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BY:.....CRIME IN THE COMMUNITY

(A Submission for the House of Representatives Standing Committee on Legal and Constitutional Affairs)

James A. Ritchie

Introduction and Problem Definition

The general terms of reference of this Inquiry are sufficiently broad as to incorporate almost the entire gamut of criminology. This paper, consistent with the Terms of Reference goal of identifying 'effective measures for the Commonwealth in countering and preventing crime', deals with present inadequacies in law enforcement arrangements. I have assumed the Committee is not interested in the constant recitation of the magnitude of the problem and is looking for some practical answers that will address entrenched problems. I trust this assists.

In summary my argument is this ; systems deliver what systems are designed to deliver. So if we are not getting the results we want existing notions of system design need to be addressed if improvement is to be obtained. There are two overwhelming deficiencies in crime management designs in Australia today. Firstly police services are monopoly suppliers and this has serious consequences in knowledge formation. And second, the critical field of implementation studies is everywhere neglected.

The Commonwealth could do much to address both these critical deficiencies.

The Nature of the Non-Debate on Crime

Before venturing into the real issues it is important to note the nature of what passes for the crime 'debate' in Australia. It is a singular ill-informed and fragmented set of stabs in the dark punctuated by occasional explosive outbursts of rage and indignation. Shock jocks promote untested and untried propositions. Persons who were incapable of rising above the station role of Sgt are promoted as great criminological minds. Academics who know nothing about volume crime are propelled into areas they know nothing about, and others are pro or anti evidence-based policing . Senior Police make silly pronouncements that they cannot back up and are never challenged about. Most senior police are happy to hide and hope none of this maelstrom comes anywhere near them. There is no intellectual rigour about anything. Everyone has a band waggon. Many police academics want to ponder everything but possible solutions. Mystification and 'a leave it to Beaver' attitude inhibit progress. We have anything but a coherent and informed debate.

These episodic stabs exist in the absence of coherent planning. (Incidentally that is not restricted to Australia. The UK is throwing heaps of money at crime and seemingly making little progress.)

If this inquiry does nothing else it has the opportunity of establishing a sane framework in which the issues can be addressed. That would be a considerable advance.

I will not rehearse here the multitudinous research findings that establish that Australia has a crime problem. What I do wish to focus attention upon is a little honoured distinction between the causes of crime and the nature of crime.

Distinguishing Between The Social Causes of Crime and The Nature of Crime.

The social causes of crime are well known. Greed, about which we can do little; and poverty, genetic and social inheritance, about which we can do something. Attending to the social causes of crime is a longitudinal challenge tied to social policy, safety nets, education, and support at critical developmental phases etc. There is much that is known about addressing the social causes of crime. (Perry Pre-School Study as an example.)

Two primary problems in the causal field are a) a constant inadequacy of resources and widespread waste of resources that are available, and b) public sector capacity to deliver and sustain concentrated effort for long enough and within workable paradigms to make a difference. The principal solution to these problems is to work within identifiable 'business' models. This rarely happens in the criminological field.

It is in better understanding the nature of crime where short-term beneficial outcomes are possible.

The nature of crime is what police grapple with daily and it changes - sometimes swiftly. How crime is conducted can present opportunities and challenges to law enforcement agencies. Yet police actually know very little about the nature of crime. This is the primary deficiency in crime management in Australia and elsewhere. A second but equally serious deficiency is the incapacity of police to implement processes that address the nature of crime.

Here are four examples of inadequacies in understanding the nature of crime.

1. It was the restorative justice movement that found a 'loophole' in the efficacy of the (retributive) criminal justice system and brought new insights into the nature of crime (by recognising criminal vulnerability to family pressure) and their insights have wrought material benefits in crime management.
2. Police know very little about stolen goods distribution networks which change much more rapidly than police or community appreciate. Wherever police misunderstand the nature of goods distribution channels they waste resources and miss opportunities. Criminals benefit as police pursue low productivity activities.
3. In the area of domestic violence - which arena accounts for 1/3rd of the resources of the NSWPS - Australian police, by and large, have next to no understanding of the various strategic models employed to good effect elsewhere.
4. Another illustration of police failing to understand the nature of crime is found in the issue of displacement theory. Does displacement work? Many police are unwilling to displace or dislodge crime because they say it is simply transferring the problem from Cabramatta to Campbelltown. This they regard as either dishonourable behaviour on their part or weakness and failure to address their domestic difficulties. Wherever these ideas are held - and they are widespread among individual police - the nature of crime is not taken into consideration. Displacement does work - not 100% of a problem is moved on. Disturbance to previously unfettered work conditions causes some to curtail their activity.

