

Chapter One

Good and Bad Police Services and How to Pick Them

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Some police services are good; such services rarely get the credit they are due from critics of the police or the praise they deserve from the communities they serve. Some police services are bad; bad means that their budget could be very substantially cut and the community would be better off for it. Indeed there are some police forces in the world that are so bad that the community would be better off without them altogether — better off with the state of affairs in the early decades of the nineteenth century when police forces did not exist. It is hard for a police force to be this bad because even the worst police forces do substantial good in providing some level of protection to the persons and property of citizens. In spite of this, it is not only in totalitarian states that police forces actually have managed to do harm which outweighs this good because of the threat they have posed to fundamental democratic values. J. Edgar Hoover's FBI or even perhaps the Queensland police force I knew in my youth are examples of police forces which were cancers eating away at democracy.

Yet how can we make this kind of judgment? To pick a good police service from a bad one you need a coherent theory of the good. As Kurt Lewin said, 'There is nothing so practical as a good theory'. The objective of this chapter is to show the practical value of a republican theory for evaluating criminal justice policies and practices (Braithwaite & Pettit 1990). I shall seek to apply this theory to the task of picking a good police service. First, I shall briefly outline the basis for a republican philosophy of criminal justice; second, I shall define a bad police service in these terms;

third, I shall outline a republican description of a good police service; fourth, in the major part of the chapter, I suggest a practical strategy for evaluating the performance of a police service against the republican ideal. The point of the chapter is to show how the seemingly intractable problem of evaluating police performance can be solved through the explicit guidance of a republican philosophy.

The Republican Philosophy

According to republican theory, the goal of the criminal justice system should be to maximise the dominion of citizens. 'Dominion' is a republican conception of liberty or freedom. How does dominion differ from a traditional liberal conception of liberty? A republican notion of freedom is at least as old as the Roman republic. For the Romans, the mere fact of not suffering interference was insufficient to be free: you could be a *servus sine domino*, a slave without a master, and still not be free. Freedom meant being a full citizen of Rome and being a full citizen meant enjoying all of the assurances and protections against arbitrary treatment provided by the rule of Roman law.

Montesquieu, the eighteenth-century French scholar, was the most important republican theorist because he realised that fear of crime and fear of the power of the state to punish capriciously both threaten freedom (Montesquieu 1748). Freedom requires both that the fear of crime and the fear of arbitrary arrest and detention be lifted from our brows. Freedom, therefore, has a subjective dimension for the republican: being objectively free from interference (as in the liberal conception) is not enough; we must also subjectively be free of fear from interference. Dominion is the condition in which we enjoy such subjective freedom because it is a condition of living in a world in which we enjoy the assurances of full citizenship. This is a world in which our fellow citizens give us formal assurances of non-interference in the form of rights, customs of mutual respect and a set of assurances backed by the rule of law. The liberal conception of freedom, in contrast, is an asocial conception — the Roman slave without a master can live alone on a mountain and be perfectly free. The republican conception of freedom is a social conception — it is the freedom of the city, not the freedom of the heath. Freedom in a social world requires not only the subjective assurance of rights of citizenship; it also requires that we subjectively feel no less free than other citizens. Black people cannot enjoy dominion, cannot feel subjectively free, if they

believe that they live in a society in which the assurances of the rule of law count for less for black people than for white. If particular black people are never objectively interfered with, the liberal would say they are free. But the republican cannot agree while ever they experience subjective fear because of their race, while ever they feel that the assurances of the rule of law are less likely to be respected because they are black.

Dominion as a social conception of freedom, therefore, differs from an asocial liberal conception of freedom in three crucial ways: (1) it cannot be enjoyed without the *assurances* of rights, the rule of law and customs of respect that full citizens enjoy; (2) it requires that citizens believe in the assurances of citizenship, that they enjoy *subjective* freedom from fear of interference; (3) it requires that citizens enjoy *comparative* freedom, or equality of liberty prospects with other citizens.

The interesting feature of dominion with regard to criminal justice policy is that dominion is threatened both by crime and by criminal justice system practices to deal with crime. The rape victim suffers loss of dominion, but so does the rapist thrown into jail and so do the citizens who have their privacy intruded on in the course of the police investigation of the rape, the witnesses who suffer harrowing cross-examination during the criminal trial and the taxpayer who must pay for it all. In the case of rape, no one would argue that criminal investigations and trials should be abandoned because the threat to the dominion of victims is overwhelming. But there will be other types of crime for which the costs to dominion of law enforcement exceed the benefits to victims who are protected. The activities of some drug and vice squads and some state special branches illustrate the danger. Yet for all types of crime the republican must seriously weigh the losses and gains to dominion on both sides of the ledger. This weighing must be done more seriously in the era of the new surveillance technologies which, compared to the old technologies, are (1) more intensive and (2) more extensive; and (3) shift targeting from specific suspects to categorical suspicion of everyone (Marx 1988: 219).

Police services are both the most important institutional guarantors of dominion and the greatest institutional threat to dominion. For the republican, the case of the police service that does more harm than good is the police service that threatens dominion more than it promotes dominion. It is a force that creates a society in which the fear of the police exceeds the fear of crime.

I will not develop a more formally tight definition of *dominion* here, nor will I argue why dominion is a better objective for the criminal justice system than any of the competing possible objec-

tives, because Pettit and I have done this in our book (Braithwaite & Pettit 1990). The purpose of this chapter will now be to show how to distinguish good police services from bad ones, and how to evaluate quantitatively and qualitatively how good they are.

The Bad Police Service

The bad police service is not a service but a force (Avery 1981). It is authoritarian; citizens fear its coercive force. It seeks political power to serve its own interests rather than the interests of the citizens it should serve; elected leaders fear it as a political force. It plays on fear of crime in order to excuse its own trampling on the rights of citizens. Note that both the playing on fear and the trampling on rights undermine dominion. The bad police force feeds citizens' fear of crime so it can demand that politicians give it what it wants. It uses its investigative powers to keep dirt on politicians and to do them favours. It becomes such a political force that it is a threat to the very fabric of democracy. It undermines the community's confidence in the rule of law by granting its own members immunity from acts of corruption and by granting immunity to other powerful players in business and politics. While it grants immunities to those with whom it can trade political power, it plays to the most stereotypical fears of respectable society by shows of coercive force against the most powerless members of the community. Those who cannot trade power are treated as non-citizens. If they are a racial minority, the bad police force will cultivate the tyranny of the majority instead of respecting the rights of the minority.

