Australasian Policing

A Journal of Professional Practice and Research

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VOLUME 5 NUMBER 2 2013

www.aipol.org

Journal of the Australasian Institute of Policing Inc.

AiPol
Australasian Institute of Policing

Vol. 5, No. 2
Summer 2013

Published by the Australasian Institute of Policing Inc.

A0050444D ABN: 78 937 405 524

ISSN: 1837-7009

Publisher

Emergency Media

1st Floor, 560 Lonsdale Street, Melbourne Vic 3000.

Direct all advertising enquiries to 1300 855 444.

Print Post approved: 352524/00309

Frequency

Summer and Winter

Contributions

Articles on issues of professional interest are sought from Australasian police officers and police academics. Articles are to be electronically provided to the Editor, j.fleming@soton.ac.uk. Articles are to conform to normal academic conventions. Where an article has previously been prepared during the course of employment, whether with a police service or otherwise, the contributor will be responsible for obtaining permission from that employer to submit the article for publication to *Australasian Policing*.

Contributors are expected to adhere to the Journal's publishing guidelines. These guidelines are available in this journal. All papers are peer-reviewed.

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Policing Domestic Abuse Effectively: A Blueprint for Success?

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Abstract

Domestic abuse is a global social problem that is well established on criminal justice and human rights agendas worldwide. Yet it continues to present significant challenges to police services in particular despite the combined effects of advances in knowledge, practices, structures, systems and skills. There is evidence to suggest that historically domestic disputes have been viewed negatively by frontline police officers. This idea is often associated with the contested and change-resistant concept of police culture(s). Advances in knowledge continue to reveal the complexities of domestic abuse. These complexities benefit from effective collaborative responses between multiple agencies as well as co-production of safety approaches. The US-based The Blueprint for Safety: An Interagency Response to Domestic Violence Crimes (Praxis International, 2010) offers a framework for global communities to adopt and adapt in the drive to embed more aligned, coordinated and integrated responses to domestic abuse. In particular, it emphasises the special role and responsibilities of the frontline police officer as gatekeeper for the victim's access to different services and as a key player in the collective approach to protecting vulnerable victims.

Introduction

According to a recent World Health Organization (2013) study, more than a third of all women worldwide will experience physical or sexual violence in their lifetimes, usually from a male partner. This confirms the status of domestic abuse (DA) as a global public health and social problem. Within this picture, policing responses remain controversial. Investigations by the UK's Her Majesty's Inspectorate of Constabulary (HMIC, 2013) and Independent Police Complaints Commission (IPCC, 2013) into such responses in England and Wales based on one force's handling of a series of domestic homicides signal concerns for policing more generally. Their reports suggest failings particularly in relation to:

- A lack of police understanding of the complexities of DA
- A failure to link individual incidents
- A fragmented approach to victim concerns and safety
- Inadequate problem-solving approaches
- Ineffective multi-agency responses.

The suggestion that historically police officers in many societies adopt unfavourable attitudes towards so-called 'domestics' is likely to come as little surprise. Knowles' (1996) study of Tasmanian police and Bowling's (1999) concept of the 'hierarchy of police relevance' derived from his UK based work both suggest this negativity attributed to the perceived ambiguous, unsatisfactory and potentially dangerous nature of such incidents. These studies show that for police officers, domestic disputes are viewed as inconsistent with 'real' police work (here, defined as focused on 'chasing and catching crooks'; Knowles, 1996: 1). Chan's (1997) landmark study of Australian police culture(s) suggests how such a phenomenon, though contested, resists change. Her attempt at a more nuanced approach to reforming police culture(s) and practices takes into account internal cultural dispositions as well as external (socio-political) factors.

A changing framework

Taking Chan's (1997) point about the importance of considering internal and external developments in the drive to reform police practice and culture(s), it can be argued that much would seem to have changed since these original works in the field of DA policing. Internally, there have been significant investments in areas such as police training, pro-arrest policies, risk assessment/management procedures, call-handling procedures, resourcing of specialist units and multi-agency arrangements. These investments seem to follow similar paths in many advanced societies (see Marcus et al., 2009 and Harne and Radford, 2008 for Australian and UK perspectives respectively). Beyond the police, socio-political developments in law, policy, social movements and public attitudes have contributed to DA now being established as a profound social problem as well as a human right's violation (United Nations, 1993). Yet despite this range of developments, police services worldwide continue to face criticisms and challenges over DA responses. This raises important questions as to what precisely might be failing? Do answers lie at the individual, cultural or structural levels of policing? A US development – *The Blueprint for Safety: An Interagency Response to Domestic Violence Crimes* (*'The Blueprint';* Praxis International, 2010) – offers an innovative step forward with potential to deliver improvements at each level. It addresses individual practitioner roles and responsibilities as well as the overall role and responsibilities of the collective, inter-agency model. As such, it offers a useful way of interrogating and engaging with the core issues likely to continue to confront police services globally as they strive to achieve best practice in dealing with DA. Through its 'rule tightening' (Chan, 1997) function, *The Blueprint* is also seen as capable of playing a key role in promoting positive police culture(s) and practices.

The Blueprint: key principles

The Blueprint (Praxis International, 2010) originated in St. Paul, Minnesota but can be adapted for use by any community hoping to improve inter-agency DA services. It consists of a series of comprehensive, interlocking chapters targeting the roles and responsibilities of each agency – as they relate to other agency roles and responsibilities. Chapters target (among others) call-handlers, police officers, prosecutor's department, victim/witness services and the courts. They minutely detail what needs to be done at key process points but *The Blueprint* is intended to be read as a single document. Key *Blueprint* aims are summarised as:

- To strengthen the overall protective response through coordinated action that engages with the cumulative and patterned nature of DA offending
- To ensure responses recognise that not all DA is the same
- To maximise the ability of the state to gain a measure of control over a DA perpetrator
- To use that control to support early and swift intervention
- To shift the burden of holding the perpetrator accountable for abuse from the victim to the system
- To enable the collective plan to survive staff turn-over and internal disagreements

The Blueprint is anchored in six principles, stated as:

- 'Adhere to an interagency approach and collective intervention goals'
- 'Build attention to the context and severity of abuse into each intervention'
- 'Recognize that most domestic violence is a patterned crime requiring continuing engagement with victims and offenders'

- 'Ensure sure and swift consequences for continued abuse'
- 'Use the power of the criminal justice system to send messages of help and accountability'
- 'Act in ways that reduce unintended consequences and the disparity of impact on victims and offenders'

(Praxis International, 2010: 1-2).

As a deliberate and progressive effort to align, integrate and coordinate agency responses, *The Blueprint* offers a useful framework through which the most pressing challenges facing police services in their responses to DA can be explored and addressed.

Multi-agency or inter-agency: what is in a word?

The concept of multi-agency working would seem to be well established on the 'community safety' agendas of many societies (see Rogers, 2012). However, its results appear to be mixed. Mulroney (2003) overviews a sample of initiatives from the Australian and overseas DA contexts and notes key learning points. The main advantages of multi-agency working are by now well rehearsed as far as DA is concerned, given its inherent complexity it is accepted that no single agency has the capacity or capability to address its multi-faceted challenges. Further, by its very nature, DA appears to overlap other pressing social problems including: mental ill health; homelessness; and child maltreatment (Australian Bureau of Statistics, 2009). As Sparrow (2008) observes, such problems tend to 'straddle' programmatic and jurisdictional boundaries. Barriers to effective multi-agency working tend to centre on: communication; information-sharing; mission, values or power conflicts; funding, personnel, management and resourcing issues (Mulroney, 2003). Flawed multi-agency arrangements clearly hold important consequences for service users. They can lead to unintended consequences including abusers exploiting perceived/actual 'gaps' in official responses. Interestingly, Crawford (1998) distinguishes between 'multi-agency' and 'inter-agency' where the latter approach suggests a deeper level of interpenetration. This interpenetration holds practical as well as symbolic importance: practical because it implies a more robust culture that accommodates occasional disagreements; and symbolic because the appearance and actuality of closer working sends out a stronger message that agencies can make a difference given they can draw upon synergies and multiple resources over the longer term. In the UK, child protection Multi-Agency Safeguarding Hubs (MASH) have been established. In their MASH case study report, Golden et al. (2011) suggest a greater degree of interpenetration has been enabled through co-location of police, local authority and health services. The MASH is reported to have achieved tangible improvements in areas of trust, communication and decision-making (when compared to alternative physical and virtual arrangements). This practical example seems closer to Crawford's (1998) concept of inter-agency than multi-agency. The evaluation also raises the possibility of extending the MASH concept to other areas of vulnerability. DA could be an obvious possibility.

One of the criticisms levelled by HMIC (2013) against the English police force in question is that more could have been done to adopt a problem-solving approach in relation to repeat offenders. In his work on problem-solving approaches, Sparrow (2008) argues that organisational efforts in this area fail for two main reasons: organisations do not organise themselves sufficiently well around the particular shape of the problem/harm involved; and, because the problem-solving ethos has not been recognised and incorporated well enough into all areas of practice and thinking. To achieve improvements in problem-solving Sparrow (2008) suggests organisations need to progress through various stages of learning. These may be summarised as: moving away from a reliance on traditional 'tools'; investing in expanding the toolkit, continually searching for the optimal mix of responses, shifting attention away from the tool shed to the specific nature of problems in the field, institutionalising the harm-reduction approach in all areas of competence and constructing systems and structures that support this end. It should be noted, of course, that inter-agency working offers no 'quick fix' and is constantly demanding work. It places considerable pressures on individuals and organisations. It challenges existing cultures while requiring alternative cultures to develop. It can be argued that *The Blueprint* lays the ground, through its detailed and coordinated approach, to enable a new inter-agency culture to emerge that privileges victim needs and diversity while providing a workable framework within which individual agency and collective strengths can be exploited.

Understanding the complexities of DA

DA comprises a range of behaviours (criminal and otherwise). It is consistently linked with issues of distorted affection, loyalty, care, protectiveness and notions of 'honour' and 'shame'. Some behaviours are more visible than others and resulting harms will vary. Wangmann (2011) distinguishes between different types of domestic violence, including: 'coercive-controlling violence', 'resistance violence' and 'separation-instigated violence'. Such distinctions advance knowledge and are of importance at the practical level for, as *The Blueprint* acknowledges, different types of violence may well require alternative agency interventions.

A major advance in DA knowledge has been the recognition of the centrality of power and control. Since the 1980s, The Duluth Domestic Abuse Intervention Programme ('The Duluth Model' or DAIP) has been promoting programmes and change tools based on this recognition. Derived from the experiences of female victims (or survivors) of male-perpetrated DA in Minnesota, the Duluth Model has proved hugely influential and has been adapted and adopted across the US and beyond. A key element in the Duluth Model is the 'power and control wheel' (DAIP, 2011). At the centre of the wheel are the words 'power' and 'control'. Moving towards the outer rim are the various strategies men use to maintain power and control. These centre on: coercion and intimidation, emotional abuse, minimising, denying and blaming, exploiting children, exploiting male privilege and economic abuse. At the outer rim, holding everything together are 'physical' and 'sexual' violence. The focus on female victims derives from the widely accepted view of the gendered nature of the problem of DA.

The Duluth Model continues to develop as understanding of the complexities of DA grows. Noting the particular risks for female DA victims following separation (see Hayes, 2012), The Duluth team has produced a 'post-separation wheel' (DAIP, 2013) to capture the strategies employed by abusers. Once again, power and control are central features. New features include: an 'unrelenting focus' on the victim and the idea that perpetrators may exploit 'institutions' and 'systems' to re-assert control [this may involve threats to involve social or mental health services or 'gaps' in legal systems]. Children continue to feature in the strategies adopted.

While there have been criticisms of The Duluth Model (see Dutton and Corvo, 2007 for criticisms relating to flawed psychological underpinnings, ideological leanings and practical efficacy as a change tool), its wheels in particular have strengths in that they are based on the lived experiences of victims. They also make visible and understandable the range of strategies used by perpetrators to maintain power and control.

Naming and defining a social problem such as DA is important for various reasons. In particular it supports an improved understanding whilst informing professional policy and practice. Further, it provides a focal point for collaborative efforts; and, for the victim, it determines eligibility for, and access to, services. Yet no single, universally agreed DA definition exists. Robinson (2010) notes the range of terms used including 'domestic violence' and 'wife battering'.

Each can be criticised as being too limiting ('domestic abuse' is preferred by the present authors though they accept it is open to similar criticism). Acknowledging the definitional difficulties, the Australian Bureau of Statistics (ASB, 2009) has produced a conceptual framework for family and domestic violence (FDV). The framework is intended to: support the development of a national definition, policy development and reinforces the need for measurement of the problem. The FDV framework is also able to accommodate the idea that DA may take the form of individual or recurring incidents. It consists of six inter-connected elements that map out the terrain of the problem, namely:

- 'Context' (individual and environmental factors)'
- 'Risk' (prevalence and understanding issues)
- 'Incident' (characteristics of incidents, victims and perpetrators)
- 'Responses' (including formal criminal justice as well as informal through friends and family)
- 'Impacts/Outcomes' (on victims, secondary victims, wider communities); and
- 'Programs, Research and Evaluation' (these draw on information from the other elements)

Despite the previously discussed conceptual challenges, DA definitions are available. In Australia, *The National Plan for Reducing Violence Against Women And Their Children 2010-2022,* states:

> Domestic violence refers to acts of violence that occur between people who have, or have had, an intimate relationship. While there is no single definition, the central element of domestic violence is an ongoing pattern of behaviour aimed at controlling a partner through fear, for example by using behaviour which is violent and threatening. In most cases, the violent behaviour is part of a range of tactics to exercise power and control over women and their children, and can be both criminal and noncriminal. Domestic violence includes physical, sexual, emotional and psychological abuse.
>
> (Australian Government, 2011: 2)

In the UK, the Association of Chief Police Officers (ACPO), Crown Prosecution Service (CPS) and government have worked to an agreed DA definition for several years. This was recently amended. From March 31, 2013 the definition is:

> Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse: psychological; physical; sexual; financial; and emotional.
>
> (ACPO, 2013)

Here, controlling behaviour is considered to be:

> a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.
>
> (ACPO, 2013)

Coercive behaviour is defined as : 'an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim' (ACPO, 2013)

Compared to the previous definition, the latest version in England and Wales can be seen as progressive in several key respects:

- It lowers the age classification to 16 or over
- For the first time it explicitly recognises coercive and controlling behaviours
- It recognises the repetitive and patterned dimensions of DA.

The definition includes so-called 'honour based violence', female genital mutilation and forced marriage and encompasses victims from diverse backgrounds. It should be noted this is not a legislative change. The fact that coercion is not presently legislated against may yet prove to be an issue.

DA patterns and processes

While definitions of DA remain elusive and variable, it is interesting to note that in the two examples cited (and to a degree, in the FDV conceptual framework) there is a recognition of the patterned and controlling dimensions of DA. This opens the way to viewing DA as both incident and process which is of vital practical significance, not least in terms of ensuring continuing victim support that engages with DA's cumulative (and escalating) consequences. As one Australian study observes:

> Domestic violence frequently involves an ongoing pattern of abuse rather than a single isolated incident. A family experiencing domestic violence may be dealt with by many different officers over time. While each officer might deal appropriately with each incident, an incident-by-incident response could fall short of a complete understanding of the nature, extent and context of the events.
>
> (Crime and Misconduct Commission, 2005: x).

This view is mirrored in *The Blueprint* which acknowledges that DA is rarely resolved with a single intervention. Here, it notes that (with the exception of stalking) most criminal justice DA-related interventions focus on a 'single event of violence'. The report of the IPCC (2013) into failings in relation to police responses found that incidents were not connected and that safety planning was inconsistent over time. Block (2000, cited in Praxis International, 2010) contends that a critical part of effective risk assessment and safety planning is discussing with the victim her experiences over time and noting changes in frequency and severity.

Bowling's (1999) 'process-incident contradiction' concept explains the tensions and disconnects that can arise between police and victim perspectives. He argues that police respond to, and recognise, individual incidents. They are primarily concerned with the criminality of the single event. By contrast, victims' experiences extend beyond this one-dimensional narrowly restricted time-slice. For them, incidents form part of a wider pattern. They occur in the context of wider experiences, are subjectively viewed and have cumulative effects. Even 'low-level' incidents can have a disproportionate effect for victims experiencing a wider sense of fear, isolation or hopelessness. The Australian Crime and Misconduct Commission (2005) found that the dissonance between victims' expectations and their actual experiences of DA responses led to feelings of disempowerment, frustration and hopelessness. It also impacted levels of confidence in respect of future reports to police. Alongside this, as has already been suggested, there is a wealth of evidence to suggest that police officers themselves may view domestic incidents negatively. Reasons suggested include: work demands; frustrations over victim responses Crime and Misconduct Commission, 2005). Typically, this latter point might reveal itself in the victim's refusal or withdrawal of complaint or decision to return to an abusive relationship. However, it is vital that police (despite their own frustrations or confusion) understand that such victim responses need to be understood through the lens of wider patterns of control.

Linking seemingly isolated incidents is therefore vital for several reasons: abusers will exploit inconsistencies or perceived 'gaps' in official responses as part of their strategies of control, each incident presents an opportunity for police to build trust and confidence in the victim, it recognises that DA is patterned and that multiple interventions over time may be required and it supports more effective risk assessment and safety planning approaches.

