that the sizes of fields are more reliably compared when standard schemes of measurement are employed, and that the seasons of the year as well as many phenomena of the heavens succeed each other with a certain regularity.[51]

Charles Lindblom pushes a little harder and questions whether we actually need social science at all. The accomplishments of the natural sciences and engineering, he proposes as a stark contrast, are many and obvious:

> Yet the troubling possibility persists that with no or only a few exceptions, societies could perhaps continue to go about these and other activities if social scientists vanished, along with their historical documents, findings, hypotheses, and all human memory of them…

> The disappearance would presumably in some ways render social tasks more difficult, but perhaps in no case render any existing social task impossible, as would the disappearance of any one of many contributions from natural science and engineering. The value of social science to social problem-solving remains clouded to a degree that would shake any social scientist's complacency.[52]

My purpose in quoting these rather pointed arguments is not to dismiss the relevance of social science research methods to policing but, rather, to press the point that social scientific experiments and evaluation constitute a relatively small and very particular subset of the relevant inquiry toolkit.

We should at least consider which *natural science* inquiry methods might turn out to be relevant or important for policing. A great many of them, I would suggest. Most of what we know about social problems and most of the knowledge already accumulated by police stems from the mindset and methods of natural science inquiry — observation, inspection, investigation and diagnosis, leading to the development of ideas about the scope, nature, and dynamics of various dysfunctions and breakdowns in the social order. Even in policing, natural science inquiry methods have a better established and more robust record of accomplishment than social science's experimental methods.

Some sociologists and criminologists might complain that this is unfair and might protest that they themselves use many of the methods of natural science inquiry, even when examining social issues.

Indeed, some of them do. Many social scientists engage in field research, case studies, observation and reporting, synthesis, evaluation, hypothesis development and testing. Many of them have an attitude of professional curiosity, conduct careful observations, compile descriptions, construct stories and derive meaning, offering insights that others may then accept or reject.

However, an *elite* emerges within the discipline: the *randomistas,* as they are known in the field of development economics.[53] They argue that one cannot possibly know anything for sure without a randomized, controlled experiment. They set the standards for professional inquiry so high, and focused on such particular methods, that they then become the ones uniquely qualified to make determinations. They explain carefully to their peers, and to the rest of the world, why more casual or unstructured methods provide no substitute, and how most people therefore really don't know anything for sure.

In this sense, regrettably, EBP is in danger of developing as an *elite* science. Many of its proponents are thinly disguised *randomistas,* and some have no disguise at all. They focus on the most demanding levels of proof, view lay inquiry as poorly structured and therefore invalid, and claim the monopoly right to govern operational decisions in policing. Whatever progress had been made — when social scientists learned to embrace a broader range of natural science methods — is swiftly undone when the *randomistas* produce their hierarchy of evidence and draw threshold lines across it. They leave virtually all of the natural science inquiry methods below the line, effectively demoting them to the unacceptable category, for which there is no place within their "elite (social) science."

EBP's Scientific Methods Scale

The EBP movement has developed a five-level hierarchy, which they call a *scientific methods scale*.[54] Randomized controlled experiments belong at the highest level (tier 5), whereas mere correlations belong at the lowest level (tier 1). The threshold for acceptability is drawn at tier 3, where experimental designs include "moderate statistical controls" such as comparisons between control and treatment groups and between pre-and post-treatment:

> Programs coded as working must have at least two "level-3" to "level-5" evaluations showing statistically significant and desirable results and the preponderance of all available evidence showing effectiveness.[55]

Hence, police programs will only be deemed *proven* if multiple independent studies have confirmed their effects. To be valid, the contributing "experiments and quasi-experiments should include large samples, long follow-up periods, follow-up interviews, and provision for an economic analysis."[56] EBP has also declared some willingness to consider findings from metastudies, which compile volumes of data from multiple sources as an alternative to designing new experiments from scratch. To be acceptable, such studies must be extensive and suitably sophisticated. Such stringent specifications will surely have the effect of keeping "acceptable methods" beyond the capabilities of ordinary mortals and thereby guaranteeing a stream of social science research funding for decades to come. EBP has set its thresholds, and the vast majority of ordinary "lay inquiry" and natural science methods fall short of it.

Above EBP's threshold line (in terms of acceptable methods for establishing program effectiveness) lie controlled experiments (preferably randomized), meta-studies, and a miscellaneous collection of other sophisticated program evaluation techniques. Social scientists have one other favorite tool — regression analysis — used not so much to determine causality (as it mostly establishes correlations rather than causal linkages) but used at an earlier stage of inquiry to identify *factors* that might exert significant influence on specific *outcomes.* Identifying such factors, of course, could lead eventually to clues about potential interventions and policy effects.

However, there would normally be a lot of ad hoc probing, prodding, and messy experimentation before a regression finding (establishing the significance of one factor or set of factors) could be translated into an intervention design. Nevertheless — and perhaps because of the sophistication and apparent ubiquitous applicability of the tool — regression analysis also seems to have earned a place in the social science elite's preferred toolkit.

Other Ways of Knowing

Perhaps it is worth bearing in mind that Sir Isaac Newton established the laws of motion and elasticity without using any of these preferred methods. Using his trademark combination of scientific curiosity and creativity, he first estimated the speed of sound in air by clapping his hands at one end of a walkway in Neville's Court (Trinity College, Cambridge) and measuring the interval between the clap and the echo returning from a wall at the far end of the courtyard.

Having no stopwatch, he synchronized the swing of an adjustable-length pendulum to match the delay and later computed the period of the pendulum. He surely conducted experiments. He did so to test the theories that he developed to explain the observations that he so carefully made. Observation begat theories, and theories begat further observation. His experiments were not randomized, nor controlled, and involved no meta-analyses nor regressions.

Perhaps it is also worth bearing in mind that the vast majority of modern medical knowledge has accumulated without the use of this elite toolkit. Yes, specific remedies are now tested through randomized clinical trials, but medical students first learn anatomy and are required to dissect a cadaver as part of their training so that they can see how the human body is put together. They learn how the musculo-skeletal system works, then the cardio-pulmonary system, the endocrine system, the nervous system, and so on. Next, they learn about the myriad ways in which physiological failures can occur. During their training, they talk to hundreds or thousands of patients with various symptoms and conditions. They do most of this learning by using their own eyes and ears, aided by microscopes, stethoscopes, scanners of one kind or another, patient interviews and examinations, and lab tests galore.

Only at a very late stage, when the medical community wants to check the efficacy of one treatment protocol compared with another, in relation to a specific condition or diagnosis, does it turn to controlled experiments. When it does, medicine has many advantages over policing. Throughout the world, the human body works basically the same way and is subject to common modes of failure or dysfunction. (The same is not true for societies, communities, neighborhoods or

crime problems).[57] These medical failure modes are finite in number and have already been codified as a list of diagnoses (not true for policing problems). For any one diagnosis, there are at least thousands of cases, if not millions (not true for policing problems). For clinical trials in medicine, hundreds or thousands of patients can generally be identified who not only share the same underlying diagnosis but also satisfy any additional demographic filters that experimenters may choose to apply.

