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## Policing One-woman Brothels in Hong Kong: Alternative Strategies

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### Abstract

'One-woman brothels' are actually small flats in residential buildings in Hong Kong, each with a single female sex worker working in it. Although there is no law that specifically stipulates that prostitution is illegal in Hong Kong, virtually every activity connected with prostitution is regarded as an offence. Therefore, the Hong Kong Police are able to use relevant laws to tackle street sex workers, call-girl services, and different vice establishments such as villas (guest houses), massage parlours, nightclubs and karaoke bars which directly or indirectly provide sex services to their customers. Interesting enough, a lone sex worker who sells her body for money inside an apartment (one-woman brothel) is not technically committing any offences.

Faced with immense pressure from the community, the police may adopt alternative strategies to reduce the number of one-woman brothels and keep them low profile in some black spot areas. The alternative strategies include 'visiting sex workers', 'harassing clients', 'pressuring door caretakers' and 'advising landlords'. This research finds that the two most effective ways to combat one-woman brothels are visiting sex workers and harassing clients. However, the price is that the police need to invest their manpower heavily on the above operations. In addition, these two strategies may create 'displacement effect'. The sex workers may move to another area to continue their business. The data of this research mainly derive from local studies on this topic, official documents, media reports, a popular one-woman brothel website, field observations and interviews with 12 police officers who had experiences in dealing with one-woman brothels.

### 1. Introduction

Although public brothels do not exist in Hong Kong, there are a number of 'one-woman brothels' in operation. These brothels are actually small flats in residential buildings, each with only one female working in it. The one-woman brothel sex workers solicit their business by advertising in newspapers, adult magazines and recently on the internet. Also, they show some symbols nearby like installing a coloured light bulb at the top of the doors or marking a symbol on or above the door bells to act as a hint to their potential customers. It is true that these sex workers usually try to keep a low keyprofile in their activities. Nevertheless, the presence of these vice establishments still creates hassle and safety problems in the neighbourhood because their addresses and entrance password are disclosed in the advertisements for their clients. Clients are often found loitering in the corridor or the staircase where the one-woman brothels are situated. Women in the neighbourhood may live under fear and embarrassment due to the discomfort created by clients in the area (*Apple Daily* 5 September 2001).

In recent years one-woman brothels in some areas of Hong Kong have raised safety concerns to the community. Sham Shui Po, for instance, has a large number of one-woman brothels in its residential buildings. According to a survey conducted jointly by the Sham Shui Po District Council Women's Concern Group and YMCA in 2004, 70% of the 345 female resident respondents said that sexual harassment was a serious problem in the area. One of their biggest fears was being mistaken for sex workers. Another serious problem created by one-woman brothels was nuisance knocks on their doors by clients looking for sex services. This problem is more serious in buildings where there is a cluster of one-woman brothels operating in the same block (*Sing Tao Daily* 26 November 2004).

This issue was raised in Legislative Council meetings on several occasions. Councilors criticized the police for not tackling the problem effectively (Hong Kong Legislative Council, 9 July & 8 October 2003). However, the community does not understand that a single woman selling sex inside an apartment is not a crime in Hong Kong. As a result, the police may adopt alternative strategies to force sex workers out of the building. For instance, they often frequent the workers' flat and check the identity of the people who intend to visit one-woman brothels. These alternative strategies are challenged by voluntary organizations that fight for the rights of sex workers such as *Zi Tang*. They accuse the police for human rights abuses.

The aim of this paper is to investigate why it is so difficult for the police to combat one-woman brothels from a legal perspective and how the police are forced to employ different alternative strategies to deal with this problem. The data of this research mainly derive from local studies on this topic, official documents, media reports, a popular one-woman brothel website, field observations and interviews with 12 police officers who had experience in dealing with one-woman brothels.

## **2. The One-woman Brothel Industry**

Although one-woman brothels have become popular in Hong Kong since 1970s and it is a unique type of vice establishment rarely found in other countries, very few academic studies have been conducted on this topic. Studies on prostitution in Hong Kong mainly focus on street sex workers and sex workers in karaoke bars and nightclubs (Yang Memorial Methodist Social Service Centre, 1993 and Emerton and Petersen, 2003). According to a report conducted by Mongkok District Board in 1982, 113 one-prostitute apartments (one-woman brothels), 130 adult entertainment centres and 89 guest houses (which provide call-girl services) were recorded. Since then, only one survey was conducted by Kong and Zi Teng (2003) to study the working experience of one-woman brothel sex workers in Hong Kong. However, no studies have been done to examine police strategies against one-woman brothels.

Traditionally one-woman brothel sex workers mainly advertise their business on Chinese newspapers and adult magazines. According to our police interviewees, in the past few years the internet has become a popular medium for them to attract clients. The reasons may include: (1) The internet provides an immediate update of the available women in the sex market; (2) It allows clients to see photos or video clips of the sex worker prior their visit; (3) A larger number of potential clients can view the material in the internet at the same time and the photos and videos clips may enhance sales of sex service; (4) The materials can be in both English and Chinese and this may attract expatriate and foreign clients; (5) Clients can avoid embarrassment of buying adult magazines in shops; and (6) Internet advertisement is relatively cheap and convenient because specialist companies can provide full

advertisement package to sex workers. For instance, *Sex 141*, a one-woman brothel online advertisement company, will charge an advertisement from HK\$1,000 to HK\$1,500. The company will arrange a photographer to take photos at the one-woman brothel (*Next Magazine* 25 November 2004).

In order to provide an outlook to the size and operation of the one-woman brothels in Hong Kong, a popular one-woman brothel advertisement website was studied. A total of 536 sex workers were posting their advertisement on this studied website on 3 March 2005 (see Appendix). The exact number of one-woman brothels should be much higher than the above figure given that the rest of one-woman brothel sex workers may advertise their business on other websites or newspapers and adult magazines. The distribution of the one-woman brothels was as follows:

Region	District	Number of Sex Workers
Hong Kong Island	Western District, Sheung Wan, Central, Wan Chai, Causeway Bay, Tin Hau, Fortress Hill, North Point, Sai Wan Ho, Shau Kei Wan	149
Kowloon	Cheung Sha Wan, Sham Shui Po, Prince Edward, Mong Kok, Yau Ma Tei, Jordan, Tsim Sha Tsui, Hung Hom, To Kwa Wan, Kwun Tong, Kowloon City	341
New Territories	Yuen Long, Sheung Shui, Tsuen Wan, Kwai Chung, Tai Po	46

According to the surveyed website, one-woman brothels concentrated in Kowloon. For example, in Tsim Sha Tsui only there were 129 sex workers who posted an advertisement on the internet. On the Hong Kong Island, Causeway Bay had the largest number of one-woman brothels with 58 advertisements. By contrast, one-woman brothels that were situated in the New Territories had the least number of online advertisements on this website. It had only 46 advertisements.

Prices varied depending on the sex service provided and the quality of individual sex workers. A full-package sex service ranged from HK\$250 to HK\$1,000 with an average of HK\$300-400. In Hong Kong street sex workers provide the cheapest sex services. One-woman brothels sex workers represent the second strata in the sex industry in terms of the price. Their sex services are normally priced lower than sex workers in nightclubs, karaoke lounges, massage parlours and call-girl services.

The age of the one-woman brothel sex workers is likely to be older. Among 536 sex workers in the studied website, nevertheless, it is found that most of sex workers (62.2%) claimed to be 18 to 30, with 26.9% ranged from 18 to 22, 31% from 23 to 26, and 4.3% from 27 to 30. It is important to note that the age claimed by these sex workers on the internet may not be accurate since old age would probably discourage customers. It is quite surely likely that sex workers under the age of 18 should be very rare since they may not be able to manage the brothel financially and

technically. In addition, they would be very susceptible to police inspection.

Our police interviewees emphasize that one-woman brothel sex workers should have a resident permit to stay in Hong Kong. Otherwise, they will be charged with the breach of one's condition of stay under the Immigration Ordinance if they are visitors. From the studied website, it is found that most of one-woman brothel sex workers (67.4 %) were female new immigrants from mainland China since they claimed to speak both Mandarin and Cantonese. The next group was the local female Hong Kong citizens (24.1%). It is also found that a small number of sex workers originally came from other countries or regions such as Taiwan, Korea, Japan, Singapore and Eastern Europe. It is interesting to note that 2 sex workers claimed that they were French and 6 were mixed.

Our police interviewees also confirm that most sex workers working in self-operated one-woman brothels usually have previous experience in the sex industry in Hong Kong. It is rare for a first timer to operate a one-woman brothel. One of the main characteristics of the one-woman brothel is that the lone sex worker provides direct form of sex services to their clients in a homely environment. They cannot expect other people to help them. Therefore, these sex workers are required to be more sophisticated in the sense that they can take care of the apartment alone, prevent theft, and attract and keep their clients.

### **3. Problems of Policing One-woman Brothels**

There is no law that specifically stipulates that prostitution is illegal in Hong Kong. Hence, prostitution per se is not an offence. According to Hong Kong laws, however, virtually every activity connected with prostitution is regarded as an offence:

- Keeping a vice establishment (Crime Ordinance Chapter 200 Section 139)
- Control over persons for purpose of unlawful sexual intercourse or prostitution (Crime Ordinance Chapter 200 Section 130)
- Causing prostitution (Crime Ordinance Chapter 200 Section 131)
- Causing or encouraging prostitution, intercourse with, or indecent assault on, girl or boy under 16 (Crime Ordinance Chapter 200 Section 135)
- Trafficking in persons to or from Hong Kong (Crime Ordinance Chapter 200 Section 129)
- Living on earnings of prostitution of others (Crime Ordinance Chapter 200 Section 137)
- Soliciting for an immoral purpose (Crime Ordinance Chapter 200 Section 147)

Therefore, the Hong Kong Police are able to use relevant laws to tackle street sex workers, call-girl services, and different vice establishments such as the villas (guest houses), massage parlours, nightclubs and karaoke bars which directly or indirectly provide sex services to their customers.

Interesting enough, a lone sex worker who sells her body for money inside an apartment (one-woman brothel) is not technically committing any of the above offences. For instance, the 'keeping a vice establishment' ordinance states clearly that 'a person who on any occasion keeps any premises, vessel or place as a vice establishment; or manages or assists in the management, or is otherwise in charge or control, of any premises, vessel or place kept as a vice establishment shall be guilty of an offence'. Nevertheless, the police cannot use this law to charge one-woman brothel sex workers of keeping a vice establishment because the

one-woman brothel cannot be legally defined as a vice establishment. According to these laws, at least two females must be working as sex workers inside an apartment before it can be classified as a 'vice establishment'. One-woman brothel sex workers are lone sex workers inside an apartment. Therefore, the apartment cannot be defined as a vice establishment.

Since one woman brothel sex workers work alone, there are no pimps who control the sex worker. The police cannot charge any persons of 'trafficking in women', 'exercising control over a woman for the purposes of prostitution', 'causing or encouraging prostitution' or 'living on earnings of prostitution'. The Section 147 of Crime Ordinance Chapter 200 prohibits the solicitation in public place, which makes 'a person who is in a public place or in view of the public solicits for any immoral purpose or loiters for the purpose of soliciting for any immoral purpose' an offence. One-woman brothel sex workers usually stay in their flat to wait for customers. The 'soliciting for an immoral purpose' law is inapt to deal this kind of sex worker. Moreover, these sex workers are adults who choose to become sex workers voluntarily. Therefore, the Section 135 of Crime Ordinance Chapter 200 which makes it an offence to 'cause or encourage prostitution of, intercourse with, or indecent assault on girl or boys under 16' is also not applicable to charge one-woman brothel sex workers.

The Section 41 of the Chapter 115 of the Immigration Ordinance prohibits any person to breach one's conditions of stay. Although it is clear that most of one-woman brothel sex workers came from Mainland China, they are no longer visitors. If the sex worker has not obtained a resident permit to stay in Hong Kong, it is not easy for them to operate a one-woman brothel. The landlord will hesitate to rent a flat to a person who fails to present a Hong Kong identity card. Furthermore, even if the woman can ask a local resident to rent the flat on her behalf so that she can work as a sex worker there, she will be very vulnerable to police routine visits.

It is clear that the one-woman brothel is operating through legal loopholes. The police have no sufficient legislative power to tackle the problem. Faced with immense pressure from the community, the police may adopt alternative strategies to reduce the number of one-woman brothels and keep them low profile in some black spot areas. The alternative strategies include visiting sex workers, harassing clients, pressuring door caretakers and advising landlords.

#### **4. Visiting Sex Workers**

Although the police cannot charge one-woman brothel sex workers keeping a vice establishment, they can use different legislative powers to pay frequent visits to their targeted brothels and this will seriously interrupt their business. According to the Crime Ordinance (Chapter 200, Section 13), a Magistrate can grant a search warrant to authorize any police officer to enter and search a premise if there is sufficient evidence to suspect that an offence has been or is being committed in or in connection with the premise. Therefore, the police can apply for a warrant to investigate the one-women brothel if they suspect that there are trafficking of women,

any persons living on the earning of sex workers or managing a vice establishment. To apply for a search warrant to enter a private premise, nevertheless, the police have to present sufficient evidence to the Magistrate. This method cannot be exercised often because it is time consuming and inefficient.

There are other laws that provide the police with legal power to enter a one-woman brothel without a search warrant from a Magistrate. For instance, the Commissioner of Police can authorize a police officer, above the rank of Sergeant, to enter a premise without notice under the Protection of Children and Juveniles Ordinance (Chapter 213, Section 16). The police officer is given the legal power to interrogate any persons therein to check missing girls or any girls under 16 who are working as a sex worker in the premise. In a situation where the sex worker refuses to open the door, the police officer can make a forced entry.

It is true that the police cannot enter and search a private premise without a warrant from a Magistrate, the authorization by the Commissioner of Police, or the invitation of the occupier. The police still can use a number of excuses to pay frequent visits to their targeted one-woman brothels. As a police officer stated: "In their busy hours or when we know that she is serving a client, we can knock on the door to *make an enquiry* about the crime situation in the neighbourhood or *remind* her to be cautious when a stranger visits her apartment. Even though the sex worker does not allow us to enter her apartment, our frequent visits like this kind will seriously interrupt her business. Sooner or later she will move out because she knows that we are targeting her."

Frequent visits are an effective police tactic to force the sex worker to move out of the apartment. For instance, in 2001 it was reported that a one-woman brothel was raided by the police 3 or 4 times a day, especially during her 'busy hours'. Her clients eventually went away since they were often interrupted and annoyed by sudden visits of the police (*Apple Daily* 5 September 2001). A study on sex workers of one-woman brothels conducted by Kong and Zi Teng (2003) find that visiting from the police (48.4%) was the second largest factor affecting their business.

In some cases the police can exploit other laws to force the sex worker to move out. For instance, in 2001 it was reported that an over 50-year-old local domestic worker was hired by a sex worker to clean up his apartment. During the raid, the police officer threatened that the premise had to be closed because it was a vice establishment – two females working as sex workers inside the apartment (*Apple Daily* 17 October 2001).

## **5. Harassing Clients**

Since prostitution is not criminalized in Hong Kong, there are no specific laws against clients buying sexual services. Therefore, the police have no legislative power to arrest and charge the clients of prostitution. Nevertheless, the police can harass the clients to deter them from visiting their targeted one-woman brothels.

There are 3 main forms of alternative strategies reducing the number of men buying sex services from one-woman brothels. The first strategy is to park a police vehicle in an area where one-woman brothels are densely populated. Clients interpret the presence of police vehicles as a sign that 'the police are carrying out an anti-vice operation'. Most of the clients fear that they will be interrupted during their visit to the one-woman brothels. Hence, they will avoid visiting the one-woman brothels.



during that period. A police officer puts it bluntly: "The clients are afraid of seeing us. They don't want to have any trouble. The repeated presence of our patrol vehicle outside the building does scare them off visiting the brothels."

The second strategy is to deploy a uniform police officer to station at the main entrance of the building where one-woman brothels are concentrated. The police officer can act as a good deterrent to prevent clients from entering the building (*Apply Daily* 5 September 2001). Under the Immigration Ordinance (Chapter 115 Section 17C), police officers are given the power to carry out a random ID check. Therefore, the police office can conduct ID checks on suspicious clients and ask them the purpose of entering the building. Since paying sex workers for sex services is taboo in Hong Kong, most clients would feel embarrassed when they are interrogated by the police. In fact, when they find that a uniform police officer is stationing at the main entrance, they would leave to avoid trouble. As another police officer has said: "Putting a man there at the main entrance is a very effective way to drive their clients away. The clients fear that the police will inform their families or employers about their visits to prostitutes."

The last strategy is to arrange a patrol record book temporarily outside the target building. Since the patrol officer will come to the building regularly to sign the book, this will deter the clients from visiting the building. When the sex workers working in the block find that the police are targeting them, they know that they cannot continue to do business in this building because their clients dare not to visit them. They will then move from that area of the community to avoid further problems. out soon.

## **6. Pressurizing Door Caretakers: Putting on the Pressure**

One-woman brothels represent the lower strata in the Hong Kong sex industry. Most sex workers do not charge at a high price, as they need to sustain their competitiveness with other forms of prostitution. As a lone operator with limited capital, they have to look for a flat with lower rent. Their other concern when they are renting a flat for their business is the security management of the building. These sex workers are waiting for their clients to visit them through advertisements. If their clients are required to be recorded with their names and identity card numbers by the door caretakers before they can enter the building, they will be driven away. Therefore, the ideal place for the sex workers to operate one-woman brothels is the flat located in old residential blocks with cheap rent and without door caretakers.

Since old residential blocks without door caretakers have become less common in Hong Kong, quite a number of sex workers operate their business in old residential building or residential/commercial buildings with low level of security management. It means that these buildings have door caretakers but they will not actively check and interrogate non-residents who enter the building. In some cases sex workers may give some tips to the door caretakers to make them turn their blind eye and allow their clients to enter the building without interference.

One of the alternative strategies adopted by is that the police is to put pressure on door caretakers to interrogate strangers who enter the building. Since most clients do not wish to be known for buying sex service, they would not tell the door caretaker that they are visiting the one-woman brothel. To avoid embarrassment, they would pretend that they 'got the wrong place' and then leave the building immediately. According to the police interviewees, this is an effective way to drive potential clients away. A police officer explains: "Many men find the one-woman brothel a

convenient way to buy sex services. If they are being asked many questions by the door caretakers before they can enter the building, they will hesitate to visit the brothel."

In order to make sure that the door caretakers are performing their duty well, the police will send undercover agents to see whether the door caretaker will stop and check strangers to enter the building. The failure to do so may result in the police issuing a warning letter to their employer. The police may use the Security and Guarding Services Ordinance to revoke the door caretaker's permit who repeatedly neglect his duty.

## **7. Advising Landlords**

In Hong Kong there are no laws specifically stating that prostituting in one-woman brothel is prohibited. This is because according to the Crime Ordinance there must be at least two females working as sex workers in an apartment before it can be classified as a 'vice establishment'. According to the Deed of Mutual Covenant, any unit in the building cannot be used for the immoral purpose. Residents in the building can put forward the case in the civil court to sue the owner who rents a flat for the one-woman brothel. Normally the action will be taken by the Incorporated Owners which is a legal organization formed by owners under the Building Management Ordinance to manage the public areas of the building and make decisions on matters concerning its management on behalf of the owners. The reason is that the prosecution relies heavily on the continuous and strenuous effort of the Incorporated Owners to gather information and evidence before the case was put forward to the court. In some cases, the police advised and encouraged the Incorporated Owners of the building to take legal action against individual owner who rents a flat to the sex worker.

Indeed, a recent case clearly demonstrates the importance of the cooperation between the police and the Incorporated Owners to tackle the one-woman brothel problem in the building. In 2001 the police in Mongkok received complaints from the Incorporated Owners of a mixed commercial/residential building about its one-woman brothel problems. The police advised and assisted the Incorporated Owners in gathering sufficient evidence about the one-woman brothel activities. In 2004 a legal action was taken against 15 sex workers operated under one-woman brothels and eventually they were ordered to move out of the building (*Ming Pao* 11 November 2004).

The police's full support and back-up are essential for the success of this approach to the one-woman brothel problem. Members of the Incorporated Owners may be threatened by the landlords who rent flats to the sex workers when they attempt to take legal actions against the one-woman brothels. Therefore, the police have to reassure members of the Incorporated Owner's safety during the operation. Sex workers tend to rent a flat in the building without Incorporated Owners. Also even if the building has Incorporated Owners, it may not be organized enough to take actions against one-woman brothels in their building. Therefore, this type of alternative strategy is not commonly adopted.

## **8. Discussions and Implications**

No studies have been conducted to evaluate the effectiveness of the above

alternative strategies against one-woman brothels. According to our police interviewees, the most effective ways to combat one-woman brothels are 'visiting sex workers' and 'harassing clients'. It should be noted that the purpose of operating one-woman brothels is to make profit. The main characteristic of the one-woman brothel is that a lone sex worker provides direct, fast and convenient sex services to her client in an apartment. Since the brothel is run by a single sex worker who has limited capital, she cannot sustain a long-term deficit. Although sex workers know clearly that their business is not illegal, they will choose to move out of the building if they find that they have become the target of the police.

However, all police interviewees indicate that it is very costly to adopt the above alternative strategies to combat one-woman brothels. The police need to invest their manpower heavily for a certain period so that sex workers are pressurized to move out. Since operating the one-woman brothel is not an offence, the police normally will not put it as their top operational priority unless they are under immense public pressure or the business has become out of control in the neighbourhood. Even the police decide to take actions against one-woman brothels, they can only focus on dealing with the notorious buildings with a large number of one-woman brothels. It is rather difficult for the police to invest large quantity of human resources to combat scattered one-woman brothels suited in different buildings.

It is true that 'visiting sex workers' and 'harassing clients' are the two most effective police strategies to tackle the one-woman brothel problem, but the effect will not last very long and displacement may occur. Under the police pressure, the sex workers may move out of the building but this does not mean that they will terminate their business. They may move to another location in the same district or simply continue their business in another district. A police officer says: "Our aim is to drive them out of our district. We do not care where they will move!" Due to insufficient human resources, the police are not able to deploy their officers for a long period to combat the one-woman brothel which is not a crime. Some sex workers may move back to the original buildings to continue their business after a series of police operations. Therefore, police actions may be effective in reducing the number of the one-woman brothel for a short time but the problem cannot be eradicated.

In the long run the police should consider making use of community resources to combat the one-woman brothel problem such as 'pressuring door caretakers' and 'advising landlords'. In doing so, the police can save resources and put the problem back to the community. As a community problem, the police can adopt a multi-agency approach to mobilize community resources to tackle the problem. The limitation is that one-woman brothels are usually located in residential buildings with loosely organized Incorporate Owners and poor quality of door caretakers. The police may not be able to rely on them to combat the one-woman brothel problem.

The Hong Kong Police are facing a strong dilemma when dealing with one-woman brothels. The current situation is that one-woman brothels are operated 'openly' in Hong Kong but this vice business does create serious social problems in some districts. On the one hand, the police have no legislative power to combat it. On the other hand, the police have to take actions when they are under great pressure from the community. If the police adopt alternative strategies to combat one-woman brothels, they may be accused by sex workers of abusing their power and even violating human rights. To solve the one-woman brothel problem, the Hong Kong Government may need to make new laws to penalize the one-woman brothels so that the police can have sufficient legislative power to deal with this problem. If the

one-woman brothel is regarded as a market problem from a harm reduction perspective, the government should license it to be a legal commercial activity under the rule of demand and supply.

## **9. Conclusion**

The aim of this paper is to investigate the difficulties for the Hong Kong Police in combating one-woman brothels from a legal perspective and how the police are forced to employ different alternative strategies to deal with this problem. This study finds that although there is no law that specifically stipulates that prostitution is illegal in Hong Kong, the police are able to use relevant laws to tackle different vice establishments which provide commercial sex services. Interesting enough, a lone sex worker who sells her body for money in an apartment is not technically committing any offences. Thus one-woman brothels can be operated quite openly in Hong Kong. Indeed the existence of these vice establishments does create hassle and safety problems in the neighbourhood. Faced with immense pressure from the community, the police may adopt alternative strategies to combat one-woman brothels including 'visiting sex workers', 'harassing clients', 'pressuring door caretakers' and 'advising landlords'.

This research finds that the most effective ways to combat one-woman brothels are 'visiting sex workers' and 'harassing clients'. However, the price is high because the police need to invest their manpower heavily on the above operations. In addition, these two strategies may create 'displacement effect'. The sex workers may move to another area to continue their business. Therefore, the police are not able to root out the problem. In fact it is not fair to require law enforcement agencies to combat the one-woman brothel problem as it is not an offence according to the current laws in Hong Kong. To solve the problem, the government may consider 'criminalizing' the one-woman brothel. However, this might create more problems because the business is likely to be controlled by triads when the brothel goes underground. Hygiene will be another serious problem. Therefore, the long-term solution to the one-woman brothel problem seems to 'normalize' it so that one-woman brothels can be operated legally in a confined area.

