

MEASURING POLICE PERFORMANCE IN THE 21ST CENTURY

Mark H. Moore

Daniel and Florence V. Guggenheim Professor
of Criminal Justice Policy and Management
John F. Kennedy School of Government
Harvard University

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II. Measuring Police Performance in the 20th Century

Arguably, we have had at least one, and maybe several, important changes in the way that we have measured police performance over the last century. By far the most important change was the development of the FBI's Uniform Crime Reports. Until that effort began in the 1930s, the nation's 17,000 police departments reported only what they were required to report to local authorities. Generally speaking, this meant reporting how much money they had spent on various objects and activities such as personnel, automobiles, gasoline, overtime, etc., and whether they had stayed within their overall budget authority. They may also have provided some workload statistics of one kind or another such as beats or sectors manned, matters investigated, arrests made, etc. But overall there was probably a high degree of variability in the character of the reports filed. Moreover, the focus of these reports tended to be on expenditures and activities rather than on the problems the police confronted or their success in handling them.

A. The Uniform Crime Reports

The Uniform Crime Reports changed all that. Over a period of many years, the FBI succeeded in requiring and assisting local police departments to report in a consistent way. More important than mere consistency, however, were the particular terms in which the local police were asked to report. Specifically, they were asked to report on "crimes reported to the police." Such reports, drawn from all the nation's local police departments, were important to the FBI because the FBI wanted to be able to present a picture of the crime problem that the nation as a whole was facing. The reports of crimes reported to the police formed the basis for the FBI's famous "crime clock," which calculated how frequently a crime of a particular type was being committed throughout the nation. Given that we had to distribute a huge country's crime rate across 24 hours of the day, the frequency with which crimes were being committed turned out to be shockingly high, and served the purpose of making citizens feel besieged by criminal attacks and criminal offenders.

Now, there was no small amount of work required to produce a consistent way of defining crimes such as murder, robbery, burglary, and larceny from the person across the nation's riotously diverse criminal codes. But eventually, the FBI accomplished these tasks. The result was the familiar categories of the Part I offenses. In the national consciousness and the national statistical systems, "crime" came to mean counts of Homicide, Robbery, Rape, Burglary, Larceny, Auto Theft, and Arson that were reported to the police.

The Uniform Crime Reports also asked police departments to report on the total number of arrests that they made. This was viewed as the single most important indicator of police activity. Arrests were linked to Part I offenses reported to the police to produce a "clearance rate." This number told us what fraction of the crimes reported to the police had been solved, in the sense that they were cleared by an arrest of a person who was thought to be the perpetrator of the crime.

Arrest data also were used to provide a crude estimate of the level of what were called Part II offenses. Prominent among the Part II offenses were arrests for illegal drug possession and selling, illegal gun carrying, and disorderly conduct. Unlike the Part I offenses in which there were victims who had an incentive to report these crimes

reliably, the Part II offenses described arrests that were sometimes occasioned by a victim or witness complaint, but more often by pro-active efforts undertaken by the police themselves. Because many of these crimes did not have a victim with an incentive to complain, many of these offenses remained "invisible" until the police ferreted them out. As a result, we could not easily calculate an overall rate of these offenses in the society, nor a clearance rate. All we could see is what the police found.

B. Victimization Surveys

As time marched on, the Uniform Crime Reports (UCR) were criticized as an unreliable picture of the true level of crime in society. The problem, it was argued, was that the UCR recorded only *reported* crime. Arguably, *reported* crime was the right thing to measure for the police, since reported crimes constituted the important workload for the police. These were the crimes that were serious enough to prompt citizens to complain and ask for help. These were the crimes that citizens were prepared to surrender to public control and scrutiny rather than handle themselves.

But there were scientific concerns that there was a "dark figure" of crime that included a large number of offenses that were serious, and worth handling at the public level, but for some reason went "unreported." There was also the important political concern that the difference between true crime and reported crime differed significantly across communities. Poor minority communities, it was argued, were less likely to report crimes to the police than wealthier majority communities, since the poor communities did not trust the police, and had no reason to imagine that the police would take their calls seriously. As a result, our picture of how much crime there was, where it was occurring, who needed protection, and who was being helped by the police was hopelessly biased when we limited our attention to crimes reported to the police.

To determine whether these criticisms were true, a general survey of the population was carried out to find out who had been victimized by a crime, whether they had called the police or not, and if they had not, why they hadn't. The early surveys showed the truth of what had been suspected: the reported crime figures differed significantly from the reported crime rates; there were significant differences in the rates of reporting crimes of apparently equivalent seriousness among different segments of the population, and many citizens failed to report crimes to the police because they did not think the police would do anything helpful about them.

This led to the establishment of an annual crime victimization survey that came to stand alongside the UCR as a method for gauging trends in overall national levels of crime. As a national survey, however, the victimization survey did not include a large enough sample of households to be able to say, on the basis of this survey, what had happened to levels of crime in each city of the country. This also made it impossible to use the victimization survey to measure much of what local police had been able to do in terms of either controlling victimization or increasing citizens' confidence in the police. To make statements about the performance of local police agencies, we remained largely limited to the UCR, despite the fact that our suspicions about the adequacy of this system for measuring levels of crime in a technically and politically unbiased way had been borne out by the national surveys.