Modern medicine generates numerous clinical trials, in part, because of the interests of corporations. Manufacturers of drugs and medical devices have powerful incentives to overstate the effectiveness of their products and to press those claims on doctors and patients alike. Regulators (such as the U.S. Food and Drug Administration) require manufacturers to supply evidence from clinical trials before granting approval for new products or certifying new uses for them. Stringency in testing seems natural and appropriate in such circumstances, given the commercial incentives in play.[58]

Randomized studies turn out to be easier to run, as a practical matter, for drugs than for other types of medical intervention. The administration of drugs is relatively easy to standardize. As medical researchers have pointed out,

> [T]here is a lack of generalisability once we move away from drugs to manual interventions. For example, difficulty in devising practice policies in surgery arises because decisions depend on the features of a particular patient (obesity, anatomy, quality of tissue), the particular surgeon, and various external factors (equipment available, competence of assistants).[59]

What is true for surgery is most certainly true for policing, with little prospect of precisely replicating interventions across jurisdictions. The good news, in medicine, is that for pharmaceuticals — an area where commercial propositions deserve the most careful scrutiny — the treatments happen to be relatively generalizable, which makes clinical trials feasible.

It may be good news for policing that there are relatively few commercial interests at stake in advancing one crime prevention strategy over another. We should certainly beware those cases where specific commercial products are closely associated with specific policing strategies or tactics (as may be the case with the recent emergence of *predictive analytics,* the adoption of technical products such as Tasers and particular types of firearms, body armor or vehicles). Such circumstances demand heightened skepticism, closer scrutiny and stricter evaluative standards. There do not appear to be any particular commercial interests behind problem-or community-oriented policing, so expensive research to safeguard against commercially motivated and overblown claims of effectiveness probably are not needed in these areas. Lower levels of evidentiary support for these strategies might serve the profession perfectly well.

Natural Science Inquiry Methods in Policing

Does the police profession use the equivalent of natural science inquiry methods? Absolutely. I would suggest that crime analysis, intelligence analysis, intelligence-gathering, investigations, investigative field-craft and general surveillance techniques all fall squarely into this category. These are the ordinary processes of discovery, structured and unstructured, through which police find out what is happening, and why, and begin to explore how best to intervene. Such methods can be more or less sophisticated, of course, and they can be very sophisticated indeed without involving any of the tools from EBP's elite toolkit. Moreover, police and scholars can collaborate closely and productively around such methods.

The Boston Gun Project provides an obvious example of such a collaboration. Three Harvard scholars worked closely with Boston police and other agencies to find the causes of escalating juvenile homicide rates in Boston and figure out what might be done. They were given some hypotheses, developed more of their own, and tested these hypotheses by talking to street workers, gang members, and anyone else who could provide useful insights. They inherited one particular theory — that the violence was fuelled by an uncontrolled supply of guns from southern states. They checked out that theory by tracing guns used in past homicides back to their point of first sale. What they found out (most of the guns used in homicides were sold first in Massachusetts and were relatively new when used) demolished that theory, and the team quickly abandoned it. Next, they searched for new ideas, listening carefully to a broad range of players. Like natural scientists running back and forth between the lab and the field, these researchers moved back and forth constantly between data analysis and street-level inquiry, each form of investigation informing, enriching and redirecting the other. Eventually, "the structure of the knot" came into focus, and its internal dynamics became clear. The researchers and their police partners saw clearly the structure of the 61 gangs, the patterns of established gang "beefs," and the role played by peer pressure within the gangs when it came to violence. Finally, once they understood the structure of the problem, the project team devised a tailor-made strategy to reverse the effects of peer pressure within the gangs.

What did these researchers *not* do? For this project, they did not conduct any randomized experiments, perform any meta-analyses, nor did they use regression analysis. The entire project was set up and funded (by NIJ) as a problem-solving demonstration project, not as a program evaluation or criminological research project. In fact, there was no formal experimental structure for the project, which may leave the EBP community wondering whether or not Operation Ceasefire really worked, or whether the 63 percent reduction in the youth homicide rate,[60] which quickly followed implementation of the Ceasefire strategy, was merely some kind of fluke.[61] Maybe, several years later, EBP scientists will come up with some method to confirm (subject to their own standards of evidence) that Operation Ceasefire actually saved lives. Even if they do, we should be grateful for all the lives that will have been saved in the meantime.

What a shame it would be if this type of cooperation between police and scholars were not valued, just because this partnership used nothing from the toolbox of elite science. What a shame it would be if the many forms of analysis this team (and others like them) employed along the way, when unraveling a serious crime problem, were deemed unsatisfactory. What a tragedy if operational policing ever had to wait for social science to catch up.

Because some social scientists use natural science methods, and natural scientists occasionally run controlled experiments, drawing a sharp line separating the two sets of research methods is somewhat problematic. However, distinguishing the much smaller set of social science methods approved by the EBP elite from all other scientific methods is actually much easier, simply because the preferred toolbox is so small and its contents quite easily enumerated.

Data Analysis and Pattern Recognition in the Natural Sciences

Some may make the mistake of assuming that natural science methods look only locally, through the microscope or by way of lab tests, at one object at a time; and that any methods involving analysis of large data sets (such as crime analysis) must obviously belong to the social sciences. This is plainly wrong. The entire field of *pattern* recognition techniques, for example, aligns better with the instincts of natural scientists than with those of social scientists. Fraud detection algorithms (which operate across massive databases of financial and transactional data) have nothing to do with program evaluation or controlled experimentation, and everything to do with searching for anything strange that might be there and exploring the nature of anything that appears.

Nicholas Christakis (Professor of Medicine and Medical Sociology at Harvard Medical School) explores the mechanisms through which disease or health effects are transmitted through social networks. Through the application of network analysis and other analytic methods, he has shown, for example, how obesity can be transmitted through social ties as individuals influence the attitudes and behaviors of family and friends around them. Christakis reports that the advent of social networking sites such as Facebook have presented researchers in this area enormous repositories of data, electronically available and ripe for analysis. His use of them is highly sophisticated, deeply scientific and analytical in nature. Nevertheless, his instincts align more with the mindset and methods of investigation and exploration rather than program evaluation, hence more with the habits of natural scientists than those of social scientists.[62] In a recent interview with *Harvard Magazine,* Christakis explained the significance of natural curiosity and openmindedness, coupled with a broad range of analytic instruments, in finding out how things work. He applies the same mindset, he implied, when exploring terabytes of social network data as Galileo employed when he peered through his telescope to fathom the structure of the heavens:

> In some ways the availability of these new kinds of data is like what the microscope was to Van Leeuwenhoek or the telescope to Galileo. When the telescope was invented, Galileo just started looking at stuff. He looked at the moon and he saw mountains. He looked at Jupiter and found moons encircling it. He looked at the sun and found sun spots. There's this huge part of science which is just about careful observation and curiosity about the world.[63]

This "huge part of science" routinely dwarfs social science in making contributions to knowledge. It would be strange indeed if Galileo and Newton, who have taught us so much about the way the universe works, were deemed not to have engaged in "high science" simply because their methods did not rely on randomized experiments or program evaluation techniques.