The bad police service sees its role on the streets as the reproduction of the majoritarian order of respectable society (Cohen 1979; Ericson 1982). In this way it destroys freedom. While it goes about the dominion-enhancing business of preventing crime, it also indulges in dominion-destroying disciplining of unconventional or anti-authority behaviour which is legally permissible. It tramples on diversity, on the assurance all citizens should enjoy of the right to be deviant outside the constraints of the law.

Reproducing majoritarian order means paying attention on the street to things and persons which are out of place (Bittner 1970; Punch 1979). The shabbily dressed black man in an affluent neighbourhood is out of place and will be stopped and questioned. The upshot is that the bad police service undermines the comparative aspect of dominion for black people because they feel that, unlike whites, there are places they cannot go without risking harassment.

Bad police services are not particularly concerned about victims of crime. Most of the victims who need help badly are among the most powerless members of the community. They are, therefore, not the kind of political asset the bad force will seek to cultivate. However, work with victims might be done to give the appearance that something is being done to apprehend the offender against the overwhelming odds confronting the police (Ericson 1981; Sanders 1977).

The bad police force has to be concerned about crime, because it is fear of crime, together with fear of the disorder of the disreputable, which is the source of its political power (Hall *et al.* 1978; Reiner 1983). But it is not concerned to direct attention to the crimes which pose the greatest threats to dominion. Priority will be given to those crimes most useful in cultivating political power. Crimes of the disreputable and powerless are better than crimes of the respectable and powerful. Crimes that engender outrage are better than crimes that unobtrusively destroy lives (cf La Fave 1965). Worst of all, criminal behaviour that poses a minimal threat to dominion but that the respectable majority come to regard as a threat to the order and normalcy of the moral fabric of society will be ruthlessly crushed. Wars on marijuana use by bad police forces have provided the most prominent examples of this in recent times. At the same time bad police forces shy away from crimes which threaten dominion severely, but which enjoy some tolerance among respectable male peers — such as drink-driving and certain types of domestic violence.

In other words, the bad police service is responsive to community concerns about crime, but responsive in a way that is distorted by the pursuit of political power. It is not responsive in a way that gives equal concern to the fears and rights of all citizens. It wants to be seen to be winning valuable battles in a war against crime that it fights against overwhelming odds. Its political power is threatened if major falls in the crime rate are seen to occur and if fear of crime in the community is reduced.

It is perhaps rare for all of these bad features to exist in one force. I am not suggesting that they all generally occur together. All I suggest is that if dominion is the criterion of evaluation, these are the characteristics that make a police service bad.

The Good Police Service

The good police service refrains from the above vices. It prioritises the crimes that pose the greatest threat to the dominion of citizens. It seeks to provide a cost-efficient service to taxpayers rather than

to maximise its empire at the taxpayer's expense. It is rights-respecting. It investigates complaints of racial prejudice or any other form of bias in its practices and seeks to put remedies in place to protect against recurrence. Police training and socialisation emphasise these values. In training, the inculcation of the service values of police professionalism begin. From the police academy below and from the commissioner's office above these values of service to community permeate the police culture.

The good police service recognises that authoritarianism is a constant risk in a service that has special coercive powers. So it seeks to be responsive to its community. It empowers the community by taking its complaints very seriously, by refraining from victimising complainants and by actively encouraging complaints and independent scrutiny. It is open, not secretive, on matters of policy. It sets up community councils that have genuine influence over local community policing. Police critics such as civil libertarians are encouraged to be influential on such councils. Minority groups that have evinced special fears of the police, such as Aborigines and gays, are especially encouraged to be influential on such councils. Instead of seeking power from above by coercive policing targeted on the powerless, the good service passes some of its own power to the most powerless of communities. Rather than join in crushing the dominion of the oppressed, it enhances the dominion of the oppressed by active empowerment strategies.

Surveillance policies that pose special threats to dominion are discussed with community councils. These include undercover policies and phonetaps. Specific operational decisions are not decided in dialogue with community councils, but policies that guide them are. As technological advance makes more and more invasive technologies of surveillance available (Marx 1988), the good force does not harbour these secretly. It puts them on the table for open debate within the communities it serves.

The good service works with communities to prevent crime before it occurs. It educates communities about sensible use of security devices, sensible drinking customs to prevent drink-driving and about seeking help when domestic violence threatens. It intervenes judiciously in tense situations in order to prevent violence; it does not walk away to leave vulnerable people unprotected. It sits down with families and school teachers to ask them how they can improve the guidance, supervision and life prospects they can offer to juvenile offenders at risk. It deals with drink-driving by patrons of a licensed club by sitting down with management and the bar staff to encourage them to put in place a patron care program to prevent drink-driving. It sets up Neighbourhood

Watch programs to deal with burglary.

The good service does not fuel moral panics about crime. It seeks to build community confidence that citizens can work together with each other and with the police to prevent crime. It is especially keen to create the climate where women, who suffer special blows to their dominion from fear of violence by men, feel safe to walk on the streets of their communities and feel safe in their homes. The good service works with victims to restore their dominion; it fosters social support for victims.

The good service does not view cultural diversity, legal forms of deviance and challenges to authority as necessarily bad. It deplors as an abuse of authority attempts by its members to regiment community diversity. Uses of police authority to destroy the freedom to deviate outside the constraints of the law are subjected to disciplinary action and counselling for the offending officers.

The good service is proactive in its vigilance to deal with police corruption and other corruption in high places. It does not wait for complaints of corruption before it acts.

In summary, one might say that good services are those that give some serious content to the rhetoric of community policing which has become so standard today. However, the republican is uncomfortable with the rhetoric of order maintenance as a primary function of the police which is often associated with the rhetoric of community policing. This is because so much of the existing order that the police can seek to maintain is the order of unfreedom. For the republican it is bad for the police to restore order to a family where an incident of domestic violence has occurred if that order denies the wife enjoyment of the rights of citizenship, if that order leaves women and children in a state of chronic fear. It is bad to reproduce an order where Aborigines are not free to walk late at night in an affluent suburb, where homosexuals are not as free to display affection in public as heterosexuals. The people I would regard as the intellectual heroes of community policing — Alderson (1979, 1984), Avery (1981), Bayley (1976, 1985), Kelling (1983, 1988) and Skolnick (Skolnick & Bayley 1986), for example — would absolutely agree that this is not the sort of order they want to reproduce. Yet these scholars are guilty of an insufficiently theorised view of freedom; they are too loose in their praise of the order maintenance function of the police (in contrast see Kinsey *et al.* 1986). It is not clear (there is no theory) of where desirable order maintenance ends and undesirable reproduction of order begins.

