

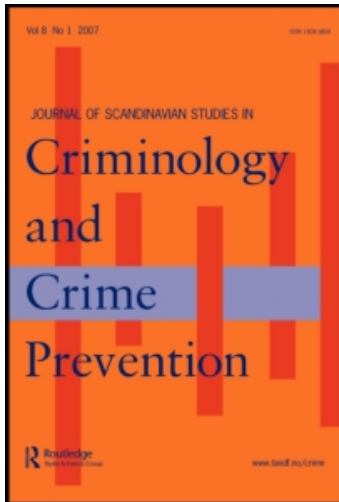
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Fair and Effective Policing Methods: Towards ‘Good Enough’ Policing

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Abstract

It is unhelpful and unrealistic to demand perfect police; instead we should aim to achieve ‘good enough’ policing, re-evaluating and questioning the concepts of fairness and effectiveness. To be ‘fair’, should the police treat everyone identically or on the basis of their needs? To be effective, should the police be

law-enforcers or guardians of community safety? How should we balance the tension between fairness and effectiveness? Do measures to increase fairness blunt police effectiveness, or is fairness an essential quality of effective policing? Focusing specifically on the power to stop and search people in public

places and on the experiences of communities who complain of being ‘over-policed and under-protected’, this lecture ponders how ‘good enough’ policing can be achieved.

KEY WORDS: Effective, Fair, Good, Police, Policing, Search, Security, Winnicott

Introduction

I was delighted to be invited to the Stockholm Symposium to speak on the topic of fair and effective policing.² I have been concerned with the role and goals of policing, first as a student and latterly in a professional capacity, for more than twenty years. My undergraduate dissertation, completed at the time of the urban riots in Britain in the 1980s, focused on allegations of racism in policing that have persisted to this day. In 1988, my career as a police

researcher began under the tutelage of Bill Saulsbury, a former Washington DC police officer and police research administrator. As well as helping me interpret the ways of policing and police management, Bill challenged me to think about everyday ‘good policing’. He also introduced me to Herbert Simon’s idea of *satisficing*—a portmanteau of satisfy and suffice—expressing the idea that it is rational human conduct to find ways of ensuring an acceptable minimum level of something by abandoning the pursuit of unachievable maxima. As Simon put it in his classic management text *Administrative Behaviour*, since the decision-maker rarely has enough information to make perfect decisions, he or she looks for a course of action that is satisfactory or ‘good enough’ (Simon 1947). It is in this spirit that I come to the theme of good policing.

¹This paper is dedicated to the memory of Carole F. Willis who gave me my ‘first start’ in police research. I would like to thank Peter Grabowsky, Cian Murphy, Robert Reiner, Tove Pettersson, and Bill Saulsbury for their comments on earlier drafts.

²There is a huge international literature on fairness and effectiveness in policing and the relationship between them; see Skogan and Frydl (2004) for a recent review of the evidence.

What I hope to do in this lecture is, first of all, to consider the case for policing as a ‘public good’ (Loader and Walker 2007), the value we place upon it, and the extent of our shared interests in ensuring that we have some minimal level of the ‘goods’ of policing. I will then take something of an analytical leap to introduce the idea of the ‘good enough parent’ emerging from mid-20th-century psychoanalysis and from there stick my neck out still further to consider whether there is some value in the idea of ‘good enough policing’. While there are many aspects of policing that could be used as an example and as this is intended as a think piece, I will risk focusing on one of the most contentious ones: the police power to stop, search, and interrogate people in public spaces. Such an encounter is often the first ‘police-initiated’ contact (Skogan 1994) that citizens have with a police officer³; it is a contact that has far-reaching implications for the distribution of the benefits and burdens of policing. Throughout this exercise, I will look specifically at the fairness and effectiveness of the use of stop and search powers and think about the relationship between these two imperatives. In conclusion, I hope to be able to sketch for further debate the characteristics of what I think comprises ‘good enough policing’.

Policing as a public good

Following Loader and Walker (2007), I take as a theoretical starting-point that all members of society have a stake in the existence of a safe society, and

therefore security—and by extension policing—can be seen as a ‘public good’. This is an economist’s term used to refer to those goods that are ‘non-excludable’ (i.e. that benefit everyone) and are ‘non-rival’ (i.e. that its benefits can be achieved without costs to others). Like clean air, the various things that police services set out to provide—community safety, crime investigation, conflict resolution, public order, and so on—are goods that make society liveable for all of its members. To underline this point one only needs to imagine a society in which there is no mechanism to provide at least the temporary resolution of violent conflicts or ameliorate the harms that human beings inflict upon one another. This is Hobbes’ ‘state of nature’, a ‘war of all against all’. We have, I hope, come some way from that.

