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Introductory Note

The Editor is pleased to present No. 10 of the Resource Material Series with material produced during the 39th Seminar Course and the 40th Training Course.

Part I contains material from the 39th Seminar Course on the Roles and Functions of the Police in a Changing Society, which was held from 12 February to 15 March, 1975.

Section 1 consists of two papers, one by Professor David H. Bayley of the Graduate School, University of Denver, U.S.A., Visiting Expert, and the other by Mr. Jinyo Kaneko, Director of Criminal Research and Statistics Division, Criminal Investigation Bureau, National Police Agency of Japan, *ad hoc* lecturer. In his paper, "A Comparative Analysis of Police Practices," Professor Bayley examines comparative police practices across national boundaries with special emphasis on the tasks which the police perform and their affect upon and relationship to operational behavior and organizational management.

In the paper, "Changing Roles of the Police of Japan," Mr. Kaneko gives an account of the historical developments of the Japanese police system.

Section 2 contains the papers prepared by the participants of the 39th Course, and Section 3 includes the Report of the Seminar.

Part II contains material produced during the 40th Training Course on the Treatment of Offenders, which was held from 15 April to 5 July, 1975.

Section 1 consists of the paper, "Periodic Detention in New Zealand," by Mr. Eric A. Missen, O.B.E., Former Secretary for Justice of New Zealand, Visiting Expert. In this paper, Mr. Missen explains how the periodic detention system has worked out in practice since 1963 and concludes that it has proved its effectiveness as a sanction and as an alternative to imprisonment in New Zealand.

Section 2 contains the reports and papers by the participants.

In the last part of this volume is appended an Index, for the convenience of the readers, covering all the papers of the UNAFEI Staff, Visiting Experts and participants which were published in Resource Material Series Nos. 1–10. It is compiled in the order of the nationality of their authors. The Editor expects to include in a subsequent issue a more detailed index, classified according to the topics and content of the papers.

The Editor deeply regrets that the lack of space has precluded him from publishing all the papers prepared by the participants of the 39th and the 40th Courses. Even the papers which were published had to be curtailed considerably. This was particularly true of the papers of the 39th Course, since many were over thirty pages in length and also contained various tables and charts. This was necessary in

order to be able to publish as many papers as possible. Moreover, because of lack of time it had to be done without referring the abbreviated manuscripts back to their authors. The Editor asks for their indulgence for having had to do it this way since it was unavoidable under the circumstances.

In conclusion, the Editor expresses his appreciation to all those who so willingly helped him in the publication of this volume by attending to the typing, printing and proofreading, and in various other ways.

October, 1975

Zen Tokoi

Zen Tokoi
Director

PART I

Material Produced During
The 39th Seminar Course
On the Roles and Functions of
The Police in a Changing Society

SECTION 1: EXPERTS' PAPERS

A Comparative Analysis of Police Practices

*by David H. Bayley**

The purpose of these lectures is to examine police practices comparatively across national boundaries, giving special attention to the tasks which police perform and the implications which task-objectives have for operational behavior and organizational management. The lectures will treat six topics: (1) Appropriate Police Tasks, (2) Social Change and Police Tasks, (3) Aspects of Effective Policing, (4) Force and Authority in the Police Role, (5) Toward Responsible Police Behavior, and (6) Police Reform and International Comparisons.

During the course of these lectures I will develop explanations—theories, if you will—about why police activity varies among nations or over time. Since my own research, while covering several countries, has not touched everywhere in the world, my theories may need reformulation in order to fit experience in other places. It will be instructive to me and informative, I hope, to listeners, if we can work out needed changes, thus producing together a deepened understanding of the role of the police in contemporary societies.

Lecture I: Appropriate Police Tasks

Arguments have existed for some time both in and outside police circles about what police should be doing. In many places today discussion centers on whether the police should, in addition to catching criminals, regulate traffic, provide personal counselling for individuals and families, license firearms, carry out inspections of various sorts, and handle large-scale civil disorders. It has become fashionable to speak of policemen as peace officers as opposed to law officers, stressing the non-

enforcement aspects of the police role.[1] At the same time policemen themselves frequently show considerable disdain for the role of peace officer, cynically observing that they are not "social workers." This lecture will contribute to this on-going debate by seeking to answer two questions: (1) What is the range of actual police activity? and (2) Are there any principles that can be used to determine whether some kinds of work the police perform are more appropriate than others?

There have been many attempts to classify the tasks that police carry out. James Q. Wilson, for example, has divided all police activities into two categories—law enforcement and order maintenance. The first involves application of legal sanctions; the second, mediational activities that contribute to public order and safety without application of formal sanctions. Richard Myren, another American, has three categories—enforcement of the criminal code, enforcement of nuisance norms, and provision of social services.[2] These schemes are attempts to provide simplifying classifications of police tasks. This is a beguiling enterprise but it is better, I believe, to be inclusive, to do justice to the variety of police work. Accordingly, I shall simply list the different kinds of work that police do anywhere in the world.

First, police enforce the criminal law. In the role of law officer, policemen detect violations of the criminal law, investigate offences, and apprehend offenders.

Second, police prevent violations of the criminal law. This is the purpose which patrolling is supposed to serve.

Third, police mediate actual or potential conflicts. This includes such varied activity as settling drunken brawls, intervening in family disputes, and controlling crowds.

Fourth, police authoritatively regulate various aspects of social life. They issue licenses, make ordinances, and inspect facilities. Generally they share this pow-

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er with other governmental agencies.

Fifth, police provide a variety of social services, such as providing emergency medical care, assisting the helpless, eliminating physical hazards, giving directions, counselling juveniles, and providing legal aid.

Countries, as well as separate police forces within countries, differ substantially in the activity they choose to emphasize. For example, one study in a medium-sized American city showed that of the radio-calls to police cars, 22% involved gathering information, 38% providing a service to citizens, 30% maintenance of order, and 10% enforcement of law.[3] Another study showed that telephone requests to the police were composed 58% of possible criminal matters, 34% of general requests for assistance, 3% of complaints about police service, and 5% of requests for information.[4] Face-to-face solicitations by the public of the police in a high-crime area of large American cities involved possible criminal matters 42% of the time, non-criminal disputes 16%, service 18%, juvenile counselling 12%, and traffic 5%.[5] By contrast, the Tokyo Metropolitan Police have reported that the composition of telephone requests for assistance through the emergency number is 34% traffic affairs, 24% crime prevention (including order maintenance), 12% criminal affairs (meaning general enforcement), and 30% miscellaneous (including services, complaints, and civil affairs).[6]

Though there is sufficient information to demonstrate that task-emphasis of the police vary among police forces, it is interesting to note that documentation is far from extensive. For most countries of the world, figures are still not publicly available on the nature of the work that policemen actually perform or the nature of requests for service made to them.

Having shown what kinds of work police perform, is it possible in principle to make intelligent choices among them, so that police administrators and the concerned public can determine whether some tasks are more important than others? Are there grounds for arguing, for instance, that a whole category of tasks can be eliminated as being inappropriate to the police function? My thesis

is that questions about appropriateness miss the point about police work and that it is unrealistic to think that police work can be simplified by eliminating an entire range of tasks. There are several reasons for taking this position.

First, the five sets of tasks that all police forces perform interpenetrate. That is, one kind of activity involves other kinds. Let me illustrate. In order to enforce the law against fighting in public places, police intervene and often mediate. Sometimes their presence quells a disturbance without application of sanctions; to apply sanctions then might be unnecessary or unproductive. The prevention of crime can be viewed in some circumstances as a service, for example when it takes the form of advising home-owners about protection, or it can involve conflict mediation, as in the case of an altercation between neighbors. Similarly, the services that police provide sometimes prevent crimes, sometimes lead to the discovery of situations requiring enforcement, and sometimes involve mediation of potential conflict. Regulatory activities of police forces often enhance the authority of the police, allowing them more successfully to maintain control and prevent conflict. This is true, for example, of the licensing of firearms or businesses that serve alcoholic beverages. In short, labelling of police activity as enforcement, prevention, mediation, service, or regulation is essentially arbitrary. Any particular action by a police officer may be simultaneously several of these.

Second, what the police seem to be doing is affected by the way in which they characteristically go about their activity, that is, by their style. In Japan, for example, a great deal of enforcement is handled as if the situation were one of conflict mediation or the providing of a counselling service. In situations where some police forces would automatically arrest and prosecute, the Japanese police accept formal apologies and seek to produce reformed behavior without prosecution. Officers working with juveniles, to take another example, may emphasize enforcement, arguing that it is essential to deterrence, or they may emphasize personal counselling. As all close observers of the police know, policemen possess

enormous discretion in the response they adopt to any situation. Such discretion is unavoidable, indeed it is necessary to good police work. James Q. Wilson has distinguished three styles of police activity, which he has found in police forces in the U.S. located within two hundred miles of one another: the watchman, the legalistic, and the service.[7]

The watchman-style emphasizes informal maintenance of public order; keeping in control without recourse to formal sanctions, unless situations get out of hand. Legalistic-style involves automatic enforcement of law, regardless of persons involved, and is often associated with a highly professional image. The service-style characterizes police forces that identify closely with the community they serve, where they emphasize protecting the community from outsiders, are willing to ignore minor infractions, and treat many matters mediationally. The point is that situations cannot be categorized in themselves according to the task they represent; they can only be categorized in terms of the way police choose to respond, and that is a matter of judgement and custom.

Third, a police force by its nature has capacities that can be used for a variety of community-serving purposes. To fail to use the capacities in appropriate circumstances out of a rigid conception of the proper role of police would represent a serious waste of a unique governmental resource. Just as it would be shortsighted in times of natural disaster not to use the police to provide emergency assistance and medical care, so it would be shortsighted not to use the police for providing certain kinds of services to citizens, such as giving directions and legal advice or counselling with juveniles or regulating certain kinds of activities bearing closely on law enforcement. In other words, the capacities required to be efficient in law enforcement represent a resource that it would be wasteful not to use in other ways. The important question, therefore, is not whether police forces should be used in non-enforcement roles but when should they do so.

Fourth, in order to perform any task well the police are dependent on the cooperation of the public. This means that

regardless of what policemen believe to be their essential function, they must to some extent do what the public wants in order to enlist their ready support. If a public want mediation from its police, or service, or advice on crime prevention, it is doubtful whether a police force can be effective in law enforcement narrowly defined without responding to these wishes. Disregarding public opinion out of a rigid conception of a proper police role can be a costly strategy that threatens accomplishment of that very role.

It should be noted in this connection that public opinion with respect to the tasks of the police is often not united. Public opinion may vary according to race, class, religion, culture, and geography. A single police force in a heterogeneous community, whether city or county, may find itself emphasizing enforcement in one place, mediation in another, services in a third. There is a tendency in some writing on the police to deplore the adaptation of police work to fit different clienteles. In my opinion this is shortsighted. Though what the police do should not be controlled operationally by the public, the police are dependent on the public and must be attentive to its particular desires with respect to police functions. Experienced policemen recognize this and often speak of the time it takes to learn how to behave when they are reassigned to a new area.

Fifth, in practice the most difficult question for police administrators is not whether policemen should perform one function as opposed to another but how much of each they should perform. Any single police task could, if performed conscientiously, monopolize all available manpower. Eliminating the performance of a single set of tasks will not resolve the problem of deciding upon matters of task-emphasis. For example, no police force can really enforce all laws on the books. Choices must be made; some laws will be ignored, others will be stressed. Similarly, some conflict mediation can lessen the enforcement burden. To eliminate mediation would actually increase the work load of enforcement. Lessening the burden of police work will not come through stressing a limited number of tasks but through deciding upon the proper em-

phasis among sets of functionally related tasks of different sorts. There will always be a mixture, following lines of public demand and operational trade-offs.

Summing up the argument, then, it is unrealistic to think that any policeman can be wholly one kind of officer; he cannot escape having to perform a variety of functions. It is intelligent to talk about the subordination of activities one to another but not of the elimination of one kind. Assuming that law enforcement and crime prevention represent the core police preoccupations in any society, activities of other kinds are so closely related to these that police officers cannot avoid engaging in them without effecting their prime function. The tasks of a police force should not be thought of as representing exclusive choices, rather, they represent differing emphases. In graphic form, the work of a police force can be thought of as occupying concentric circles around a core function, each circle representing decreased emphasis. (See Diagram 1.) The work of any single police
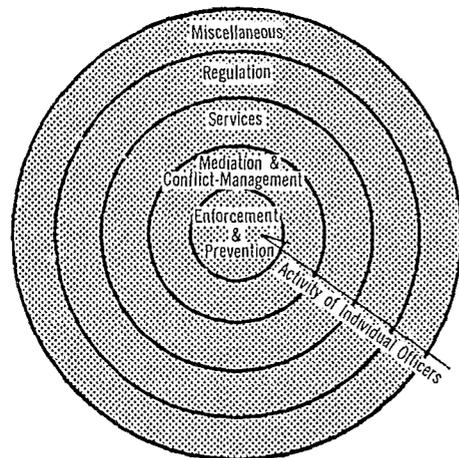

Diagram 1

officer will lie across all these circles according to principles of operational utility.

This analysis of police tasks has important implications for the management of police forces.

First, police administrators must be prepared to mix tasks, recognizing that

their personnel cannot always emphasize one task to the exclusion of others. Even more difficult, officers must be trained so as to perform well in different but related roles. Police management must be flexible enough to accommodate changing task-mixes over time as well as in different parts of the command.

Second, acceptance of the need for police to perform well in different kinds of activity will require far-reaching changes in traditional organization. Because different tasks have different requirements for effective accomplishment, police forces cannot be organized as if they only performed one kind of task. Whether tasks are performed well depends on several factors, among them the nature of rank relationships, training of policemen, recruitment of new personnel, and the kinds of productivity measures established. If law enforcement is paramount, then a police force might find a military command-structure useful, along with the minimization of on-street discretion, establishment of clear-cut codes of conduct, and stipulation of arrest-quotas as a measure of individual police performance. If, on the other hand, conflict-management is paramount, then officers must be given considerable scope for exercising discretion, direct command by superiors will be reduced, performance measures will be ambiguous, and conduct codes will be less detailed. Most police forces are set up as if they performed only one kind of task. As a result the organization frustrates the carrying out of some kinds of tasks; the individual officer finds himself having to operate against the grain of the organization. By pretending that police forces do only one kind of work, police administrators have practiced a curious kind of deception on themselves that often hampers effective performance and misleads the public about what policemen really do.

In many police forces there is a discrepancy between the real behavior of policemen and what the organization says they are doing. As a result police forces often fail to support their personnel in carrying out their job. This has been chronically true in the United States where emphasis on law enforcement has left policemen unprepared by training to

function as "peace officers," which many studies have shown is what they do most of the time. It is customary to expect that police recruits will adapt to the organization. Of equal importance is the adaptation of the organization to the requirements of a variety of different tasks. The bottleneck for change in most departments lies not with the operational personnel, who are required by circumstances to perform in a multi-faceted way, but with administrators who fail to understand the organizational requirements for performing multiple tasks.

The analysis so far has considered the tasks that police forces explicitly perform, that is, the tasks that they acknowledge they perform or should perform. But the discussion has not covered all that police do in society. Police effect society in informal as well as formal ways. Consideration of these two should effect the conduct of police forces. The most important informal function that the police perform, in my view, is pedagogical. The police are a powerful force shaping the nature of political life in most societies. I am not referring now to an explicit role they may play in politics, as when they suppress dissidents, facilitate elections, or arrest revolutionaries. I am referring to the effect they have in any society on the formation of attitudes and values undergirding political life, such as respect for law, acceptance of governmental authority, insistence on honesty in public life, and the valuation placed on human rights. In whatever they do policemen are teachers of the streets. Representing government they embody official authority; the daily actions of police officers are for most people their most dramatic contact with government. What the police do and how they do it shapes pervasively and permanently the relations between people and government. Unintentionally for the most part, police forces reinforce or undermine the political forms that the community has and wants. This is true in the ghettoes of the United States, the villages of India, the barrios of Latin America, or the affluent suburbs of Japan. By what they are, as well as what they do, police forces affect the civic character of a country. As one scholar has said referring to the United

States and Great Britain, "... the American has an incorporated school teacher as part of his or her superego, the English man or woman an incorporated policeman."[8] The police are moral forces in society whether they recognize it or not. How many police forces are willing to accept this responsibility in addition to all the others or even acknowledge it?

Lecture II: Social Change and Police Tasks

In the previous lecture the argument was made that most police forces have to perform a variety of tasks; though they may subordinate one to another, they cannot perform any single set of tasks exclusively. At the same time, it is clear that the mixture of tasks the police carry out varies over time and with locality. The police of India emphasize different activities than those of Japan; the police of China stress different activities in the 20th century than they did in the 19th. What are the factors outside the police that determine what they do? In particular, do police tasks change according to general processes of social evolution so that there is a fit between police-tasks and social life?

I will argue that there are two sets of factors that condition what the police do in any society. As these factors change, so too will the task-emphases of the police. These two sets of factors are (1) the nature of interpersonal relations and (2) political culture. Let us examine each in turn in order to determine their respective effect on police tasks.

In order to discern changes in the tasks that police perform it is necessary to classify tasks in some simplifying way. I choose to divide them into two categories: enforcement tasks and non-enforcement tasks, depending on whether the police constrain the activities of citizens through the application of sanctions. My hypothesis is that the proportion of enforcement tasks performed by any specialized police force is directly proportional to two related changes in interpersonal relations in society—namely, the extent to which role-playing is spatially segregated and the degree of imperson-

ality. This means that as societies change so that individuals find themselves increasingly dealing with people they do not know personally, with whom they deal only in a limited relationship, and as the many role they play are now played in different places—father at home, worker in a distant town, political actor in a large community, consumer in centrally located shopping centers, consumer of recreation in far-flung resorts, and religious devotee in places located outside the neighborhood—that the police will be called on more and more to mediate and serve rather than enforcing law. Contrary to what most people expect, the proportion of enforcement to non-enforcement tasks will be greater then in rural, agrarian, non-modern societies than in urbanized industrial communities. My hypothesis leads to the conclusion that non-enforcement intervention will be greater by and large in cities than in small rural communities. Police in more traditional agrarian societies can stress enforcement because the community is tight enough to handle conflict-mediation and the provision of services through informal means. However, as modernization takes place, these agencies decline in vigor and the police have to shoulder responsibility for non-enforcement mediation. This progression is not confined to the evolution of police tasks. As societies modernize, government plays a larger and larger role in community life, in part as a result of the need to coordinate complex social process and in part as a result of declining informal community capacity. In simple societies the aged, sick, feebleminded, unemployed, and poor are cared for by their families, tribes, castes, and communities. As societies modernize, however, the vitality of such groups declines, requiring impersonal agencies of the state to take on the responsibility of providing these services.

If my notion is correct, then the dilemma of modern police is that they must perform in a non-enforcement mode in communities where informal sanctions are declining in effectiveness.

Some readers may wonder why I have specified changes in interpersonal relations are being significant, rather than referring to large-scale changes in social organiza-tion such as urbanization, industrialization, and modernization. The reason is that unless these macro-changes produce changed interpersonal relations, there will be no effect on the tasks the police perform. It is true that in Western societies industrialization, accompanied by urbanization, has produced changes in interpersonal relations; it has increased impersonality and segregated the playing of roles, meaning that a person has different kinds of duties (of father, son, husband, community leader, worker, recreator, etc.) in different places. But this need not necessarily be the case. It is not impossible for tighter communities to be preserved even in industrialized states, and there is some evidence that this may have happened, at least to a greater extent than in the West, in China and in contemporary Japan. With respect to police tasks, therefore, it is not changes in wealth or the bases of production that are important, but changes in the social basis of community. Tonnes made a similar distinction when he talked about Gemeinschaft and Gesellschaft; Michael Banton in his book the policeman in the Community refers to the same thing when he talks about changes in "social integration."

An important caveat must be added. My proposition about police development does not apply to non-specialized police agencies. It applies only to the evolution of tasks performed by personnel specifically designated and organized as policemen. In many societies, police functions are performed by village elders, warriors, headmen, caste leaders, respected people in a neighborhood, and so forth. Clearly such people rarely enforce law in a formal way but devote most of their efforts to mediation, conflict resolution, and providing informal counsel and advice. Once a community, however, finds it necessary to create specialized policemen, these individuals will not at first replace traditional leaders. Rather, the specialized policemen will monopolize formal enforcement of law, while traditional leaders will continue to do most of the informal counselling and mediation. The specialized police will begin to supplant the traditional leaders only when the nature of interpersonal relations has changed, eroding the standing of the traditional leaders.