The important role and responsibility of each responding officer should not be underestimated here. As *The Blueprint* observes:

> The patrol officer is the one of few practitioners in the criminal justice system to come close to seeing and hearing what really goes on in the privacy of violent homes.
>
> (Praxis International, 2010: 43).

DA and being victim-centred

The Blueprint notes that not everyone experiences the world in the same way. Another way of expressing this point is that individual vulnerability is unique and dynamic. One clearly established line of division sees women disproportionately victimised by DA (Morgan and Chadwick, 2009). Yet other factors can mediate the effects of DA including class, ethnicity, sexual orientation, disability, religion and age. Australian research suggests a number of 'at risk' groups including: women with disabilities, women from culturally and linguistically diverse backgrounds, women from rural and remote areas, younger women and women from Indigenous peoples (Mitchell, 2011). Elsewhere, referring to third wave feminist thinking, Scholz (2010) notes that a woman 'subjectively experiences' her relationship with her abuser. How she responds to his abuse may not make sense when viewed from another's perspective. Developing this theme, Dutton and Goodman (2005) argue that a victim's religious, cultural and economic realities give coercive tactics and threats their meaning. The implications for police services are clear, responses need to take account of the multiple determinants of victim vulnerability, their subjective dimensions, and any intervention needs to be tailored to the unique features of each case.

There are many ways of conceptualising how and why this variability in DA experiences occurs. Thompson's (2012) 'PCS analysis' provides a useful means of visualising the complex interactions between individuals and their environments. 'P' refers to the personal or psychological factors that shape an individual's behaviour and mediate experience. 'C' refers to the level of shared understandings, shared values and culturally determined ways of acting. 'S' signals the structural level of power relations, social hierarchies, and wider patterns of inequality and social division. The concepts of the 'social model of disability' (see Rogers and Milliner, 2011), 'patriarchy' (see Scholz, 2010) and 'institutional [police] racism' (Macpherson, 1999), highlight in different ways the significance of structural level factors (through social barriers, unequal power relations, prejudiced attitudes and collective processes) that can lead to discriminatory practices, oppression and even violence. Yoshioka's (2008) ecological model approach presents a broadly similar view, where individual behaviour and experience is shaped by the interactions of various environmental systems. These systems are centred on immediate family, surrounding community and wider society (from which cultural messages and beliefs are derived). Both approaches show how vulnerability is unique and evolving. For example, different people/groups have different access to reserves of 'human capital' (health, education and skills), 'symbolic capital' (status) and 'social capital' (membership of, and access to, networks of trust and reciprocity; see Bourdieu, 1986; National Health Service, 2011) to cope with life's challenges. In the UK, 'Honour Based Violence' (see CPS, 2013) as a subset of the DA problem is now firmly established in criminal justice discourses. As a complex phenomenon, it clearly involves PCS factors as individuals from different communities (with their unique shared norms, values, understandings and relationships to wider society) experience DA in different ways.

The concept of 'intersectionality' offers another insight into the variability of DA experience. It proposes that individuals can face multiple barriers through the convergences of interlocking '-isms' (including sexism, racism and disablism). Quarmby (2011) argues that 'intersectional discrimination' poses significant challenges to police services. Cockram's (2003) exploration of the experiences of women with disabilities shows how individuals can face multiple discriminations and oppressions. For example, as victims of DA (in the private sphere) and through hate crime (public sphere). Further, where such victims allege abuse from their primary carer, they may also face disbelief and a lack of support from police (thus highlighting institutional level discrimination). Crenshaw (1991), a leading 'intersectionality' theorist, argued that intersectional thinking could assist authorities to provide more victim-centred responses. Her study of the experiences of black female DA victims suggests that such victims' experiences (and subsequent decision-making) need to be understood in the contexts of gender, race and historical police-black community relations. As a result, such variability may necessitate more nuanced thinking and practices by service providers. Elsewhere, Lumby and Farrelly (2009) considered family violence in Aboriginal communities. Their work highlights the value of adopting approaches that combine community-specific and mainstream resources.

To be properly effective therefore, it is argued that police officers need to engage with the rich picture of individual cases. Yet it is understandable that responding officers often tend to focus on situational or personal factors (for example, drunkenness, weapons, officer safety, victim reluctance; see Crime and Misconduct Commission, 2005). This frequently occurs in situations where (following Kleinig, 1990, cited in Palmer, 2013) decision-making is conducted in crisis situations offering limited reflection time. However, the demands of professionalised policing, raised public expectations and the claim to more victim-centred approaches require that a more sophisticated approach is adopted. Police worldwide now have access to a raft of problem-solving tools. These may be necessary but insufficient to meet DA's challenges. Felson's (1998) 'chemistry for crime' (opportunity type theory) proposes that a crime occurs when three elements converge in time and space namely a 'motivated offender', a 'suitable target' and the 'absence of a capable guardian'. The 'Problem Analysis Triangle' (cited in Leigh et al., 1996) is a useful device to help officers break down key elements of a problem into three constituent elements focused on: the features of the incident's location; the features of the caller/victim; and the features of the offender/source of the incident. Elsewhere, the 'SARA ('Scanning', 'Analysis', 'Response' and 'Assessment') tool (see Eck and Spelman, 1987, cited in Leigh et al., 1996) is a major conceptual vehicle that helps practitioners think of problem-solving in a structured way. However, each needs to engage with the wider cultural and socio-structural factors within which victims, perpetrators, incidents and locations are situated in order to effectively address the specific problem(s).

Ellen Pence (1948-2012), pioneer of the Duluth Model and a key figure behind Praxis International's (2010) *Blueprint* notes that a major problem within existing multi-agency services is that victims tend to be fitted into service frameworks with insufficient regard for individual needs or circumstances (see nfjcaorg, 2012). She calls for a paradigm shift in thinking, to one that in effect designs services that begin and end with the victim in mind. This point has been noted elsewhere. The Australian *Time for Action* (National Council, 2009) concludes that a 'one-size response' does not fit all victims (and their children). Here, the concept of 'co-production' (see Ostrom and Bough, 1973) has relevance. Co-production suggests the involvement of service users (their families and wider communities) in the development and delivery of services and safety. Co-production meets more than purely financial/organisational objectives. Co-production offers the potential to promote better trust between service users and service providers, it builds social capital, it re-balances power relations between authorities and citizens and enables victims to have a direct input into the development of the services on which they depend. It also sends out powerful messages that victims are not alone in challenging abuse. Deming's (2000) observation that organisations struggle to understand themselves draws attention to the importance of external inputs to transformation processes. In this sense, co-production offers potential for multiple benefits.

Conclusion

DA will inevitably continue to challenge police services given its inherent complexity and profoundly embedded nature in everyday life. Given these challenges, inter-agency working (as a concept and practice that extends beyond multi-agency) offers the most fruitful way forward. Any approach needs to adopt a victim-centred perspective and be founded on a recognition of individual as well as collective agency strengths. This approach must be matched in both the formal (written rules, systems, structures and skills dimensions) and informal (cultural) dimensions of organisations. The more closely aligned and coordinated agencies operate, the stronger the message (and reality) for victims and perpetrators that something will be done to change situations. The *Blueprint for Safety* offers potential in each of these respects and lays a workable, ethical, accountable and effective foundation for communities globally to adapt and adopt. It addresses and engages with the most pressing issues currently facing police and partnerships in the challenging area of DA. Of particular importance is its recognition of the special role and responsibilities of the frontline police officer. This officer's role carries significant responsibilities. It also provides unique opportunities to protect vulnerable victims and for enabling co-practitioners to achieve their best practice in pursuit of this primary objective.

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Reducing the Influence of Outlaw Motorcycle Gangs: Some Reflections on Current Australian Legislation

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In October 2011, demonstrators angry with the part that big business may play in fostering social and economic inequality assembled in the heart of the Sydney CBD. The protest mirrored similar gatherings around Australia, all under the 'Occupy' umbrella. A Mr Eamonn O'Flaherty was one of the Sydney protesters. When he did not vacate his camping spot when asked to, he was charged with the offence of failing to comply with the terms of a notice in a public place (not to stay overnight) contrary to s 632(1) of the *Local Government Act 1993* (NSW).

Mr O'Flaherty argued that it was beyond the power of the police officer to issue the notice because it denied him his freedom of communication about government and political matters, and his freedom of association. His legal advisers knew that this was a long-shot. There is no Bill of Rights in Australia and thus these 'freedoms' need to be found in the common law or implied in the Australian Constitution. Was the Federal Court going to be sympathetic?

On 15 April of this year, the Federal Court answered that question in the negative. Justice Katzmann held that the Sydney City Council notices did not infringe Mr O'Flaherty's freedom to communicate political matters[1] or, if they did, this freedom was subservient to the right of the city to maintain public health, safety and amenity in a high use public area.

The judge then determined that she did not need to ask whether the notices infringed an implied freedom of association. However, she did note, in passing, that some High Court judges had previously determined, in *Kruger v The Commonwealth,*[2] that freedom of association was, indeed, a right that could be implied from the Constitution, but, in any event, that freedom, too, was subservient to any legitimate local council prohibition.

This issue of freedom to associate has been the topic of some discussion as well in the offices of State parliamentary counsel over the past few years, in relation to so-called 'anti-bikie' legislation (more usually referred to as 'outlaw motorcycle gang' legislation).

The purpose of this legislation has been, ostensibly, to give the police greater powers to crack down on outlaw motorcycle gangs and their nefarious practices, principally drug crime, weapons offences, and violence and intimidation generally. It is worth briefly re-capping where we are in relation to that legislation today.

Five years ago, the South Australian government introduced legislation that later became the *Serious and Organised Crime (Control) Act 2008* (SA). The preamble stated that it was *An Act to provide for the making of declarations and orders for the purpose of disrupting and restricting the activities of criminal organisations, their members and associates.*

The New South Wales government then followed suit, enacting the *Crimes (Criminal Organisations Control) Act 2009.* That same year, Queensland passed its *Criminal Organisation Act 2009.* In 2012, Victoria passed the *Criminal Organisations Control Act 2012* and in that same year the parliament of Western Australia passed the *Criminal Organisations Control Act 2012* (WA) and the parliament of the Northern Territory enacted the *Serious Crime Control Act (NT).*

It was not long before the South Australian legislation was challenged. Sandro Totani and Donald Hudson were members of the Finks Motorcycle Club against which a Control Order had been made. They took the question of the validity of the South Australian Act to the Supreme Court of SA.[3] In *Totani and Another v The State of South Australia,*[4] the Supreme Court, by a two to one majority, ruled that section 14(1) of the Act was invalid. It found that the provisions of the Act worked together to ensure that the most significant and essential findings of fact (regarding the activities of the relevant motorcycle gang) were made not by a judicial officer, but by a Minister of the Crown.

On 11 November 2010, the High Court upheld the decision of the Supreme Court.[5] The High Court said that section 14(1) was unconstitutional in that it undermined the independence of judges. Section 14, said the Court, required judges to find guilt 'based on assumptions'. Six of the seven justices were critical of the provisions that had the effect of limiting a magistrate's discretion in imposing control orders.[6]

The New South Wales *Crimes (Criminal Organisations Control) Act 2009* was the next piece of legislation to face a challenge. In July 2010, the Acting Commissioner of Police in New South Wales (NSW) applied to the NSW Supreme Court for an order that the Hells Angels Motorcycle Club of NSW be declared a 'criminal organisation', the first step towards a control order over members of the Club. Derek Wainohu, a member of the Club, challenged the validity of the Act. In June 2011, in the case of *Wainohu v State of New South Wales,*[7] the High Court declared the NSW legislation invalid in its entirety. The Court found that, in so far as the Act did not require a judge to give reasons for making such an order, it was unconstitutional.

In contrast, the Queensland legislation, the *Criminal Organisation Act 2009,* survived a challenge. The case involved members of the Finks Motorcycle Club (Gold Coast Chapter) and a related company named Pompano Pty Ltd. They challenged the way in which the Queensland legislation required the Supreme Court of Queensland to have closed hearings for such matters, and was allowed to use evidence that was known only to the judge and the government. In other words, the club was not allowed to have access to the criminal intelligence that formed the basis of the application.

The Queensland government was delighted when the Act was declared constitutional by the High Court on 14 March 2013 in *Assistant Commissioner Michael James Condon v Pompano Pty Ltd.*[8]

Following the adverse decisions from the High Court in *Totani* and *Wainohu,* parliamentary counsel in South Australia and NSW respectively busied themselves correcting the legislation.

On 18 June 2012, the South Australian government re-introduced its Act, confident that the concerns expressed by the High Court had been satisfied by their amendments. It was soon passed into law. The NSW parliament, too, altered the offending sections of the Act that had been scuppered by the High Court. Their new Act was passed into law on 25 March 2013.

The provisions prohibiting persons from associating with members of 'declared' organisations remained untouched in each piece of legislation even though they arguably infringed upon the right of freedom of association. This issue was argued in *Wainohu,* but was dismissed by the High Court, which said that if there was a clear legislative intention to override the freedom, then the legislature's mandate would prevail.[9] Let us consider these sections specifically for the moment, and observe how they are intended to operate.

A key plank of each State's legislation is the way in which police are given power to track and arrest people who appear to have 'associations' with persons who are deemed undesirable. The thinking behind this idea is that if one turns off the supply of oxygen that allows certain groups to breathe (namely meeting together or conversing) then the groups will die. The legislation on this point is not uniform around the country, however. For example, under the *Crimes (Criminal Organisations Control) Act 2009* (NSW), by virtue of section 26, a person who is subject to a control order (a 'controlled member of a declared organisation') commits an offence if he or she associates on three or more occasions within a three month period with another controlled member of a declared organisation.

There is a virtually identical section, section 99, in the *Criminal Organisations Control Act 2012* (WA). Section 35 of the *Serious and Organised Crime (Control) Act 2008* (SA) has a similar 'number of occasions plus time-frame' approach, but it goes a little further, making it an offence for any person to associate with a member of a 'declared' organisation (or 'control order' subject) on more than six occasions over a twelve-month period so long as he or she knew that that person was such a member, or was recklessly indifferent to that fact. Section 19 of the *Criminal Organisation Act 2009* (Qld) is less specific. It specifies that a condition of a control order may be one that prohibits the person subject to the order from associating with any person who is a member of a 'criminal organisation.' Section 47 of the *Criminal Organisations Control Act 2012* (Vic) reads similarly. Under section 36 of the *Serious Crime Control Act* (NT) it simply says 'a controlled person must not associate with another controlled person.'

In some Acts there are exceptions, but the wording is inconsistent between jurisdictions and the exemptions are plentiful. For example, under section 35(6) of the *Serious and Organised Crime (Control) Act 2008* (SA), associations between close family members, associations occurring in the course of a lawful business, associations occurring at a course of training or education, associations occurring at a rehabilitation, counselling or therapy session, and associations occurring in lawful custody or in the course of complying with a court order are all exempt. One could speculate that these exemptions could make the legislation unworkable, for many illicit associations could easily be carried on under the guise of these liaisons.

The law is thus now clear: parliaments can, without fear of successful constitutional challenge, outlaw liaisons between certain people even in the absence of evidence that they are meeting for improper purposes.

But if this issue is no longer laced with legal uncertainty, it is most certainly laced with criminological uncertainty. This is because it relies upon an assumption that stopping people from meeting with each other will lead to the death of their organisation. Is that true? Will these sections actually work to reduce the criminal activities of 'controlled' or 'declared' criminal organisations? One would have thought that it was incumbent on the framers of the legislation to show one comparable modern Western society where targeting and penalising those who associate with criminals had been effective in curbing their illegal activities. I can think of none. I can find no evidence in the academic literature either which indicates that that would happen. Indeed, as Mann and Ayling note:

> …[R]esearch emerging from Canada suggests that the criminal activities of members and their associates may operate largely independently from the formal structure of the organisations that are targeted by this legislation … Why then have Australian jurisdictions favoured these legislative strategies over others …? There is as yet an absence of evidence that any of these legislative measures in fact reduce organised crime.[10]

Not only does guilt by association not have a track record of effectiveness, it may be counter-productive. The Hon. Ian Hunter, a Labor Member of the South Australian Legislative Council, pointed out (2008), in a parliamentary speech on that State's legislation (incidentally, in support of the Bill), that the association provisions of Part 5, specifically, may have the counter-productive effect of deterring people who regularly, or occasionally, come forward to help police with their inquiries:

> There is the danger that these informants will lose confidence in the police and the flow of information to police may then dry up. Therefore, it follows that police may need to use extra resources to find the information that formerly had flowed naturally from the trust relationships that they had encouraged in their informant networks.[11]

Ian Hunter's concerns have much merit. I am of the view that it would be far better for governments to put their faith in a broad national approach to illegal gang activities such as the one being developed by the Australian Crime Commission.[12] This approach targets the key players, not their hapless hangers-on.

As it happens, it is unlikely that we will know which argument is correct for some time. To date, I can find no occasions anywhere in the jurisdictions where these sections appear where charges have been laid under the 'prohibited associations' provisions. It appears to be a case of 'all quiet on the law and order front' where outlaw motorcycle gangs and their associates are concerned.