These four examples illustrate how poor an understanding police have of the nature of crime. It is matched by an equally poor understanding of modern management and problem solving options. Additionally, implementation skills are very poor indeed and this is a serious deficiency.

The Police Response to Volume Crime

Australian police are as competent as any in the world in terms of specialist crime. Their homicide clear-up rates are equal to if not better than equivalent services overseas. It is the area of volume crime where the greatest deficiencies arise.

The standard police response to volume crime in Australia is traditional, orthodox and disjointed. It involves countless hours spent on profiling suspects. This is regarded by Australian police services as 'intelligence' work. It is no such thing. Profiling of suspects is an investigative aid, not an intelligence activity.

a) An Intelligence Deficiency

Police do not understand intelligence, or its worth. Intelligence is always subordinate to investigation and these are competitive notions and entirely different disciplines. Yet the School of Intelligence in NSWPS is managed and controlled by Detectives who have investigative skills, and know nothing about intelligence. The once independent intelligence agency of the NSW Police Service has now been abandoned and subordinated into various Detective squads. Intelligence is the poor cousin of Australian policing. It was ever thus. Not much progress can be made as long as this state of affairs exists.

The problem is best illustrated by this recollection of a selection/promotion interview of a senior intelligence analyst at an important NSW Police Command. The primary candidate (the incumbent) was asked numerous questions about criminal profiling, recidivist management, intelligence techniques etc and answered all professionally and capably. I then asked 'Sgt; with all these skills do you make a difference?' The answer was immediate 'Christ, No Sir. No one around here listens to me.' That truth is replicated in almost every police command around the country. Criminals benefit from this gross deficiency.

b) Episodic 'Crackdowns'

The police response to volume crime throughout Australia is rather old hat. Police are locked into a time warp and the chief contribution to the time warp is the detective squads (just reintroduced into NSW).

The police service's routine response comprises highly predictable episodic stabs. The 'crackdown' is the principal means of solving the problem. And the principal means of organising the crackdown is specialist squads.

But there had been multiple crackdowns in Cabramatta. Then multiple lay offs. Crackdowns have some clear advantages. They are great for evening television news bulletins. They are great for police morale. But 'crackdowns' do not address the nature of crime - they address the nature of television.

c) Problems with Crackdowns

Crackdowns accord with Detective's obsession with 'big bang' theory. They await the big hit. But what if the nature of crime is that a whole multitude of little events create most of the problem and that the 'big hit' obsession of Detectives plays into the hands of criminals, who surely expect a big hit every now and then. In fact police responses to volume crime are episodic, opportunistic and often random. This explains why a Gosford journalist can easily identify three or four regular heroin outlets on the NSW mid-North Coast and why one house in Mt Druitt, known to every police officer in the Command, has been a distribution point for drugs for 14 years. So much for crackdowns. Where crime is low level, widespread and constant, crackdowns will not work.

If crackdowns were as effective as their promoters say then the crime rate should fall. It has been rising. And it has been rising because the four houses mentioned immediately above are hubs around which criminals rotate. They fall between the crackdown slats.

Crackdowns may be a necessary but they are also an insufficient policing technique. For example, we now know that crackdowns have been organised against some criminal groups in NSW and in favour of others. We know that corrupt police were assisting thieves with targeting particular areas.

Crackdowns are relatively infrequent. It took enormous public pressure to get a response in Cabramatta. They are infrequent because Detectives and specialist squads get distracted.

d) Tackling the Fear of Crime

The fear of crime is the new frontier in policing efforts. The current thinking is that as the fear of crime is greater than the actuality of crime then reducing fear is a useful thing to do. That is beyond dispute in my

view. However, it is the means of reducing the fear of crime that counts. Phoney activity such as an increased police 'presence' and boosted police numbers (this very day both parties in the Victoria election announced large increases in police numbers) are not likely to produce meaningful improvements in this field. More police on patrol does not fool the criminal. It anaesthetises the public. The best way to reduce the fear of crime is to reduce the actuality of crime.