At the other end of the change-scale—namely, in advanced stages of modernization—the proportion of enforcement to non-enforcement tasks may change again and in the other direction. As the proportion of non-enforcement work rises relative to enforcement, the composition of non-enforcement tasks may change. The police may begin to specialize increasingly on conflict management, less on services not directly related to crime-prevention and order-maintenance. Societies at this stage develop new state agencies for providing services, relying less on the police as an all-purpose agency. Thus in Western Europe and the United States considerable attention is being given to developing family-crisis intervention units, psychiatric assistance, juvenile service employees, and private crime-prevention companies. These have relieved the police of some of the service work they previously carried, allowing them to concentrate once again on enforcement.

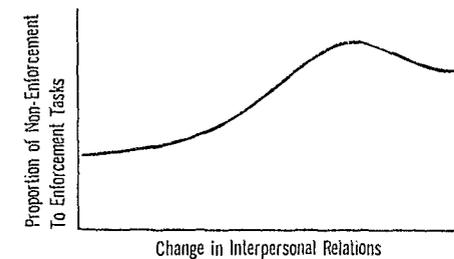Diagram 2 has been provided to illustrate the relation between the proportion

Diagram 2

of enforcement to non-enforcement tasks and interpersonal relations over time.

Political culture is the second set of factors that modifies what the police do. By "political culture" I am referring to customary attitudes and behavior of people in any community with respect to government, authority, and political processes. Let me advance several propositions. First, the proportion of non-enforcement tasks will be greater in countries where political trust is high, civility in politics is common, and compromise is a characteristic of the political process. I would expect, therefore, other things being equal, that the police of Britain would emphasize non-enforcement more than the police of Spain; that the police of India would emphasize non-enforcement more than the police of Syria; that the police of Japan would emphasize non-enforcement more than the police of Peru. Second, the proportion of non-enforcement to enforcement tasks will be greater in countries where government and society are identified, where the governments exist to serve the interests of the collectivity primarily, rather than in countries where government and societies are quite separate in people's minds and government exists primarily to serve the interests of individuals. In simpler language, police in statist countries will emphasize non-enforcement more than the police of non-statist countries. It follows that the police of Britain and the United States will, other things being equal, stress enforcement more than the police of Japan or France. This is contrary again to what many people expect, and it remains for further research to determine which view is correct.

Part of my reason for believing that statist countries will have less enforcement-oriented police has to do with the moral authority of policemen. In statist countries — meaning countries where society and government are very closely identified, where government is not viewed as the creation of a people by law but as an indwelling function—government servants, including the police, tend to have considerable moral authority. They have high standing in the community. Because the authority of police in such countries is not simply legal but is also moral, policemen can readily act as informal mediators. In non-statist countries, such as the United States, policemen are exclusively agents of formal law; citizens do not accept the moral standing of policemen. As a result, though policemen do mediate informally, they do so on a more uncertain basis than in statist countries. In my own research in Japan and the United States, I have frequently been struck by the readiness of Japanese people to accept the moral authority of policemen to advise

and admonish. Americans, by contrast, resent any intrusion of a policeman, except in times of overwhelming need, and will not accept with good grace verbal admonitions from them.

While differences in what the police do in different countries are to be explained in part by variation in political culture, changes in what the police do in any single country will be effected primarily, according to the preceding argument, by changes in the nature of interpersonal relationships. We should be able, therefore, to make some predictions about what kinds of work the police of various countries will be doing in the future.

To the extent that social evolution in the so-called developing nations — the countries of the Third World—follow the pattern of Europe and North America, the police of those countries will increasingly emphasize non-enforcement work; they will stress relatively more than in the past conflict mediation and provision of services over formal enforcement of the law. The challenge for the police of India, Pakistan, Thailand, and Indonesia, for example, will be to assume a more mediational, service-oriented posture than has been the case in the past. This will be the challenge unless they are able to buffer the effects of modernization on interpersonal relations or modernization fails to take place as anticipated. For countries in Europe, North America, and the white Commonwealth, police cannot escape from devoting most of their energy and resources to conflict management and the provision of services. They may be at the stage when other social-service agencies can share some of this burden. But one thing is clear: though they may experience increasing incidence of crime, unless there is a convulsion of a revolutionary character in the conduct of politics their police will operate primarily as "peace officers" rather than "law officers." The interesting question then is whether the police in these countries can develop sufficient moral authority to cope with increasing crime through largely non-enforcement means.

If the link between "objective conditions," to use Marxian language, and police tasks is as I have specified then certain consequences for police management

immediately become apparent. Though police around the world will be increasingly impelled to stress non-enforcement as opposed to enforcement, most police forces are still organized as if enforcement was their sole activity. In the United States and Britain, for example, police forces are organized in terms of enforcement duties such as homicide, burglary, auto theft, narcotics, vice, and so forth. An undifferentiated patrol division gets everything else. If most of the time of most of the personnel of these police forces is devoted to non-enforcement activities, consideration should be given to lumping crime investigation and enforcement into a single division and organizing the force in terms of juvenile problems, family crisis-intervention, drunks and derelicts, legal assistance, personal counselling, and so forth. In most industrial states, there still remains a discrepancy between what the police do in fact and the formal organization of the police.

But there are other discrepancies as well. The command-structure of most police organizations is authoritarian, as in the military. If policemen in fact devote most of their time to non-enforcement actions where judgement and discretion are required, perhaps police forces should be organized more like law offices or hospitals rather than like military battalions. Similarly with training. Most training syllabi stress enforcement and the dangerous aspects of police work; they give fleeting attention to conflict management, family disputes, diagnosis of mental illness, and so forth. This kind of "lore" most officers still learn from their peers on the street, rather than in police school. Finally, it is not even generally accepted that higher educational attainments have particular worth for police officers. Many senior officers in the United States and elsewhere complain that recruits with college degrees cannot accept discipline, as if accepting discipline in a military style was a primary consideration in the performance of policemen. They fail to see that higher intellectual attainments are necessary for the successful discharging of police tasks as those tasks become more judgemental and ambigious.

In many advanced nations, and certain-

ly in the United States, the police are profoundly out of touch with the imperatives of the tasks they are required to carry out. As a result, they are very inefficient, not with respect to detecting and catching criminals, though there is room for improvement there, but with respect to the work they do most of each working day.

Finally, the likely evolution of police work around the world has implications for police "professionalism," perhaps the most discussed concept in the contemporary literature on the police. There is general agreement among people who use the word that a "professional" police force is one that embodies a strong sense of discipline, th has developed high *esprit de corps*, whose personnel have received extensive training, and whose reputation is high in the community. Beyond this core meaning, however, one finds disagreement, and the point at issue bears very much on a discussion of discretion. Some spokesmen for professionalism argue that to become professional a police force must focus wholly on traditional police tasks, particularly law enforcement, leaving conflict-management and servicing to other specialized agencies of government. This view of professionalism takes as much discretion as possible out of police work. Other spokesmen argue that to be professional the police should emulate the practice of law, medicine, and religion, where the use of discretion under peer supervision is the hallmark, educational standards are high, and training rigorous. If my analysis of the evolution of police tasks is correct, the only form of professionalism that will do is the latter. The other view of professionalism is doomed before it starts. To the extent that modern police forces stress non-enforcement tasks, a movement toward "professionalism" must mean movement toward (a) enhanced discretion at lower ranking levels, (b) collegiate as opposed to centralized command, (c) internal review and discipline by peers, (d) expanded training, and (e) enhancement of educational standards for recruitment.

Social circumstances throughout the world, in its developed and its less developed portions, require that police forces give more attention to the non-enforce-

ment aspects of their role. If they fail to do so, if they concentrate solely on enforcement, they will impair their ability to respond to what citizens want. Even more harmful, they will arbitrarily separate crime prevention from law enforcement, thus increasing the problems of enforcement. Whether they like it or not, the world's police must learn to deal with the circumstances that give rise to crime as much as they do to dealing with crime itself.

Lecture III: Specific Tasks that Penetrate the Police Role

This lecture will discuss three aspects of policing that are highly controversial and present enormous difficulties for police administrators: namely, the use of discretion by police officers, citizen counselling, and crime prevention. Police officers in many countries would like to minimize these aspects of police activity; they argue, especially in the case of counselling and crime prevention, that these are not "real police work." My position, presented in the previous lectures, is that discretion, counselling, and crime prevention are inseparable parts of "real police work." Adept law enforcement requires the use of judgement, attention to prevention, and willingness to counsel; it is artificial to separate law enforcement from these others. But saying they are important, indeed inescapable, does not solve the difficulties involved in their practice.

Policemen are embarrassed by the issue of discretion. They frequently pretend, at least to outsiders, that they do not make choices about enforcement. As policemen are fond of saying: we do not make the laws, we only enforce them. But they do apply the law, and this requires discriminating judgement, as anybody who has experience on the street knows. Some laws are distinctly trivial and if enforced would be resented by the populace as willful harassment. Police resources are limited, and police organizations as well as individual policemen must decide how best to invest their time in the public interest. Some violations of law are innocent, due to circumstances, ig-

norance, confusion, or human error. Police treat such offenders differently, as do most courts and citizens, than they treat the confirmed or vicious law-breaker. Policemen will also hesitate to apply the full measure of the law when they believe the penalties are inappropriate for achieving a return to right-behavior. For example, putting a father of a poor family in jail for slightly abusing his wife when he will likely lose his job would seem to compound the injury to the family. The formal application of law is sometimes more cumbersome, costly, or destructive of reputation and livelihood than the offence warrants. So, for all these reasons, policemen do not proceed as *automata*, mechanically applying the law in all situations. As Michael Banton has aptly said: "A police force of Martians who did not share the imperfect norms of the population and who obeyed an extra-terrestrial philosopher would scarcely be as effective in the long run as a human, if imperfect, police department."[9]

Afraid of being criticized for judgements they ought not to make, or sometimes make badly, police officers minimize discretionary aspects of police work. In doing so, they are living a lie, which places them in a very equivocal position. Though they want the public to respect them for what they do, they hesitate to take the public into their confidence. They hold the public at arm's length, denying the essential nature of responsible police work. They become secretive, hiding much of what they do out of fear that the public will not understand them. Moreover, because they deny the discretionary aspects of police work, they have difficulty in training effectively for it. This is one reason why policemen around the world repeatedly say that most of the practical training they received was from fellow officers after they left police school. Unable to bring the use of discretion into the open, police forces ensure that its use is haphazard and unsystematic. And because discretion is hidden, abuses in its use can creep in which may go uncorrected for long periods of time. Abuses may even become institutionalized, matters of custom that are handed on from officer to officer, ineradicable by action from superiors. Finally, the secretive use of discretion becomes a source of suspicion and resentment between the police and the courts. There is an interesting status-discrepancy between courts and police in most countries with respect to the issue of discretion. There is a prevalent myth that police merely ascertain facts while courts make evaluative judgements. Evaluation being more responsible and difficult than enforcement, courts are by and large staffed by well paid, educated, high status persons. Police personnel, by contrast, are less well educated, generally blue-collar persons. In fact, however, the lower-status police officers exercise as much freedom of choice with respect to taking action as do judges. These same courts, jealous of their prerogatives, are also charged with supervising police judgement. Most courts, aware that the police are doing more than the courts can determine, either ineffectually try to limit police discretion through what the police regard as harassing intervention or learn to turn a blind-eye toward it. The police, for their part, willing to support the myth, show the courts as little as possible and resent them for their pretensions of higher status. In short, on the issue of discretion, these two segments of criminal justice systems are seriously at odds and unable to concert efforts to find solutions.

If discretion is necessary to responsible police work, then its use by police officers must be legitimated; it must be seen as appropriate rather than as an occasion for punishment. How can this be brought about? It should be recognized at the outset that the acuteness of the problem, and therefore solutions to it, is not the same in every country. For example, in the United States there is an enormous gap between the reality of police work concerning the making of enforcement choices and the myth assiduously developed by the police. American policemen connive at misleading the public on this score—or they did so until very recently. In Japan, by contrast, I have found open discussion within the police, often in the presence of members of the public, of the legitimate use of discretionary authority. The public, as well as the courts, seems to accept the propriety of policemen shaping their responses to offenders out of consideration of criminological factors. In India there is intense suspicion of the use of discretion by lower ranking officers, a feeling shared by the populace, courts, and senior police supervisors.

There are also structural and cultural constraints to legitimizing police discretion. Two are particularly important. First, discretion is easier to make acceptable in homogeneous communities where there is a high degree of shared values among police and the public. In heterogeneous societies, on the other hand, police will be unable to appreciate local norms and local people are apt to feel that the police are unresponsive and unsympathetic. This explains, in part, why the use of discretion is a more disturbing issue for the police in the United States and India than in Japan. Second, the acceptability of discretion varies with the moral authority of the police. Moral authority of public servants varies widely among countries, and it shapes the way in which people view police choices. In Anglo-Saxon countries, for example, policemen are viewed almost wholly as legal actors; they may do only what the law enjoins, nothing more. In other countries, such as Germany and Japan, policemen are embodiments of community authority. Though bound by law, they have a moral license to instruct, intervene, and mediate.

Whatever the constraints of the specific situation, there are two steps that can be taken on the road to legitimating discretion. First, the police must develop the courage to discuss the reality of police work. They must not hide the issue, pretending that they are enforcement robots. They have a great deal to gain from legitimizing the use of discretion. It will protect them from uninformed criticism when they are appropriately making choices; it will raise their status as professionals; and it will enhance the effectiveness of their intervention. Second, various segments of the criminal justice system must begin a dialogue among them about what the police do. This is essential if legal and operational norms with respect to the use of discretion are to be brought into harmony. Judges and policemen together must discuss, for example, on the basis of their varying experiences, the kinds of criminological factors that mitigate culpability and effect the likelihood of reformed behavior. Often the police know as much about this as judges, though judges rarely think so. Judges, prosecutors, and law-makers must learn about the practical problems of fitting law to social reality.

Legitimation must take place not only outside the police but within it as well. These two aspects go hand in hand: as the police become less fearful of outside criticism of any use of judgement, they will become more willing to discuss it openly among themselves; as policemen discuss what they know about its proper use among themselves, so outsiders will begin to appreciate the intricacies of police work. By accepting the appropriateness of judgemental application of law, policemen can face openly the problem of variation in enforcement standards. This is a skeleton in the closet of every police force. Most important of all, legitimizing discretion within the police force will facilitate the development of standards for its use. Most police forces have no mechanisms for drawing systematically on the experience of line-officers. As a result, supervisors do not know what cues are more important than others in making judgements about enforcement. And new officers are imperfectly instructed in how to make correct choices. Each officer has to learn for himself, a necessity that is spoken of as a virtue in many police forces. To see just how far the use of discretion is from being legitimated among policemen, consider how rare it is in most police forces for there to be open discussion among old and new officers of the following commonly encountered situations: family disputes, juvenile thrill seeking, charges by employers of thefts by household servants, landlord-tenant quarrels, gambling laws and the social class of participants, drunkenness and belligerency among different kinds of social groups, labor abuses among small-scale employers, and parking violations by shop-owners.

On the issue of discretion, the police are caught in most countries in a vicious cycle: afraid of being unjustly criticized, the police deny they make enforcement

choices; uninformed about the nature of police work, the public is suspicious of any judgemental action by police officers, unless of course, it is in their favor. The only cure for this reinforcing cycle of secretiveness and suspicion is an open redefinition of the police role, which really means an acceptance of the reality of the role the police play. The benefits from legitimation of discretion are substantial: lessened public suspicion, greater coherence in the criminal justice process, firmer basis for disciplinary actions against policemen, heightened morale among police officers.

The second controversial non-enforcement aspect of police work I want to discuss is counselling. By counselling I am referring to advising citizens about personal problems not necessarily involving violations of the law. Police officers in many countries are very reluctant to develop an efficient counselling capability; they regard counselling as diversionary. In my view, this is shortsighted. Police penetrate society more thoroughly than almost any other community agency. Especially for people without education, status, or money, the police are the representatives of government with whom they most commonly deal. From the point of view of cost, no other agency can serve as effectively as the first-line of official response to any situation. They should be a main-avenue of referral. Indeed, it is difficult to prevent them from becoming this.

Since public sentiment for the police to serve as a general purpose referral agency is so common in most countries, rejection of this function by policemen forecloses a major opportunity for drawing the public closer to them.

The key pitfall in organizing a counselling capability is to regard it as a public-relation ploy rather than as an essential part of the police function. To be performed well, counselling like any other task requires support, training, and proper organization. A dramatic illustration of differences in approach to counselling is found in the United States and Japan. In the United States, creation of community relations offices was a common response to the urban riots by minority groups in the late 1960s. Understaffed and underfinanced, such offices did not

generally attract superior officers; such assignments were not, and still are not, part of the assured promotion pattern. Police officers tend to look askance at policemen who show a flare for this kind of work, regarding them as conflicted in their loyalty to the police brotherhood. In Japan, on the other hand, the first counselling office was established in Tokyo in 1919. Today all prefectures have such offices, and in some counselling has been systematized to a high degree. Of particular note is the development of "Jumin Corner" in Aichi Prefecture begun in 1972. It has served as a model that has been copied in many other prefectures subsequently.

Though the amount of attention and resources police forces will choose to give to counselling must vary with local circumstances, there are several essential requirements for effective counselling whatever its scope. First, there must be a specialized unit within the police to which policemen can refer people needing advice. Police officers need trained support. Second, specialized units must become effective referral agencies. This means that they must continually study the kinds of governmental or private agencies that can provide assistance of various kinds to citizens. Third, all police officers should be trained to recognize referral situations and be prepared to assist citizens in making contact with the specialized office. Fourth, officers in counselling work must receive training in the skills of interpersonal communication. They need not be trained psychologists, but they must be more than ordinarily adept at opening channels of communication with confused, frightened, and helpless people. Fifth, counselling offices must be prepared, at least in some situations, to follow-through, to ensure that action is taken in the citizen's interest. It will not do for counselling offices to give out telephone numbers and addresses of other offices. They must be willing to lend the weight of their authority to the petition of the deserving citizen.

Crime prevention is a third aspect of police work that receives little explicit attention from police organizations. It is often a forgotten part of the police role. This is paradoxical. Surely prevention of

crime is the basic rationale for police activity of any sort. The purpose of detecting criminals and punishing them, for example, is to deter others from committing offences. Take away the crime prevention aspects of enforcement and police work is reduced morally to rendering an eye for an eye and a tooth for a tooth. Patrolling, which accounts for the bulk of police man-hours, is most commonly justified as a crime prevention measure, though recent studies have begun to question this. Crime prevention then is central to police work, yet not only is it frequently neglected but many police officers consider it a detraction from more important tasks. Note, by the way, that if crime prevention is made the core of police activity, then the case for discretionary latitude in police work is strengthened and counselling, in order to detect and avoid problems before they become criminal offences, assumes a more important place.

Believing that too few police forces attend properly to crime prevention, I would like to make two concrete suggestions for reform. First, police forces should enhance their capacity to advise about crime prevention by establishing special crime prevention units. Staff should be specially trained to handle questions concerning physical security of premises, street safety, sex crimes, property recovery, and vandalism. Within these units squads might be established to deal with family-crisis intervention, prevention of violence among juvenile gangs, and mediation of neighborhood disputes. Counselling, as I have already indicated, would be crucial to the work of a crime prevention unit. Second, police should expand their role as advisors to the community on the relationship between crime and social policy. Policemen frequently complain bitterly that they are expected to cope with enforcement situations that are not of their making and are beyond their control. They are put in the position of mopping up after the failure of social policy. Yet police forces in most countries play hardly any role in advising government about the social conditions that breed crime and violence. Nor are they trained to do so. By and large senior police officers approach government as a

special interest requiring funds, equipment, buildings, and personnel. They approach government as suppliants, interested in preserving or maintaining bureaucratic position and power. This is understandable: senior officers hesitate to get involved in political debates over social policy and they are promoted precisely because they are effective spokesmen for the interests of the organization. But this conservative policy—referred to in American slang as keeping a "low profile"—represents a failure to utilize police in a creative fashion consonant with both their raison d'etre and their unique knowledge of the community.