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End Notes

1. *Lange v ABC* (1997) 145 ALR 96. See Sally Walker, 'Lange v ABC: the High Court rethinks the 'constitutionalisation' of defamation', *Murdoch University Electronic Journal of Law,* 5(1), March 1998.
2. (1997) 146 ALR 126. See for a general commentary, Sarah Joseph, 'Kruger v The Commonwealth', (1998) 24(2) *Monash University Law Review* 486. Kruger's case was unrelated to policing, but rather was a 'Stolen Generations' case relating to the constitutionality of laws that permitted the taking of Aboriginal children from their mixed-race parents after 1919.
3. Rick Sarre 'Combatting serious and organised crime by attacking its associates: will it work?' *Precedent,* 112, September/October 2012, 15-19.
4. (2009) 259 ALR 673.
5. [2010] HCA 39.
6. See Greg Martin, 'Control Orders: Out of Control? High Court rules South Australian 'bikie' legislation unconstitutional,' (2011) 35 *Crim LJ* 116.
7. [2011] HCA 24.
8. [2013] HCA 7.
9. *Wainohu* at [113].
10. Monique Mann and Julie Ayling, 'Capturing 'Organised Crime' in Australian Law', *Centre of Excellence in Policing and Security, Briefing Paper,* Issue 19, December 2012, pp 4-5; also Julie Ayling, 'Criminalizing organizations: Towards deliberative law-making,' *Law and Policy*, 33(2), 149-178, 2011.
11. Hon Ian Hunter, Legislative Council, Hansard, 6 March 2008, page 2118.
12. http://www.crimecommission.gov.au/publications/crime-profile-series-fact-sheet/outlaw-motorcycle-gangs

Postcard from the UK – Police and Crime Commissioners

Professor Jenny Fleming, University of Southampton, UK

Background

It has been a year since what Lister (2013) has termed 'the most significant constitutional change in the governance of the police in the past 50 years' – the election of Police Crime Commissioners.

The new Police and Crime Commissioners in England and Wales have replaced the Police Authorities that were established by the 1964 *Police Act, which* at that time comprised two thirds local councillors and one third local magistrates. These local police authorities (LPA) were responsible for maintaining an 'adequate and efficient' police force, and could hold their respective Chief Constables to account on these grounds. They had (subject to government agreement), the power to hire and retire a Chief Constable and indeed to determine the numbers of rank personnel of individual forces. They were not allowed to interfere in operational matters. Chief Constables were mandated to provide an annual report detailing the policing of their area to their local LPA.

Under what was known as the Tripartite Agreement, policing policy was jointly developed by three main parties involved in police governance - the Home Office, the Chief Constable represented by the Association of Chief Police Officers (ACPO) and the LPAs represented by the Association of Police Authorities (APA). The role and influence of these two last bodies diminished considerably overtime although ACPO stood its ground a little more steadfastly than that of the APA and overtime there was a general feeling that the LPA's had very little local influence. Subsequent reforms did not improve this situation. The *Police and Magistrates' Courts Act* (1994) amended the size and membership of LPA limiting the authorities to 17 members. The new membership rules provided for only nine local councillors, three Magistrates and five local 'appointees', the latter being jointly selected by the LPA and the Home Secretary.

From 1997, the advent of New Labour brought increasingly centralised control of all public services, which further attenuated the role of both ACPO and the already weakened APA in several ways. Under New Labour the tenets of new managerialism flourished emphasising efficiency, effectiveness and 'doing more with less' resulted in a proliferation of nationally driven targets and performance indicators. These indicators arguably constrained the autonomy and discretion of the Chief Constables and the status of, the hitherto significant influence of ACPO. This situation was compounded by Labour's Home Secretary, David Blunkett when he sought to implement police reform and rein in the power of ACPO, breaking what he viewed as the police grip on the reform agenda. The Home Secretary was 'always frustrated that there were still no [policy] levers by which chief constables or divisional 12 commanders could be made to do what the Home Office wanted' (Pollard 2005: 280 cited in Fleming and McLaughlin 2012: 282). Blunkett's efforts to dismiss Chief Constables and give the Home Secretary the right to fire Chief Constables (Fleming 2004) were ultimately unsuccessful but that didn't prevent the Chief Constable of Humberside from resigning under pressure following a report into the Soham murders.[1] The LPA's efforts to support the Chief Constable were largely perceived as evidence that the LPAs were far too close to their Chief Constables.

Overtime, police reform included a 'National Policing Plan', a 'Policing Performance Assessment Framework', statutory codes of practice and stronger consultation mechanisms ensuring that Chief Constables consulted with, and reported to, not only their LPAs but a range of other agencies, boards and local communities. These reforms coupled with a series of Home Office directives and the increasing role of the Audit Commission in determining the effective use of resources were all strategies by which Blunkett sought to 'find mechanisms requiring [police] *to deliver'* (Fleming and McLaughlin 2012: 282).

As Newburn has shown, the Conservative Coalition was not entirely opposed to Blunkett's efforts to reform police[2]. In 2006, the would-be leader of the Conservative Party argued that 'police authorities were invisible to the public and too weak to be able to provide the powerful, clear and direct form of local accountability that was necessary'. In 2007, the Opposition Minister for Police Reform, Nick Herbert published a report advocating elected police commissioners who would replace police authorities and would allow the public to 'judge the effectiveness of the police they pay for' (cited in Newburn 2012: 34).

As others have noted (for example, Jones et al 2012; Fleming and McLaughlin 2012), Labour's period in office reflected the managerialist concerns of the 1990s and beyond and indeed the notion of elected crime commissioners had already been canvassed extensively following the Flanagan Review of Policing (2008) but had been rejected on the grounds of perceived politicization of the police (cited in Newburn 2012: 35). When the Conservative Coalition took office in 2010, its plans for police reform and elected police commissioners befitted its 'big society' agenda and its strong emphasis on increasing local participation, 'empowering the public' and making the United Kingdom's police forces more accountable to its numerous communities. It is against this brief contextual background that the introduction of Police Crime Commissioners (PCCs) should be considered.

Police and Crime Commissioners

Two months after taking office, the Coalition Government published 'Policing in the 21st Century', a consultation paper on its vision for policing which included the abolition of the local police authority framework and the introduction of Police and Crime Commissioners. Reflecting its emphasis on empowering the public, 'increasing local accountability' and giving the public a direct say on how their streets are policed'.

In the same year, the *Police Reform and Social Responsibility Bill* was introduced and was given Royal assent in September 2011. The Act provides for the introduction of PCCs[3] and the Home Office website informs us, PCCs:

> …will be a voice for the people, someone to lead the fight against crime, and someone to hold to account if they don't deliver. Their role will be to represent you and your concerns, ensuring the policing needs of your community are met.

The Government considered the elected Commissioners to have a stronger mandate than the 'unelected and invisible police authorities that they replace' (Lord Henly, House of Lords Debates, 14 June 2012, c267W)

The responsibilities of the PCC include:

- Setting the strategic direction and accountability for policing
- Working with partners to prevent and tackle crime and re-offending
- Invoking the voice of the public, the vulnerable and victims
- Contributing to resourcing of policing response to regional and national threats
- Ensuring value for money

These duties encompass the responsibility of appointing and dismissing the Chief Constable; agreeing the appointments of Deputy and Assistant Chief Constables and to issue Police and Crime Plans (see below).

The Home Office website stresses that the PCCs are accountable *only* to their local electorate, although there are a number of national priorities they will need to consider when taking local decisions, as well as a range of inspectorates and other national bodies with oversight of policing to which their decision-making will (by inference) be subject. The Association of Police and Crime Commissioners was commissioned by the Home Office to facilitate co-ordination, representation and support for Police and Crime Commissioners and police governance bodies from November 2012.

Police and Crime Plans

Each PCC had to provide a Police and Crime Plan (PCPL) outlining their vision and priorities for policing and community safety across their policing area. The PCPLs had to be submitted by 31 March 2013 although one PCC submitted his in July 2013 arguing that he needed more time to set his objectives 'to ensure that the content would stand the test of time' and thus provided an 'interim report' (see http://www.staffordshire-pcc.gov.uk/Home.aspx). This was understandable given that coming into office in late November and having to prepare PCPLs in conjunction with all communities was in effect an onerous task.

Despite quite specific guidelines for the PCPL format – most PCC offices have provided very individual and different Plans using various modes of web technology (all PCCs are obliged to post the PCPLs on their websites) – a particularly comprehensive PCPL can be found on the Avon and Somerset website - http://emails.madeatworkhouse.com/emags/avonsomersetpcc/a-s-p-crime-plan/force-wide-plan/policeandcrimeplan/index.html

It is these PCPLs that will presumably be used as a measure by the public in assessing how well their PCC has done in his/her term of office.

Police and Crime Panels

The new legislation established Police and Crime Panels (PCP) within each force area in England and Wales. These panels appointed by the local authority or council and according to the size of the policing area have a minimum of 10 members and a maximum of 20. The PCPs consist of at least one representative from each local authority [councillor] in that area, and at least two independent members may be co-opted by the panel[4]. Panels are established in each of the 41 force areas to scrutinise the actions and decisions of each PCC.

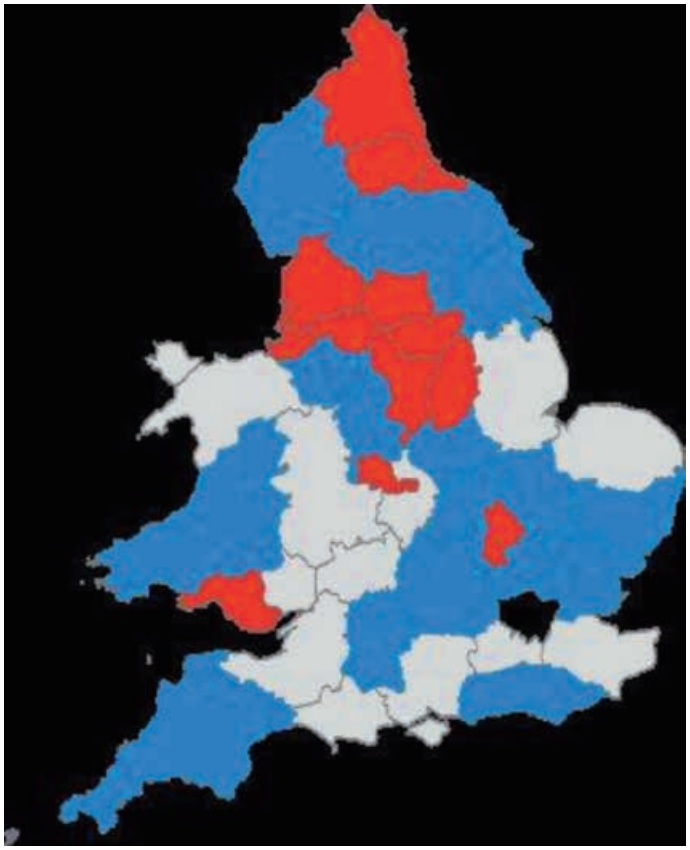

Figure 1

Blue – Conservative, Red – Labour, Grey – Independent

The PCPs are presented in the legislation as being 'supportive' to the work of the PCC. This slightly ambiguous turn of phrase does at least perceptively diminish the mechanism of scrutiny and accountability they apparently provide.

Panels are responsible for scrutinizing commissioners' decisions and ensuring this information is made available to the public. They review the commissioner's draft police and crime plan and assess the PCC's activities. PCPs may hold public meetings, request reports from the PCC and require the attendance of the commissioner or a member of his or her staff at any time. It may suspend a PCC from office where he or she is charged with a serious criminal offence. PCPs will be able to veto a Commissioner's proposed precept[5] or proposed candidate for Chief Constable by a two-thirds majority. Despite what seems to be a significant role in terms of accountability and the two veto opportunities alluded to above, every PCC decision does not need to be reviewed by the PCP.

The Elections

The election of Police and Crime Commissioners in the UK took place on 15 November 2012 and the new Commissioners took office on 22 November for a four year term. In September, the Chair of the Electoral Commission expressed concerns about the lack of public awareness of the elections and their significance, and in October commenced an awareness campaign which included a booklet about the role of the PCCs delivered to all households (Watson 2012). Despite these efforts, the turnout was low, between 10-20 per cent, with an average of approximately 14 per cent – not an unexpected result. Voting in the UK in any form of election is not compulsory and the Electoral Reform Society had predicted that Government mishandling of the

elections was likely to lead to the lowest election result in peacetime UK (*Telegraph* 18 August 2012). As Jones et al noted (2012:243) prior to the PCC elections, participation in local democratic structures in the UK 'is low – disastrously so in areas of deprivation'.

In the PCC elections 45% of people did not vote because they felt they didn't have enough information about their candidate and almost 20% of people didn't vote because they didn't agree that electing police officials in this way was appropriate. Two months after the election only 11% of people could name their PCC (Garland & Terry 2013). The irony of the lack of local participation in the elections for Commissioners that would give communities greater say and more local participation in how they were policed was not lost on those who had predicted such results.

37 PCCs were elected in England and 4 in Wales. 16 PCCs identified themselves as Conservative, 13 as Labour and 12 as Independent *(see Figure 1)*. Labour however obtained the greater popular vote at 1, 1717,235. 192 candidates had stood in the 41 elections. The most common background for the newly elected Commissioners was that of 'former elected politician or officials' at 52%; former 'police authority members' at 20 %; only 23% did not have a reported background in these categories (Berman et al 2012: 8)[6]. Four of the elected PCCs had been Chair of their respective LPAs prior to resigning that role and standing for election in November (Berman et al 2012).

Significant attention has been given to the role and progress of the newly elected PCCs. Academics have been concentrating on the extent to which the PCC will enhance the prospect of democratisation and accountability in policing (Jones et al 2012) and to what degree PCCs will become 'single issue politicians' (Reiner 2013). Others have reflected on the implications of the role of PCCs for the nature and scope of the operational independence of the police (Lister 2013) while the inevitable comparison with the US-style of policing is evident (Sampson 2012; Baldi and LaFrance 2013; Newburn 2012).

Government inquiries have also begun in response to a plethora of what might charitably be termed 'teething problems' of the new police governance framework as the media and others tell of PCC's 'empire-building', nepotism and administrative and financial bungles. The Home Affairs Select Committee[7] has already published a report on the Register of Interests for the PCCs (http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/69/69.pdf) and more recently, following the number of high-profile clashes between Commissioners and Chief Constables almost from week one (and indeed the suspension and departure of some Chief Constables), an inquiry into the PCCs' power to dismiss Chief Constables (http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/487/487.pdf); see also Winsor 2013).

Overall it has been rather an inauspicious start for the new police governance arrangements. Yet the government are committed to this new governance framework and in some quarters there is talk of police and crime commissioners taking control of other emergency services, in a move the government claims will make for more efficient, cost-effective responses to incidents citing national interoperability and coordination, 'significant reductions in crime, improved performance and reduced costs of administration' as possible benefits (Haldenby et al 2012). Such a move would 'increase the PCCs' annual budget by almost 50% to £20bn and give them accountability for the work of about 200,000 police, firefighters and ambulance staff' (*Sunday Times* 16 June 2013).There has been no further talk of this suggestion since it was mooted publicly in June 2013 but as the first anniversary comes around in November who knows what the second year will bring?

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End Notes

1. On 4 August 2002, two girls were murdered in the village of Soham, Cambridgeshire. The victims were Holly Marie Wells and Jessica Aimee Chapman, both aged 10.
2. It should be noted however that in a report on the possibility of elected police commissioners in 2009, Blunkett rejected the notion of elected police commissioners on the grounds that such individuals may 'be hi-jacked by extremist political groups' (cited in Newburn 2012: 36).
3. Separate arrangements exist for London. Policing in Scotland and Northern Ireland has been devolved to the Scottish Parliament and Northern Ireland Assembly. In Scotland, the Cabinet Secretary for Justice serves in a similar capacity for Police Scotland (now one national force) while in Northern Ireland, the Minister of Justice fulfills a similar role for the Police Service of Northern Ireland.
4. The independent may exceed two if the Home Secretary agrees and the number does not exceed 20. If at any time the number of panel members falls below 10, the Home Office may 'top up' the panel with his/her own appointees.
5. Precept refers to a legally-binding instruction to collect a specific amount in Council Tax.
6. For those who would like more detail of the election results, the data breakdown and the summary of individual electorates – please see Berman et al 2012.
7. The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

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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).

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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**

11. Authors are expected to check the accuracy of all references in the document, ie ensure that in-text references are provided in full in the List of References, and in reverse, ie if any in text references are removed, then they are removed from the List of References.

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Police Science: Toward a New Paradigm

David Weisburd and Peter Neyroud

Executive Session on Policing and Public Safety

This is one in a series of papers that will be published as a result of the Executive Session on Policing and Public Safety.

Harvard's Executive Sessions are a convening of individuals of independent standing who take joint responsibility for rethinking and improving society's responses to an issue. Members are selected based on their experiences, their reputation for thoughtfulness and their potential for helping to disseminate the work of the Session.

In the early 1980s, an Executive Session on Policing helped resolve many law enforcement issues of the day. It produced a number of papers and concepts that revolutionized policing. Thirty years later, law enforcement has changed and NIJ and Harvard's Kennedy School of Government are again collaborating to help resolve law enforcement issues of the day.

Learn more about the Executive Session on Policing and Public Safety at:

NIJ's website: http://www.ojp.usdoj.gov/nij/topics/law-enforcement/executive-sessions/welcome.htm

Harvard's website: http://www.hks.harvard.edu/criminaljustice/executive_sessions/policing.htm

Summary

We believe 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. We also think that the advancement of science in policing is essential if police are to retain public support and legitimacy, cope with recessionary budget reductions, and if the policing industry is to alleviate the problems that have become a part of the policing task. In this paper, we outline a proposal for a new paradigm that changes the relationship between science and policing. This paradigm demands that the police adopt and advance evidence-based policy and that universities become active participants in the everyday world of police practice. But it also calls for a shift in ownership of police science from the universities to police agencies.