Pettit and I hope that our republican work does supply at least the beginnings of such a theory (Braithwaite & Pettit 1990). Order

maintenance activities of the police must pass the test that they increase rather than reduce dominion. When the police prevent a crowd from milling too close to a head of state, they increase dominion by maintaining order. They are protecting the assurances of freedom of movement and freedom of speech for the head of state and the rights of the citizens who want to hear what the head of state has to say. But when public order policing loses sight of dominion, as when a citizen is arrested for heckling the head of state, it becomes dangerous.

The police do have both crime prevention and order maintenance functions. But the public order the police should maintain is the order of the rule of law and the rights and assurances that guarantee freedom — no more, no less. Obviously, these judgments become tricky at the margins — the heckler who interjects so much that citizens have difficulty hearing what their head of state has to say. Here is where the dialogic culture of republican policing becomes important. The cases near the margin become matters for debate with professional peers back at the station — a debate conducted in terms of shared professional values about assuring freedom. They become case studies for dialogic police socialisation at police academies. They become agenda items for dialogue between police and citizens at meetings of police community councils. The good police patrol or police region is a little republic of dialogue about freedom and how to protect it.¹

Evaluating Performance in Protecting Dominion

If dominion for citizens is our objective, I hope it is clear why the good service I have described will secure dominion, while the bad force will threaten it. I have not argued detail by detail why each quality of the good service is conducive to dominion and each quality of the bad service threatens dominion. Some of this more detailed argument can be found elsewhere (Braithwaite & Pettit 1990). What I do want to be more detailed about in this chapter is connecting the criteria we should use in evaluating police services to the pursuit of dominion.

Crime Statistics as Performance Indicators

The republican criminologist will be very concerned about any attempt to evaluate police services in terms of their success in reducing crime rates. There are six reasons for this:

- 1 While crime reduces the dominion of victims,² focusing solely on crime ignores the other side of the dominion equation —

the extent to which freedom for crime victims has been purchased by less freedom for other members of society. Evaluating police only by crime reduction creates explicit incentives to ignore costs to dominion involved in policies to reduce the crime rate.

- 2 Except for motor vehicle theft and homicide, official crime statistics have unacceptably low measurement validity (see, for example, the studies cited by Bottomley & Coleman 1980 and Wycoff & Manning 1983).
- 3 The republican's perception of the bad police service as an accumulator and abuser of political power leads to the suspicion that bad police forces will 'fiddle' their crime statistics to get the result they want. Empirical demonstrations of just this happening are well documented (Braithwaite 1977; Eggar & Findlay 1988; Manning 1977: 290; Skolnick 1966).
- 4 Good police services will not only look bad because they refuse to fiddle their figures and because they temper the ruthless pursuit of lower crime rates with a concern for freedom; they will also look bad when they distribute their energies equitably between crimes of the powerful and crimes of the powerless. White-collar crimes cannot be meaningfully measured by official crime statistics because powerful criminals use their power to prevent detection by reactive policing techniques and because victims of many types of white-collar crimes never become aware that they have been defrauded. The good service that invests in proactive policing of white-collar crime will make their crime statistics worse by discovering previously hidden crimes and by distracting effort from the clear-up of simple blue-collar offences.
- 5 The republican criminologist believes that changes in police practices have such modest effects on crime that these will usually be difficult to detect. The republican believes that it is fundamentally communities that prevent crime through effective informal mechanisms of social control (Braithwaite 1989) and not the police, although the police can be of real assistance to communities with this task.
- 6 Crime reduction as the criterion for police evaluation is strangely out of touch with what police spend their time actually doing. Ethnographies of policing show that most police patrol contacts with the public do not involve criminal matters (Cain 1973; Ericson 1982; Manning 1977; Punch 1979; Punch & Naylor 1973; Reiss 1971). If police forces were really social service agencies that spent only a fraction of their time handling crime, then evaluating them on crime statistics would hardly motivate them to do well what they spent most of their time doing.

A particularly dangerous, yet widespread, measure of police performance is the percentage of crimes cleared by arrest. This motivates the worst practices to secure arrest at any cost to dominion. It also creates disincentives for the deployment of resources to prevent crimes from occurring in the first place. Catching a horse which has bolted scores more evaluation points than preventing a dozen horses from bolting.

Victim surveys conducted by an organisation independent of the police can solve the problem of the cynical police service fiddling its crime statistics. However, the other five concerns remain, including the concern about validity and reliability. No victim survey has ever reliably measured the rape rate in Australia because the number of rape victims willing to report their victimisation to an interviewer is always unacceptably low (see Crawford *et al.* 1990: 66–73). Serious crime victimisation in Australia is a relatively rare event. Thus, victim surveys on small samples of 2000–10 000 strike small numbers of people who have been victims of serious crimes during the previous six or 12 months. Consequently, victim surveys become measures of petty crime. It is likely that those categories of official statistics that give reasonably valid measurement — homicide and motor vehicle theft — are more useful guides to the state of crime than victim survey results.

For all of this, the republican is most decidedly interested in crime prevention as *one* criterion of police performance. If it is true that policing is only one of the many factors that affect crime rates — along with sentencing practices, informal community control, urbanisation, the changing age structure of the society, divorce, unemployment and so on — the question to ask is what is the contribution to crime control that is peculiarly the responsibility of the police. The answer that immediately comes to mind is ensuring a high risk of arrest for crime. What we should be tempted to do, then, is develop a measure of the certainty of arrest that is not controlled by the police (point 3 above). One way to do this is to conduct a professional opinion survey that asks citizens what they perceive their chances of arrest to be if they commit a particular crime. In such a survey, we might pay particular attention to probabilities of arrest reported by those who indicate that they have a criminal record (or who self-report previous acts of serious crime); perhaps their perceived certainties of arrest are different from those of 'law-abiding' citizens.³

The theory here is that we cannot ask the police to be responsible for high crime rates which are caused by judicial sentencing practices — only judges can be responsible for that. We cannot ask the police to be responsible for high crime rates caused by a surge in the peak crime group of 15–25 year olds — only the mothers and

fathers of two decades ago can be held responsible for that. But we can hold the police responsible for the perceived probability of 'being caught by the police'. Moreover, for the republican, there are four advantages of a subjective certainty of detection measure over an 'objective' measure of crime clear-up rates:

- 1 The subjective survey estimate is independently measured, removing the problem of the data for evaluating the police being collected by the police.
- 2 The subjective survey estimate can be applied to types of crime which are barely touched by official statistics. For example, it can be applied to various kinds of fraud, tax evasion, bribery, hazardous waste dumping and other white-collar crimes.
- 3 The theory of deterrence preventing crime is that various facts about society (including facts about known arrests) are processed by a potential offender who calculates what he perceives to be his chances of being caught if he commits a crime. In other words, the objective facts of arrest are simply a means to the high *perceived* probabilities of arrest that directly prevent crime. Given that the theory of deterrence is that it is the perceived probability of being caught which is most directly connected to the committing of crime, this is a superior measure of our evaluation target than the objective probability of arrest.
- 4 The republican wants to achieve maximum crime prevention at minimum cost to the dominion of other citizens. Increasing objective arrests always entails costs to dominion in surveillance, interrogation and cross-examination of witnesses and dollar costs to the taxpayer. The republican, therefore, finds attractive any increase in the subjective probability of detection that can be achieved benignly without forfeiting the costs to dominion of actually arresting more people. Moreover, since we know empirically that citizens' subjective perception of the probability of detection bears a weak relationship to the objective probability of detection (for example, Braithwaite & Makkai 1991), there is probably a lot of scope for policies to increase subjective arrest probabilities benignly. Admittedly, a limitation of the approach I propose is that media executives have more control over relevant policies than the police. However, the police can put into effect special publicity efforts when they do secure convictions (especially for white-collar offences where convictions are so objectively rare); television programs urging parents to talk with their children about the risks of crime, community policing programs which give the police visibility in schools, television programs in which convicted offenders ex-

press regret at running afoul of the law, television advertisements encouraging women and children at risk to report domestic violence and encouraging citizens to keep their drinking companions out of trouble with the law by driving them home.

Measuring perceived deterrence is a superior evaluation technology even for those unusual areas where there are some grounds for optimism that police policies can substantially effect crime rates, such as drink-driving (Homel 1988; cf Jacobs 1989). The crucial evaluation difficulty with drink-driving enforcement programs is that even when one shows a dramatic effect on road deaths from introducing a random breath-testing program, how do you evaluate whether those initial deterrence effects fade over time? If road deaths stay low years later one does not really know from this that the deterrent effects of random breath-testing have not faded. It might be that deterrent effects have faded, but that the increase in road deaths caused by this has been offset by changes to vehicle design to package occupants more safely in a crash (for example, the proliferation of air-bags), better roads, more efficient emergency services and so on. The opinion survey methodology allows the direct measurement across time of fading or strengthening deterrent effects.

With this, and with other complementary performance indicators the republican would want to use, the objective would be to achieve maximum effect at minimum cost. The fiscal efficiency aspect is especially important in light of what the republican sees as the pathology of the bad police service. It seeks more and more power, more and more money to fight crime, by orchestrating an impression that crime is out of control and is liable to get even worse unless the political and economic power of the police is further increased. The proposal I will now detail would mean that police forces that did this would score badly in their evaluation for two reasons. First, the message that crime is out of control will not help survey measures of subjective probabilities of arrest (and fear), and second, this strategy would blow out their budget in a way that would reduce their cost-efficiency.

Figure 1.1 shows step by step how to generate a measure of perceived probability of police detection per dollar of police expenditure. Note that in Step 2, when we are assessing how much of a threat different crimes are to the dominion of citizens, we do not ask how serious the crime is. The republican is not interested in the opinion of a tyrannical majority that, for example, homosexuality is a serious crime. It is the fear, the threat to dominion, that each type of crime causes individuals that is the issue, not how terrible they think the crime is. The way the republican focus on subjective fear

Figure 1.1 How to measure perceived probability of arrest per dollar of police expenditure

Step 1

Ask a random sample of the population the question: 'If you steal a car, what are the chances that the police will catch you?' Ask similar questions for all types of serious crime.

Step 2

For each type of crime, ask the random sample of citizens how much of a threat it is to their dominion. Ask: 'On this scale, mark how afraid you are of being a victim of

- (a) car theft
- (b) rape
- (c) losing a large part of your savings because of a fraud (for example, a fraud that causes the collapse of a financial institution in which you have your savings)
- (d) government corruption (that is, how afraid are you of being a victim of a government official making a bad decision because of a bribe)
- (e) etc.'

Step 3

Weight the perceived probability of arrest from Step 1 by the fear index in Step 2 for each crime. Then add the weighted probability of arrest across all crimes to generate a total probability of arrest. More feared crimes then count for more in the total measure of the probability of arrest.

Step 4

Divide the weighted probability of arrest by the number of constant dollars *per capita* spent on the police for the year of the survey. This gives the perceived probability of arrest per dollar of police expenditure. Plot this measure across time in successive surveys to see if the perceived probability of arrest per constant dollar of police expenditure improves over time. Encourage all states to use the same survey so comparative improvement in police performance can be assessed. For example, the figure below assumes that four states have cooperated in such an evaluation over the period of a decade. The imaginary graph shows that all states except Victoria have succeeded in progressively strengthening expectations that arrest will lead to crime, controlling for expenditure. The improvement in cost-effective deterrence has been strongest in Western Australia.

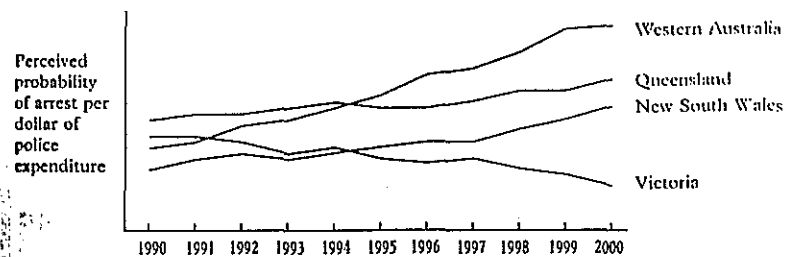


Figure 1.2 Imaginary data on the perceived probability of arrest per dollar of police expenditure for states

solves this problem is one of the nice features of the republican philosophy.