## Appendix: The One-woman Brothel Industry in Hong Kong

District	No of Sex Workers	Age			Nationality			Price**	Remarks
		18-22	23-26	27-30	PRC	HK	Others*		
Yuen Long	4		2		2	1	1	250-380	
Sheung Shui	6	1	4		2	4		250-350	
Tsuen Wan	27	1	12	3	23	2	2	250-350	
Kwai Chung	8	2	3		5	2	1	300-380	
Tai Po	1		1		1			300	
Cheung Sha Wan	16	2	6	2	11	2	3	250-380	1,500 (overnight)
Sham Shui Po	21	2	4	2	15	4	2	150(HJ) - 450	HJ: Hand Job
Prince Edwards	13	4			8	3	2	98(HJ) - 300	HJ: Hand Job
Mong Kok	29	3	2		22	6	1	200-350	
Yau Ma Tei	10	1		2	9	1		250-360	
Jordan	82	33	14	4	62	18	2	100(HJ) - 1000	1 Japanese 1 Taiwanese
Tsim Sha Tsui	129	64	26	1	86	27	16	300-1000	6 mixed, 2 French, 2 Korean, 2 Japanese, and 2 others
Hung Hom	10		6		6	4		350	
To Ka Wan	4	1			2	2		180-300	
Kwun Tong	17	2	11	2	12	5		250-360	
Kowloon City	10	3	2		4	2	4	300-400	
Western	20	5	6		11	9		300-350	
Sheung Wan	12		6	1	10	2		200(HJ) - 400	
Central	1				1			300(HJ) - 500	
Wan Chai	8	2	3		4	4		300-400	
Causeway Bay	58	12	34	2	33	21	4	300-480	1 Taiwanese
Tin Hau	15	3	5		8	4	3	300-400	
Fortress Hill	5		5		3	2		300-500	
Sai Wan Ho	3		2		1	1	1	300-320	
Sau Ki Wan	3	1			1	1	1	300	
North Point	24	2	12	4	19	2	3	300-500	
<b>Total</b>	<b>536</b>	<b>144</b>	<b>166</b>	<b>23</b>	<b>361</b>	<b>129</b>	<b>46</b>		

\* Others includes mixed, Singapore, Eastern Europe and unknown

\*\* Price varies depending on services provided

Source: *Sex14* website on 3 March 2005

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Policing in Northern India as a Different Kind of Political Science  
Ethnographic Rethinking of Normative "Political Interference" in Investigations and Order  
Maintenance

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### Introduction

Police forces the world over are commonly understood to enact the ideal of a rational scientific mode of investigation of criminal offenses and maintenance of public order (Bittner 1970, Pasquino 1991, Rawlings 2002). The ideal law enforcement officer is supposed to be trained and equipped to conduct impartial watch over society, and to carry out efficient collection and analysis of case evidence in order to detect and prevent crime. But in reality, often police budget allocations and resources are low, and extra-legal and politically motivated demands on them are high. This holds true across times and types of governments democratic or autocratic, communist or capitalist (Comaroff 2004, Glaeser 2000, Manning & van Maanen 1978) and "the world's largest democracy," India, provides no exception to this rule (Arnold 1986&1992, Gupta 1974&1979, Singh 2000, Srivastava & Chauhan 2002). India is also unremarkable when it comes to evincing problems of "corrupt" governance, a "subjective" bureaucracy, and ongoing public debate over how police forces should be structured and maintained, and how the "bad behaviour" among some of these the civil state actors uniquely charged with deploying necessary force in order to provide security to public citizens should be improved.

This paper grows out of twelve months of ethnographic research<sup>1)</sup> into the activities and assessments of police officers in Uttar Pradesh (UP), the largest state in India, with more than 170 million inhabitants and approximately 180,000 police officers. Data have been systematically gathered through anthropological methods of recurrent observation of professional and personal daily lives of police; formal interviews and informal discussions with hundreds of officers of all ranks, found through snowball sampling and surveys of key staff in the state of UP and content analysis of public discourse about police in various media forms (i.e., newspapers, television reporting, legal documents and government reports, police magazines and other literature pertaining to law enforcement). The research part of a broader dissertation study into inhabitation of roles of authority, and the relationship between law and coercion interrogates three principal concepts and practices of policing: 1) simplistic juridical evaluations of police as state agents who regularly indulge in "corruption," 2) impossible idealizations of the figure of an impersonal, apolitical, [Weberian] "rational" police officer, and 3) ongoing inconsistencies and contradictions regarding the form and function of police forces,

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and the often-resultant low morale and confused subjectivity of serving officers. I consider such problems from the perspectives of the officers themselves, and question what sort of "objective" police science is even possible, when bureaucracy is inherently politicized and meddling by a host of interest groups comprises an accepted norm governing criminal investigations and daily maintenance of law and order.

A situation surely not exclusive to India, police officers often must conduct their work in a climate of harsh demands, both from above i.e. politically motivated directives, or sometimes sheer neglect, from superiors and local government officials and from below i.e., citizens who do not trust police to do their duty, or have means to evade their authority via connections with higher powers in the government (Arun 2000, Kapur 2003, Raghavan 1989/1999). These demands often compel officers to either ignore or invent case evidence, in order to make investigations turn out in a certain way. And these myriad pressures encapsulated by Indian officers under the general term "political interference" not only affect a particular case at hand, but also shape how police make decisions to do their work over time. In other words, they learn that often, the "law" and the "truth" matter less in doing their duty than the satisfaction of persons with influence, or the adherence to arbitrary time scales and regulations. These sorts of phenomena are best analyzed by a qualitative diachronic analysis, rather than through, at least, in addition to synchronic "snapshot" sociological surveys, because one must observe the processes of decision-making firsthand, and pointedly question the decision-makers about their motives in a particular context. Thus, by consolidating ethnographic observation, interview, and discourse analysis, this essay aims to provide an empirically rich understanding of the conditions of possibility, patterns, and effects of political pressure inserting itself into the investigative process on a regular basis.

So-called political interference in policing and in bureaucratic administration more generally is decidedly the norm rather than the exception in contemporary India. I argue that the negotiations and impacts of said "interference" have implicit logics, and can provide a different way of understanding policing as a "scientific" enterprise. It is a science less of objective investigation and categorization based on codified law, and more of calculation or prediction of an outcome by attempting to account for all of the political variables that may configure a particular case decision. Since many things that fall under the folk category "political interference" in India are often glossed as corrupt governance, we must begin by addressing a very old and yet still ill-defined problem that of corruption in the police force. Data gathered in interactions with UP Police and public citizens alike demonstrate that concepts and practices referred to with terms like "corruption" are so diverse and indistinct, that use of this category becomes vacuous, and obscures the on-the-ground realities producing inefficient and harmful practices of policing. Therefore, I argue that we must use other words and ways of understanding a wide variety of divergent beliefs and behaviours that tend to be conflated



within the imprecise idiom of "corruption."

This discussion will lead to a second section on the politicization of policing in UP (and in India more broadly), which I argue is not merely a legacy of oppressive practices of British colonizers but also a function of: 1) cultural logics (but not determinants) that have developed over time and perhaps pre-date the encounter with "the West" (or "the North" depending on your preferred parlance), and 2) post-colonial fragmentation and criminalization of electoral politics at local and national levels. Besides the negative impact on objective investigation of crime and effective distribution of personnel, one of the most significant effects of politicization of the police is an extraordinary and perplexing "privatization" of a public force. Politicization also has destructive effects on police ability to maintain order not only among the citizenry but also within the police department itself. This problem will be discussed in a third section on inter-rank strife and the so-called "transfer industry," which renders a dialogical vortex of low morale, impeded functionality, and poor public image that lead to routinized, but ultimately ineffective, shuffling of persons among positions of power, and repeated calls for reform. It is hoped that an analysis of these three problems corruption, politicization, and internal disorder and disagreement on police form and function based in thick description of ground realities (Geertz 1973), will provide an understanding of impediments to effective policing in contemporary India, and advance possibilities for improvement.

#### Beyond Blanket Charges of "Corruption" and "Lawlessness": Material and Non-material Forms of Obligation and Negotiation

The majority of social scientists studying contemporary India as well as common citizens and even government officials themselves would generally agree with the statement: "The Cartesianism of the clerk [bureaucrat] is simple: You pay, therefore you exist. A bribe is not a pathology. It is the fundamental transaction of the Indian state (Vishvanathan 1998)." Observations in the field show this axiom to be generally accurate. However, the declaration is hardly unproblematic, because it lends itself to the immediate conceptual leap that "corruption" is thereby normative and operative, perhaps should not even be called corruption at all, since this term implies an aberration, or deviation from a standard of behaviour under-girded by procedural law (cf., Matthews 1994, Gupta 1995, Nye 1967). But corruption is not to be dismissed as either an irreversible monolithic reality or a functional pragmatic condition. This research therefore approaches the question in a different way, a way which does not assume a unified and unquestionable category of corruption to begin with. Rather, the analysis takes as its point of departure an anthropological theorization of illegal practices in legal administration as being both "conspicuous and generalized" and embedded in a complex of broader socio-cultural logics regarding processes like negotiation among leaders, gift-giving, nepotistic favours, influence-peddling, predatory authority, and redistributive accumulation (cf., de Sardan

1999). In so doing, it offers a contextualized typology of practices of both a material and non-material nature, in the hopes of 1) clarifying motivations for and meanings of certain routinized illicit practices by police, and 2) moving past unsophisticated and imprecise descriptions and explanations of governance shortfalls as always attributable to "corruption."

We commence in the realm of material exchange, the more easily graspable and immediately cognizable aspect of discussions of corruption. Common wisdom dictates that various modes of money changing hands occur on a daily basis in almost every corner of government functioning in India, especially in the realm of policing. Ethnographic investigation shows that at least four forms occur regularly, and for argument's sake are here classified as: 1) internal departmental bribes on a one-time or irregular basis, 2) police taking singular or irregular bribes from non-police government officials or public citizens, 3) internal departmental hafta, or recurring or regular payments by subordinate officers to superior officers, and 4) hafta payments from non-police officials or public citizens to the police. Following illustrative examples and analysis of each of these four ideal typical forms of material-based abuse of authority, we will examine more non-material and relationship-centered forms of exchange and negotiation of law and legal practice, which call into question the above-quoted claim that the bribe is, in fact, "the fundamental transaction of the Indian state."

In an informal discussion of promotion procedures with a group of Sub-Inspectors (SIs) in Lucknow, the capital of Uttar Pradesh, I am introduced to an officer in his mid-30s who has recently been elevated to the level of Inspector "out of turn," i.e., before the designated period of 14-15 years in service, because he had been credited for slaying a notorious criminal in an "encounter."<sup>2)</sup> As we discuss the requisites and regular processes for promotion a set number of years of experience, a formal interview system, an absence of negative entries in the officer's Annual Confidential Roll (ACR), high recommendations by senior officers, etc. I say, "lekin khabii khabii to, aap ko paise dena chahiye, hai na?" ("But sometimes, you have to pay money, right?"). After some chuckles of recognition by the group one of whom says, "arre, in chiizon ke bare mein voh jaanthi hain!" ("Aha, she knows about such things!") one SI remarks to me,

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2) The term "encounter" is a very loaded one in discourses of and about police in India, and South Asia more generally. The word is used to describe any event in which the police kill an alleged criminal in a confrontation. Ideally, this is supposed to index an incident in which officers were attempting to arrest the suspect, but the latter resisted and threatened police, thereby inducing them to fire on the suspect in "self-defense." However, in reality, such "run-ins" are usually pre-planned ahead of time in an effort to get rid of unwanted characters, sometimes because they really are committing many heinous crimes and need to be "taken care of," sometimes because a politically influential person wants a rival "bumped off." Several Sub-Inspectors have even said that 85-90% of encounters are, in fact, "fake" or premeditated. These incidents are not random, nor coincidental, nor surprise meetings of police and criminals, as the innocuous term "encounter" might imply. They are usually carefully strategized and executed arrangements, which most police and even many civilians will defend by saying that they take care of a bad character, which the languid legal system generally cannot do, if left to its own devices (conviction rates are less than 10% in most states, and appeals tend to be drawn out over decades). Notably, promotions of, and heroic attributions to, officers who stage encounters there are even officers known as "encounter specialists" are testament to not mere acceptability but virtual valorization of this form of state-sponsored murder.

"khabii khabii nahin, aam tor pe; haan, promotion ke liye paise dena hain." ("not only sometimes, but commonly so in general yes, one has to pay money to get a promotion."). He goes on to divulge that this money is often of an extraordinarily large amount lakhs or hundreds of thousands of Indian rupees and may go directly to a superior officer, who then makes a "routine" and rationalized-on-paper decision to give promotions; significant portions may also or instead go to an elected official, a fellow bureaucrat, a mafia don, or someone else with a great deal of political clout, who can then use influence to ensure that the state government promotes the officer.

This is a clear example of the first form of bribery, which occurs between and among police officers, internally, for some sort of personal or professional gain. Besides promotional bribes, another major internal departmental problem is the taking of bribes by middle ranking and senior personnel from persons aspiring to be police officers during the recruitment process. Several officers have disclosed that the current going rate for bribing a recruitment board official to offer a spot in the training school for a constable post the lowest post in the police hierarchy (see Appendix) is two to three lakhs, or Rs.2-300,000, while the bribe rate for an aspirant to the sub-inspector rank, the next level up in the hierarchy, is Rs.500,000. These are extraordinary amounts, especially considering the fact that a UP constable's base monthly salary starts at Rs.3050 (putting him just Rs.1600 over the official poverty line of Rs.35,000 annually) and a SI's base salary is Rs.5500. What motivates those on the loss-bearing side i.e., the recruits to engage in such disproportionate illicit monetary exchange? The security of a government job with pension is only part of the calculus. In addition to, and perhaps even more so than, the hoped-for stable employment, is the potential not only to fully recoup the money they have paid out in bribes, but also to make a profit over and above the debt, by looting the public when they wear the uniform and are in a position of power. This is not to say that all or even most police officer recruits garner their coveted post through bribery it is impossible to know what percentage are selected on merit, how many call in a favour from a friend or relative, and how many are chosen by virtue of the proverbial greased palms. But this immeasurability does not cancel out the fact that significant numbers of officers enter the police force furtively, criminally, and not even necessarily through the "back door," since these deals are made on such a routine and relatively open basis. And those persons who do give pounds-for-post clearly go to great pains to gather enough currency for the deal, often selling off land, family wedding jewelry, and all sorts of other assets, to say nothing of going into enormous debt to persons from whom they may borrow some amount. Thus, it is little wonder that many police feel not merely a greedy desire but also an urgent need to take bribes or extort money from the public, so that they might recover the losses they have incurred to get their "prized" post in the first place.

Regarding this second form of bribery, that of taking monies in a singular or non-periodic instance from non-police personnel or public citizens, this is the kind of

"corruption" that appears to be most present and prevalent in the minds of common people. The narrative most often related asserts a common practice of collection of baksheesh or bribe money<sup>3)</sup> from almost every person who passes through a kotwali, thana or [reporting] chowki (large police station, smaller police station, and sub-station, respectively). Whether you are a complainant wishing to lodge a First Incident Report (FIR) for a crime, or an alleged culprit, there is an assumed, if illicit, rule that in order to have the police conduct an investigation that ends in your favour, you will have to offer a sum that eventually reaches the key decision maker, i.e., the Station House Officer (SHO) of a kotwali, Station Officer (SO) of a thana, or Officer in Charge (OIC) of a chowki. Several senior and junior officers have revealed that at certain thanas located along national highways, the SO will often be able to collect up to Rupees 30-50 lakh (Rs.3-5,000,000) per month.<sup>4)</sup> "A fraction of this amount is enough to pay off a politician to have you transferred to a new and better post; or enough to give to your superior officer in order ensure that you are allowed to remain in this post unbothered for several more years," says one Inspector General. Here we can begin to see the importance of attaining not only promotion but also posts at preferred money-making "hot spots," such as those near market places, or national highways, or areas where real estate development is booming. This understandably leads to fiery competition among officers for specific posts, an issue which will be addressed in more detail below in the discussion of transfers. For now, suffice it to say that certain assignments are known by reputation either to be very lucrative or to have a lot of power attached to them and many officers will do just about anything to attain them.

Another form of bribery that is more regularized is informally called hafta, which literally means "[one] week" in Hindi. This term connotes a sum paid periodically by shopkeepers and establishment-owners to the police, so that they may be allowed to continue their commerce without hassle or interruption. These businesses are often in some way illicit, e.g., illegal gambling dens, peddlers encroaching onto un-owned property, or shopkeepers who are selling certain products, such as alcohol, without having a proper license or government permit. However, this is not necessarily the case sometimes a fully licensed and legitimate business must still pay off the police to continue unaffected with business. At the very least, business operators often feel compelled to give the cops a lot of "freebies" without receiving

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3) Interestingly, this word is also used more broadly to mean "tip" and sometimes even alms for street beggars.

4) The numbers seem incredible, particularly in terms of keeping such activity secret or untraceable; but when one considers the variety of money laundering schemes available, the fact that "profits" are dispersed among a host of officers-in-charge, and the amount and type of traffic on these national highways, they become more plausible, if still mind-boggling. One officer has revealed that a particular thana located at the border of several industry-heavy districts in a location rich in natural resources that are being mined and transported in abundance gathers at least Rs.30 lakhs (3 million) per month from trucks carrying various kinds of ores, rocks and wood. Truck drivers (given bribe money by their maliks, or bosses) voluntarily pay police up to Rs.10-15,000 for oversized loads (i.e., the truck has a permit to carry so much weight, but carries more in order to derive more profit by selling the resources on both licit and illicit markets), and Rs.25-50,000 for simple smuggling loads (i.e., the truck does not have a permit to carry goods at all, and so is engaging in wholly illegal buying and selling of commodities). If only 100-150 such illegal traffickers ply on the road in one month, it is easy to see how quickly the money may accumulate.

any compensation, in order to function without any trouble or forced closure from "the law." As with the bribe for promotion or post, hafta may be received by any sort of powerful figure, whether a district MLA (Member of Legislative Assembly) or other administrator, a village pradhan (elected local leader), or a mafia boss but it is often paid to the police themselves, since they have the authority to make an arrest and establish a criminal record. A law student once said to me, "well okay, so it's a problem; but isn't it better to pay hafta directly to the police, who should be the real authority, rather than to the mafia or sleazy politicians, who are just completely criminal and bad?"<sup>5)</sup> A rhetorical question like this makes a statement indicating an alternative kind of "legitimacy" of the police, one supported not by the law on the books, but by the ability of some persons to manipulate the law by taking advantage of the power of their position and the position of those who may use them as tools for their own ends to the detriment of the very citizens they are charged with protecting. Moreover, it reveals a gateway opening onto to a road of other forms of extortion, both internal and external to the police department.

Common citizens are not the only or even the primary "victims" of an informal economy of hafta payments for avoiding abuse of power hassles the police officers themselves are often hopelessly entrenched in internal regularized and hierarchized systems of money exchange for the very same reasons. One local leader of a village in immediate proximity to a small rural police thana who works closely and regularly with police whenever a conflict arises in the village (the majority of rural area crime is related to commodity price gouging, land disputes, and domestic violence) estimates that the officers there must pay approximately Rs.25,000 each month to senior officers, a sum which climbs the ladder through the ranks, some surmise all the way up to the DGPs office, although this is virtually impossible to confirm. But the economy at work is pretty clear: if, for example, one Deputy Superintendent (DySP) gets the amount estimated above from each of the three or four thanas under his charge each month, and after taking his cut then passes on a substantial chunk of this total to his Superintendent (who gets the same amount from 5-10 other DySPs under his charge), who then passes it onto his Deputy Inspector General (DIG), and on up the ladder, that is a massive accrual making its way

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5) Several higher ranking officers, of the Indian Police Service or IPS (see appendix), claim that the majority of the true corruption in the form of bribes and hafta happens in the subordinate ranks of the Non-Gazetted Officers (NGOs), because they are the "cutting edge" who have the most contact with the public, whereas most IPS and even PPS (Provincial Police Service) officers have desk jobs in an administrative and supervisory capacity, and so do not have the opportunities to be corrupt like the lower rungs. One retired DGP submits, "They [NGOs] mix with the criminal elements and politicians more, since they are more "local" and less "objective" in their outlook, or because they make less money and so are more likely to take bribes to pad their small salaries. So the problem really lies with the lower ranks; but the public feels that since senior officers are unable to control the lower officers, then they, too, must be corrupt." Though a relatively self-serving analysis by a senior officer, it makes a certain crude economic sense, especially considering that the masses of the police force in UP, the constables and sub-inspectors, must survive on relatively paltry wages for their intensive labor normally a 12-16 hour shift, depending on the demands of the day. This does not mean, however, that some officers in the top brass do not find their own ways and means to profit from their jobs, especially those in charge of supervising a collection of districts. For an interesting analysis of the differences between more "open" and "hidden" forms of corruption depending on lower or higher status, respectively, see Gupta 1995.

into private pockets. Though station officers are very reluctant to discuss it, some will clandestinely admit and much of the public already "knows" that subordinate officers (i.e. constables, sub-inspectors and inspectors, also known as Non-Gazetted Officers or NGOs) are often compelled to pay a very hefty sum to senior officers (especially district Senior Superintendents of Police), so that the former may be left alone to function as they please. Functioning as they please may mean anything from being allowed to do their duty according to the law, to fixing cases and investigations so that they have a certain self-serving outcome, to extracting money for personal gain from citizens. Most commonly, the reality is a combination of all of the above. It is important to realize that it is not a black and white matter of complete corruption or complete adherence to the law. Rather, police practice in India is a juggling act, a flip-flopping back and forth between these realms.

What all of this amounts to, though, is that the law is by no means blind, and generally is not free of charge. And the poor, struggling "masses" are usually not educated enough about their rights, nor connected enough to those who are educated and powerful, to have any other recourse. Most people know that, regardless of the truth, whoever pays the highest sum will be the victorious "victim" in any dispute, while the other party will be deemed culpable and required to face the official consequences. And so, either by resignation to the system (even if actually in the right), or because people know that their case is false, bribes are more often than not voluntarily offered by complainants and culprits alike, without ever needing to be demanded by police. Unfortunately, this often translates into the police assuming that no one is innocent, and that anyone who is giving them money is probably doing so because he is in the wrong. "Jo galat kaam karte hain khud aakar paisa dete hain," say many cops ("He who is doing the wrong thing gives money willingly.") Here, we can see how "truth" and "evidence" are not so much a function of objective reality or sincere and "scientific" investigation, but commodities to be bought and sold. And it is a systemic problem everyone participates, not only the police produced by and reproducing of a very complicated and implicit set of processes, which can be botched if not done with considerable caution and savoir faire (see again, Gupta 1995).

For all their ubiquity, these forms of "corruption" founded upon monetary transactions are by no means the only or even the most rampant types practiced. The bribe is not the sole or even, as argued by Vishvanathan above, the primary modus operandi of a governance structure founded upon extra-legal procedures and self-interested decision-making. There are other more subtle and non-material structurings of motive and meaning that go into the rendering of a legal administration that very often functions outside of, in spite of, or even in apparent or actual adherence to "the law" as framed in the state and federal Constitutions.

In addition to and perhaps even more urgently than garnering a better understanding structures of bribery and hafta, we must also analyze forms of authoritative exchange that are not monetary or material in nature, and yet still constitute common elements of police work that

fall outside the realm of purely "scientific" application of legal codes to criminal investigation. There are innumerable forms of such structures, but three will be discussed here. First is the illicit manipulation and fabrication of evidence and procedure in a way that seems to conform to the law, and has an outcome similar to, or exactly the same as, what one might call the purely objective enforcement of the law. Second is the reliance upon the help of private parties (voluntary or coerced) to complete police work for the public good, because not enough official resources are provided by the government. Third is the informal negotiation of how and when to apply specific legal codes to alleged criminals in order to frame charges so that the criminal justice system may "take its course."

On the first point, one could provide countless illustrations from numerous police departments of the manufacture of evidence against a suspect and this discussion admittedly neglects the other side of this equation, namely the concealing, neglecting, or destruction of evidence, which is also a major problem. But, I would like to provide an example of a specific kind of evidence fabrication as "food for thought" in the consideration of larger theoretical questions about how law, truth and justice are (or are not) related and manifest in police work. I take this example from a rural thana where I have spent a significant amount of time conducting observation. One day, a man is locked up in the holding cell, having been caught red-handed in the act of cutting and stealing rods from a fence several kilometers from the thana. Since the 24-hour time limit for his incarceration-without-formal-charge is approaching, with no confession extracted, the police have hastily decided to frame charges against him under Indian Penal Code (IPC) 41/109, which is the code for pick-pocketing, not the code for the actual crime he was found to be committing (destruction and stealing of property). The station officers decide to do this, they claim, because the punishment for pick-pocketing is exactly the same as that which the culprit would get if he were booked for the offence he actually committed. "Then why don't you just lodge the report for the real crime, for which there is ample evidence and witnesses?" I inquire. The officers say that they are doing it this way because they do not want to worry about lugging all of the evidence materials large pieces of wood and steal from the fence all the way down to the district court. It is much easier for them to procure a small razor blade (the tool of choice for local pick-pockets, who slice open the victim's pocket and steal the wallet from there) and produce that in court as the "evidence."