Crime can be reduced. Crime, despite the professions of dismal criminologists, is not a constant and it does not expand inevitably. It does reduce - sometimes by macro forces and other times by micro interventions.

The Crime Management Problem Stated in Terms of Strategic Design

a) The Problem of Monopoly Supply

Policing as an industry suffers two macro problems. Police services are closed-shop monopoly suppliers and policing is a tradecraft occupation operating on the master-apprentice framework. As a result police responses to crime are piecemeal and sporadic and fragmentary. Crime is not 'managed' but responded to - and the responses are many and varied and bear little connection to 'what works' methodology.

Little can be done about the monopoly provider status of police services. (The NSW Auditor-General did, in the mid 1990s, suggest breaking the NSWPS up into four separate Constabularies in order to get hybrid vigour into policing. A worthy idea not likely to get much political support.)

However, because police operate a monopoly sound governance should create performance pressures to ensure the production of optimum outcomes. That performance pressure is presently lacking. Governments well understand that crime and community safety are hot topics but they cling to their monopoly suppliers because they have nowhere else to turn for advice. That is a problem the Commonwealth can do something about. Where does one turn to for an alternate viewpoint? Where can one find a holistic approach which takes implementation impediments into consideration? Where does one find other than a partial view? Where can one seek candour to important and even complex questions? Certainly not from the networks that feed off the monopoly suppliers.

This is an extremely important issue. Only closed-shop or partial solutions are presently on offer. The greatest possible contribution to crime reduction activity would be the promotion of a poly-centric policing capacity with strong emphasis on implementation studies and practice. This was the one flaw in the NSW Royal Commission initiative. It is a deficiency which will limit the WA Royal Commission. It is a deficiency the Commonwealth could address.

The monopolist deficiency is found in the area of implementation skills. Academics are not implementers, leaders or managers. The deficiency is one of practicalities - of systems, of modelling, of instrumentation, and change management skilfulness. These bridging devices are simply not in existence and crime management competency is thereby affected - adversely.

b) The Absence of Instrumentation

The evidence of the monopolist deficiency is found by comparing policing to any other business activity.

To be effective any and every enterprise (including a police service) has to have certain strategic instruments. Those instruments include the following as a minimum ;

1. Employment of an effective business (policing) model.
2. A written, strategic, evidence-based, management plan, focussed locally.
3. Effective, multi-disciplinary, implementation teams at local level.
4. Active debate about quality work performance.
5. A widening skills base.
6. Clear evidence that exculpatory and inculpatory material is treated equally.

7. Tolerance of dissent and a focus off personalities and on to modern research.

c) The Importance of Model Clarity

The importance of model clarity expresses itself not at corporate level but at the functional level. Imagine being a Sgt or Team leader of 15 personnel three of whom believe in zero tolerance, four who are committed to community policing, two of whom are obsessed by restorative policing and the remainder of whom float around with various levels of commitment to, and understanding of, the amorphous law enforcement model. That is precisely what is happening in most police commands, and its impacts are real. Pretty much no one knows where they stand. Criminals benefit.

No other enterprise can afford to have personnel confused about the business model within which they operate but apparently police services, with all their intellectual and management poverty, claim they are exceptions to the rule.

Wherever there have been improvements in policing performance the one constant has been a clearly articulated strategic model. Examples are Zero Tolerance in New York and Community-Based policing in San Diego. England and Australia are both deficient in adherence to a defined policing model, and it shows in their relatively poor performance records.

d) The Importance of a Coherent, Localised Plan

The now notorious Manly Local Area Command (NSW) had two contradictory demands laid upon it in 2000. The sole drugs investigator was forbidden to engage in drug work because of concerns about corruption, and he was the sole drugs investigator. The inevitable happened. The drug work files accumulated. The Command, afraid it would be accused of undertaking no drug work, took a risk and permitted the corrupt officer to do his specialist work, with consequences we all now know about.