While this approach avoids some of the problems of using official police clear-up rates as a performance indicator, it does not avoid the most serious one. This is that while the performance indicator should motivate police to deter crime, it does not motivate them to prevent crime by means other than deterrence. Preventing domestic violence by getting a restraining order that sticks or by successfully persuading a man to seek counselling for his violence will not improve the perceived probability of arrest. So we need to add some more performance indicators to our citizen survey. We could ask the following questions:

- 1 In the last 12 months, has a police officer ever helped you to solve a problem? (If yes) What was it?
- 2 In the last 12 months, have you ever been present when a police officer helped solve a problem for someone else? (If yes) What was it?
- 3 In the last 12 months, have you personally benefited from a police officer helping to solve any other problem, even if you were not present when he/she did so? (If yes) What was it?
- 4 In the last 12 months, has a police officer become involved in a dispute between you and another person? (If yes) Did the police officer help solve the dispute or make it worse?
- 5 In the last 12 months has a police officer given you any useful advice on crime prevention (for example, on installing locks or alarms)?

These are questions that have never been piloted in any survey. Doubtless they could be considerably improved by pre-testing. The responses given would have to be coded according to whether they indicated crime prevention activity or some other valuable social service activity (for example, assistance with lodging an insurance claim, return of a lost child, assistance at a road accident). The different types of valuable social service and peace-making activities could themselves then be coded. Out of such questions, a variety of indices of provision of crime prevention and other social services could be measured and plotted across time, just as in Figure 1.3.

Fear of Crime

We have seen that republicans take fear of crime very seriously as a threat to dominion. Cynics about evaluations of community policing sometimes say that it shifts emphasis from reducing crime to reducing fear of crime because the latter is easier to achieve than

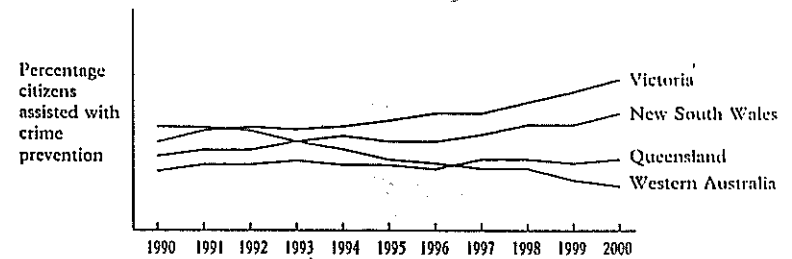


Figure 1.3 Imaginary data on the percentage of citizens reporting police assistance with crime prevention

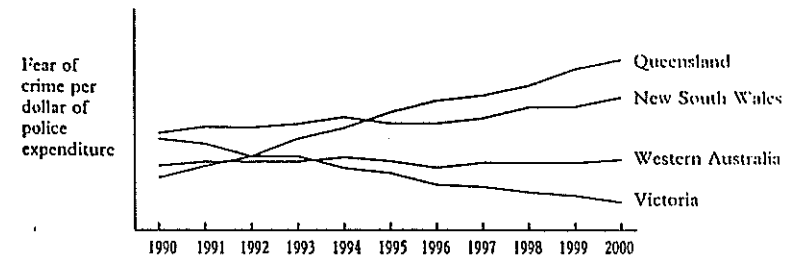


Figure 1.4 Imaginary data on fear of crime per dollar of police expenditure

the former. True, there might be more evidence about the capacity of the police to effect fear of crime (Kelling 1988) than of their capacity to reduce crime. But republicans view fear of crime as important in itself because of the subjective aspect to the conception of liberty they endorse. Regardless of the objective facts of the risks they face, if women are afraid to walk in their communities at night, they enjoy less dominion.

In addition to the offence-by-offence measures of fear in Step 2 of Figure 1.1, a variety of global measures of fear are well developed in the criminological literature (Bankston *et al.* 1987; Baumer 1978; Gomme 1986; Gray & O'Connor 1990; Lewis & Maxfield 1986; Taylor & Hale 1986). Fear of crime is, therefore, our third type of evaluation measure (see Figure 1.4).

Fear of the Police

While the republican wants citizens to fear the police in the event of breach of the criminal law, the republican is also concerned about the police using their power against citizens when they are

not breaching the criminal law. This is the concern that the police will destroy diversity, dissent, challenging of authority and freedom to deviate in ways not forbidden by law. Items that could be piloted to develop a measure, or measures, of this aspect of the republican ideal are responses to the question: 'Do you think that the police in your community do the following things often, sometimes or never?'

- 1 Pick on people just because they are different.
- 2 Arrest people when they know they have committed no crime.
- 3 'Frame' innocent people.
- 4 Harass homosexual people.
- 5 Get back at people who lodge complaints against the police.
- 6 Plant evidence on people they do not like.
- 7 Assault people taken to police stations for questioning.

Responsiveness to Victims

A traditional reactive policing style does have a rationale which is well tuned to dominion as a goal. To the extent that the police respond to those crimes of sufficient concern to the citizenry to elicit a complaint, they are responding to an exercise of dominion by the victim, an expression that the crime was an interference of sufficient moment to cause a plea for outside help and intervention. Moreover, when police fail to respond to offences reported by victims, they fail to achieve the accountability to the community that republican policing requires. This could be evaluated by survey items such as the following (for citizens who had reported an offence to the police):

- 1 (a) Were you satisfied with the way the police handled the offence you reported?
(If dissatisfied) (b) What made you dissatisfied?
- 2 'How hard did the police try to solve the problem about which you contacted them?' (very hard, quite hard, etc.; taken from Tyler 1990: 194).
- 3 'How quickly did the police respond to your call?' (Tyler 1990: 194).
- 4 'How much consideration did the police give to what you said when making their decisions about how to handle your call?' (Tyler 1990: 198).
- 5 'How much influence did you have over the decisions made by the police?' (Tyler 1990: 198).
- 6 Were the police courteous in dealing with you?
- 7 Has your experience with the police encouraged or discouraged you from reporting similar offences in future?
- 8 (a) Were the police a help or a hindrance in getting over the trauma of being a victim of crime?

(If a hindrance) (b) How did they make things worse?
(If a help) (c) How did they help?

- 9 'In general when people call the police for assistance, how often do you think that the police provide them with a satisfactory service?' (taken from Tyler 1990: 180).
- 10 'You can rely on the police to be there when you need them' (taken from NSW Police 1990).

Accountability to the Community

Republican policing must be in the community policing tradition. Citizens cannot enjoy dominion if they feel powerless in the face of the coercive power of the police. Dominion does not require that citizens actually do participate in influencing the policies and practices of the police. It requires only that they have a subjective assurance of the opportunity to do so should they wish to. The sort of public opinion items that might tap this dimension of evaluation are:

Do you agree or disagree?