Police represent a vast reservoir of knowledge about social conditions connected with crime and social disorder. They know at first hand more about the reality of life in any community than almost any other group. They work daily in slums, homes of minority people, insecure streets, depressed neighborhoods, playgrounds of the rich, vice dens of the thrill-seekers, emergency rooms of hospitals, villages of the destitute, neighborhoods of the unemployed, and so forth. What police forces need to do is organize this information systematically, drawing together the bits and pieces, and relate it to the problems of deviance and security. This will require establishment of high-level research units that are willing to treat policemen as knowledgeable experts on crime and social conditions. Armed with information of this sort, police officials can undertake an advising role in the counsels of the nation. To be sure, from the point of view of the police organization there are political risks in this. But no nation, in my view, should waste the knowledge of the police by permitting them to be so self-serving. It is high time that police officials stop using crime statistics primarily as an instrument for achieving organizational goals. There is too much ad hoc commentary by prominent police officials that reflects little more than their own prejudices and a desire to safeguard their own prestige. Advocacy by the police should be systematic, reflective, well-informed, and separated from organizational management.

Having argued that counselling, judgemental determinations, and crime preven-

tion are closely related activities of police forces and that the need for them is both inescapable and growing, let me say a word or two about the kind of training that police officers require. There are two dimensions to be discussed—content and mode.

The content of police training almost universally needs to be broadened. Police training tends to be legalistic, stressing criminal law and procedure. These elements are important but they need to be supplemented by courses addressed to the social reality policemen confront and the judgemental decisions they will be required to make. Policemen need to know more about the sociological roots of crime, about family crisis and the kinds of interpersonal disputes that may be peculiar to each society, about public and private agencies that can assist citizens, about referral techniques, about the nature of social cleavages and the roots of prejudice, about the place of the criminal justice system in society and differences in operating principles among levels of it. In too many police forces there is little systematic training even in the operational aspects of the job. Recruits are given some legal knowledge and taught to fulfill the routines of the department, which usually means how to fill out forms, and left to themselves to discover when to do what on the street. Formal and informal training are rarely integrated, and contempt by experienced police officers for what goes on in the training academy is almost worldwide. Though in many countries police officers want to be considered professionals, and their responsibilities would support such pretensions, they are trained much as one would train a plumber or a taxi-driver. They are left to make sense of what they see and what they do almost entirely in terms of the education they brought to the calling. Recognizing that the educational level of most police officers is not high, it is fair to ask where this is good enough.

Not only the content but also the form of training needs to be examined. Are traditional police training programs conducted in a way that encourages and prepares officers to discharge the responsive and responsible tasks outlined here? There has been some interesting research on this

matter recently in the United States. Experts in police training are beginning to distinguish two modes of training—stress and non-stress. Stress training is familiar to anyone who has gone through a military training program; it involves a fixed curriculum and inflexible syllabi, emphasis on physical conditioning, operation at high levels of fatigue, intense pressure to succeed, subordination to indiscipline no matter how foolish, emphasis on punctilio, insistence on rank gradations, and failure to distinguish between important and unimportant tasks. Non-stress training is the reverse of all these: experimentation and questioning are encouraged in order to uncover the rationale for action. Learning is performed in supportive groups, clear distinctions are made between what is important and unimportant in playing the role (e.g., between dress codes and counselling techniques), sufficient rest is provided to assure adequate performance, and instructors and recruits work collegially. In a unique controlled experiment, Howard H. Earle on two occasions trained two groups of recruits in the Los Angeles, California, sheriff's department respectively according to these different modes.[10] His surprising finding was that officers trained according to the non-stress mode performed all tasks, even enforcement tasks, more effectively than officers trained along traditional lines. In his words: "Non-stress trained subjects displayed a higher level of performance efficiency in the field, a higher level of job satisfaction and a higher level of performance acceptability by persons served."[11] This study has far-reaching implications for most police training programs. At the same time, one should note that training modes must be molded not only to objectives but to the nature of the recruits and the cultural context in which they work. Studies in alternative means of training policemen, like the Earle study, need to be made in other countries. Given widespread uneasiness with training programs by persons in and out of the police, this proposal can hardly be considered revolutionary.

The changes in training suggested here undoubtedly will require increased resources of time and money devoted to the enterprise. It is doubtful as well whether

ordinary academy instructors can adapt to new requirements. The instruction of the instructors will also have to change.

In summary, police forces need to give much more attention to the non-enforcement aspects of enforcement. The link between these is provided by the rationale of prevention. Police must recognize the operational requirements of carrying out these subtle responsibilities, especially the kind of discretionary judgements that are needed. Above all, they must give up the pretence that law officers and peace officers are separable kinds of policemen.

Lecture IV: Force and Authority in the Police Role

The police are society's primary agency for constraining individual behavior through the application of formal sanctions. They are the gateway to the criminal justice system. As a result, they are invested with enormous authority and possess, in most cases, a monopoly on the instruments of force that can be employed within any society. This lecture will examine national difference in the use by police of authority and force and analyze the factors that account for these differences.

The manner in which policemen exhibit authority, and by extension the way they use force, is shaped by customary patterns of interaction between policeman and citizen. Both police and citizens display characteristic postures, demeanors, and expectations in contact with one another that vary between countries and, in heterogeneous societies, within countries as well. Let us examine some of the characteristic behaviors of policemen and citizens as they interact with one another around the world.

Police contacts with the public are shaped by patterns of deployment. For example, in the United States policemen patrol in cars, as a result they are not generally known personally by many of the people among whom they work. They intervene at times of great need, when as it were the sirens are wailing. In Japan, on the other hand, most policemen are assigned to fixed police posts in each neighborhood; only a small proportion of

police manpower is assigned to cars. They are a part of neighborhood life, and so play a more routine role in the life of the community. When they are needed they are contacted face-to-face by people who come to the post. The extent to which officers are personally known among the people they serve varies considerably around the world and effects subsequent relationships. A survey I conducted in India in 1965 showed that most people did not know the location of the nearest police post. In urban areas, close to half the people recognized the faces of some policemen; they could say they were familiar with them. In a rural area in South India, about 38% could do so.[12] In the cities 20% knew some policemen by name; in the rural area 10%. In Denver, Colorado another survey I directed found that about 40% of all adults had a personal acquaintance on the police force, although only about 10% had a personal police friend stationed in their immediate neighborhood.[13] In Japan, a recent government survey showed that 86% of the populace knew where the local police post (koban) was and 41% recognized the faces of local officers.[14]

Police forces differ in patrol tactics. Japanese policemen, for example, are sound intrusive, American policemen light intrusive. At night American policemen shine their flashlights and the spotlights mounted on their cars any place they please: into alleys, onto the porches of homes, on windows, into parked cars, onto couples sitting on park benches. Japanese policemen rarely intrude with light, and most of their patrol cars are not equipped with spotlights. They seem to be reluctant to violate the visual privacy of people. On the other hand, Japanese patrolmen direct a stream of commands, advice, and admonitions by loudspeaker from kobans and patrol cars. American policemen hardly ever talk over loudspeakers. They are reluctant to violate the audio space of citizens.

Even the physical presence of policemen is distinctive in different places. Some uniforms are flashy, even flamboyant, like those of the Carabinieri in Italy. Others are very drab, such as that of the Bobby in England. Weapons are conspicuous on American policemen; they

are non-existent or inconspicuous in England. The physical manner too of policemen is remarkably distinct, as indeed is that of citizens of different nations. American policemen move conspicuously, with an almost visible swagger. They try to seem large and imposing and wear their authority self-consciously. Japanese and British policemen are much more unassuming. Japanese policemen move in public like any other citizen; they are more like an American postmen in demeanor than American policemen. Their authority is not so visible and they are less self-conscious.

Citizens too adopt different postures toward authority in different places that condition their relations with the police. Some are combative, like Americans; some are compliant, like Japanese; and some are indifferent, perhaps like the French. The customary response of a Japanese caught in error is to acknowledge his mistake, apologize, and throw himself on the mercy of officials. Americans, on the other hand, believe that they must struggle to defend their rights. Consequently when caught in error they characteristically deny they did something wrong, refuse to cooperate, insist that they obtain legal advice, and chastise the official for interfering with them at all.

Though demeanor in the face of authority varies most dramatically among countries, it varies within countries as well. Reactions depend on the circumstances of an encounter as well as the nature of the citizens, in particular whether they are educated, affluent, professional, or members of particular racial or cultural communities.

If, as I assert, contact experiences between policemen and citizens depend on characteristics of both which vary from place to place, then it follows that different countries may have relatively permanent differences in police-public relations. To the extent that interactions are related to culture, patterns of interaction will be difficult to change. This is a sobering thought, and one that is rarely discussed. One reason why the study of cultural determinants of police-public relations have been neglected is that very few scholars or police officers have studied them cross-nationally. Discussions of police-

public relations are mostly held among people familiar with only one country, namely, their own. They have no outside reference and assume that the people they deal with are like people everywhere.

Just as the nature of contacts between police and citizens exhibit characteristic differences in different places, so too does the use of force by policemen. Police armament varies enormously around the world as do the tactics they employ in dangerous situations and the frequency with which physical constraint is employed. How does one account for these differences? Are there general factors that shape the forcefulness of police response? I believe that three factors are crucial in explaining national differences in the use of force.

First, the incidence of the use of force in contacts between police and public varies directly with the social distance between police and public. Therefore, if social distance is a function of social heterogeniety, then it follows that the incidence of the use of force will be greater in societies with more distinguishable subcultures. There is considerable evidence that force is used by policemen most commonly against people they consider beyond the pale of membership in the community—members of ascriptive minority groups, such as Blacks in the U.S. or lower castes in India or burakumin in Japan, and moral pariahs, such as homosexuals in the U.S., or chronic drunks or sex offenders.

Second, the extent to which force is used by a police force is inversely proportional to the self-esteem of policemen, i.e. their sense of pride in their job. Policemen whose self-esteem is low or uncertain will be more inclined to use physical force against the public than those whose esteem is high. If this proposition is true, it has some interesting implications. The self-esteem of policemen, like that of anybody, is effected by the regard others have for them. Therefore, one would expect to find a higher incidence of force in countries where the police are poorly regarded, other things being equal, than where they are well regarded. Furthermore, public regard for the police is effected by customary attitudes toward authority. Since these differ, as we have

already seen, among countries, one would expect to find a higher incidence of the use of force in countries where customary attitudes toward authority are combative rather than subservient. Finally, public regard for the police is itself effected by how forcefully the police treat the public. In technical language, there is a feedback loop between force and public regard. As police use force, public regard for them falls; as public regard falls, self-esteem is jeopardized and increasing use of force takes place. Consequently, the incidence of the use of force at one time reflects the incidence of the use of force at previous times, which makes changes in the levels of the use of force unlikely in the short-run.

Third, the incidence of the use of force is effected by customary regard for physical prowess. This is a cultural variable. In some cultures physical prowess is displayed quite actively and is essential to identity, especially of men. It tends to be so among policemen in Latin America and the United States. Though physical prowess is respected by Japanese, they do not respect unnecessary display; they regard more highly the unassuming man who conceals great physical ability. Japanese value the restraint of power more than its display.

There is also an interested negative implication that flows from this analysis. The incidence of force is not, I believe, effected by the tasks the police perform, apart from the special case of tasks that by definition require the use of physical force, such as riot control. A police force that emphasizes enforcement need not employ force more regularly than one which emphasizes conflict mediation and provision of services. Force is not effected, except for the special case, by what the police do; it is a choice they have when doing any kind of work.

So far the argument has been that there are factors outside the police—such as social heterogeniety, public regard, and attitudes toward physical ability—determining the incidence of force. Though I believe this to be true, if this was the whole story policemen would be powerless to do anything to change the incidence of force. They would be helpless, and this is certainly not the case.

Organizations can effect the behavior of their members. Through discipline, training, and supervision, police forces can discourage, even virtually eliminate, recourse to physical force except in the most extreme situations. Research has shown conclusively that people learn to play roles assigned to them, whether they are prison guards, professors, doctors, or policemen. Organizations make clear what is expected of members, and pressure can then produce conforming behavior. Military training can make killers of mild men; police forces can generate forceful and non-forceful behavior. Organizations must bear a large measure of responsibility for what their personnel do, even though other factors contribute as well. The power of a climate opinion within an organization over the actions of individuals explains why very little in the way of significant change can be expected by simply changing recruitment standards. Organizations shape people to fit themselves; only terribly strong-willed persons can stand out against them. One of the most dramatic successes in developing an organization with a new code of behavior comes from police annals: the first two Commissioner of Police in London, 1829, by unremitting attention and strict discipline created a police force that was unarmed and committed to inflicting very little violence on the populace even though it was forced to function initially in the face of a hostile and violent public.

Furthermore, the police must bear some of the responsibility for the climate of opinion within society about force. Police are important social actors, especially with respect to the use of force. Many observers believe that the studious non-violence of the British Bobby over a period of years transformed public attitudes with respect to the acceptability of force.[15] This theme will be developed in Lecture VI.

The point is that police practices are shaped to some extent by the society in which they work. But at the same time they in turn shape what society becomes. They cannot, and must not be allowed to, renounce responsibility for their own actions. It would be dangerous indeed for so strong an organization to give up a desire to improve and change by dint of

internal experimentation, even if it cannot realistically be expected to transform itself completely.

Lecture V: Mechanisms for Achieving Responsible Police Behavior

No discussion of police performance can be complete that does not examine the moral quality of police activities. Though it is unusual to say so, behaving rightly is clearly a task of the police. Conversely, a reputation for improper, dishonest, or corrupt behavior can offset any amount of effective task performance. This lecture will examine how right-behavior by policemen can be assured. Several concrete suggestions will be made. The reader is cautioned to be modest in his expectations about what will be said. If one had a recipe for producing correct behavior in policemen, it would be like possessing the philosopher's stone.

There is no lack of explanations for why misbehavior occurs among policemen. The problem is that many of these supposed explanations will not stand examination. Let me give several examples. Low wages are often blamed for police corruption. Raising wage levels is considered by many commentators to be essential to reducing corruption. The difficulty with this theory is that it is not true that only poorly paid people do wrong. Furthermore, even in police forces in the United States where wage levels are high relative to other occupations, corruption has been common. Next there is the theory that misbehavior, particularly corruption, is traceable to a few bad policemen, persons who are predisposed to misbehavior in whatever occupation they enter. This is often referred to as the "bad apples" theory—a few bad apples in every barrel. The solution to misbehavior, therefore, is to weed out those "bad apples" and recruit good people. What this view overlooks is that improper behavior can become institutionalized, so that even good people feel the pressure from peers to conform to a pattern of misbehavior. The report of the Knapp Commission on corruption in New York City, to take only one example, is eloquent on this point, repeatedly talking about the "conspiracy

of silence" among policemen about the misbehavior of one another and how many officers felt they had to participate in corruption in order not to be regarded as spies. Of course some persons are worse than others, but their elimination may not change a whole climate of opinion within a police organization. Finally there is the theory that misbehavior is traceable to the tasks police are asked to perform. In particular, the chances of policemen becoming corrupt are raised when the police are asked to enforce laws that limit access to things the public wants and where there is tremendous profit to be made by entrepreneurs who violate the law. Laws against prostitution, gambling, and pornography are the best examples of this. The solution to corruption, then, is to repeal these laws. But this avoids the essential problem, which is to obtain honest, equitable enforcement of law by the police even when enforcement is unpopular. Indeed, the problem with all these putative explanations of misbehavior—low wages, bad characters, and unpopular laws—is that they beg the question: they do not tell police administrators how to reduce misbehavior in circumstances that are not ideal. Solutions to police misbehavior must work precisely when men are not terribly well paid, when many of them do not naturally have a high moral sense, and when they are tempted.

The proper focus of analysis, in my judgement, is upon the institutional climate within the police. Organizations have enormous power to shape people who work in them for both good and ill. Peer pressure can corrupt even high-minded people; it takes exceptionally strong individuals to stand out against prevalent practices when the result of doing so is exclusion. Conversely, people with bad characters can be held in line by fear of punishment and by the distain of their colleagues. Bad people do not always act out their inclinations, and organizations can be managed so as to constrain them. If the climate within the police is not wholesome, if it encourages slipshod work, dishonesty, corner-cutting, and brutality, then changing recruiting standards, wage scales, or tasks will not be successful. Because institutions mold

their personnel, the focus for an analysis of police misbehavior should be on the organization within its social setting.

The essential element in assuring right-behavior in policemen is a high level of self-esteem, which in turn is a product of community regard for the police. Put succinctly: the incidence of misbehavior is inversely proportional to police self-esteem. There are several reasons for this. When self-esteem is low, that is, when individuals have little pride in the job they are doing, personal interests are likely to supersede the objectives of the organizations. Each person thinks only of himself and is unwilling to serve institutional purposes. Moreover, the lower the psychic rewards for doing the job, the less valuable membership in the group appears and the less important adherence to group norms becomes. Low self-esteem reduces the vitality of group interest in self-regulation. People with pride in themselves do not want public regard for them to be jeopardized by misbehavior of colleagues; they are willing to discipline each other. But people who lack pride in their calling are apt to be indifferent to misbehavior in colleagues because they do not feel diminished by such actions. In fact, knowing that the public already regards them suspiciously no matter how honest they are, individuals may feel there is no point in struggling — acting according to the cynical philosophy that one might as well be hung for a sheep as a lamb. What is more, individuals whose self-esteem has already been buffeted by suspicious or hostile public opinion may deliberately connive at thwarting investigations of misbehavior because they fear a further diminishing of regard for them.

This hypothesis, linking self-esteem and misbehavior, is supported so far only by impressionistic evidence. Comparing levels of self-esteem and the incidence of misbehavior in Japan, the United States, and Great Britain confirms the association. In the United States misbehavior by police officers, especially corruption, is chronic; scandals are discovered perennially. At the same time, the self-esteem of American policemen is quite low, a fact attested both by surveys of police morale and the writings of policemen. On the other hand, in Japan misbehavior

is very rare and self-esteem is high, remarkably so in the eyes of a Western observer. In Britain, misbehavior is also rare and self-esteem moderately high; certainly self-esteem is considerable above American level, though not perhaps as high as in Japan.

If further research confirms existence of a link between misbehavior by policemen and the pride they take in their calling, there are important implications for (a) strategies for eliminating misbehavior and (b) the prospects for improving police behavior in any country. Let us examine these.

In order to ensure right-behavior in the police primary reliance must be placed on supervision and discipline by the organization itself. External supervision can never be an adequate substitute for internal discipline. There are two reasons for saying this. The first is a practical one: outsiders simply are not in a position to observe systematically the activity of policemen. Organizations can easily become closed corporations, revealing only as much as they want to. If, in compensation, external supervision becomes too intrusive, policemen can defend themselves by becoming inactive, retreating into passivity, "playing it safe" and refusing to do anything controversial. The second reason effective discipline must be primarily a matter of self-regulation has to do with the relations between self-esteem and misbehavior. I have argued that as the self-esteem of policemen falls, their willingness to undertake self-regulation also declines. They have less vested interest in preserving the good name of the organization; they are unwilling to pay the emotional costs involved in disciplining their colleagues. This produces a paradoxical result. Finding that the police organization is ineffective in disciplining its own members, the community at large responds to incidents of misbehavior that are discovered by creating more effective mechanisms of external penetration. Though external supervision is justified from the community's point of view, policemen are likely to resent such intrusion keenly. They will view it, correctly, as further evidence of the suspicion with which they are regarded. The immediate effect on them will be to further under-

mine their self-regard. And this, if my analysis is correct, will further weaken the vitality of internal regulation as well as the psychological impediments to further misbehavior. In this way police forces may enter into a downward spiral in which misbehavior feeds public distrust; public distrust causes the community to rely more heavily on external supervision; external supervision further demoralizes the police and undermines the capacity for self-regulation.

This tragic situation may seem far-fetched to some, but I believe there are cases of it. The most prominent perhaps is the United States. The United States has historically relied on external mechanisms of supervision. The police are not trusted with their own discipline. This has helped to weaken organizational pride and thwarted the development of mean-ingful internal regulation. Each new in-cident of misbehavior turns the screw once again, so that at the present time the public cannot trust the police to discipline them-selves and the police bitterly resent every attempt to regulate them from outside. The community and the police are at log-gerheads, with little chance that police pride will be raised or misbehavior ef-fectively reduced.