Of course, an organized police force is not the only mechanism through which security may be provided. In my post-graduate policing class, I ask students to undertake a thought experiment in which they are invited to offer a solution to an image of a group of girls fighting. Some students suggest calling the police. This is usually, if not always, met by the objection that the police may be racist, sexist, authoritarian, disrespectful, and unsympathetic to the needs of young people and that police intervention may be ineffective or perhaps even do more harm than good. They object that police have only blunt tools—such as handcuffs and the power of arrest—to resolve complex community problems that require multi-faceted social responses. Acknowledging the limits of the police, some students suggest the intervention of a ‘public-spirited citizen’ who might

³The police carry out approximately 11 million stops every year in England and Wales (Clancy et al. 2001)

step in to break the girls apart and discourage the gathering crowd of spectators from getting involved. This, in turn, is met with the objection that the public-spirited citizen may have some or all of the previously mentioned flaws of the police officer and may even be less objective or more objectionable. Moreover, such a person is without formal authority; they might take sides and, in the worst case, get embroiled in the fight. The class then considers alternatives such as community problem-solvers, or marshals, or similar persons, often suggested as an alternative to the police constable. But we are then faced with the problems of ensuring the legitimacy of this person, a system of accountability, some kind of lawful structure within which they can work, specialized training, perhaps equipment to help restrain unwilling participants in problem solving and to prevent them from being injured. By the end of the class, we have reinvented the police. With this in mind, I am sympathetic to Loader and Walker's (2007) critique of academic scepticism about the role of the state in contributing to a safer society and go some way towards agreeing with their claims that security is a valuable public good. Despite its imperfections, I am of the view that the state can and should play a significant role in both authorizing and providing security.

The problem with the idea of policing as a 'public good', however, is that it is only *theoretically* non-rival and non-excludable. Unlike the provision of health care, which most often allows the delivery of the good without infringing the interests or rights of others, the

'goods' offered by the police often require the imposition of 'bads' upon others. In other words, the *service* offered by the police *in practice* involves the distribution of 'burdens' (e.g. intrusion, coercion, detention) upon others. If I have a diseased kidney this could be removed by a surgeon and replaced with a mechanical alternative or a donated kidney; there is no requirement forcibly to remove someone else's kidney for the sake of my health. Parenthetically, there are of course limits to the idea of health care as a 'non-rival' public good. It is quite possible to achieve good health at the direct expense of others. It would be possible to steal a kidney from an unwilling donor or to 'harvest' one from the body of someone who has been executed. Less dramatically, many medical procedures—from inoculation to the separation of conjoined twins—involve the infliction of harm to individuals to achieve benefit to others. The difference between the provision of security and other social goods is that the former *normally requires* police officers (and the magistrates, judges, and prison officers who reinforce their coercive power) to do *bad things* to those who present an actual or perceived security risk. The very notion of punishment—which underpins the criminal justice system—is concerned with inflicting pain on law-breakers (Hudson 2003), an idea related to the 'dirty hands' problem in policing (Kleinig 1996:52–64). Delivering the 'goods' of law enforcement, justice, and security normally requires the inflictions of harm including coercion, violent force, financial penalty, and loss of liberty. One only has to compare paramedics with

constables, and accident and emergency wards with police ‘custody suites’, to perceive the contrast between health service and ‘police service’.

An insatiable appetite for policing?

Loader (2007a) argues that contemporary society has an *insatiable appetite* for security, and because this is ‘within us as a yearning rather than without us as fact’ we can never have enough (Loader and Walker 2007:11). To take the crudest example, in Britain each of the major political parties since 1979 has called for ‘more bobbies on the beat’. Although politicians and the general public might have a certain anxiety about the costs of paying for so many more patrolling officers, the idea that more police will always be better has become an incontestable political mantra. André Gortz, in the *Critique of Economic Reason*, suggests that this logic can be found in many spheres of capitalist reproduction. He argues that:

[the] category of *the sufficient* is not an economic category: it is a cultural or existential category. To say that what is enough is enough is to imply that no good would be served by having more, that more would not be better. ‘Enough is as good as a feast’, as the English say... (Gortz 1989:112, original emphasis).