The national use of victimization surveys also triggered an increased use of these surveys for special purposes at the municipal level. Some cities conducted surveys of their populations to discover how many of their citizens had been victimized. Similarly, many cities used victimization surveys as instruments for measuring the impact of particular innovations or programs that they introduced into their police department's operations. But none of these efforts evolved into a regular system of city-level victimization surveys that could be used to accurately measure trends in levels of criminal victimization in a given city.

C. Customer/Client Surveys

More recently still, as private sector concerns about "service quality" have come into the public sector, the interest in surveys as a general method for measuring police performance has been rejuvenated and somewhat transformed. Some police agencies that embraced community policing as an idea about improving the responsiveness and quality of service encounters between the police and citizens began using general surveys of the population to find out what citizens' experiences with the police had been. Some of these repeated previous questions about criminal victimization (which produced a better measure of underlying victimization than crimes reported to the police) and reasons for failing to report (which offered the police some clues about what confidence the local community had in them and what they needed to do to enhance their perceived utility to citizens). But some of the questions directed at the general population went beyond these questions to some new concerns that the police had developed.

For example, researchers working on the relationship between the objective risks of criminal victimization and the perceived level of safety in the community had discovered that while these matters were correlated, the relationship was much less close than they had imagined. Individuals seemed to feel safer in their own communities than in other communities regardless of the objective risks. They also seemed to form their views about whether a community was safe or not from the objective risks of criminal attack, but instead from the appearance of "incivilities" such as graffiti, lounging youth, broken bottles, and litter in a given area. We also learned that there were things that the police could do to control fear that were not necessarily more effective in controlling crime (e.g., foot patrol).

All this helped to establish the *subjective* component of security – namely, whether one was afraid or not – as something different and potentially as important as the *objective* component of security – the chance that one would be victimized by a crime. The only way to gauge the *subjective* component of security was to conduct surveys asking people how safe they felt, and whether they felt safer today than yesterday.

The interest in producing information about the current state of this subjective component of security, as well as the capacity of the police to influence it either through particular fear reduction efforts or through general police practices, fueled an increase in the use of general surveys of the population. But again, not enough to sustain a consistent series of reports. And since much of the power of a measurement system lies in the capacity to make comparisons between an organization at one point in time versus that same organization at another point, or between one organization at one point in time and a similar organization at the same point in time, the failure to develop a

consistent series of surveys over time and across departments weakened the department's ability to manage to the potentially important objective of reducing fear.

The interest in producing information on the quality of service produced by the police stimulated something more than a general survey of the population, however. It also stimulated the use of surveys of those *who had direct contact with the police* – usually those who called the police. The idea here was analogous to the ubiquitous "customer surveys" that private companies now rely upon to judge the quality of their service. At hotels, at rental car desks, at restaurants, customers are now routinely urged to fill out a report describing their perceptions of the quality of the service they received. This is all in the interest of business's new-found commitment to trying to "delight" their customers and earn the kind of loyalty that keeps them buying from their favorite store, and willing to pay a premium to do so.

Following this lead, some police departments have begun experimenting with what could be called "client surveys" to distinguish them from the general population surveys. The difference lies in what social scientists would call the "sampling frame." In the general population survey, the sampling frame is the entire population of a given geographic area. Only some of these individuals will have had any contact or encounter with the police, of course. In the "customer" or "client" survey, the sampling frame is limited to those who have had contact with the police. The mechanics of filling out customer surveys can vary a great deal: from asking people to record their impressions at the moment of contact, to calling back several days after the events to see what their experience was. The client surveys could be carried out by the service provider himself, by an element of the organization, by an independent organization under contract to the organization, or by a wholly independent organization.

One of the big questions in using customer or client surveys is whom we should consider the customers or clients of the police. It is relatively obvious, I think, to imagine that those who call the police for assistance should be considered customers or clients, and that their views about the way they were treated would probably matter to the police. It is a bit harder to decide whether the police ought to survey those whom they stopped or cited or arrested to learn about their experience of this encounter. The reason is that these are two very different kinds of encounters. When the police are responding to a citizen who called or flagged them down for assistance, the police are arguably engaged in what could be called a service encounter. They are trying to help and benefit the person with whom they are having the transaction. In contrast, when the police are stopping someone to ask questions, citing them for some kind of violation, or arresting them, they are engaged in what could usefully be called an "obligation encounter;" they are obliging the citizen to live up to the rules of the country and to submit to their authority to impose the rules. It seems wrong to think that the point of these "obligation encounters" is to "delight the customer." And it seems equally silly to imagine that one could actually achieve this goal even if it were the right one to try to achieve. As a result, it seems silly to imagine that we would measure the service quality of the police by surveying those who were, in all likelihood, angered or frightened by the encounter with the police.