Such ownership would facilitate the implementation of evidence-based practices and policies in policing and would change the fundamental relationship between research and practice. It would also increase the prestige and credibility of police science in the universities. We think that bringing the universities into police centers and having the police take ownership of police science will improve policing and ensure its survival in a competitive world of provision of public services.

Introduction: The Disconnect Between Science and Policing

Over the last two decades, the police have innovated at a rapid pace, developing new practices and policies that have reformed and changed the policing industry (Weisburd and Braga, 2006a). The police, who were once considered conservative and resistant to change, have become a model for criminal justice systems experimentation and innovation. The police have pioneered the development of new relationships between criminal justice and the public in community policing. They have crafted new strategies of crime control, introducing problem-oriented policing, hot spots policing, pulling levers policing and a host of other new strategic innovations, including the introduction of new technologies such as automatic number/license plate reading, automatic fingerprinting systems and DNA testing.

The police also have experimented with new management methods in programs such as Compstat, and have integrated the new technologies into crime prevention and control through innovative crime analysis approaches such as intelligence-led policing (Ratcliffe, 2008) and with new methods of describing data such as computerized crime mapping.

In their efforts to innovate and change over the last two decades, the police have often enlisted the help of academics and researchers. In the development of Compstat in New York City, for example, academic research not only helped to define why new approaches were necessary (Bratton, 1998; Bratton and Knobler, 1998), but police scholars like George Kelling were enlisted to help identify and refine promising police practices. Intelligence-led policing is strongly linked to academics who have called for use of advanced statistical and analytic tools in dealing with crime problems, and many police agencies have sought to enlist researchers to help them develop such tools (Peterson, 2005; Ratcliffe, 2002; 2008). Hot spots policing has its origins in basic academic research, and has been the subject of systematic scientific evaluation (Braga, 2001; Sherman and Weisburd, 1995; Weisburd, 2005). More generally, police-researcher partnerships have been a prominent feature of the policing landscape over the last two decades, and it is no longer surprising to see researchers in police agencies.

But having noted the advances in the relationship between research and practice in policing, we think it reasonable to say that despite progress, there is still a fundamental disconnect between science and policing. By "science" we mean the broad array of methods and technologies that police have confronted over the last half century. This includes advances in forensics, such as DNA testing, digital fingerprinting and other technologies meant to improve detection and identification. It also includes social science, which often has been neglected by the police, but has begun to play an increasingly important role over the last few decades both in terms of advancing crime analysis and in evaluating and assessing traditional police practices and new innovations in police strategies. By science we also mean the advancement of the use of scientific models of inquiry such as problem-oriented policing.

In our paper, we will argue that despite the advances made in the use of science in policing and in the leadership and management of policing, science has yet to move to center stage.

For example, most police practices are not systematically evaluated, and we still know too little about what works and under what conditions in policing (National Research Council [NRC], 2004; Weisburd and Eck, 2004). Indeed, the evidence-based model for developing practices and policies has not been widely adopted by police agencies. Today, as in past decades, strategies developed in police agencies are generally implemented with little reference to research evidence. Despite some examples notable for the ways in which they depart from conventional practice (e.g., hot spots policing; see Weisburd and Braga, 2006b), the adoption of police innovation has tended not to have a strong relationship with science.

Evidence-based policing (Sherman, 2002) is not the rule, and we think it is not an exaggeration to say that most police agencies have little interest in using scientific methods to evaluate programs and practices. A CEPOL[1] study of police research in European police agencies found that only five out of 30 countries showed a "high" value accorded to police science research. In contrast, in nearly half the countries, research was seen as being of "low" value. The CEPOL study categorized low value through two characteristics: little or no demand from police for research and police training being conducted without reference to scientific or academic knowledge (Hanak and Hofinger, 2005).

Even police practitioners who are committed to using scientific evidence recognize that the present state of practice makes a sophisticated use of science difficult in many police agencies (Jaschke et al., 2007; Neyroud, 2008; Weatheritt, 1986). Often, the introduction of research develops serendipitously — from a "bright idea" of police practitioners or researchers rather than through systematic development of knowledge about practice. There is often little baseline data from which to define an innovation, and the outcomes that are examined are usually restricted to official data measured over very short periods. Most studies of innovations are based on very simplistic methodologies, focus on implementation rather than design, and often fail to address key issues around transferability or, equally crucial, sustainability (Weatheritt, 1986). Based on an assessment of whether the idea worked, innovative police leaders try to diffuse the idea more widely in their agencies, and across agencies, without adequately having researched what the real effect was. Despite some notable exemplars, even in many innovative police agencies, innovation is more a symbolic activity than a real scientific activity.

Most police agencies do not see science as critical to their everyday operations. Science is not an essential part of this police world (Hanak and Hofinger, 2005; Jaschke et al., 2007). At best it is a luxury that can be useful but can also be done without. This can be contrasted with fields like medicine and public health and, to a lesser extent education, which have come to view science as an essential component of their efforts to provide public services (Shepherd, 2007). We recognize that the job of policing includes unique features that cannot be easily compared to other applied sciences, and that models drawn from other applied sciences, especially medicine, would have to be substantially altered to be appropriate for police science. Nonetheless, we think there are important lessons to be learned from the penetration of science into other areas of practice.

For example, can one imagine medicine today without the large infrastructure of research that stands behind medical practices and public health policies? Science is valued both by medical practitioners and by ordinary citizens. Indeed, the manipulation of science by large drug companies and others that want to increase demand for their medical products and services illustrates the value of science more generally in medical practice. In policing there is — as Jonathan Shepherd, a recent recipient of the Stockholm Prize in criminology and originally a medical researcher and practitioner has remarked — a problem with the "credibility of social science research" (Shepherd, 2007). The police do not see social science as essential to the work of police agencies. A perfect illustration of this can be found in the content of core police education and training. As Janet Chan and her colleagues' study of learning the art of policing illustrates, there is little concern with either scientific evidence or evidence-based policing (Chan, Devery and Doran, 2003). In turn, police science is often ignored even when the evidence is unambiguous. Take for example the continued application of programs like Drug Abuse Resistance Education (D.A.R.E.) that have been shown to be ineffective but continue to be supported and implemented by police agencies (Clayton, Cattarello and Johnstone, 1996; Rosenbaum, 2007; Rosenbaum et al., 1994).

It is not just the application of social science that has missed its mark in policing. A recent National Academy of Sciences report on forensics expresses significant concern regarding the identification and application of science in such areas as fingerprint identification and forensic odontology (NRC, 2009). The report argued that the police were too willing to rely on experts and were not critical enough in the evaluation of the underlying science of these technologies. It also highlighted that the expert scientists were failing to objectively identify the underlying weaknesses in the technologies applied. And there is also a strong relationship between the weaknesses of applying the scientific method to forensics and a lack of acceptance of social science in policing. The police, as we discuss below, have long been interested in how new technologies can be harnessed to advance police work. Yet, the police have seldom sought to evaluate how these new technologies affect policing, and more importantly whether and how they make the police more effective (Morgan and Neyroud, forthcoming). Compare this approach to the adoption of new technologies and advances in agriculture and in medicine (Gomez and Gomez, 1984; Hunink et al., 2001; Sunding and Zilberman, 2001; Weinstein et al., 2003). These innovations are not adopted widely without careful evaluation of their impacts. Such scientific evaluation is rare in policing (see Roman et al., 2009, for an important exception).

One consequence of the lack of value of science in much of the policing industry is that there is little advocacy of such science in government. Medical research in the United States receives more than $28 billion a year in government funding (National Institutes of Health, 2008). In the United Kingdom, medical research receives more than £600 million ($981 million) of government funding annually (House of Commons, 2008). Research on dental care in the United States has a federal budget of more than $389 million per year (National Institute of Dental and Craniofacial Research, 2007). Education research received $167 million in the United States in 2009 (U.S. Department of Education, 2009). However, the National Institute of Justice (NIJ), the primary U.S. funder of research in criminal justice, had a total budget of only $48 million in fiscal year 2009 and a budget for research and evaluation (in which its policing division is located) of only $13.7 million.[2]

The primary funder of crime research in the United Kingdom, the Home Office, has a budget for research of only £2 million ($3.3 million) (Home Office, 2008). Although there is evidence that police associations such as the International Association of Chiefs of Police (IACP) and major city chiefs have objected to cuts in research budgets in the past, we do not think that such efforts have been consistent or sustained. This can be contrasted with the vocal and intense responses of the police to reductions in police numbers and equipment (Galloway, 2004; Koper, Maguire and Moore, 2001).

We began this paper by focusing on the responsibility of policing to step up its use and ownership of science. However, we also think that the academic support for policing has, for the most part, failed to meet the needs of policing. Indeed, to focus only on the police industry when noting the disturbing absence of a large infrastructure for science in policing neglects the failure of academic police scholars to make themselves relevant to the everyday world of the police. Academic research is generally divorced from the dynamics of policing. The police operate in a reality in which decisions must be made quickly, and issues of finance and efficiency can be as important as effectiveness. But academic policing research generally ignores these aspects of the police world, often delivering results long after they have relevance, and many times focusing on issues that police managers have little interest in.

Real issues in policing often have little salience in the halls of universities. In medicine, clinical involvement is seen as an important part of the research enterprise, and clinical professors are well integrated into medical science. But in policing, academics would be unlikely to advance in universities if they nested themselves in police agencies to address specific problems such as burglary or car theft, and it is rare for clinicians to have an active research role in universities.[3] As such, the everyday problems of policing have little status in the universities. In return, in general, the police have tended not to insist on graduate and post-graduate educational and professional standards, or at least have been discouraged from doing so by police unions and other interested political forces, and this has distanced the police even further from academia (Carter and Sapp, 1990; Roberg and Bonn, 2004).

We believe 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. We also think that the advancement of science in policing is essential if police are to retain public support and legitimacy and if the policing industry is to alleviate the problems that have become a part of the police task. Below, we outline a proposal for an approach that would radically alter the landscape of science in policing. We begin by assessing the current situation and the present role of science in police agencies. We note the important advances over the last few decades but also the limitations of present approaches. Finally, we focus on proposals for a new paradigm that changes the relationship between science and policing.

This paradigm demands that the police adopt and advance evidence-based policy and that universities become active participants in the everyday world of police practice. But it also calls for a shift in the ownership of police science from the universities to police agencies. Such a shift would allow police science to become an integral part of policing and in this way would enable the development of evidence-based approaches for the identification of effective and cost-efficient practices and policies. This is essential if the science of policing is to provide evidence that its practices improve public safety. It is also essential if policing is to gain legitimacy and secure investment in an increasingly skeptical world of public services in which the competition for public finance is growing ever more acute (Ayling, Grabosky and Shearing, 2009).

The Present Reality: The Failure to Own Science and Its Implications

Science in policing has a long history as it relates to forensic evidence and police laboratories for analyzing such evidence. Police focused early on the use of blood analysis, gunshot residues and pathology in improving investigations.

These tools were developed in collaboration with traditional science, mostly medical science, and are being continued with the development of DNA testing and other new investigative approaches.[4] Police communications and geographic information systems are other areas where science has influenced policing and continues to change the nature of police operations. And there is no question that technologies related to the use of force such as weapons or vests to protect police officers have benefited from the involvement of science in the policing world.

In many ways, the use of such traditional science as DNA testing and the development of bullet-resistant vests and less-lethal weapons provide an important model for science in policing. Police agencies have embraced these technologies, and the federal government has often provided significant funding for their development. Nearly the entire NIJ budget in the last few years has reflected such developments, with DNA testing being the single most prominent federal investment in research that has been carried forward by the agency (NIJ, 2008).

The same could be said for the U.K. government which invested heavily in the “DNA expansion program” from 1999 to 2007 (Williams and Johnson, 2008). What some might call “hard sciences” — the sciences of engineering, biotechnology and medicine — have developed rapidly in policing and have been widely accepted by the policing industry. At the same time, a recent National Research Council (2009) report on the use of forensic evidence suggests that even in this area of science, the police have often failed to use an evidence-based model in which standards are developed with clear scientific criteria.

The adoption of technology by police agencies has been a type of “black box” — police have accepted such technologies but have generally not assessed or evaluated them. They bring in new equipment or new technologies because they work in theory but know little about how to use such technologies so that they work best. For example, despite major investment in DNA testing, there has been to date only one large field trial on the impact and cost-effectiveness of DNA evidence on police investigations and that trial was limited to property crime (Roman et al., 2009). Do new weapons make policing safer or more effective? Will DNA testing be cost-effective for the average police agency? Can automobile vehicle locator systems be used to increase the value of police patrol? These questions, which seem so obviously central to the question of adoption of new technologies, are seldom examined in policing. The police, in this sense, have often been reactive to the technologies that are brought to them and have seldom played a role in developing those technologies to enhance the effectiveness and efficiency of policing. And as the NRC report makes clear, in many areas, the police have accepted claims of scientific credibility with little skepticism.

One area where this involvement is greater is crime analysis. Most larger police agencies now have crime analysis capabilities that include not only simple tabular statistical description but also more sophisticated algorithms for identifying concentrations and patterns of crime, often relying on geographic information systems and spatial statistics.

Most police chiefs can now quickly obtain answers regarding the distribution of crime across time or space, and most have come to expect that such data will be used to do something about crime. In this sense, science in crime analysis has become an integral part of police agencies (Weisburd, 2008). In the U.K. in particular, a number of partnerships have been developed between universities and the police as illustrated by the National Intelligence Model (Grieve et al., 2008).

But it is important to note that in most police agencies there are still problems achieving integration between crime analysis and the everyday world of policing, and still less involvement between scientific work in universities and the work of crime analysis in policing.

Compare this with laboratories in major university hospitals where the skills of scientists are not only cutting-edge but are also integrated into a larger world of science. Major university hospitals expect their scientific staff to be conducting research that is published in the best scientific journals. They encourage them to look for new "discoveries" in their clinical work, and to follow standards set by national scientific bodies. Police departments do not, on the whole, encourage their scientific staff to publish in scientific journals in criminology; indeed, they generally discourage them, sometimes citing the fact that adverse results might damage the reputation of the department.[5] 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.

It might be argued that police do not have the resources to develop science of this type in their agencies. Of course, one reason for this is that police do not place a high priority on science, and thus there is little support for funding for police science on the part of government. It might be argued as well that this challenge is being overcome in policing with the development of police-researcher partnerships. Such partnerships have played a role in raising the profile of science in police agencies and in bringing new technologies and skills, especially in crime analysis. The roots of police-researcher partnerships go back to the 1970s with the relationship of the Kansas City Police Department, Mo., to the Midwest Research Institute. The New York City Police Department (NYPD) also had an early collaboration with the Vera Institute of Justice. The Vera Institute-NYPD collaboration can be seen as a model not only because of the serious research that was conducted but also because the police invested in this partnership over a long period by providing the Vera Institute with a yearly grant for technical assistance (Bloom and Currie, 2001).

The Vera Institute model is unusual; partnerships are more commonly a product of funding by state or federal agencies. The 1990s saw an explosion of such funding opportunities, and the research partnership model became a common part of the policing landscape. The origins of these partnerships supported by government can be found in the early 1990s when then Director James Stewart of NIJ funded a series of collaborations in which police agencies and researchers both received funding to enhance research on the police (Garner and Visher, 2003). The Drug Market Analysis Program, which led to a series of experimental studies of anti-drug strategies, introduced collaborations in Jersey City, N.J. (Weisburd and Green, 1994; 1995), Pittsburgh (Olligschlaeger, 1997), Hartford, Conn., San Diego, and Kansas City, Mo. (Herbert, 1993). Importantly, these programs not only aided the police in the development of innovative strategies such as hot spots policing, they also produced a series of high-quality research products about what works in policing (Taxman and McEwen, 1998).

The partnership model was further reinforced with the U.S. Crime Bill of 1994 and the creation of the Office of Community Oriented Policing Services in 1994. Following upon earlier successes, the federal government now began to fund an array of different types of partnerships between police and scholars, paving the way for the acceptance of research in police agencies and recognition of the importance of policing as a focus of academic study. It became common to visit police agencies and see criminologists "in the building." Many agencies began to rely on the advice of scholars and looked to researchers to help them develop and assess programs. Police scholarship developed at a quick pace with the number of articles on police science growing rapidly in this period (NRC, 2004). More importantly, the study of policing by police scholars became a field of greater interest with many more scholars participating.

In the United Kingdom, partnerships between the police and researchers also began to have influence in the everyday world of policing. Ken Pease's groundbreaking Home Office research on repeat victimization in Kirkholt and Manchester showed how scientific evidence could change police practices, in this case by recognizing that a recent victim is very likely to be victimized again (Pease, 1991). The diploma/masters in applied criminology at Cambridge, which included practice-based research, was required for senior law enforcement managers for a brief period in the late 1990s.

Although the 1990s saw a developing relationship between academic police researchers and the police, the role of science in police agencies did not fundamentally change during this time. The police-researcher partnerships generally were not sustainable after the large influx of federal funds declined. Simply put, the partnerships did not establish themselves as critical enough to the policing mission for the police to take on the partnerships on their own. As such they were arguably nice to have but could be done without. Science had not established itself through the partnerships, perhaps in part because the partnerships themselves often did not produce good science or science very relevant to police agencies.

For most police agencies and academic researchers, the partnerships were an opportunity to increase resources for doing what they traditionally did. With some important exceptions we note below, neither the police nor academics really took ownership over these collaborations. Rather the police offered scholars the prospect of doing research with the support of federal dollars, and researchers offered police consultation services paid for by the government.

