



No. 123

Capacity-building in Law Enforcement

David H. Bayley

The role of police services is changing rapidly. The 1980s saw a shift towards community policing, which was contrasted with what is now called “traditional policing”. Traditional policing emphasised a rapid response to calls for service as the most effective way of dealing with criminal activity. At the time, “the solution to serious crime simply required identifying, arresting and then locking up all the bad guys”. The increasing numbers of offenders who have contact with the criminal justice system, and the resultant delays in dealing with offenders today, highlight the inadequacy of this as the primary response. Even when one offender is dealt with there is always another in the queue.

While there has been a recent move towards community policing, the global nature of many crimes today—illicit drug and people trafficking, terrorism and money laundering—makes them inappropriate to community policing and demanding of a new focus. This paper highlights the increase in the use of private security services and how that overlaps with public policing and changes its role.

This paper also refers to the lack of success in community policing. Measuring success on the basis of community satisfaction may seem somewhat nebulous. It seems that, for some police, the change towards community policing was seen as a “total rejection of their life’s work”—it is not what they were hired to do. Police are “action oriented” and it would take a great cultural shift to have them accommodate the philosophy of community policing. The paper makes the important point, however, that while community policing may have fallen out of favour, a problem-solving approach continues to be part of police strategy, but with the strategy being developed through analyses carried out at headquarters.

Professor David Bayley participated recently in an Australian Institute of Criminology roundtable seminar on capacity-building in law enforcement. This paper summarises the main themes of the seminar, in essence offering nine recommendations for crime control. These recommendations will certainly form the basis for discussion as police services pursue the essential challenge of working smarter.

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Director

I have been asked to discuss the trends I see in contemporary law enforcement around the world, with special attention to what seems promising with respect to crime control. Accordingly, this paper will have two parts:

- trends in law enforcement; and
- recommendations for successful crime control.

Trends in Law Enforcement

In recent years efforts to enhance the ability of the police to prevent and control crime have focused on developing cooperative, mutually supportive relationships with two groups—the general public and other government agencies. “Partnership” has been the watchword.

AUSTRALIAN INSTITUTE
OF CRIMINOLOGY

trends
&
issues

in crime and criminal justice

July 1999

ISSN 0817-8542

ISBN 0 642 24110 4



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Because of the focus of my own studies, I am unable to say whether police “partnerships” with other governmental agencies are increasing or decreasing, or how new institutional mechanisms are encouraging such cooperation. I do know that they have been a key development in policing throughout France and have been featured in several police services in Britain. The Thames Valley Police, for example, have developed consultative councils with other government agencies at different administrative levels throughout their three-county jurisdiction.

In most developed English-speaking countries, the police have stressed partnership with the public since the early 1980s. It is the key ingredient to community policing. The philosophy of community policing calls for police to consult with local communities about crime-prevention priorities, to develop mutually supportive responses to crime problems, and to mobilise local resources to alleviate problems that generate crime and repeat calls for police service (Bayley 1994). My impression is that community policing has been very uneven in its application. The consultation element has been difficult to sustain, especially in high-crime neighbourhoods. Moreover, community policing as a strategic movement has become less popular with the passage of time; the “flavour of the month” gone by. Some police forces in the United States, in fact, will not even refer to community policing any more, even though they may retain operational elements of it.

More significantly, the importance of community partnerships has been downgraded in new strategies. It seems to me that law enforcement agendas and priorities are being set less in consultation with neighbourhoods and more by senior force commanders. Although problem solving continues to characterise police strategising, the problems are being defined more centrally than was the practice under

community policing. The pinpointing of “hot spots”, for example, as well as the development of appropriate solutions, is often based on analyses carried out by headquarters. Similarly, the sorts of activities that will be subjected to “zero tolerance” tend to be selected by senior commanders rather than by community advisory groups. Indeed, in many jurisdictions, “zero tolerance” has become “Broken Windows” (Wilson & Kelling 1982), that is, reducing disorder that affects the quality of life, without community consultation and approval. New York City’s COMSTAT mechanism for managing decentralised crime-control operations also encourages accountability in terms set by senior commanders.