Yet, despite the apparent ludicrous nature of this exercise, some police are, in fact, surveying those whom they stop, cite, or arrest, as well as those to whom they provide assistance. The reason is reflected in the view of one hard-nosed, senior member of the New South Wales police service who reflected on the question of

whether arrestees should be surveyed to determine their "satisfaction" with the arrest and concluded the following:

You know, I've been thinking about the question of whether we should survey the blokes we arrest. At first it seemed really dumb to me. But then as I thought about it, I remembered that when I was a District Commander, there were some guys in my command who, when they arrested someone, always brought them in bloody and angry. It didn't seem to make much difference about the kind of people they were, or the circumstances of the arrest. They were always mad and bloody. Other guys, no matter who they arrested, the people came in quiet and clean. It always seemed to me that this mattered. That in some way, the guys who were bringing in the people quiet and clean were doing a better job of policing than the guys who brought the arrestees in bloody and angry. I guess I'd like to know how many people are having the first experience and how many are having the second.

It has also turned out that the survey of those stopped, cited, or arrested has been used for investigative purposes to discover whether there are some officers who are taking advantage of their positions to extort money or other favors from them. In this way, the client surveys might turn out to be important to control some kinds of corruption (namely, extortion, or brutality) as well as to ensure customer satisfaction.

D. Response Times

There is one additional development in systems for measuring police performance that is worth mentioning in this quick overview. That is the emergence of strong technical systems for measuring police response times for calls for service. This capability emerged from the development of computer aided dispatching systems for the police. Once the police shifted from foot patrol and call boxes to a centralized 911 number answered in a communications center that was not only linked to citizens by telephones but also to patrolling officers in cars, on motorcycles, and on foot through radios, the capacity of the police to receive calls, dispatch officers, and record centrally when they had been dispatched and when they arrived went up dramatically. This was a major technical innovation in policing, and dramatically increased both the importance of responding to calls for service over more generalized patrol activities, and the speed with which the police could actually respond.

Of course, there were lots of things to be worked out in taking full advantage of these new technical capacities. One had to think about how many operators one wanted to have available to receive calls, how they might be trained to get accurate information without seeming abrupt and impersonal, what rules they ought to follow in deciding the priority of a call, and how they ought to make the tradeoff between getting the fastest possible response versus having the response be made by someone who knew the local terrain. One also had to decide whether there were some calls that over-rode others, and figure out the technical means that could draw an officer off one call and send him/her to a higher priority call.

But the important point was that with the development of computers to assist the dispatchers in their functions, it became possible to have very accurate information about how quickly the police responded to calls for service. This has been considered an important aspect of crime control effectiveness ever since the 1968 Crime Commission

showed the important relationship between the speed of response and the likelihood that a crime would be solved. More recently, it has also been viewed as an important dimension of service quality. We have learned both that citizens value a rapid response and that they are willing to wait if their expectations are set properly and an explanation for the delay is given.

Note that because this information comes as a by-product of day to day operations of a police department, and is inexpensively recorded by computers, this information is consistently available over time and across departments. This makes the information about response times quite different from the information available from victimization surveys or client surveys. To obtain the survey information, the police have to make an additional, continuing investment in gathering information per se – not in supporting operations. In contrast, in order to operate in a modern way, the police have to make a large, long-term investment in a computer aided dispatch system. Once they have that, they can get all the information they want about response times at a low marginal cost.

E. Summary and Review

Reviewing these observations about trends in the measurement of police performance, one could, it seems to me, come to some important conclusions about the current means we are relying on to measure police performance.

First, we can see that there are some performance measures that will be used routinely in all police departments (permitting them to be used to make comparisons both over time and across departments at moments in time) and others that have been invented for some interesting reasons, but are not used systematically to monitor the performance of police departments. The measures that are common to all (or most) police departments are: 1) the FBI's Uniform Crime Reports, which measure reported crime, arrests, and clearances, and 2) the information about response times that comes from computer aided dispatch systems. In addition, the departments typically have information about the physical resources they have to deploy – their budgets and their manpower.

The measures that are not common to all police departments nor used routinely over time are the different kinds of surveys we discussed: the victimization surveys and the client surveys. While these surveys are growing in popularity and use, and while there now exists a national criminal victimization survey that is repeated over time to allow us to see what is happening with respect to criminal victimization at the national level, it is quite rare for these systems to have become institutionalized and routinely used at the municipal level where most of the control over what the police do is exercised.