Throughout this period, the science of police research remained a province of the universities and not police agencies. By this we mean that the questions asked generally had their origins in the questions of researchers, and not necessarily in the needs of the policing industry. The ownership of such research was not in the agencies that were the sites for its development, but in the academic institutions and among the academic researchers that sponsored them. Importantly, some of these projects, like the Drug Market Analysis Program, developed police practices in response to police and government definitions of critical problems.

The pulling levers approach (Kennedy, 2006) developed by Harvard University's Kennedy School is a more recent example of this important trend. However, more common is the perception of many police that the real beneficiaries of such research programs are the researchers and not the police. And why they would not they feel this way, considering that the research findings are often disseminated long after the sites have lost interest in the questions asked and usually after new administrators that have little contact with the original research are in office? Indeed, the need for academics to publish in peer-reviewed journals that are at best remote for most practitioners and in a style that is not readily transferable to the policing workplace has meant that much useful research might just as well have been buried in a time capsule.

Finally, a deeper and more fundamental reason for the disconnect between police science and police practitioners lies in the fundamentals of police education and training. As we have suggested above, science is normally not central to police education and training. Neither CEPOL's recent survey (Hanak and Hofinger, 2005) nor Janet Chan and colleagues' seminal study of student officer training (Chan, Devery and Doran, 2003) shows much evidence of a professional and evidence-based approach to learning.

Although it may be critical for police officers to have a good working knowledge of the law, that this is to the exclusion of a good working knowledge of the theory and evidence for its effective practice strikes us as a major factor in the failure of science to establish itself in policing. Moreover, the limited progress of police to create accredited standards for education prior to joining the force and throughout the careers of police officers has reinforced the realities of policing as a "blue collar job" (Reiner, 2000) rather than a profession supported by a credible corpus of knowledge. This, in turn, has further distanced police from the importance and relevance of police science.

The Costs of Failing to Own Police Research

Our discussion so far suggests the extent to which the police have so far failed to take ownership of police science. Even in the case of technology, the police have, on the whole, been reactive to science and have allowed outside institutions to dictate what science would tell them. As a consequence, policing often remains outside the sphere of evidence-based policy. Although it is fair to say that there are limitations to the evidence base, we would suggest the police do not tend to place such evidence as the central rationale for policy decisions. We think this may have serious consequences for policing in the future. Such consequences are already evident in the growing financial crisis that is facing many policing agencies (Gascón and Foglesong, 2010).

Policing is becoming increasingly expensive as a public service, and without a scientific base to legitimize the value of police, it is likely that public policing will face growing threats from other less costly alternatives, like private policing, or that many police services now taken for granted will be abandoned (Bayley and Nixon, 2010). Without scientific evidence and a more scientific approach, police are going to be increasingly vulnerable to politicians and advocates pressing either populist approaches or budget reductions in favor of other services that are able to present better evidence-based business cases for public investment.

A reality in which the police see little value in academic research is also a reality in which there will be few serious scientists who are interested in or know about the police. This is to some degree natural, since it would be surprising if large numbers of scientists at the top of their profession became interested in the police at the same time that there was little prospect for serious scientific research on the police. There is today, compared to other major public services, little funding for research on policing, and this means that young scientists will be unlikely to see policing as an area of study with promise. This is a vicious cycle: a lack of priority accorded to science translates into limited investment and kudos attached to police science and, in turn, into limited opportunities and career prospects for scientists interested in policing research.

An interesting implication of these trends for academic criminology more generally is that police science is a relatively low-status area of specialization within the discipline of criminology and criminal justice. Policing journals are generally of lower quality as compared with the main journals in the field, and whatever their quality, they are ranked among the lower status outlets for academic papers.[6] It is ironic that an area of study with tremendous policy importance and with significant implications for public health and safety remains an area of low academic status in the scientific discipline in which it sits. But in a sense this is not surprising, because scientific study of policing is not integrated nor valued in the police world, and accordingly it has not gained advantage from what would seem its most important strength — its potential as a policy science.

Perhaps the most important cost of the present reality is that there is a gap between scientific research and clinical practice. Jonathan Shepherd (2004:15) argues that "[l]ike policing, medicine is both an art and a science. But the extent to which police services are based on scientific evidence of effectiveness is much lower than in medicine, where there are more than 300,000 references to field experiments and more than 4,800 published reviews." Shepherd's statement is if anything overly conservative, since there are only a handful of reviews of scientific evidence in policing and at most a few dozen experimental field trials.[7] Clinical practice in policing has little scientific guidance and though much more is known today than in earlier decades (NRC, 2004; Weisburd and Eck, 2004), what is most striking about policing is that we know little about what works, in what contexts, and at what cost. Does it make sense for an industry that spends $43.3 billion a year in the U.S. alone on personnel, equipment and infrastructure (Hickman and Reaves, 2006) to spend less than $10 million a year on research? Does it make sense for large police agencies that have budgets of many billions of dollars to have no budget for the development of research on what the police do? One might argue that the cost of research should not be borne primarily by local police agencies, but it seems to us unreasonable that such agencies that are equivalent to large medical centers do not see themselves as responsible for advancing and testing their practices in a scientific framework.

Toward a New Paradigm: Police Ownership of Police Science

How can we move police science to a central place in the policing industry? What is required for policing to become an evidence-based profession? Our answer to these questions is surprisingly simple, but we suspect it will nevertheless be challenging for both police practitioners and academic researchers. For police science to succeed the way science has in other professions, it must move from the outside to the center of policing. Scientific research must become a natural and organic part of the police mission. Science must become a natural part of police education, and police education must become based in science. Science in policing must answer questions that are critical to the police function, and it must address problems that are at the core of policing and address the everyday realities that police face.

The answers of science must be timely for the police. Though science at times cannot be rushed, it is also true that a science that fails to produce answers in a timely fashion cannot be relevant to a profession that works in the real world.

Police science must "make the scene" and become a part of the policing world. Police involvement in science must become more generally valued and rewarded. For that to happen, the policing industry must take ownership of police science. Police science is often irrelevant to the policing world today because it is not part of the policing enterprise but something external to it. To take ownership the police will have to take science seriously, and accept that they cannot continue to justify their activities on the basis of simplistic statistics, often presented in ways that bias findings to whatever is advantageous to police. We accept that this is not a straightforward challenge. As Sir Ronnie Flanagan (2008) identified in his review of policing in the U.K., policing is a high-risk environment and operates in a highly political context, in which reporting failures or presenting complex results can be uncomfortable territory. Both authors have experience of debates with chiefs about the difficulties of embarking on scientifically researched pilots that may report adverse results.

But would a director of a major medical center be comfortable arguing against additional research on a major public health problem like Sudden Infant Death Syndrome because it might show that present treatments in the hospital were ineffective? If not, why should the continuation of a large public program to reduce crime not be considered similarly? As Joan McCord (2003) has observed, major social programs can have not only positive impacts but also lead to serious harms, just as treatments in public medicine.

The police must see science as integral to their mission both because it can help them to define practices and programs that have promise, and because it can allow them to assess such innovations in terms of how well they work, and at what cost. Evidence-based practice is becoming a key component of public institutions in medicine, education and government (Sackett et al., 2000; Sanderson, 2002; Slavin, 2002). In this regard, education provides a particularly instructive example for the policing industry. Education, like policing, operates in a world of decentralized and independent agencies. And before the turn of the 21st century, large education programs were seldom subjected to evaluation, and there was little federal investment in high-quality experimental field trials (Cook, 2001). However, in fiscal year 2009, just seven years after the establishment of the Institute of Education Sciences in the U.S. Department of Education, the federal budget for high-quality research reached $167 million, with a fiscal year 2010 request for $224.2 million (U.S. Department of Education, 2009). Evidence-based science has grown exponentially in education. We see no reason why such growth would not be possible in policing. We would argue that if the police choose to invest in the evidence-based science movement, they would enhance the value and reputation of the profession in the public sphere.

In this context, it is reasonable for the police to expect that government will play a key role in developing police science. One missing component of police science today is large public research institutes that can play the leadership role in advancing research about police practices. In the 1970s, the government and foundations in the U.S. developed such institutions as the Police Foundation, the Police Executive Research Forum, and the research arm of the International Association of Chiefs of Police. But, whatever the many successes of these institutes in the development of police science, they cannot take on the central role of government entities such as the National Institutes of Health or the Institute of Education Sciences. There is clearly a need for a large government agency that would play a central role in police science. Such an agency could also provide much needed guidance as to standards for police agencies, license and accredit police practice, require continuous professional development, and perhaps most importantly hold agencies that continue to use ineffective or harmful practices accountable. The National Police Improvement Agency (NPIA) in the U.K. has been following this approach for its first three years, suggesting that our idea is not far-fetched. However, its emergence has not been without friction, and the new coalition government has decided to phase the agency out, sharing its functions with a range of new bodies. It is yet to be seen whether the progress made can be sustained through transition and through budget cuts.

But such an agency could not on its own create the kind of police science we are talking about, especially in the U.S. where policing is decentralized across thousands of independent agencies. For an elite and relevant police science to develop, police agencies will also have to take clear ownership over police science. This means that police agencies will have to prioritize science, and in doing so they will have to include science in agencies and advocate for science in government. To what extent do police executives today see their role as advocating for increased funding for police science?

Is it common to see police executives on Capitol Hill or in national parliaments demanding larger budgets for police research? It is not, in part because police executives generally do not see police research as a key part of their responsibility. They have tended to see academics and universities as responsible for advocating for research. Of course, from the perspective of government, there is little reason to give money for police science if police practitioners do not themselves prioritize such science and its application to practice.

There are some good examples which lend support to our arguments. There are already indications of agencies that are taking the lead in this aspect of ownership of police science. In the San Bernardino Valley in California, for example, police chiefs have banded together to seek public support for an evidence-based research center in their communities that would conduct reviews of scientific evidence for the agencies and conduct evaluations of new programs. In Redlands, Calif., Chief Jim Bueermann has hired an in-house criminologist and invested in master's-level criminology for key middle managers. Commissioner Ramsey, in Philadelphia, has commissioned Temple University to conduct field trials on hot spot patrols. In the U.K., three police agencies, Manchester, West Midlands and Staffordshire, funded by NPIA, have embarked on randomized control trials of key aspects of practice. These are key developments but they are still too reliant on innovative chiefs and government support. Government support for police research is as critical to police science as federal support of medical research is to medicine. But recognition of the value of police science also means placing it on the list of financial priorities of police agencies.

For this police science to succeed it must be a "blue chip" science. Universities must become an important part of police infrastructure. It is instructive to remember that hospitals were not always integrated with major university centers. Indeed, in the early 19th century the integration of universities and hospitals was a major innovation. Tenon (1788) pioneered this innovation by pointing out that hospitals were like butcheries and that medical training and research needed to be brought into the medical centers.[8] Note that innovators did not remove medical research from the hospital, but rather sought to bring the "universities into the hospitals" (Bonner, 2000). In this same sense we must bring the universities into police centers. Again, there are important examples of such programs already developing.[9] In Providence, R.I. (with John Jay College of Criminal Justice) and Alexandria, Va. (with George Mason University), new partnerships between police and researchers are developing that build on the university medical center model and that have been initiated by the partners rather than federal funding agencies.

A more general indication that such trends have already begun can be found in the Universities' Police Science Institute at Cardiff University in the U.K. The Institute, according to the press release at its founding, represents a "collaboration between South Wales Police, Cardiff University and the University of Glamorgan with the aim of increasing professionalism in the police service. It is the first institution of its kind, integrating police research, policy and operations" (Cardiff University, 2007). Although time will tell whether these new university medical center models will be successful, they represent an element of the trend that we are suggesting is necessary to advance police science. We think more generally that there should be "clinical professors" of policing, and even of police specialities like burglary or homicide investigations. There should as well be "practitioner-scientists" who are supported by and located in police agencies. But this would mean that the universities would have to value police practice and reward scholars for advancing such practice, and police agencies would have to accord greater recognition to science and reward police officers involved in science.

Another change that will likely have to occur if the paradigm we are advocating is to succeed is that training of police and police researchers will need to take place, at least in part, at university policing centers. In medicine, practitioners and researchers are trained in the same university teaching hospitals. Jonathan Shepherd argues that a major impediment to the development of crime science is the fact that practitioners have little understanding of science, and scientists little understanding of practice (Shepherd, 2001; see also Feucht and Innes, 2009).

He advocates for a major change in education for police and police researchers and the introduction of a university hospital model for policing. We think this proposal has much merit and would play a major role in putting police research in police agencies so that it is connected to the real world of policing. Of course, there are significant impediments to such a model. Many police agencies still only require a high school degree for employment. Even though there has been a call for decades for a bachelor's requirement in policing both by scholars and police executives (Carte and Carte, 1973; Carter and Sapp, 1990; Roberg and Bonn, 2004), the resistance of police unions will make it difficult to implement this change generally anytime soon. Again, we think it short-sighted on the part of unions to resist a college education requirement, both because the new realities of policing demand greater education and because the relatively higher salaries of young police officers make their educational requirements inconsistent with those in other professions.

But more generally, the movement of at least some components of police science education into police agencies would facilitate the changes we are suggesting. The police and police scientists must have shared understandings not only of the realities of police work but also of the requirements of evidence-based policy. It is difficult to develop a high level of police science when police officers generally have limited understanding of what science is and what it requires and, most importantly, how they should assess the judgments of science against their professional intuition. Similarly, when academic researchers have no real understanding of the everyday problems of police and the realities of policing, it is hard to imagine that they will develop valuable research about policing or research that is translated into practice in the policing world.

In short, we need to see the development of the sort of shared academic-practitioner infrastructure that is an accepted part of medicine and education: websites and publications that are jointly used by and contributed to by academic and practitioner users; a culture of continuous professional development, supported by accreditation, that encourages practitioners to engage with the evidence and contribute more of their own; rewards and recognition in policing that showcase high-quality evidence-based practice; and the role of chief scientific officer, broader than forensics and embracing all aspects of the application of science to the development and deployment of policing.

Finally, there is no question that the measures of success of police agencies will have to be changed if police science is to be accorded a high priority within the police. Today, there is limited pressure on police executives to show that their policies and practices are evidence-based. Compstat represents perhaps the only major management innovation in policing that succeeded even in part in putting outcomes, and especially crime outcomes, at the center of evaluation of performance in policing. Although Compstat was not evidence-based, it was performance-based and was widely adopted across American police agencies. The development of Compstat argues strongly that the police as an industry do care about showing that their practices work. The shift we are suggesting would place science as a key component of such evaluation.

Our vision of the changes from the current to our new paradigm can be summarized in the table below.

Instead of being incidental to change and development in policing, we envisage science at the heart of a progressive approach to policing. From the very beginning, recruits to the organization would be inducted and trained within a scientific framework. Although knowledge of the law is a critical component of effective policing, our recruits would understand the evidential base not only of legislation but also of the most effective strategies to harness the law for the betterment of society. They would learn that, as professional police officers, there would be a constant expectation that they would contribute to the expansion of knowledge through their own research and field experimentation, an expectation strongly reinforced by an informed and committed leadership that understands that knowledge drives improvement in policing, just as it provides better medicine, teaching and forensic provision.

Throughout their careers, our officers would be constantly exposed to the challenge of excellent teaching from police universities, at which the very best of their number would hold posts as clinical professors. The constant cycle of learning and improvement would be supported by the commitment of a significant percentage of the organization's

Changing to a Science-Based Policing Paradigm

	Old Paradigm	Science-Based Policing
Education and training	Based around legal knowledge and work-based learning.	Founded in science, linking scientific knowledge with practice and continual professional development.
Leadership	Leaders see science as useful when it is supports initiatives, but an inconvenient truth when it does not.	Leaders both value science and see it as a crucial part of their own, their staff and their agencies' development and essential to the agencies' efficiency, effectiveness and legitimacy with the public.
Academic-police relationship	Separate and distinct institutional and professional structures.	University police schools combining both teaching and research, with strong institutional links and personnel exchange with local police agencies.
Development of practice	Practice develops by individual initiatives and political mandates.	Practitioners and agencies are committed to constant and systematic research and evaluation of practice.
Investment in research	A limited national and local or individual commitment to evaluating specific initiatives.	A committed percentage of police spending devoted to research, evaluation and the development of the science and research base which is framed within a national (and possibly international) strategy to build the knowledge base over the medium to long term.

budget, in the firm and committed belief that excellence is a product of knowledge and constant, systematic challenge and research.

We would, equally, expect a seismic shift in the world of universities and the academic infrastructure supporting policing. As the police move up a gear and prioritize science, we would expect to see police science move up the academic league.

The next generation of police scientists would contain many practitioner-academics, with the first "clinical professors" of policing paralleling their colleagues in medicine. We would expect the rapid development of the tools of translation to ensure the knowledge developed through scientific research is persistently disseminated into practice. George Mason University's Evidence-Based Policing Matrix (http://gemini. gmu.edu/ cebcp/Matrix.html) and NPIA's Police Online Knowledge Area (http://www.npia.police.uk) are early standard bearers of such approaches. But we would also expect that the next generation would publish their findings in an accessible form in publications of NPIA, NIJ, IACP, the Police Executive Research Forum and the Police Foundation in tandem with submission to peer-reviewed academic journals.