There is no prima facie reason why the ratio of natural science methods to social science methods applicable to policing should differ markedly from this ratio in other areas. One can obtain a rough sense of where that ratio lies, in general, by comparing the rate at which new articles are abstracted into various academic citation indices. For the United States, the rate at which articles are being added to the general science citation indices runs at roughly five times the rate at which articles are being added to equivalent social science citation indices.[64] Across a range of industrialized nations, this ratio varies between 5:1 and 10:1.

In other words, social science may account for no more than 10 to 20 percent of new science.[65] Given that the elite toolbox and preferred methods of EBP represent a relatively small subset of the overall social science toolkit — certainly less than half — then it might be reasonable to guess that EBP should represent no more than 5 to 10 percent of the investments the police profession could usefully make in scientific inquiry. From this perspective, the notion of EBP playing a central or dominant role in the relationship between police and scholars begins to look woefully unbalanced.

Weisburd and Neyroud do mention the natural sciences and engineering, in passing, but they lump these together under the general rubric of *devices* or *technologies,* which they say the police are much too eager to adopt. They virtually ignore natural science inquiry mechanisms, normally the larger piece of the scientific pie. W&N do briefly mention crime analysis, commenting positively on some recent advances in its sophistication and versatility.

However, they do not seem to seize on crime analysis (as I believe we should) as an example of a different type of science that is more directly relevant to operations. W&N observe little "involvement between scientific work in universities and the work of crime analysis in policing."[66] Specifically, they complain:

> Police departments do not … encourage their scientific staff to publish in scientific journals in criminology; indeed, they generally discourage them … . Science in this sense is not a part of large policing centers. The implication of this is that the scientific quality of crime analysis units is often relatively low.[67]

In other words, W&N suggest that crime analysis should involve the same type of analytic sophistication as criminological research, and any crime analyst worth his or her salt should be publishing studies in scientific journals. On this point, as on so many others, W&N seem to equate science with criminological research and ignore the significance of inquiry and analytic methods that are perfectly valuable for diagnosing crime problems and guiding operations but lie well outside the realm of evidence-based policing and criminological research.

It is quite a different thing to make the police profession "an arena of evidence-based policies"[68] rather than a sophisticated user of scientific methods. Conflating these purposes may well serve to elevate the status and interests of social scientists but would be disastrous for police. To set things more properly in balance, one might surmise that evidence-based policing, because it is unlikely to meet more than 5 percent of the police profession's overall scientific needs, should probably receive no more than 5 percent of the funding for police science and a commensurate level of attention.

If such a rule seems remotely reasonable, then the police, along with their scholarly supporters, will need to make a serious commitment to figuring out what mix of investments should constitute the remaining 95 percent of the science agenda because, so far, we have heard less about this part. It is not too hard to identify some of the priorities in this space. The police profession, aided by the scholarly community, should:

- Aim to broaden the range of crime analysis techniques available, beyond the narrow traditions of spatial analysis and CompStat. We should help police understand that problems come in a daunting array of shapes and sizes, and help them to develop the broader analytic versatility required to reveal a broader range of problems and bring them into clearer focus.

- Learn more about the interplay between data-mining and investigative field-craft, so that macro-level analysis and micro-level examination can each inform, refocus and complement the other in a continuous cycle, as police seek to identify and comprehend the complex phenomena they confront.

- Continue to develop intelligence analysis techniques versatile enough to assess local, regional, national and international crime problems (because the security threats that confront police continue to diversify and vary considerably in scale).

- Develop a clearer vision of what might constitute *analytic vigilance* for the profession, learning to avoid "failures of imagination," knowing how much time and resources to spend on looking, and knowing how to look, even when there might be nothing to find.

- Explore and import a much broader array of pattern recognition techniques to help police spot emerging, invisible and unfamiliar problems earlier and more reliably.

- Define and refine the (several) supporting roles for data analysis, measurement and monitoring during the different phases of the problem-solving process.

- Invest in the quality of analytic support available to operational policing and dramatically increase the availability of analytic services throughout departments.

- Continue the drive to elevate crime analysis and intelligence analysis to the status of a profession,[69] taking care to prevent this emerging discipline from being confused with (or captured by) criminology or the social sciences.

All of these investments would be deeply analytical and could draw on diverse streams of scientific knowledge and scholarship.

Toward a More Stable and Sustainable Relationship

The relationship between academia and the police profession remains tenuous and vulnerable, but significant progress has been made in developing fruitful collaborations of many types. Scholars have worked with police on political management, organizational design, organizational change, police culture, training, enhancing educational standards within the ranks, and developing analytic methods as well as helping to develop operational strategies and tactics. Scholars have participated in problem-solving projects, chaired inquiries and commissions and have served extensively as consultants to police executives.

All of this is too valuable to jeopardize. Giving evidence-based policing a central position or allowing it to dominate interactions between police and academia may stifle the relationship.

The form of the relationship proposed by proponents of evidence-based policing offers virtually no benefits for police. The best they can hope for is that the scientists they have invited in, after months or years of research work, will finally confirm what police thought they knew already: that an intervention or program the department had previously deployed did actually work. The downside risk for police is much greater. Maybe the research findings will prove to the world that police actions were irrelevant or ineffective and that apparent successes turn out to be bogus or mere luck. For police managers, what joy! No wonder many executives scratch their heads and wonder why they would want to enter into such a partnership. Meanwhile, the scholars offer police no real help with pressing operational needs because they have such a short list of approved methods. The scholars bear no responsibility for the consequences of action or inaction and feel no obligation to invent anything useful. They mostly want to *evaluate.*

While the benefits for police seem minimal, the costs loom large. Police must proceed more slowly, even in the presence of urgency, in order to satisfy the demands of experimental design. Police agencies must accommodate scholars, providing them access to staff and data, and confronting the legal issues that arise when outsiders are allowed in. Police end up driving the scholars around, keeping them safe, and generally looking after them. Police executives voluntarily subject their own actions and their officers' actions to scrutiny, dealing with the associated press inquiries and reputational risks. Managers have to persuade their own officers to cooperate with researchers despite their workloads, beliefs and worries about outside scrutiny — a task made no easier if the scholars use condescending phrases such as "high science" and "elite scientists." In addition to all of these costs, W&N now propose earmarking "a significant percentage of [a police department's] budget" for research and evaluation,[70] which would exacerbate tensions over resources even further.