The point to underscore is that mecha-nisms of regulation for the police must be examined for their impingement on police pride. The first-line of defense against improper behavior are police-men themselves. This requires pride in their calling. There are trade-offs, in other words, among mechanisms of re-gulation. Internal ones are to be pre-ferred, for practical and theoretical rea-sons, but they may be insufficient; exter-nal ones may be required but they may diminish self-esteem thus weakening the capacity for internal examination and re-gulation.

I would make three recommendations with respect to mechanisms for assuring right-behavior among the police.

First, primary reliance must be placed on making self-discipline by the police organization vigorous and effective.

Second, external devices for regula-tion should focus on the police organiza-tion and not on individual policemen. External supervision should oversee the organization; it must constrain organiza-tional behavior. The organization is then responsible for constraining the be-havior of individual policemen. When groups outside the police seek to dis-cipline individuals within the police, their colleagues tend to draw together in de-fense. If, however, discipline comes from within, the focus of unity is upon the errant behavior and not the external threat.

Third, external supervision should be held in reserve to be used only when the organization has clearly failed to maintain high standards of behavior. It should be viewed as a last resort.

The chances of improving police be-havior will vary sharply from country to country because the incidence of misbe-havior is related to social context through the factor of public regard. The lower the public regard for the police, the lower police self-esteem, and the greater the in-cidence of misbehavior. There are several factors that effect public regard, and as they vary so may the incidence of po-lice misbehavior. For example, public re-gard for policemen will be higher in coun-tries where government officials have high standing and possess moral, as opposed to exclusively legal, authority. In some coun-tries suspicion of all government is intense and one would expect that in such places pride in the police vocation would not be high. Past levels of misbehavior by the police also effect public regard, which means that present levels of misbehavior are effected by past levels. Moreover, not all countries can accept reliance upon in-ternal regulation by the police to the same extent. This is effected, for example, by police culture, in particular the extent to which self-regulating bureaucracies are ac-cepted. In Japan, tradition allows this; in the United States, it does not. Countries vary with respect to traditions of self-re-gulation by institutions and professions. Moreover, not all institutions accept a similar degree of responsibility for dis-ciplining their members. In Japan, for example, the shared life of the work-com-munity is intense; it dominates personal life. In the United States, there is less subordination to the work-group; the in-dividual safeguards has autonomy more strongly. Finally, there are different his-

torical attitudes toward occupations that effect the capacity for self-regulation. If being a policeman is simply viewed as a job, the individual may only be interested in its tangible rewards. If being a police-man is viewed as a calling, like a priest-hood, then individuals may view member-ship as valuable in itself.

In sum, the incidence of police mis-behavior is shaped by general social fac-tors. In countries where right-behavior among policemen is a concept articulated at all, there is greater likelihood of right-behavior being achieved where public re-gard is high, where there is no historical tradition of misbehavior, where self-re-gulating bureaucracies are accepted, where distrust of government is not high, where work-groups accept responsibility for er-rant members, where police work is a calling, and where public servants have moral authority. One implication of this analysis is that certain levels of misbe-havior may be inescapable in some coun-tries. Social circumstances may impose limits on the efficacy of reform move-ments, apart, that is, from a thorough re-formation of society. This is a sobering thought.

I have argued that the key to ensuring moral behavior of police officers is the creation of an effective self-disciplining po-lice community. What can the police do, on their own, to bring about this objective? First, they must engender pride in the role of policeman. In the jargon of psycholo-gy, they must enhance the psychic gratifi-cations of the job. Incidentally, it is within this context that talk of "professionaliza-tion" becomes meaningful. Making the job more like a profession than an ordinary occupation is one way of raising the self-esteem of policemen. There are several ways in which pride may be raised. Police personnel should be selected very careful-ly. Recruits can hardly take pride in their job if almost anyone can get in. Political appointees should not be allowed, and stan-dards with respect to intelligence and char-acter must be sufficiently high so as to eliminate undistinguished applicants. One of the most persuasive reasons for re-cruiting a larger portion of college graduates is to enhance the prestige of the job. It is also essential to test recruits for the ability to make independent decisions,

to think for themselves in conformity with general policy directives. The training of recruits must truly enhance operational expertise; it must develop skills that per-sonnel would not otherwise have. More-over, there must be rigorous tests for com-petence; not everyone should be allowed to pass. Pay scales must be commensurate with the professional pretensions of the force. It will be difficult to convince po-licemen, let alone the public, that police-men are special if they are paid like taxi-drivers. Police forces should develop a collegial, or group, decision-making style as opposed to the authoritarian, or military, style. There are times, of course, when clear-cut commands are necessary. But often police departments need to draw on the accumulated experience of line-officers in order to decide what is best to do. Finally, willingness to accept the respon-sibility for disciplining one's peers must be-come part of the job. Discipline, like de-cision-making, should be collegial rather than hierarchical.

The reason for doing all these things is to create a sense of specialness, selectivity, and expertise, all of which contribute to pride. Raising pay, as I argued earlier in the paper, is not significant in itself; it be-comes significant as a means of raising self-respect. The same is true for recruit-ing standards and training. If those meas-ures do not contribute to raising self-esteem, they will not be successful in re-ducing misbehavior.

The second recommendation is that in-ternal supervision must become mean-ingful. Supervision must get at real operating behavior. Too often supervision is haphazard and perfunctory; it deals frequently with paperwork and not with street-practices. In some countries close supervision may conflict with important cultural values. This is true, in my opin-ion, in the United States, where every officer prides himself on being a "take charge guy." Close supervision by superior officers will require, in most forces, ex-pansion of the upper ranks. If this cannot be done or supervision by superiors can-not be accepted by lower-ranks, then re-sponsibility for discipline must be given to the subordinate ranks themselves. It is essential as well that penalties, once asses-sed, be effective. Senior officers must

have effective powers to punish and reward, consonant, of course, with the procedural requirements of justice. This can be problem where politics has penetrated the police or where civil service rules or police-union power hamper supervisory control. Senior and junior officers should work out together an understanding about the kind of mistakes that will be forgiven, unless they become flagrant, and the kind that will be punished. In this way senior officers can be assured that discipline is understood and junior officers will not feel that discipline is quixotic. Reasons for rewards and punishments should be publicized within the organization.

Discipline self-imposed is not only the most effective constraint on behavior, it is the essence of professionalism. Pride is necessary for effective internal regulation. Conversely, effective internal regulation engenders pride. The two go hand in hand.

Lecture VI: Police Reform and International Comparisons

Certainly one of the central concerns of all of us at this seminar is to bring about corrective change in law enforcement and police operations. Is there anything useful that can be said in a general way about the process whereby change is achieved? More particularly, what can practitioners in law enforcement realistically expect to learn from foreign experience?

In these lectures I have examined police practices within their social context, stressing the linkages between social environment and what police do. It would be easy to conclude that since police activities are determined to some degree by social setting, police practices cannot be much different from what they already are; that police can only control their destiny within narrow margins. This is a mistaken conclusion. Though social setting undoubtedly effects what the police do, it is an open question how much it affects what police do. Without analysis, it is always a mistake to assume either that the police can do whatever they want to do—a point I have been at pains to refute—or that they are powerless to change on their own.

In charting a strategy for reform of the police, it is necessary to go through a three-step analysis, answering the following questions. First, what is it about the police that requires change? This point seems obvious, but it isn't. Even knowledgeable people who should better continually ask the police to change in such broad-gauged, general ways that no coherent strategy for reform can possibly be found. Police are a complex institution; their work is ramified. It is not enough to say that "police must be respected" or "police must be honest" or "police must treat everyone alike." Delineation of problems must be more specific. Concerning the issue of respect, for instance, it is necessary to ask among whom there should be respect, in what kinds of situations. Equality of enforcement sounds fine, but what about individuation of treatment? What are the justifiable limits of discretion? Is there an important difference between sympathy and prejudice? In short, reform objectives must be described precisely; the focus of change should be pinpointed. Too many people simply moralize about the police.

Second, what are the factors that impede any specified change? Answers to this question will allow us to determine whether a strategy for change must focus on the police, on circumstances outside the police, or both. Some constraints on change are completely under the control of the police. For example, resolute action on their part is all that is required to effect changes in patrol deployment, weapons use, staffing-schedules, and internal discipline. I do not mean to suggest that because the changes are internal to police decision-making, they are easy to bring about; simply that the police can control change if they want to. Other constraints are external. For example, training programs for police cannot be expanded without additional funds being provided; recruitment cannot become more selective unless political authorities approve; the use of discretion by police officers cannot be legitimated unless the climate of opinion in the community is changed. And some constraints, though they are external to the police, can be influenced by police activity. Police officials frequently overlook

this possibility, too readily assuming that if they cannot control something directly, there is nothing they can do about it. For example, advice by the police concerning gun-control laws can be very influential. Polite, understanding responses to requests from citizens can influence public attitudes toward government.

Third, how can the impediments that have been diagnosed actually be removed? This is the tactical question. A common mistake is to begin here, putting the cart before the horse. The feasibility of any reform cannot be estimated until the change desired has been specified and the constraints upon it analyzed.

A priori there is no answer to the general question whether the police can be reformed. It all depends on the specific case and setting. By and large, however, the police are not as powerless to effect constructive change as they like to pretend. Police officers frequently take shelter behind the facade of powerlessness. But this posture is not congruent with the magnitude of their responsibilities or the reality of their influence. Police are located crucially in the criminal justice system. There are enormous potentialities for creative leadership. It is a calling that should attract the best and most sensitive people in any country. As a calling, it should be as prestigious as that of judges. To consider them as subprofessionals, which is commonly the case around the world, is a great mistake. It guarantees that the responsibilities of the police will be discharged with a minimum of insight, creativity, and sensitivity; it guarantees that blame for shortcomings in police performance will be put on society by the police and on the police by society.

Police forces can learn a great deal from one another that will inform the process of change. This is true both internationally and within large, diversified countries. Comparative study can suggest alternative approaches and techniques. Many police problems are generic; comparative study broadens perspectives about what is possible. Less obviously but every bit as important, comparative study of police practices, especially cross-nationally, is a means of learning about the customs, habits, and traditions in one's own community that make local practices

what they are. Often the factors shaping our lives are obscured by proximity. It is often easier to diagnose local problems after going away and observing similar problems in a different setting.

Very few systematic attempts have been made to study the police experience of other countries. The vast majority of policemen as well as scholars consider comparative study unimportant; it is expensive and its payoffs seem uncertain. Policemen are practical people who are preoccupied with immediate problems; comparative study seems exotic to them. Comparative study has been severely hampered by a lack of information in international languages about foreign police practices. Even elementary information on pay-scales, recruitment, social background of personnel, patrol tactics, fringe benefits, training, and equipment is not available without considerable research. There are no up-to-date collections of information about the police covering a variety of countries, such as are available about economic, demographic, political conditions, or military conditions.

The scope for international exchange of police techniques is considerable but must be approached cautiously. Police practices are not interchangeable parts, like a standard carburetor on an automobile. As these lectures have shown, police practices are rooted in important ways in the culture and history of local communities. They cannot all be transplanted.

At the same time, some can, and it is important to find out which. I believe that the feasibility of international exchanges of police practices will be determined by a simple principle: success will be inversely proportional to the impingement of the borrowed practice on cultural identity. Borrowed practices which to be effective would require changes in traditional values, customs, and attitudes will not work. On the other hand, technological innovations are generally quite easy to exchange—electronic equipment, weaponry, vehicles, and data-processing machines. They are simply added on to existing routines. Similarly, managerial techniques can be exchanged with fair prospects for success. The point is that between the opposing philosophies of "let's do what they do" and "everyone has their

own way of doing things," there is a great middle ground for exploration.

One should be cautious but open-minded as well about international advising about police matters. Foreign advisors too frequently recommend uncritically what has worked at home. They do not understand why a particular practice worked at home nor do they know whether it can be accommodated elsewhere. Their reasoning is usually no more insightful than asserting that what works for them must be good. Police reforms pressed by the occupation authorities in Germany and Japan after World War II were like this. The police systems established in the three western zones of occupation in Germany were almost carbon copies of the systems in use in France, Britain, and the United States respectively. It is no wonder they were soon abandoned, as was the case in Japan as well. International advisors often have biases that they do not recognize. American advisors, for example, have a marked tendency to advocate technological solutions; they have a prejudice for devices, whether mechanical or electronic. The training that the United States offers foreign policemen in its academies stresses technical equipment and routines. Hardly any attempt has been made to learn from foreign policemen about non-technical approaches to common problems. Americans often acts as if foreign experience is irrelevant to them because the foreign country does not possess similar equipment. I cite American examples not because American experts are more narrow-minded than any other; every country has its own biases when it comes to advocating new police practices.

In concluding this lecture series I should like to underscore the major points made by giving four recommendations that I believe are important if police work is to be improved in the world.

First, the heart of police work is contacts with people. Study of the police should focus on contact behavior, not on structure, organization, and equipment. The latter should be seen as means for improving police interaction with citizens; too often preoccupation with them obscures the real arena of police work. Emphasis should be placed on the exchanges that occur between police and public. In short, our eyes should be kept on the street; that is where police work is done.

Second, police practices should always be examined within their social environment; police organizations are not freestanding institutions unaffected by their surroundings.

Third, information must be collected systematically about police behavior throughout the world. It needs to be made available internationally and up-dated regularly.

Fourth, police officials must be encouraged to accept the responsibility that goes with their evolving tasks. More is being asked of policemen today than was the case in the past; more will be asked in the future than is the case today. Police are the hinge of any criminal justice system and they have enormous potential influence in society. They cannot avoid responsibility even when they pretend to. They are more crucial as social actors than they are generally willing to recognize, and certainly more crucial than people in most societies are willing to believe. Improved police work begins with this realization.

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Changing Roles of the Police of Japan

*by Jinyo Kaneko**

I. Introduction

What I am trying to do now is not to show off here the development of our police force by glorifying the present status of our police, but to present to you the changes of our police roles as a historical fact in the hope that my efforts on this subject may be helpful for your future reference. I would not dare to deny that the present status of the police is adequate for the purpose of coping with the situation of Japan at this moment. However, I do not think at all that our present police system will remain an ideal one from now on and therefore unchanging. I can not but admit frankly that I am here before you with a doubt about whether or not my explanation on this subject will be accepted as your future reference, because there are substantial differences in history, climate, national character as well as condition of a country between Japan and those countries which you are representing.

I think that any system should make progress along with the times, so that today's system should respond to today's historical stage. Similarly, tomorrow's system should be formulated in accordance with the needs of tomorrow's situation. I also feel it true that no one can say exactly that a system enforced in one country which is closely associated with its own climate and history in one way or another will perform its function well enough if it is being transplanted to another country. This is because no one can tell whether the transplanted trees and plants would grow in a new land and climate.

After the end of the last world war, the police of Japan was obliged to be subjected to a too excessive democratization, meaning extreme decentralization. Upon adopting the new system, it soon became evident that the newly introduced police

system had become "hemiplegia" and therefore several years later we had no other choice than making a significant modification of this system. It may safely be said that democratization is right in itself, but it is a different story, when we come to manage a real system under operation.

It is axiomatic that under the unstabilized situation immediately after revolution, it is necessary to establish a somewhat "dictatorial system." However, history shows us all that "despotism" cannot last long without bringing some kind of corruption, or degeneration in itself. All things considered, the only approach for us is to make a rational selection of a system which adequately meets the requirement of the present situation by grasping various "objective conditions" constituting a decisive factor for bringing the targeted system into existence. Viewed in the above context, I think that you will be able to use information about our police system, because we have had a history in which we reached the present police system after a period of "trial and error" in learning (the hard way) the major patterns of police systems in the world.

In retrospect, the police of Japan was, at one time, indistinguishable from the armed forces, and at another time we had maintained a strong centralized "national police forces." Furthermore, as explained earlier, we have also had a bitter experience of walking into a "trap" of operating too excessively fragmented police forces.

What is most important is to analyze the reason why the police of Japan had to learn it in such a hard way. The reason boils down to the following historical situations: At a time when we were unable to keep up with the worldwide current of modernization originating from the Industrial Revolution, Japan had to initiate belatedly its modernization project. Since the 1870s, the institutions, civilization and culture in Western advanced countries found their way into Japan like a "deluge." In the midst of this influx, Japan made

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every effort to promote its modernization by cautiously introducing the merits of Western systems and rejecting their demerits.

The police was no exception to this nationwide modernization pattern. That is to say, the traditional police force which had been maintained for one thousand and several hundred years had to be dissolved, and the police began groping blindly in the dark, seeking new police system following the examples of police systems established mainly in France and Germany. Subsequent changes made in modernizing the Japanese police have shown that there were many occasions on which the modernization plan had to be reconsidered drastically in accordance with situational changes internally and internationally surrounding, and the shape of the police system had to be modified accordingly.

Generally speaking, changes in our police systems up to the present came in the following five stages:

(1) *The First Stage:* "Initial" stage of the Japanese police;

(2) *The Second Stage:* When the police were affected by the wave of democracy;

(3) *The Third Stage:* When Japan was in war;

(4) *The Fourth Stage:* When Japan was under the allied occupation; and

(5) *The Fifth Stage:* Present day.

Following this order, I wish to explain each stage's characteristic points—what should the police be, its structure and objectives, etc.

II. Initial Stage of the Japanese Police (1868-1917)

Japan established a new Government in 1868 which was the basis on which a modern State was founded. Up to this period, Japan had been under a feudal system, the land and people being divided up and ruled by "feudal lords." Therefore, military matters, general administration as well as the system of justice had all been controlled by these "lords." This traditional system, however, gradually lost its "stability" because of its "inner contradictions," and this trend was further accelerated by the pressure on Japan by

Western countries. These factors further quickened the decline of this early system leading to the creation of the new Meiji Government.

What leaders of the new Government were concerned about at that time was whether or not the independence of Japan and the Japanese nation could be achieved by them in coping with strong Western nations reconnoitering near the Japanese seas just in wait for the chance. It was crystal clear that the overwhelming military power demonstrated by these Western nations far surpassed the capacity of the Japanese feudal system disorganizedly based on divided lords of competing clans who had been enjoying the blessing of peace for nearly three hundred years. In the face of this critical situation, pioneer leaders of this country made every effort to bring about, first of all, the centralization of our system so as to promote Japan's modernization by mobilizing all the available strength of this nation. As an international policy, Japan, in an effort to maintain peace, accepted unequal treaties with foreign countries and maintained internal peace and order in this country by suppressing "former power classes" under the old system then growing in number. In so doing, Japan mobilized her total power and capacity, and made utmost efforts to introduce and absorb the systems and cultures of Western advanced countries.

The Japanese police in this period endeavored mainly to introduce and absorb German and French police systems, coping adequately with the suppression of such unlawful activities as internal disturbances and counterrevolution. I wish to explain a bit more about the police at this period. At first, the police force had to start its organization even when members of the new police force could not be totally separated from those of the armed forces. Recruited for the police force were those "samurai" ("knights") who had belonged to various feudal lords who had sided with the new Meiji Government. The security situation around Tokyo, to which the Capital of Japan had just been transferred from Kyoto, was far from good. These recruited warriors were reassigned to the newly created "Tokyo-Fu" (Tokyo Me-

tropolis), and they were soon integrated into a program for creating a new police force in Japan.

However, it was after the 1880's, when the crisis of counterrevolutionary disturbances internally was put under control, that the full-fledged formation of a new police force got under way. Under these circumstances, the new police was to play a part, as the "nucleus" of our administrative structure, of establishing Government's administrative measures in every corner of this country.

The "pivot" of the police operations at this time was represented by "Administrative Police" whose mission was to respond to the people just like a "guardian" for all of the residents in Japan. The "philosophy" passing through this police system was the thought of a "principle of enlightenment" upholding that the "Emperor" was the best person who "appreciated" the residents' welfare problem.

The "Resident Police Box," constituting the "terminal unit" of our police organization, had only one police officer assigned, who had to reside in this facility with his family. This smallest police unit had made a significant contribution to the dissemination of Government's administrative operations across the country by serving as a tool of the State even in the aspect of "industrial welfare" and sanitation matters to say nothing of maintaining the peace and order of the communities to which it was specifically assigned. In this way, it was making a considerable contribution toward the dissemination of Government administrative measures.

This is a question, then, why such an efficient and effective police organization was made possible. The reason is that, as explained earlier, there were many police officers who were recruited from a class of "knight" on whom residents' high respect was concentrated. For instance, when riotous activity of a group is reported today, the police now has to suppress it with a "human wave" of riot police. In contrast, however, a police officer in Meiji times could handle and suppress, singlehandedly, a group of rioters numbering forty or fifty members.