Manly LAC did not want a coherent, written, localised plan because it would expose the incoherence of their predicament. Senior Regional Command did not want a written comprehensive plan for the same reason. There would be only one beneficiary from a coherent plan that would expose the dilemma. The community.

This is one of many available examples of system incoherence in policing. It is also an example of why senior command do not want to commit to either policing models or strategic plans. The community should demand this for it would greatly increase accountability and therefore responsiveness and effectiveness.

Police responses to crime are episodic, and largely incoherent. Police work largely by instinct and are highly reactive. They should be engaged in programmatic work (a beneficial lesson from random breath testing). The programme, in the interests of each local community, should be written and reviewed regularly.

Why is the written local policing plan so important? Because, the odds of police anticipating premises to be broken into in any Command in the next 24 hours in NSW are approximately 10,000 - 1. No sensible person would seek to address those odds at work. But police are routinely told to do precisely that. Incidentally, patrolling is so ineffective a process that one study of Metropolitan Police 'Bobbies' on foot patrol in London found they came within 100 metres of a break enter and steal offence once every 8 years! These two statistics start to demonstrate why policing, when improperly focussed, is so frustrating an experience. They also show why 600 new police make no real difference at all. In the examples given above doubling available police resources (a fiscal impossibility) would reduce the odds to 5000-1 in NSW and once every 4 years in London. The odds are still unsustainable.

Another example of incoherence. The greatest difficulty in the \$26million per annum initiative to have Duty Officer Inspectors manage each shift in each Command in NSW is the complete - and I mean complete - incapacity of the Inspectors to write up any lessons learnt from their management and

supervisory experiences. It is simply an amazing fact. In other words any learning that is going on is limited to the participant.

There is no coherent, written plan at local level and there is therefore no written record of police effectiveness.

e) The importance of an Expanding Skills Base

The Police service is obsessed with arrangements that ensure a contracting skill base. Its how one gets promoted.

Every police officer knows the truth of the following example. One of the serious consequences of the flight from policing is work avoidance. The cagey operator instead of applying years of accumulated skills and insights, realises that routine work is nothing but trouble leading to extended paperwork and possible complaints. Squad targets are a reason for work avoidance. They pass the person by. *'The squad's looking after him. Leave it to them.'*

The reality is that often no one is looking after him because the Squad has been distracted on to a large case, or loaned to Region for work up the Coast, or overwhelmed with other activity. Squads let many criminals off the hook. It becomes an art for criminals to avoid the Squad and the uniformed police leave you alone. The criminal benefits. Crime increases.

The Problem Stated in Terms of Police Workflows

To understand why policing is a low productivity environment one has to understand the problems of commitment and workflow and how these impact on individual and collective effort by police.

Police live in a state of dissonance. Some attempt is made to teach them modern policing techniques and then upon appointment to a Station they are told to walk the streets - to meet the political objective of having a high public profile - and do things which they know do not work. No balanced person can live with this dissonance for long. They are told to think creatively and to obey orders strictly. To make the system work without acting improperly.

For the first few years they are excited by their authority, the chase, the camaraderie etc. Then they begin to see for themselves, and hear from others, that the criminal justice system does not work. They are tasked singularly. *'Go do that and report back to me'*. This singular tasking soon leads to despondency. As one senior NSW Police Officer put it ; *'I want Constables who will do exactly what I say. If I tell them to stand at a corner they should do so until I say they should not. They don't need to know why'*.

The chances of success when focussed on activities that offer very low productivity returns affects morale of all the participants.

a) The Flight From Policing

All this ordering about and dissonance results in what is known in the literature as the 'flight from policing'. It usually occurs between the 6th and 9th years of service. Everyone wants to get away from the frontline. Locked into a long term career in which they no longer believe they seek appointments as 'Liaison Officers' - a wonderfully mystical title - or as Intellos or join specialist squads. So the squeeze from the bottom of the feeding chain involves poor leadership, poor tasking, and poor understanding of the nature of crime.

The flight from policing also involves a squeeze from the top of the feeding chain which creates even more problems.