Evidence-based policing does have a place in policing, but it needs to be kept in its rightful place. EBP employs expensive and complex methodologies that need to be strategically deployed. There are many areas of policing where these methods are not, and will never be, relevant or useful. Problem-oriented policing may well be one such area. EBP should recognize that and simply leave it alone.

There are other areas where EBP's rigorous evaluative techniques seem more appropriate. Where police adopt programs or methods that are expensive, long term, potentially permanent — and which are deployed in a sufficiently standardized way across many departments — evaluating these programs with a reasonable degree of rigor may well be important.[71] With respect to a small number of major programs, EBP may deliver some value. Then again — given the

substantial difficulties involved in conducting controlled experiments within a policing context — EBP might extend its disappointing track record, offering valuable insights few and far between.

The profession should not overlook the many other useful contributions that scholars can make and that science can offer. There are many other forms of scientific inquiry, more akin to natural science methods, that need more urgent development within policing. These are more relevant to the bulk of operational policing challenges and should take priority among science investments at this time.

In closing, consider W&N's key question, "How can we move police science to a central place in the policing industry?"[72] Preferably by understanding the particular and limited contributions that social science research methods can make to operational policing, and by embracing a substantially broader range of investigative, analytic, inquiry and intelligence techniques more generally suited to the operational demands of the profession.

Endnotes

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12. Ibid., p. 16, table.

13. Ibid., p. 5.

14. Weisburd and Neyroud have claimed, in response to initial drafts of this paper, that their paper presents a broader view of *police science* and a more nuanced view of the proposed relationship between scholars and police than we normally hear from the champions of EBP. Indeed, they do mention in passing, and label as *scientific methods,* a considerable range of innovations in technology and analysis, including problem-oriented policing, CompStat, intelligence-led policing, and crime analysis more generally. Nevertheless, they use the phrase *evidence-based* no less than 23 times (followed by *policing, practice(s), policy(ies), model, approach, profession, research,* and *science*) and state rather plainly in their opening sentence that the goal is to make policing "an arena of evidence-based policies." W&N refer to the type of science that the police profession needs as an "elite" science (p. 13), a "blue chip" science (p. 14), and a "high level" science (p. 15). These characterizations echo EBP's emphasis on professional social-scientific evaluation techniques and scholarly criminological research. Thus, the W&N paper seems closely aligned with the core themes of the evidence-based policing movement.

15. Sherman, Lawrence W., "Ideas in American Policing: Evidence-Based Policing," Washington, DC: Police Foundation, July 1998, p. 3.

16. Ibid., pp. 3-4.

17. Lindblom, Charles E., *Inquiry and Change: The Troubled Attempt to Understand and Shape Society,* New Haven, CT: Yale University Press, 1990: preface, vii.

18. Ibid., p. 11.

19. Moore, Mark H., "Improving Police Through Expertise, Experience, and Experiments," in *Police Innovation: Contrasting Perspectives,* ed. David Weisburd and Anthony Braga, Cambridge, England: Cambridge University Press, 2006: 325.

20. Moore, Mark H. "Learning While Doing: Linking Knowledge to Policy in the Development of Community Policing and Violence Prevention in the United States," in *Integrating Crime Prevention Strategies: Propensity and Opportunity,* ed. Per-Olof H. Wikstrom, Ronald V. Clarke and J. McCord, Stockholm, Sweden: National Council of Crime Prevention, 1995: 301-331.

21. Moore, "Learning While Doing," pp. 302-303.

22. Ibid., p. 310.

23. Sparrow, Malcolm K., *The Character of Harms: Operational Challenges in Control,* Cambridge, England: Cambridge University Press, 2008: 8-9.

24. Moore, "Learning While Doing," p. 307.

25. For this purpose, single group pretest/posttest designs are perfectly adequate, whereas these are regarded as "inadequate and uninterpretable" by the experimentalists. See "Standards of Evaluations in Problem-Oriented Policing Projects: Good Enough?" in *Evaluating Crime Reduction Initiatives,* ed. Johannes Knutsson and Nick Tilley, Crime Prevention Studies Book Series, vol. 24, Monsey, NY, 2009: 21, 23.

26. Eck, John E., "Learning From Experience in Problem-Oriented Policing and Situational Prevention: The Positive Functions of Weak Evaluations and the Negative Functions of Strong Ones," in *Evaluation of Crime Prevention,* ed. Nick Tilley, Crime Prevention Studies Book Series, vol. 14, Monsey, NY: Criminal Justice Press, 2002: 109.

27. For a detailed exploration of the differences between functions, processes and problems and the implications for agency operations, see chapter 2, "A Different Type of Work," in Sparrow, *The Character of Harms,* pp. 47-72.

28. I refer to this elsewhere as the *whack-a-mole* model for risk control operations; see Sparrow, *The Character of Harms,* pp. 143-146.

29. Nick Tilley points out that, in asking "what works," the *what* can refer to particular interventions, classes of interventions, mechanisms, strategies, or other more complex combinations of the four. He stresses the need to be clear about which level of object one is evaluating. See Tilley, Nick, "What's the 'What' in 'What Works?' Health, Policing and Crime Prevention," in *Evaluating Crime Reduction Initiatives,* ed. Johannes Knutsson and Nick Tilley, Crime Prevention Book Series, vol. 24, Monsey, NY, 2009: 121–145.

30. Braga, Anthony A. and Brenda J. Bond, "Policing Crime and Disorder Hot Spots: A Randomized Controlled Trial," *Criminology* 46(3) (2008): 585.

31. Weisburd, David, Cody W. Telep, Joshua C. Hinkle and John E. Eck, "Is Problem-Oriented Policing Effective in Reducing Crime and Disorder? Findings From a Campbell Systematic Review," *Criminology & Public Policy* 9 (1) (2010): 139-172.

32. Such reviews follow the protocols of the Campbell Collaboration and focus on experimental and quasi-experimental studies. See http://www.campbellcollaboration.org, accessed on October 6, 2010.

33. Weisburd et al., "Is Problem-Oriented Policing Effective?," p. 153.

34. Vote-counting essentially grants one vote to each study incorporated into a meta-analysis. Tallying the votes provides an overall score indicating whether a specific intervention produces positive outcomes more often than not, according to the compiled evidence. It is generally regarded as an unsophisticated approach because it makes no corrections for the relative sizes and quality of the different experiments. However, when researchers aim to combine the results from several studies involving different *interventions* (as is the case with Weisburd's Campbell Review), any of the more sophisticated *statistical* techniques for combining outcomes might be regarded as mathematically inappropriate, and vote-counting might seem more reasonable in these circumstances.