Conclusions: Owning Police Science

We have argued in our essay for the importance of the adoption of the norms of evidence-based policy in policing and of the police taking ownership of police science. Such ownership would facilitate the implementation of evidence-based practices and policies in policing, and would change the fundamental relationship between research and practice. It would also fundamentally change the realities of police science in the universities.

We believe that such a change would increase the quality and prestige of police science. It is time to redefine the relationship between policing and science. We think that bringing the universities into police centers, and having the police take ownership of police science will improve policing and ensure its survival in a competitive world of provision of public services.

Endnotes

1. The European Police College (http://www.cepol. net), which is an agency of the European Union and based at Bramshill in Hampshire, U.K., is cosituated with the National Leadership campus of the National Police Improvement Agency.
2. Author's personal communication with Thomas E. Feucht, Executive Senior Science Advisor, National Institute of Justice, Feb. 3, 2010. It is important to note that this amount represents a significant increase in funding compared with prior years (e.g., in fiscal year 2006 only $10.7 million was spent on social science research).
3. The idea of "embedded researchers" has recently been advanced by Joan Petersilia, a leading corrections researcher in California. Professor Petersilia was called upon by Governor Schwarzenegger to reform the correctional system through a new role as Special Advisor for Policy, Planning and Research. She argues that it is critical for criminologists to become nested in the correctional system if they are to create change (Petersilia, 2008).
4. In the United Kingdom, the rapid growth of forensics came after the 1962 report of the Royal Commission on Police.
5. One of the authors is the editor of the *Oxford Journal of Policing,* which is committed to encouraging practitioners to publish on their work.
6. *Policing: An International Journal of Police Strategies and Management* is the only policing journal to receive an impact factor score from Thomson's Social Science Citation Index. It ranks 27th out of 29 criminology and penology journals.
7. The authors could identify only 22 randomized experiments related to policing. (See also http://gunston.gmu.edu/cebcp/Matrix.html.)
8. The authors are indebted to Jonathan Shepherd for pointing to Tenon's observation.
9. There are also examples of earlier attempts to develop such models (e.g., see Weiss and McGarrell, 1997).

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Developments in Commonwealth Privacy Legislation for Locating Missing Persons

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Abstract

Locating missing persons can be facilitated through access to personal information held by government, non-government, and private agencies. Legislation that authorises the release of personal information for law enforcement purposes is usually worded in relation to a criminal offence or breach of the law. As a result of numerous reviews of privacy legislation over the last ten years, an exemption has been created in the new Privacy Amendment (Enhancing Privacy Protection) Act 2012 for the disclosure by agencies of personal information, where a person has been reported as missing to police. This paper provides an overview of missing persons in Australia and discusses the development of the new exemption and whether this is the most effective way to allow access to information about a missing person.

Missing persons in Australia – findings from Australian research

The most recent Australian research about missing persons, published by the Australian Institute of Criminology in 2008, estimated that the rate of missing persons in Australia was 1.7 per 1,000 persons, with the estimated number of missing persons in Australia reported for 2005–06 as approximately 35,000 (James et al, 2008). Ninety percent of missing persons were found within two weeks and 98 percent were found within six months (James et al., 2008). Reasons for a person going missing included: escape from a problem in their life, being lost and forgetful, mental health reasons and foul play (James et al. 2008). Previous Australian research conducted by Henderson and Henderson (1998) found that for every case of a missing person, an average of at least 12 people were affected in some way for years, either emotionally, through health or employment related impacts, effects on quality of life or on relationships, or a combination of some or all of these.

Henderson and Henderson's (1998) study examined the impacts of missing persons on the Australian community through a representative survey of families and friends of 270 people reported missing to police, interviews with families of people still missing, and consultation with a wide range of government departments, nongovernment organizations, community groups, and individuals with an interest in missing person issues. It found that the economic costs of locating missing people and the associated immediate health and employment-related costs were estimated at $1,851 per person for people reported to non-police tracing services and $2,360 per person reported to police (Henderson & Henderson, 1998). Extrapolating to the relevant 1997 missing person population, this gives a total cost figure of over $72 million to the Australian community, without taking into account the long-term impacts on families and friends of the missing person, in particular, emotional suffering and relationship impacts which may have profound implications (Henderson & Henderson, 1998). This figure is likely to have increased.

James et al's (2008) research was comprised of a review of international literature, the compilation of national data from Australian police services, The Salvation Army Family Tracing Service and the Australian Red Cross Tracing Service, and consultations with key stakeholders. The Australian police data indicated some characteristics of missing persons in Australia (James et al, 2008). Men and women were reported to police as missing almost equally, and young people accounted for just over half of all missing persons reported to police, with 13–17-year-old females most at risk (James et al, 2008). Additionally, young people in care were likely to run away more often than the rest of the young missing person's population (James et al, 2008). The main reasons young people go missing in Australia were due to family dysfunction and conflict or violence, issues associated with puberty and peer pressure, mental health issues, and drug and alcohol problems (James et al, 2008). Alcohol and illicit drug problems were also often associated with adults going missing (James et al, 2008). Long-term missing persons (those who go missing for six months or longer) were more likely to be adults (James et al, 2008).

Privacy legislation that limits disclosure of information relating to missing persons, impacts not only on locating a missing person and quickly, but also on coordination and collaboration between government, non-government, and private sectors, as well as within these sectors the sharing of information across agencies or portfolios. Improved access by police and accredited non-police tracing agencies to government information was specifically identified in the research conducted by Henderson & Henderson (1998) as one of the most helpful things in locating a missing person. This was critical in 1998 and remains so. James et al's (2008) research found that Commonwealth and state/territory privacy legislation was an important barrier to the sharing and accessing of information held by relevant government, non-government and private agencies such as banks, Centrelink, Medicare, the Australian Taxation Office, homelessness organisations, youth organisations, and women's refuges. Costs of accessing services and the length of time to process information are additional barriers; there can be a 14-day delay in providing information following its release (Henderson & Henderson, 1998; James et al, 2008). Provisions relating to authorising the release of information held by an agency for law enforcement purposes to police is usually worded in relation to a criminal offence or breach of the law, even though releasing information with regards to missing persons' investigations are nevertheless seen as being in the public interest (ALRC, 2008).

James et al's (2008) research found that some agencies are apprehensive about formal or national agreements and have informal arrangements which work well for them, and believe that formalising agreements could restrict the amount of information they receive. Interestingly, Henderson and Henderson (1998) state that there actually appears to be adequate legal provision in all existing legislation to allow the disclosure of government information in missing person cases. It is therefore a matter of policy as to what information and under what circumstances it is released (Henderson & Henderson, 1998). The authors concluded that a policy framework could be developed without necessarily having to amend legislation. This was highlighted in the recent review of secrecy laws by the ALRC (2009), which stated that there are exceptions to secrecy provisions in several federal Acts for accessing information about missing persons. Examples given included the *Child Support (Assessment) Act 1989 and the A New Tax System (Family Assistance) (Administration) (Public Interest Certificate Guidelines) (DEEWR) Determination 2010* (ALRC, 2009).

In addition, in 2011 the *Telecommunications (Interception and Access) Act 1979* was amended to provide for disclosure of telecommunications data by private companies relating to missing persons by an authorised officer of the AFP, or a Police service of a State. Under the legislation the authorised officer must not make the authorisation unless he or she is satisfied that the disclosure is reasonably necessary for the purposes of finding a person who the AFP, or a Police Service of a State, has been notified is missing. Tasmanian privacy legislation also expressly allows the use and disclosure of personal information where the secondary purpose is the investigation of missing persons by a law enforcement agency (ALRC, 2008). Where there are inconsistences in use and disclosure provisions across federal agency-specific legislation, federal privacy legislation, and state privacy legislation, it is unknown which legislation would be applicable.

Developments in access by police to information about missing persons

National privacy reform has been the subject of numerous reviews over the last decade (ALRC, 2008; ALRC, 2007; ALRC, 2006; The Office of the Privacy Commissioner (OPC), 2005; The Senate Legal and Constitutional References Committee, 2005; The Senate Finance and Public Administration Legislation Committee [SFPALC], 2011). The collection, use and disclosure of personal and sensitive information about missing persons held by agencies subject to the Privacy Act, has been considered as part of these reviews.

The ALRC Inquiry (2006-2008) into the extent to which the Commonwealth Privacy Act 1988 and related laws, provided an effective framework for the protection of privacy in Australia and included particular reference to missing persons (ALRC, 2008; ALRC, 2006). Access to information by police when investigating missing persons was raised as part of the discussion around exceptions to the existing collection, use and disclosure of personal and sensitive information provisions in federal privacy legislation (ALRC, 2006; ALRC, 2008). The ALRC had asked whether agencies and organisations should be permitted expressly to disclose personal information to assist in the investigation of missing persons (ALRC, 2006).

In the Review's discussion paper, the ALRC expressed the preliminary view that the existing privacy principles did not need to be amended to allow agencies and organisations to use or disclose personal information to assist in the investigation of missing persons (ALRC, 2007). Privacy advocates, such as the OPC and the Office of the Information Commissioner (Northern Territory) expressed support for this view (ALRC, 2007). Other stakeholders opposed any change to the privacy principles in respect of missing persons, noting that sometimes a missing person has committed no offence and does not wish to be located (ALRC, 2008). The OPC submitted that Public Interest Determinations issued by the Privacy Commissioner, provide a mechanism to deal with possible circumstances in which the provisions are not adequate (ALRC, 2008). Public Interest Determination 7, is an example of an existing determination which permits the Department of Foreign Affairs and Trade to disclose personal information of Australians overseas to their next of kin in certain circumstances, including if a person is missing (SFPALC, 2011).

However, a number of stakeholders such as the AFP, supported amendment of privacy legislation to include an explicit exception for disclosure of information to police and relevant non-government tracing agencies, about a person reported as missing (ALRC, 2008). The Institute of Mercantile Agents suggested permitting all private and public sector entities that deal with missing persons to have access to information that may help to locate a person given that the cost of missing persons to their members amounts to at least four billion dollars annually (ALRC, 2008).

The ALRC decided that to create a general exception in respect of all missing person investigations risks interfering with the privacy of certain missing individuals and, possibly, endangering their lives (ALRC, 2008). Where an agency or organisation has a legitimate reason to search for a missing person, it may be able to avail itself of one of the other exceptions in the privacy principles, such as the exception for where there is a serious threat to an individual's life, health or safety, or it may seek a public interest determination (ALRC, 2008).

In the Government response to this review, the Government stated that it was of the view that an express exception should be included in reform of privacy legislation, and that the exception should permit, but not require, an entity to disclose, and that guidelines on discretion for agencies and organisations to use or disclose personal information about reported missing persons should be developed (Cabinet Secretary, 2009, 53). The Government recommended that the guidelines be in the form of a legislative instrument issued by the Privacy Commissioner developed with relevant stakeholder input, and therefore subject to the scrutiny of Parliament (Cabinet Secretary, 2009, 53). Matters which the Privacy Commissioner's rules should address include (Cabinet Secretary, 2009, 53):

that uses and disclosures should only be in response to requests from appropriate bodies with recognised authority for investigating reported missing persons;

- that, where reasonable and practicable, the individual's consent should be sought before using or disclosing their personal information;
- where it is either unreasonable or impracticable to obtain consent from the individual, any use or disclosure should not go against any known wishes of the individual;
- disclosure of personal information should be limited to that which is necessary to offer 'proof of life' or contact information; and
- agencies and organisations should take reasonable steps to assess whether disclosure would pose a serious threat to any individual.

In June 2010, the Commonwealth Government released exposure drafts of the proposed Australian Privacy Principles which contained a new exception to permit the collection, use or disclosure of information about a person where it would assist to locate a person who has been reported missing, and this is is done in accordance with guidelines/ rules issued by the Australian Information Commissioner, previously the OPC (Cabinet Secretary, 2010). This exposure draft was then referred to the Senate Standing Committee on Finance and Public Administration for inquiry which released its report in June 2011. The SFPALC (2011) considered that the missing person's exception was an appropriate exception to deal with the circumstances of missing persons, with continuing dissent expressed by the ALRC.

Subsequently, the Commonwealth Government introduced *The Privacy Amendment (Enhancing Privacy Protection) Bill 2012.* The missing person's exception had been reworded to specify that the disclosure of information is to any entity, body of person subject to the Australian Privacy Principles (House of Representatives, 2012).

The Bill was then referred to the House of Representatives Standing Committee (HRSC) on Social and Legal and Policy Affairs and the Senate Standing Committee on Legal and Constitutional Affairs for inquiry and report. Both Committees did not oppose the missing person's exception.

The HRSC on Social Policy and Legal Affairs recommended that the Attorney-General ensure that comprehensive educational material on the new privacy protections and obligations was made available prior to commencement of the Act. This material would be imperative for any new provisions relating to missing persons. The Bill was assented to on 12 December 2012.

Conclusion

Jacques (2007) has stated that in protecting the right to privacy of the many, the rights of others to know that they are being sought are undermined. It is prudent to allow access by police to personal and sensitive information about a missing person so that proof of life can be ascertained, particularly given the costs to police in investigating missing persons, and the costs to families and the private sector of maintaining property and finances which a person is missing,. A missing person's privacy would be better protected in the new legislation if law enforcement and non-government agencies are the only agencies to have access to information relating to them; however the legislation allows for access by any entity, body or person subject to privacy legislation. There is a clear need for guidance on the new privacy legislation in Australia in relation to access by police services of information about missing persons. Additionally, the legislation does not mandate disclosure, so it is uncertain whether the new legislation will allow ease of access by police services when searching for missing persons. A review of exceptions for missing persons across all relevant legislation is still needed in Australia, to ascertain the best method of allowing police access to information to assist in locating a missing person.

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Are Newly Recruited Police Officers Blank Slates? An Examination of the 'Natural' Interviewing Skills of Untrained Recruits in Western Australia

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Abstract

The PEACE model of investigative interviewing has been widely adopted both internationally and within Australia since its inception in the United Kingdom in the early 1990s. PEACE is a mnemonic for the five stages of the interview process: Preparation and planning; Engage and explain; Account, clarification and challenge (Account); Closure; and Evaluation. Thus far, research examining the use of the PEACE model has predominantly evaluated experienced police officers' use of the model in practice. The present study is unique in that it explored the 'natural' interviewing skills of 43 newly recruited police officers (i.e., untrained recruits) with reference to the five stages of the PEACE model. University students acted as witnesses who watched a short video recording of a mock assault before being individually interviewed by one of the recruits.

The recruits were given the opportunity to prepare written plans before the interview and completed written self-evaluations after the interview. Analyses revealed that the recruits largely neglected the Preparation and planning stage, and when planning occurred, it predominantly focused on the Account stage of the model. With regard to the interview itself, the recruits again focused on the Account stage while neglecting the Engage and explain and Closure stages of the model. Finally, the recruits' self-evaluations noted deficiencies particularly with respect to the Engage and explain stage, demonstrating some insight into the importance of this stage of the model. Overall, it appears that the recruits found the Account stage to be the most natural, suggesting that particular attention needs to be given to the other stages of the PEACE model during interview training.

Introduction

Prior to reforms in the 1990s, police interviewing internationally was dominated by a confrontational approach, with particular emphasis on obtaining confessions from persons of interest (POIs) (Williamson, 1993). However, a number of publicly criticised miscarriages of justice were linked to the use of this approach to interviewing, and therefore the police service in the United Kingdom pursued legislative reform to provide for a new, investigative approach to interviewing that emphasised enquiry (Soukara et al., 2009; Williamson, 1993). This investigative approach aims to ascertain what happened without drawing premature conclusions regarding the POI's guilt or innocence (Scott, 2010). Furthermore, as research has highlighted the similarities between the interviewing of victims, witnesses and POIs, the model is appropriate for use with each of these populations (Milne & Bull 1999).

Interview training in the United Kingdom and many other countries has now adopted the PEACE model of investigative interviewing. The mnemonic PEACE describes the five main stages of the interview process: Preparation and planning; Engage and explain; Account, clarification and challenge (Account); Closure; and Evaluation (Bull & Milne, 2004). Preparation and planning occurs before the interview and provides an opportunity for familiarisation with the case materials, as well as the formulation of appropriate objectives for the interview. Engage and explain represents the first stage of the interview itself and includes an explanation of the purpose of the interview as well as the development of rapport with the victim, witness or POI. During the Account stage of the interview, the victim, witness or POI is prompted to recall the incident and follow-up questions are used partly to clarify or challenge any contradictions within the account or with information previously gathered. Closure represents the final stage of the interview itself and includes summarising the account and outlining relevant follow-up procedures. The Evaluation stage occurs after the interview and provides the opportunity for reflection on the quality of the interview; what aspects were performed well and what aspects could have been improved (Gudjonsson, 2003; Holmberg & Kronkvist, 2008).

Research evaluating the use of the PEACE model in the United Kingdom has produced mixed findings, with particular stages of the PEACE model being performed more competently than others. Although the PEACE model is not prescriptive (i.e., there are no set activities that must be undertaken in particular stages), in order to assess performance of the individual stages of the model researchers have assigned activities to particular stages of the model (Roberts, 2010). Police officers' performance of the Preparation and planning stage has been found to be satisfactory, although evaluations of this stage have been based on recordings of interviews which do not allow for detailed analysis of activities undertaken outside of the interview (Clarke & Milne, 2001; Clarke et al., 2011). With regard to the Engage and explain stage, police officers' overall performance is generally adequate or satisfactory, although differences are often apparent when comparing different aspects within this stage. For example, Clarke and Milne (2001) and Clarke et al. (2011) found that the introductory aspect of this stage was performed at a satisfactory or skilled level, while McGurk et al. (1993) found that it was performed at a less than adequate level. Similarly, Clarke and Milne (2001) and Dando et al. (2009) found that police officers explained the purpose of the interview and developed rapport with the witness adequately, while Clarke et al. (2011) found that police officers' explanations of the purpose of the interview were less than adequate. Furthermore, research has consistently found police officers' performance of the interview procedure and account instruction aspects of the Engage and explain stage to be less than adequate (Clarke & Milne, 2001; Clarke et al., 2011; Dando et al., 2009).