Any hierarchy is a work interest-sieve. Interesting work is cascaded from the top and allocated to specialists or mates, or preferably, specialist mates. Interesting work gets focussed into squads. Squads offer psychic

and professional rewards and are an essential component of the reward and punishment system of the police service. Officers go 'back' to uniform. In uniform they deal with the routine, they face the physical harm, and domestics.

The importance of all this is to understand that not only is policing a monopoly supply industry it is a demoralised and fragmented army that addresses crime. There are leadership deficiencies of a high order.

b) Police Anti-Intellectualism

There is a strong strand of anti-intellectualism among police. Very few read or understand research and know how to apply it. Why is this a problem? After all criminals are not intellectuals? True, but criminals are cunning and police are not allowed to be cunning in response. They have strictures, rules, procedures, processes. They cannot cut corners.

Herein lies one of the continuing core issues of modern policing. Some argue we need a return to the cunning officer. The officer who is close to the criminals - with insider knowledge and great contacts. One high profile former Detective refers to this as coat-tugging. That is the superficially appealing positive spin on a very dark art. 'Great contacts' led to licensing of criminals, to the corruption of police, and if one thinks about it only for a short time that is an inevitable outcome of such arrangements. It is another example of how detective culture constantly prevails over intelligence culture.

Police have to outwit criminals. And they have to outwit criminals without falling into the Stockholm syndrome (where hostages bonded with their terrorist captors). They can outwit them not through greater resources - that is a fallacy - but by out-thinking and out-flanking them.

There are only limited means of outflanking criminals and intellectual effort is involved in all workable solutions. For example, there is not a single Command in the NSWPS, and none I know of anywhere else that can produce three critical documents essential for effective crime management ;

1. A local area command plan of the sort proposed above,
2. a regularly updated tasking mechanism that combines both local knowledge with research insights,
3. a regular feedback mechanism detailing lessons learnt.

Crime simply cannot be addressed without these instruments. But they do not exist. This is why police services remain such tightly controlled and secretive environments. It is not secrecy about operations that is the concern, it is the fraud about performance that has to be hidden and disguised.

c) The Squads

Squads are the bane of reformers lives. When Deputy Commissioner Madden of the NSWPS recently offered the erroneous comment that '*Squads are not corrupt ; people are corrupt*' he demonstrated total ignorance of the social sciences. All the empirical and research evidence says Madden is wrong. Squads do corrupt people. The NSWPS' own research, conducted by Oscar Mink, shows that honest individuals often give up their own ethical standards in order to become members of a desired 'in' group. This Madden has never read, apparently.

Furthermore, as the Royal Commission noted, police are not born corrupt, they are corrupted. And what corrupts them? People who are already corrupted and who control professional entry gates thereby inhibiting or advancing those most likely to support them or engage in willing blindness. The squads are the principal entry gates to corruption. The evidence on this is so overwhelming it is surprising that it is still being debated.

This explains why all those senior police never saw corruption. They were not let through the gates. One is on the record for thanking their father for directing them away from the squads.

Squads have real advantages to authoritarian police officers. He who controls them shapes what is and is not possible in policing. Second they are easy to sell. It is notable that the day after their re-introduction the NSWPS had a high profile hit on drug dealers in Redfern. They are marketable. They also appeal to those in testosterone overdrive.

The deficiencies with squads are so well known, and so well recorded, and so obvious one needs to be suspicious at their constant revival. But it is easily explained. There are other workable models to squads - multidisciplinary teams for example - but they do not cater for a critical internal Police Service need. Detective dominance. Detectives dominate police services through squads. Everybody knows it. The official line that uniformed Duty Officers control detectives in NSW is a widely understood joke.

One of the more embarrassing aspects of PIC 'Florida' inquiry was the complete exposure of this farce and fiction. There was PIC naively believing the NSWPS rhetoric when the on the ground reality was the detectives were up to no good. And these were new breed detectives.

Squads are dangerous and the recommendations that follow would impact on their overall influence. They are dangerous because they a) contract rather than expand knowledge and skills, b) they force compliance rather than promote debate, c) they constitute a reward system that parallels and often outweighs the broader Police Service system, d) they stifle intelligence, and e) as entry gates to the most interesting work they shape police service attitudes through anticipatory socialisation of young officers. (The Mimetic Tendency)

Summary

Police services are monopoly providers of critical services to the community. They address the hot topic of personal safety. As such they have enormous capacity to 'spin' artificial claims about their effectiveness and resist change.