35. Weisburd et al., "Is Problem-Oriented Policing Effective?," p. 153.

36. Ibid., p. 159.

37. Ibid., p. 164.

38. Pawson, Ray and Nick Tilley, *Realistic Evaluation,* London: Sage Publications, 1997:50. For a discussion of growing dissatisfaction among scholars with prevailing approaches to evaluation and evidence — spanning medicine, education, early childhood programs, and international development — see Smyth, Katya Fels and Lisbeth B. Schorr, "A Lot to Lose: A Call to Rethink What Constitutes 'Evidence' in Finding Social Interventions That Work," Working Paper Series, Cambridge, MA: Malcolm Weiner Center for Social Policy, Harvard University Kennedy School of Government, January 2009. Accessed September 29, 2010, at lisbethschorr.org/doc/Alottolosejan.2009.pdf.

39. Weisburd et al., "Is Problem-Oriented Policing Effective?," p. 140.

40. Ibid., p. 164. An earlier study by Weisburd and Eck, designed to test the efficacy of various policing strategies, drew the same essential conclusion: "[T]he authors find that many policing practices applied broadly throughout the United States either have not been the subject of systematic research or have been examined in the context of research designs that do not allow practitioners or policy makers to draw very strong conclusions" (42). See Weisburd, David and John E. Eck, "What Can Police Do to Reduce Crime, Disorder, and Fear?" *Annals of the American Academy of Political and Social Sciences* 593 (May 2004): 42-65.

41. Paquet, Gilles, *Crippling Epistemologies and Governance Failures: A Plea for Experimentalism,* Ottawa, Ontario, Canada: University of Ottawa Press, 2009: xv.

42. Although nearby residents, if they knew what was happening, supposedly might.

43. Braga and Bond, "Policing Crime," pp. 577-607.

44. Ibid., p. 598.

45. Ibid., p. 599.

46. For a detailed discussion of the dimensionality of problems and the implications for control strategies, see chapter 4, "Defining Problems: Picking the Dimensions," in Sparrow, *The Character of Harms,* pp. 93-100.

47. Weisburd et al., "Is Problem-Oriented Policing Effective?," p. 147. The study also located six quasi-experimental designs, and four of these were also place-based. The remaining two quasi-experiments focused on probationers and parolees, respectively, who are presumably more easily subjected to experimental manipulation than other segments of the public.

48. Paquet, *Crippling Epistemologies,* p. xvii.

49. Pawson and Tilley, *Realistic Evaluation,* p. 57.

50. Discussion at Harvard Law School, moderated by Professor Philip Heymann and Mathea Falco, January 30, 2009.

51. Ernest Nagel, *The Structure of Science,* New York: Harcourt, Brace & World, 1961:5. Quoted in Lindblom, *Inquiry and Change,* pp. 161-162.

52. Lindblom, *Inquiry and Change,* p. 137.

53. The term *randomistas* appeared first in the field of international development economics, where it applies to those who consider randomized controlled trials (RCT) to be the gold standard when it comes to determining intervention effects.

54. This approach stems from the work of Cook and Campbell in 1979. See Cook, T.D. and D.T. Campbell, *Quasi-Experimentation: Design and Analysis Issues for Field Settings,* Chicago: Rand McNally, 1979. In 1998, a formal scale, now known as the *Maryland Scientific Methods Scale,* was laid out in Sherman, L.W., D.C. Gottfredson, D.L. MacKenzie, J. Eck, P. Reuter and S.D. Bushway, *Preventing Crime: What Works, What Doesn't, What's Promising,* Research in Brief, Washington, DC: National Institute

of Justice, July 1998, NCJ 17176. A more recent version of the scale is laid out in Welsh, Brandon C., "Evidence-Based Crime Prevention: Scientific Basis, Trends, Results and Implications for Canada," Research Report 2007-1, Ottawa, Ontario, Canada: National Crime Prevention Centre, Public Safety, June 2007, pp. 13-14.

55. Welsh, "Evidence-Based Crime Prevention," p. 15.

56. Ibid., p. 5.

57. Jim Manzi observes that therapeutic biology "could often rely on the assumption of uniform biological response to generalize findings from randomized trials" but that "higher causal densities in social sciences" make such generalizations "hazardous." See Manzi, Jim, "What Social Science Does — and Doesn't — Know," *City Journal,* Summer 2010. Accessed September 29, 2010, at http://www.city-journal.org/ printable. php?id=6330.

58. In fact, the commercial sector seems to have figured out some ways to prevent the FDA from properly monitoring the trials. Most of the trials are now conducted offshore, where the FDA cannot and does not supervise them. Roughly 80 percent of approved marketing applications for drugs and biologics contain data from foreign clinical trials, and more than half of clinical trial subjects were located overseas. The FDA inspects only 0.7 percent of foreign clinical trial sites. See Levinson, Daniel, "Challenge to FDA's Ability to Monitor and Inspect Foreign Clinical Trials," Report OEI-01-08-00510, Washington, DC: Office of Inspector General, Department of Health and Human Services, June 2010: p. ii.

59. Black, Nick, "Evidence Based Policy: Proceed With Care," *British Medical Journal* 323 (August 4, 2001): 275.

60. The youth homicide rate involves victims ages 24 and younger, and the juvenile homicide rate, involves victims ages 17 and younger.

61. For a full account of the project, see Kennedy, David M., Anne M. Piehl and Anthony A. Braga, "Youth Violence in Boston: Gun Markets, Serious Youth Offenders, and a Use-Reduction Strategy," *Law and Contemporary Problems* 59 (1) (Winter 1996): pp. 147-196. For a subsequent analysis of pre/post data and comparisons with the trajectory of youth homicide rates in other cities, see Braga, Anthony A., David M. Kennedy, Elin J. Waring and Anne Morrison Piehl, "Problem-Oriented Policing, Deterrence, and Youth Violence: An Evaluation of Boston's Operation Ceasefire," *Journal of Research in Crime and Delinquency* 38 (2001): 195-225.

62. Christakis does use techniques from social network analysis, which arose first as a subdiscipline of social science. However, social science has no monopoly on the uses and applications of the core ideas from social network analysis. In fact, mathematicians had been studying networks, which they called "graphs," for several hundred years before social science began to realize their significance for the study of social phenomena.

63. Interview with Professor Christakis, reported in Gudrais, Elizabeth, "Networked: Exploring the Weblike Structures That Underlie Everything From Friendship to Cellular Behavior," *Harvard Magazine,* May-June 2010, p. 50.

64. See, for example, "Articles Abstracted to the Thomson-Reuters and Scopus Databases, 2007," *World Social Science Report 2010,* Annex 1, which are basic statistics on production of the social sciences.

65. This is a crude proxy, of course, for the rate of use of various inquiry methods because the categorization of articles is based heavily on the field of study as well as the research methods used.

66. Weisburd and Neyroud, "Police Science," p. 7.

67. Ibid., pp. 7-8.

68. Ibid., p. 1.

69. This cause was championed for many years by the International Association of Law Enforcement Intelligence Analysts (IALEIA).

70. Weisburd and Neyroud, "Police Science," p. 16, and table at p. 16.

71. For a discussion of the circumstances affecting the costs and benefits of strong and weak evaluations, see Eck, "Learning From Experience," pp. 93-117.