For your special interest, I wish to give as an example an episode which took place in a tiny village, which constitutes the lowest level of our administrative unit. This village was headed by a man of authority and power who was designated "Village Headman." Usually, this village headman, the school master of a village's primary school, and the police officer of a village's residential police box had been ranked as the "top three officials" in a small community to whom the villagers' high esteem and respect were directed. This was a person who was born in this village. Going up to Tokyo, he worked his way from the bottom up to the position of a Cabinet Minister. Still leading a time-honored decent life there, his old mother awaiting her son's return some day. To her great surprise, her son—the Minister—returned home loaded with honors and accompanied by a train of attendants. For his honor, one evening, the influential persons of this community gave a welcoming dinner party. At this party, the minister occupied his seat with an "alcove post" of the room on his back, which implies the seat of the guest of honor. There came a complaint against the seating of this Minister. It was his old mother who raised the complaint against her son. She cautioned the Minister, saying, "My God, the seat you are taking now is reserved for the resident police officer." Fully tasting the sweet and bitter of life, the faithful Minister gave a slight nod to his mother and obediently made room for the embarrassed police officer. All the attendants at this party, it was told, observing this scene, were so impressed by this sight that they handed down this episode as a nice story for generations to come.

This heartwarming story, though a minor one, suggests that no one can understand the police unless one can understand the time-honored tradition with which the "knight" class had governed Japan for a long time. We cannot overlook, furthermore, the far-reaching insight of our pathfinders in the Meiji era who had endeavored to give educational opportunity to all people in Japan prior to the introduction of a new police system by establishing primary schools even in remote corners of this country.

This sort of special approach can be skillfully operated by these pioneers. It is also clear that our traditional spiritual climate, which may be regarded as an enemy to democracy, because of our custom of "placing a high esteem on official life above a private life," had performed its intended function as a dynamic force for achieving the highest administrative efficiency under the burden of limited budget and police manpower. It was the then Minister for Home Affairs ("Naimu Daijin") who had supervised all these functions and commanded all police forces across the country.

Under the direct supervision of the Home Minister, the Director General of the Police Bureau directed all law enforcement activities by the police on a national basis. Therefore it was often said that when the bell on the desk of a Director General of the Police Bureau rang, all police forces throughout Japan began to initiate their actions.

By the way, I wish to give you a summary of the local police system which was in effect at that period. A Prefectural Governor who was then appointed by the Home Minister headed each Prefectural Government. Under his supervision, the Chief of Police Division had virtually performed his function as a deputy governor of a prefecture. Each prefecture was further divided into several jurisdiction over which several police stations exercised respective control. The jurisdiction of each police station was divided into several Police Boxes, which were urban posts manned by several police officers, and the Residential Police Boxes, which were rural posts manned by a single police officer with his family. Functionally speaking, a prototype of the police system which lasted until the end of the last world war was thus completed within this particular period.

III. The Police of Japan Amid the Influx of the Wave of Democracy (1918–1930)

Now let me discuss the next stage of the development of our police system. The police in the second stage achieved a great success in disseminating new Government administrative measures into every corner of this country, making a great contribution to the modernization of Japan. Futhermore, the police at this stage also exerted a great power as a "political police" in order to maintain the integrity of the new Government. The Meiji Government was organized mainly by those officials and persons who had once belonged to two major feudal clans, namely, the "Satsuma" Clan (presently Kagoshima Prefecture) and the "Chosyu" Clan (presently Yamaguchi Prefecture), both of which clans had played a central role in perfecting the Meiji revolution. For your information, both clans represented, geographically speaking, remote western and southern districts in this country.

Many old warriors who had unluckily failed to become members of this new Government were soon forced to resign from their social status of "samurai" (Knight) due to the modernization policy of the Government. In addition, their salaries from their lords of clans were also seized by authority and these warriors were forced to step down from the "ruling class." Despite this predicament, these ill-fated warriors were nonetheless the so-called "intelligentzia" at that time. Realizing that resorting to "armed conflict" was of no use for them, they began trying to organize "political parties," taking the hint from the Western parliamentary politics so as to realize their wishes in the new-born Government.

The new Government, on the contrary, tried to exert every effort to organize and maintain the Government by strengthening the bureaucratic structure which had been composed mostly of those from the two powerful clans. In the face of the international situation, the Government promulgated the Japanese Constitution in the 1890's and started parliamentary politics. These new undertakings of the Government further made it possible to strengthen the power of political parties which resulted in their gradual growth and in winning power in the cabinet later. A political party cabinet, worthy of the name, was established for the first time in 1908.

However, it was during the post-war period of the First World War when we could set up a "full-fledged" party cabinet in Japan. The worldwide wave of democracy which was generated during the 1920's immediately swept over the Japa-

nese government and the nation alike. This trend further accelerated the movement of the public in general and the number of organizing party cabinet was increased accordingly.

What was the main target of the political party which took control of State affairs? Needless to say, it is the police that they had to set their eyes upon. Whether or not they could obtain the post of the Home Minister was the goal of the struggles between the bureaucratic parties and political ones or among various factions of the political parties. If a party could obtain a position capable of controlling the police, then they would surely win the next election in return. As a matter of fact, in the general election, by mobilizing all the police power, the Home Minister could not only have the necessary information about the general situation at his fingertips, but also suppress the opposition parties and assist those candidates belonging to its own party, thus compelling the election to turn out favorably to its party's advantage. On the other hand, if a false step were taken and another opposition party won a victory in an election and was in power, then serious consequences would follow. In addition to the post of the Home Minister, posts of all Governors, Chiefs of police divisions, and police stations throughout the country then had to be renewed at the same time.

As the above examples show, it is quite natural that too excessive reliance on a "spoils system" should weaken the very basis of the stability of administration. In order to apply a "brake" to this trend, Japan also introduced a system under which government officials could be appointed through competitive examinations. Excluding posts of Cabinet Ministers, even prefectural Governors were selected and appointed from the "bureaucrats" at that period.

However, bureaucrats thus selected were soon tinted with the "color" of the then Government, so that they were found of little use in serving as a brake toward reliance on the far-reaching "spoils system." The spoils system, however, has its own "justification" on the basis of the "infiltration of public consensus" into the bureaucratic system. If a political party or parties could take special measures to prevent the police from influencing "political inclination" by utilizing fully the above described "justification," the democratization of the Japanese police would have been promoted in the right direction.

The actual picture at this specific stage was, however, that the political party which had taken power at this period had been so engrossed in maintaining their own power that they had attempted to use the police more openly than that by the bureaucratic cabinet. These irrational practices caused the nation to loose their confidence in party politics in Japan. In this way, when the political parties, which were supposed to have represented the "public consensus," began to "become paralyzed" in the performance of their functions, what appeared next was the "military clique" ("Gunbatsu" in Japanese).

The military authorities and the armed forces at this time were an independent organization from the Cabinet because of their special position of being under the direct command of the Emperor. Even the Ministers of the Army and the Navy in the cabinet were dispatched officers from the military. The armed forces authorities gradually began to attack those political parties which resulted in soon putting an end to the lives of these political parties. That marked the beginning of Japan's wartime structure starting in the 1930's.

IV. The Japanese Police in Wartime (1931–1945)

It can readily be imagined that the Japanese police in this period tended more and more to function as "political police." However, it was one of the characteristics of that period that the number of criminal cases, such as murder and robbery, marked a sharp decrease in this country.

In 1932, both the Tokyo Metropolitan Police Department and other Prefectural Police Forces established the "Special Secret Police" Division in their organizations. These special police organizations were very active in severely controlling social movements based on Communism in Japan. In 1938, one year after the outbreak of the China Incident, an authenticated law was enacted in Japan. Under this law, persons and goods alike could be controlled in accordance with the necessity of the State.

Control work under this law was made the responsibility of the police. Above all, controlling the economy of this country was considered to be one of the most important policies at this time so as to support the capability of sustaining Japan's war potentiality. In order to attain this national goal, the Economic Police Division was created for the first time in Japan. Its mission was to handle full-time matters relating to economic control in this country.

Carrying out necessary measures for "air defense" was also an important responsibility of the police during this period. At any rate, it must be pointed out that the Japanese police in this period controlled all aspects of our national life by exercising unprecedented authority, and that the police could perform an "irreplaceable" role for the purpose of unifying the total capability of this nation. The above described situation in this country was such that the "reaction" which was brought about by our defeat in the last world war was "terrific" indeed. Soon, the Home Ministry which had once been so powerful was disbanded totally, and the police system began to be smashed to pieces.

V. The Police of Japan Under the Allied Occupation (1945–1954)

Japan's defeat in the last world war also caused large-scale confusion and a state of lawlessness throughout this country. Various kinds of difficulties were caused by the disbanding of the police at a time when the demand for police assistance was strongest.

The war-torn people lost sight of their goals of living, and all they did at this time was to "run madly" about preoccupied with sustaining their own lives. Despite the nation's efforts, the rice-harvest in this particular year was barely sixty percent of an ordinary year's harvest. Furthermore, there were no ways for Japan to import from abroad. Consequently, the people had to decide whether to commit a crime or to die from hunger. A court judge who refused to take goods on the "black market," which clearly constituted a violation of law under the "controlled economy system," died from hunger.

The police, however, made every possible effort to insure distribution of the scant supply of food-stuff. Despite full-scale efforts by the police in performing their responsibilities, their efficiency was soon disturbed and disrupted by unlawful operations then rampant, such as "en masse" robbery and burglary, illegal occupancy of leading business districts, and the "black market operations."

Most of these illegal practices were perpetrated by a few depraved foreign elements who had freed themselves from control. Disbanding the Home Ministry and all police forces in this country turned out to be the *coup de grâce* to effective law enforcement. In the fall of 1945 when the war ended, senior police officials including the Home Minister and all police officers belonging to the said "Special Police" were forced to resign from their posts at the same time. Two years later, toward the end of 1947, the Japanese police was disbanded and reorganized. That is to say, the police was divided into a total of 1,605 local (or municipal) autonomous police throughout the country. The new functions of these autonomous police organizations were strictly limited to those functions centering on the protection of a person's life, body and property, whereas all of former responsibilities in the line of the "administrative police" were taken away.

It is quite natural that, under this new police structure which was being fragmented into such small units, it could not be expected that the administrative efficiency which had been established in prior years could once more be attained. In order to supervise these weakened police organizations, there was introduced for the first time in Japan special commissions known as "Public Safety Commissions" which took the place of the former Home Minister.

These special commissions are generally composed of several members who were to be appointed by each Mayor, Town or Village Headman after the approval of the respective "municipal assembly." This new system itself which was devised for the democratization of the Japanese police was, on the contrary, taken advantage of

by those "local bosses," and this system became a barrier in advancing the democratization of our police.

As a text book on democracy clearly indicates, the target of a "popular control" should be the community's citizens. The principle of democracy is such that democratic control is much more direct when control is exercised by local government than by the State, and for the same reason, by the village rather than by the town or a city authority, because this lower level authority is better positioned to be approached directly by residents. In actuality, however, the true picture was the very reverse, so far as democratic control is concerned. The reason was the traditional custom under which control by local bosses was found very strong in local areas. Therefore, democratic control is most effective if exercised at the national level rather than in local areas: A town rather than in a village. A city rather than in a town, a Prefecture rather than in a city, and national rather than a prefectural level. This sort of political climate in this country was so disregarded that the then existing system brought about an inefficient state of affairs in Japan.

During the period of seven years from 1947 to 1954 in which this new system was put into actual use, almost all chiefs of the autonomous police forces retained continuously their own posts without any transfer orders. At the same time, very few actions were taken against election violation cases. It turned out that this police system required a lot of money. In order to eliminate these noticeable defects, the "resident poll," made in 1951, opened a way for disbanding an autonomous police and incorporating it into a "National Rural Police Force."

This new approach spread suddenly to all police force across the country. As a result of a series of additional incorporations, the total number of "autonomous police forces" was suddenly reduced to one fourth of the former strength (402 autonomous police in all).

VI. Present Day Japanese Police (1954–)

Now please allow me to explain about the present day Japanese police. Although

the Japanese police under the Allied occupation had many problems, the concept which we had then devised was to adopt an "autonomous police force," which, as basic unit, could be said to have taken its root deeply into our country. However, if a unit of an autonomous entity is too small, the police operation in this small entity would be inefficient causing duplication of police effort in many fields of its operation. Under these circumstances, the autonomous police cannot cope well enough with criminals whose sphere of movement extends to many jurisdictions and areas with spectacular speed and mobility. In order to meet the requirements of this situation, what was then selected for those autonomous police forces was an "administrative unit" on prefectural level.

Under our old feudal system, Japan was once divided into 261 "hans" (feudal clans) throughout the country. When the Meiji Government came into force, these clans were all abolished, and a "Prefectural Administrative System" was adopted on a national basis incorporating these clans into forty-seven administrative units. These units are at present represented by Tokyo Metropolis, Hokkaido, and other prefectures. The Governors heading these administrative units were elected by an election which was held every four years. These units were the largest local autonomous governmental units, and so they were considered appropriate from our previous experience in the police system prior to the last world war.

The "Public Safety Commission System" established at both national and prefectural levels has been accepted as the organization responsible for carrying out democratic control over the Japanese police. The reason is that this system is found very helpful in "alleviating" those evil practices which are inherent in the "spoils system" through which, for instance, the National Diet, or a prefectural government governor, makes a direct "intervention" in the operation of a police unit. Furthermore, this system also has proved to be of very high value in maintaining the "neutrality of the police." When we review this special commission from the national administrative viewpoint, maintaining the peace and order of

this country should naturally be a matter of special interest for our Government. However, if the government attempts to make use of the police power so openly, there will be the possibility for Japan of falling into a "national police force." Therefore after due consideration of this matter, the Government has made every effort to establish this commission whose members can only be appointed by the Government after obtaining the consent of the National Diet. In addition, by assigning a State Minister as the Chairman of this National Commission, it was intended that the Government could clarify its administrative responsibilities. At the same time, it was also designed that the Government's responsibility over this commission can be limited to supervision of the proceedings of this national commission.

In order to assist this commission, the National Police Agency (N.P.A.) was established. The N.P.A.'s prescribed mission is to "direct and supervise" those police activities attributable to the State's responsibility, and, moreover, to carry out necessary coordinative functions concerning other fields of police operations. The "Prefectural Public Safety Commissions" were established at a prefectural level under the jurisdiction of each Governor, the members of which are appointed by the respective Governors after obtaining the consent of the "Metropolitan or Prefectural Assembly." All phases of police activities are carried out by the prefectural police organizations. These police forces perform their day-to-day operations under the supervision of the respective "Prefectural or Metropolitan Public Safety Commission." For instance, in cases when a criminal case occurs in the jurisdiction of Tokyo Metropolis, a police officer belonging to the Tokyo Metropolitan Police Department is working on the investigation of this case. Similarly, a crime in Kyoto is to be investigated by a detective from the Kyoto Prefectural police force. In each Prefecture, there are Police Headquarters, and also a number of Police Stations.

The reason why the headquarters of the Tokyo police is called "Metropolitan Police Department" (MPD) is that this particular time-honored name has been ap-

plied to Tokyo police as a traditional custom. However, the contents of the MPD's function are the same as those of other prefectural police forces throughout the country. The top-ranking police officials who are directing and commanding the activities of all prefectural police forces are the respective "Chiefs of Police." However, in the case of Tokyo Metropolis, the top police official heading the Tokyo police is named "Superintendent General" in accordance with time-honored custom.

Now let me arrange the main points of my subject in a proper order. The Japanese police organization is divided into 47 independent prefectural police forces, each of which carries out its actual activities in accordance with its independent responsibilities across the country. Their activities include those matters concerned with each prefecture's own interests and concerns, and moreover, some activities which should be taken care of by the responsibility of the State. In order to cope with this matter, the National Public Safety Commission (N.P.S.C.) was created at a national level, and the National Police Agency (N.P.A.) was organized under the direct supervision of the N.P.S.C. in order to assist and perform the mission of this Commission. In this way, coordination and standardization was assured, such as maintaining uniformity of the nationwide standards, supervision, administration, and coordination of those police affairs relating to the national security of this country, such as in the case of large-scale disastrous incidents, etc.

By the way, a variety of human ingenuity and creativity are imperative for us in order to insure efficiency and effectiveness in operating the prefectural police forces which are divided into 47 independent police organizations. It is, of course, needless to say that the way these goals are obtained is through police personnel management (manpower) and police expenditures (money). However, another factor — education and training of police officers—cannot be ignored. First, appointment and dismissal of the "Chiefs of Police" are prescribed as the responsibility of the N.P.S.C., while "the right to veto" is authorized and assigned to all Prefectural and Metropolitan Public Safe-

ty Commissions, so that they may exercise adequate control as an "autonomous entity." Furthermore, the appointment and dismissal of senior police officers, Senior Superintendent and above, are made also the jurisdiction of the N.P.S. Commission.

Under these procedures, it is made possible that all senior ranking police officers holding the titles of division chiefs in small-scale prefectures, and major section chiefs in major prefectures, are subjected to the State power on their appointments and dismissals. On the other hand, all police officers other than the above classes are appointed or dismissed by their respective chiefs of police. It is of special interest to note that as a whole our central vertical line of policy on the treatment of all police personnel is firmly and distinctly established and followed by the police in this country.

Now, let's turn to the aspect of police expenditures (money). Major aspects of police operation, such as expenditures needed for investigating major cases, education and training, police communications and equipment, are taken care of financially by the State. In addition, half of prefectural police expenditures are also being subsidized by the State. Such being the reason, when Okinawa Prefecture was formally returned to Japan, it was found that Okinawa's financial condition for the police had been far inferior to those of other prefectural police forces in the mainland of Japan.

However, this condition has now been improved on a large scale. In order to insure "national uniformity" for the police, the above financial and personnel management considerations are not adequate enough. Under overall application of same laws and regulations, the same uniforms, and the same police education and training operations, as well as the nationwide levels of these standards should be the same wherever one may go in this country.

In order to meet nationwide requirements, police officers are appointed by each prefectural government concerned, and they are also trained by each Prefectural Police School. New appointees are enrolled in a one-year Preservice Education. When they are promoted to the rank

of "police leaders," they are retrained by the programs of the State. For those "junior police leaders" (sergeants) and Assistant Police Inspectors, there are eight "Regional Police Schools" in each Regional Police Bureau Jurisdiction across the country.

Furthermore, especially for those police officers holding the rank of Police Inspector, or above, there are the National Police Academy and the Highest Training Institute for Investigation Leaders to conduct required professional training ranging from six months to one year duration.

VII. Conclusion

As you can understand through my explanation of the changes in our police system, the police of Japan has experienced almost all kinds of police activities that can be devised by human beings, and in accordance with our judgment originated from this valuable previous experience, we have reached the present police system in this country. Our choice of the present police system can be said to have settled on a sort of "compromise" police system as a result of our many and hard experience in the past.

I think that the present police system has insured nationwide efficiency and that, moreover, it has paved the way for accepting "popular control" emerging from the community's "autonomy." At the same time, there remains enough room in this system for enabling us to "clarify" administrative responsibilities of our Government. As you may recall when then Ambassador of the United States, Mr. Edwin O. Reischauer was assaulted and wounded by a riotous attacker a few years ago, then the "Chairman" of the National Public Safety Commission resigned his post due to a sense of grave responsibility for this unhappy incident.

In short, as for our present police system, let me put it this way. Our present police system is founded and is being operated on the basis of "three" elements. The police takes its position in the center of the three, while one element—Government—assumes its seat on the one side, and the other element—"community resi-

dents"—is located on the other side. This "trio" have to maintain a harmonious "balance of power" among them so that "the police" may assume a neutral position. However, when the two elements positioned on both sides are integrated into "one color," the police also would naturally be tinted with the same color in the long run.

Lastly, I wish to invite your special attention to the following matters: The responsibilities and duties of the police of Japan have been defined by Article 2 of the Police Law (1954): Responsibilities and duties of the police are to protect the life, person and property of an individual, and take charge of preventing, suppressing and investigating crimes, as well as the apprehension of suspects, traffic control and other affairs concerning the maintenance of public safety and order.