As monopolists they have no real or effective opponents or counterweights to present wider options to communities for the effective management of crime. This is a serious deficiency that needs to be addressed.

They are closed-shops that work on a master-apprentice model of development which is the worst developmental model for effective thinking and action.

They are very poorly led organisations. (In NSW when the 260 most senior officers seeking appointment to Superintendent level undertook common assessment centre evaluations only 4 passed.)

They operate in an environment in which their expertise is rarely challenged and they are usually well behind the 8 ball when it comes. They are so focussed on cumbersome processing of criminals they often miss the changes occurring under their very noses. The community is always playing catch up with the police. For example, years of opportunity were squandered as Peter Ryan, now generally acknowledged as a bumbling show pony, was promoted as the greatest police Commissioner in the world. Re-organisation was supposedly critical to police effectiveness. It was a complete waste of money - which many of us predicted it would be. Squads were out, now they are in. The community lives on in the hope that something will change. But the substance of policing never changes. It is all superficial re-arrangement, and it produces what superficial re-arrangement might be expected to produce. No change.

Many police services (and public services for that matter) are arranged for what a colleague once called acceptable failure. No one really expects a lowered crime rate and as long as it does not impact on ourselves and occurs in someone else's neighbourhood, it's tolerable. Sure police fail, but their failure is acceptable.

Recommendations

For those genuinely interested in actual crime reduction and improved police effectiveness - and there seem to be only a handful of those - the following are elements to be taken into account.

The Commonwealth should replicate the efforts of the US Congress and direct development funds to ;

1. Coherent programmes operating within identifiable policing models and written strategic plans to operate at local level.
2. Support initiatives that pursue a) a mix of social and formal controls and are aimed at b) the nature of crime.
3. Constantly promote coherence. Where does each new effort fit into known paradigms and business models?
4. Effectively fund dissenting voices so as to create a genuine and professional debate to counter monopoly supply. (This simply does not occur. The effects of monopoly power is that there are insufficient independent voices to generate an informed debate about crime and crime management responses.)
5. Direct funds to the community to develop their own expectations framework.
6. Fund a new discipline of implementation studies. (Professor Crawford noted of policing that he had never seen a discipline in which so much is known yet so little is applied.)

Just as with any other economic or social reform we need an informed community debate. That is not happening presently. Each of these six initiatives will enhance police professionalism, and apply new and appropriate pressure to monopolists.

Non-Recommendations

And what should be avoided ?

1. More Royal Commissions (because, manned as they are by lawyers and policemen they are pathetically ill-equipped to deal with the change management and implementation initiatives which are the real issue. Well-intentioned as they are, they are simply a waste of money.)
2. More State Audit Office teams going around looking for best practice - which never seems to expand. (They will not take off only because its a good idea. The gatekeepers put the kybosh on anything that does not benefit them.)
3. Funding research unconnected to strategic designs. (For example, in 2000 the NSWPS research efforts were completely disconnected to any of the strategic priorities of the Service.)

These commonly promoted initiatives have no impact at all on monopoly power.

Conclusion

I would be happy to expand on any of these topics at the Committee's pleasure.

James A Ritchie

02 49 385109
'Dandaloo'
Queen Street

PATERSON
NSW 2421

BACKGROUND OF THE AUTHOR

James Ritchie has an extensive background in intelligence as an analyst and active operational officer in the fields of counter-terrorism and counter-espionage.. He has held multiple management positions in the field of recruitment and training of intelligence officers and has been a senior Operational Field Commander.

In policing terms he is a former Lecturer in management studies and intelligence. He was a member of the NSWPS 'Expelling and Repelling Corruption' Taskforce. He designed the behavioural change programme of the NSWPS implementing it between 1997 and 2000. He has a particular interest in implementation processes in policing and the inhibitors to effective implementation. He has frequently lectured on Restorative Justice issues and is published on the topic. He has extensive experience of advising frontline police and has a deep understanding of frontline policing adequacies and deficiencies. He has a particular interest in 'What Works' methodologies.