For Gortz, the idea of ‘the sufficient’ and the idea of ‘too much’ are ‘alien to the spirit of capitalism’ for which:

No quantity, when serving to measure a performance, can be *too* great; no enterprise can earn too much money nor any worker be too productive... economic rationalization... eliminates

all criteria which would allow people to be satisfied with what they have, or what they have done or plan to do. (Gortz 1989:113, original emphasis).

In criminological terms, this is reminiscent of Durkheim’s ‘anomic suicide’, caused by ‘the malady of infinite aspiration’, and contemporary thinking about the topic of happiness like Oliver James (2007) and Richard Layard (2006) on the failure of increases in wealth and material possessions to achieve happiness in Europe and America. As Layard (2006:226–7) puts it, ‘the evidence shows that continuous reoptimization is not the best route to happiness: you are more likely to be happy if you settle for what is “good enough” than if you feel you must always have the most’.

A question left open in Loader and Walker’s (2007) *Civilizing Security* is what would comprise ‘sufficient security’? It is easier to see when we have too much or too little than when we have enough. Chronic or acute insecurity is akin to anorexia or starvation as excessive security is to gluttony and obesity. But when are we secure enough? When do we have enough police? When is policing good enough? These questions, it seems to me, are consistent with Herbert Simon’s observation that, in many spheres, people realize that attempts to maximize can be a hindrance to good public administration: ‘[p]eople will satisfice when they make a decision that satisfies and suffices for the purpose. This satisfactory sufficiency enables decision-making which is *good enough*, rather than the absolute best—that which satisfices, while not ideal, will suffice to satisfy requirements’ (Brown 2004:1241, synopsisizing Simon 1947).

From 'good enough' parenting...

I was first drawn to the idea of the 'good enough' through the work of psychoanalyst D. W. Winnicott who argued that 'perfection' was unattainable in motherhood which should instead strive to be 'good enough' (Winnicott 1953, 1957). He argued that the 'ordinary good mother' must be emotionally attuned to her baby, starting with providing for all their needs, but then adapting to give the child a sense of control. This mother, and any other carer, has the ability to respond and adapt to the child's development, is able to accept failure (both their own and that of their child) and the gradual *disillusionment* in their respective perfections (Winnicott 1953). Bruno Bettelheim borrowed Winnicott's phrase for the title of his book, *A Good Enough Parent*, written when he was in his 80s. 'In order to raise a child well', he argued,

one ought not to try to be a perfect parent, as much as one should not expect one's child to be, or to become, a perfect individual. Perfection is not within the grasp of ordinary human beings. Efforts to attain it typically interfere with that lenient response to the imperfections of others, including those of one's child, which alone make good human relations possible (Bettelheim 1987:ix).

From this perspective, some parents will be 'not good enough'—among them the neglectful, abusive, cruel, or even murderous. We have to accept that there will be people who for a variety of reasons are unable to meet the demands of parenting. Some parents cannot cope and at worst abuse or kill their children. However, the vast majority are

'ordinary good parents' (Winnicott 1957).

More recently Hoghugh and Speigh (1998) define clear components of good enough parenting, arguing that these are important for the development of a healthier society. They argue that there are a number of basic needs that must be met—physical care, nutrition, and protection, and above these basic needs there is a requirement for love, care and commitment, consistent limit setting, and the facilitation of development. 'Not good enough parenting'—acting in ways that do not meet these requirements—causes adaptations such as lack of love and commitment that, in turn, lead to insecurity, low self-esteem, and problems with peer relationships. Lack of or inconsistent controls lead to conduct disorder, delinquency and crime, and neglect and under-stimulation (Hoghugh and Speigh 1998). Interestingly for the current argument, Hoghugh and Speigh (1998:295) suggest that

... governments should be regarded as the parents of society. A 'not good enough parent' of a government will show a general lack of care for the whole population, will put its own interest first, will discriminate against some of its 'children' in favour of others, and will react excessively punitively when some of its children misbehave.

They argue that a government, conceived of as 'good enough', will care for its children, promote their welfare, 'while still being firm and fair in applying sanctions for unacceptable behaviour' (Hoghugh and Speigh 1998:295). Such a government will be

interested in understanding and ameliorating problems in society. A central aim 'should be to instil the idea that we are all responsible for society's children' (Hoghghi and Speigh 1998:295). This intriguing idea suggests a link between good parenting and good policing that I attempt to explore below.