The "popular consensus," however, does not "satisfy" the said roles of the police thus defined, and they demand that the police should extend their assistance-service function even further into every aspect of the residents' life. For instance, these residents tend to file a "request" to the police in the form of a "complaint" on a certain matter which is usually handled by a lawyer upon their individual request. In settling "family trouble," they even try to call police for assistance in these matters.

They often ask for police advice or consultation by telephone concerning how to handle a youth who has problems of any kind. This sort of recent trend clearly implies that those residents have retained "traditional feelings" in the hope that the terminal areas of our administrative structure, about which the community resident cannot afford to do something helpful, should be adequately responded to by the police who are closely associated with these community residents.

For instance, if the police wish to wash

their hands of a certain matter under the pretext that the police should follow the rule of "no-intervention policy on civil affairs," or that the matter is far beyond the prescribed police responsibilities under the present police law, this police approach should soon be counterattacked by the "community residents' accusation" against the police: no-confidence in police. Therefore, the police of Japan cannot disregard this sort of delicate "spiritual climate" in this country.

For your information, I wish to introduce a recent trend in our approach toward this specific problem. This problem has recently been reviewed and reconsidered from a new viewpoint, namely, to accept and reconsider this matter as various "community relations activities" with which the police need to grapple more positively instead of assuming a "negative" attitude. This approach means that there is a strong necessity for the police as a whole to "reassess" and to "organize" more adequately the police role, as a front-line officer for our residential community administration measures, which had once been legally taken away from the function of the police.

At the same time, I would like to inform you that the police of Japan has been made to practice the police roles acting as a "clearing house," or responding to matters in a "mediator-like status," whether we like it or not.

On this occasion, I wish to introduce the following motto of our policemen who are instructed to behave as "an ideal friendly guardian of the weak; and perform their duties in common with the public in general: *"Be gentle in mind, but be a strong man" ("kiwa yasashikute chikaramochi")*. This motto implies that a Japanese police officer should at all times live and act with the public in general, and should be a friend for the weak, and try to be a kind and trustworthy police officer.

SECTION 2: PARTICIPANTS' PAPERS

Roles and Functions of the Police in a Changing Society: The Case of India

by Mahesh Dutta Dikshit*

Introduction

India attained freedom in August 1947. She received, in legacy, a fairly well organized police set-up, based largely on the provisions of the Police Act 1861. The set-up contemplated the police to be a Provincial subject, each Province having a hierarchy beginning with an Inspector General of Police who was to be assisted by Deputy Inspectors General of Police in-charge of Ranges, in which the Province was divided. The district set-up was headed by the Superintendent of Police. Then there were other ranks including Assistant Deputy Superintendent of Police, Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, Head Constables and Constables of Police. The constabulary in the district was divided into armed and unarmed wings. The unarmed constabulary largely manned the police stations, while the armed one stayed in the Reserve Police Lines and was utilised for static guard duties, escorts, and as a reserve to quell violence.

The structure, even today, is more or less the same except for the fact that the armed wing has been expanded considerably in most of the States, organised separately (in addition to the district armed police wing) into battalions, and presently account for about one-third of the total force (172,659 against 534,236 of the civil police).

The main functions of the police, as laid down in the Police Act 1861, were to: (1) prevent offences, (2) investigate cases, apprehend the offenders and bring them to justice, (3) regulate public assembly and processions and ensure smooth traffic, (4) maintain order.

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While broadly one can say that the duties of the police essentially still continue to be same in a free and developing India, their magnitude, complexity, and nature have undergone a vast change. The Police today do not work under the same circumstances. The social fabric has undergone seismic changes. Public aspirations and expectations are now entirely different and there are many practical constraints on the manner the police has to function. Myriad factors are responsible for this, the most important amongst them are mentioned below.

India had remained under the foreign yoke for about fifteen decades. Subjugation had eroded the people's self-confidence and self-respect. They had mutely accepted the repression by a foreign rule. But once they attained independence, their new status itself gave them a new vision, a desire to actively participate in the programmes of national rejuvenation and intolerance towards injustice and unfair treatment.

Constitution

The people of the country gave to themselves a Constitution which resolved to secure to all its citizens justice—social, economic, and political; liberty of thought, expression, faith and worship; and equality of status and of opportunity. It guaranteed certain fundamental rights which are justiciable and laid down some directive principles for State policies which, though not justiciable, are fundamental in the governance of the country.

These rights include, *inter alia,* (a) right to equality including equality before law and equality of opportunity in matters of employment, prohibiting discrimination on grounds of religion, race, sex, and caste, (b) right to freedom of speech, assembly,

association, movement, residence, acquisition of property, and profession, (c) right against exploitation and (d) right to constitutional remedies.

The directive principles provide that the State is to direct its policy so as to secure an adequate means of livelihood to everybody, equal pay for equal work, provision of work, education, and public assistance in the event of unemployment. The State shall also endeavour to secure to workers a living wage and a decent standard of life.

These guarantees and assurances gave a new dimension to the sphere of responsibilities of the police. Under the British rule, the police had got used to subordinating the rule of law to serving the interest of their master. Now they have to uphold the Constitution and the law and not the ruling power. The Constitution expects this regulatory machinery to act strictly in accordance with law and provides for judicial remedies in case of departures. Yet this may not always be in conformity with the wishes of the ruling power of the day. To quote an instance, the Government of West Bengal had asked the police not to interfere and act in cases of gheraos (large scale wrongful restraints by agitators). It was then for the judiciary to frown upon such an order and declare it ultravires.

An added responsibility of the police is to safeguard the interests of the weaker sections of the society, particularly the scheduled castes and scheduled tribes who had hitherto remained deprived of many benefits, had been living as pariahs, and had been victims of a hiatus.

Scheduled Castes and Tribes

The scheduled castes and scheduled tribes constitute about one-fifth of the population, there being nearly eight crore members of the scheduled castes and 3.8 crores of the scheduled tribes, in a population of 54.8 crores (crore=10 millions). Their social and economic interests have suffered long. So that they are put on a sound economic footing and are no more subject of social segregation, many measures like re-distribution of land and enactment against untouchability have

been taken. It is for the police to implement them and give the necessary protection to these minorities. This may not be an easy task because there is resistance from the other castes and simultaneously there is resentment among the scheduled castes against their continued exploitation. The latter feel that they have shaken off their shackles and they justifiably expect that they will be enabled to enjoy their rights and allowed to fully participate in the affairs of the society. Having suffered so long they do not place sufficient trust in the police which has only a marginal percentage of scheduled castes. The police will, therefore, have to make every possible effort to establish their bonafides and sincerity of purpose in their dealings with the minorities.

Trade Unionism

The Constitution gives the right to freedom of association. Naturally similar interests unite and associate. Unity gives them power to negotiate. If power corrupts, it tends to be used unscrupulously and improperly. Agitations, lockouts, and demonstrations not only affect economic growth but at times degenerate into violence. They put a great strain on the police who are saddled with the extremely difficult task of deciding where legitimate ventilation of grievances ends and when they should step in to preserve the law and order. No statistics of such agitations are available but in the very recent past we have seen the Railway strike resulting in virtual paralysis of movement of passengers and goods, strike in the Airways, and strike in the ship-yards. There has been a phenomenal rise in the number of trade unions and their membership. In 1955 there were 105 central trade unions against 452 in 1969 with corresponding memberships of 2.13 lakhs and 9.81 lakhs (lakh=100,000). The number of State trade unions have also seen a rise from 3,901 in 1955 to 8,405 in 1969.

Multiplicity of Political Parties

The 27 years of independence have not seen a polarisation in the political field.

The parties are numerous, some with identical ideologies, but refusing to merge into one. The result is the none of them is able to convince the public about its aims and objects and the Congress party continues to command a majority in the Parliament and the Assemblies. On a couple of occasions, however, the opposition parties formed combined governments in some States, but because the governments were composed of disparate elements, they fell like nine pins. All this caused bitterness in these parties and, in their bid to win public support, a politics of agitation developed.

Economic Effort

Foreign domination resulted in ruinous economic exploitation of this country. The industries did not grow. Agriculture suffered. Energy generation was just sufficient to keep the bigger urban areas lit and a few private industries going. With Independence a gigantic effort has been made to progress at a fast speed. Money has been pumped into multi-directional development. The country must advance but the advancement creates its own police problems of a completely new and hitherto unknown complexion.

Increase in Population

The Population of almost all the countries of the world has constantly been increasing because of high birth rates. But in advancing countries, a new phenomenon is witnessed. While constant efforts are made to reduce the birth rate by family planning, the population still increases be-

Table 1

Age Group	Percentage in the Total Population
0–14	42.0
15–19	8.7
20–24	7.9
25–29	7.4
30–49	12.6
50–	21.4

cause of low child mortality and better health conditions. Low child mortality results in a high proportion of juveniles and adults in the population. Today, in India about half the population (50.7%) is below 19 years of age and about two-thirds (66%) below 30 years of age.

The total population has also risen by 51.7% between 1951 and 1971, from 36.10 crores and 54.99 crores. Both an increase in population and in the number of juveniles affect the incidence of crime.

Increase in Crime

Crime can be correlated with population. If the population increases, the incidence of crime should also be expected to increase. In India, reliable statistics about the incidence of crime are not available. Crimes have been divided into two categories, cognizable and non-cognizable. It is only the cognizable crimes of which the police takes notice. The police takes no action as far as non-cognizable crime is concerned and, therefore, the non-cognizable crime which is reported to the police represents only the tip of iceberg. Statistics for all the cognizable crimes were not available till 1966. Statistics prior to that year only gave the figures of the offences under the Indian Penal Code but not under other Special Acts and Local Laws. A picture of the cognizable crimes from police records can be seen in Table 2.

The crime per lakh of population increased from 560 in 1966 to 705 in 1971. In the same period the total cognizable crime increased by 38.4% while the Indian Penal Code crime showed an increase of 20.2% against a corresponding increase of 11% in population. (These crime statistics are not reliable because the "dark figure" of crime is quite large.)

Increase in Gravity of Crime

There has been not only a statistical increase in crime, but in its gravity also. Between 1956 and 1971 as against an increase of 36.9% in population, murders increased by 61.4%, robbery by 127.4% and riots by 159.6%.

Table 2

Year	Cog. Offences under IPC	Cog. Offences under Special Acts etc.	Total
1966	794,733	1,998,312	2,793,043
1967	881,981	2,663,267	3,545,248
1968	861,962	2,936,632	3,798,594
1969	845,167	2,793,148	3,638,315
1970	955,422	2,884,517	3,839,939
1971	955,581	2,912,096	3,864,677

Urbanisation and Juvenile Delinquency

Along with the increase in population, we have witnessed an increase in urbanisation. Industries are being set up, new constructions are undertaken, new avenues of employment are opening up, all mostly in cities. So there is a pull for the rural population to shift to cities. Cities also offer more amenities of life and provide better facilities for education. Between 1951 and 1971, the urban population has increased by 74.7% as against an increase of 51.7% in the total population. In terms of persons, there are now 46 million people more living in urban areas than in 1951. (Total urban population is 109 millions.) Again, cities with more than a lakh population were 77 in 1951. Now they are 147. The urban economy, however, has not been able to generate accommodation and employment potential commensurate with the number of the migrants. A majority of these migrants are young who have rushed to the city in search of "pastures new." Most of them are unskilled and modestly educated but have high hopes. They have no means to support them in the town. By force of circumstances, they find an abode in slums, share a room with many others, often strangers. These juvenile/adult migrants have left their communes behind. The family and social controls that operated on them there do not exist in the city. The new life provides them anonymity. They have aspirations which they cannot fulfil. They are anomic. They live in slums where there are others who have long been deviants. Association makes these new migrants also deviant.

Though statistics of unemployment in

urban areas are not available, yet the list of applicants on the live registers of the Employment Exchanges may give some idea:

Year	No. of Applicants on Live Register	Vacancies Notified
1956	758,503	296,618
1972	6,896,238	858,812

The increase in the applicants may partly be due to better registration. However, an increase by over 80.0% cannot be solely explained by this. A significant fact that emerges from the above table is that too many applicants are chasing too few jobs. In fact, only one job is available for three persons.

Education

For material advancement, education is an important factor and India has made efforts to increase education at all levels. Literacy has gone up from 13.3% in 1951 to 24.8% in 1971 and institutional education has made manifold progress. The number of students has risen from 2.5 crores in 1951 to 7.6 crores in 1968 (204%). Institutions have increased from 2.86 lakhs in 1951 to 7.93 lakhs in 1963 (177%). But employment potential for the educated has not increased side by side. On the live registers of the Employment Exchanges, about half the applicants are below high school; 37.5% have more than high school education. Industries are generally capital-intensive and have not offered much employment. There were 39.19 lakh employees in 1961 as against

50.05 in 1971, showing that this major avenue of employment has generated employment for not more than one lakh of persons per year. The spectre of unemployment naturally has been agitating the students. They tend to become indisciplined, disobey orders, indulge in rowdyism, and disrupt their own education. The "student indiscipline" causes a serious and sensitive problem for the police. Use of force may not only cause bitterness but may even escalate conflict.

Lack of Moral Education

Partly the student indiscipline could be attributed to absence of moral education. Urbanised families are nuclear in future, consisting of the parents and the siblings. The father is usually away on employment, the mother is busy in the daily chores. So the child spends a major part of his time either in school or with his friends. Nowhere does he get moral lessons. He tends to be materialistic, hates fatalism, and often he has no God to worship. Thus he has none of the moral compulsions and his conduct becomes unrestrained. He becomes a problem to the society and to the police.

New Duties

In a free country, the police has many new roles to perform. The police has to patrol the international border. The Border Security Force is performing this duty in India. Foreigners have to be registered and at times kept under unobtrusive watch. Counter-espionage measures have to be taken. Security arrangements have to be made for important personalities including members of the Government. This function was performed during the alien rule also but to a lesser extent. As industries grow measures have to be taken for their security. The Industrial Security Force does this in India. Railway property has to be protected. The Railway Protection Force is employed on this task.

Corruption is another field where police has to play an important role. In developing economies the enterpreneur is always too willing to grease the palm, whether it is for a favour or for "speeding up" the process. Police, with their investigative background, often are called upon to enquire into acts of corruption. They also have to collect intelligence about corrupt practices rampant not only in the police department but other departments and public undertakings.

Scarcity conditions result in hoarding, black-marketing, and profiteering. Police in our new society have to give attention to these also.

The Indian Police now are entrusted with enforcement also of social legislation, for example, suppression of immoral traffic in women, prostitution prohibition, untouchability Act, election laws, etc. Juveniles also cannot, and should not, be tackled like ordinary offenders. The police has to fully appreciate that a proper handling may make a good citizen of him and an improper one a criminal.

All this calls for a reorientation in the thinking, behaviour, and training of the police of this country.

Police Community Relations

The police is the regulatory arm of administration. It enforces law. The term "enforcement" implies use, or possible use, of force. It places contraints on the people's hehaviour, though in the larger interest of society. The people tolerate them if they are convinced of their legitimacy and of the fact that their employment is fair, honest, and just. The image which they have of the police is determined by the manner in which they think the police enforces the law. If the image is good, their obedience to law increases and they willingly cooperate with the police and help them. If the image is bad, they distrust the police and become critical of it. The police, on the other hand, feels alienated and tends to isolate itself. This escalates misunderstanding between the two. A vicious circle sets in.

Unfortunately in India the image of the police, by and large, is not what it should be. The public distrusts the police, thinks that the police employs improper means, is corrupt, and is not fair. Partly this may be due to the legacy of the Indian police. Under the British regime the police had to play a repressive role. In the struggle of independence the police was pitted against those who were agitating and fighting for liberty. The police, naturally, inherited the reputation of being harsh, untrustworthy, unsympathetic, and corrupt.

Even in the post-independence period, not much has been done to repair the image and develop good police-community relations. This seriously handicaps the police in the discharge of its duties. In everything that the police has to do, it needs public cooperation and if the cooperation is not unstinting the police task becomes difficult.

Nothing, to my mind, can bring the police nearer to the people than a vigorous, conscientious, and honest performance of duty. Whatever other measures may be taken to bridge the gulf, if the public continues to have an impression that the police is partial, or dishonest or employes unfair means, public suspicion will persist. In developing countries, where the weaker section far outnumbers the other section, if an impression goes that police action is swayed by pressures or other considerations the popularity of the police cannot be salvaged. Simultaneously, completely insulating the force, particularly if it is large, from extrenuous influences may be a difficult task which would call for adequate officering and constant vigil. Aberrations from laid-down norms shall have to be taken notice of and viable action taken where necessary.

A more proper and efficient discharge of duty may not be enough, particularly in the developing countries, where illiteracy abounds and police-public contacts are not intimate, unless the public is also made aware of police methods and procedures and the various limitations under which they have to work. A veil of secrecy has prevailed over some of the police actions, particularly the interrogation of the suspect. This secrecy creates a general impression that "third degree" methods are employed by the police. This, by and large, is not true and the public needs to be educated. The youth in particular would need to be involved in such efforts at public education and a greater degree of social conscious-ness will have to be aroused in them. They should understand police problems better and be persuaded to extend the necessary cooperation.

One need not be pessimistic about the possible public response. After all, the vast majority of the public is law abiding and if this segment or its leaders are approached politely and respectfully, they are bound to react favourably. Initially there may be some set-backs but they should not dampen efforts. Approachment is a long process and calls for sustained efforts. Once the public knows the mutual interdependence of the police and the community at large, greater public cooperation is bound to flow. A unit for community relations can be created which, *inter alia*, can investigate the various irritants, examine how the situation can be improved, and study the results that the various measures yield. But it should not be forgotten that every policeman, a visible symbol of authority, is essentially a public relations officer and whatever he does, or omits to do, affects favourably or adversely the police image. A courteous officer who tolerates a volley of abuses quietly not only endears himself to the public but also adds to the popularity of the department. Tolerance is not weakness.

The police generally overplays the role of detection of crime. Enough emphasis is not placed on prevention nor is the public involved in the effort to prevent crime. The public can do a lot to protect themselves. The police can educate them how best this can be done. This will generate not only closer police-community relations but will also convince the public about the police willingness to serve them.

The task of the police, however, essentially remains of regulation and enforcement and its contact with the public is predominantly of a punitive nature. All the world over it has failed to be popular. Should, therefore, something more be done to bring it closer to the public? Some suggest that the police should render some social services.

Social Services

The normal reaction of the police officers is that they do not have adequate

strength and means even for the discharge of their day-to-day enforcement duties. They can, therefore, ill afford to expand the area of their responsibility. They also advance the argument that they are a specialised agency and money has been spent on their training. Their specialisation will be a waste if they are put on such social service jobs. These arguments may not be entirely without substance, but the over-riding consideration should be to create a better public image. Social services have the effect of bringing the police and public together and stimulate a favourable response from the public. The public is highly appreciative if a lost child is restored to his parents or if a blind person is assisted across the road. Polite guidance from the traffic officer pleases not only the stranger to the town but others who come to know of it. The police are visible and pervasive. Their uniforms make them identifiable and, as

agents of the government available on the spot, the public may rightly expect such services from them. As the President's Commission on Law Enforcement and Administration of Justice, U.S.A., has observed, "it is natural to interpret the police role of 'protection' as meaning protection not only against crime but against other hazards, accidents, and even discomforts of life."

Rendering such services may also indirectly train the police officer in proper community relations, rub off some of his angularities, and make him genuinely believe that he is basically a servant of the society and not its master. But the range of such services cannot be vast. They should not consume much time of the police officers, so as not to detract them from their main policing job, and should not be of a character which has an element of disciplining or enforcement.

Roles and Functions of the Police in a Changing Society: The Case of Malaysia

by T. T. Rajasingam*

I. Background in Brief

Size

Malaysia occupies both a part of the Asian land mass and part of the island of Borneo. The land area is:

Peninsular Malaysia . 50,915 sq. miles
Sarawak & Sabah
(East Malaysia) .... 77,638 sq. miles
Total .... 128,533 sq. miles

The coastline of Peninsular Malaysia extends for approximately 1,200 miles, whilst that of East Malaysia is about 1,400 miles. Four-fifths of Malaysia is still uncultivated jungle.

The Peoples of Malaysia

Malaysia has a diversity of races and cultures. Statistics from the last national census in 1970 list the major races as 55% Malays and indigenous races, 34.4% Chinese, 9.1% Indians, and 1.5% peoples of other minority races. The total population of Malaysia in 1970 was:

Peninsular Malaysia 8,801,399
East Malaysia 1,432,635
Total 10,434,034

This breaks down to a density of about 175 persons per square mile in Peninsular Malaysia and only 18 persons in East Malaysia. The rate of increase of population is approximately 2.7% per annum. The estimated population for 1975 is therefore 12,358,000.