72. Weisburd and Neyroud, "Police Science," p. 11.

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Missing Persons in Australia

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Abstract

This paper provides an overview of the service delivery and policy context relating to missing persons in Australia and presents available data. Despite research evidence of the high financial cost to the community and the impact experienced by families and friends of missing persons, there has been little policy focus on missing persons in Australia.

Introduction

The estimated number of missing persons in Australia reported for 2005-06 was approximately 35,000 (James, Anderson & Putt, 2008). In addition, in 2007, it was reported there were one thousand six hundred long term missing person's cases, with long-term defined as missing more than six months (Jacques, 2007b). Australian research has found that the financial and social cost of someone going missing is substantial (Henderson & Henderson 1998) and suggests the lives of individuals, families and communities may be affected for generations (Clark 2006; Morrissey & Davis 2007). Despite this evidence of the impact of missing persons, in Australia families and friends of missing persons are marginalised with very few resources to assist them in negotiating such a traumatic and continuing loss (Clark, Warburton & Tilse, 2009). Australia lags behind the United States and the United Kingdom in the growth of community-based, state and national support and advocacy services for missing people and their families and friends (Clark, 2012).

A sister of a missing person has stated (Families and Friends of Missing Persons Unit, 2005):

> For a while I got criticised that I had become bitter. I was really angry at the fact that people could go missing and it's so hard to get anything done. You just assume that human life is valued more than it actually is. (p. 40)

This paper provides an overview of the service delivery and policy context relating to missing persons in Australia and presents available data.

National data

National research on missing persons have been commissioned by the federal government at ten year intervals in Australia since 1988 (see Swanton, Wyles, Lincoln, Wilson, & Hill, 1988; Swanton & Wilson 1989; Henderson & Henderson 1998; James et al. 2008). Presently, only two states in Australia, Queensland (QLD) and Victoria (VIC), publish data on missing person reports in their jurisdictions (see Queensland Police Service, 2013; Victoria Police, 2012).

The Australian Institute of Criminology published the first Australia missing persons report containing state police service data and case studies of missing persons (Swanton et al., 1988). They provided a range of suggestions for improvements to the missing person's field in Australia including: promotion of missing persons days and weeks; improved operational definitions, classification and risk assessment of missing persons; and a study of available missing person support and information centres (Swanton & Wilson, 1989). The authors concluded that the subject of missing persons had the potential to become a high profile public policy issue in the future, and that more education of the Australian community about missing persons is needed (Swanton et

al., 1988). Swanton et al's (1988) research was important in informing public debate on missing persons in Australia, and in drawing attention to young runaways as a phenomenon.

Henderson and Henderson's (1998) study for the then Australian Bureau of Criminal Intelligence examined the impacts of missing persons on the community. Their research included a survey of families and friends of missing persons, interviews with families and consultation with stakeholders. Henderson and Henderson (1998) found that for every case of a missing person, an average of at least 12 people were affected for years, either emotionally, through health or employment related impacts, effects on quality of life or on relationships, or a combination. The economic costs of locating missing people and the immediate health and employment-related costs were estimated to be $2,360 per person (Henderson & Henderson, 1998). Extrapolating to the relevant 1997 missing person population, this gives a total cost figure of over $72 million (Henderson & Henderson, 1998). The research also highlighted the continuing limitations associated with service delivery to missing persons and their families and friends and identified as areas of priority for policy review were relating to support services, police practice, access to government information, legal barriers to managing a missing person's property, and public awareness (Henderson & Henderson, 1998).

The most recent national research on missing persons is conducted by the Australian Institute of Criminology, on behalf of the National Missing Persons Coordination Centre (NMPCC), and the Families and Friends of Missing Persons Unit (FFMPU) (James et al., 2008). The research was comprised of a literature review, the compilation of data on missing person reports from Australian police services, The Salvation Army and the Australian Red Cross, and consultations with stakeholders (James et al., 2008). Three primary areas of need which exist in the missing persons sector in terms of service delivery were identified (James et al., 2008).

For missing persons and people at risk of going missing, the priorities identified were early intervention and appropriate services targeted at prevention, as well as access to services after they have been located (James et al., 2008). The priority for family and friends was support for searching and counselling, appropriate to each level of need (initial, during and after) (James et al., 2008). The police and other search agencies required greater access to information and better reporting standards for missing persons (James et al., 2008).

James et al's (2008) research identified gaps in the missing person's agenda, and presented five related areas of policy action to address in the Australian missing persons field: police missing persons procedures and data collection; family rights, legislation and access to other agencies' information; determination of risk and protective factors for going missing; educating police, stakeholders and the public on missing persons; and application of good practice and intervention models, evaluation and feedback to lead agencies for the development of more effective strategies and research (James et al., 2008).

Based on information from police and data from the Salvation Army and the Red Cross, James et al.'s (2008) research estimated that the rate of missing persons in Australia for 2005-06 is 1.7 per 1,000 persons, or if relying on data from police services only, the rate is 1.5 per 1,000 persons. Ninety percent of missing persons were found within two weeks and 98 percent were found within six months (James et al., 2008). Just over half of all missing persons reported to police were children and young people aged under 18, with 13–17-year-old females most at risk of going missing (James et al, 2008).

Young people in care were likely to run away more often than the rest of the young missing person's population, for example, in NSW, one-third of all young people who went missing were in the care of the Department of Community Services (James et al., 2008). The majority of missing person's reports was from the larger jurisdictions, with more than half coming from New South Wales (NSW) and Victoria (Vic) (James et al., 2008). Australian Capital Territory (ACT) had the highest rate of missing persons reported to police per annum, at 3.3% (James et al., 2008).

Australian service delivery to missing persons and their families and friends

Reports of missing persons in Australia are investigated by State and Territory police services. In Australia, the definition of a missing person used by State police services is 'someone whose whereabouts is unknown and there are serious concerns for their safety and welfare' (National Missing Persons Coordination Centre, n.d.b). This definition includes anyone reported missing from an institution such as a hospital or residential service, but excludes escapees from custody (James et al., 2008). A person can be reported to the police as missing at any time without a waiting period (James et al., 2008). Each of the Australian States and Territories operates within their own policing policy and legislation, resulting in a lack of uniformity within Australia for the conduct of missing person's investigations (Blau, Hill, Briggs, & Cordner, 2006).

Missing person's investigations are carried out by the local area command, and most jurisdictions have a Missing Persons Unit (MPU) within the police service, which is responsible for monitoring all missing person reports and assisting investigations (James et al., 2008). Risk assessment of factors such as age, the harm the person may present to either themselves or the public, and whether the behaviour was out of character or indicates foul play, may be used by police to determine the degree of risk to which a missing person could be exposed (James et al., 2008). Police can refer families and friends of missing persons to counseling and support services (James et al, 2008).