Second, when one looks at the measures that are consistently and routinely used across police departments, they embody a remarkably clear and consistent image of what the important goals of the police are, and what the principal means are that they should rely upon to achieve their goals. Indeed, as I have said elsewhere, the measures are a perfect reflection of what has been called the professional crime fighting strategy of policing. In this conception, the important goal of the police is to reduce crime. Serious crimes such as murder, rape, robbery, and burglary are considered more important than minor offenses such as vandalism and disorder offenses. Crimes committed among

strangers in public locations are considered more important than those committed among intimates behind closed doors. The principal idea about how best to control this sort of crime is to organize the police department to threaten and make arrests for criminal conduct. The threat of arrest and punishment will prevent and control crime through the mechanisms of deterrence. The reality of arrest will prevent and control crime through the incapacitation of the offender. The threat and reality of arrest is, in turn, produced by three key functions of the police: patrol, rapid response to calls for service, and retrospective investigation of offenses. The first two of these activities are carried out by the patrol division; the third by the detective division. While there is much more that the police actually do, and much more that can be said about what they do, an awful lot of what they actually think and do is captured in this simple, coherent model of professional crime fighting.

It is no accident, then, that the measures we can now rely upon to judge the performance of individual departments throughout the United States exactly reflect this idea. The idea that the principal goal of policing is to reduce crime is reflected in the importance of the level of reported crime. The idea that the police can make their greatest contribution to this goal by threatening and making arrests is reflected in the importance of arrests as a measure of police activity. The idea that the police should prepare themselves to make arrests by fielding a patrol force, responding rapidly to calls for service, and successfully investigating crimes is reflected in the statistics on police per citizen, response times for high priority calls, and clearance rates. Our theory of what the police should do and how they should do it is traced out pretty exactly by the measures that police departments have developed and come to rely upon.

Third, one can also see what challenges to this idea of policing have not yet been picked up by any consistent measurement system. For one thing, at the city level, we still remain mostly ignorant about the "dark figure" of crime: the crimes that happen but go unreported. This is important not only because it leaves us uncertain about the real level of criminal victimization, but also because we remain ignorant about the level of trust that individuals and communities have in the public police, and the extent to which the production of justice remains private rather than public in the country.

A second problem: we continue to be uncertain about the subjective component of security – namely, fear. Arguably, the sense of security is what the police should ultimately be trying to produce. Of course, they ought to earn the sense of enhanced security the old fashioned way, by actually reducing the objective risks and not pretend to achieve something they have not earned. But they might well be interested in knowing the extent to which their efforts to control serious crime are being rewarded with an enhanced sense of security, and the other things they might do to bring this desirable state about.

Note that reducing fear is valuable both as an end in itself (something that could be directly valued by citizens as an accomplishment of the police) and as an important means to the end of controlling crime. If citizens are less afraid, they might use public spaces and streets more often, and exercise a kind of informal social control that could reduce both minor and serious crime. They might also be willing to give up the weapons they bought for self-defense at a time when they were afraid, but have since become an important source of supply to armed robbers who get them through theft, or juveniles who borrow them from closets to impress their friends.

A third issue: we remain uncertain about citizens' perceptions of the quality of the service they receive from the public police. We continue to act as though we know what citizens want – namely, reduced crime and rapid response to calls for service. But we do not really know what they want, and have not built information systems that could provide systematic feedback about what they want either as individuals or groups. We also do not know, except through occasional complaints, about the experience of being stopped, cited, or arrested.

III. Looking Ahead to the 21st Century of Police Performance Measurement

To some degree, the trends noted above set the stage for thinking about the development of police performance measurement systems in the first half of the 21st century. It seems important to use our emergent understandings of the varied functions of the police, their impact on crime, fear, disorder, and our interests in ensuring quality service from the police to construct new systems of performance measurement that will more accurately reflect both our aspirations for policing and our best knowledge about how best to perform the functions that we want the police to take on. But there are several other factors that seem worth noting as we begin thinking about police performance measurement in the future.

A. The Resurgent Interest in Fairness and Legitimacy

Perhaps the most important is a resurgent interest in the fairness with which the police operate, and the legitimacy that the police have in the minds of those who are policed. In the sixties, when the systematic study of police behavior began in earnest, the most important empirical question that researchers sought to answer was not whether the police were effective in controlling crime, but instead whether they enforced the law fairly and impartially. This reflected the prevailing view at the time that the police were best understood as a *legal* institution whose function was to enforce the law fairly and impartially rather than a *producing* institution whose goal was to reduce crime, enhance security, or deliver quality services to citizen/customers. The researchers developed many innovative methods to conduct "field studies" of police behavior to discover empirically whether the police enforced the law fairly. Mostly this involved detailed observations and evaluations of different kinds of encounters between patrol officers and citizens: what triggered a field interrogation and how it was experienced on both sides of the transaction, how searches were conducted, how the police responded to challenges to the authority, when and how they used force, etc.

What we learned from these studies was that the police enjoyed a remarkable degree of *de facto* discretion in the way they operated. They worked largely alone and unsupervised. They made consequential decisions on the spot without checking with their supervisors in advance.