- 1 There is no point complaining about the actions of the police.
- 2 An ordinary citizen like me cannot influence the policies of the police.
- 3 There is nowhere I can go to have my opinion heard on police policy in my community.
- 4 Serious complaints against the police in this state are thoroughly investigated by an independent authority (reversed item).

In addition to such questions, the survey itself should be used as a direct instrument of accountability. In Figure 1.1, Step 2, citizens are asked to mark on a scale how afraid they are of being a victim of different types of crime. This data would enable crimes to be ranked according to how feared they are in the community. This ranking should be compared with the ranking of these crimes in terms of the resources the police service devotes to them. For most if not all Australian police services, this exercise would be likely to reveal, for example, that drug enforcement attracts resources out of proportion to the degree to which this type of offence is feared by citizens. It would also reveal that certain white-collar crimes receive enforcement resources that are disproportionately low in view of citizens' fears (see Schragger & Short 1980). Republican responsiveness means that resources should go where citizens' individual fears are greatest.

This is not to say that resource deployment should be mechanically responsive to this kind of data. The republican should be concerned about indirect effects on dominion for many types of

crime. The most important instances of this arise where individual citizens are not the primary victims of the crime but business organisations (for example, shoplifting) and the government itself (for example, social security fraud).¹ Dominion suffers when individual citizens pay higher prices for goods as an indirect effect of shoplifting and higher taxes as a result of fraud against the government. Then there are even more intangible effects, such as the effects of white-collar crime in eroding trust within our economic institutions, thereby ultimately discouraging the investment that creates jobs. Naturally, the republican is deeply concerned about these less direct and intangible effects of which citizens are not so immediately aware when they answer survey questions about their individual fears. A republican dialogue between police and their communities about these effects is naturally the way republicans would want to deal with them. That is, the police should sit down with community councils to discuss the relationship between resource deployment for different types of crime and the degree of fear of those crimes in the community. When they do this, they should discuss the additional indirect effects on dominion that are not well captured by the survey methodology.

Respect for Rights and Fair Treatment

Dominion requires that citizens enjoy a system of assurances of full citizenship. Citizens must subjectively believe that they enjoy both the formal legal assurance that their rights will be respected as well as the informal assurance of fair and honest treatment. The following examples of items that could be used to evaluate performance on this criterion are all taken from Tyler's (1990: Appendix A) study of citizen reactions to being stopped by the police:

- 1 Did the police show concern for your rights?
- 2 Did they get the information they needed to make good decisions about how to handle the situation?
- 3 Did they try to bring the problem into the open so that it could be solved?
- 4 Were the police honest in what they said to you and in their reporting of the contact with you?
- 5 Did the police do anything that you thought was improper or dishonest?
- 6 How much of a chance or opportunity did the police give you to tell your side of the story before making any decisions about how to handle the situation?
- 7 Overall, how fair were the procedures used by the police to handle the situation when they stopped you?

In addition, citizens who have not been stopped or otherwise dealt with by the police can answer more general questions like:

- 8 Overall, how careful are the police to protect the basic rights of the citizens they deal with?
- 9 Overall, how satisfied are you with the fairness of the way the police treat people and handle problems? (Tyler 1990: 180)

Comparative Dominion

We have seen that dominion differs from the asocial liberal conception of freedom in that it has a comparative aspect. *Dominion* is defined as requiring that citizens believe they 'have no less a prospect of liberty than is available to other citizens' (Braithwaite & Pettit 1990: 64). Again, Tyler's (1990: 180) items tap the comparative aspect of dominion nicely:

- 1 Some people say that the Chicago police treat everyone equally, others that they favor some people over others. How about you, do you think that the police . . .
 treat everyone equally
 or that they favor some people over others?
- 2 Do you feel that people like yourself, that is people of your age, race, sex, income and nationality, receive the same treatment from the Chicago police as the average citizen, or are people like yourself treated better or worse than the average citizen?

Crawford *et al.* (1990: 109) have shown how surveys can be used to compare the frequency with which whites are stopped and searched compared with blacks.

Corruption

The effectiveness of how police deal with corruption should be addressed in part by a corruption question at Step 2 of Figure 1.1: 'If you pay a bribe, what are the chances that the police will catch you?' But this is not enough because a special concern to dominion is corruption by the police. This is because when the police are corrupt, citizens cannot enjoy the assurances of the rule of law. When citizens believe that instead of living under the rule of law, they live under the rule of the dollar, they do not enjoy dominion. Items that might tap this dimension of dominion are:

Do you agree or disagree?

- 1 Many police in this state accept bribes.
- 2 The government usually takes action against corrupt police.
- 3 The police are less corrupt today than they were during the 1970s.

Linkage to Community Policing

Professor David Bayley commented on an earlier draft of this chapter. While agreeing that surveys were an important part of a total evaluation strategy, he expressed doubts about their capacity to be meaningfully linked to community policing at affordable cost. The problem is that a sample size statistically adequate to draw inferences about the state of New South Wales, or police regions within it, is quite possible, but it would cost a fortune to draw a sample large enough for valid conclusions at the level of each district, then each patrol within each district, in New South Wales.

There are three levels of response to this legitimate concern. The first is that geographical communities are not the only communities that matter. The Aboriginal and Vietnamese communities of New South Wales are important and meaningful communities from the perspective of policing. This indeed is explicitly recognised in New South Wales by the appointment of Aboriginal community liaison officers from the Aboriginal community; soon there will be some ethnic community liaison officers. Community consultative committees are important here at the level of informing curricula for state-wide training courses on policing Aboriginal communities conducted at the Police Academy, both for new recruits and as in-service training. The work of such community consultative committees should be informed by the survey data I have discussed, particularly that concerning comparative dominion.

A similar point applies to a larger, but still meaningful, community: the women of New South Wales. Representatives of women's groups should be convened to discuss the relevance of survey results to state-wide policies on the policing of domestic violence and training curricula on this subject for the Police Academy. More specific communities of women — for example, sex workers — might be consulted on how the police should respond to community views on the regulation of the sex industry.