... to good enough policing

The premise of this lecture is that the idea of 'good enough policing' might help us to think about what we want from our public police and, specifically, what we think might be acceptable degrees of fairness and effectiveness. The idea of the 'good enough' first admits that there is no such thing as perfect policing. Police officers, like all human beings, make mistakes. Moreover, in comparison with other occupations, the task of policing has some specific qualities that increase the likelihood of error and that increase the seriousness of the consequences of errors when they do occur.

One reason that police officers make mistakes is that they are under the twin imperatives to be fair and efficient, to make *just* decisions *quickly*. In general, making fair decisions requires the collection of relevant information from a variety of sources, examining a problem from a number of different perspectives, considering alternative solutions, and reaching decisions only after extensive deliberation, quiet contemplation, and considering the advantages and disadvantages of a particular course of action. In most work-a-day instances, however, police officers do not have the luxury of the time needed for such deliberative problem-solving. In many instances,

police officers have to make decisions in a 'split second' or at least within a few minutes. The imperative to be 'efficient' and to make decisions 'on the spot' is often the antithesis of fairness and justice. Often a police officer is compelled to make an authoritative and immediate decision about how to resolve a problem 'in the native habitat of the problem' (Bittner 1970:40). As a consequence, error can be considered a natural and too often even an inevitable result.

Of equal importance is the fact that police decision-making has enormous consequences for the individuals concerned. The police possess quite awesome powers. They have the power to intrude into the privacy of individuals, to coerce them into doing things they would otherwise not wish to do, ultimately to use force—including deadly force—in the pursuit of the ends of policing. Other occupations also have to make decisions that affect the life and liberty of citizens; some other occupations have to make them in fast-moving situations. Few occupations have to do so on a daily basis in unpredictable circumstances and with minimal supervision and managerial oversight.

Effective enough policing

Deciding whether or not the police are sufficiently effective depends on what *effects* they are intended to achieve; a list might include public reassurance, crime control, crime investigation, emergency service, peace-keeping, state security, traffic control, and information-brokerage (Bowling and Foster 2002; Reiner 2000). Much discussion about policing focuses on the police role in crime

control, and this is perhaps *the* legitimating idea of policing, but the other roles are undoubtedly of major importance. It is probably impossible and perhaps even unwise to try to simplify the goals of policing into those that are core and ancillary. It is better to consider the full diversity of the policing function for a number of reasons; I will highlight four of these for the purposes of this discussion.

Firstly, in certain circumstances, one or other of the roles of the police is revealed as being of paramount importance, and failure to do it well can cause enormous harm and tie up an exceptionally large amount of resources. This applies equally to a failure to manage security at a sporting event and to the failure to investigate properly a missing child. Secondly, not all of the goals of policing, or the effectiveness of the police in achieving them, can be assessed in the same way. The investigative function of the police, for example, might be measurable by police activity—in terms of interviews conducted, DNA samples taken, crimes solved, and so on. However, the order maintenance capacity can only really be assessed by an intangible outcome like ‘peaceful communities’. Thirdly, the goals of policing are not necessarily mutually supportive. For example, while it is important for the police to investigate allegations of crime (and even other serious incidents such as accidents, suicides, sudden deaths, etc.), this may have no value at all in terms of crime control. Similarly, maintaining order at a football match may or may not contribute to crime reduction; but *even if it does not*, policing still needs to

be good enough to ensure the safety of people in crowded spaces where crushes are possible. Finally, attempts to achieve one policing goal may actually interfere with success in other spheres. As Lord Scarman famously said in his report on the urban disorders in Britain in 1981, the imperative to enforce the law will sometimes be incompatible with the imperative to keep the peace. There may be moments when maintaining public order will require the *non-enforcement* of the law.

The key point is that debates about police effectiveness must take into account the complex multiple roles of policing and ask: which policing task are we talking about? To put it another way, before you can ask ‘what works?’ you have to ask ‘what matters?’ Crucially, as Loader (2007b) points out, in working out our priorities, security may not always be the most important consideration. This observation pushes us to think about how effective we can reasonably expect the police to be, perhaps even how effective we *want* them to be.

Take crime control. There are many ways the police could be effective in controlling crime (at least in the short term). They could, to take an extreme example, use highly repressive techniques such as summarily executing people they suspect of crime—a documented fact in countries including Brazil, Guyana, and Jamaica. The use of wide-spread intrusive surveillance might also be effective. East Germany, for example, may well have been a low-crime society as a consequence of the use of neighbourhood informers, systems of covert surveillance, intelligence

gathering, black-listing, and wide-spread imprisonment. Northern Ireland in the 1970s also had very low reported crime rates, at least partially because of the brutal physical punishments—such as kneecapping and banishment—meted out by paramilitary civil administration units to control antisocial behaviour. Excessively ‘effective’ policing can be a social disaster. An analogy could be made with a headache. There are certain ways that are one hundred per cent guaranteed to get rid of a headache—such as morphine and the guillotine—that no physician would recommend since they will be *too effective*.