Similar to the Engage and explain stage, police officers' overall performance of the Account stage is generally adequate or satisfactory. Obtaining a free recall account and the use of active listening techniques have been found to be the most skilfully performed aspects of this stage (Clarke et al., 2011; Dando et al., 2009), while the creation of topic boxes and summarising have been found to be the least skilfully performed aspects of this stage (Clarke & Milne, 2001; Clarke et al., 2011).

Although the Closure stage of the PEACE model has not been evaluated as extensively as the other stages, research suggests that it is the least skilfully performed stage. For example, police officers' summarising of the account is generally performed at an adequate or less than adequate level (Clarke & Milne, 2001; Clarke et al., 2011; McGurk et al., 1993) while their provision of information pertaining to follow-up procedures is generally performed at a less than adequate level (McGurk et al., 1993).

Findings are consistent when research has examined the impact of training on police officers' interviewing skills (Dando et al., 2008; Kebbell et al., 1999). For example, Clarke et al. (2011) did not find any significant differences between PEACE trained and non-PEACE trained police officers' performance of the Preparation and planning and Closure stages of the model. Furthermore, although McGurk et al. (1993) found some significant differences in performance between pre- and post-PEACE trained police officers with regard to the Preparation and planning, Engage and explain and Account stages of the model, the most skilfully performed aspects pre-training often remained the most skilfully performed aspects post-training.

Present Study

In 2009, the Western Australia Police (WAP) implemented a new interview regime, complemented by the roll-out of new investigative interviewing training programmes for all police officers. This programme is based on the PEACE model of investigative interviewing and incorporates techniques for the interviewing of victims, witnesses and POIs. Edith Cowan University, with the cooperation of the WAP, has examined the impact of this training on the interviewing skills of newly recruited police officers in the context of witness interviews. On four separate occasions during their training at the WAP Academy, the recruits interviewed witnesses of a video recorded mock crime (an assault, theft from a person, theft from a car and damage to property, respectively). These witness interviews were video recorded and transcribed.

The recruits were given the opportunity to prepare written plans before the interviews and completed written self-evaluations after the interviews (witnesses also completed written evaluations after the interviews). The first interviews were conducted during the second week of the recruits' training at the WAP Academy, thus the recruits were effectively untrained. The second interviews were conducted the week prior to interview training. At this point in time the recruits had undertaken the majority of their legal training. The third interviews were conducted one week after the recruits had completed their interview training and the final interviews were conducted approximately 10 weeks after the recruits had completed their interview training.

Newly recruited police officers are often perceived to be 'blank slates'; absorbing the information provided during training without any of the preconceived ideas of operational officers who undergo similar training. However, it may be argued that untrained recruits will also have preconceived ideas regarding the interviewing of victims, witnesses and POIs; and that certain interviewing skills will be more 'natural' than others. It is important therefore to develop an understanding of the natural interviewing skills of untrained recruits so that interview training can be tailored to develop their pre-existing skills whilst targeting the least natural aspects of the interview process. Without this insight there is a danger that interview training programmes will be overly generic; placing equal emphasis on all aspects of the interview process without first considering the natural abilities of the recruits.

This article examines the first interviews of 43 untrained recruits (28 males and 15 females) with an average age of 27 years *(SD = 5.69)*. The witnesses were university students (12 males and 31 females) with an average age of 24 years *(SD = 8.13)* who had watched a video recording of the same mock assault before being individually interviewed by one of the recruits. The recruits were given approximately 10 minutes to prepare for the interviews, but no time restrictions were placed on the length of the interviews themselves. Examination of the written plans, interviews and self-evaluations of these untrained recruits provided a unique opportunity to explore their natural interviewing skills with reference to the five stages of the PEACE model.

Main Findings

Preparation and Planning

The purpose of the Preparation and planning stage of the PEACE model is to ensure that the interviewer identifies the critical information that needs to be covered during the interview. Consideration should not only be given to aspects that help establish the elements and defences associated with the offence, but also to aspects that help advance the investigation as a whole (e.g., Did you notice any CCTV? Was there anyone else around? Did this person leave anything behind?) This stage is vitally important because it provides the interviewer with an opportunity to structure the interview and include prompts pertaining to critical information which will ultimately facilitate obtaining a full account of the incident.

Examination of the recruits' plans showed very little evidence of planning despite the provision of time, paper and pens. Although 29 (67%) recruits attempted to prepare a plan, the majority were very general and contained little detail or relevant information. For example, some plans simply listed 'Who, What, Where, When, Why How'. Others contained a few specific questions that the recruits thought were important to ask: 'What did you see?', 'When did this occur?', 'Do you know the people involved, and if not, can you describe them?' With regard to planning for the three stages of the interview, 22 (51%) recruits included information relevant to the Engage and explain stage in their plans (mean = 4.50 items), 30 (70%) included information relevant to the Account stage (mean = 10.57 items), and one (2%) included information relevant to the Closure stage (2 items). Only one (2%) recruit included information relevant to all three stages of the interview in their plan.

Engage and Explain

It is during the Engage and explain stage of the interview that the interviewer should attempt to develop rapport with the interviewee and provide an overview of the interview procedure. In ensuring that the interviewee understands the expectations of the interviewer it is also important that the possibility of the person giving evidence and attending court is discussed during this stage of the interview.

However, the Engage and explain stage of the interview was neglected in the vast majority of interviews. Although 42 (98%) recruits introduced themselves to the witness, only two (5%) provided an overview of the interview procedure and only one (2%) considered the wellbeing of the witness. Instead, the recruits focused on the Account stage of the model.

Examples of opening dialogue from the recruits included 'Alright, so you witnessed an assault?' and 'Basically what did you see this afternoon?' This focus on the Account stage was frequently at the expense of conversation that would indicate that the recruit was genuinely interested in what the witness had to say and, in a minority of cases, it was at the expense of common pleasantries.

Account

During the Account stage of the interview the interviewer seeks to obtain a comprehensive free recall account, summarise this free recall account, create topic boxes, and then explore the identified topics whilst continuing to summarise regularly. The course of the interview should be guided by the information that was originally provided by the interviewee during their free recall. That is, the interview should be interviewee-led, rather than interviewer-led. Questions should be predominately open and formulated from the TEDS acronym – Tell me, Explain to me, Describe for me, and Show me – although it may be appropriate to use non-leading closed questions as topics become exhausted.

Thirty-eight (88%) recruits successfully asked an open question that encouraged a free recall account from the witness, for example, 'Tell me exactly what you saw.' However, only 17 (40%) recruits were able to refrain from interrupting the free recall account that followed with additional questions. Overall, the majority of interviews adopted a question-answer format, with 42 (98%) recruits asking follow-up questions throughout the interview. Examining the information obtained by the recruits, the vast majority obtained some information about who was involved (43, 100%), what happened (42, 98%), where it happened (38, 88%), when it happened (33, 77%), why it happened (26, 61%) and how it happened (24, 56%).

Analysis of the interviews also revealed that all of the recruits asked some non-productive questions, such as indirect questions, negatively phrased questions and/or leading questions. Indirect questions encourage the witness to respond 'yes' or 'no' to whether they are able to answer the question (e.g., 'Can you tell me what this person looked like?'); negatively phrased questions encourage the witness to respond 'no' to the question (e.g., 'You can't shed any light as to why that might have been?'); while leading questions contain the expectations of the interviewer and/or information that was not originally provided by the witness (e.g., 'She obviously wasn't meeting either of those gentlemen?').

There were certain passages where the leading nature of the questions caused inconsistencies in the witnesses' accounts. For example, the passage below concerning the height of the offender illustrates the danger of asking leading questions or making leading statements:

I. About your own height, how compared to your own height... how tall would he be?

W. Um… probably just a bit taller than me… yeah.

I. Just a bit taller, a head would you say, or under a head?

W. A head, I'd say a head… yeah.

I. And how tall are you?

W. Um, I'm 183cm.

I. 183cm.

W. Yeah… that's the last time I measured, yeah.

I. So maybe about 190.

W. Yeah I would say that… yep.

It is apparent from this passage that the witness inadvertently agreed that the offender was both a head height taller and 7cm taller than themselves. Only one description can be correct, but it is unclear which of the two descriptions is correct.

Closure

During the Closure stage of the interview the interviewer should summarise the interviewee's account, confirm that their understanding of the account is correct, and offer the interviewee an opportunity to add or alter any information. The interviewer should also thank the person for his or her time, explain the possibility of further contact (initiated by either the interviewee or the interviewer), and provide the person with contact information so that they are able to contact the interviewer in the future.

Overall, this stage of the interview was not performed thoroughly. Only 12 (28%) recruits provided a summary of the account, five (12%) recruits asked if their summary was correct, and none of the recruits asked the witness to contact them if they thought of any further information that would be relevant to the case. Encouragingly, 42 (98%) recruits thanked the witness for their time.

Evaluation

The purpose of the evaluation stage of the PEACE model is to provide an opportunity for the interviewer to reflect on the interview and consider aspects that were performed well and aspects that could be improved.

A questionnaire was developed specifically for the present study to facilitate the evaluative process. Completion of the questionnaire required both the recruit and the witness to grade the interview on a Likert scale ranging from 0 'Poor' to 10 'Excellent'. The recruits' ratings averaged 4.77 *(SD = 1.62),* ranging from 2 to 8, suggesting that they considered their performance to be just about satisfactory. Interestingly, these evaluations were based on the recruits' 'gut feelings' as they had not completed any interview training and therefore had no standards by which to compare their performance. The witnesses' ratings averaged 6.48 *(SD = 1.92),* ranging from 2 to 10, suggesting that they considered the performance of the recruits to be better than the recruits did themselves. The questionnaire also asked the recruits what they would do differently if they could conduct the interview again. Twelve (28%) recruits stated that they would give more consideration to the wellbeing of the witness during the Engage and explain stage and six (14%) stated that they would provide an overview of the follow-up procedures during the Closure stage.

Conclusion

While the PEACE model has been in operation in the United Kingdom since the early 1990s and in Western Australia since 2009, the present study was the first to explore the natural interviewing skills of newly recruited police officers with reference to the five stages of the model. Overall, the recruits focused on the Account stage while giving little attention to the Preparation and planning, Engage and explain and Closure stages of the model. Even when the recruits did engage in the Preparation and planning stage, their plans focused on the Account stage of the model. Encouragingly, when recruits were asked to evaluate their performance, they showed awareness that aspects of the Engage and explain and Closure stages required the most attention. Furthermore, the recruits' focus on the Account stage of the interview was accompanied by a natural ability to elicit key information regarding the incident, including who was involved, what happened, where it happened and when it happened.

Unfortunately, interruptions and the use of non-productive questions tempered the quality of the interviews and the resulting witness accounts. As Roberts (2010) points out, the inability to refrain from interrupting may be, in part, due to a desire to obtain information quickly. This practice is problematic, however, as it does not allow the witness to lead the interview (as advocated through the PEACE model), or recognise the witness' agenda, thereby potentially excluding additional information that the witness may have provided. Thus, while some natural abilities were beneficial, the phrasing of questions in general conversation (e.g., indirectly or negatively) was found to be counter-productive in the context of investigative interviewing.

It is necessary therefore for some interview skills training to focus on not using conversational habits in the context of investigative interviewing.

Consistent with previous research, the present study found that the recruits performed more skilfully in the Engage and explain and Account stages than in the Closure stage of the model (Clarke & Milne, 2001; Clarke et al., 2011; McGurk et al., 1993). However, contrary to previous research, the present study found that the recruits did not perform as skilfully in the Engage and explain stage as they did in the Account stage of the interview (Clarke & Milne, 2001; Clarke et al., 2011). This finding may be explained in part by the use of a mock scenario, rather than a real crime, as the recruits were aware that witnesses had watched a video recording and were therefore not likely to be distressed or in need of comfort. As with the Engage and explain stage, some aspects of the Closure stage (e.g., explaining follow-up procedures) may also have been neglected due to the recruits knowledge that witnesses would not require further attention.

The present study has provided a brief analysis of each of the stages of the PEACE model, further analysis is required to examine each of the stages in more detail. In particular, given the insight shown by the recruits in the Evaluation stage, it would be interesting to examine whether the recruits address the areas articulated as in need of attention in their subsequent interviews. While the generalisability of the present study is limited by its sample size, the findings provide a useful and encouraging insight into the natural ability of newly recruited police officers. Examining the skills of this population is important in assessing the effectiveness of current training programmes and informing the direction of future training programmes.

To conclude, the findings of the present study indicate that newly recruited police officers are not 'blank slates' with regard to interviewing skills. Instead, they demonstrate reasonable levels of skill in aspects of the Account and Evaluation stages. However, it is also apparent that the recruits have some bad habits and would benefit from a training programme that builds on their natural abilities whilst simultaneously targeting the Preparation and planning, Engage and explain and Closure stages of the model. Finally, previous research has found that the least skilfully performed aspects of the model pre-training often remain the least skilfully performed aspects post-training. It is important therefore that interview training programmes target the least natural aspects of the model to prevent persistent skill deficits and optimise the natural interviewing skills of newly trained police officers.

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End Notes

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Acknowledgements

The authors would like to thank the Western Australia Police Academy for its support during the development of this research and highlight that the views expressed are those of the authors and do not represent the policies or views of the Western Australia Police. The authors gratefully acknowledge the contribution Pamela Henry made to the conceptualisation of the research, as well as the assistance of Jonathon Williams, Laura Goodwin and Nikki Rajakaruna during the running of the research.

He aha tenei? A Content Analysis of Maori Representation on the New Zealand Police Homepage

By Steve Elers and Phoebe Elers

Introduction

The use of websites and social media by police agencies are a valuable asset (Hess, Orthmann & Cho, 2012). Websites are an essential tool for police organisations and provide a range of useful services including details of emergency and non-emergency contact information, understanding laws, crime statistics among other things (Kasper, 2011). Police websites tend to fit the mould of Grunig and Hunt's (1984) public information model pertaining to one-way dissemination of information. However, despite the classification of the public information model, an official website of a police organisation is essentially the online gateway to the organisation and thus needs to cater to the community it serves. This includes accommodating for ethnic minority groups and in particular, the indigenous people of the policing jurisdiction.

The New Zealand Police (NZ Police) operate a dedicated website (www.police.govt.nz) in an official capacity which is a subdomain of the New Zealand government website (www.govt.nz). As an agency of the New Zealand government, the NZ Police have obligations to Maori under the Treaty of Waitangi, the founding document of New Zealand. According to the NZ Police (n.d.) "Police are committed to being responsive to Maori as tangata whenua, recognising the Treaty of Waitangi as New Zealand's founding document" (para. 1). However, despite stating their position to be committed to their obligations under the treaty, a visit to the NZ Police website identifies an anomaly.

The front page of a website is called the homepage (Viehland & Zhao, 2008). The homepage is unreservedly the most important page on a website (Christensen, 2007) as it is the first page that website visitors see and is the portal to the website (Viehland & Zhao, 2008). A content analysis of the NZ Police homepage was undertaken by the authors of this paper. The content analysis identified nil use of Maori language or imagery within the homepage, apart from the Maori translation of NZ Police which is part of the logo. This paper will question the legitimacy of the NZ Police to refrain from using Maori language and imagery on their homepage despite the fact that around one in seven New Zealanders are Maori (Statistics New Zealand, 2012).

Maori and the Maori Language

Maori are of Polynesian descent and are the indigenous people, or original inhabitants, of New Zealand, having arrived at approximately 1000AD from eastern Polynesia (Durie, 2004). In 1769 Captain James Cook 'discovered' New Zealand, and the colonisation by the British commenced which resulted in the signing of the Treaty of Waitangi in 1840. The colonial knowledge system was contemptuously deemed by the colonisers as being superior to Maori knowledge (McLeod, 2002; Sheriff, 2010). Thus generations of Maori students were beaten for speaking the Maori language at schools in a linguistic genocide which resulted in parents not speaking Maori to their children in order to protect them (Ritchie, 2012).

The traditional Maori social structures and norms were removed which resulted in Maori culture and identity becoming blurred through the processes of deculturation (Lai, 2010). This resulted in colonial aphasia; the loss or inability to speak one's own language due to the processes of colonisation. According to Newton and Shearn (2010), the "Maori language is the vehicle for Maori cultural practices and thought, enabling the manifestation of all aspects of the Maori world" (p. 7). While Durie (2006) posits that Maori are more likely to participate in society if they possess a secure cultural identity. It was not until 1987 that the Maori language became an official language of New Zealand through legislation (Romaine, 2002); namely section three of the Maori Language Act 1987. A new wave of cultural renaissance and empowerment has seen numerous strategies to revitalise the language from within Maoridom which has resulted in 40% of Maori in 2006 being able to understand or read the Maori language (Te Puni Kokiri, 2011). According to Statistics New Zealand (2012), approximately one in seven New Zealanders are Maori.