Economics

Malaysia's economy is basically agrarian. The main raw products still come from agriculture or mining. The international environment therefore sets the stage for the stability of our economy.

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The growth rate of the economy in 1975 will depend on whether there is a world recession in 1975. Manufacturing is a relatively new phenomenon in Malaysia and is mainly confined to the production of consumer goods aimed at import substitution and exportation on a small scale. The following table of employment in the various trades will indicate the nature of Malaysia's economy as in 1970.

Nature of Work	Percentage of Total Work Force
Agriculture	52.6
Service Orientated	17.7
Commerce	10.7
Manufacturing Trade	9.6
Transport/Communications	4.1
Construction	2.7
Mining	2.6

The total work force in 1970 was 2.78 million. The unemployment rate in the year of census was 7.5%, whilst that for 1975 is estimated at 7%. Employment opportunities increase at a rate of 3.4% per annum, whilst the work age increases by approximately 3.3% per annum. The unemployment rate in Malaysia is therefore being arrested.

Police

The Police in Malaysia are a national body responsible for not only law and order functions but also internal security. The strength of the force is 41,252 officers of all ranks, which when compared to the population works out to the ratio of 1:616 excluding para-military and specialist branches. Being responsible for internal security the Police have for historic reasons retained a para-military role.

Other Law Enforcement Agencies

The other law enforcement agencies are also Federal Government Departments organised on a nationwide basis but are limited in their responsibilities to specific

activities for which they were set up. They are briefly:

National Bureau of Investigation (NBI) —An outgrowth of the former Anti Corruption Agency. Responsible for the investigation of corrupt practices.

National Narcotics Bureau (NNB)— Responsible for the suppression of narcotics, with powers of arrest, etc.

Royal customs prevention branch— Customs duties of prevention. Has powers of arrest, etc.

The Immigration Services—Prevention and investigation of illegal immigration. Has powers of arrest.

Other Departments like Postal, Veterinary, Fisheries, Forestry, Health, Telecoms, etc.—The enforcement of various Federal laws pertaining to their Departments. Do not necessarily have powers of arrest.

II. A Changing Society

Causes for Change

Without delving into ancient history it is evident that the Malaysian society is changing. This change has been brought about by three major factors: (a) Independence; (b) Normal development with economic progress; (c) Abnormal development pursuant to the nation's attempts to meet certain emergencies.

Independence

Until the end of the colonial rule in 1957 social attitudes were firmly conventional. Law administration was basically rural policing and generations of Malaysians bowed to convention. With Independence came changes in mental attitudes with greater emphasis being placed on each citizen receiving a "place in the sun." Education was made free at primary levels and all educational institutions were expanded; Government spent as much as 20% of its yearly budget on education. With increases in education youth problems have increased among those who are being more discriminate in securing better employment and having greater expectations from society. The youth problem can be gauged by the following statistics for 1970 which show the percentages of school age children seeking education in Malaysia.

School Level	Percentage of Age Group Enrolled
Primary (1st–6th year)	71.9
Lower Secondary (7th–9th yr.)	21.1
Upper Secondary (10th–11th yr.)	5.4
Post Secondary (12th–13th yr.)	0.6

All this increased education amongst the youth has resulted in Police activities, especially those of a suppressive nature, being viewed with critical analysis. Police thinking has also had to be re-orientated from that of a colonial force enforcing colonial ideas and laws to that of an indigenous force with duties and responsibilities to both citizens and society.

Normal Development

With Malaysia's economy dependent on foreign rubber and tin markets, the Government has since independence sought to diversify the economy. This diversification, aimed at not having "too many eggs in one basket," takes two forms:

In large towns, small industries producing consumer goods aimed at small scale export and substitution of imports. This has resulted in an influx of rural citizens into the larger towns seeking a fair share of the job opportunities. Thus cities have tended to grow larger with many new buildings, factories, and residential communities mushrooming. Malaysia now has four major towns with a population of over 100,000—Kuala Lumpur (451,-728), Penang (270,019), Ipoh (247,689) and Kelang (113,269). Unfortunately this shifting of population has resulted in all the socio-economic problems peculiar to large industrial countries being imported albeit on a small scale. All forms of crime specially with violence in urban areas are thus on the increase.

In agricultural areas, the increased clearing of jungle areas for planting other cash crops. Since independence and up till December 1971, a total of 112 land development schemes of which 63 are rubber and 49 oil palm, covering a total of 460,000 acres, have been instituted. This represents the settlement of 22,634 families and the current target for the 2nd Malaysia Plan ending in December 1975 is 50,000 acres and 4,000 families to be settled yearly. This vastly increases the areas that need policing and increases police communications problems.

Abnormal Development

From time to time since the end of the Pacific War Malaysia has had to face emergencies like: (a) the Communist Emergency from 1948 to 1960; (b) Soekarno's Confrontation from 1963 to 1966; and (c) the Race riots in 1969.

As a result of these emergencies the Government has had to undertake rapid development in certain fields. More recently as a result of the race riots in 1969 the Government is seeking to break the traditional fields of occupation based on racial groups by restructuring Malaysian society through a rearrangement of economic interests with greater indigenous participation in urban and national economics. This policy will help reduce racial tensions based on economic grouping and increase stability. Furthermore the communist menace continues to remain in the border areas of Peninsular Malaysia and in Sarawak. The police role in internal security therefore calls for continued vigilance, greater mobility, and the maintenance of an efficient strike force at the expense of what may be termed "normal" police duties.

Crime Trends

The crime statistics for the years 1962 and 1972 are shown below:

	1962	1972
Offences against the Persons	2,217	3,386
Offences against Property	24,560	32,379
Seizable under Other Laws	2,482	4,534
Total	29,259	40,299

This increase over a 10-year period works out to a yearly average increase of 3.7%. Though this may not be high when compared to other developed and highly populated countries, it is high by Malaysian standards when compared to a size of the population and the yearly population increase which is only 2.7%. Furthermore, increases are registered in crimes with violence, gaming, prostitution, and drug offences. Crimes committed recently are also more complex in nature. Most of the increases in crime registered are, however, located in the urban areas where socio-economic factors contribute to a lessening of family ties and the growth of an anonymous society which is materialistic. Old cultural links which helped to stabilise the family unit are increasingly looked upon as fetters that need to be thrown away, especially by youth. This problem will continue to increase when it is realised that 60% of Malaysia's population is below the age of 24 and about 70% is below the age of 30 years.

III. Policing Needs

The factors mentioned above therefore show the emerging needs that the Royal Malaysia Police will need to meet in the coming years. It can therefore be safely assessed that the emerging needs for policing in Malaysia will cover the following aspects:

(a) Increase in all forms of crime of a complex nature, with greater crimes of violence as a result of increase in population and the greater expectations of youth especially in the rapidly enlarging urban areas;

(b) Increase in drug and allied vice offences amongst youth;

(c) Increase in public awareness of their rights but a corresponding lack of appreciation of their obligations;

(d) Increase in areas of policing and communication problems as more jungle areas are developed;

(e) Increase in urban policing needs as urban areas expand and high-rise building increases;

(f) Increase in requirements to deal with specific crimes like hijacking, kidnapping, etc.;

(g) Increase in requirements to protect VIPs, etc.;

(h) Increase in coastal policing as a result of the extension of territorial limits.

When the above factors are correlated with the land area of Malaysia, its length of coastline, its vast jungle areas, and small density of population, it will be appreciated that Malaysia's policing problems are somewhat peculiar and in their own way complex. Thus policing in Malaysia will increasingly become sophisticated in the context of rural based policing cum urban orientated functions with vast communication requirements. The contributing factors will be a breakdown in family traditions with growth of urban areas, the greater expectations of the educated youth together with a relative dropout problem, foreign cultural influences via cinemas and TV, the threat of possible recession in 1975 leading to unemployment, and the cult of "monethis."

IV. The Role of the Police

Human Rights

It is obvious that effectiveness in law enforcement must be maintained if the police are to fulfil their primary functions. This can only be done with public acceptance of the moral right of the police to exist. This acceptation will only come when the police ensure that basic human rights are upheld and protected. The protection of basic human rights can best be instilled into a police service through the following:

Change in outlook—The responsibility for this change lies in all ranks of the police. Though military type uniforms and ranks may continue to be necessary, especially in view of the fact that a considerable portion of the Malaysian Police (a total of 13,618 men made up of 18 infantry type battalion perform para-military jungle duties and 1,114 men made up of six riot units perform public order functions) undertake strictly "non police" duties, it is all the more important that the leadership constantly strives to instill ideas of service in the men. All ranks must be constantly made aware that the force is a police service and not a semi-military armed force. This can be done by frequent lectures, discussions, and periodic in-service training or re-training, explaining the role and obligations of the

police in the context of Malaysian society.

A broadminded policeman—Much of the complaints against police abuses can be traced to a lack of general education. In the context of Malaysian society with its multi-racial components, it is not enough for a policeman to be a technocrat well versed in law and police duties. He needs to be aware of his part in nation-building, especially the development of racial tolerance. All police training institutions should therefore place greater emphasis on broadening the mind and improving the general knowledge and education of serving police officers. This can be done through the study of such liberal subjects as democracy, the basic rights enshrined in the constitution, the U.N. Charter of Human Rights, history, the cultural heritage of the major races, etc. With this education will come an awareness of the rights of one's fellow citizens and thus the eradication of bigotry and racial prejudice.

Moral rearmament—Lack of moral values, especially religion, is one of the causes of police abusing their powers or becoming corrupt. All police training establishments should encourage trainees to practice a religion of their choice. Talks and lectures on the various major religions should also be given to increase mutual understanding. Time should be allotted for religious prayers and religious teachers appointed to give religious education as appropriate.

Example and discipline—The role played by senior officers and supervisors in this respect is very vital. Not only must they ensure that they themselves understand the need for ethics in the service but they must ensure that by act and deed they live up to the ideals expected of their men. Any breaches in discipline must be dealt with swiftly lest apathy spread. Mere lip service is insufficient and dangerous.

Effectiveness of Law Enforcement

Once the police have established their moral right to exist they must then set about ensuring that law enforcement is carried out with an objective of maximum effect. Law enforcement for maximum effect in a Malaysian context can best be achieved through the following means:

Improving job satisfaction and motivation—This is one method of increasing self respect which will result in higher morale, work output, and improve the police service rendered to the public. Men should be posted with regard to their qualifications, ability, and preference for specific duties. Putting round pegs in square holes will in the long run hurt police efficiency. Junior officers should be selected early in their careers on a merit basis and be given greater opportunities to display initiative. There should be greater delegation of work by seniors once their juniors have shown promise. Police salaries and fringe benefits should be related to rewards in other fields of employment, especially the private sector, and be commensurate with the role and responsibilities of the police. This will raise public appreciation of police work and increase motivation and job satisfaction. Promotion opportunities should exist at all levels.

Increased training—Training must be both effective and frequent. Once officers have gone through a basic training, they should be posted on the ground and then brought back for retraining and evaluation just prior to confirmation. Subsequent to this they should be retrained on advanced and new techniques of policing, investigation, and procedure at least once every two to three years. This will give them an opportunity to refresh their memories and improve standards all round. For this purpose regional training centres will need to be established. In addition to constant in-service training, on-the-job training, either in the form of lectures or practical exercises, and tests should be conducted as a continuing process at ground level. Training conducted in a systematic manner with vision and a plan is the key to improving standards.

Detection and solving of crime—In the final analysis the criteria by which the police are judged for efficiency is the swiftness with which crimes are solved and the offenders brought to book. With improved motivation and training crime detection rates will rise. Other factors that help increase detection rates are:

Improved techniques—Though police methods have improved in the past 10

years, crime rates have also steadily arisen. Technical facilities, especially gadgets, have improved and it is normal for the Police to have more transport, radios, boats, technical aids, etc. Nevertheless crime increases. The CID therefore need to restudy the effects of modernisation and see in what fields improvements may be made. One of the answers may be specialisation as opposed to the present system of area CID officers being responsible for all crime investigation in their own areas. A specialised team based on types of crimes will build up expertise which will help them solve crime. This specialisation can, however, take place only in urban areas. Another method may be the setting up of special regional interrogation centres. This will enable the technique of interrogation to be specialised on, thus releasing investigation officers to concentrate on pure investigation. The availability of clerical assistance to investigation officers will also save time thus allowing them to concentrate on the various aspects of investigation rather than spending time typing statements, etc.

Continuity in service—Except for the four Specialist Branches (*i.e.* Marine, Transport, Signals & Armaments) all men in the other branches of the Force are interchangeable. Thus an officer can be in the Field Force (Jungle Force) one day and CID the other. This "jack of all trades" attitude wastes talent. Officers should be allowed to continue in various services in accordance with their likes and capabilities. This helps specialisation and builds up expertise.

Records—They are an important tool in police work. However, police records in Malaysia are hampered somewhat by the fact that only certain registrable offences allow fingerprints to be recorded. The law in this respect needs to be amended by increasing the number of offences that may be registered. In addition to this the law must be amended to allow the police to maintain records of all persons arrested and subsequently acquitted or released without a charge. This will ensure that background information is kept available and help investigations in the future. To cope with this increase in records, computerisation may be necessary and the system of reporting arrests

and releases by subordinate formations overhauled.

Intelligence—Crime solving rates can be increased through good intelligence. Even in this modern age informers are the traditional source of criminal intelligence. The CID should therefore set up a criminal intelligence collection bureau whose members will collect criminal intelligence on a full-time basis. All such intelligence should be assessed, collated and passed to operational branches responsible for not only criminal investigation but also crime prevention. Rather than attempt blanket coverage of all criminals, the Force could through intelligence received concentrate on major criminals, collect more intelligence on their activities, and keep them under constant observation until their arrest can be effected.

Scientific aids—The availability of all forms of scientific aids should be increased. This should include Forensic Science laboratories in regional areas (taking Malaysias vastness in view) which should be further decentralised. In urban areas all beat and patrol officers should be equipped with radios or walkie talkies so that more effective communication and coverage can be achieved.

Discretion in use of police—The Police in Malaysia are currently responsible for all forms of law enforcement including many "offences" that cannot be said to be criminal in nature. This leads to dissipation of resources. Police duties should be reviewed and the enforcement of many laws and regulations not criminal in nature should be given to other agencies, if necessary to be set up solely for this purpose. The use of the police for extraneous duties should also be reviewed. The Police can thus concentrate on the prevention and detection of real crime and perform the duties they were set up to do. Furthermore, the police should use greater discretion in the cases they investigate. Cases where there is little if any chance of the culprit being found except at great cost and effort should, if of a comparatively minor nature, be filed without investigation pending the later arrest of a suspect. This system will, however, need to be watched and closely supervised lest the situation be open to abuse. Time thus saved could be used

profitably to investigate more serious crime.

Non partisan/Incorruptable—It is important that the police should be not only non partisan and incorruptable but be seen to be so. Only then can the efficiency of law enforcement be enhanced. The police leadership has a great part to play to ensure that prompt remedial action in respect of lapses is taken whenever the need arises. No outside influence must be allowed to unduly influence police leadership.

Updating of laws—Some laws are very ancient and need revision. Many offences considered so in the past can no longer be considered offences in the light of modern moral standards. Though this is beyond the scope of the police, the Government should review some of these laws so that the number of enforceable laws are kept at a minimum to ensure that their enforcement is a practical possibility.

Public Protection/Interest

It is a peculiarity of police activities that very often public protection as undertaken by the police can often appear to work against public interests or vice versa. It is therefore important that the police always bear this syndrome in mind in seeking to undertake their duties. Some police activities aimed at public protection and interest are:

Crime prevention—This is a primary function of the police. The public's part in this aspect will be covered separately in this paper. From the police point of view effective crime prevention must be based on intelligence. Intelligence as to where, when, how, and by what type of persons crimes are conducted is vital. This intelligence when analysed will suggest remedies, like where increased patrols are required, surprise checks will be useful, road blocks necessary, public warning pay dividends, etc. To be effective the collation and dessimination of intelligence must be systematic, swift, and up to date.

Increased presence—The ratio of the police to the population in Malaysia is 1 : 616. When it is considered that only a maximum of one third of the available manpower will be on duty at any one time of the day, not counting those on

court duty, leave, etc., the ratio of police presence at any one time is greatly reduced. In urban areas only the presence of a uniformed officer, preferably on foot patrol/beat, will give the public a sense of protection so necessary for the stability of society. For this purpose the strength of the police needs to be increased, especially in view of the vastness of the country and the normal extraneous duties performed by a considerable number of our policemen. With this increase there should be a corresponding increase in beats and patrols to restore public confidence through the physical presence of the police.

Community involvement—Malaysia is in the main policed by a system called the Salleh System of Policing whereby each police station area is divided into sectors with a police base established therein. Such beat bases are established in suitable residential areas and are manned by personnel who live and work in the community they serve. They thus get to know the local people, who then have a sense of protection because a guardian of the law lives within their community and who they can call upon for assistance when necessary. This system appears to work satisfactorily and has been well received by the community.

Preventive laws—Similar to the situation in many countries the Criminal Procedure Code of Malaysia allows arrests without warrant under the following circumstances: (a) Prevention of crimes; (b) Possessing of house breaking implements; (c) Possessing suspected stolen property; (d) If a person is seen concealing himself under suspicious circumstances; (e) Commits a seizable offence in the presence of a police officer; and (f) Is suspected of committing a seizable offence.

In addition to this, certain laws allow the arrest of persons found in possession of offensive weapons, whilst others provide for the control of traffic and assemblies, etc. All the above laws require that any arrestee should be produced before a Magistrate within 24 hours or released if no evidence to support a charge is uncovered. Though these laws may be considered by some to be an infringement of personal liberty, the provision that arrestees must be produced before a court

within 24 hours ensures that there are no abuses by the police. In view of this, these laws are not considered an infringement of personal liberty. If the arrestee can reasonably explain the special circumstances that made him do what he did, he need have no fear of abuse of police powers.

Repressive laws—Statistics show that about 60% of convicted criminals have a record of previous offences. Furthermore we have in Malaysia a number of Secret Societies which are capitalising on engaging in organised crime. These societies were first imported from China and, though then formed for political and somewhat religious purposes, are now only thug gangs specialising in organised control of drug traffic, prostitution, gaming, and the protection racket. They also undertake murder for payment and kidnapping for ransom. Being ruthless, they terrorise the public and their victims dare not report them nor are they prepared to give evidence in open court. In order to cover this special problem, the legislature has, therefore, enacted two laws giving wide powers of arrest, search, and restriction to the executive. The laws are:

(a) Prevention of Crime Ordinance (PCO) (as amended) allows for arrest without warrant of suspected members of secret societies and thugs involved in violent crimes for a period of 60 days and subsequent detention or restriction without trial for a period of two years on the order of the Minister. Such persons may also by order of the Minister be placed on a Register maintained under this Ordinance for a period to be fixed. Once placed on this Register such persons will be issued with a Brown identity card thus making them easily identified and located for the duration of their emplacement on the Register. Subsequent conviction in a Court of law for criminal offences by such persons may lead to enhanced penalties as provided by law.

(b) Restricted Residence Enactment (RR) allows for the restriction for specific periods without trial of persons involved in organised crime, gaming, drug traffic, and vice by the Minister or Chief Minister of a State.

Notwithstanding the fact that the police may arrest without warrant and the Min-

ister (or Chief Minister of a State) may order detention (or restriction) for a period of two years based on a police report of the activities of the detainee or restrictee, the Minister invariably requires a high standard of evidence to be secured before he signs any order. This evidence is submitted by the police in the form of Investigation Diaries by police officers, their observation reports, statements of witnesses, and other documentary evidence as available in a Case File. Before the actual order is signed by the Minister, a "hearing" in camera is conducted by an Inquiry Officer who is a legal officer specially appointed. All witnesses are required to attend this "hearing" and repeat the evidence previously given by them as contained in their affidavits in the Case File. The difference between this "hearing" and a trial is that it is in camera and the accused has no opportunity to see and cross-examine the witnesses. Only when the Inquiry Officer is satisfied as to the bonafides of the case does he recommend detention/restriction to the Minister who, if he then concurs, signs the order.