I watch as the Sub-Inspector (SI) who is the Investigating Officer (IO) dictates a false charge sheet to a constable scribe, and another SI (who, incidentally, is fresh out of the academy and still under training) brings in a new twin straight razor still encased in its cardboard covering. After writing up the charge sheet, the constable places one of the razors in a box, wraps it in cloth, and then sews it up with string as per regulations of securing evidence. Another constable plays with the other razor distractedly, carving away splinters from the rickety old wooden table that serves as a desk, while the first constable attaches the "evidence"

to the charge sheet. This is clearly a commonplace thing to do, although I remain astonished at the ease and indifference with which the officers are writing a fake report with fake evidence. "Isn't it so much easier to produce the real evidence? What if the accused says that he was not pick-pocketing and the judge believes him?" I ask. The apathetic, if somewhat puzzled, response is, "Every criminal claims innocence and denies wrongdoing, this one will be no different. But the evidence is what the judges base their decisions on."

At a certain level, I realize this is true and can understand the police officers' logic that, "the guy is a real criminal, we caught him in the act; who cares if we fabricate evidence for a different crime from the one he committed? He gets the same punishment and he's still the same criminal, so how does it matter?" Pragmatically, it does not matter; but there is, of course, a larger ethical question at stake if police so nonchalantly fabricate evidence, based on such logic, in a relatively minor case like this, what will they do in more significant cases with larger stakes and, perhaps, innocent suspects? What does this say about police ethos if all or most cops agree that this is the way they need to operate, or else they will not be able to conduct their job properly in the eyes of the public, the courts, and their superior officers? Can this be called "corruption" when they are ultimately meting out justice to a known criminal? What do the concepts "truth and justice" or "legality and legitimacy" even mean when consensus dictates that best way to get the bad guy is not necessarily to tell the truth, but to produce the evidence most likely to secure a conviction? These officers were not even clearly unanimous on why they themselves were doing this. Some seemed to feel it was just "easier" to give a razor blade than a bunch of unwieldy fence pieces; and so it could be chalked up to sheer laziness. But others complained that because they did not have the proper tools to collect the "real" fencing evidence, nor a vehicle with which to transport the large pieces in time to adhere to the 24-hour rule of holding without charge in court, that it could compromise the conviction of a known criminal. And this brings us to the second problem mentioned above, that of a lack of resources compelling police to rely on "private" or "unofficial" means to enforce the law.

On another day, I arrive at the same rural thana to find a different group of officers verbally abusing a driver of a three wheeler "tempo" truck (a common form of "public transportation" where privately owning or renting drivers charge consumers to be driven to certain destinations; it is somewhat like a taxi, but for taking 5-10 people at a time along a predetermined route). When I inquire as to why they are castigating and punishing this man, by making him sit in the corner and refusing to allow him to leave, I am told that he is being "disciplined" because several days earlier he refused a police demand that he drive them around without any compensation to him because they needed to conduct an investigation in a nearby village, but did not have their own vehicle to do so. This thana has only one police jeep allocated to it by the government (this for a vast swath of land, which includes close to 100 villages), and the jeep is usually "out of station" with the SO, who along with dozens of other



officers often gets called to duty in the nearby large city, leaving the thana skeleton staff to their own devices. Some of the officers at this thana have private motorcycles they can use for two-person patrol (for which they must also pay for their own petrol); but motorcycles are not always appropriate for bad roads, or in areas that are not developed enough even to have roads carved out and paved at all. So, more often than not, these cops must procure the services of a private driver this is the case not only for routine duties like patrol, but also for emergency circumstances, like taking a seriously injured assault victim to the hospital (since there is also no standardized ambulance system) or even transporting corpses from the scene of a crime or accident. One day, I accompany the police on a raid to investigate illegal tree-cutting, and we are conveyed by a private jeep driver who, it is learned, occasionally transports police officers in exchange for being allowed to pick up passengers and charge fees without the official (and expensive) government permit to do so. So, we see here the development of an informal symbiotic relationship that benefits both the police who need a ride, and the driver who wants to make a few extra bucks without paying duties to the government.

But there has been no such agreement between the police and this particular tempo driver who is being reprimanded and penalized, because he adheres to the letter of the law and has a proper license and permit(which, in a coercive and punitive move, the police have taken from him for the time being). In this sense, ironically, the law is a hindrance to the police accomplishing what they need to do! All of the driver's papers are in order, and so he has no incentive to help out the police, who are unable to offer him any sort of informal "favour" or even just monetary compensation in return, because they do not have the resources to do so. Moreover, this driver is threatening the cops by saying that he is going to go to their superior, the Senior Superintendent of Police (SSP), and tell him that these officers are trying to extract a bribe from him. In this particular instance, the driver would be telling a lie, because all that the police have demanded is a chauffeur, not a "carrot" of corruption. The fact that a private citizen can use such a threat as a weapon, and have it carry any weight, demonstrates clearly how the larger structure and image of policing as "corrupt" negatively affects law enforcement work. If bribe-taking were not such a prevalent practice and one for which there is generally no proof available the driver's counter to the police intimidation would have little impact. But because the police are notorious for such behaviour, and because "everybody knows" they do this kind of thing "all the time" his warning indexes a potentially effective but also potentially manipulable and abuse-able tool in the hands of citizens to threaten or circumvent police, even when the charge is false. Thus, police work is rendered compoundly "corrupted" by a dialectic of: 1) lack of resources allocated by the government and reliance on private resources, and 2) negative reputation for squeezing money out of people illicitly.

On the other hand, the fact that police work is configured so heavily by unofficial institutions and practices, which manipulate existing laws, can also be a tool in their favour,

leading to relatively consensual resolution of conflicts, which officers are often called upon to mediate. While there are certainly offences committed by unknown assailants, the vast majority of criminality in India both in rural and urban areas generally involves some sort of dispute between parties that are known to each other. A final example of "extra-legal" navigation of the law-and-society web involves an incident in which an argument among some villagers over the use of farm equipment led to the serious injury and hospitalization of one of the parties in the dispute. A man had attempted to irrigate his field with equipment that would pump water from a nearby graam samaaj (literally: "village society" or common property) pond; but he was rebuked and eventually violently assaulted for this by some other locals. Nobody will give a straight or single answer regarding the motivation for the assault. The closest thing to a consensual allegation is that the accused culprits are engaged in the black market "beef business" (which goes against strict laws prohibiting cow slaughter), and that when they have to hide evidence of their illicit commerce i.e., cow carcasses they throw it into this pond, and so drainage would reveal their criminality. Other stories about fishery and pork business, and disputes over personal matters, are also floated; but the important part for purposes of this discussion is the aftermath, the police investigation of the incident. There are two primary components to the investigation: 1) the interrogation of a third party informant, and 2) a meeting with the village pradhan (elected local leader) to negotiate the charges that will be framed and the terms of the investigation.

First, because they are unable to immediately nab the named "culprits" one of whom has been a wanted criminal for a long time the police take into custody a man who allegedly works for one of the accused, in the hopes of getting information from him. They verbally and physically abuse this man in interrogations, and keep him at the station overnight without feeding him or providing any basic necessities (interestingly, for most of the time he is not locked up or even tied/handcuffed he remains by sheer force of intimidation). The investigating officers do not seem to get much useful information out of the young man, and release him the next day after compelling him to agree that he will assist them further with the investigation, should the need arise. Simultaneously with (though not causal of) the decision to release the informant, the village pradhan comes to the thana with a member of the "victim's" family to have a meeting regarding the case with the SO. What ensues is a fascinating and, I am told, very common process of negotiation between these two relatively small-time "headmen" over how the crime should be framed in legal terms. Essentially, the pradhan wants the SO to agree to change the code in the FIR from 324a minor or simple assault charge, which is "non-cognizable" or not serious enough to be able to arrest a person without a warrant from a judge to 307, the code for attempted murder. The two go back and forth on the issue for a long time, the pradhan trying to justify ramping up of the charge, the SO saying he cannot do this unless a firearm has been used. This information leads the pradhan to change the story of the

assault weapon being a scythe or sword to it being a katta or "country made [home made] hand gun," which is illegal. But the SO does not buy the new story. At one point, the pradhan even tries to throw around his political weight, saying that he's friendly with a prominent state minister, and that he will have this man put pressure on the SO if the latter does not comply with the demand to ramp up the charges. In response, the SO says that he is going to carry out his duty according to the Law and the Constitution, that even the Prime Minister of India himself could not pressure him into framing charges that are not accurate.

In addition to this point of the legal code, the two men also debate over the identity of the culprits. For his part, the pradhan tries to add to the list of culprits the names of some prominent activists in the political party that opposes his own. On the other side, the SO has heard from one of his mukhbirs (the term for a "police informant") that a "most wanted" local criminal whom the police have been chasing for a long time was involved. The SO tries to strike a deal with the pradhan and the victim family member, saying that if they help the police to catch this particular criminal, then he will have the people named by the pradhan investigated, and will try to get the charge increased to the 307 code. In an attempt to "guilt" the two men into the deal, the SO chastises them for having helped this wanted criminal evade the police in the past, saying, "We have done raids many times before, and you have always helped [this criminal] and worked against us. Now suddenly you have changed your minds, and you are going to have to cooperate with us. Without the help of you and the other villagers, we cannot catch these guys. Please work with us from now on." So here, the SO is trying to form yet another symbiotic relationship with members of the community who have historically shown themselves to be "enemies" of police work. His tactic seems to work, for the moment, as the two village men are forced to admit their fault of previous non-cooperation, and to offer promises of working with the police from now on. Of course, this is a politician the SO is dealing with, so who knows how credible the promises are. But the same could be said on all sides. In a way, both the police officer and the pradhan are small-time politicians, wheeling and dealing to advance their own self-interests: the police officer hopes to get a captured criminal and case clearance, the politician hopes to get a satisfied constituency who will re-elect him in the upcoming polls (cf., Muir 1977).

Adherents to a rigid juridical theory of objective procedural police science may see these kinds of unofficial negotiations over how and whether to enforce the law as yet another manifestation of a "corrupt" system. However, I argue that we would do better to consider how such compromises are, in fact, not only a socio-culturally configured activity which invoke norms of respect to authority, alliance-making and mutual obligation between local leaders, and duty to serve one's constituents but also a pragmatic means of resolving conflicts between disputing parties, which is what "crime" in the village often amounts to. I would like to clarify that I am not making a "culturalist" or "relativist" argument that legality, legitimacy and

criminality are purely subjective or in the "eye of the beholder" phenomena. There are real crimes being committed, real codes being violated, and means of responding to such things in a licit or illicit way. That said, it is important to understand how something like illicit use of authority comes about, and how it may be contextualized and justified by relevant actors as having licit foundations or objectives. It is both naive and erroneous to conceive law enforcement and political negotiation as mutually exclusive practiced concepts. This inter-dependence of the procedural and the political may have both positive and negative effects, and some of the latter will be explored in the following sections.

Complicating Claims of "Feudalism" and Abuse of Authority as the Key Road Blocks to Objective Law Enforcement: "Criminalized" Coalition Politics and "Privatized" Public Security

From another angle, the sorts of non-material exchange relationships described above could be deemed a kind of [political] "community policing," where the officers and the people are co-embedded in a common local history that provide conditions of possibility for negotiable law enforcement and application, dependent less on what "actually happened" and more on an outcome that could help various parties advance their own public, private, professional, personal and political interests. It is important to see this sort of activity first hand, not only to gain a nuanced understanding of its systems of motive and meaning, but also to counter simplistic assumptions that the police are wholly corrupt "little tyrants" (Vishvanathan 1998), or wholly hapless puppets of the politicians, as they are so often portrayed in the Indian media. While elected officials have Constitutional power over police appointments and directives, the police also have a significant amount and type of leverage of their own, since they can lead investigations in a particular direction that may help/hinder a politician to/from remain/ing in the position of power that allows him to enjoy such privilege and sway in the first place. It is not a unidirectional power pyramid with the politicians on top, the police sandwiched in the middle, and the public at the bottom. Rather, we are faced with a set of processes occurring in a complex web of statutory positions, strategic instrumentalisms, and transferable ideologies, wherein agents from any one of these three categories may be on the top or the bottom at a particular moment. The ensuing discussion reveals some of the general characteristics of this web, and illustrates why we must think outside the box of not only wholesale "corruption" but also completely detrimental "politicization" of the police.

In the Republic of India, the institution of policing specifically, and "law and order" generally, is a "State subject," meaning that because the country is a federation of 28 states and 6 union territories, each with relative autonomy from the others in the Union, policing is organized primarily at the State level.<sup>6)</sup> And in the final analysis, the major decision-making

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6) There are at least thirteen central, or union level, police and paramilitary forces in India, including Assam Rifles, Border

concerning police budget, structure, recruitment and postings are made by the elected State government, which is basically comprised of a Chief Minister (CM), the CM Cabinet Ministers, Ministers of State, and Members of the Legislative Assembly (MLAs). Alongside these elected officials are bureaucrats appointed from the All-India Services (which includes Indian Police Service officers, the "top brass" of law enforcement, as well as a host of other government departments like civil service magistrates and secretaries) and the state provincial services. This formidable bureaucracy, like all administrative machines influenced by Western normative standards, is conceptualized as being made up of agents who ought to be characterized by, "the dominance of a spirit of formalistic impersonality...without hatred or passion, and hence without affection or enthusiasm... [and who perform] straightforward duty without regard to personal considerations (Weber 1978:225)." In essence, Weber provides here an encapsulation of the generally idealized, if not actually realized, legal administrator as an apolitical, fully "rational" actor, a quasi-robotic tool who mechanically allows the compulsions and dictates of the Law to work through him or her for the benefit of the citizenry. In India, when this ideal collides with the real being government officials who are anything but "impersonal" and apolitical some of the more pessimistic voices assert that governance in the Indian state (especially in Uttar Pradesh) is not merely "corrupt" but by nature more of a "feudal system" than one of a true democracy. By "feudal" people mean to imply a backward, pre-legal mode of governance, wherein a rational procedural legal administration is absent, or not adhered to, and a Machiavellian princely power orders the day. But the category "feudal" is about as precise and useful as "corruption" when it comes to analyzing what happens on the ground. Thus, I here try to demonstrate some of the more prominent localized logics of politics and governance that directly shape some of the major dilemmas of police practice. Three key issues are: 1) fragmentary coalition politics, which result directly in 2) the "nuisance value" of a sub-section of influential individuals who must be kept content, and which is often characterized by divisiveness along lines of 3) caste-ism, communalism, and cronyism.

Elected officials support and are supported by political parties, of course. In UP, there are more than one dozen major parties contesting (often irregularly scheduled) elections at any one time, and dozens more minor parties. Parties form around everything from ideological bases (e.g. Communist and the secular democratic Indian National Congress parties) to religious bases (Muslim and the conservative Hindu Bharatiya Janata Party, or BJP) and caste or occupational bases (kisan or farmers' parties; the Bahujan Samaj Party by/for/of Dalits, or former untouchables; and the Samajwadi Party currently ruling in UP by/for/of Other Backward

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Security Force, Central Bureau of Investigation, Central Industrial Security Force, Central Reserve Police Force, Civil Defence, Defence Security Corps, Home Guard, Indo-Tibetan Police Force, Railway Protection Force, Rapid Action Force (actually a specialized "semi-independent" wing of the CRPF), Rashtriya Rifles, and Research and Analysis Wing. These and other organizations are generally considered as reserve forces, and called to duty in exceptional investigative and "law and order" situations. But here we are focused on the workaday "common cop," who functions at the district level in a particular state.

Classes, or OBCs, as well as some lower caste Muslims).<sup>7)</sup> Because of this extreme and expanding fragmentation, it is virtually impossible for any one party to obtain a majority in state General Assembly elections. Thus, local electoral politics, which is what makes everything or, as the case may be, little to nothing move in this federation is characterized by tenuous and continually transforming coalition governments. Importantly, these are coalitions not of unity around a cause; rather, they are coalitions of opportunity or, more accurately, of opportunism for the "political classes" as the media calls them to promote self-/group-interests.

The ruling party, or the party that gets the most votes even if "the most" is only 30-40% must wheel and deal with representatives elected from other parties in order to form a coalition that makes up a majority and outdoes what ends up being the opposition coalition. And it is not even a matter of getting entire parties to join coalitions, but rather a problem of wooing individual MLAs (Members of Legislative Assembly). Because of this tremendous need-to-please and resultant power of the individual, elements may enter which are not even officially sanctioned or legal, such as the aid of mafia dons and other types of criminals petty and great alike in order to advance a particular person's or persons' agendas. A concomitant of this is that each elected or appointed official attains an enormous amount of influence, and must be "kept happy," since sometimes even one or two people dropping out of a coalition could mean the loss of a majority by the ruling party. Some police officers and even politicians themselves have wryly described this to me as the implicit "nuisance value" of an individual politician, who may or may not have links to the criminal underworld (whether in the form of "black business," or a routine of "bumping off" political adversaries, or other kinds of relevant criminality). Nuisance value is an over determined folk category which is used to convey several meanings. At the base of it is a notion that a particular person can upset the electoral equation or delicate coalition-based balance of power if s/he has a significant enough following. One independent politician disclosed to me that while at this point there is no way he himself can win an election in a particular district, he has some 15-20,000 voters of this area "in his pocket," which is enough to turn an election in favour of one party over another. Therefore the members of the stronger opposing parties feel compelled to become friendly with or, more accurately, obsequious to him, in the hopes of gaining his support (and that of his constituents), in order to make an upcoming election turn out in their favour. Put more concretely, one leading party may attempt to pay him off not to contest elections, to soundly defeat their

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7) A major concomitant of this fragmented political party structure is the issue of reservations, or affirmative action quotas, for downtrodden or "weaker sections" of society, such as OBCs, Dalits (also called "Scheduled Castes") and Scheduled Tribes. Though the history and impact of this hot button political issue cannot be discussed in depth here, it is important to know that since 1990, about 50% of all public sector jobs are reserved for the above-mentioned groups: 27% for OBCs and about 23% for SC/ST groups. In April 2006, there was a directive from the Central Government to also compel reservations in non-state subsidized institutions such as Indian Institutes of Technology (IIT) and Indian Institutes of Management (IIM), as well as Medical Schools. Huge protests erupted across India, with many people crying foul against police brutality as forces were called into control and remove the protestors.

opposition; and the opposing party may try to convince him to fight, because it will disperse the voters of their adversaries and ensure victory.

A key result of the multi-faceted presence of this "nuisance value" of individuals is that if a large number of influential people whether they have been elected to office or not do not get what they want politically, professionally and personally, they can make a lot of trouble for their colleagues by holding up legislative meetings, dropping out of coalitions, and even deserting parties, in order to wreak havoc on the always already fragile composition of the state assembly.<sup>8)</sup> As one IG cynically put it, "These politicians don't care about the people. They are completely selfish and power-hungry. It's all about money and power there is no real ideology anymore." Though this statement remains debatable, it certainly has some credence when one witnesses how the opportunistic coalition-by-necessity political structure gives many officials, and their associates, a sense of enormous entitlement to "perks" of office and affiliation such as government cars with beacon lights and hooters; multiple phones and armed security guards; subsidized or free housing; country club memberships and other state-sponsored social status symbols, and honorary titles such as "state minister" or "head of corporation." These perks must be understood less as sanctioned by law (though to a limited extent, they are certainly legal), and more as benefits attainable through systems of patronage and kinship alliance imagined or actual. And the primary lines of cleavage around which alliances are built are those of caste and communal/religious affiliation.

A nuanced discussion of the magnitude of the configuring power of caste and communalism to say nothing of criminality in Indian political life is beyond the scope of this paper. Suffice it to say, while there is no factor that may be said to offer 100% predictability of voting behaviour, law enforcement, or other sorts of decision-making, caste and community affiliation generally constitute the most significant variables (Brass 1997, Hansen 2001&1999, Frankel 2001&1990, Freitag 1989, van der Veer 1994).<sup>9)</sup> And it is vital to understand that this social fact is inextricable from what many people unthinkingly sweep into the box of "corrupt" or "feudal" practices. Job offers and orders influenced by one's caste or religious community affiliations are even more difficult to observe, track, and prove than things like bribery, because there is no obvious exchange of material objects such as money or other "gifts." Not unlike the

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8) Playing hooky, answering mobile calls and ignoring work, or coming to blows in official assembly gatherings, as well as acts of "protest" such as making paper airplanes out of proposed bills to throw tauntingly at opponents, are not isolated incidents, at least in the UP legislative assembly. Even when there is no official election going on or coming up, party leaders are consistently seen in the newspapers, and even in the streets, lobbing insults at their opponents for every minor falter, even if the "guilty" parties have no direct connection with the incident invoked. And when nothing more concrete can be grasped, there are generalized critiques made about how, "reform and development have been halted" and "law and order has broken down under the current government." This convenient category of "law and order" has become yet another overdetermined term, not unlike "corruption," which is virtually empty of meaning for its too-extensive use.

9) Communal groups are generally understood to be ethno-religious designations such as Hindu or Muslim, but sometimes the term communal can refer to other kinds of communities that seem to be related by blood or essence or thousands of years of association, such as caste.

negotiations and symbiotic relationships discussed in the previous section, these exchanges are based on personal relationships and feelings of identification, which shape understandings of who is "deserving" of some benefit or "meritorious" enough to gain a particular position.

In addition to obvious communal markers, such as one's family name, a major cultural form of identification and affiliation in India is a kind of "fictive kinship" quality to all social relationships. People are often referred to as "brother" or "auntie" or "son" even when no biological relation is present. Even non-Indians, such as myself, are addressed by, and address others with, terms such as auntie, didī (sister) or betī (daughter) in interactions with familiar associates. Because social ties are analogized to family relationships, and because the (real) family unit is the indissoluble core of the social fabric, it is basically understood that when you are well-known enough to someone, you relate to one another like family, in an ethos of mutual and binding obligation. This is especially true among people of the same jātī or caste, though alliances are made along plenty of other communal lines (economic class, linguistic group, religious group, etc.). But when it comes to attaining or maintaining a particular post especially in the government very often, the basis on which someone gains a post is not the procedure laid out in statutes and regulations, but rather the personal and political networks they are able to mobilize. Political patronage and the wide discretionary power left to officialdom by vague and loophole-ridden laws and procedural regulations can hardly be well-captured by words like "corruption" or "feudalism." Friends do each other favours. Relatives make recommendations. Directives may be disguised as polite proposals. No gun need be wielded, nor does money have to change hands, for a Chief Minister (CM) or a designate to "suggest" that a Director General of Police (DGP) or Senior Superintendent of Police (SSP) the officers who generally decide whom to place into which postings, at least on papers elect a particular person, who may be a relative, caste-affiliate, electoral constituent, or some other kind of associate. And appointing authorities are often intimidated into taking the politicians' "suggestions" as implicit orders, because the state government is Constitutionally the final arbiter of all matters relating to policing and law and order; and if a high up officer does not implement the fancies of the political masters, he may be transferred to a post of lesser power or prestige, or punished in some other way.

This political climate directly affects police functioning in at least three major forms: 1) depletion of police resources and diversion of public services to private ends; 2) inimical influences on investigative trajectories; 3) development of underground "industries" that result in problems such as politically motivated transfers and postings.

The relatively small amounts of money and resources funneled to law enforcement by the government, and the effects this has on police work, have been discussed above in terms of inability to perform certain routine duties (such as officers conveying evidence to court or transporting themselves or the people in their custody).<sup>10)</sup> Another manifestation of this lack of

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10) It is important to note that the resource scarcity is not merely a matter of the government distributing inadequate funds, but



resources problem is the deficit in manpower that results in large part from the "nuisance value" component of coalition politics. From my very first visit to a thana, I have been told time and again and given graphs of numbers as proof that manpower (to say nothing of morale) at the stations is extraordinarily diminished. Besides broader problems of sluggish and untimely recruitment (again, this process is completely determined by the state government, when they feel they have the money and the need to recruit more officers), the affirmed shortfall of police results from an enormous number of personnel being deputed to "VIP duty." This is especially true in the UP state capital of Lucknow, which is swarming with so-called VIPs and VVIPs. One SHO of a bustling kotwali in the city, who was showing me a graph illustrating a 50% shortfall of constables and 40% shortfall of SIs at his station on any given day, underlined that there were almost as many police officers stationed at the CM's private house as there were at his whole station just 15% less. "All of these guys are just sitting around doing nothing it's a complete waste of resources," he laments. "Meanwhile, those of us remaining at the thanas are over-burdened with regular investigative and patrol and law and order duties, with greatly reduced capabilities." And the situation is even worse at rural thanas, which are clearly de-prioritized vis--vis the urban-scape. Often, these places are functioning at 10-20% sanctioned capacity, with those remaining at the station being overwhelmed with work and feeling unable to complete their duty effectively. A typical example of a daily table at a rural thana near a medium-sized city looks like so:

Officer	Sanctioned [Allotted]	Available
Station Officer	1	0-1
Sub-Inspector	8	2-3
Constables	35-40	5-7

Let it be clear that there is a real need for security for individual political leaders, as well as at the legislative assembly, banks and other potential targets, and large crowd events, which have a tendency to turn into rowdy protests or even full-fledged riots. This need for protection is especially true in the increasingly "criminalized" environment of contemporary politics in UP (and across India more generally), where underworld agents gain more and more influence in local government life, to say nothing of external "terrorism" problems. However, while there are sanctioned numbers and lists of who may have what type of security, for how long, and depending on what kind of potential threat, a major problem has cropped up, in the form of bloated VIP security taking precedence over routine public service duties of police. Concomitant with the above-mentioned "nuisance value" of elected and even bureaucratic

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also (perhaps more so) a problem of the government making adequate allocations, which are then siphoned off by persons in particular positions of power, such as bureaucrats contracting with private developers to build police housing, or clerks in charge of notarizing expenses and surreptitiously skim off the top for themselves. Many NGOs in the police complain that it is also a problem for them, when they do not get on time or in full--their salary, per diem allowances, medical reimbursements, uniforms, or a host of other promised resources, because senior officers have falsely reported complete distribution of monies or goods, stuffing their own pockets with a portion of the allotted cash.

officials, the amount and type of armed security that an individual is able to procure has become a significant status symbol. Many people who are not sanctioned by law to have VIP security, or only to have a minimal level of security, are able to obtain a large contingent of "gunner shadows" or bodyguard officers, through someone with enough power to make it seem "legitimate," insofar as the appropriate signature finds its way to the appropriate official form. If one MLA has three or four armed guards and s/he sees another MLA with ten or twelve, fingers point and whining ensues: "If they can have so much security, I should be allowed to have that, too!" There is a lot of "keeping up with the Jones'" in this realm of public-figure security, purely for the visible demonstration of power and influence. Thus, while the Chief Minister needs a fair amount of security, and ex-CMs, state Cabinet ministers, and perhaps some MLAs may also require a guard at their door and perhaps some accompaniment to official gatherings, often times these people request a far greater level of security than is sanctioned by law, or necessary by circumstance. Sometimes MLAs are given purely nominal titles by their fellow politicians, so that their security can be increased to "ministerial" level. And they often can manage to get security for their relatives, "distant relatives" and friends as well.