Finally, police forces seem to be focusing more and more on macro- rather than micro-crimes, meaning crimes that constitute a generalised threat to society (such as terrorism, illegal drugs, money laundering and illegal immigration) rather than threats felt by individuals in their personal lives. I do not mean to suggest that these are not serious problems and that they do not have consequences for individuals, especially in the case of illegal drugs. But the danger from such crimes is not reflected in emergency calls-for-service; it arises out of diagnoses made at high levels of political and administrative decision-making. In democratic countries like Australia and the United States, a new form of “high policing” may be arising, one that focuses on criminal threats to society rather than on political subversion.

In short, I believe that a re-centralising of police decision-making is occurring—a movement which devalues, certainly de-emphasises, the importance of forming grassroots partnerships.

Police forces are not only changing their partners by design. The structure of policing itself is changing due to factors outside police control that are creating an entirely new potential for partnerships. I am referring to

the growth of non-public agencies in policing, both through the commercial marketplace and through volunteerism.

Through “multilateralisation” the state has lost its monopoly on policing. Consider the following non-state auspices under which security is now being provided throughout the world.

1. Commercial interests either create security forces or hire security personnel to protect their property, premises, employees and customers. Think of the amount of time that you or your family spend in places where the front line of law enforcement and crime prevention is composed of private guards—malls, banks, sports arenas, office buildings, factories and many government buildings.

2. Residential communities also provide their own security and regulate access. “Gated communities” tend to be thought of as being horizontal, like housing developments, but privately protected apartment and condominium buildings are vertical forms of the same thing.

3. “Interest communities”, such as banks, equities markets and contiguous businesses, often hire private personnel to protect their operations. In many parts of the United States, businesses are authorised to form “business improvement districts” (BIDs) which provide members with various services, among them security, in exchange for an annual fee. In cities, BIDs often hire private security agencies to augment or complement services provided by the public police.

4. Governments themselves authorise quasi-governmental agencies to provide their own security. This is especially common in communications and transport, but it occurs with respect to atomic energy, dockyards and, in the United States, even school districts.

The point to note is that patrolling, which has been one of the defining activities of public policing, has to a large extent now been privatised. In many

countries, front line patrolling is more likely to be done by private security than by the public police. Investigations, another core function of policing, have also been privatised in, for example, insurance, banking and equities, industrial theft, shoplifting, fraud against government entitlement programs, computer information systems, and even non-injury motor vehicle accidents. In the United States, “bounty hunters” play a major role in the recapture of people under trial who abscond on bail.

5. The multilateralisation of policing is occurring not only through the market, but also through volunteerism. Encouraged, ironically, by government itself, unpaid citizens now provide crime prevention information, undertake security analyses at residential and business premises, patrol streets and other public venues, and assist the police during emergencies. This is a direct legacy of community policing. Once viewed as would-be vigilantes, members of the public are now generally welcomed as partners in neighbourhood-based crime prevention and deterrence.

Changes are also under way within the public police that reflect a “greying” of the police (Johnston 1992), meaning a blurring of recognisable police and non-police personnel. For example, civilians are being increasingly employed by the police themselves to perform highly visible activities hitherto limited to uniformed personnel, such as staffing reception counters at police stations, receiving and dispatching calls-for-service, and working as community crime prevention specialists. In Australia, Britain, Canada and the United States, civilians constitute at least 30 per cent of all employed personnel.

It is also worth noting that public policing itself (in many countries) is now provided not as a public good, available equally to all, but through fees-for-service. This takes two forms. First, police departments charge

for providing services that benefit particular sectors of society, especially for-profit commercial interests. For example, when they respond to privately maintained burglar alarms, control crowds at sports and music events, regulate traffic at construction sites, and provide security at ethnic festivals and parades. Police again often ask for contributions to costs when they augment regular police services in particular areas, such as outdoor malls. Community policing legitimised this practice when it required contributions in kind—office space, telephones and furniture—in order to create satellite police posts.

Secondly, police in many jurisdictions, especially in North America, have institutionalised the practice of allowing off-duty police to be hired as uniformed police officers. In effect, police can now “moonlight” as police officers, under regulations established by their agencies.