Fair enough policing

It is axiomatic that in a democracy people should be treated fairly. This axiom holds whether we are talking about the distribution of goods and services, but even more acutely when we are concerned with the distribution of security and ‘justice’ where what is at stake is not the inequality in the provision of goods, but the distribution of ‘bads’ such as being coerced or confined. In attempting to decide whether policing is ‘fair enough’, our starting-point could be the Aristotelean dictum that ‘equals be treated equally and unequals unequally in proportion to their relative differences’. Kleinig (1996) alerts us to the need to distinguish *relevant* similarities and differences in making such a judgement.

Kleinig (1996) also points to some of the features of the police ‘working environment’ that makes the delivery of fairness in policing problematic. For example, the attempt to deliver ‘fairness’ and ‘justice’ is bound to be compromised

in the midst of social inequality. Police officers operate in a world where there is lack of information about a given situation and the outcomes of action are unpredictable. Police work is also characterized by broad discretion in which ‘police culture’ provides a medium through which decisions are reached. This culture comprises ‘dictionaries’ of types of people with whom the police come into contact, ‘directories’ of general approaches to police work, and ‘recipes’ for action in specific situations (Chan 1997). It is also evident that the occupation of policing tends towards social and moral conservatism (Reiner 2000), and research evidence from numerous societies shows that sexism, racism, and xenophobia are often found to be more prevalent among police officers than in wider society (Bowling and Phillips 2003; Bowling et al. 2004).

There are numerous ways in which the conundrums of equality can be resolved (Bowling and Philips 2002). The *equal treatment* approach aims to establish ‘formal equality’, assuming that because all people are equal, they should be treated identically. However, this approach neglects differences in experiences and needs, and so its ‘one-size-fits-all’ approach to service provision fails to meet the needs of a diverse society. In particular, the equal treatment approach fails to take into account inequalities arising from discrimination in other spheres. The *level playing field* or *equal opportunities* approach recognizes the fact of difference and accepts that discrimination creates patterns of inequality that the ‘equal treatment approach’ cannot address. This approach therefore seeks to tackle the

conditions preventing members of society from competing fairly. The *equal outcome* approach focuses attention on the outcomes or end results of policies and programmes, imposing an expectation that an absence of inequity of any sort would be a hall-mark of a fair system. The work of Tom Tyler is also useful here. Tyler (1990) argues that what matters is the citizen's evaluation of the fairness by which they are treated and it is this that contributes to the legitimacy of policing in general and to specific police actions. He argues that such principles as participation, neutrality, transparency, dignity, respect, and trust contribute to 'procedural justice' that underpins legitimacy (see also Skogan and Frydl 2004).

Good enough stop and search?

It is clear from the discussion so far that assessing whether the extent to which policing is *sufficiently* fair and effective is a complex undertaking (see Skogan and Frydl 2004). Before we go further, it is important to establish *what is stop and search intended to achieve?* In English law, the power to stop and search is an *investigative* power (Bowling and Phillips 2007) which should be compatible with the European Convention on Human Rights (ECHR), Article 5. The UK Police and Criminal Evidence Act (1984), for example, provides the police with the power to detain an individual briefly, short of arrest, to make inquiries and to undertake a personal search in order to confirm or allay a reasonable suspicion that the person has committed or is about to commit a criminal offence. It is most often used for the purposes of

ascertaining whether a person is carrying weapons or in possession of stolen goods or controlled drugs. While it is also the case that stop and search is often used as a means of 'social control', intelligence collection, breaking up groups of young people, and a general deterrent, there is no basis for this in law, and it offends the rights to freedom of movement, privacy, and respect for personal liberty (Bowling and Phillips 2007).