A few national non-government agencies, such as the Salvation Army, the Australian Red Cross, and Link-Up, all of which offer services in each state, provide some tracing services, counselling, and information to families and friends of missing persons (James et al., 2008). These tracing agencies have their own service delivery parameters. The Salvation Army's family tracing service definition is: 'Missing... is when you are concerned because you can't find someone' and their services only deal with missing people over 18 years of age, and on behalf of people searching who are over 18 years of age (Salvation Army, 2013, "What is the definition of 'missing'?", para. 8). The Australian Red Cross tracing service does not provide a definition of a missing person, but will trace people primarily when loss of contact results from war or natural disaster (Australian Red Cross, 2013, "Eligibility", para. 1). Link-Up provides services to Indigenous persons 'those over the age of eighteen years who have experienced enforced separation from their families and communities through adoption, fostering, removal or institutionalisation' (Link-Up, 2012, "Our mission", para. 1).

In 2000 a dedicated service to families and friends of missing persons in NSW, the FFMPU, was established. The FFMPU of NSW is the only designated state government service in Australia involved in direct service provision to families and friends of missing persons, providing counselling, information and referral services (James et al., 2008). As well as engaging in direct service delivery to families and friends of missing persons, the FFMPU has resources for families and friends of missing persons, including: information on how to assist the police

when reporting a missing person; managing financial and property affairs of missing persons; information to assist with emotional and behavioural reactions when reminded of the missing person; tips for families and friends about using the media; and available counselling services (James et al, 2008). The Salvation Army, the Australian Red Cross, and Link-Up provide some counselling and information (James et al., 2008).

In 2003 the National Missing Persons Unit (NMPU), was established within the Australian Federal Police (Kiernan & Henderson, 2002). The NMPU's role was to coordinate and promote a national integrated approach to reducing the number of those going missing and the impact on the community (Kiernan & Henderson, 2002). In 2006 significantly increased funding (an additional $3.9 million over four years) established the NMPCC instead of the NMPU with a broader mandate to implement a range of national initiatives aimed at improving responses to incidents of missing persons across all jurisdictions in Australia, including support for families and the development and dissemination of resources (Jacques, 2007a).

The NMPCC provides information for families and friends of missing persons, as well as for professionals about working with families, young people, and older people with dementia. The NMPCC has developed a training program for agencies within other human service sectors regarding missing persons (Jacques, 2007b; Jacques, 2008). In addition, the NMPCC, in consultation with the FFMPU and families and friends of missing persons, developed a national counselling framework to inform more appropriate interventions for counsellors who have contact with families and friends of missing persons (Jacques, 2007b; National Missing Persons Coordination Centre, 2007). Relevant trauma counselling models have contributed to shaping this framework and the overarching theme of the framework is to educate health practitioners and professionals in addressing ambiguous loss associated with missing persons (National Missing Persons Coordination Centre, 2007).

The NMPCC has partnered with Reconnect, an early intervention program for family reconciliation for young people aged 12 to 18 years, to develop a referral network to Reconnect, for young people who are at risk of going missing or have previously gone missing (National Missing Persons Coordination Centre, 2011, "Working with young people", para. 3).

The NMPCC has also partnered with Relationships Australia, a national nongovernment organisation, to provide counselling and relationship support to families and friends of missing persons (and missing persons) living in Qld, the ACT, and parts of NSW (National Missing Persons Coordination Centre, n.d.a). Informal support options for families and friends are also available, such as Not Alone at www.notalone.com.au, which is a web-based community designed to support families and friends of victims of suspected homicide.

Australian policy relating to missing persons and their families and friends

The serial murder case called the backpacker murder, which occurred in the mid-1990's in NSW, and the circumstances surrounding the detention of Cornelia Rau (see Palmer, 2005) were catalysts for an enhanced government response to missing persons and recognition of the impact on their families and friends (Jacques, 2007a). The introduction of Missing Persons Week in 1996 also raised the public profile of missing persons in Australia (James et al., 2008).

National Missing Persons Week held in August of each year, is used by the NMPCC to educate the broader community about missing persons, focusing on those groups most at risk of going missing (Jacques, 2007b).

The NMPCC convenes two national, the Police Consultative Group on Missing Persons which consists of police representatives from all MPU's around Australia, and the National Advisory Committee on Missing Persons which consists of representatives from police services and nongovernment tracing services such as The Salvation Army and the Australian Red Cross (James et al., 2008).

In 2006, a National Missing Persons Policy, developed in consultation with the two committees and families and friends of missing persons, was endorsed by the Australasian Police Ministers Council (Kiernan & Henderson, 2002; Jacques, 2007a). The policy provides a framework for the progression of a range of initiatives to enhance the police response to missing persons and their families and friends (Jacques, 2007a). The framework is separated into the following categories (National Missing Persons Coordination Centre, n.d.c):

- Prevention – finding ways to prevent people going missing and options for people in crisis;

- Location – cooperation between police and tracing organisations, supported by government agencies with information that may assist in finding missing people;

- Education – empowering families and friends to be involved in the search, as well as encouraging missing people themselves to make contact so that they are no longer considered missing;

- Support – addressing the impacts on families and friends so that those affected have access to appropriate support to alleviate the distress and other consequences experienced;

- Evaluation – concerned with the evaluation of programs and agency responses in order to improve policy directions and to inform strategic initiatives to improve service provision.

In 2008, Australian academics and practitioners participated in a research forum held by the NMPCC to develop a national research agenda on missing persons (Australian Federal Police, 2008). Key ideas for research included reviewing service responses for different kinds of missing persons and more detailed analysis on the recorded data already available from search agencies (Australian Federal Police, 2008, pp. 32-36). A framework for a national research agenda on missing persons was also developed (Australian Federal Police, 2008).

Also in 2008 the NMPCC launched a Culturally and Linguistically Diverse (CALD) Communities Strategy to facilitate the development of communications with CALD communities, and data collection about missing persons in CALD communities (Cunningham & Camit, 2011). In 2009 the NMPCC, as part of the Global Missing Children's Network, launched International Missing Children's Day in Australia, which is held on the 25th May (Australian Federal Police, 2009). The main aim of the day is to educate the global community to think about missing children and their families and to strengthen global search efforts (Australian Federal Police, 2009). A survey of 358 people about missing persons was conducted for the NMPCC at two Chinese and Vietnamese community events in NSW (Cunningham & Camit, 2011).

Respondents in every age group thought that less than 24% of Chinese people and less than 30% of Vietnamese people would report a missing person to police (Cunningham & Camit, 2011). The community agency they would most likely tell was an ethnic-specific community organisation specific to their community (Cunningham & Camit, 2011).

This research has implications for the way that police communicate to CALD audiences and indicates a need for future work to normalise the reporting of missing persons in these communities (Cunningham & Camit, 2011).