According to an IPS officer who has worked in an office charged with organizing and signing off on applications for this publicly funded private security, the problem is mushrooming. "The common man can apply for gunner-shadows and guards, and get them easily with some backing from a political master. Even known criminals are able to get security. This takes a lot of resources away from the thanas we lose a lot of men and weapons. The district police complain a lot," he comments. When I ask for available statistics on how many people at what level get how much security, he says that he is trying to compile some numbers himself, but no official records are kept this is telling in and of itself. This officer has overseen security specifically for formerly elected officials, now either retired or deposed; and his best guess is that in one year, approximately 2800 people of this "common person" category request ongoing VIP security, which takes some 3600 district police away from regular crime investigation and law-and-order duty. This is an exorbitant number of officers, and probably only a small piece of the picture, especially considering the fact that currently serving officials (both elected politicians and appointed bureaucrats) receive a lot more security than retired/deposed/affiliated persons.<sup>11)</sup>

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11) And an important point to note is that this ballooning VIP security condition constitutes a major site of the commonly understood "criminal-politician-police" nexus. This is so because in addition to public police officers, politicians often hire known criminals, or "goondas" as private body guards and "dirty work" doers, which means that the deputed police and hired thugs must work together for the same ends protecting the political master. This practice is technically illegal, because government leaders with a public mandate are not supposed to have private guards. In India, private corporations may and more often than not do have private security; but "the government" must use public means. There are some exceptions: for example, Lucknow University, which is publicly funded, has been permitted to hire sentries from private security firms to guard the campus from "student political leaders." These so-called student leaders are often in their mid-30s, not really students at all, but rather stooges of the political parties that infiltrate hostels to set up "base camps" for political campaigns that disrupt university functioning, especially during election seasons. The situation can get so bad that classes will be cancelled, faculty

This situation gives a whole new meaning to terms like "privatization" of policing. Whereas this controversial idea usually implies the hiring of security guards from private corporations for personal security, what we are seeing here is a usurping and abuse of public authority for private ends. And this problem of misuse of manpower by figures external to the police department is, unfortunately, not relegated only to the issue of VIP security. A quick glance at the newspapers will show a slew of accusations of "political interference" in processes of investigation, not as isolated incidents but, again, as routine practice. Allegations of evidence tampering, neglect or incompetence in investigations, or collusion with well-connected accused persons are so numerous and rampant that it is difficult to choose the most illustrative example. And although there are certainly cases of misinterpretation of situations where the police are, in fact, making their best effort to do their job properly (and are perhaps hampered by lack of evidence or investigative resources), many officers will confirm from personal experience that "orders" both from inside and outside the police ranks to fabricate or eradicate evidence, or to ignore a case altogether, are a disturbingly regularized and expected occurrence.

One officer of the DIG rank reveals that, especially in smaller districts and villages where there are fewer available checks on abuse of power, and a generally lower level of education among both the police and the public, "the police are not there to enforce the law, but only to be used by the local elite for punishing their political adversaries." This may mean that elected officials or local village leaders and influential landowners manage to manipulate whatever police presence exists (and it is often miniscule in the more remote areas) to exert force toward their own ends, be it annihilation of a political opponent, monopolization of development and business corporations, or some similar order of business. This particular DIG mentioned at least three primary means of such manipulation of police. The first is to register false cases against opponents, and produce false witnesses, who are often "professionals" who do not necessarily work for money, but are of the same caste or some other affiliation group and will benefit in the end by their "own kind" staying in power. A second method of manipulation of the law by its enforcers is to scuttle or not take cognizance of cases against ruling party operatives, either by direct order or by anticipation of negative repercussions if they pursue an investigation as per legal procedure. A third mode, related to the second, is to go ahead and register a criminal case against the influential person, but then have the case sent out of the

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and university employees will be threatened or even assaulted, buildings will be vandalized and there is little to nothing in the way of protection from police, who are sometimes ordered by the government to "let it go" if the student leaders are affiliated with the ruling party. University politics is a problem unto itself, but intricately linked in with the larger problem of criminalized communalized government and privatization of policing. And this raises the question: what exactly IS the government here? Is it just elected officials and bureaucrats? Does it also include un-elected party leaders, student groups affiliated with the parties, and their friends and relatives? I myself, a foreigner, have been allowed to take a "VIP seat" on a public train simply because I know someone who is well-connected and could make a phone call on my behalf. Does this mean that I am part of "the government"? I would argue no; but I and everyone else who participates certainly do become part of the larger "corruption complex" (to borrow de Sardan's term), the machine that works by favours, fictive kinships, currencies of cash and other kinds.

district police jurisdiction to the Crime Branch Criminal Investigation Division (CB-CID), where the case then can be conveniently held up by problems of collecting evidence, tangled statutes regarding serving of notices and attachment of property, and other sorts of technicalities.

These methods of forcible foot dragging, fabrication of evidence, and false implication of "culprits" and other related methods, such as fake encounters and general flouting of rules and regulations have become common ways for political leaders to use the police as tools for keeping themselves in power. This is not really a harking back to "feudal" ways and means that preceded anything like a rational legal bureaucracy, but rather a means of manipulating "modern" democratic procedural law to favour an individual's or group's interest. Such methods are by no means unique to India, although they may be more pronounced, conspicuous, and routinized here than in some other places. Politically-motivated exploitation of legal procedures and tools has existed since laws and regulations started to develop, many centuries and even millennia ago. And we must face up to this problem of malleability and manipulability of the Law, rather than cowering behind claims that a civil government bureaucracy ought to be completely devoid of politics. Instead, we must investigate how the intersection of political forces and legal procedures has real effects in the world both constructive and destructive and use the knowledge gained to render improvements to those systems with disproportionately damaging consequences for the vast majority of society.

#### Law and Order(s): Inter-rank Strife, the Transfer Industry, Diminished Morale and Image

Systemic rot that affects police functioning not only comes from outside "political interference" by non-police personnel "puppeteers," but also derives from factors internal to the police structure itself. One of the biggest complaints advanced by police of all ranks in India especially by those in the lower rungs is the quasi "caste system" of the force itself. The hierarchical police framework still in place today was established by British colonizers via the 1861 Police Act, and maintained virtually without modification after independence in 1947. Top policing posts in all states are given to the elite Indian Police Service (IPS) officers, who are recruited, trained, and distributed to states by the Union government (once assigned to a particular state, however, IPS officers directly report to and take final orders from the State government). At the next level down, the provincial states governments determine conditions of service for the middle ranking, or Provincial Police Service (PPS) officers, and below them, the subordinate Non-Gazetted Officers, or NGOs (See Appendix for a charted form). There are stark divisions between the Gazetted Officers (IPS and PPS) or GOs and the NGOs, particularly with regard to decision-making and supervisory powers, authority and influence in interactions with the public, and giving of and obedience to orders. Moreover, while almost every IPS

officer who starts at the level of ASP will retire at the level of DG or IG, there is little upward mobility for NGOs in the bottom-most ranks, i.e. sub-inspectors and constables, who comprise the majority of police in India and perform traditional duties of crime investigation and crowd control. While GOs are primarily administrative supervisors, NGOs are called "the cutting edge" cops, meaning they work at the boundary where the state meets civil society. NGOs are the "face" of the police, the agents most readily visible to, and most likely to interact with, the public. Promotion from one level up to the next, e.g. from Level 4 to Level 3, is possible, but generally happens in less than 1/3 of cases.

It is crucial to understand this rigid structure fashioned by a foreign colonial power with an explicit intent to keep commanding distance between (often "native") subordinates and senior officers when considering problems internal to the police structure. There have been more than a dozen police strikes and revolts since Independence in 1947 (Chande 1997, Ghosh 1981), and these protests are invariably taken out by NGOs both against the State government at large for neglecting their generally abysmal working conditions, and against their superior officers who, it is well known, often take advantage of their constitutionally authoritative position to extract both money and non-mandated "peon" type work from their subordinates.<sup>12)</sup> Even when a senior officer is honest and not trying to take advantage of or humiliate his "men" as NGOs are called, the negative sensibilities reinforced by this hierarchical structure render a set of "cutting edge" police officers who mistrust their seniors as being little more than money- and power-hungry, abusive authority figures.

As illustration of this ethos, I will relate a story told by a retired officer who was at one time a Zonal Inspector General (IG), a very senior position in the UP Police (the state's 70 districts are clumped into groupings called ranges, which are clumped into vast zones, of which there are a total of seven in UP, with about 10 districts in each zone). Some villagers in one of

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12) I have personally witnessed uniformed constables and even sub-inspectors regularly doing everything from serving tea or tending the garden at a senior's house, to shepherding officers' children to and from school and making trips to buy personal provisions, pay bills, and other non-police related errands. While some officers will try to justify such occurrences with arguments about the "difficulties of being an officer" or even "Indian cultural standards," others will admit that such practices manifest a clear "colonial hangover," which goes against the rules, but is done anyway because nobody has the power or the interest to stop it. One article about a revolt in 1973 by Provincial Armed Constabulary (PAC) NGOs describes in disturbing detail the constables' "feeling of humiliation, born out of the 'serfdom' [sic]." The article goes on to say:

They have been doing every thing from shoe-tieing [sic], cooking, washing of utensils or clothes to crop harvesting, herding of cows or buffaloes, taking out the puppies along with the children and hearing the chosen abuses of the "Mem Sahebs" [high society women, aka officers' wives] with utmost patience and least protest, lest they should be sent away from the battalion head quarters on to the outstation assignments. A little lapse on the part of these "serfs," who were timid at the officers' home and tyrant as sepoy outside, would entail severe punishment. Many of them were beaten and insulted just because they could not perform the domestic duties at the officers' residence, humour the Mem Saheb, or had pinched a paisa or two out of the bucks given to him to bring vegetables or mutton. The PAC jawans [term for soldiers and paramilitary agents] told this reporter at Jehangirabad that the [senior] officers were leading the life of old landlords with women, wine, and wealth. They cultivated Government lands with the help of the orderlies under their charge and sold the produce "for their private use and profit." (Tuesday, 29 May, 1973, "Discontent led to PAC revolt" by Vidyasagar, Hindustan Times).

this IG's zonal districts killed a constable during a police raid, allegedly because they thought the officer was a dacoit (bandit), and dacoits often disguise themselves in police uniforms.<sup>13)</sup> But a problem arose when the police wanted to come to collect the body of the constable killed in the line of duty. A powerful local village leader, who was angered by the encroachment of the police for reasons unknown, would not allow the constable's body to be taken away for some thirty-six hours. The IG was called in by his subordinates to take care of the situation; but his colleagues and superior officers soon informed him that the Chief Minister did not want to offend this particular local leader, because the latter had a very large constituency, which gave the ruling party a lot of votes. So the IG was held back from taking care of one of his own officers for more than a day by this politically-motivated prohibition. Finally, he went against the unofficial "orders" of his superior officers and the CM, because the constable's family and colleagues were, quite understandably, becoming terribly upset, to say nothing of the condition of the body in a northern Indian summer.

When the IG finally managed to return the body to the family, a large group of other constables and relatives held him personally responsible, interpreted the delay as (yet another) act of profanity and disrespect by a senior officer toward his subordinate officers, and held him at gun point for some eight hours. The IG himself stated that these people were quite justified in their anger, and he expressed feeling quite a bit of guilt that he had not gone against orders and recouped the body sooner, even though the situation was largely out of his control and he should be considered more a symbol of callous manipulative party politics and a problematic hierarchy than an active partisan and arrogant participant himself. The IG claimed that he did not try to make excuses to the deceased constable's family or fellow subordinate officers by telling them that it was orders from the top that led to the delay. He did, however, make a loud and public statement at the time that he would have this local leader, who obstructed the immediate collection of the body, investigated and imprisoned within a month, or else the IG would resign from the police service. The CM himself called and "requested" the IG to retract his statement; but the latter refused. As the IG was preparing his case against the local leader, his orders for promotion and transfer to a new division came. He was, "due for promotion anyway, but it came through a hell of a lot quicker than it probably would have otherwise," (moreover, he apparently got the upgrade before several other fellow officers of equal or greater seniority in rank) because, clearly, someone did not want him to proceed with the case against the local leader. He resignedly accepted his new post, and served for another seven years,

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13) Considering the lack of faith in the police that follows from the political manipulation described above, one might ask whether the villagers in fact thought they were killing a dacoit in a police uniform or a real-life police officer. We might further wonder if it is "all the same" to them, killing a criminal and killing a cop; or perhaps killing a cop is even seen as a good thing or at least as good as killing a bandit aiming to loot them since both of these figures often use coercion by violence against poor villagers to fill their own pockets. People are constantly complaining here about "goonda raj" and the criminalization of the state, so it is arguably the case in many peoples' minds that they must resort to vigilante justice in defence from looting state police and looting bandits alike.

eventually attaining the top post in the state, Director General.

The ending of this rather dismal anecdote brings us to what is one of the most insidious manifestations of politicized policing in India that of the increasingly biased and bought procedures for tabaadala, or transfer of post. Transfers which happen regularly in all branches of the government services are not promotions, but rather a lateral shift of position into a different department or location. For example, an officer may remain at the rank of sub-inspector for some 20 years (even if he is supposed to attain promotion after 15 years delays in promotion are commonplace), but be transferred more than two dozen times in this period to different thana, or different departments such as intelligence, vigilance, anti-corruption, economic offences, training, etc. Most states' police regulations include a section on when and why officers should be transferred "in the public interest" (for UP see Kabir 2005, 245-7) In general, an officer is supposed to serve in a particular district or posting for a specific period of time e.g. a SI is supposed to change districts every six years and is also disallowed from being stationed in or near his home district, because it is thought that allowing close-to-home postings will encourage "non-objective" behaviour, i.e., discretionary enforcement of the law and procedure in favour of the officers' own caste, family, friends, or other affiliates. This aim of promoting "objectivity" in enforcing the law is also the reason that 2/3 of the top brass IPS officers in any state are appointed from outside the state (up until the early 1980s, the proportion was 50/50). It is important to note how this tradition of shuffling officers around, in order to maintain an ideal equilibrium of objectivity in the "public interest," reflects an instinctive distrust of officers that is built into the system of personnel management.

Whatever the original aims or intentions, the procedures for transfer of postings have like most everything else become unofficially communalized and commercialized. Since party bosses and the state Chief Minister have the final word on postings, there are constant waves of transfers of bureaucrats, such that the people who currently hold power can continue to do so by making sure "their own kind" control the local bureaucracy. While IPS officers are supposed to have a tenure of three years in any post, many of them agree that for at least the last 15-30 years (the number varies depending on whom one is talking to, and where they lay the majority of blame for corruption of governance), there has been absolutely no adherence to the regulations laid out in the regulatory codes regarding transfers. A glance at the list of post-independence UP DGPs is exemplary without exception, no officer has held this post longer than 18 consecutive months since the beginning of the 1970s. Ironically the most stable posts are the lowest level constables, who are considered to be barely-skilled workers, little more than bodies in uniforms with no autonomous power to enforce the law without the directive of their superiors. In fact, as late as the 1980s, constables were still considered class IV "unskilled" government workers.

One serving IG has summed up the situation as follows:

Transfer has become an industry. UP is an economically poor and backward state, where politicians cannot make so much money out of normal industry or business schemes. So instead or, at least, in addition to it they make money out of transfers, charging very high sums to people who want particular posts. It has become so bad that without paying money, you cannot get a transfer. In fact, you can say that 50% of police problems come from the transfer business. When everyone wants the same posts in order to make money for themselves, of course there will be competition for those posts. Sometimes the High Court even gets involved in transfers a judge will make an independent decision or take some money and stay a government decision to transfer someone, so that an officer can keep his post for another 1-2 years before a decision is made. Or, you bribe the CM or some other Minister. There is no reward for real professionalism; in fact, if you are honest and do your job, you may be considered stupid or selfish or even attract punishment for it. A very honest and straightforward DGP once told the serving CM who was displeased with him, 'you have asked me to run a shop, and you've put your own henchmen in the shop, and then you blame me that I am not running the shop properly.' He meant that he was trying to do his job, but the CM had posted SPs to districts without consulting him. Then the district SPs would post certain SIs or Inspectors as Station Officers who were thoroughly corrupt. When he's so corrupt, the SO is not interested in professionalism, but only in minting money and keeping his bosses happy. And among his bosses are the political goons of the area, who are interested only in getting their opponents harassed, and ensuring that their own people even if criminals, thugs, and cheats get benefits and that no action is taken against them. So you can see the economy at work; it is all connected.

Even the top police officer in the state does not have enough functional autonomy to decide consistently which of his subordinate officers should be in which posts. In one allegedly unexceptional incident, there was an Inspector who was removed from his post as Station House Officer by the then serving UP DGP himself, for being lazy and not doing his job, as demonstrated by several months of increased crime, poor response, and inefficient functioning in his sub-division of the district. Less than 24 hours after his removal, the Inspector was put back into office the next day in a very choice post, a lucrative district station. And the order for this new posting was given by the serving district SSP, which means a junior officer went above the head or behind the back of his senior by using personal and political connections with someone in the state government. This was quite an embarrassment for the DGP, whose legal right to discipline his own officers was deliberately and publicly undermined by the local "political masters." Some officers expressed the opinion that the DGP should have resigned on



principal, in protest at the government overriding his authority. These same officers opined that he did not do so, however, because like many police officers especially those who attain a very high position he is too "spineless" to stand up to the dilution of his rightful authority, and is just happy enough to be in a cushy top posting. "It's typical. People in this business don't show guts at all," notes a senior officer in the Anti-corruption department.

One retired DGP lamented,

All of the political parties have been misusing the police for so long, that each political leader or member of the political executive takes it as his or her right to manipulate them... they make a lot of noise about 'law and order' and 'the rule of law' and the 'public interest,' and they form all of these commissions of inquiry to investigate cases and recommend reformations, but nothing is ever really done. And when you actually try to improve things, to 'tighten the screws' then you get transferred.

This same officer noted that "the transfer" is used by the state government for two primary purposes: 1) punishment of bureaucrats against whom influential VIPs have some complaint, warranted or not; and 2) as a way for the same VIPs, and currently reigning political parties, to put their own people into office not only as reward, but also and perhaps more so as patronage and "seeding" of tools to keep "the machine" working in an order that maximizes the number and placement of yes-men who will always say yes. One way to begin to formulate a nuanced model of the problem is to think of transfer traffic for each and every post as a two way street ending in a nodal cul-de-sac. At any moment, one is transferred in and another is transferred out. Ways to get transferred into a post include: 1) using influence or connections without having to pay money; 2) offering a bribe to influential persons; 3) making a formal application and attaining a new post through regulated procedures. Ways to get transferred out of a post include: 1) offending someone in power who then has you ousted; 2) being shunted somewhere else because another officer, with more powerful connections, wants your post; 3) making a very public mistake or being blamed for a mistake you did not make and becoming a "bali ka bakri" or sacrificial lamb, so that the public is made to feel that "something is being done" by the government about a generally incompetent or corrupt police force; 4) being given a routine transfer after so many years or based on department vacancies or other needs. Several officers have analogized their situation to that of pawns in a chess match being played by the "political masters," who have strategies that, while not fully known to the police, push and pull them on a regular basis. However, this metaphoric comparison does not adequately account for the multiple layers and factions at play, since so many players are maneuvering at any given instant, including police officers themselves, not just elements external to the force. In any case, like the privatization of public police for VIP security, the transfer industry appears only to be expanding, leaving the majority of cops feeling bewildered and browbeaten.

In a political governmental climate like that described above, it is no wonder that many police officers are not trusted or commended by the citizens they are supposed to be serving. One student argued that, "The police itself has spoiled its own image... when a cop dies in line of duty, may people say 'bahut acchii bat hai' [this is a very good thing]." And this student plans to take the exam to become an IPS officer next year after finishing university education. On the one hand, it is true that many police officers are willing participants in the problematic behaviours that continue to plague an apparently deteriorating system of legality. On the other hand, they often feel stuck and unable to do things any other way. Even when they wish to enact the ideals taught in training public service, honor, discipline and duty most officers are soon pounded into shape by forces much larger than an individual will to serve honestly and legally. Those who buck the system tend to become either famous "revolutionary" figures an exceedingly rare outcome or, more likely, peripheral and inconsequential cogs in the wheel ("chakra chalta hai..." many say "the wheel keeps on turning..."), biding their time until retirement. And when many constables, and sometimes even sub-inspectors, are charged with nothing more important than driving around superior officers or watering their gardens, guarding their houses, walking their children to school, and other such menial non-mandated tasks under the guise of VIP security detail it is not a surprise to find low morale and an associated lack of efficiency accompanying the practice of everyday policing.

The vast majority of the hundreds of officers with whom I have conversed, speak of doing their job with an ethos of "survival" while simply getting as much as possible for oneself, and perpetually grappling with others who are doing the same. They express a generally pessimistic outlook, and scoff at mention of the possibility of "objectivity" or a "scientific" air to law enforcement in India today. One retired DGP argued, "What can a bureaucrat do when he is bullied into becoming little more than a uniformed wretch?" Although this may seem to distance the police officer from her or his own responsibility in perpetuating a system of governance that often seems to harm more than help its citizens, it is, indeed, important to differentiate, at some level, between: 1) actively engaging in "corrupt" practices for personal/political gain, and 2) feeling as if one has his "hands tied" because the structure of governance is such that the elected politicians have all the power to move and shake, and the bureaucrats must simply go along with the formers' whims in order to keep their job and stay out of trouble. Even if these two sensibilities are inextricably linked and their practical outcomes the same they are distinguishable in the minds of these sometimes abject subjects. Moreover, it is not always elected officials or VIPS who call the shots. There are also countless cases of seemingly ordinary people who have or believe they have such a powerful enough position that they do not need to obey the law.

Newspaper headlines such as the following provide telling illustrations of the ethos concerning police efficacy and authority in UP: "LU [Lucknow University] Student to Police

Inspector: 'Mind Your Business' ...and the Man in Khaki Beats a Hasty Retreat."<sup>14</sup>) Several times per month, there are newspaper stories about "spoiled brats" a folk category which indexes rich or well-connected youth beating up constables or traffic cops who are trying to do their job.<sup>15</sup>) In a more high-profile and especially egregious incident, five brothers in their teens and twenties who claimed to be related to a senior member of the Samajwadi Party, the ruling political party in UP humiliated and almost killed or seriously injured a Deputy Superintendent of Police (DySP) in Lucknow, by speed-driving him around the city on the bonnet of their jeep for more than 2km, after he had grabbed on to the hood of the car following their attempt to run him over for stopping them at a traffic check point. The youth dumped the DySP in front of the Superintendent of Police's office, demanding that the former be taken to task for trying to impose on them something so trifling as "the law." The brothers were subsequently arrested (though the case is still pending in court), and incidentally, their claimed relation to a ruling party leader was found to be false. But the very fact that they thought they could get away with something like this is indicative of the political climate, the generalized (dis)respect and regard for the police, and the measure of "legality" against what it means to have actual authority and influence here.