We also learned that patrol officers used that discretion with varying degrees of intelligence and fairness. There was much to admire in the skill that officers showed in defusing complex situations and "keeping the peace." Such skill often involved making important adaptations in what the manual called for in handling certain kinds of incidents. The intelligent adaptations of responses to unique circumstances may have made the police more effective in accomplishing the goals of keeping the peace with the smallest possible intrusion of state authority. But they also produced some potential

inequities in the ways that police responded to different circumstances. On the other hand, there were times when the police seemed to crudely apply the law without any sense that such actions were counter-productive. And there were still other times when the police acted with prejudice and viciousness. There was also a great deal of evidence to indicate that the police response was influenced by the status and demeanor of the citizen as well as the underlying conduct that triggered the police interest. Thus, we learned that the police were human beings facing tough, uncertain tasks, who were only imperfectly helped in making the important decisions by the policies, procedures, and training that were supposed to govern their conduct. The result was something less than a completely unbiased application of the law to human affairs.

From the vantage point of today's interest in police performance and service quality, there are several lessons we might try to remember from these studies. The first is that an important attribute of police performance is the fairness with which they enforce the law. The police remain at least in part a legal institution, and should be evaluated as such. Both the citizens and courts who oversee their operations, as well as those who are subjected to police interventions, are interested in making sure that when the police use their authority, they have a reason to do so, and that they use their authority fairly. We have gotten a bit too accustomed to the idea that what is important about the police is their crime control/security enhancing productive capacity rather than their fairness. What brings these two concerns together is to remember that when the police are not fair, they themselves come to be a threat rather than a protection to society.

This concern about fairness is evident in the intense concern that has arisen about the use of racial profiling in enforcing drug laws. The police argue either that they are not using racial profiles in targeting citizens for closer investigation, or that if they are using such profiles, their utility in increasing the effectiveness of law enforcement justifies their use. Minority citizens, in contrast, who feel themselves singled out for closer observation and more interference, insist that fairness to them is much more important than any small gains in effectiveness that might be had. This debate helps to remind us of the importance of continuing to remember that the police have to justify themselves as a fair, legal institution as well as a powerful, instrumental agency.

Second, the field studies showed that the subjective experience of those involved in police/citizen interactions could be measured, and were often quite different from one another. This reminds us that just as "security" has both an objective and subjective component, so does the equally complex idea of "fairness." We think that a certain kind of fairness is important to the overall legitimacy of the police. But what we know from our prior research is that the subjective views of whether the police are or are not behaving fairly either in a particular incident or in general owe a great deal to the subjective interpretations that individuals and groups make of police performance.

To many, it seems obvious that the police should be responsible only for the objective features of fairness and legitimacy, not the subjective elements. That is, they ought to be able to show that their conduct is unbiased and not worry too much about whether those demonstrations are convincing to citizens, overseers, and those cited by the police.

But one can make a strong argument that the police ought also to be concerned about the perceptions that citizens have of whether they behave fairly or not. This is

important partly as an *end* of policing. All other things being equal, we would prefer that the police be *perceived* as fair and legitimate as well as that they *be* fair. But subjective opinions of police fairness – whether the police enjoy legitimacy in the eyes of citizens – are also important as a means to accomplishing other police goals. If the police are perceived as fair and legitimate, they will be able to attract more operational assistance from citizens, and more support from them at budget time. This will allow them to stem the slide towards increased reliance on private security at the expense of public policing.

If it is important that we explore the fairness and legitimacy of the police as well as their effectiveness, then it might be important to develop the performance measures that would allow us to do that. We may have to find ways to sample and observe the behavior of officers in the field so that we can know what their average conduct looks like. It would be much better for a department to do this systematically than to rely on a host of amateurs with their own video cameras to do it on an exception basis. This would also be an important reason to extend our use of both general population surveys, and surveys of customers and clients. We can ask members of the general population what their perception of the police is (as an important end and means of improving police performance), and how they came to their views. We can also ask those who have specific contacts with the police whether they thought they were being treated fairly.

B. Force and Authority As an Asset To Be Used Economically and Fairly

The discussion of concerns about the fairness and the legitimacy of the police helps to give force to a different point about police performance measurement as well. It is this.

Much of what animates the contemporary and likely future ambition to improve our measures of police performance is the idea that the police, like private sector organizations, ought to have a "bottom line" they can point to to justify the investment the public has made in them. The most common idea about what the bottom line should be is that crime should be reduced. As William Bratton has said in explaining the COMSTAT system, "reducing crime is the profit that police departments make for the citizens of their cities."

Actually, Bratton is wrong in this claim. The private sector's famed bottom line is actually the *gross revenues* earned by the firm sales of products and services *minus the cost of the resources they used* to produce those products and services. The gross revenues earned by the firm represent the total value that customers placed on the output of the firm. But the *net value* created for the society by the firm consists of the gross value created by the firm minus the costs of producing the goods and services.

In the world of policing, reductions in crime (or enhancements in security) represent the "gross value" of policing – the value that citizens would attach to the overall activities of the police. To find the *net* value the police contribute, however, we have to subtract the costs of the assets that were used to produce that valued result. Thus, the question becomes what assets do the police ~~rely on~~ to produce their results, and how might the use of those assets be valued.