It is beyond the scope of this lecture to provide an exhaustive evaluation of the effectiveness of stop and search (but see Willis 1983; Sherman 1992; Reiner 2000; Miller et al. 2000; Bowling and Foster 2002; Skogan and Frydl 2004). My much more modest purpose here is to raise a few questions in this regard. The first question relates to the effectiveness of stop and search as an investigative tool. In making this assessment, it should be borne in mind that the overwhelming majority of offences are solved as a result of information coming from the public (Bowling and Foster 2002) and that there are entire domains of criminal behaviour—e.g. domestic violence—for which stop and search is almost entirely irrelevant. A Home Office review of the research evidence concluded that stop search has 'only a minor role in detecting offenders for the range of all crimes that they address, and a relatively small role in detecting offenders for such crimes that come to the attention of police' (Miller et al. 2000). It concluded that stop and search has 'only a limited disruptive impact on crime by intercepting those going out to commit offences' and that it is 'unlikely that searches make a substantial contribution to undermining drug markets or drug-related

crime'. Broadening their analysis to look at the overall impact of the use of the power, Miller et al. (2000) concluded that there is little evidence that stop and search plays a significant role in controlling crime or in maintaining public order.

This raises a second question that relates to both effectiveness and efficiency: how well targeted is stop and search? Evidence from the UK is that of every 100 recorded searches 'on suspicion', about 88 are fruitless; that is, they do not result in an arrest for the behaviour suspected or for any other reason (Home Office 2005). The research evidence suggests that the targeting of the power is woefully inaccurate. The basis for 'reasonable suspicion' often turns out to be absent, and there appears to be limits to the skill of the police officer in distinguishing the person who is actually involved in crime from those for whom a generalized suspicion exists in the police lexicon—urban males wearing hooded sweat-shirts, for example.

A third question about the effectiveness of stop and search relates to the necessity of its use in comparison with other policing methods. It is clear that there is wide variation in the use of stop and search between British police forces depending on tradition, local force policies, and the ethos of the high command. For example the Humberside police conduct 17 times fewer searches per thousand population in comparison with the neighbouring Cleveland, and yet the policing problems that the two forces face are similar (Home Office 2005). Cities with similar crime problems are also policed very

differently. Similarly, the London Metropolitan police use stop and search far more extensively than their counterparts in other cities. It can be inferred therefore that good policing can be conducted without the wide-spread use of the tactic.

Anxieties about the unfairness of the use of the police power to stop and search go back a very long way in Britain (Institute of Race Relations 1979). Stop and search was cited as a cause of the Brixton riots in 1981 (Scarman 1981). The use of the power was both part of the background build up of anger and resentment against the police and also a specific policing initiative—Operation Swamp—that was the trigger for the disorder (Scarman 1981; Bowling and Phillips 2002). One of the key complaints that persist to this day is that the police power to stop and search people in public places is used disproportionately against ethnic minority groups. In the most recent official data, black people are six times more frequently stopped, and Asians are twice as frequently stopped, when compared against their numbers in population (Home Office 2005). Whilst the reasons for the disproportionate targeting of ethnic minority communities are complex, the evidence is consistent with the view that it is the result of unlawful racial discrimination (Bowling and Phillips 2007).

A number of consequences flow from unfairness in the use of stop and search. First, unfair targeting means that wrongdoing among particular communities relatively more frequently comes to the attention of the authorities. This applies in general to urban, male, working-class, or poor communities and to ethnic

minority communities. For example, 6% of white British people enter the criminal justice system as suspects as a result of stop and search (rather than, say, a crime report by a member of the public), compared with 11% of their black counterparts (Home Office 2005). Therefore, in comparison with their white counterparts, 'black people are almost twice as likely to enter the criminal justice process as a result of being stopped and searched by the police' (Bowling and Phillips 2007).

Secondly because the 'hit rate' is the same for each group, six times as many innocent black people and twice as many Asians are unjustifiably searched in comparison with their white counterparts (Bowling and Phillips 2007). Because stop and search is so widely used against ethnic minority communities, a significant proportion of these communities have the experience of being treated as suspects and enduring the embarrassing inconvenience of having one's person, bag, or vehicle searched. This incidental or 'collateral' impact on the law-abiding population creates a particularly wide-spread perception of unfairness. Even if all the stop searches were justified—which is clearly extremely dubious since nine out of ten are fruitless—the markedly disproportionate impact on ethnic minority communities would still create the experience of being unjustly targeted.