In a state smaller than New South Wales, a statistically satisfactory sample of Aboriginal people is likely to be impossible, so Bayley's critique will still apply. This takes us to the second level of response to this critique. Survey evaluations will be of limited use unless there is a long-term commitment to them on an annual cycle. Where there is that long-term commitment, however, much more could be achieved than simply a plot of improving or declining state-wide performance year by year. Through aggregating the results from three annual surveys, one would be able to do things that are statistically impossible from a single survey. Hence, an integrated evaluation plan would contain a list of objectives that

could be accomplished for each annual survey (for example, comparing regions), triennially (for example, comparing districts within regions; data for ethnic groups), and every five years (for example, comparing patrols within districts). Plots across time at these lower levels of aggregation could appear in each annual report by reporting rolling triennial averages (in 1992, '89, '90 and '91 would be aggregated; in 1993, '90, '91 and '92 would be aggregated).

The third level of response to the Bayley critique is to blur the distinction between quantitative and qualitative research. My research team has done this to valuable effect in a current survey of nursing home management. Interviewers who did the quantitative survey of 410 nursing homes were also trained to follow leads and report back qualitative data. We convened meetings of interviewers at which we compared notes and sifted the significance of our qualitative data. The left realists in Britain have taken some preliminary steps down this path (Crawford *et al.* 1990) in the area of policing, and David Brown and his colleagues at the University of New South Wales are doing so with a Sydney survey.

The Highbury Burglary Project of the left realists is an interesting departure from convention in that it aims to promote local involvement in reducing burglary through a crime survey (Crawford *et al.* 1990: 129). Local people are being assisted by survey experts to do their own research. We await the fruits of this labour with interest. It must be said, however, that there are dangers and practical difficulties in having amateurs run the technically demanding business of survey research. Hence, I want to suggest an alternative model where the experts are in control of the survey design and coordination, but where community representatives are trained to collect both quantitative and qualitative data and where these community representatives are primary interpreters of this data at a local level.

Take Redfern, a problem area for Aboriginal policing in New South Wales. A responsibility of one of the Aboriginal civilians already paid by the police as community liaison officers in Redfern could be to undergo training in survey interviewing and conduct the randomly selected interviews in Redfern each year for the state-wide evaluation survey. But the training would go beyond traditional survey interviewing. The liaison officer would be taught how to collect fieldwork notes that follow through on particular problems. He or she might stay behind after the formal interview for a cup of tea to discuss how the community can work at solving a problem that came up in the interview. Harassment of women by men attending a weekly football match might be followed through to discuss convening a meeting with the football club to get some action. In certain cases, the interviewer might invite the informant

along to a meeting of the local police community council, where the issue would be discussed and action agreed. Even if the informant declined this invitation, each year the interviewer would report back to the council all of the qualitative problems raised during the Redfern interviews. This would have to be done in a way that protected the anonymity of informants. If the nature of a problem was so particularised as to make anonymity a practical impossibility, this problem could not be raised without the express permission of the informant.

Survey results could, therefore, be linked into community policing at the level of state-wide policy and training as well as at a local level. Ideally, these two levels would interpenetrate. That is, local police community councils should discuss state-wide evaluation data so that they could send to police headquarters their views on how state-wide policy and training should respond to the findings. My suggestion about the opportunity to exploit quantitative survey research for qualitative local diagnosis raises the whole question of the importance of qualitative evaluation. To this I now turn.

Qualitative Evaluation

This chapter has reached some conclusions about how to do outcome evaluations in order to pick which police services are doing a good job, which are doing a bad job, which are improving and which are getting worse. Because this has traditionally been viewed as an impossible task, we might have an instance of a good theory having practical value. The republican ideal causes us to think in a different way about evaluating police than we have in the past.

This is not to say, however, that outcome evaluation is the most important kind of evaluation. Indeed, quantitative outcome measurement is dangerous unless it is monitored itself by qualitative research. The illustrations of this from the existing ethnographic literature on policing are voluminous enough to leave no doubt about this concern. In forces in which clear-up rates are monitored, police are observed to encourage offenders to admit to large numbers of offences on a promise that they will not be charged for them (Ericson 1982: 28; Skolnick 1966). Lambert (cited in Ericson 1982: 28) found that 43 per cent of a sample of 2000 property offences in Birmingham were cleared by this method. The tacit bargain is that the offender builds goodwill with the police officer which he hopes will get him better treatment by admitting to everything and anything, and the police officer improves her crimes cleared.

The outcome evaluation proposed here is protected from the worst excesses of this sort because the evaluation data is not under the control of the police. However, there is no way of knowing in advance of ethnographic work being done just what unintended effects the kind of outcome evaluation we propose might have. What we can feel confident about is that police services pay more attention to outcomes that are measured than to outcomes that are not (Ericson 1981). Sometimes organisational practice will take unexpected and undesirable turns which neglect an unmeasured good so that energies can be focused on a measurable outcome. It is this neglect of unmeasured goods that is the danger of outcome evaluations, a danger that can only be addressed by the kinds of detailed studies of police as a cultural group that have been sadly lacking in Australia. Yet the models exist for us to follow here in instructive studies of policing which have been undertaken in the United States (Bittner 1967; Manning 1980; Reiss 1971; Rubenstein 1973; Skolnick 1966), Canada (Ericson 1982), Britain (Cain 1973; Manning 1977), the Netherlands (Punch 1979) and Japan (Ames 1981; Bayley 1976).

If we have discovered what might be a better approach to quantitative outcome evaluation of police services, this is not to deny that formative evaluation might be a more important activity than summative evaluation. Formative evaluation, rather than focusing on ultimate outcomes, views evaluation research as an ongoing process of learning. Policies and programs are seen as constantly evolving; the hope is that they will evolve more sensibly when informed by a dialogue between program practitioners and formative evaluators. The independent evaluation process that has been taking place with regard to the police recruit education reforms in New South Wales (MacDonald *et al.* 1990), under the guidance of the Police Education Advisory Council, is a positive model of how such formative evaluation should proceed. Summative evaluation to tell you how well you have done is a limited benefit unless it is complemented by formative evaluation to illuminate learning about how to do better. Formative evaluations also identify the unintended benefits and costs of programs which can then be factored into subsequent summative evaluations.

Conclusion

A republican theory of criminal justice instructs us to focus on dominion — a social, subjective and comparative conception of liberty — as the objective a good police service should maximise.