The most obvious asset, of course, is public money. We can measure that quite easily. We can find out how much the police spent for patrol officers' salaries, their pensions, the automobiles they drive around in, the gas they use to fuel the automobiles,

and the amount that was spent on training and new equipment. Those costs to taxpayers have to be subtracted from the value of whatever impact on crime the police have in reckoning the net value of the police to citizens and taxpayers.

The other less obvious but potentially more important asset that the police use in controlling crime and producing justice and fairness is the authority of the state. The Philadelphia Police Study Task Force made this point well:

The police are entrusted with important public resources. The most obvious is money: \$230 million a year flows through the Philadelphia Police Department. Far more important, the public grants the police another resource – the use of force and authority. These are deployed when a citizen is arrested or handcuffed, when an officer fires his weapon at a citizen, and when an officer claims exclusive use of the streets with his siren.²

Just as the money that public police use comes from money that would otherwise be used for private consumption, so the extensive authority that the police use in their work comes from the stock of private liberty that we, as citizens, enjoy as a matter of right. We are as reluctant to part with our private liberty as we are to part with the money. Of course, we may be persuaded to part with our liberty in the interest of keeping us safe from the attacks of criminals, just as we might be persuaded to part with some of our money to accomplish the same goal. But the point is that we part with these assets only grudgingly. All other things being equal, we would like the police to use the authority we grant them sparingly. That is why we train police officers extensively in methods that allow them to accomplish important law enforcement objectives with the minimum use of force. And that is why we pay individuals who can show that they have been the victims of inappropriate uses of police force and authority.³ In an important accounting sense, we have to recognize the grant of authority to the police as an asset, and count its use in police operations as a cost to be weighed against the benefits of lowering crime.

The fact that the police use public authority in their efforts to reduce crime means not only that we have to account for the use of that asset in calculating the net benefits produced. It also means that *the criteria we use to value police department operations change in an important way*. When we talk about money, we are primarily interested in a means/ends calculus: the cost of a means compared to the value of an end. The key words here are efficiency and effectiveness. When we talk about the use of authority, however, the criteria shift to concerns about *justice* and *fairness*. When public authority is used, we citizens are interested not only in *how much* authority was used and to what important effect, but also in how *justly* and *fairly* it was deployed. After all, we support police departments not only to achieve the practical result of reducing crime, but also to achieve the principled result of "doing justice." Justice is produced when we succeed in calling offenders to account for their crimes. It is also achieved when we respect the rights of those suspected of crimes. And, a certain kind of justice and fairness is

² Philadelphia Police Study Task Force. 1987. *Philadelphia and Its Police: Toward a New Partnership. A Report by the Philadelphia Police Study Task Force*. Philadelphia, PA: Philadelphia Police Study Task Force, p.129.

³ Skolnick, Jerome H., and James J. Fyfe. 1993. *Above the Law: Police and the Excessive Use of Force*. New York: The Free Press.

achieved when we equitably distribute the burdens and benefits of public policing across the general population.

Producing justice, fairness, and equity may seem like abstract values – more important to academicians and idealists than to practical people like citizens, mayors, and police chiefs. Yet, I suspect that more chiefs have lost their jobs due to failures to solve particularly horrendous crimes, or scandals surrounding the excessive use of force, or allegations of corruption in a police department than to public indignation about failures to be cost-effective in controlling crime. If true, this would imply that the public has at least some intermittent interest in the capacity of the police to produce *justice* and *fairness* as well as *crime control effectiveness*. Moreover, there are many individual citizens who suffer daily from a reasonable, experience-based belief that they will be subjected to higher levels of police scrutiny and receive lower levels of police service than their fellow citizens.⁴ The sense of unfairness must count as a loss in accounting for the value of public policing – not just because it is a loss in itself, but also because it might undermine the willingness of those citizens to help the police in achieving the practical goal of controlling crime, and in doing so, increase the costs or reduce the effectiveness of the police in controlling crime.

C. Distributing the Burdens and Benefits of Policing Fairly

This claim that the police use of authority exposes them to accountability for fairness as well as for efficiency and cost-effectiveness gains even more bite when we remember that much of the *money* we use to operate police departments is also raised through the use of authority. Typically, individuals do not choose to purchase the level of public policing they would like as individuals; they pay taxes, some of which go to support a public police department. By definition, taxes use the authority of the state to collect money for public purposes. A plausible logical entailment is that public expenditures of *money* raised through the power of taxation must meet standards of fairness and equity just as public sector uses of authority must. For example, to the extent that public law enforcement creates benefits for citizens in the form of heightened security or a stronger sense of justice, those benefits ought, in principle, to be as fairly distributed as the costs and obligations.⁵

This is part of what lies behind the idea that the police ought to allocate their efforts according to *need* rather than *ability to pay*. An important point to acknowledge is that this makes the police redistributive in their effects, just as public schools are. To the extent that taxes are somewhat progressive so that the rich pay more than the poor, and so that the public agencies supported by the taxes spend according to need rather than ability to pay, then, to the extent that the poor have more needs, the net effect of public policing will be to transfer some assets from the rich to the poor.