### Conclusion

Clearly, conditions of illegality or criminalization of governance practices are systemic, and endemic throughout the social fabric. However, because police are often the "face" of the government, on the "cutting edge" of the imagined State-Civil Society divide, and uniquely empowered to use necessary force in the name of the Law, they are held principally responsible for establishing and maintaining the so-called rot. While they certainly must take on their share of the blame for problems of governance, one may also argue that a disproportionate culpability is attributed to police, precisely because they are so visible and identifiable through their uniforms, and because they alone wield non-negotiable coercive force in the domestic domain (Bittner 1970). They are like ghosts that cannot hide: [gunner-]shadows of the political masters who often have no "real" authority of their own (are rather forced to carry out the orders of the people with the true authority) and yet, in the eyes of the public, demonstrably embody the authority of others the real "law-makers" which they are compelled to enforce. They also appear

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14) This story headline, under the larger special section headline, "Lawless and Unruly, that's LU [Lucknow University] for you," appeared in the Hindustan Times Lucknow Edition, 25 August, 2004. The story recounted an incident in which a police officer ordered a student to park his motorcycle in a place that would not block the road, and the "insulted" student hurled abuses at the inspector. The student then proceeded to call a "higher up" contact in the police force unofficial sources reported it was a Deputy Inspector General (DIG) immediately after which the Inspector received a phone call of his own, and "left the place immediately."

15) There was a story in the Times of India, Lucknow Edition on 15 April, 2006 about a traffic cop who was beat up by a couple of goons on motorcycles, and his superiors did nothing to stop the perpetrators. So this is clearly a problem of leadership as much as corrupt and criminalized politics.

to be stuck in a lose-lose situation, as illustrated by an oft-quoted Hindi kahavat or proverb: "Puliswale koyalaa hote hai. Dosti karogi to hath kaalaa kar denge. Dushmani karogi to hath jalaa denge." (Police are [like] coal. If you are their friend, your hands will turn black. If you are their enemy, your hands will be burnt.) This confused and subjugated subjectivity must be understood as part and parcel of a larger complex of social problems that render the actual practice and conceptual image of police as corrupt and hyper-politicized. This complex of problems includes, but is not limited to: economic scarcities; "hangovers" of colonial institutions and antagonisms; caste and communal hostilities; and a generalized manipulation of, and contempt for, the Law.

Some deem the situation hopeless, and either actively participate in, or resignedly retreat from, "the system." Others see hope in things like globalization and international market pressures, while still others press for legal reforms in the belief that the Law on paper still has some sort of supremacy. The Supreme Court of India recently passed an order to all state governments to implement police reforms recommended by a special panel of eminent government officials, including a former Attorney General and retired top IPS officers. Reforms include, but are not limited to: establishment of a fixed tenure for DGPs and senior officers holding key posts (to cripple the so-called transfer industry); separation of crime investigation and prosecution from maintenance of law and order; setting up of a national security commission at the Centre and a state security commission in States to decide who should attain top policing posts; creation of a police establishment board to oversee promotions and transfers; and institution of an independent police complaint authority to address grievances of common people against police officers. It remains to be seen how well all these reforms are implemented at the ground level since, at the end of the day, many of the powerful people of the "political classes" prefer to keep the system as it is, since it serves their interests. However, there are many more people who are not in this privileged class, and it is hoped they can help to push through these much-needed changes, and shed real light on the future.

### Appendix

The basic ranking structure of Indian police from top to bottom in most states, including UP, is:

#### *Gazetted Officers (GOs)*

1. Director General of Police (DGP) (IPS) [state-level charge]
2. Inspector General " (IG) (IPS) [zone-level charge]
3. Deputy Inspector General " (DIG) (IPS) [range-level charge]
4. Senior Superintendent " (SSP) (IPS) [district-level charge]\*
5. Assistant Superintendent " (ASP) (IPS) Level 1 officers recruited to start here  
\* "Commissioner of Police" posts, which only exist in mega-metropoli, such as Delhi, Mumbai and Bangalore are basically equivalent to a district SSP.
6. Deputy Superintendent " (DySP) (PPS) Level 2 officers recruited to start here

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#### *Non-Gazetted Officers (NGOs)*

7. Inspector (Station House Officer)SHO [kotwali (large station)-level charge]
8. Sub-Inspector (Station Officers)SO [thana (small-medium station)-level charge]
9. Assistant Sub-Inspector Level 3 officers recruited to start here
10. Head Constable [halka (collection of beats)-level charge]
11. Constable Level 4 officers recruited to start here

IPS=Indian Police Service, Gazetted Officer, recruited and trained at the national level

PPS=Provincial Police Service, Gazetted Officer, recruited and trained at the state level

NGO=Non-gazetted officer, recruited and trained at the state level

This hierarchy should be conceived as a pyramid with one DGP at the top in each state, and masses of constables at the bottom. There are stark divisions between the Gazetted Officers (IPS and PPS) and the NGOs, particularly with regard to decision-making and supervisory powers, authority and influence in interactions with the public, and giving of and obedience to orders. Moreover, while almost every IPS officer who starts at the level of ASP will retire at the level of DG or IG, there is little upward mobility for NGOs in the bottom-most ranks, i.e. sub-inspectors and constables, who comprise the majority of police in India and perform traditional duties of crime investigation and crowd control. While GOs are primarily administrative supervisors, NGOs are called "the cutting edge" cops, meaning they work at the boundary where the state meets civil society. NGOs are the "face" of the police, the agents most readily visible to, and most likely to interact with, the public. Promotion from one level up to the next, e.g. from Level 4 to Level 3, is possible, but generally happens in less than 1/3 of cases.

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## **What Do the Watchers Watch? An Australian Case Study of CCTV Monitoring**

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### **Introduction**

What is evident from the numerous studies that have emerged in the field of CCTV and crime prevention is that there are no uniform results. While the installation of CCTV in public spaces has been identified as having positive results on crime, that is reducing levels, most of these studies only show small gains. A recent evaluation by Welsh and Farrington (2004) suggests that while CCTV can reduce overall crime, this generally only occurs in car parks and city centres and that better street lighting can be more effective than CCTV in reducing overall crime. Indeed they also note that "any conclusion about displacement or diffusion effects seems premature at this point of time" (Welsh and Farrington, 2004, p 513).

Most researchers recognise that there are several major problems associated with assessing the impact of CCTV (Gill and Spriggs, 2005). These include the methodological difficulties of carrying out proper controlled evaluations, the problem of measuring displacement effects and the difficult of sorting out what impact CCTV has relative to other crime prevention measures introduced at the same time as the CCTV system is installed. In addition, the political rationale for introducing a CCTV system, the sophistication of the technology itself and where it is deployed and the way that CCTV is monitored varies enormously from location to location which in turn has some bearing on a CCTV system's effectiveness (Norris and Wilson, 2005).

This last point, we would suggest, is pivotal in any assessment of CCTV yet paradoxically, few studies have been carried out that critically evaluate the performance of those who watch and monitor CCTV cameras. This article examines how CCTV is monitored in the City of the Gold Coast in Australia. The city is a tourist capital of the country with half a million permanent residents and visitor numbers per year running into approximately four million. The city is Australia's sixth largest and spans over 1400 square kilometres (540 square miles) with a 70 kilometre coastline and a backdrop of subtropical rainforests. There are four suburbs with public space CCTV relevant to the research project we conducted, all of which are tourist areas and are adjacent to the coastline. These suburbs are Surfers Paradise, Southport, Broadbeach and Coolangatta.

## The Camera Network

The Gold Coast Safety Camera Network's first cameras were installed in Surfers Paradise in December 1998. To date, 74 cameras are now utilised in Southport (11), Surfers Paradise (38), Broadbeach (18) and Coolangatta (7). Cameras are located within the central business district of each suburb (i.e. the 'town centre') with cameras in the vicinity of pubs, nightclubs, hotels, restaurants, cafes, parks, retail outlets and car parks. The expansion of the camera network in Surfers Paradise led to the preliminary instalment of cameras in Broadbeach and Coolangatta (May 2000) and Southport (November 2004). Signage is intermittently visible and proximal to cameras with the wording in each location reading: "This area is regularly monitored by safety cameras, making a safer city". Approximately 40 signs are now erected throughout the four CBD areas of the Gold Coast and this was first initiated late 2003.

The ownership of the camera room rests with the Gold Coast City Council, specifically the Gold Coast Camera Safety Network. A private security company subcontracted by the Council has been operationally responsible for the camera room since the inception of public space CCTV cameras on the Gold Coast. The company employs one full-time manager, one second-in-charge manager (2IC), two full-time operators and one casual operator. The manager of the camera room reports to the Coordinator of the Gold Coast Camera Safety Network (GCSCN) and to senior management of the security company.

The rationale for introducing CCTV cameras on the Gold Coast is multifold, however the underlying theme relates to the public safety issue of alcohol-related violence and anti-social behaviour. It was considered that the introduction of CCTV cameras would lead to a general reduction in alcohol-related crime and general property crime in surveilled areas. The implementation of CCTV cameras on the Gold Coast resulted from pressure of "local businesses concerned that the image of Surfers Paradise as a family friendly tourist resort was being undermined by alcohol-related violence" (Wilson and Sutton, 2003, p. 31). As with many public space CCTV systems in Australia and indeed world-wide, the GCSCN ultimately was introduced in response to additional pressures from the community, local government and police. According to the camera room's *Policy and Procedures Manual* (2004) the network is "integral to maintaining the high standard of public safety that is expected of the Gold Coast as Australia's tourism capital"(p. 2). Thus, it can be said that the original objective was to reduce crime by addressing alcohol-related violence and anti-social behaviour to

improve public safety.

### Aims of the Study

Various individuals and organisations are involved with the CCTV network including the Gold Coast City Council, Queensland Police Service (i.e. local officers, liquor licensing officers), private security personnel, business traders and the community (i.e. users of the public space). It is within this framework that the monitoring of the camera network occurs and it was for this reason that we devised an observational study of those people whose job it was to assess the CCTV footage. In addition, we analysed camera room documents including monthly statistical reports, interviewed the operators themselves as well as police and other "key users" of the CCTV system. It was hypothesised that: i) the majority of an operator's shift is spent identifying anti-social behaviour and alcohol-related violence; ii) camera operators identify highly visible behavioural incidents (i.e. assaults) compared to less visible, 'discrete' incidents (i.e. drug deals); iii) most incidents captured on CCTV are initiated by camera operators rather than police; and iv) camera operator surveillance leads to more arrests than if CCTV cameras were not implemented.

### Methodology

The observations were carried out at one site, the Gold Coast Safety Camera Network camera room between September 2005 and December 2005. In total, 100 hours of monitoring were observed by one female researcher on 23 separate occasions. This entailed both weekday and weekend shifts as the camera room is monitored 24 hours a day, seven days a week.

Four types of data were recorded during the observational period and these categories are very much related to Norris and Armstrong's (1999) study of 592 hours of observation. The quantitative observational period included **shift data** number of operators per shift, types of people entering the camera room, length of monitoring etcetera; **targeted incident data** how and why the surveillance was initiated, and by whom; **characteristic data** the age, sex and appearance of individuals from targeted incidents; and **deployment data** whether deployment was necessitated and the outcome of deployment. Interviews with police, camera operators and the Coordinator of the Gold Coast Safety Camera Network were all open-ended.

To avoid any confusion, it is important to have an understanding of the

terminology utilised by the research team during the observational period. **Active searching** is considered the 'real time' surveillance of footage for more than 60 seconds in order to specifically *locate* an incident. Usually the decision to start actively searching is the result of external communication (police, security etc) about a potential or actual incident. For example, police may request an operator to search for live footage of a suspected shop-lifter. Once the operator has located the shop-lifter (as an example) and begins to target the individual, this then becomes active monitoring. **Active monitoring** refers to *targeted surveillance* of a 'real time' incident for a period of more than 60 seconds. This can include, as an example, an operator actively observing an assault between two intoxicated nightclub patrons. Determining what constituted a targeted incident led to the initial decision of 30 seconds (see Goold, 2004 and Norris and Armstrong, 1999). However, all 30 second targeted incidents during the observational period were ultimately surveilled by operators for more than a minute, thus the 60 second 'benchmark' was selected.

**Routine monitoring** refers to an operator deliberately observing camera footage without necessarily locating or targeting an incident. To clarify, an operator may purposefully switch between various cameras (i.e. camera 1, camera 4, back to camera 1 etc) and observe footage of an area such as a street or car park to ensure 'all is in order'. The operators from the GCSCN camera room label this a 'manual tour'. If footage is automatically changing or 'cycling' through a preset surveillance pattern (i.e. an 'auto tour'), an operator must still be viewing the monitors in real time in order for it to be described as routine monitoring. Routine monitoring differs from active searching as the operator is not specifically attempting to locate a known incident. Again, if an operator happens to locate and target an incident for more than 60 seconds (i.e. comes across footage of an individual breaking into a vehicle) during the course of routine monitoring, this then constitutes active monitoring.

## **Results**

### *Shift Data*

At all times, an operator was present in the camera room with a second operator working during 'busier periods' such as Friday and Saturday nights, as well as events that attracted higher than usual crowd numbers in areas under surveillance. Of the 23 shifts observed, 11 had two operators monitoring the camera network with the remainder having only one operator in the camera room. Of the 11 shifts with two

operators, all bar one were during a 'busy' shift (i.e. Friday or Saturday night), the exception being one experienced operator training a new employee on a week night.

In addition to the presence of two operators on 11 occasions, a local police officer was also present for 6 of these shifts. This was due to large scale events occurring in the Surfers Paradise region (Indy Week and Schoolies Week) which attracted large volumes of people to the nightclub precinct and surrounding areas. The main purpose for police to be stationed in the camera room was to use the police radio to direct deployment of officers to particular areas where incidents were occurring (as camera operators are currently not permitted to directly communicate via radio). Only one police officer attempted to use the system by switching between cameras to locate a possible incident, however this surveillance lasted less than thirty seconds and did not result in the deployment of police.

#### *Targeted Incident Data*

Of the 100 hours observed in the camera room, 986 minutes were spent actively searching for or actively monitoring footage of incidents. Considerably more time was spent actively monitoring an incident (869 minutes) than searching for incidents (117 minutes). The searching of the four incidents was initiated by police with one particular incident constituting 102 minutes of camera surveillance. This incident involved the alleged presence of two males thought to be carrying concealed handguns, hence the lengthy period of searching. Overall, 16.43% of the observational period was dedicated to the active monitoring and active searching of incidents with the remaining 83.57% of the time spent performing other activities (see Table 1). Other activities include the following: administrative tasks (log book entry, visitor log book, completing paper work); communication (via telephone, email, facsimile) to police, local law officers and the security company's head office; routine 'manual tours' of the camera network; searching for surveillance footage and creating digital and hard copies for external agencies (usually the police); speaking with police and local law officers entering the camera room (and sometimes demonstrating the camera network's capabilities); and work breaks (i.e. lunch breaks, toilet breaks, making cups of coffee, getting changed out of uniform, cigarette breaks etc).

**Table 1: Total time spent actively searching and monitoring incidents**

	Minutes	%
Total time spent actively monitoring and searching for incidents	986	16.43%
<i>Actively searching</i>	117	(1.95%)
<i>Actively monitoring</i>	869	(14.48%)
Total time spent engaging in other activities	5014	83.57%
Total observational period	<b>6000</b>	<b>100.00%</b>

From the 986 minutes spent actively monitoring or searching for an incident, 181 incidents were detected and surveilled for more than one minute. A record was made of what the initial reason for monitoring 'seemed to be' for each targeted incident. Initial reasons for monitoring include crime, good order, safety issue, local law issue, no obvious reason and other. This mirrors Norris and Armstrong's (1999) study yet supplementary categories have been added, including local law issues (i.e. ticket touters and buskers) and safety issues (i.e. burst water hydrants, police directing traffic etc). In line with Norris and Armstrong (1999), the 'crime' category does not necessarily insinuate that an individual was actually involved in a criminal activity. Rather, it is based on what the operators believed the incident was indicative of at the time of surveillance (i.e. suspected thief, male assaulting patron etc). As can be seen in Table 2, the crime and good order category account for almost 78% of all incidents surveilled (and 83% of all minutes dedicated to active monitoring and searching) during the observational period.

***Table 2: Reason for initial and continual surveillance of incidents***

Reason for Surveillance	Incidents	%	Minutes	%
Crime	110	60.77%	673	68.25%
Good order	31	17.13%	146	14.81%
Safety issue	12	6.63%	87	8.82%
Local law issue	3	1.66%	13	1.32%
No obvious reason	9	4.97%	20	2.03%
Other	16	8.84%	47	4.77%
Total	181	100%	986	100%

It was hypothesised that the majority of an operator's shift is spent identifying anti-social behaviour and alcohol-related violence. In actual fact, 83.57% of an operator's shift during the observational period was dedicated to activities *other than* specific monitoring of incidents (i.e. paper work, answering telephones). Yet to examine the 181 incidents surveilled by operators, it becomes apparent that almost 78% of incidents surveilled can be attributed to the detection of anti-social behaviour and alcohol-related violence. This percentage is determined by combining the crime and good order categories (141 incidents). Thus, when active monitoring occurs, the majority of active searching and monitoring conducted during an operator's shift is dedicated to the detection of anti-social and alcohol-related violence.

It is also necessary to determine how targeting of incidents was initiated and the types of behaviours that were surveilled during the observational period. Norris and Armstrong (1999) first devised 7 categories of suspicion with Goold (2004) adding an eighth category (routine). They are described as follows:

Categorical: suspicion based merely on personal characteristics such as dress, race, membership of subcultural group

Transmitted: surveillance initiated by someone else e.g. police, store detective or member of the public

Behavioural: suspicion based on behaviour, i.e. fighting, public display of drunkenness

Locational: suspicion based on person's location, e.g. walking through a car park with a high rate of theft late at night

Personalised: suspicion based on personal knowledge of the person surveilled

Protectional: suspicion based on fear for persons safety, e.g. woman late at night at a cash machine

Voyeuristic: monitoring based on prurient interest

Routine: Monitoring carried out as part of a set surveillance routine, such as watching security personnel pick up money from a high street bank on a weekly basis (Goold, 2004).

During the 100 hours of observation there were 181 incidents, 42 of which led to the arrest of 51 individuals. Transmitted surveillance is the single largest type of suspicion with 99 incidents monitored due to an external source. This external source was primarily local police, with the exception of 3 transmitted requests from security

and local law officers (i.e. council employees). Table 3 summarises the reasons for the initial surveillance and the number of arrests for each type of incident.

**Table 3: Types of suspicion and initial reason for surveillance of incidents (arrests and percentage of incidents)**

Type of Suspicion	No. of incidents involving arrests	%	No. of arrests	%
Behavioural	13	30.95%	19	37.25%
Categorical	2	4.76%	2	3.92%
<u>Locational</u>	0	0%	0	0%
Personalised	0	0%	0	0%
<u>Protectional</u>	0	0%	0	0%
Routine	2	4.76%	2	3.92%
Transmitted	25	59.52%	28	54.90%
Voyeuristic	0	0%	0	0%
<b>Total</b>	<b>42</b>	<b>99.99%*</b>	<b>51</b>	<b>99.99%*</b>

\*Due to rounding, percentages may not add up to 100%

#### *Characteristic Data*

Over 90% of incidents involved either one or more individuals (n=167) with the remaining 14 incidents involving objects (i.e. vehicles, unattended bags, etc). Males were targeted for surveillance more often than females with 94% of the incidents involving at least one male per incident. As can be seen in Table 5, characteristic data collected by the observer is incomplete (i.e. missing age information for 13 individuals). Often, the camera footage did not permit an estimate of an individual's age or race/ethnicity (i.e. male's face obscured while being apprehended by police, thus difficulty determining approximate age or ethnicity). The intention of the observational period was not to document in any great detail the demographics of targeted individuals by camera operators. It can be summarised from the limited demographic data collected that the majority of the individuals involved in targeted incidents were white males, in their twenties who had been consuming alcohol.

**Table 4: Age and Sex of Targeted Individuals**



<b>Sex</b>		
Male	157	94%
Female	10	6%
Total	167	100%
<b>Age</b>		
Teenagers	33	19.76%
In their twenties	90	53.90%
In their thirties or older	31	18.56%
Age undeterminable	13	7.78%
Total	167	100%
<b>Race</b>		
White	118	70.66%
Other	22	13.17%
Race undeterminable	27	16.17%
Total	167	100%

#### *Deployment Data*

From the 181 targeted incidents surveilled, police presence was noted at 98 incidents which equates to 54% of all targeted surveillance (Table 5 and Table 6). External agencies (primarily the police) transmitted information in relation to 99 incidents surveilled by the camera operators, with police presence noted at over 60% of these situations. The third hypothesis suggests most incidents captured on CCTV were initiated by camera operators rather than police. Referring to Table 3 demonstrates that 99 of 181 incidents were transmitted by an external source (54.90%). Therefore, the hypothesis is not supported as approximately half of all incidents captured via surveillance were initiated by police (n=96) and local security/council (n=3).

**Table 5: Police presence at Initial and Continuing Surveillance**

Reason for Initial and Continuing Surveillance	Police presence	No police presence	Total
Crime	75	35	110
Good order	11	20	31
Safety issue	3	9	12
Local law issue	0	3	3
No obvious reason	2	7	9
Other	7	9	16
<b>Total</b>	<b>98</b>	<b>83</b>	<b>181</b>

**Table 6: Police presence and breakdown of types of suspicion**

Types of Suspicion	Police Presence			No. of incidents involving arrests	No. of arrests
	Yes	No	Total		
Behavioural	21	21	42	13 (30.95%)	19 (37.25%)
Categorical	3	3	6	2	2
<u>Locational</u>	3	3	6	0	0
Personalised	1	4	5	0	0
<u>Protectional</u>	0	4	4	0	0
Routine	8	8	16	2	2
Transmitted	61	38	99	25 (59.52%)	28 (54.90%)
Voyeuristic	1	2	3	0	0
<b>Total</b>	<b>98</b>	<b>83</b>	<b>181</b>	<b>42</b>	<b>51</b>

Finally, we established, by going through every arrest during the observational period how many were the result of CCTV camera surveillance. Of the 51 arrests, we discovered that at least 44 (or 86%) would have occurred regardless of the camera network. Seven arrests were the direct result of an incident located by a camera network although at least two of those seven were simultaneously viewed by a police or security officer. Thus, at the most, only fourteen percent of all incidents during the observational period were due to what was directly observed and recorded by the operators. Most of these incidents were relatively minor in nature such as the cameras detecting a person urinating or acting in a drunken manner.

## Conclusion

None of what we have discussed here should be taken as a negation of the usefulness of CCTV. It is clear from the evidence based literature and from our current research that CCTV is extremely useful in detecting offences that otherwise may not have been detected. Comments from police and court officials also indicated that CCTV may have increased the likelihood of offenders pleading guilty once they realised that their offences had been captured on camera and also increased the rate of successful prosecutions. CCTV also appears to reduce fear of crime and play some part in preventing crime though the amount that actually is prevented is open to debate (see Norris and Wilson, 2005).

The effectiveness of CCTV, we suggest, may be very much dependent on a whole range of issues but in particular the way that operators monitor the cameras in the CCTV network. In this regard it was surprising to find from our research that the majority of an operators shift was spent on activities other than the active searching and monitoring of surveillance targets and geographical areas. Perhaps this is inevitable given the numerous requests from police for footage material, the amount of time on routine and unfocussed surveillance that operators were required to perform and other clerical duties that were part of their job. However, it does raise issues regarding the difficulty of coordinating users of CCTV in multi-usage networks (i.e. the Council and the police) and on whether the amount of time that operators spend on actively monitoring can be increased substantially by more innovative arrangements between the camera network users.

In our study we also found that most incidents captured by CCTV were highly visible behavioural incidents such as assaults rather than less visible incidents such as drug deals. This is understandable and goes some way in explaining why many of the studies of CCTV effectiveness often show only modest gains (Gill and Spriggs, 2005). Camera monitors generally cannot see discrete behaviour but they can and do, according to this research detect highly visible anti-social or criminal behaviour. Though we expected that most of these incidents would be initiated by the camera operators themselves we found approximately half resulted from the police requesting specific surveillance on a person or incident.

Our study also raises the issue of whether the CCTV surveillance leads to more arrests than if CCTV cameras were not present. We were able to calculate that 7 arrests or 14% of all arrests during the observational period resulted from the CCTV network.

This may not sound like a large gain for an expensive CCTV system especially as we have no idea about the displacement of crime to other areas as a result of the CCTV network. This research also raises questions concerning the tensions that may develop in the future between the police (who want the network to extend into other areas for crime reduction reasons as well as increased access to CCTV footage for prosecution) and the Council who wish to contain public nuisance and alcohol-related crime.

Finally, even though every public space CCTV network is different and unique, the current study raises general issues about the multi-purpose use of CCTV and its effectiveness that potentially are relevant and instructive for all CCTV system users, regardless of their location in any part of the world.

For full access to the report *Crime and CCTV in Australia: Understanding the Relationship*, see [https://epublications.bond.edu.au/hss\\_pubs/70](https://epublications.bond.edu.au/hss_pubs/70).