Republican policing means a goal orientation towards maximising the dominion of citizens. By focusing on this goal, we can devise a much more satisfactory approach to evaluating police services than has been used in the past. Such an approach strongly rejects evaluating police by monitoring of crime rates or using the proportion of officially recorded crimes which are cleared as performance indicators. The major evaluation dimensions that the republican is concerned about can be monitored by a regular social survey of citizens which measures:

- 1 the perceived probability of police detection if you commit different types of crime;
- 2 the frequency with which citizens report police assistance to put in place crime prevention measures;
- 3 the frequency with which citizens report police help with social services that are not connected to crime prevention;
- 4 fear of crime;
- 5 fear of the police;
- 6 crime victim perceptions of police responsiveness and helpfulness;
- 7 accountability to the community;
- 8 perceived police respect for rights and fair treatment;
- 9 comparative dominion (for example, the extent to which Aborigines feel that the police give their citizenship equal respect to that of whites);
- 10 perceived corruption, fear of corruption and probability of arrest for corruption.

These performance indicators can be measured across time to evaluate improvement and they can be exactly replicated in multiple jurisdictions, allowing directly comparable assessment of the performance of different police services. This is a major step forward because the evaluation technologies currently in use are linked to local case-processing procedures in a way that precludes cross-jurisdictional comparison of performance.

Another step forward permitted by the opinion survey methodology is the disaggregation of the effects of policing for different sectors of the population. It might be that the reaction to the police is rather different for people in the bush compared to city folk, Aborigines and immigrants, offenders versus non-offenders, people who have been questioned by the police versus people who have never had an encounter with the police, old versus young people. While we suspect that there are differential reactions to the police for different sectors of the population — differences that should be informing police policy — traditional evaluation methodologies fail

to give feedback about them. The survey methodology enables quite systematic feedback on whether policing policies are being reacted to more favourably by some sections of the population than others.

For some of the outcome measures, performance would be best evaluated in light of the level of police expenditure. For each jurisdiction, the level of police expenditure per citizen in constant dollars could be used as a denominator for performance indicators. Thus, for example, we can plot the level of deterrence achieved per dollar of police expenditure (Measure 1) and the level of fear of crime per dollar of police expenditure (Measure 2). Such evaluation creates incentives for police to pursue the best return to dominion possible for their budgetary allocation. It discourages the threat to democracy entailed in police pursuing the alternative of maximum budgetary growth and maximum political power.

Because of the special value of comparative feedback on how police services are performing compared to other police services, the ideal would be for an annual national survey to be conducted by an independent national authority. Appropriate authorities would be the Australian Institute of Criminology or the National Police Research Unit. Failing this, appropriate state authorities such as the Criminal Justice Commission in Queensland or the New South Wales Bureau of Crime Statistics and Research could conduct state surveys. Ethnographic work that intended to monitor the effects of the performance indicators on daily police practices should ideally be undertaken by researchers independent of the authority that conducts the surveys of outcome measures. Independent researchers should also conduct the formative evaluations of subprograms to further inform the redesign of global outcome indicators.

A national survey is, moreover, desirable on cost-sharing grounds. This is not only because of the cost-efficiency of states pooling their limited evaluation resources. Cost-sharing with other national law enforcement bodies also becomes a possibility with a national survey. For example, the Australian Taxation Office should be interested in annual monitoring of the perceived probability of detection for different types of tax offending, how rights-respecting and fair tax officers are perceived to be, and so on. This would be invaluable to them in monitoring the effectiveness and justice of their auditing and enforcement programs.

It seems reasonable to suggest that the police spend half of one per cent of their budgets on the kinds of quantitative and qualitative evaluations suggested here (Crawford *et al.* 1990: 8.3). In New South Wales this would allow for \$5 million per annum, with which one could do work of high quality. Police services have traditionally been grudging in their expenditure on program evalu-

ation. Yet it is hard to be critical of this given the defectiveness and downright counterproductivity of the traditional evaluation strategies. My hope is that this chapter will encourage some movement on this score by presenting a coherent evaluation philosophy that motivates a practical program of evaluation. It is a philosophy and program thoroughly consistent with the 'Statement of Values',⁵ 'Mission'⁶ and 'Corporate Objectives'⁷ of the New South Wales Police Service and doubtless many other reform-oriented police organisations. The critics say such statements of values are empty platitudes but that is not the case when philosophy gives birth to published measurement of performance that is debated within police community councils.⁸

Notes

- 1 In the republican police service, the following conclusion of Manning (1977:289) would cease to be true: 'The striking thing about order maintenance methods is how little they are taught, how cynically they are viewed, and how irrelevant they are thought to be in most police departments.'
- 2 If it does not, the offences concerned should not be crimes in the eyes of the republican (Braithwaite & Pettit 1990: 92-100).
- 3 It is also possible that over a sequence of surveys, offender and non-offender perceptions of the certainty of detection will move up and down together, even though the latter is higher in absolute terms. Of course, we should not discount non-offender perceptions as unimportant because it could be that their perception of detection probabilities is a reason why they do not offend.
- 4 It is important to keep this problem in perspective. Just as bad police forces turn a blind eye to offending by powerful organisations in business and government, they also give priority to powerful organisational victims over individual victims. Hagan (1982) has called this the corporate advantage in service from police forces — large corporations that are victims of break-ins will get a better service than individual householders. Focusing on service to individual victims in evaluation surveys has the attraction of creating incentives for the police to reverse the corporate advantage. It would be a good thing if the bias were slightly reversed — so that individual victims get a better service from the police than corporate victims — since corporate victims generally have, or should have, their own private security systems to fall back on.
- 5 'Each member of the New South Wales Police Service acts in a manner which:
 - Places integrity above all
 - Upholds the rule of law
 - Preserves the rights and freedom of individuals

- Seeks to improve the quality of life by community involvement in policing
 - Strives for citizen and police personal satisfaction
 - Capitalises on the wealth of human resources
 - Makes efficient and economical use of public resources
 - Ensures that authority is exercised responsibly.'
- 6 'The mission of the Police Service is to have the police and the community working together to establish a safer environment by reducing violence, crime and fear.'
 - 7 '• To make policing services more responsive to the needs and feelings of the community
 - To encourage greater involvement of citizens in policing with a view to establishing a problem-solving partnership
 - To increase feelings of safety and security in the community by giving priority to order maintenance and crime prevention and detection programs
 - To improve management of the organisation to optimise the productivity of its people and other resources
 - To minimise corruption and strengthen accountability.' (Police Board of New South Wales Annual Report 1989-90: 8-9)
 - 8 The NSW Police have in fact undertaken community surveys in recent years to evaluate their performance in several, although not all, of the ways suggested in this chapter (NSW Police 1990).

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