As well as providing services to families and friends of missing persons, the FFMPU has also engaged in policy activity, such as consultation and research, and the coordination of the Families and Friends of Missing Persons Interagency Forum, which includes families and friends and service providers (James et al., 2008). Strategic priorities for the FFMPU Interagency Forum in the past have been mental health, youth and asset management (James et al., 2008). A 2003 research project funded by the FFMPU explored support needs expressed by relatives and friends of missing persons and how these needs can most satisfactorily be met (Lorang, 2003).

The research included interviews, focus groups and a survey of stakeholders and families and friends of missing persons in NSW. The study highlighted that families and friends found counselling to be insensitive and unhelpful, with a lack of suitably trained health professionals (Lorang, 2003).The need for follow-up mediation and counselling after family members are reunited, which may play an important role in preventing people from repeatedly going missing, was also one of the main findings (Lorang, 2003).

Conclusion

In general the service delivery and policy context relating to missing persons and their families and friends in Australia is limited, other than that provided by police services and the FFMPU. Despite the three Australian studies raising awareness of similar concerns in relation to policy and service delivery to missing persons and their family and friends in Australia, significant gaps remain. The release of annual data relating to missing persons could be done by police services; the Australian Bureau of Statistics could also compile this data as part of their crime statistics. National data on children missing from care is also not compiled in Australia, and this would be useful in order to ascertain the nature and extent of this issue.

While the development of a national research agenda is to be applauded, the framework is minimal and has not been implemented. The topic of missing persons is not mentioned in any strategic policy documents relating to policing in Australia. As missing persons has been placed firmly in the criminology field in Australia as a result of the national research funding, there has been little recognition across the social services sector that a range of agencies could a role to play in prevention and searching for missing persons, as well as providing support to families and friends. The provision of counselling, information, advocacy, support, and the availability of suitably trained staff and services to families and friends of missing persons also require further development in Australia. Whether training and education for human service professionals in Australia covers the topic of missing persons, is unknown, but likely to be limited.

About the Author

Natalie is a PhD candidate examining Australian service delivery, policy and legislation relating to missing persons and their families and friends, at the Griffith Health Institute. Natalie is also a Senior Research Assistant for the Journal of Social Inclusion. Her experience has been in research across a range of social policy and social care issues, including homelessness, impaired decision-making capacity, and child protection.

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Police 'Modernising the Gateway to the Criminal Justice System'

Peter Neyroud

A three year randomised control trial has highlighted some crucial initial findings regarding the effect deferred prosecutions have on offenders. Peter Neyroud reports.

As a police officer and now as a researcher, I have been involved in trying to improve the front end of the criminal justice system. The "gateway" to the system – the key decisions by police about how to deal with an offender – matter hugely to the system's effectiveness.

As a young constable, nearly 35 years ago, I worked with a researcher from the University of Birmingham to identify whether my force's recently introduced policy of "instant cautions" was working better than the more normal prolonged decision-making process for young offenders.

Later, in 2002, as a chief constable, I was responsible for the development and introduction of conditional cautions. In between I had been involved in at least five reviews of cautioning and diversion policies. It is a paradox that as out of court disposals have increased as a percentage of total disposals – now accounting for around 40 per cent – the total sum of our knowledge about how well they work relative to prosecution has not advanced very much. We know that formal processing through the court system is generally not effective in reducing future reoffending.

This is hardly surprising with a system that spends so little time trying to tackle the reasons for offending, and in which around 60 per cent of cases result in a fine. But, even so, we do not know enough about the most effective pre-court options and, in particular, we don't know what is likely to work best for victims

Operation Turning Point

A partnership between West Midlands Police and Cambridge University has been working for the last three years to find better solutions. At the heart of the approach has been a randomised controlled trial based in Birmingham, UK. The trial has been designed to compare the relative effectiveness and cost benefit of police prosecuting low harm offenders with a treatment, a "turning point contract", which combines a deferred prosecution with a set of conditions agreed with the offender. These are intended to support the offender's desistance from future offending.

The experiment is one of a very small number of trials in the world to test the effectiveness of a diversion against a court prosecution by random assignment. The aim of the research design was to produce two groups of offenders who differed only by virtue of assignment to one of the two groups – control (prosecuted) and treatment (Turning Point). This allows the team to evaluate not just the outcomes for prevalence and seriousness of offending but also the cost-benefit of the two interventions.

At a recent conference, hosted by West Midlands Police and the Society for Evidence Based Policing, the research team gave a major update on progress. We cannot yet share reoffending data, because the final data collection only finished in June, but we did already have some really significant findings to share.

Consistent Decision-Making

The most important of these relate to two issues: the consistency of police decision-making and the confidence of victims in out of court disposals. Consistent decision-making is vital to ensure that the right offenders are matched not only to the right disposal but also, where a conditional disposal like a conditional caution or the community remedy is used, to the right conditions.

Previous research has shown that police decision-making on cautions has been inconsistent. In Operation Turning Point, the force and the research team developed a triage tool to filter the right cases and a "prescribing tool" for officers to design the best conditions.

The police offender management teams developed the second tool. In testing in the trial, we found that the officers could deliver highly consistent decisions and conditions when supported by these tools. They were not heavy on bureaucracy (which is a major criticism of tools like the DASH risk assessment) and could easily be designed into an application for street use.

Traditionally police have thought it is our job to catch and convict but this research suggests Peel's commitment to preventive policing is much closer to what victim's want

Victim Confidence

The second issue – the confidence of victims – has been perceived as a major problem with out of court disposals. When we surveyed the victims from the first batch of cases from the experiment, we found that there was some substance to the concerns. However, the problems stemmed as much as anything from the way that the force was explaining to victims what they were trying to do. Quite a few investigating officers had told the victim that their offender had been "let off" with a Turning Point.

The reality was that offenders in the trial were required to sign a contract committing themselves to no offending and compliance with a set of conditions which were generally much harder than attending court and collecting a fine. So, in the second phase of the trial, the force developed a victim script based on restorative justice. We tested this by creating a second randomised experiment comparing victims in Turning Point with those whose offenders had been prosecuted.

We found that victims whose cases were in Turning Point were significantly more satisfied than those who cases had gone to court. Moreover, when we asked the victims whose cases had gone to court, they overwhelmingly said they would have opted for Turning Point had they been offered a choice.

The critical factor determining this choice was that victims felt that in applying the Turning Point deferred prosecution model with conditions, the force was making a serious attempt to prevent future offending.

We think that this is a hugely important finding for the police. Traditionally police have thought it is our job to catch and convict but this research is suggesting that Peel's original commitment to preventive policing is much closer to what victim's want. It also suggests that police and courts could also secure greater confidence from victims whose cases have gone to court by explaining how the sentences of those prosecuted are designed to reduce reoffending.

There is a lot more to come from this research programme. Over the next months we will be publishing the full results of our victim's study and detailed papers on police decision-making and reoffending. The force and the research team are working with the College of Policing to ensure that the lessons of this unique experiment will contribute directly to practice.

About the Author

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