⁴ Flanagan, Timothy J., and Michael S. Vaughn. 1996. "Public Opinion about Police Abuse of Force." In *Police Violence: Understanding and Controlling Police Abuse of Force*. Edited by William Geller and Hans Toch. New Haven, CT: Yale University Press.

⁵ *Serrano v. Priest*. 1976. 18 Cal 3d 728.

D. The Police as a Component of City Government

The discussion of the police as a redistributive public agency reminds us of a third perspective we might embrace in thinking about how to evaluate police performance in the future: namely, seeing the police not as an independent agency devoted to reducing crime, nor as a legal agency devoted to enforcing the law fairly, but instead as an agency of city government whose operations and consultative processes have potentially important effects on the quality of life and citizenship in a city.

Once we view the police as an agency of city government, we are inclined to want to monitor their performance in different terms than their impact on levels of crime and security. We can see them as an important instrument of economic development, and as an important institution in creating conditions in neighborhoods that are consistent with the healthy development of families and kids. They might even be seen as agencies that can provide the security within which other medical, social service, and recreational services can do their work more effectively. And, as agencies that are on the streets 24 hours a day and seven days a week, they can be viewed and evaluated as the "eyes and ears" of the mayor. They can find specific problems that are making life tough for citizens, and that might be resolved by other agencies of city government. As such, they become part of the apparatus that makes city government work well and be responsive to conditions on the streets, in the parks, and within the communities. Charlotte, North Carolina, has pioneered in the use of a broad set of measures that capture police contributions to the overall performance of city government rather than in their narrow sphere of controlling crime.

We could also view the *consultative processes* that the police use in seeking out collaborations with local communities as an important way of constructing a local civic culture of engagement and collaboration. Talking with one's neighbors about how one would like to have the police operate in that neighborhood is a potentially important experience in citizenship. That, in turn, might increase the capacity of the citizenry as a whole to shape the conduct of the government and their collective futures.

IV. Towards the Future

Given these many and complex ideas, what, simply and concretely, should be done to improve the performance of policing over the first half of the next century?

The simplest answer, I think, is that we should try to match the impact that the FBI's Uniform Crime Reports had on focusing our attention on the important crime control objectives of the police. To do this, we should develop some kind of national system that could focus attention on how fairly and economically the police use their force and authority in the achievement of their important goals, and on what is happening to their legitimacy in the eyes of citizens. This attention should be at least equal to that focused by the old system on police effectiveness. However, it is by no means obvious how such a system could be constructed. It would involve efforts to check the fairness of policing through statistics, and to observe representative bits of behavior in the field. It would also almost certainly involve surveying citizens and customers of the police to learn what their perceptions are, and what their experience has been. It would also involve keeping track of citizen complaints and liability suits. All

this would be in the interest of ensuring that the police remain fair and legitimate in citizens eyes as well as effective in controlling crime.

A more complex answer has been given in a longer paper that I have written. In that paper, I discuss the same issues explored here, but then come down on six particular complex dimensions of police performance that should be monitored. The six dimensions, listed below, are each represented by an icon.