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## **Tackling Crime in Residential Parking Facilities through Secure Design**

### *A Study of South Korea*

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#### Abstract

The researcher looks at high-rise apartment car parks in the Seoul metropolitan area of South Korea with respect to physical security and design features. This paper employs CPTED originated from the Newman's 'Defensible Space' theory and some situational crime prevention techniques to find the actual picture of crime risk and physical security features in the car parks based upon site-specific surveys. Through analyses of the police crime data and the site survey results, a number of opportunity-related crimes and the physical environmental factors affecting their risk were identified. It was found that a large part of them could have been deterred and prevented if there had been proper security measures to reduce the crime opportunities. Nearly the half of whole households in Korea are high-rise apartments and most of their car parks are fall short of proper physical security system and management. It might therefore be urgent that the quality of security should be improved for the high-rises. Recently introduced integrated security system (a.k.a. TAS) and 100 per cent underground parking design by several Korean security companies and housing firms are considered to be one of the appropriate steps dealing with the car park crime problems.

#### **Introduction**

This study seeks to explore a neglected area of criminal victimization: the various risks to safe residential car parking in South Korea (hereafter Korea[n]), and in so doing to find a proper solution to the identified problem<sup>16)</sup>. The number of cars has increased dramatically over the last decade in Korea. Private vehicle registrations have soared from 1.9 million in 1990 to 9.4 million in 2002. This phenomenon has brought with it associated problems of traffic congestion, lack of parking, accidents, and crime particularly crime in parking facilities. Consequently, the amount of off-street parking available increased enormously. The residential parking environment in particular has been changed by the rapid growth of high-rise multi-dwelling buildings, which is the number one housing type in Korea, and enclosed parking structures in residential areas. In Korea the number of apartment car parks was 7,073 in 2000, 7,800 in 2001, 14,168 in 2002 and 18,519 in 2003 (*White Paper* 2001 04 by Korean National Police Agency).

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16) This paper is originally from the writer's doctoral research study.

This implies that the number of parking spaces in apartment complexes is rapidly increasing every year and the probability of being a victim of crime in the particular places for apartment dwellers is also increasing. The media frequently report serious property crimes and personal attacks (e.g. homicides and abductions) occurring in these residential parking facilities. Thus far, there has been almost no academic research on this particular issue. The motivated researcher can blaze a new trail by taking a special interest in the car-park crime of urban residential high-rise housing in Korean metropolitan areas and establishing adequate crime prevention measures and strategies.

While most of the research studies which have examined car crime in public car parks have been evaluations of initiatives to reduce crime in particular locations, this study is to examine the crime risk and its proper countermeasures for the crime problem associated with the car parks of high-rise apartment complexes in Seoul Metropolitan area of Korea as a particular place. This paper considers CPTED originated from the Newman's 'Defensible Space' theory and some situational crime prevention techniques to find the actual picture of crime risk and physical security features in the car parks based upon site-specific surveys. In conclusion, a recent integrated security system and 100 per cent underground car parking by several Korean security companies and housing firms are introduced as one of the appropriate solutions to the problems.

### **Theoretical Framework**

Some evaluations of crime prevention in parking facilities focus on examining changes in people who watch cars. These people are often security guards, although one evaluation looked at placing a taxi business near the entrance to a parking garage to increase informal surveillance (Poyner, 1991). Another set of interventions used CCTV to make surveillance more comprehensive and centralised. All the intervention techniques are directly or indirectly related to the defensible environment of building facilities. Oscar Newman's '*Defensible Space*' in 1972 was essentially an approach to solving the problem of designing multi-unit public housing projects in urban America. One of the four physical design elements (*i.e.* territoriality, natural surveillance, image and milieu) proposed by his theory was natural surveillance. It was emphasised by him that apartment blocks could be redesigned so that areas in public use would be under better public surveillance at all times.

At the same time as demonstration projects were being mounted in the USA, a number of more carefully designed research studies were initiated by the Home Office Research

Unit. Earlier studies had been gathered together by Clarke and Mayhew (1980) and the approach has been broadly based on a wide range of situational factors rather than just environmental design factors. However, it was clear that the most positive results emerged from studies of factors relating to environmental design and management (Poyner, 1983). None the less, 'opportunity' came to be one of the most crucial factors to be considered in those crime prevention techniques. To reduce the crime opportunities, a remarkable convergence of crime opportunity theories is in progress (Felson and Clake, 1998). Each opportunity theory examines crime opportunities from a different angle and direction and yet they meet at a similar or same point. Routine activity theory (Cohen and Felson, 1979) and rational choice theory (Cornish and Clarke, 1986) explain mainly the relationship between crime opportunity and physical and social environment. In both cases, the distribution of crime is determined by the intersection in time and space of suitable targets and motivated offenders. A number of related criminological theories have focused on crime as opportunity. Routine activity theory brings together in one place (e.g. underground car park), at a certain time, a likely offender, a suitable target (parked vehicles) and the absence of a capable guardian (e.g. CCTV monitoring by employees) against crime. In Seoul, the increasing number of cars demands more and more parking spaces despite limited size of land, making much more ordinary citizens as suitable targets more exposed to motivated attackers.

On the other hand, the situational approach to crime prevention suggests that crime can be prevented by physical layout which directly affects offenders' perceptions of increased risks and decreased rewards. One of situational prevention's most important goals, therefore, has been to provide a more scientific framework for some practical and commonsense thinking about how to deal with crime (Clarke, 1995). The theoretical basis of situational prevention has been strengthened with the development of routine activity and rational choice approaches, experience has accumulated of the successful application of the concept in a wide variety of crime contexts, a more detailed classification of situational measures has been developed, and the threat presented by displacement has receded as its limits have been clarified by research (Clarke, 1992)

### **Research Methodology**

The research interest was attracted by a series of media reports about serious car park crimes happening in urban apartment complexes in newly developed suburban cities of the Seoul metropolitan area and criticisms of poor crime prevention measures which

were taken by people concerned. Personal victimisation experiences and fear in car parks were also often heard from quite a few acquaintances (of the researcher's) living in apartment complexes in the area. Through a study of media reports, it was found that apartment car park crime was not restricted in the Seoul capital region, but was relevant to many other urban residential areas in the whole country.

The selected area for this study was Bundang-Gu ('Gu' is the name for the largest administrative area in a city, similar to a ward) of Seongnam City, one of the satellite cities of Seoul. Bundang-Gu is characterized as a modern new town of Seongnam City in Kyunggi-Do<sup>17)</sup> developed within 5 years in early 1990s. Bundang is supposed to be an upper middle class area in terms of socio-economic classification. There are a great number of large size flats and households with more than one car in Bundang. It is also estimated from their affluence level that the employment of Bundang residents are relatively high when compared with other suburban areas. Bundang-Gu's population is about 400,000 in December 2001. The total number of households is 129,105, which is composed of 88.8% of high-rise apartment units and 11.2% of low-rise units or houses. The percentage of Bundang-Gu high-rise units is slightly higher than that of the Seoul metropolitan area (*i.e.* Seoul and 17 satellite cities).

Initially a large amount of police crime data was gained through personal visits to the Korea National Police Agency (KNPA). In addition, several visits to the Bundang Police Station provided the researcher with opportunities to obtain local crime data from crime data documents as well as Compstat<sup>18)</sup> data. Initially, a two-year period (July 2000 June 2002) was chosen for the range of data to be collected. The collected sample volume of crime was too small to use, however, and the range of data was extended to a four and a half-year period (January 1998 June 2002). There was no site-specific crime data set out in the documents and so the researcher had to check each case file list in several list books.

A cross-section of apartment complexes was then needed to be taken as the survey sample including their open car parks and underground ones to find the level of their physical security and any relevant risk factors. In this regard, two Dongs<sup>19)</sup> (out of

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17) A "Do" often includes several cities, either small or large, and is similar to or larger than a county of England & Wales.

18) Compstat, a crime analysis and police management process developed by the New York City Police Department, was introduced to the KNPA in 1999. The essence of the Compstat process can be summarised briefly as follows: collect, analyse and map crime data and other essential police performance measures on a regular basis and hold police managers accountable for their performance as measured by these data.

19) "Dong" is the name for the second largest administrative area in a city, similar to a town



eighteen in total) with relatively high crime rates were selected for the study's purpose and convenience from Bundang-Gu. The two Dongs are Imae-Dong and Seohyun-Dong. Bundang police officers (of Crime Prevention Department) who were dealing with local crime statistics and community safety suggested to the researcher Imae-Dong and Seohyun-Dong as the dongs with the crime problems in their apartment car parks. From the two Dongs, six apartment complexes were then chosen for a site-specific survey. Once again, the criteria for choosing the six complexes from the two dongs were the two officers' professional opinions regarding high-crime apartment car parks (see Table 1). Thus, the sampling work was supported by the two police officers' recommendations. This step was taken because there were no other dependable relevant data available at the beginning stages of the study.

**Table 1. Selected sample apartment complexes according to police officers' rating**

Dong	No. of households	Population	Population per households	A p a r t m e n t Complex
Imae-Dong	15,556	47,409	3.0	Imae 1
				Imae 2
				Imae 3
Seohyun-Dong	19,988	57,145	2.9	Seohyun 1
				Seohyun 2
				Seohyun 3

Source: Numbers of households and population were gained from the Bundang Ward Office website ([www.bundang-gu.or.kr](http://www.bundang-gu.or.kr))

Finally, twelve apartment car parks were selected from the chosen six complexes, individually, two car parks each: one open car park and one underground car park. The chosen twelve apartment car parks were, then, surveyed and rated according to the detail of four main security categories, which are formal surveillance, access control, natural surveillance and surveillance by employee, through site survey. Each factor of the four categories had a certain score point for each apartment car park to be rated according to their security level to gain a maximum score, 100 points. The rating exercise conducted was blind to the crime rate of the specific car parks lest it should be influenced by the crime rate. The rating criteria were quantitative for objective assessment of each car park's security<sup>20</sup>). A detailed form was made up for the site survey and the security rating of the underground car parks and the open ones as can be

20) Likert scaling was used for the quantification work.

seen in below (a form for an underground car park). All the items were scored for specific ratings.

- **Formal Surveillance - Maximum points (30)**

Member of staff contactable  
Effective security patrols (unscheduled)  
Link system with the police (e.g. radio link)  
Security staff training (frequency and practicality)  
Average age of security staff  
Number of security guards per 100 parking spaces

- **CCTV Surveillance by Employee - Maximum points (25)**

CCTV system functions (e.g. P/T/Z, colour)  
Constant monitoring  
Illumination requirement for CCTV  
Cameras in lifts/stairwells to get access to the garage  
Number of camera per 100 parking spaces (Minimised blind spots)

- **Natural Surveillance - Maximum points (20)**

***Lighting***

Section 6 of the *Enforcement Regulation of Car Park Act* (70 lux)  
Vandal resistant light fittings

***Parking Areas***

Minimised number of support pillars for visibility  
Parking in straight rows for easy surveillance  
Painting or staining of concrete

***Lifts and Stairwells***

Entrances have good natural surveillance  
Minimised nooks and blind spots for stairwells  
Low level (1 metre) planting near paths

- **Access Control/Others - Maximum points (25)**

***Vehicle/Entry/Exit***

Lockable entrances (height barriers or shutters)  
Keeping vehicular entrances/stairwells locked late at night  
Rough surfaces/access ramps

***Parking Areas***

Intercom or panic alarm button installed on the site  
Sufficient signs of levels and security warning  
Maintenance of clean milieu (disposal of graffiti/garbage)

However, the idea about relative importance of each security factor was gained from mainly the rating methods of the British SCP Criteria approved by ACPO in February 1992<sup>21</sup>). The criteria for relative importance were also based on Poyner and Webb (1993)'s findings from their study "What Works in Crime Prevention: An Overview of Evaluations". For an underground car park, there was no particular need to differentiate

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21) Later the SCP criteria and rating method, however, changed into awarding system with 'gold' or 'silver' status, to indicate degrees of conformance to a standard, but now, under the revised scheme, there is just one Secured Car Parks Award.

the maximum points among the four factors including formal surveillance, CCTV surveillance, natural surveillance and access control. Formal surveillance and natural surveillance was given much more weight for an open car park because of its design feature.

The researcher walked the sample sites, while trying to think like a real motivated offender, looking around and examining the overall landscape as well as lighting, facilities, signs, graffiti, CCTV equipment and so forth before the visit of the management offices to obtain the apartment managers' consent to the specific site survey in their complexes. A number of digital photographs were taken during the site visits and an illumination metre was utilized to check the illumination level. The illumination of each underground garage was measured to see the level of illuminance. In addition to the site survey, a number of unstructured interviews were also carried out with police officers, apartment managers and security guards to enrich the information gained from the site survey. A resident survey (n = 210) was also carried out later to find the extent of their car ownership, affluence and car parking patterns. However, the resident survey findings will not be included much in this paper.

### **Crime in Apartment Car Parks**

The police crime data produced a variety of official data sources, such as the major crime trend, Bundang-Gu crime data, apartment car park crime data. With regard to the study of apartment car park crimes in Bundang-Gu, the data analysis enabled the researcher to gain some significant information. The relevant details are described as follows.

#### ***By type of offence***

Table 2 shows the crime committed in the apartment car parks in Bundang-Gu during the last 4.5 years. At a glance, the number of offences is not large enough to merit attention but it does deserve a more cautious look because 5.2% (19 incidents) of the total 368 incidents were serious violent offences such as robbery, abduction and robbery, sexual attack, extortion by threats and snatch theft. Also unsurprisingly the major crime was vehicle-related crime, which occupies 82%. Most of the crimes committed at the specific place were opportunistic offences rather than impulsive ones except a few premeditated violent attacks. The majority of the opportunistic offences have been found to involve three factors of Cohen and Felson (1998)'s 'Routine Activity

Theory<sup>22)</sup>'.

**Table 2. Crimes in apartment car parks: by type of offence (January 1998 June 2002)**

Offence	No of offences	Per cent
Vehicle theft	112	30.4
Theft from vehicle	171	46.5
Theft	12	3.3
Criminal damage	18	4.9
Robbery	6	1.6
Sexual assault	4	1.1
Wounding violence	1	0.3
Common assault	36	9.8
Arson	1	0.3
Snatch theft	4	1.1
Abduction & robbery	1	0.3
Extortion by threats	2	0.5
<b>Total</b>	<b>368</b>	<b>100</b>

Source: Compiled from Bundang Police Station crime data

### *By parking structure*

There were nearly twice more thefts from vehicles in the underground ones than in the open ones (see Table 3). That is clearly because stealing property like car audios from

**Table 3. By offence and parking structure (January 1998-June 2002)**

Offence	Open car park		Underground car park	
	No of offences	Per cent	No of offences	Per cent
Vehicle theft	70	35.2	42	24.9
Theft from vehicle	65	32.7	106	62.7
Theft	6	3.0	6	3.6
Criminal damage	12	6.0	6	3.6
Robbery	5	2.5	1	0.6
Sexual assault	3	1.5	1	0.6
Violence (wounding & common)	34	17.1	3	1.8
Others (arson, snatching, etc)	4	2.0	4	2.4
<b>Total</b>	<b>199</b>	<b>100</b>	<b>169</b>	<b>100</b>

22) Routine Activity Theory states that when a crime occurs, three things happen at the same time and in the same space: suitable target is available; there is the lack of a suitable guardian to prevent the crime from happening; a likely and motivated offender is present.

vehicles takes longer time than stealing vehicle itself and also because underground ones have relatively much less surveillance than open ones. However, no significant difference in crime risk was found between them, revealing 54% for the underground ones and 46% for the open ones, which may be different from people's general perception that surface car parks will be safer than underground ones. It explains that open car parks could be as vulnerable as underground ones despite of open ones' (usually) better natural surveillance design as long as they are not sufficient in other security requirements, such as guards, CCTV surveillance or access control.

### *Serious crimes in apartment car parks*

In order to see how serious the apartment car park crime problems were in Bundang-Gu, serious offences such as robbery, rape, snatch theft, arson, sexual assault, bodily harm, and abduction/robbery were analysed separately from the collected data. In fact, seriously violent crimes have been taking place in those car parks in Bundang-Gu, which was a great concern of the local police. Quite a few serious offences committed in the apartment car parks of Bundang-Gu were identified. This was one of the greatest concerns for the local police as news of serious offences often spread rapidly throughout the local community and influenced residents' daily lives in a negative way. Local people are likely to perceive themselves to be physically vulnerable and consequently unable to resist an attack on them or their property. A Bundang Police officer also indicated that serious crimes might have greatly influenced the local Bundang population because of the spread of fear even though the actual risk of victimisation was not as great as they imagined.

Of 19 serious opportunistic crimes committed at seven dong, nine cases were robberies, four cases were snatch theft, and another four cases were sexual attacks. There were also two cases of extortion by threats and one case each of vehicle arson, bodily harm, and abduction/robbery. Serious crimes were centred on certain dong. Imae-Dong and Seohyun-Dong were found to be vulnerable to serious crime as much as to property crime since nine serious incidents took place at the two sample dong out of a total of 18 dong in Bundang. The serious offences were committed regardless of the time of day. Eleven offences were committed at night (between 20:00 05:00) and eight were in daylight (in the morning and in the afternoon).

An interview with an Imae 1 security guard revealed that at night-time they focused on public areas, such as car parks, playgrounds and communal gardens to prevent car

crime or sexual assaults. During daylight, they patrolled mainly stairwells, hallways and entries to rooftops inside blocks of flats to prevent burglary of flats unoccupied during the day. Consequently, car parks, particularly those underground are frequently not on the guards' patrol route, making the car parks vulnerable during the day. While the majority (80.4%) of all the Bundang apartment car park crimes was committed at night, nearly half of the serious crimes took place in daylight. Thus, patrolling car parks during daylight hours is crucial enough to require special attention. Open car parks were as vulnerable to serious offences as underground ones.

### **Environmental Features of the Sample**

A number of common design and management features were found through the site survey between the complexes and their car parks. First, the six complexes were large-scale developments composed of 10 - 29 blocks. All the sample complexes were developed between 1992 and 1995 when the government tried to alleviate housing shortages due to the rapid population growth in the Seoul metropolitan area during the period. There were, however, no walls or fences between blocks so that the residents could interact and socialize with one another between the complexes. The number of floors for the blocks varied between 5 and 30. All the complexes had open and underground car parks. CCTV systems, including cameras, monitors and recorders were found in all the underground garages of the surveyed complexes. These systems were installed to comply with the *Enforcement Regulation of the Car Park Act 1990*. Under the existing regulations, such as the *Housing Development Promotion Act 2000* and the *Presidential decree on Multi-dwelling Units Management 1999*, all the complexes have their own management offices, which deal with maintenance and the administrative management of the facilities including playgrounds, car parks, security, cleaning, gardening, etc. The management offices also collect monthly expenses from their residents and manage, but do not determine, the budget. The management was organized either by the residents themselves or by contract with a housing management company. However, all the six complexes in the study organized the management by contract with housing management companies. Security guards were employed in all the surveyed complexes, again to comply with the *Presidential decree on Multi-dwelling Units Management 1999*.

Detailed individual characteristics of the six complexes are illustrated in Table 4. The number of parking spaces for the six complexes varied from 805 to 1,658. The number

of parking spaces in the open car parks was between 354 and 757, and the number of underground parking spaces was between 428 and 1,091. Thus, the underground garages generally have more parking spaces than the open car parks, indicating that there are not enough spaces in the open car parks to meet all the parking needs. Although the number of underground garages varied depending on the size of the complex, ranging between two and nine, the security and design features of the car parks were similar within a complex. Imae 1 had more security guards than any other complex in relation to the number of parking spaces. Seohyun 3 had more CCTV cameras per underground parking spaces than any other complex. Imae 1, Seohyun 2 and Seohyun 3 had access control policies during the night for their underground car parks while the others did not.

**Table 4. Details of the six apartment complexes and their car parks**

Apartment	NB	No of levels	No of parking spaces	No of UCP	Household	Guard	CCTV	Access Control
Imae 1	13	13-25	1,019 UCP - 661 OCP - 358	5	710	40	5	UCP o OCP x
Imae 2	16	10-22	1,169 UCP - 699 OCP - 470	6	876	31	6	UCP x OCP x
Imae 3	10	10-25	810 UCP - 456 OCP - 354	2	572	22	3	UCP x OCP x
Seohyun 1	26	10-25	1,658 UCP - 1,091 OCP - 567	9	1,934	44	9	UCP x OCP x
Seohyun 2	29	5-30	1,518 UCP - 761 OCP - 757	7	1,695	57	12	UCP o OCP x
Seohyun 3	15	5-19	805 UCP - 428 OCP - 397	6	648	27	29	UCP o OCP x

Note:

NB - number of blocks

No of UCP - number of underground car park

Household - number of households

Guard - number of security guards

CCTV - number of CCTV cameras

Access control - access control for main entrance

UCP - underground car park

OCP - open car park

### The Level of Car Park Security

The security levels of the twelve sample car parks were rated in detail by using the structured observational site survey form. The security levels of the six underground garages and the six open car parks were respectively rated by type of design and management, depending on the accumulated scores gained from the survey. Regarding the underground garages, Table 5 shows that the employee surveillance level (mean 9.7) was relatively lower than the other scores largely because of insufficient CCTV cameras and a great many blind spots. Imae 1, Imae 2 and Seohyun 1, which had just one camera (at their vehicular entrances only) for each garage, scored the lowest.

**Table 5. Scores of the four factors for the surveyed underground car parks**

Car park	Formal surveillance	Employee surveillance	Natural surveillance	Access control	Total
Imae 1	19	3	6	14	42
Imae 2	18	5	13	12	48
Imae 3	17	8	15	12	52
Seohyun 1	14	3	13	6	36
Seohyun 2	25	19	14	6	64
Seohyun 3	25	20	18	18	81
Mean	19.7	9.7	13.2	11.3	53.8

Note: The maximum scores were 30 (formal surveillance), 25 (employee surveillance), 20 (natural surveillance) and 25 (access control).

Open car parks also had the lowest scores (mean 0.0) for employee surveillance because none of them had CCTV cameras (see Table 6). The level of formal surveillance and access control was not high for the open car parks, either. It was because security guards' patrol activities and access control were not proactively carried out and the mechanical access control systems were generally poor. Natural surveillance, however, scored the highest (mean 28.7) due to the ease of surveillance by security guards in guard posts, apartment residents, pedestrians passing by, etc.

**Table 6. Scores of the four factors for the surveyed open car parks**

Car park	Formal surveillance	Employee surveillance	Natural surveillance	Access control	Total
Imae 1	22	0	24	4	50
Imae 2	24	0	28	6	58



Imae 3	23	0	34	9	66
Seohyun 1	24	0	24	5	53
Seohyun 2	29	0	28	7	64
Seohyun 3	24	0	34	10	68
Mean	24.3	0.0	28.7	6.8	59.8

Note: The maximum scores were 40 (formal surveillance), 10 (employee surveillance), 40 (natural surveillance) and 10 (access control).

The average score for all the open car parks was 59.8 points while that of all those underground was 53.8, indicating that the open car parks were slightly more secure than those underground. This may be because the former is usually more visible and therefore benefited more from natural surveillance from people inside and outside its boundaries than the latter. However, these low scores may indicate that the twelve sample car parks were insecure and were in need of a security upgrade.

### **Security Problems and Weaknesses Unveiled**

The findings from the observational survey was crucial for discovering the weaknesses and problems because they were providing the specific answers to the question for the researcher: 'What are the specific problems in reality?'. The details for each security measure are described as follows.

#### *Formal surveillance: poor commitment and low professionalism*

Almost all the security guards who were observed looked very elderly and a majority of them did not appear physically fit enough to work in a security job. The age of apartment guards, therefore, seems to be one of the problems of apartment security in Korea and this aggravates the quality of security service for multi-dwelling units, which is the most popular housing type in Korea. The guards were also too busy doing additional routine tasks to concentrate on crime prevention and deter criminals through active surveillance duties. An Imae 3 guard complained that although cleaning and landscape gardening should be 'outsourced' to a property management company that was separate from the security company, the apartment management was inclined to take full advantage of apartment guards and use them for these kinds of extra jobs. There was also a high staff turnover, which finally ended up giving the complexes even poorer quality security staff than necessary as new recruits were never there long enough to learn the ropes and get to know all the residents. This meant that security staff had only limited knowledge about local conditions. Security training was also a

problem. It was found that all the apartment guards in this study lacked proper practical training. Furthermore, there were no particular requirements for becoming an apartment security guard. The Seohyun 2 guard explained that apartment management offices normally recruited apartment guards through property management companies, through direct local newspaper advertisements, or after an introduction from other apartment guards who were already working in an apartment complex.

With reference to the manned guarding of underground level car parks in the sample complexes, there were no on-site guards except at Seohyun 2's, which had been vulnerable to robberies and abductions. Even Seohyun 2's underground garages did not have enough on-site guards because only twelve guards were assigned to seven garages in two shifts (a twelve-hour shift per day).

*Access control: excess entry points*

When entering the main entrances of the six complexes in daylight, the researcher was never stopped or questioned by any apartment guards. No particular security devices, such as keys or cards, were required prior to entry. The researcher's presence in both open car parks and those underground was never questioned either. When one considers that quite a few criminal incidents happen in daylight, one of the main causes of victimization risk for the residents in the car parks was probably irregular entry by outsiders. All the complexes have some commercial stores and shops in and around them for the apartment residents' convenience, such as grocery shops, barber shops, private educational institutes, sports facilities and take-away eateries. Therefore, each complex was designed to have a number of extra entrances in addition to the one (or two) main entrance. These allow the resident convenient access rather than making them walk the long way round to use the main entrance. Even some outside vehicles and pedestrians were taking advantage of the thoroughfares within the complexes to take shortcuts. This would have made controlling access to the complex quite difficult for the security guards.