Thirdly, it can be argued that the unfair use of stop and search is criminogenic. The police often compare stop and search with fishing. But such 'fishing expeditions' are not only ineffective and inefficient, they can have a harmful impact on the sea bed of informal social

control and police legitimacy. In recent years, the nets of formal social control have been cast more widely, the mesh has thinned, and the speed of the trawl has increased (Morgan 2007). The result has been the criminalization of small fry. The experience of being unfairly targeted for stop and search undermines the legitimacy of policing which, in turn, has material effects on the willingness of victims of crime and witnesses to pass information to the police and voluntary compliance with the law (Tyler 1990). No democratic policing practice can survive without legitimacy and consent. In the most extreme cases, the inappropriate use of stop and search carries the risk of creating confrontations between police and public that has the potential to trigger disorder. As Carole Willis put it nearly a quarter of a century ago:

Without a secure base of community support ('consent') the use of [stop and search powers] ... rapidly becomes hazardous and ineffective. To maintain their effectiveness, therefore, their exercise needs constantly to be reassessed not merely in relation to arrests or clear up rates, but also in the light of the effect on the community as a whole. In other words, the satisfactory and fruitful exercise of powers in this area depends crucially in the long term on police action being perceived by individuals and groups as acceptably fair and rational (Willis 1983:23).

Clearly, fairness and effectiveness are inseparable; they are two sides of the same medal. If the power of stop and search is not used fairly it cannot be effective. Unfairness undermines effectiveness when stops are targeted by stereotype rather than reasonable suspi-

cion, when the overwhelming majority are carried out on innocent people, and when a significant proportion of certain populations are affected by its use. On the flip side, ineffective stop and search cannot be fair if it fails to provide protection and leaves the most vulnerable sections of society least protected.

Improving the use of police powers

When thinking about the powers of the police, it is vital to remember that the onus always lies with the state to justify the use of powers that intrude into the lives of citizens who have certain inherent moral rights (Kleinig 1996). In thinking through the fairness and effectiveness of stop and search, the first step must be to be clear about its purpose and goals. It is then important to specify and publish fundamental values and principles to guide the use of the power. Some basic guiding principles are well established (Bowling et al. 2004). For example, its use should be within the law, accountable (can be explained and justified in a way that would satisfy an independent observer), proportionate (that the level of intrusion or period of detention is consistent with the purposes of the search), parsimonious (no other less intrusive or coercive method would do as well), and effective (makes a verifiable contribution to the investigation and prevention of crime). Its use should also be equitable, respectful of human rights, and guarded against discrimination. In delivering 'procedural justice' certain aspects of fairness are required including openness and transparency, the capacity to listen to what people treated as suspects have to say, avoiding embarrassing them, allowing people—whether they are victims,

witnesses, suspects, or arrestees—to give their version of the facts and to answer their questions. While police constables may not always be able to obtain the 'informed consent' required in the medical profession, they should nonetheless inform the public of what they're doing and why.

To improve fairness and effectiveness in the practice of street policing it seems clear to me that there should be a reduction in the number of people who are treated as suspects where no reasonable ground exists for them to be treated as such. In discussing this topic, I ask my students what they think would be a 'hall-mark' of a fair and effective use of stop and search powers in terms of the percentage of searches of 'suspicious people' that result in arrest. The first figure suggested is often 90%; the reasoning is that if a police officer's suspicions turn out to be correct nine times out of ten, they would be doing a good job. When I say that the true figure is much lower, the next figure suggested is often 50%; here the reasoning is that although it is a long way from perfect, unfounded suspicion half of the time might be annoying to the innocent people inconvenienced by a search, but still within the bounds of 'reasonableness'. Most audiences are shocked to discover that the proportion of stop searches resulting in arrest is typically around 12% or 13% and that this can fall as low as 7% or 8%. How, they wonder, can suspicion be 'reasonable' if it turns out to be unfounded more than nine times out of ten? Clearly, in order to improve the 'hit rate' to somewhere between 50% and 90%, the number of innocent people stopped has to be

reduced drastically and—most probably—this means an overall reduction in the use of the power.

Nevertheless, it seems to me that equality of outcome in policing, however desirable, is likely to be unattainable. Even if the extent of the actual use of the power were reduced significantly, it seems likely that stop and search will most probably continue to fall upon the young male urban dweller and—to some extent—disproportionately on ethnic minority communities. As argued above, justice in an unjust world is impossible and therefore a degree of unfairness is likely to remain. This comment should not be taken as capitulation in the quest for fairness and justice, but rather a plea for realism. The key question here is what constitutes ‘fair enough’ policing? What degree of unfairness is a community prepared to accept? And how would the public be involved in a discussion of what is acceptable?