In the last 20 years, then, a variety of new partners has emerged that the police rarely include in their planning. These partners represent an important increment to public security. At the same time, their emergence has occurred largely without planning or even regulation. Taken together, these partners constitute a vital new capacity in policing, but one that requires public discussion and explicit policy-making.

Recommendations for Crime Control

Acknowledging that there are a host of useful things that can be done to protect society from crime, I will give my own list of key recommendations.

1. Police should concentrate their resources on recurrent problems that generate crime, on “hot spots” where police resources are repeatedly needed, and on communities afflicted with high rates of crime. The political logic of democracy

militates against this because every politician wants police coverage on behalf of their constituents. The result is that resources are distributed territorially rather than by crime-prevention needs. This probably results in a distribution of security in the aggregate that favours the affluent over the poor relative to their respective needs.

2. The police should develop theoretically coherent crime-prevention strategies. This does not mean that police executives should become criminologists. It does mean that police executives should require their subordinates to specify the process whereby a particular police activity has the effect promised. If there is relevant research on the alleged connection, it should be brought to bear.

3. It follows from the previous point that the police should develop more flexible processes for distributing resources among and within the major budgetary units of the force (Bayley 1994).

4. Police agencies should learn from their mistakes and share insights about their successes. This is especially important across the territorial commands (precincts, subdivisions) of large police departments. Police forces should facilitate the sharing of hard-won strategic lessons, so that a commander faced with a particular problem for the first time can ask for, and receive, suggestions based on the experience of others. In the jargon of the day, the police should become a “learning institution”.

5. Police agencies should also encourage government to support carefully designed studies of the effectiveness of current popular strategies. The value of such studies has been compellingly demonstrated by the recent work of Professor Lawrence W. Sherman and his criminal justice faculty at the University of Maryland (Sherman et al. 1998). They developed a system for scoring the scientific rigour of evaluation research and on the basis of it determined which crime-prevention strategies could defensibly be

said to be effective, not to be effective, and to be promising. The research surveyed covers crime-prevention strategies focusing on communities, families, schools, labour markets and places, and as carried out by the police or other criminal justice agencies.

With respect to the police, they conclude that there is convincing scientific evidence that neighbourhood watch programs organised by the police do not work, nor does the mandatory arrest of unemployed suspects for domestic assault, nor increased arrests or raids on drug markets. On the other hand, saturation patrolling in high-crime hot spots does reduce crime, as does the mandatory arrest of domestic abusers who are employed.

The Maryland team believes that proactive arrests for carrying concealed weapons may be promising, as is systematic breath-testing to reduce drunken driving, community meetings with police to set priorities, and showing greater respect to offenders at the time of arrest.

6. Police forces should develop the capacity to monitor and assess studies that evaluate police performance. They need not carry out research themselves, but they must know how to distil the insights derived from research and provide them usefully to force commanders. In short, the commonplace offices of planning and research must develop the analytical skill to assess the reliability of what is becoming known about the effectiveness of different strategies both nationwide and worldwide.

7. Police should promote and assign personnel on the basis of performance rather than seniority or rank.

8. Police should increase the openness of their activities through periodic reports and independent assessments, especially with respect to the effectiveness of major strategies and the relations of the police with the public.

9. Finally, having argued that police can be more effective than

they are, I think it is also important that the police not oversell their ability to reduce crime. As experienced officers often say, police are a bandaid on cancer, they are not the cure for it.

It is unrealistic to think that police can protect society against crimes that are rooted in economic and social neglect. While it is true that not all people who are disadvantaged commit crime, economic deprivation does contribute to the erosion of "social capital", that is, the ability of communities to provide membership, and thereby discipline, to individuals. The critical institutions of social discipline are intact families, stable marriages, employment, churches, schools and community associations. The implication of this reasoning is that, while the police cannot solve fundamental social problems, they can support efforts to do so when those problems critically affect the incidence of crime.

Conclusion

The late twentieth century is a period of profound change in modern police history, as important as the deployment of the Bobby on the streets of London in 1829. These changes are occurring both with and without the assistance of the police.

At the same time, there has been an outpouring of sound scientific analysis of police practices, both managerial and strategic. The challenge for the police is to develop the institutional capacity to understand what is going on in their environment as well as the impact of their own strategies, and to use this knowledge to provide a higher measure of safety and reassurance to the public.

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