Furthermore, a significant CPTED risk was identified in open car parks of Imae 1 and Seohyun 1. It was poorly designed, allowing anyone to gain access to its open car parks simply and quickly as well as those underground without being detected or stopped. It was, therefore, assumed that the number of easy access points would have facilitated the offenders' escapes, resulting in successful car park crimes. Another access control-related weakness was that no entrances were locked in any of the six sample

complexes. The entrances were left wide open for easy access to visitors and residents. There were some barriers but they were not utilized during daylight hours. Thus real barriers as defined by Newman (1973) to ensure territorial integrity were seriously lacking in these complexes. The problem of access control also included a lack of defensive fences and hedges. No boundary fences were employed around the whole perimeter of either Imae 1 or Seohyun 1, which blurred the territorial boundaries.

*Employee surveillance: lack of monitoring and cameras*

There were no CCTV operators in complete charge of constant monitoring for any of the car parks, even though there were sufficient guards available. The monitors in the control rooms were not watched continuously. Only in Seohyun 2 were the control rooms separately located in the management offices where office staff could watch the screens while carrying out other duties. Elsewhere, they were located in security guard posts where guards could occasionally watch the screens. However, it seemed that the monitors were rather neglected. The multiplex monitors were located in the management office and operated and viewed by the staff at irregular intervals during the routine work day. There were also monitors in each guard post that were viewed by the security guards occasionally.

Another problem was related to the pedestrian routes leading to the underground car parks. It was found during the site survey that there was no surveillance system for the pedestrian routes to any of the underground car parks - security relied only on natural and guard surveillance, which was infrequent. The lack of cameras was also a serious problem. Even though there were clear signs, such as 'CCTV recording' or 'Excellent Security Car Park', posted at the underground garages of Imae 1, Imae 2, Imae 3 and Seohyun 1, not a single CCTV camera was found inside any of these car parks, which can accommodate 456 1,091 cars. The poor quality of the CCTV systems was also one of the factors affecting the physical security of the car parks.

*Natural surveillance: poor design and lighting*

The landscaping of the complexes often appeared to hinder natural surveillance and was designed to provide potential offenders with convenient hiding places. Poor CPTED design significantly hindered natural surveillance at Imae 1, which included some parking spaces completely devoid of natural surveillance. Also, bad positioning of trees obscuring lighting was found in Imae 3 car parks. Since Seohyun 2's garages

looked much brighter than Imae 1's, an illumination metre was used to actually measure their level of illumination. It was confirmed that while the horizontal illumination of the former was 80 lx (lux) on average, that of the latter was 40 lx. In fact, a significant difference was found between the former and the latter in fear of crime in the resident survey. When asked how they felt while walking in their underground garages, ten Imae 1 residents answered 'unsafe' and five 'very unsafe' whereas six of Seohyun 2's answered 'unsafe' but no one felt 'very unsafe'. Thus, one of the basic CPTED concepts that environmental design features influence the fear of crime was confirmed. The lamps in the sample underground car parks were not fully used and it was consistent with the findings in Cho's (2000) study of four apartment complexes in Seoul that only 40-60% of the lamps were switched on in their underground car parks during the day.

#### *Security devices*

Security devices, such as panic buttons, scream alarms (voice-activated systems that filter out general background noise ), emergency phones or intercoms, were not found in any of the enclosed garages. It seemed that the guards or other residents could not hear any screaming when a criminal incident actually happened. It was in fact confirmed in an interview with a guard that he could not easily hear any loud noise coming from the enclosed garages. The underground garages thus needed radio transmitters or intercoms for quick radio communication with other guards or Police Box officers. Actually, panic buttons or scream alarms would be much more effective than communication devices for alerting guards and other people and so effectively deterring attackers.

#### **Korean Solutions for the Problems**

Police Crime Prevention Officers in the survey area stressed in the interviews that even though they had carried out 24-hour patrols, whether they are by vehicles or on foot, frequent publicity campaigns through posters and leaflets with crime prevention tips to alert residents' precaution and also worked with several self-policing bodies, such as civilian vigilante groups, the effect of those activities for practical crime reduction had been highly limited. It was pointed out by the officers that the main actors for the apartment security might therefore be high-rise apartment developers, planners and designers, and the people living in and working for the complexes rather than the public police or vigilante groups. On the other hand, this study is to suggest appropriate solutions for reducing opportunities for crime in apartment car parks, so the solutions

have to be practical, natural and economical, as Felson and Clarke (1998) point out. In this context, the following two security approaches - Total Apartment Security system and 100% underground parking apartment complexes - for new high-rise housing developments in Korea might be important to improve cost-effectiveness of crime prevention in car parks by employing security measures from the planning and design stage.

#### *Total Apartment Security approach*

Total Apartment Security (TAS) employed by several Korean security companies such as S1 (owned by Samsung), Caps, SOK and KT Telecop might be one of the best solutions for dealing with the security problems identified in this study when introduced at the planning stage. Households with a TAS system account for less than one per cent of more than twelve million in the whole of Korea so its market potential is very high indeed (Kim, 2001). An interviewed security manager of a TAS equipped apartment complex in Yongin-City emphasized that many apartment managers were trying to cut the number of security staff so TAS equipped apartments complexes were becoming increasingly popular. Kim (2001) also explains that TAS provides a security service that is custom-designed for each apartment and provides ease of use for all ages.

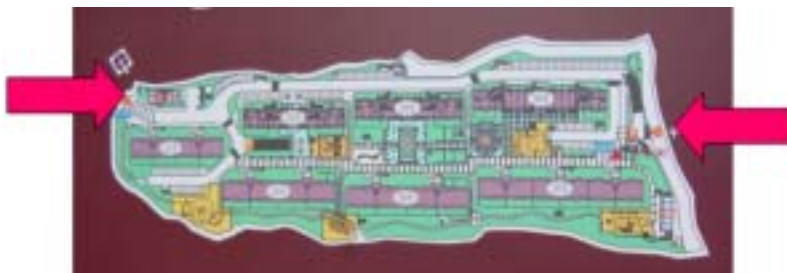
The interviewed security manager described the TAS system in detail. In a TAS apartment complex, interior and exterior sensors linked to the security company's control centre (see Figure 1) and the security control room located inside the complex, detect any intrusion, gas leakage, or other emergencies inside the residence on a 24-hour basis. All the entrances are secured and monitored by automatic entry barriers and CCTV cameras (see Figure 2). Only residents who have remote controllers certified by the control centre can gain entry and any visitors and vehicles without the controllers have to be vetted by security guards. The number of entrances to the complex is kept to a minimum to increase effective access control (see Figure 3). Fences are securely positioned to reinforce the boundary.

**Figure 1. TAS apartment control room**

**Figure 2. TAS with secure access control**



**Figure 3. Minimised number of entrances (supervised by CCTV)**



Professionally competent security officers in their twenties or thirties deal with any trouble happening within the complex boundary. They are better trained and educated by the security companies than current apartment guards. Keeping security personnel to a minimum is one of the crucial factors for the cost-effectiveness of TAS. An electro-mechanical security system used by TAS enables only a small number of security staff to properly oversee a large-scale complex. In this regard, there were only six security officers and two control room staff for more than 858 households in the TAS apartment complex of Yongin-City. This is quite a reduction from the number of security staff needed at the sample complexes in Bundang. The system furnishes multiple security services to an entire apartment complex with usually more than one thousand households. It covers the whole area of a complex including surface car parks, underground garages, playgrounds and communal parks. It appears to enable easy operation with minimum cost. Moreover, the companies gain the trust and confidence of the residents by insuring against any personal or property damage that results from a security failure. This is quite a step up from the usual security companies, which often lack insurance coverage for the security guards and the residents of an apartment complex.

There are new construction firms that furnished newly developed apartment complexes (*e.g.* Buyoung E Green Town in Namyangju-City, a metropolitan area) with TAS free

of charge. All the households of these complexes have been provided with a TAS system and each of them have only to pay the monthly service fee, which is reported to be reasonable (Kim, 2001).

A member of the management staff of S1 Kyungwon Regional Headquarters explained:

*In order to employ TAS in an apartment complex, a construction firm needs to contract in advance. A TAS service includes security system equipment and the facilities of a security company like S1. Then the security company furnishes a new development with the TAS system. The price of each apartment unit would include the cost of TAS so each unit can share the TAS expenses. However, the shared expenses for a new TAS complex are far less than the expense of security upgrading to the level of a TAS complex - for an already built complex. This makes sense. Particularly a TAS complex with a larger number of units usually costs less because more units share the TAS cost.*

He pointed out that specifically installing TAS at the planning stage would cost four or five times less than after building completion so it does not make sense to install TAS after the completion stage. He also said that installing TAS in an already completed complex would be most impractical because it costs too much. Moreover, the monthly service fee for such a complex would be much more expensive than that of a newly developed TAS complex.

TAS covers the integrated security of individual households as well as communal spaces, such as lifts, car parks, play areas, gardens and main entrances. A home-automation system<sup>23)</sup> is necessary for digital door locks, infrared intrusion detection systems, magnetic intrusion detection systems, emergency alarms, gas leakage detection and so forth. Communal spaces such as car parking areas are equipped and managed with security facilities, such as electronically controlled entries, CCTV cameras (see Figure 4) and panic alarm buttons. These are installed by a security company at the request of the construction firm. A TAS complex also contracts for gardeners and cleaners who are in full charge of these tasks, so security officers do not have to deal with non-security business, which was not the case at the sample

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23) This system automates and integrates the control of services, such as the internet, gas, electricity, shopping, intrusion detection, emergency response, telephones, and panic alarms. A number of service providers (e.g. Korea Telecom [KT], S1, LG electronics, etc.) form partnerships to construct home automation systems.

complexes.

**Figure 4. Secure CCTV surveillance and lighting**



The developers may, with ease, raise the property prices by satisfying purchasers in terms of home security. It was also stated by the S1 managing staff that a S1 survey on customer satisfaction showed that more than 95% of the respondents were content with TAS. An officer of Yongin Police Station indicated the effect of TAS and exemplified:

*Two apartment complexes developed by the same construction firm showed a significant difference in property crime rates. Whereas one complex (Sangyong 2) with TAS has been almost free from property crimes, the other one (Sangyong 1) without TAS has suffered burglaries and vehicle crimes continuously. Therefore, the residents and the managers of the Sangyong 1 complex are considering TAS installation, which is in fact almost impractical due to the high cost.*

The officer also stressed that the TAS complex had not suffered any property crimes at all during the initial move-in period, which was quite the contrary for the non-TAS complexes.

In a similar context, in accordance with a new regulation (Provincial Ordinance) of Kyonggi-Do, from 2005 on, multi-dwelling unit developers building properties in the region have to put more than 80% of parking spaces - it used to be 40% - underground to develop a new apartment complex, either high-rise or low-rise (Nam, 2004). It means that apartment residents will have to use underground car parks much more frequently



than before. Therefore, the security and safety of underground parking facilities should be seriously considered from the planning stage and TAS might be one of the most appropriate solutions for preventing potential crime.

#### *Underground parking only development*

It is expected that a small number of security staff will be able to effectively oversee a large-scale high-rise complex as long as developers plan the complex with only one or two underground garages and no surface car parks. This will provide the complex with spacious communal open spaces between blocks and a sufficient number of security guards for the enclosed garages (Lee & Shin, 2003; Lee, 2003c). Recently, several apartment complexes with 100% underground parking have opened or are underdevelopment in the Capital region. Every vehicle, therefore, has to be parked underground where there are enough CCTV surveillance cameras, security lamps and panic alarm buttons. Media reports reveal that these particular complexes are slightly more expensive but very popular (Lee, 2003c). More recently Jang (2005) revealed that high-rise apartment complexes without any open surface car parks are enjoying tremendous popularity in Korea because of their high level of car park security and environmentally friendly design. About 15,194 apartment homes which have this type of car parking structure are scheduled to be sold in lots by some major construction companies in 2005.

#### **Conclusion**

Contrary to the illustrated strengths of those crime prevention techniques and strategies for new development, several critical issues on car park security were identified for existing high-rise complexes in this study. First, apartment residents and managers lacked alertness and awareness of crime problems within their residential boundaries. They were more sensitive to financial than to security matters in their home environment. Second, although the Korean public authority agreed with and welcomed the practicality of CPTED and a local community safety partnership in reducing crime in residential housing areas they indicated the lack of experts and expertise in the field. Third, there is no single central or local government financial support for CCTV monitoring of apartment car parks. Fourth, relevant key government departments, such as the Ministry of Construction and Transportation have not been actively involved in CPTED for apartment car park security. Fifth, it was so difficult to get the consent of

residents for security upgrading in apartment complexes because of the cost of new security measures and disparity in affluence of dwellers. Finally, all the apartment managers interviewed had passive attitudes towards the apartment car park security matter because they did not have any power in determining the budget for security measures but residents usually made such budgetary decisions. Some of these points may be the case with new development in terms of the maintenance of car park security level, which is one of the limitations of CPTED and situational crime prevention techniques to be tackled in the future.

Although this paper presents only a small part of the whole thesis, this research study still represents a snapshot of site-specific crime analysis and crime prevention for apartment car parks in a Korean local setting<sup>24</sup>). Although some CPTED studies in Korean housing areas have been carried out, there is currently no specific research on car park security. This study is the first primary research on these issues to be carried out in Korea and, as such, might be able to provide researchers and practitioners, such as police and public authorities concerned with local community safety and crime, with some valid ideas relevant to urban residential car park crime and security in Korea. However, exactly what are the optimal circumstances for the effective use of car park security measures is not entirely clear at present, and needs to be established by future evaluation research. Overall, it might be concluded that crime prevention measures reduce crime and fear of crime to a certain degree in urban apartment car parks. Future car parks security measures should be carefully implemented in different residential settings rather than just in high-rise apartment complexes and should employ high quality evaluation designs with long follow-up periods to find the optimal solution for the associated crime problems. Broader studies using a macroscopic approach, including urban planning, will also be able to suggest comprehensive recommendations about reinforcing boundaries. In the final analysis, an evidence-based and risk-based approach to crime prevention using cutting-edge technology would offer the most viable formula for building a safer society.

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24) In practice, the researcher participated in a research project (Park *et al.*, 2005) sponsored by KNPA and MOCT and made 'CPTED Guideline' for Pangyo, a large-scale housing development for 26,800 households in the Capital region (see [www.pangyonewtown.com](http://www.pangyonewtown.com)), and a large part of the guideline (including the security of apartment complexes) was based on the data from this study. High-rise apartment households account for over 85% of the total in the development plan. This 'planning and designing out crime' guideline is also for the first time in Korean history. It is supposed that it will hereafter be the national guideline for any other residential housing developments in the whole country.

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**The Study on the Police Response to Domestic Violence in Korea<sup>25)</sup>**  
- Focusing on Victim Protection in the Course of Police Investigation

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**Abstract**

The importance of the criminal victim protection in the criminal investigation process, more than we have ever thought, has been widely known in these days. Recently, Korean police officer's behavioral patterns for criminal victims have been remarkably improved than ever before, since the Office for Victims of Police Agency launched in 2004. The same may be said of domestic violence victim.

Nevertheless, it has had a still great importance how the police properly assist and protect the domestic violence victims in Korea, especially in the stage of preliminary investigation, for the effort to meet the domestic violence victim's needs has a great effect on victims' rapid recovery from the impact of crime and securing their personal safety on that stage of investigation.

This paper is mainly focused on the police initial response to domestic violence in the phase of the preliminary investigation. Several recommendations which might be helpful for the victims in that phase will be suggested, including various improvement strategies regarding not only police behavioral patterns but also the police response systems and the revision of the Special Domestic Violence Act.

The practice of these recommendations will be able to produce such a good result for the police investigators to get the credibility from all the people including the criminal victims.

**Introduction**

The Special Domestic Violence Act in Korea came into force in 1998, to catch the goal of protecting domestic violence victims effectively. However, not only victims but also advocates have asserted continuously that this act should be revised, because it has caused police officers not to respond successfully at the first crime scene. The classic police response to domestic violence was a "do-nothing" approach or temporarily separating the parties until the abuser cooled off. But such a police response has resulted in critical threatening of victim's personal safety.

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The police play an important role in protecting domestic violence victims. They are the first agents to have contact with them. In that first contact, they can provide them with emotional support, various information regarding criminal procedure and personal safety as well. With these reasons, police officer's behavioral patterns should be changed enough to meet the needs of victim.

Yet, the police initial response at the crime scene has been greatly influenced by the law and criminal justice system, and so there is great necessity to research into the legal and systemic environment surrounding police organization.

### **Definition of domestic violence in Korea**

The definition of domestic violence in Korea is a little different from that of western countries. For example, domestic relationship in Michigan Penal Code of America is provided as following : the relationship between the assailant and the victim is spouse or former spouse, resident or former resident of the same household, has had a child in common; or, current or former dating relationship (Findlater, J. E. et al., 2004 : pp. 62-63.) Comparing with the Penal Code of Michigan, the Special Domestic Violence Act in Korea has a relatively narrow definition as the following articles :

1. Attempting to cause or causing physical, psychological and financial harm to family members or household members.
2. The relationship between the assailant and the victim is a spouse or former spouse, a lineal ascendant or descendant, a stepfather or stepmother, a blood relative who is a resident of the same household.

Comparing with the Penal Code of Michigan, we can find that there is no dating relationship in Korean domestic violence act.

### **Theoretical background of police response system**

#### **1. Minimal intervention model**

This is the classic model of police reaction to domestic violence. It has three characteristics. First, the police formally intervened in relatively few potential domestic violence cases; the majority was screened by the victims themselves or by the third parties. Second, the police did not want to intervene in family disputes. Third, there was a strong, sometimes overwhelming, bias against making arrests in cases of domestic violence (Buzawa, E. S. et al., 2003: p. 71).

Many victims of domestic violence, due to societal norms, past experience as a victim with the criminal justice system, fear of retaliation, or economic or psychological dependence would not report domestic violence. Such a victim's unwillingness to report their domestic violence cases make the police intervention even harder. As this model is known to be greatly based on the victims' choice, it has

been called as “victim choice model”(Kim, E., 2003: p. 64).

In addition to the failure of reporting domestic violence by victims and the third parties, the police departments as organizations have also contributed to keeping the low numbers of reporting. To maximize allocation of scarce resources and to avoid responding to low priority calls, the police make it a rule to have “call screening”. This call screening, be inevitable for the police organization because they do not have enough resources to deal with numerous practical matters. Through this call screening, however, they are likely to underestimate the situational risk of victims, ignore the need of victims and miss the opportunity to protect them effectively.

The culture of the police organization has functioned as one of the factors of minimal intervention as well. The police used to perceive themselves as just crime fighters, not social workers. Therefore they have been reluctant to intervene in “private matters”, such as family dispute.

## **2. Mandatory arrest model**

Mandatory arrest model, which is usually described as “mandatory arrest policy”, aims at limiting the police officer's discretion. According to this model, it has been recognized that the police officer's surplus discretion makes troubles for domestic violence cases. Therefore, a statute might say that arrest shall be the “preferred”, or “presumptive” response in a case of domestic violence. This model sets the premise that eliminating officer discretion will actually lead to change in officer's behavior on the street (Buzawa, E. S. et al., 2003: p. 126).

Proponents of mandatory legislation recognize that most officers either do not have adequate knowledge to handle domestic violence cases effectively. So, through implementing these rigid policies, they try to change the police behavior and attitude.

This model gives a hope that implementation of an arrest policy increases the likelihood that the arrested offenders will be prosecuted. As a result, people including victim have such an expectation that it does deter further domestic violence.

Beginning in the early 1970s in U.S.A, the women's movement demanded that the public take notice of the plight of battered women and the blatant disregard of their needs by the police and the courts. Additionally, the Minneapolis domestic violence experiment, which was carried out by Sherman and Berk in 1984, asserted that pro-arrest policy had the deterrent effects on the battering (Roberts, A. R., (edit), 2002: 110). This experiment played an important role to proliferate the mandatory arrest policy to other states in America.

## **3. Victim Empowerment Model**



In a standpoint of victim empowerment model, both minimal intervention model and mandatory arrest model are thought to be inadequate in all to handle domestic violence problem. It is said that while minimal intervention model places too much confidence in victim's ability, mandatory arrest model ignores the victim's concrete intention. Therefore, the police and other criminal justice agencies should try to enable a victim to get proper support so that he (or her) could get self-control, self-confidence and self-respect. For this purpose, the police have to respond to the victim's needs sensitively.

However, there are several prerequisites to select this victim empowerment model successfully. First, offenders should be separated for a while to secure the time and place for victim to decide what to do. Second, the police response should be linked properly with the victim advocates and social workers to meet the needs of victim in the early stage of occurrence of crime. Third, Special Unit for Domestic Violence should be organized and operated to intervene into the crisis of family violence. Fourth, although domestic violence might occur, decision-making process and system should be administrated rationally for victim to make a good choice, if there are possibilities of victim-offender mediation or the conduct of offender is not a habitual crime, instead of arresting offender in the rigid manner (Kim, E., 2003 : pp. 74-75). If the offenders might have a tremendous power to control victim, victim choice model would become useless. On the other hand, pro-arrest policy and mandatory arrest policy could not consider the specific circumstances of domestic violence victims. Thus, this victim empowerment model is the most proper of all.

### **The Situation of the Police Response against Domestic Violence in Korea**

Just a decade ago, the Korean police did not think the domestic violence to be serious as western police did in 1970s. It means that they had such a prejudice that domestic violence was trivial and private matters occurring between family members. The police attitude dealing with domestic violence provoked victim advocates and victim supporters to express a severe criticism.

After being enacted as the Special Domestic Act in 1997, fortunately, the police officer's concern for domestic violence has been gradually increasing than ever before. Nevertheless, many victims are not dissatisfied with the police activity yet, and complaining about poor treatment given to them by the police regarding domestic violence. For this reason, it is necessary to investigate the true situation of the police initial response to domestic violence thoroughly. The following sections discuss three different aspects, such as behavioral, institutional and legal viewpoints.

## 1. Police Behavioral Patterns in Responding to Domestic Violence

According to the result of interviewing, carried out in January 2006, with one of the domestic violence victim advocates, asserted that the police response to the call had been more or less poor such as following sentences and should be improved in a polite and encouraging manner. This interview was carried out by this researcher at the victim guidance clinic regarding domestic violence, located in Chunggu, Pusan, Korea, on January 17th in 2006.

Firstly, if we check the negative behavioral patterns of dispatched officers, it is no less a reason than they would hardly give victims useful information of their rights according to the law. With this reason, victims could be usually unaware of their rights. Therefore, they could not conduct their rights properly and the recovery of victim's harm might be delayed.

Secondly, at the domestic violence spot, the police officers often make a habit to blame victims or take a side with one of the family. It causes not only original victims to get into secondary victimization, but also the police officers to be put in danger (Reynolds, J. et al., 2002: pp. 26-27). This fact makes us realize that the responding the police officers earnestly need communication skills or interviewing techniques.

Thirdly, the police officers' negligence about victim protection, when victim is intimidated, usually brings about his distrust against the police. Negligent attitudes of the police are presented as following with representative cases, from the statement of the victim guidance clinic staff regarding domestic violence : the police officers often make mistakes to judge the seriousness of a threat and make a response to the ongoing crisis too slowly ; police officers lack education and training which enable them to deal with the domestic violence properly and efficiently ; they don't have enough resources to react to that situation ; since the police have no understanding and no sympathy for victims' emotional circumstances, they cannot provide victims with a good support which they want and need.

Due to the poor initial response to the victims, they hesitate or avoid reporting their cases to the police. It can be verified by the statistic data as below (Korean Institute of Criminology, 1999: 135). As a matter of course, there are more other reasons for victim's unwillingness to report crime as following table 1.

Table 1: The causes of unreported crime

	to think it trivial	to feel inconvenie	to fear of	to be afraid of	to have distrust	other causes
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Total	matters	-nt in the criminal process	retaliatio n	opening victim's privacy	against police	
100 %	32.6 %	16 %	13.3 %	13.3 %	12.7 %	12.1 %

(Source: Korean Institute of Criminology, 1999)

## 2. Institutional and legal Problem regarding Police initial Response

Korean police have not yet the police special unit for domestic violence. It should be taken seriously, contrasting with western countries which have already had such like a special domestic violence unit. For example, the Domestic Violence Enforcement Team in Ann Arbor, Michigan, America, in partnership with the local battered women's advocacy program, provides an example of innovative police practice regarding domestic violence (Roberts, A. R., 2002: p. 6).

Table2: Domestic violence occurrence and police disposal in Korea

Year	cases of booking	persons of booking	disposal of police			special criminal procedure	
			in custody	no custody	guidance	cases	persons
1999	11,850	12,719	868	11,804	47	990	1,031
2000	12,983	14,105	678	13,380	47	3,813	4,404
2001	14,585	15,557	691	14,760	106	4,559	4,818
2002	15,151	16,324	586	15,127	611	3,702	4,083
2003	16,408	17,770	496	16,787	487	4,186	4,459
2004	13,770	15,208	329	13,969	910	2,587	2,616
2005	11,595	12,775	181	11,800	794	1,881	2,022

(Source: Korean Police Agency, White Paper, 2005)

Domestic violence cases could be handled in two different ways. One might be sent to the criminal court for a trial, with an aim of ultimate conviction against an offender, the other might be sent to the family court for offender to receive the personal protection order or probation.