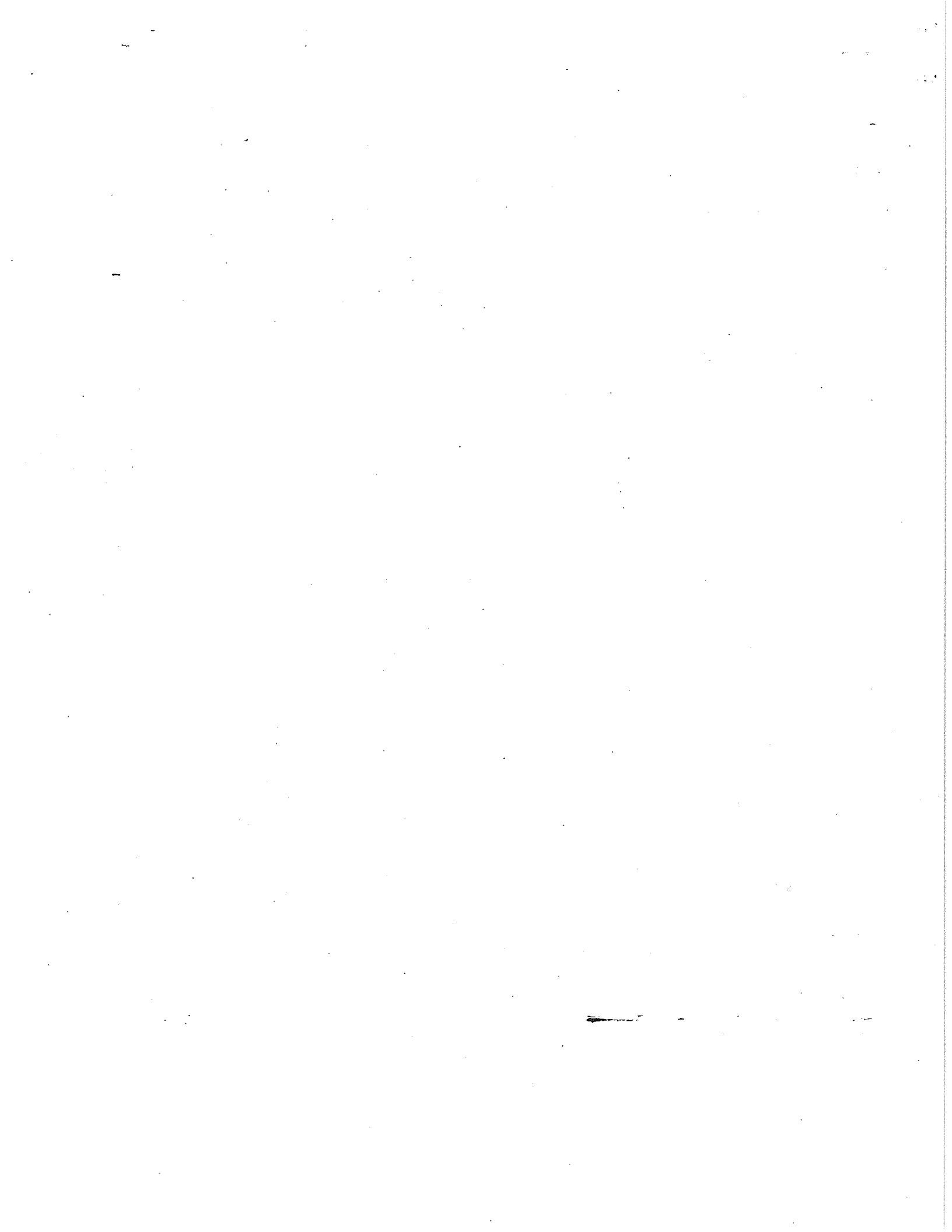
- Reducing Crime and Criminal Victimization
- Producing Justice by Calling Offenders to Account for Their Crimes
- Enhancing the Sense of Safety and Security in Public Spaces
- Economizing on the Use of Public Money
- Using the Force and Authority of the State with Economy and Fairness
- Assuring Customer/Client Satisfaction with the Police

I have also investigated the question of whether these different dimensions of police performance are, in fact, of interest to those who oversee the police, and the extent to which they are interested in these different dimensions of performance. Figure 1 presents the findings for New York City. The rows in this complex matrix are the agencies that I have identified that formally or informally, consistently or intermittently, oversee the performance of the police. The columns in this matrix are the six dimensions of performance that I have nominated as important dimensions of performance that could and should be monitored by specific performance measures. In the cells of this matrix, I have drawn "eyes" where we found evidence that a particular agency was monitoring a particular dimension of performance. I have tried to indicate the intensity of the scrutiny by the darkness of the icon: the darker the icon, the more intense the scrutiny. I have also tried to indicate whether the scrutiny is continuous or fickle by indicating whether the look is "steady" or "winking."

The evidence shows that these different dimensions of performance are differentially monitored, but all are of some interest to at least one constituency. The hypothesis is that the performance of the police in a given city would be guided by or importantly influenced by the combination of overseer interest on one hand and the existence of some measurement system on the other. Where there was intense, consistent interest in some dimension of performance, and a measurement system that supports that interest, one would get strong efforts to perform well on that dimension of performance. That is why the police are so strongly focused on controlling crime and not on other objectives. The prescription for managers and overseers of the police would be that if one wanted to improve the performance of the police on one or more of these dimensions, the way to do so would be to simultaneously develop a measure and an interested constituency, and expose the organization to this oversight.

It is partly this analysis that leads me to the view that the most urgent task before us is to develop the methods we can use to measure the fairness of the police and the legitimacy they enjoy with the population. We know that these dimensions of

performance matter. We know that there are constituencies interested in them. We know that we measure them badly. The inevitable consequence of this fact is that until we find a way to measure this dimension of performance with some consistency, the police will sacrifice performance on this dimension to improving their performance in crime fighting. This is a shame because it is by no means clear that we have to make this tradeoff between crime control effectiveness on one hand, and fairness and legitimacy on the other. The challenge, instead, is to find ways to improve the performance of the police on both these dimensions simultaneously.





TOTAL

Formal Oversight: Continuous

Federal Government

Governor



State Legislature



MAYOR



Office of Operations



Office of Management & Budget



Criminal Justice Co-ordinate



Law Department / Carpenter Council



Office of Investigation



CITY COUNCIL



Community Boards



CIVILIAN COMPLAINT REVIEW BOARD



Police Commission



Formal Oversight: Specially Commissioned

Mollen Commission



Gighenti Crown Heights Commission



Informal Oversight: Citizens & Non-Elected Reps

MEDIA

Electronic



Print



Interest Groups

Citizens Budget Commission



A.C.L.U.



POLICE UNIONS



Alliance for Professional Policing



Community Groups (e.g. Sunset Pk. Restoration Comm.)



Informal Oversight: Partners in Criminal Justice

Courts



District Attorneys