Conclusion

My goal in this lecture was to consider whether the idea of the ‘good enough’—a phrase coined more or less simultaneously in the psychoanalytic and management literature—has anything to offer students of the police. My answer is a tentative yes. The police studies literature shows that there are some very powerful factors that limit the capacity of the police to be either perfectly fair or perfectly effective. People like Simon, Winnicott and Bettelheim would say (from their various perspectives) that this is what our knowledge of the human condition would lead us to expect: the pursuit of unachievable maxima is always pointless and often

counter-productive. It would be better, if we follow this argument, to understand that police omnicompetence is an illusion, accept imperfections in both police and the communities that they serve, expect mistakes and—without diminishing accountability—work out ways of resolving them.

A plea for ‘ordinary good policing’ emphatically does *not* mean that communities should just accept poor service, incompetence, racism, rudeness, corruption (or any of the other ways that things go wrong in policing) nor that the police should stop striving for improvement. Neither is it to say that outstanding achievement in the ranks should not be recognized and rewarded. Of course, police officers should do their best. I see no conflict between the pursuit of the ‘good enough’ and the new UK National Police Improvement Agency’s stated goal to ‘deliver the best possible policing services to the public’. Members of local communities should continue to engage with the police in forums at all levels to provide well founded criticism and to call for improvements. Aiming for practice to be ‘good enough’ should not distract the police from the goal of improvement, but direct them to where it is most urgently required. As Hoghugh and Speigh (1998:295) remind us, governments, and by extension police officers, like the ‘parents of society’ can sometimes be *not good enough*; we have to be wary of those who put their own interests first, discriminate against some and in favour of others, and react excessively punitively in response to misbehaviour. Hoghugh and Speigh argue that a ‘good enough government’ (and I would extend this to

policing) will show care for society, promote its welfare while being firm and fair in applying sanctions, and will use available knowledge to understand and ameliorate problems (Hoghghi and Speigh 1998:295).

In my opinion, the use of stop and search powers is a clear example of where policing is *not* good enough for the reasons set out above. I have focused my remarks in this lecture on stop and search because this is one of the ways in which the police show themselves to be active in offering public safety. There are of course less intrusive and coercive means to provide safety, but this example illustrates the point that efforts to provide security, whether or not they are successful, have (intentionally) harmful effects on suspected offenders and (incidentally but predictably) harmful effects on many others. Some sections of society are, therefore, excluded from the benefits of policing while shouldering a disproportionate share of its burdens. Proactive policing coexists with persistently high rates of certain crimes in certain areas. Despite extensive enforcement, rising use of stop and search, and an increasing number of people ‘brought to justice’, courts working faster than ever and with prison bursting at the seams, many forms of crime—among them some of the most serious ones—remain the subject of significant public anxiety.

The argument and evidence that the police use of stop and search powers is ‘not good enough’ questions the idea that the provision of security—at least as it is offered by the police on a day-to-day basis—is *in practice* a ‘public good’ in the sense of benefiting everyone equally

and without costs to some people.⁴ The heart of the problem is that insecurity is not the only antonym of security: being ‘secured’ is quite the opposite of being secure. Facets of the absence of security can be captured by words like captivity and repression. In such conditions, the burdens of ‘security provision’—for example policing—are borne without, in fact, providing security. In this way an entire community can feel ‘over-policed and under-protected’ (Macpherson 1999; Reiner 2000), a long-standing complaint among ethnic minority communities in Britain based on the experience of being subject to an intrusive form of policing that yields little or nothing in terms of protection (Bowling and Phillips 2003).

The crux of the debate is how to maximize the provision of the good of safety whilst minimizing the burdens imposed to achieve it. We need a sufficiently effective form of citizen engagement to provide a minimum standard of community safety, quality of investigation, and problem-solving skills among police officers. Police accountability needs to be robust enough to require officers to explain their actions, but not so managerialized as to undermine their ability to deliver a service. We also have to ensure that the police are sufficiently fair to enable them to maintain community legitimacy, but accepting that decisions taken swiftly are unlikely to be perfectly fair. We ask a lot of the police, and this fact underlines the folly in the pursuit of maximal effective-

⁴Security has inescapably consensual connotations, implicitly taking the position of X and looking out at the “threat” of Y. Policing is a necessary “evil” if we are to have resolution of immediate conflicts and dangers by applying the threat of or actual force... but this is why it can only ever be “good enough”, not really a “good”. (Robert Reiner, personal communication).

ness and maximal fairness. We need to be thinking about what is 'effective enough' and 'fair enough', recognizing that this may differ from community to community. We need to be clear about the goals of practice, about the funda-

mental values of accountability, equity, public voice, and participation. And we have to look at both the means and ends of policing. Policing never has and never will be perfect. The task ahead is to ensure that it is good enough.

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