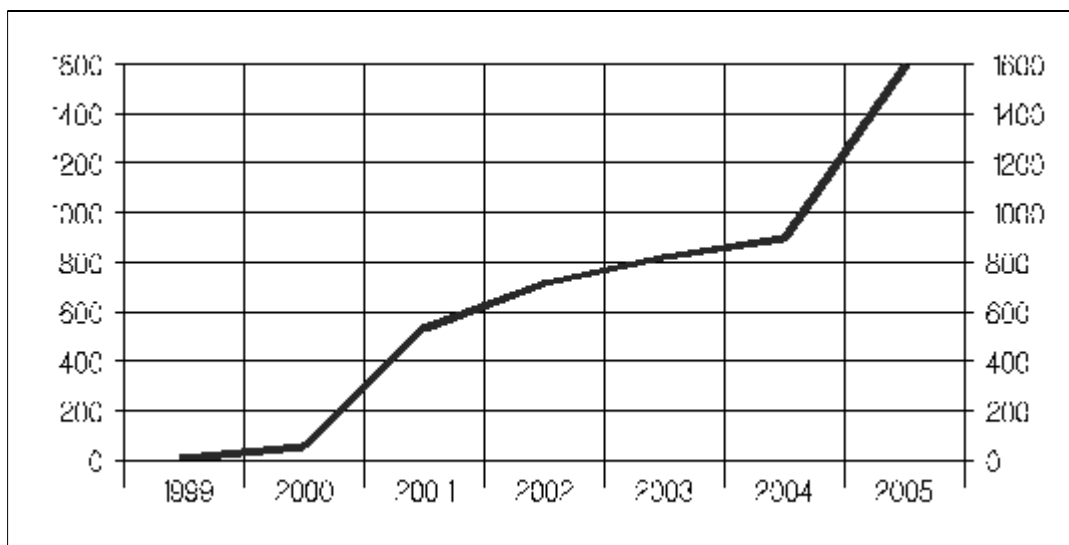
In Korea, the police have an authority to arrest offenders with a warrant also as other countries. But it must be issued from the court just after the approval of prosecutor. And they have an obligation

to separate victims from perpetrators and hand them over to the refuge and hospital according to the Special Domestic Violence Act. In general, domestic violence cases in Korea have been increasing annually. In 2003, the numbers of the domestic violence offenders amounts to 17,770.

Being based on the above Table 2, however, the numerical value of domestic violence occurrence has been slightly decreasing every year since 2003 (Korean Police Agency, 2005: p. 118). Additionally, it exhibits a tendency that the police have preferred to take “custody restraint policy” rather than “pro-custody policy” as shown in Table 2. The number of persons who are in custody in 2005 is no more that 181, but on the other hand those who are not in custody amount to 11,800. So, it is clear that Korean police do not adopt the pro-arrest policy or mandatory arrest policy. It should be paid attention to the fact that the numbers of police guidance is considerably increasing, because such a phenomenon means that the police might deal with domestic violence cases at his own will.

Korean police have been reluctant to arrest offender, not only because they have such a prejudice and stereotyping that domestic violence is just trivial private matters, but because they have no independent authority to investigate criminal cases. They can obtain warrants from a judge only with the approval of a prosecutor. Furthermore, as it is specified in the text of Korean Criminal Procedure Law, they must put themselves under the control of prosecutors to start and run investigating.

Figure 1: Police emergency measures against domestic violence in Korea

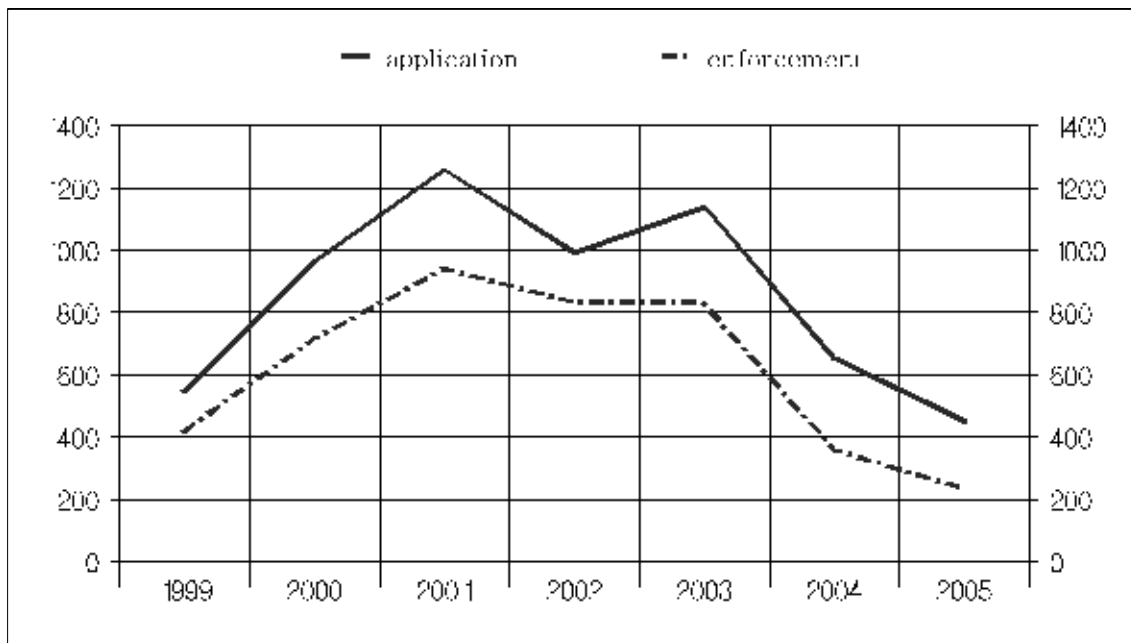


(Source: Korean Police Agency, Annual Report regarding Domestic Violence, 2005)

On the other hand, for police officers to take emergency measures, such as “separating victim from offender immediately”, “handing over victim to a refuge and hospital”, is critical function that the police must do on the basis of the present Special Domestic Violence Act. As it is presented above in Figure 1, the numerical value of police emergency measures in domestic violence is remarkably increasing. It means that the importance of the police initial response on the crime scene is continuously growing than ever before.

Contrarily, the deficiency of police authority to secure victims' safety from offender's attack produces a serious problem, such like an offender's repeated intimidation and suffering injury from those acts. In Korea, the police officers were sued for negligence of victim's emergency call for securing her personal safety in 2004. She asked them to protect her as soon as possible. But the police failed to respond immediately to the call. Then the victim was killed by ex-boyfriend. The family of the dead sued the police officer and administration department for compensation. Such cases have happened not only in Korea but also other countries.

Figure 2: Application and enforcement of Temporary Court Order in Korea



(Source: Korean Police Agency, Annual Report regarding Domestic Violence, 2005)

Although the Temporary Court Order for Victim's Safety is

specified in the provisions of the Special Domestic Violence Act in Korea, it does not guarantee the police officers to secure the victim's safety on the crime scene. The police officers, depending on the Special Domestic Violence Act, have only to notify victims of that they have a right to request Temporary Court Order to the court if they might be in danger. Therefore, present police emergency measures on the Special Domestic Violence Act are not sufficient to solve this problem regarding victims' personal safety. To make matters worse, the numerical value of application and enforcement of Temporary Court Order is remarkably decreasing until a recent date as shown above (see Figure 2). Finally, to strengthen police authority for victim protection on the crime scene, it is inevitable that the Act should be revised.

## **The Strategies to protect Victim effectively in Domestic Violence Cases**

### **1. The Strategies to increase Victim Reporting**

In the most cases, it is the victim who initiates the criminal process. Just as their willingness to report crimes can assist in bringing a perpetrator to justice. There is no guarantee that a reported crime will lead to an arrest or that an arrested perpetrator will be adjudicated. However, without victim reports of crime to the police, there exists little chance that suspects will be arrested or brought to trial (Moriarty, L. J., (edit), 2002: pp. 35-36). If the victims' crime report rate would be increased, the possibility for the goal of criminal justice system to be achieved would be heightened also. Accordingly, it is imperative for the police to make a strategy for increasing reports of crime.

In some domestic violence cases, victims choose to report the incidents to the police because of their fear of repeat attacks and their desire to stop the immediate victimization. Therefore, the police should try to get rid of victim's fear of retaliation and separate victims thoroughly from offender when the assault is ongoing. Additionally, every police officer who comes into contact with crime victims on the crime scene, either in person or over the telephone, knows how to respond in a sensitive and effective manner.

It can be obtained through developing the training program of crisis intervention skills. For example, the President's Task Force on Victims of Crime in U.S.A.(1982) identified four important areas for improving the police officer's treatment of crime victims which will lead to enhancing victim's crime report as following : training programs to increase sensitivity and awareness about victims' issues ; prompt property-return procedures ; periodic information to victims regarding the status of their case and the closing of the investigation ; priority on investigating threats or intimidation (Moriarty, L. J.,

(edit), 2002 : p. 47).

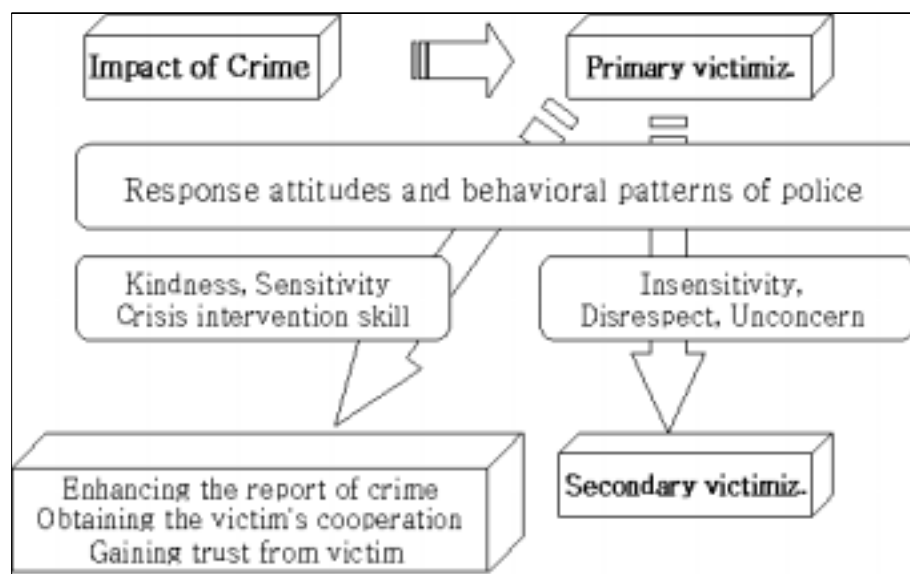
Korean police agency needs to adopt those recommendations of the President's Task Force on Victims of Crime.

## 2. Police Training for Crisis Intervention Skills

Police training is another issue for solving the problem. The police detectives and field officers should be trained to get the crisis intervention skills. Those skills are crucial for police to obtain the voluntary cooperation from victims, and protect victims effectively as well. Those are composed of communication skills, rapport building skills, making a victim's personal safety plan and so on. Conversation management and active listening are the representatives of the communication skill. As one of the interviewing techniques, Lied Technique and Cognitive Interviewing Technique could be used for detectives and field officers as well. If those skills would be obtained, the police behavioral patterns for victim protection could be conspicuously improved. As a result, the police could get victim's cooperation more smoothly.

If the police officers would handle victims' problem with insensitivity, unconcern and disrespect, the victims might be revictimized. On the other hand, if the police officer would deal with victims' problem with sensitivity, kindness and the trained crisis intervention skills, such as purposeful interviewing, active listening and conversation management technique, the police could obtain trust and voluntary cooperation from victim.

Figure 3: The importance of police initial response when a crime occurs



(Source: Kim, J., Victim Protection Policy, 2006)

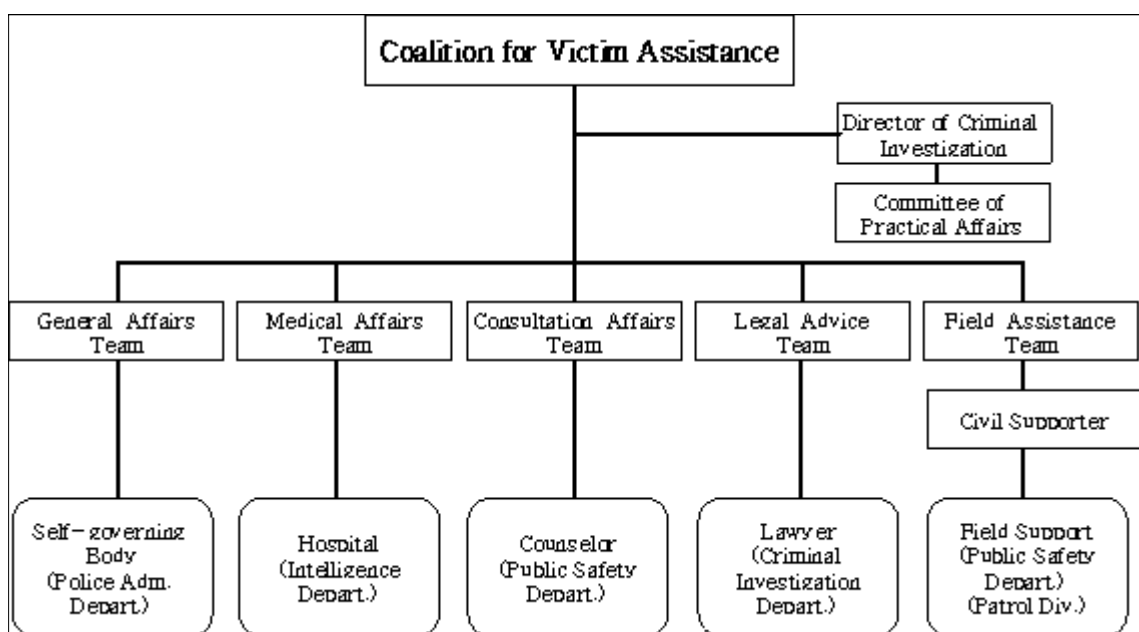
As domestic violence crimes are complex, to elicit truthful information from victim, the police officer should select different approaches according to circumstances. A victim may be unwilling to provide information that will be used against the partner; hence purposeful interviewing aims to verify and give credibility to the victim without expecting a high level of cooperation (Moriarty, L. J., (edit), 2002: p. 91).

It is the very reason why the police officer should learn the interviewing techniques. The more freely the police investigators could get the criminal information from victim, the more easily they could solve the crime. Then, it is able to contribute to victims' rapid recovery from crime impact. If the police want to make it possible, they should respond to the victims with sympathy and sensitivity to the needs of them (Kim, J., 2006: pp. 21-22).

### 3. Partnership with community and other agencies

Recently, the Korean Police Agency launched "Coalition for Victim Assistance" in every police station through which police and civil professionals could work together for criminal victims. With this institution, the police and community representatives might develop strategies to protect victim and share important information each other (Korean Police Agency, 2006: p. 60). The Figure 4 shows us the interactive partnership between police and community. Five teams are composed of each professional and each divisional police officer. They cooperate with each other to protect victims while coping with crimes.

Figure 4: Partnership between police and community in Korea





(Source: Korean Police Agency, *We Are Korean Policemen Who Protect Human Rights*, 2006)

Practically, however, "Coalition for Victim Assistance" has not been managed successfully. While one police station operates it actively, the other police station does not run it well. So, each director of the police organization, from Commissioner General in the police agency to Chief of a Police Station, has to recognize clearly the importance of partnership between police and community and should try to enhance the partnerships with community and other civil professionals or other agencies. To solve the problem of domestic violence successfully, the police should try to adopt such as a "coordinated community response" system. Basically, "coordinated community response" system is rooted in "community-oriented policing". Therefore the police can not help paying attention to citizen's concern and needs (Morash, M., 2002: pp. 184-185). Naturally, it could be related to "victim-oriented policing". The more powerful the teamwork between police and community could be, the more successful the police effort for victim protection might be.

#### **4. Necessity for the revision of Special Domestic Violence Act**

Korea has not yet adopted pro-arrest policy or mandatory arrest policy. The police officers used to hesitate whether to arrest perpetrator or not on the crime scene. If the offender to be arrested, the police should take the warrant, issued from criminal court only with the approval of a prosecutor. But these complex procedures might hinder the police from securing the victims' safety on the crime scene speedily. Although, in some cases, the police could arrest an offender initially without a warrant, however, they should inevitably get a warrant from the criminal court afterwards, via the approval of a prosecutor. So, through the revision of Constitution Law and Criminal Procedure Law, the police could request a warrant directly to and thus could obtain from the criminal court without the process of a prosecutor's approval.

Moreover, police authority is too limited to deal with offenders in the hot spot. Warrantless arrest by the police is too much restricted in Korea as reviewed above. Police are obligated to be controlled by not only a prosecutor but also a judge, if they want to arrest offenders without a warrant.

On the other hand, when the police try to arrest an offender in a ongoing crime with a warrant, they might probably miss the chance to apprehend the criminals and fail to prevent victim from offender's attack previously. And even if an offender, who is under the control of the Temporary Court Order, intends to take retaliatory actions on victim, there is not any measure to handle the offender to prevent

his attack on the basis of the present the Special Domestic Violence Act. So, it is necessary for the Special Domestic Violence Act to be revised. Fortunately, the Korean National Assembly is now trying to revise the Special Domestic Violence Act to empower the police to intervene in domestic violence cases effectively on the crime scene.

Finally, the police should be empowered to have authorities which enable the police to issue an order that any offenders must keep away from victims on the hot spot. It is similar to the system of Personal Protection Order in Michigan, USA (Findlater, J. E., et al. 2002: pp. 199-201).

### **Conclusion**

The police initial response on the crime scene is very crucial for the victim's recovery from the impact of crime. Insensitivity, unconcern and negligence to the needs of domestic violence victims make them decide not to report. These negative behavioral patterns would put the victims in danger who are intimidated by offender when domestic violence incidents occur. Therefore, Korean police should be trained to get a good crisis intervention skill. It will be helpful for the police not only to obtain the voluntary cooperation from victims but also to secure the victims' personal safety.

In addition to that, to protect domestic violence victim effectively, the police have to try to solve the institutional and legal problem which have been an obstacle to victim protection. For achieving this goal, both the system of "coordinated community response" and Special Domestic Violence Unit have to be adopted, launched and run effectively in Korean police organization.

Finally, the Special Domestic Violence Act should be revised as well, to empower the police to protect victim successfully on the hot spot.

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## A Sketch of the 2006 AAPS Bangkok Conference



To everyone in AAPS,

It is with great pleasure and fond memories that I write this conference sketch for the 2006 AAPS Annual Conference. This year's conference, held in Bangkok, Thailand, brought together a number of scholars and practitioners from a variety of nations in Asia and elsewhere around the world. The first day of the conference opened with an examination of scientific aspects in police management and organization. Presenters from various nations provided great insight on issues related to police management and practice. From the presentations, it was clear that there were many similar challenges that faced police agencies – regardless of the country – yet at the same time, each presented their own unique perspective in addressing these challenges. Further, related issues regarding homeland security were also integrated into the initial presentations, highlighting the globalized nature of policing and national security efforts among nations in Asia and other areas of the world.

During the afternoon, we had the distinct pleasure of being welcomed by our hosts at the Royal Thai Police Cadet Academy. The tour of the facilities at the Royal Thai Police Academy demonstrated the sheer magnitude of the facility and its impressive task of providing full-service training to police from various backgrounds. This tour was later followed by the conference dinner, which proved to be quite extravagant. To say that the cuisine was excellent would be an understatement. Each course was nothing less than a sheer culinary delight and participants sampled a variety of dishes that were served in a seemingly endless fashion.



During this virtual banquet, traditional Thai music was expertly orchestrated by a large musical ensemble that was spread across an ample stage setting. In addition, numerous Thai classical dancers, renowned for their grace and poise, performed for all to observe, adding splendid entertainment to the festivities. This was followed with some fun-filled and quite talented singing where our

hosts honored a variety of musical requests from the audience. At the conclusion, the Thai Police Cadet Academy honored participants of the conference with gracious and thoughtful gifts, demonstrating the giving and thoughtful nature of Thai culture.

The second day of the conference followed with numerous presentations that truly generated substantial conversation among the participants. It was easy to



feel the camaraderie among participants as each panel session was conducted. Both the scholarly discussion and the fun-hearted humor throughout the sessions belied a sense of trust, respect, acceptance, and general goodwill that was experienced by all. Indeed, this was the general flavor of the entire conference and it became increasingly clear that this was a meeting of like-minded scholars engrossed in the process of thoughtful exchange. The topics were varied, reflecting a diversity of interests that truly provided fertile ground for future exploration. Proof of this could be seen by the numerous business cards that were exchanged as well as the kindly photographs that participants took of one another; all in the interest of preserving the memory of the 2006 AAPS conference.

Our third day consisted of numerous site visits in and around Bangkok. While traveling throughout the city, the magnificence of Bangkok was apparent and visible for all to see. Indeed, one could feel the bustle of life in a city that never sleeps. The unique pitched-roof Thai architecture could be observed throughout the city; a constant reminder of this enchanted land's unique history and cultural development. Throughout the city, one could find traditional buildings and temples juxtaposed against the modern day architecture that decorated the skyline of Bangkok.

Amidst these scenes of ancient and modern grace, one might observe the miniature spirit houses that were carefully tended by devout Buddhists with offerings of incense, food, and garlands of jasmine flowers commonly known as *puang ma lai*. In addition, monks could be seen, clad in their commonly identified orange and rust colored clothes, while numerous citizens



walked about the city sporting bright yellow shirts that celebrated the 60<sup>th</sup>

anniversary of His Majesty, King Bhumibol's accession to the throne. It should be noted that this is the longest reigning monarchy in modern world history, making our visit to Bangkok in 2006 all the more eventful.

During this time, conference participants had the privilege of touring numerous *wats* ("wat" being the Thai word for "temple"). Numerous figures of religious and spiritual importance come to mind, such as the golden *kinnari*, that act as temple guards, and the *singha lions*, standing beside temple entrances, all providing a sense of foreboding and solemnity to the temple grounds. Further, the beauty and splendor of the gem encrusted temple architecture was both eye-catching and breath taking – leaving a permanent vision of beauty etched upon the minds of observant participants.

At the close of the professional, academic, and cultural activities, everyone said their last goodbyes. There was truly a feeling that close friends were departing as warm exchanges of goodwill and safe wishes were given prior to traveling to our respective homes. This point of the conference was particularly moving since many of us had engaged in very active and lengthy discussion during the daytime hours of the panel sessions, then late into the night when on social outings, and then again very early in the morning over breakfasts that followed. In short, a true bonding experience had occurred and this was, at least for me, one of the most gratifying aspects of this conference. Various AAPS conference participants (including myself) left with numerous professional research contacts and, perhaps more importantly, many left with many more friends than they might have had prior to attending the conference.

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Please submit paper electronically, edited with double spacing (including notes and references), wide margins, and numbered pages. Articles should be as brief as possible, and should include only such reviews of the literature as are relevant to the argument. (Undue length will lead to delay in publication.) They should be accompanied by a short summary of not more than 120 words.

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References should be listed alphabetically at the end of the paper, giving the names of journals in full. Titles and subtitles of articles, books, and journals should have main words capitalized. Titles of books and journals will be printed in italics and should therefore be underlined

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Chu, Y.K. (1999), 'Juvenile Gangs, Collective Violence and Triad Societies in Hong Kong', in P. Chan, ed., *Proceedings of Strategies Against Juvenile Delinquency and Drug Abuse*, 120-44. Macau: The Macau Juvenile Delinquency Research Society.

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Diagrams and tables are expensive of space and should be used sparingly. All diagrams and tables should be numbered, and should be referred to in the text.



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### AAPS 2007 Korea : A Call for Paper

The 8<sup>th</sup> annual meeting of the AAPS will be held in Korea, from October 1 through 4, 2007. The theme for the conference this year is "Police and Criminal Investigation." We welcome papers discussing issues related to criminal investigation system, science and/or art of criminal investigation, criminal investigation education and training, transnational and international cooperation in criminal investigation, human rights issues regarding criminal investigation, and victims of criminal investigation.

Papers submitted for the conference will be considered for publication in the AAPS Journal "Asian Policing." Speakers and Paper presenters will be provided with free accommodation, transportation, meals and other conveniences.

The conference will be held in Seoul and National Police University. Seoul is one of the most historic as well as dynamic cities in the world with great cultural heritages and convenience of the cutting edge technologies. Arrangements will be made to pick up participants at the airport.

The deadline for the abstract of the paper is **June 30, 2007**, and the final paper must be submitted no later than **July 31, 2007**. Please submit your abstracts and papers to Dr. Changwon Pyo via [aaps@aaps.or.kr](mailto:aaps@aaps.or.kr).

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