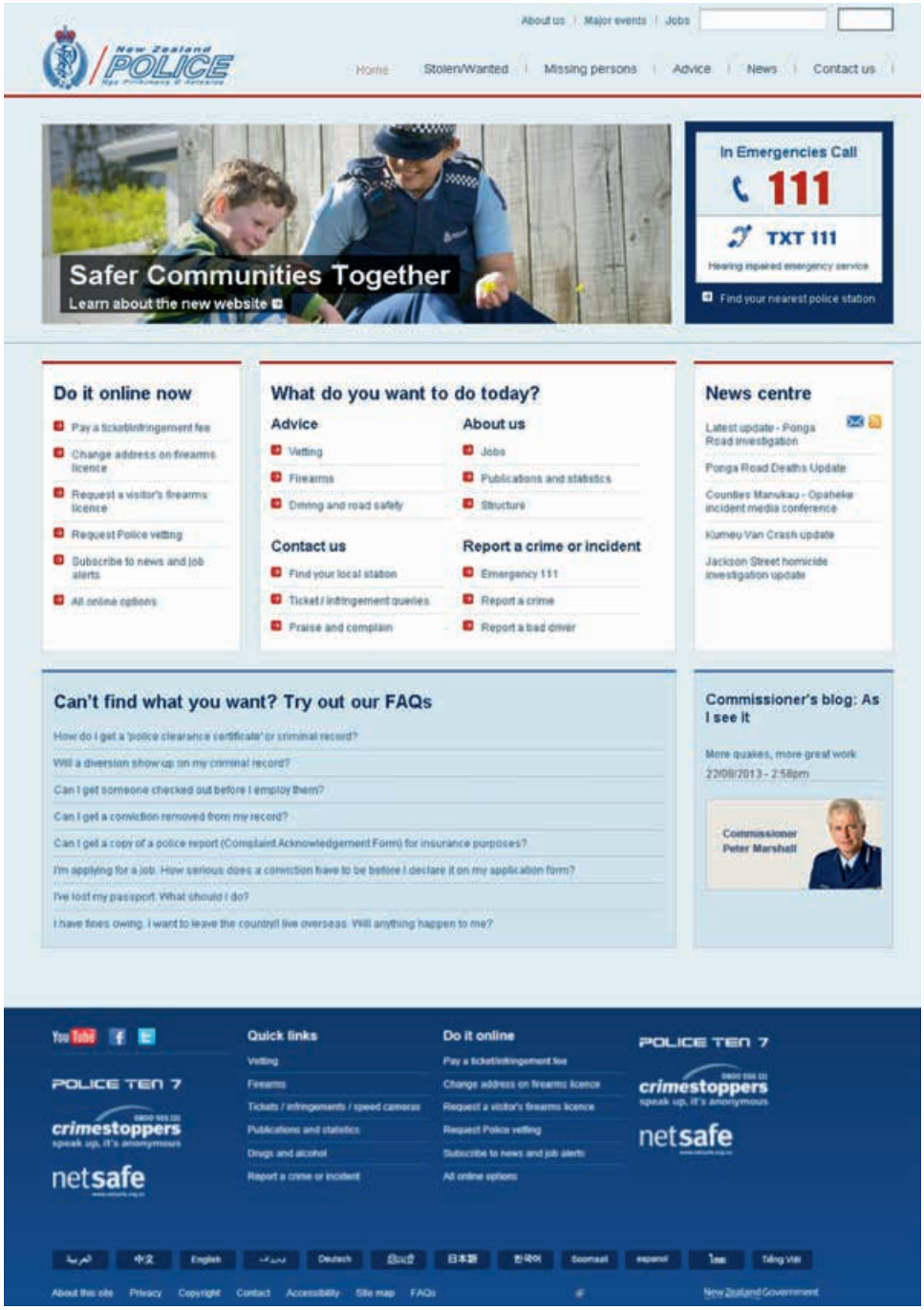
Previous Study (2009)

The Human Rights Commission (HRC) is an independent Crown entity and is legislated under the Human Rights Act 1993, which authorises its powers and functions (Ministry of Justice, 2009). In 2009 the HRC analysed 123 central and government websites in New Zealand to measure Maori language content (Human Rights Commission [HRC], 2009). A summary of the findings essentially found "that most have little or no Maori content and if they do, it is not accessible from the homepage" (HRC, 2009, para. 7). Then Race Relations Commissioner, Mr Joris de Bres, presented the findings of the research to a conference at Massey University in 2009. He alluded that the NZ Police website had "information in 11 languages, but not in te reo Maori (Maori language)" (de Bres, 2009, p. 3). de Bres also stated that language is important to "identity, cultural diversity and intercultural understanding" (p. 1).

Content Analysis

As the research by the HRC was conducted in 2009, the authors of this paper used the framework of content analysis to revisit the topic and measure Maori content on the NZ Police homepage in 2013. Numerous definitions of content analysis exist. Broadly speaking, content analysis is a research method for "making inferences by systematically and objectively identifying specified characteristics" (Stone, Dunphy, Smith & Ogilivie, 1996). Cole (1998) posits that it is a process of "analysing written, verbal or visual communication messages" (p 53). This research method can be implemented quantitatively by determining frequency, or qualitatively by identifying themes or concepts (Kulatanga, Amaratunga & Haigh, 2007). The most recent version of the NZ Police website went online in July 2013 (NZ Police, 2013). The NZ Police homepage was captured on 25 August 2013 and forms the basis of this research.

The analysis of the homepage identified nil use of Maori language except for the small logo in the top left corner which contains the Maori translation of NZ Police, Nga Pirihimana o Aotearoa; and street and place names of current incidents under the 'News centre' section. At the foot of the homepage are options for 12 languages (including English); there is no option to select Maori language. Maori imagery on the homepage is absent.



Apart from the small photograph of the Commissioner in the lower right area, the only other photograph is an image of a uniformed police officer who appears to be female because of the facial structure and long strands of hair above her left ear, together with what appears to be a Pakeha (the Maori term for Caucasian) male child with pale skin tone. The Pakeha child is depicted smiling and happy. The ethnicity of the female police officer cannot be determined from the photograph because her face is partially obscured.

The NZ Police homepage as it was on 29 July 2009 (the month of the findings released by the HRC) was retrieved in order to undertake a comparative analysis between the NZ Police homepage of 2009 and 2013. The 2009 homepage listed the following language options (in order) as designated by the NZ Police: Arabic, Chinese, English, Farsi, German, Hindi, Japanese, Korean, Somali, Spanish, Thai and Vietnamese; they are the same language options used at present.

Discussion

Despite criticism of the NZ Police website by the Race Relations Commissioner in 2009, this research has identified that the NZ Police have not amended their homepage to include Maori language and imagery. The Maori language is unique to, and is the official language of New Zealand (Romaine, 2002). It has already been mentioned that Maori comprise one in seven New Zealanders (Statistics New Zealand, 2012) and 40% of Maori are able to understand or read the Maori language (Te Puni Kokiri, 2011). Further, Maori are overrepresented as victims of crime (Quince, 2007). From a police management perspective, the NZ Police should be incorporating Maori language and imagery on their homepage in order to build rapport and engage with Maori communities which is important given that Maori are a key public (victims, offenders, and members of the wider communities).

The government has an obligation under the Treaty of Waitangi to protect the Maori language (Ministry of Social Development, 2010). As a government agency, the Treaty of Waitangi obligations extend to the NZ Police. The NZ Police (2013) recruitment website briefly mentions this under the sub-heading 'Commitment to Maori and Treaty', "NZ Police has a commitment to the Treaty of Waitangi principles and as such, are responsive to Maori needs and aspirations". One of the key principles of the Treaty of Waitangi is partnership which refers to the relationship between the Crown and Maori (Waitangi Tribunal, 1999). The principle of partnership is not visualised on the NZ Police homepage. Rather the absence of Maori content represents a recurrent theme of power relations that is permeated through governmental discourse. Given that structural discrimination against Maori exists throughout the justice system (Human Rights Commission, 2012), the absence of Maori content on the NZ Police homepage could be perceived as hegemonic discourse to further marginalise Maori. Others may view it as indolence on behalf of the NZ Police.

The nonexistence of Maori language while 12 other languages are present on the homepage is indecorous and contributes to social polarisation. Further, the usage of a photograph that depicts a happy Pakeha child and a female officer of unknown ethnicity without Maori presence is unscrupulous especially when a click on the link from the homepage to the Stolen/Wanted (Wanted to Arrest) page is dominated by Maori faces. It aligns with a Foucauldian perspective of power relations; in this case Pakeha realities are privileged over Maori realities and is typical of the monocultural dominance of Pakeha that is also portrayed in the mainstream media.

For example, Pakeha are depicted in mainstream media as active, independent, competent and caring; while Maori are stigmatised as being apathetic, deviant, neglectful and reliant on mainstream support

(Groot, 2006). Cultural feminism theorists may also have concerns with the photograph of the male Pakeha child with the female police officer given that her face is partially obscured while the other two persons on the homepage (male child and male Commissioner) have full facial visibility. The cultural feminism framework focuses on "shared power" rather than "power over" (Holvino, 2007).

In summary, it is an expectation not a privilege to have Maori language and imagery on the homepage of the NZ Police. The authors recommend a Maori language option to be added forthwith in order to foster relations with Maori who are a key public of the NZ Police.

Authors

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Phoebe Elers is near completion of a master degree and will undertake doctoral studies in 2014.

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Police on Postage Stamps – Papua the World's First

Maxwell R. Hayes, Royal Papua New Guinea Constabulary 1959-74

One of the world's most popular collectables is postage stamps. There are, however, many more serious collectors who branch out into other aspects of philately, air mail covers, first day covers, various post office cancels, Antarctic covers, Olympic games issues, a particular country, prisoner-of-war mail, censorship covers, and many more diversified specialized interests.

In a field of its own there are thematic collectors, collecting such diverse subjects as butterflies, flowers, cars, trains, planes, uniforms, whales, boats and many other specific subjects. This is called 'thematic' philately which includes not only postage stamps of the theme but also used (that is, stamped) covers, first day covers, pictorial cancels, slogan cancels, special cards, envelopes, and so on.

As I was then a commissioned officer in the Royal Papua New Guinea Constabulary, it seemed to be appropriate to collect police images on postage stamps. I became an early member of the German Police Philatelic Study Group, the Law Enforcement Study Group (USA) and the Constabulary and Other Philatelic Society, England (COPS). Through the society journal, I learned that the first postage stamp in the world ever to depict a police officer, originated in Papua New Guinea in 1932.

At the peak of my collection, I had a collection of over 600 pages of researched and written material. I wrote about my collection in issues of 'Magazine of the Australian Section IPA', the predecessor to 'Police Down Under', in articles entitled, 'From A (Aden) to Y (Yemen)'. Unfortunately there was never a 'Z'. These articles appeared in ten issues between February 1981 to August 1982 and were reprinted in two IPA annual handbooks.

The earliest items I managed to buy at auctions (at quite a high price) were postally used 'entires' from the Arma dei Carabinieri of the various states of Italy in the early 1800s. An 'entire' was a letter written on parchment, folded several times, sealed with wax, and then cancelled at the nearest centre with a steel striker with the town name. In the days before adhesive postage stamps, which required pre-payment of the letter, the appropriate fee to be paid by the recipient was based on distance, weight and for the carriage of the letter and was collected from the recipient. Naturally this system meant that many refused to accept the letter. A better system had to be found and in 1840, an English schoolmaster Rowland Hill (later Sir Rowland Hill, KCB, FRS) introduced the first postage stamp in the world, the pre-paid 1d (one penny) black stamp.

Papua New Guinea (in its various names) has always had a very close working relationship with its police through the exploratory and pioneering patrols, police inter marriage between different tribal groups and the high standards displayed by members of the fiercely loyal native constabulary. It is, therefore fitting that the first postage stamp in the world to depict a policeman originated in Papua.

A 5/- olive brown and black stamp issued on 14.11.1932 depicted Sergeant Major Simoi, a native Papuan then of the Armed Native Constabulary (Papua) also variously known as the Armed Native Constabulary (ANC); originally known as the British New Guinea Armed Constabulary (BNGAC) formed in 1890 by the Lieutenant Governor, Sir William MacGregor, with a nucleus of 12 Fijian native police. The Constabulary was intended to be eventually replaced with Papuans encouraged to join this fledgling force.

Simoi, the son of Gidau was born around 1877 at Katatai Village, Kiwai Island at the mouth of the lengthy Fly River in the Western District. He joined the BNGAC in 1899 as a Constable on a pay scale of 10/- (ten shillings) with monthly rations, followed the following year by a raise to £1.0.0 (one pound) per month. In 1901 he was a Lance Corporal and soon promoted to Corporal. He took part in many interior expeditions in which he was wounded by arrows on many occasions amongst numerous headhunting and very primitive tribes. Showing outstanding courage, Simoi was quickly promoted to Sergeant, this then being the highest rank available for a Papuan.

In 1905, together with another Papuan Constable, Simoi was commended for a remarkable feat of bravery in saving the life of the Administrator (Captain F.R. Barton), Judge Hubert Murray and other Europeans when their whaleboat capsized in treacherous heavy seas off Vailala in the Central Gulf of Papua.

At a time when Papuan wages on the outstations were extremely low, compared with higher wages in Port Moresby and environs, Simoi left the BNGAC and worked for some years as a native labour supervisor and recruiter in the Central Disrict.

Following the foundation of the Commonwealth of Australia in 1901, the *Papua Act* of 1906 passed the transfer of British administration (though for all intents and purposes this had been carried out by the Colony of Queensland) to Australian rule and created the Territory of Papua. The constabulary was then renamed the ANC. In 1912, Simoi sought to return to the uniform on the ANC and was the first Papuan promoted to the rank of Sergeant Major. He remained in the constabulary but when on leave in his home village, he developed pneumonia. He was brought to the nearest hospital at Daru several days sailing distance, but died on the 28th February 1934. He was buried at Katatai with full police (military style) honours. His death was reported in the Papuan newspaper, *The Gazette*, and other publications.


SIMOI

Such was his stature amongst Papuans, that for his loyal and long service to the constabulary and while still serving, he was honoured by being depicted in full uniform with slouch hat, cane and Coat of Arms badges of rank on a 5/- (five shillings) 1932 stamp – in the 1930s depression era, 5/- was a considerable amount of money. The stamp is now exceedingly rare in mint form and slightly less so in used or cancelled form.

In my opinion there can be no justification for the issue of such high value stamps of 5/-, (10/- and £1.0.0 in the same series) when it cost around 1d (one penny) for letter postage. Clearly these high value stamps were designed to create revenue at the expense of philatelists. Consequently, not a great number of these high value stamps were issued and being rated rare to exceedingly rare in much later years, commanded a very high price. Eventually I managed to obtain one of the Simoi stamps to add to my collection by mortgaging around a month's salary.

Additional information for this article comes from an article published on Simoi Gidau by James Griffith to whom I am indebted.

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Australasian Council of Women and Policing

Annual Awards 2013 – Adelaide, South Australia

STOP PRESS – RESULTS

Award	Award Winner	Highly Commended
Bev Lawson Memorial Award *Sponsored by Ferguson Cannon Lawyers*	**Melissa Northam**, AUSTRALIAN FEDERAL POLICE	**Elizabeth Stirton**, NEW SOUTH WALES POLICE FORCE **Anne Wilkie**, NEW ZEALAND POLICE
Bravery Award *Sponsored by Hellweg*	**Naomi Hindle**, QUEENSLAND POLICE SERVICE	–
Champion of Change Award *Sponsored by South Australia Police*	**Stephan Gollschewski**, QUEENSLAND POLICE SERVICE	**Martin Jeffrey**, SOUTH AUSTRALIAN POLICE
Most Outstanding Female Leader *Sponsored by Countrywide Austral*	**Melissa Adams**, QUEENSLAND POLICE SERVICE	**Janet Stevenson**, VICTORIA POLICE
Most Outstanding Female Investigator *Sponsored by Statewide Novated Leasing*	**Talei Bentley**, SOUTH AUSTRALIAN POLICE	**Erin Vanderwoude**, SOUTH AUSTRALIAN POLICE
Countrywide Austral Most Outstanding Female Administrator	**Jenny Reilly**, QUEENSLAND POLICE SERVICE	–
Most Outstanding Female Practitioner *Sponsored by CrimSafe*	**Shelly Walsh**, NEW SOUTH WALES POLICE FORCE	**Joanne Howard**, SOUTH AUSTRALIAN POLICE
CEPS Excellence in Policing in the Asia Pacific Region Excellence in Policing, Griffith University	**Anita Mayasari,** INP	**Diana Willie**, VICTORIA POLICE **Dora Sahe**, VICTORIA POLICE
Excellence in Policing for Women Initiative *Sponsored by Tait Communications*	**Ash Dubbelman**, QUEENSLAND POLICE SERVICE	**Denby-lea Eardley**, NEW SOUTH WALES POLICE FORCE **Donna Adney**, NEW SOUTH WALES POLICE FORCE
Excellence in Research on Improving Policing for Women *Sponsored by Law Council of Australia*	**Professor Jenny Fleming** University of Southampton, UK	**Professor Mangai Natarajan** City University of New York
Special Award for Contribution to Policing	Specialist Development Unit, VICTORIA POLICE – Presented to: **Dr Tiffany Lewis**; Specialist Forensic Interview Advisor **Specialist Development Unit and Deputy Commissioner Lucinda Nolan**, VICTORIA POLICE	
Audrey Fagan Award	**Narelle Curtis**, QUEENSLAND POLICE SERVICE	–


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