Furthermore, within six months of a detention order being issued the case is mandatorily referred to a "Review Board" made up of former members of the Judiciary as set up by the law. This board reviews the whole case and is empowered recommendation as appropriate.

It is imperative therefore that the police use these wide powers sparingly and strictly in good faith having the public interest at heart. Indiscriminate use of this laws will defeat the very foundations of democracy that they set out to protect. The Malaysian Police have in this respect maintained their credibility in the eyes of the public.

to call witnesses as required. Hearings are still held in camera and the "accused" has an opportunity to present his case either by himself or by his lawyer. However, he has no opportunity to see or cross-examine witnesses. The Review Board after reviewing the whole case then recommends to the Minister as to whether detention should be continued to the full two year term. The Minister acts on these

Enhanced penalties—Crimes with violence, especially with firearms, are on the

increase in Malaysia. The sources of these illegal firearms are the Pacific War, the more recent Communist Emergency, and smuggling from neighbouring countries. A small number are crude, having been "house manufactured," but lethal. To meet this situation the legislature has recently passed a law amending the Arms Act and empowering increased penalties in respect of those convicted of committing offences whilst using firearms. This is a recent phenomenon and it is hoped that this law will have the desired effect of suppressing crimes of violence. The possibility exists, however, that those involved in crimes whilst possessing firearms may be more prone to use them in order to evade arrest and the increased penalties. No statistics on this are available as yet but the situation is being kept under review.

Range of Social Services

The range of social services that can be provided by the police is wide. However, the police should not dominate areas that are more appropriately covered by other agencies of Government, lest we forget the basic purpose for which the police was set up. Police services should be confined to primary areas of police responsibility with possible assistance being given wherever compatible with our objectives and responsibilities. Such services may be listed as follows:

Primary police services—This would include tracing of missing persons, recovering of missing articles, help in major disasters like floods, earthquakes, train derailment, etc., the escorting of valuables and money, traffic control and crowd control during holidays, census assistance, manning of information centres at public meets etc., arranging for casualty evacuation in remote areas. In Malaysia the police stations also assist the Registration Department in the registration of all births and deaths. Other police services provided generally include the doing of anything that is within the law when requested by other agencies or Government Departments. For this purpose stations are stocked with various Government forms for issue to the public on request. In remote areas where no banks exist the overnight storage of valuables is also at

times undertaken.

Secondary police services—As mentioned earlier this should be viewed with care lest our primary objectives become clouded. The following can however be safely undertaken.

(a) Advice to the public on crime prevention techniques, assistance in securing the services of reputable firms for this purpose. As much as 90% of crime is assessed to be preventable. Thus crime prevention advice would be a public service. Also included in this category would be assistance in setting up vigilante systems for self help in special communities, like joint patrols, etc.;

(b) Co-operation with the prisons and social services to rehabilitate criminals, drug addicts, and the like, to ensure that they do not revert to their old ways;

(c) Co-operation with the schools to set up police/student organisations aimed at preventing juvenile delinquency and making good citizens;

(d) Advising the public from time to time on current crime techniques and trends to forewarn them of the dangers and to help them take suitable countermeasures;

(e) Assistance to youth searching for job opportunities and some form of vocational guidance in the running of Youth Clubs and such organisations;

(f) Use of police communications in remote areas on urgent and compassionate grounds as a public service;

(g) The dissemination of certain information of public interest when required, like fasting times, etc.

Police/Community Relations

One of the major causes of a breakdown in police/community relations is a lack of proper two way communication. It is not merely sufficient to have a police/public relations officer who from time to time issues press statements. It has to be a two way system with the police taking the first major step. The police attitude must also be re-orientated. The police must be aware of national aspirations and play their part. The old colonial concept that the police are merely an arm of the Government must be eradicated. Policies that are necessary for future police actions

must be explained to the public so that the public and police may be aware of their duties and rights. The police must be sensitive to public feelings and not hesitate to explain their stand when required. Two way dialogue at lower levels should then be undertaken between the responsible members of the community and the police. This should be a continuous process.

Press relations—The press can make or frustrate police actions. Public opinion is often verbalised press opinion. Closer press relations can easily be maintained with regular contact and honesty shown on both sides. Press co-operation is more valuable than press antagonism. Regular press conferences with mutual trust and assistance ensures a co-operative and sympathetic press.

Voluntary organisations—In an effort to increase police/community relations the Malaysia Police have established a Police Volunteer Reserve made up of volunteers from the community. They are uniformed and trained to help the police in the areas in which they reside. They perform normal police duties on an average of about twice a week during hours suitable to them and receive nominal allowances for this. Furthermore, in times of Emergencies they may be mobilised for active service, in which event they will be required to perform full time police duties for which they were trained and receive equal pay as commensurate with their ranks. In addition to this, Police Cadet Corps, made up of school pupils, have been formed in a total of 56 schools throughout the country. These students wear distinctive uniforms and perform police crowd control functions when required at school and youth meets, but not as the "eyes and ears" of the police.

Integration with the community—As mentioned earlier, the Salleh System of Policing also improves police community relations. Another factor to be born in mind is that involvement improves relations. All local police personnel should therefore be directed and encouraged to take part in local community organisations like Rotary Clubs, Lions Club, Social Clubs, Youth Clubs, etc., where by their presence and involvement they can show the community that they are fellow human

beings interested in community development. This personal touch would increase community relations greatly.

The police image—It is imperative that the police in all their activities ensure that they maintain an appearance of fair treatment to all. The idea of a fair-minded police force that accords equal treatment to all citizens irrespective of class or position in society promotes public trust and co-operation. The police should be a friend of all. This will enhance the police image and build up credibility which will in turn improve police-public relations.

Making it easy for the public to co-operate—Most police procedures are cumbersome especially when involved with courts. Present procedures should be reviewed and modified where possible so that the public will be more inclined to co-operate. Examples are time involved in recording of statements, undue postponements of court cases thus causing inconvenience and loss of employment to witnesses, payments to witness being delayed, and a host of other minor irritants which make the public feel that they are penalised for co-operation. Included in this category would be police attitudes which do not discriminate between witnesses and suspects.

Police Standards

With greater increase in the availability of education in Malaysia the minimum standards of academic achievement for recruits should be immediately raised to the following: (a) Police Constable — Malaysia Certificate of Education (11 years education), (b) Police Inspectors— Higher School Certificate (13 years education), (c) Assistant Superintendent of Police—Degree holders (University level).

This raising of standards will not cause undue concern in Malaysia because there have always been more applicants for police posts than vacancies because of the high regard the Force is held in. Furthermore, psychological tests for compatibility and aptitude are conducted in conjunction with the University of Malaya in respect of officers before they are selected for training. This has proved most valuable in weeding out the undesirables. This system should be extended to the

rank & file entrants. Higher educational qualifications coupled with compatibility tests are a surer way of ensuring that only the best are selected for a career in the Force. The psychological tests are considered superior to "lie detector" tests as conducted in some countries because they seek to strike deeper at the root of the basic problems of aptitude and honesty.

Training

To be effective, training must be both theoretical and practical. Initial training should not therefore be too long in duration. The best system appears to be a short period of training of about six months followed by a spell out on the ground. This is then to be followed by regular follow-up training at institutions of higher police learning. Officers must therefore receive a good grounding in the basic concepts of law and procedure and police functions before being posted to the ground. To achieve its optimum effect, training aim must thereafter be regular, continuous, and systematic, with all officers receiving some form of training from time to time until due for retirement. At higher levels, with more mature personnel, training should be in the form of seminars and symposiums held regularly on specific aspects of police and allied policing problems.

Co-Ordination

As the National Bureau of Investigation (NBI) and the National Narcotics Bureau (NNB) are comparatively recent organisations they are manned by a large proportion of ex-Malaysian Police Officers transferred for duty therein. This reduces liaison and co-ordination problems. Furthermore, on complex and confidential matters top level co-ordination exists between the Police and the NBI/NNB, each maintained separately via regular co-ordination meetings, briefings, and, where suitable, exchange of informations.

As regards the other law enforcement agencies as mentioned earlier, all these agencies are Federal Government Departments and being such are represented where relevant on "Action Committees" set up by the Government at National, State, and District levels. The

object of these "Action Committees," which meet regularly, is to co-ordinate all forms of Governmental activities at all levels in accordance with Development Plans as outlined by the National Government.

Co-ordination of all the activities of the police and other law enforcement agencies in Malaysia therefore presents little problems as all are Federal Government Departments or agencies. There is therefore no question of conflicting interests, autonomy, or territorial spheres of influence.

Roles and Functions of the Police in a Changing Society: The Case of Sri Lanka

by Rudra Rajasingham*

Introduction

The problems of law enforcement, though peculiar to each country, cannot be tackled by national police organisations independently. It requires the active co-operation of all police institutions and more particularly of those within the Asian region. This Seminar will be an unqualified success if at its conclusion it has helped to foster closer co-operation and to set standards of efficiency to deal with the common problems that exist in our countries.

As the delegate from Sri Lanka, it is my privilege to be able to draw from the experience of a culture and civilization more than 2,000 years old. Sri Lanka's administrative system coming from the 5th century B.C. is one of the oldest in the world where a. village level the institution of "Gamana" or villager leader represented the people and also exercised powers to maintain law and order on behalf of the King.

The people participated in governing themselves with due respect for authority sharing the responsibilities of maintaining a free and independent social order. Life in general was a happy blend of constructive activity with a moral and spiritual awakening for social stability symbolized by the ancient edifices called Dagobas venerated up to this date by the mass of people. Maintaining these traditional values, the Constitution of the Free, Sovereign and Independent Republic of Sri Lanka enacted in 1972, gives foremost place to Buddhism, while making provision for other religions. The Republic is pledged to carry forward the advancement towards the establishment in Sri Lanka of Socialist Democracy the objectives of which, among others, include

full realization of all rights and freedoms of citizens including groups.

With such a background and a tradition of peaceful and firm administration, it is my intention to discuss the role the police administration plays in my country in the context of complexities in modern times vis-a-vis, the socialistic transformation that has taken place.

Historical Background

From the beginning of the 16th century and up to the end of the 18th century, the maritime provinces of Sri Lanka were under the control of the Portuguese and the Dutch and from 1805 Sri Lanka ceased to be independent when it was ceded to the British Crown. It remained under colonial and imperialistic rule till independence was achieved in 1948. These European countries in their mad scramble for power and wealth came East to capture the lucrative East Indies Trade and in so doing established their hegemony over this region. They imposed an alien religion and culture and the Portuguese in particular with their evangelical zeal, ravaged, pillaged and plundered the country. It was, however, during the British period that the economy of this country was changed from a predominantly peasant agricultural economy to a plantation economy dependent on coffee, tea, rubber and coconut to the detriment of rice cultivation. The adverse effects of this change are now more than ever being felt. Sri Lanka which was considered the granary of the East has now to import over 300,-000 tons of rice to feed its population. During the last decade and now under the leadership of our Prime Minister, Madame Sirimavo Bandaranaike, a massive food drive has been undertaken to restore the agricultural base of our economy while at the same time diversifying it.

I have drawn this brief historical sketch

because it is relevant to the understanding of the role and functions of the police during our long history. In the ancient period when Sri Lanka was ruled by its own Kings, the rule of law, and policing in its modern concept, did not exist and justice depended on the whims and fancies of the Kings, whose authority was exercised by a hierarchy of state officials. Crime as we now understand it, caused by poverty, unemployment, over-population and other ill-effects of modern society, was unknown. The Kings endowed the Buddhist religion and protected the clergy and built magnificent temples and seats of learning which even today stand as a living witness to our past heritage. The rule of law that existed was, therefore, in keeping with the Buddhist preaching on the correct understanding of human qualities with sympathy.

Introduction of a System of Policing— Its Roles and Functions

With the imposition of alien cultures and interests, the structure of society underwent a phenomenal change and from about the beginning of the 19th century, policing on organised lines commenced. From then on Police Stations began to be established mainly in the plantation areas in the up-country to protect trading interests. The police who were vested with wide powers played a very prominent role in safeguarding British interests. Their principal role was a deterrent one, to suppress the interests of the indigenous population, so much so, that police units were imposed on what were considered troublesome areas to be "an intolerable burden on the people" and for whose upkeep the people had to pay. Most of the senior officers were British and quite naturally they were there to look after their vested interests, but nevertheless in the fullness of time, did establish an efficient police force, which in 1937 was considered one of the finest police forces in the East. It probably was so, considering the large number of British police officers who served in Sri Lanka being selected to head various colonial Police Forces all over the British Empire and the higher echelons of New

Scotland Yard, including that of Deputy Commissioner and Commissioner. Nevertheless, with the continuation of British rule and the English language being given a more prominent place, than Sinhala and Tamil, a new English educated elite, sometimes referred to derogatorily as "Brown Sahibs" emerged, and they together with the British lost contact with the rural base of society. The public service and the police were geared and trained to safeguard their interests and it was this colonial and imperialistic attitude which created feelings of hostility towards the police. The emphasis in police training was placed on para-military exercises, rigid discipline, saluting and onfoot and weapons drill. This conditioned the recruit police officer to be belligerent, autocratic, dogmatic and even to consider those less fortunate, of no consequence. This attitude no doubt existed in the other countries in this region who were under foreign subjugation. The artificiality of the situation is symbolized in a remark made by that great statesman and patriot Sri Jawarhalal Nehru who said "I sometimes feel an alien in my own country."

The post-war period saw a resurgence in Asia with the independence movements gaining ground. This spirit brought about changes in ideas and attitudes and it was during this period that the Sri Lanka Police commenced what I would term a "voyage of re-discovery."

I have dwelt on this subject fairly extensively to emphasize the dominant role played by the police as an arm of a foreign Government in the implementation of its political and economic policies. In playing this part they created a gap between themselves and the mass of the people. The concept of being equals and friends in a common endeavour never entered into this relationship.

Independence and After—Police- Community Relationship

This situation changed just prior to and after independence and as indicated earlier, the police under the inspiration of a Ceylonese officer embarked on a voyage of re-discovery to make friends with the rural mass and to be concerned in their

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upliftment. The immediate task was to fill the communication gap between the police and the ordinary citizen both in the rural and urban areas, not by seeking their assistance in crime prevention, but by trying to establish a greater awareness of each other. This effort reached fruition with the creation of Village Welfare Societies in which the police took the initiative as it was felt that continued neglect of the prevailing conditions was bound, among other things, to increase lawlessness. The aim in establishing these societies was as far as possible to ameliorate the conditions in the village and to thereby tackle the problems of poverty, idleness, unemployment, feuds as well as to promote cordial relations between the villager and the various other governmental agencies such as the Rural Development Department, the Social Services Department and the Medical Services who were participating in this effort. It was, however, clearly stressed from the outset that the police expected no gain whatever by way of obtaining information, evidence in cases or assistance in the work of crime prevention. This was considered necessary to overcome any fears or lurking suspicion regarding their motives. This experiment proved a success and gradually with greater participation and the villager gaining confidence in the police, Anti-crime Societies, Rural Development Societies, a Rural Volunteer Patrol Movement and Town Protection Societies came to be established.

The standard by which any police service is judged is its effectiveness in crime prevention and crime investigation. In this context, the containment of serious crime in my country inspite of a population explosion, is, in my view, due to a very large extent to the police role in re-establishing good faith at village level. From a police point of view, crime has been categorised into grave crime and minor crime. The percentage variations in the totals of grave crime over the last several years as well as the ratios in relation to population indicate that some success has been achieved in this direction. In 1939 for instance, the total number of grave crime recorded was 16,627 or 281.05 per hundred thousand of the population. This increased in 1944 to 528.14. This decreased to 433.63 in 1946 and further to 340.25 in 1948.

The figures for 10 years prior to 1974 are shown in Table 1.

These statistics go to confirm that the measures adopted had been generally effective but in recent years man-power development programmes of an intensive nature have been undertaken and new methods of combating crime have also been introduced to tackle this problem more effectively.

A Social Revolution, Policy and Direction

It will be pertinent at this stage while considering the role of the police in a

Table 1

Period	Total Crimes	Mid-year Population (1,000)	Crime per 100,000 Population
1963/64	22,472	10,714	209.7
1964/65	23,942	10,971	219.1
1965/66	24,471	11,232	217.9
1966/67	28,722	11,491	250.0
1967/68	31,325	11,701	267.7
1968/69	34,855	11,964	291.3
1969/70	37,011	12,252	302.1
1970/71	41,497	12,514	331.6
1971/72	45,737	12,762	358.4
1972	48,133	13,022	369.1
1973	52,721	13,180	400.0

changing society to draw from the recent history of my country and to dwell more exhaustively on the revolutionary change that took place in our society and the permutation or transformation of the attitudes of the police consequent to this change, and on the extension of the already diversified functions of the police. The social fabric of my country was changed in 1956 by what has been termed a "bloodless revolution" and aptly described as the most significant upheaval in Asia. This social revolution ushered in the period of the "Common Man" and a feeling of emancipation swept through the country. The changes that followed and which are still taking place represented a transition between two civilizations—the old and the new; during a period like this, all types of conflicts arise—ideological, national, economical and political. The police were caught in the vortex of this change.

The Government was determined to see that this newly gained freedom did not remain a theoretical concept without any real meaning to the masses. It had to quicken into a life of happiness and prosperity—freedom from poverty, from disease, ignorance and fear and a revival of the religious idea which had reached a low position due to the years of foreign rule, were undertaken. It is here in the East that all the great religions, Buddhism, Hinduism and even Islam and Christianity were born and their eternal verities and spiritual values which in the long past had been the cornerstone of all our cultures and which came increasingly under pressure from Western materialism and imperialism, had to be re-established.

I can do no better than to quote the man who ushered in this change—our late Prime Minister, Mr. S.W.R.D. Bandaranaike. It was he as Prime Minister and Minister in charge of the Police Department who enunciated our roles and functions towards the changing society in the following terms:

"In April this year (1956) a new Government was selected by the votes of the people. This new Government was an unequivocal expression of the will of the people, and, as is known, under the system of Parliamentary democracy, one Government can be defeated and another selected, whose policies and view points may differ very widely from those of its predecessors. The change that took place in Ceylon at the last General Election was of such a character, and it may, therefore perhaps be useful if the duties and obligations of public servants in such a context were restated, so that any possible doubt or misunderstanding might be removed.

The public service have to perform their duties both to the public and the Government. Where the public are concerned, it must always be remembered that the ultimate authority in a democracy is the people, for it is by their votes and their will that the Government is elected, which in turn is in charge of the public service.

In other words the Government is the servant of the public and the public services are the servants of the Government. Public servants must, therefore, in their relations with the public, bear in mind not only the need for scrupulous justice and fairplay but the need for the utmost courtesy, patience and tact.

Particularly must these needs be borne in mind in the police service. In the past more especially in colonial days there was an impression in the minds of certain sections that the police were oppressors rather than protectors. Today the police must remember, and always keep in mind, that their role is that of protector of the people. The people must be able to trust them and look upto them, and when offences occur to feel that they will unfailingly act justly and fairly. The people will also expect the police not only to have the wrong doer punished when crime is committed, but to do all they can to see that crime is prevented from being committed."

The police service had, therefore, to fall in line and adapt itself to the changes that had taken place. Once again the police began to actively participate in village life and every endeavour was made by lectures and demonstrations at police stations and at the Police College to inculcate into every policeman the need for service.

People had to be taught how to spend their leisure hours profitably and it was by filling this vacuum that we were most successful. With the active co-operation of other governmental organisations, self-help

campaigns were organised, reading and recreational rooms were constructed, radio sets and reading materials were provided and quite a few other social service amenities were also made available. On Sundays and Full Moon days, the police took part in religious observances by organising Sunday Classes and distributing flowers in temples to the devotees. During every village festival and during the Sinhala and Tamil New Year celebrations, the police organised cultural pageants, sports meets and traditional games, and these afforded opportunities for the youth to expend their energies and the rural population to enjoy themselves. I have no reservations in declaring that these activities by the police rallied the rural masses round and though crime may not have shown a considerable reduction, it was certainly contained, and it was due to the good relations that were established, over these and succeeding years, that the police received the unstinted and unqualified support of a large section of the people during the April 1971 insurgency.

The police service has been called upon to perform a wide variety of functions not directly concerned with the prevention and detection of crime. Over the last two decades, a formidable percentage of the resources of the police have been expended on the enforcement of traffic laws and the preservation of industrial peace; and public security being a function of high priority, a large proportion of police manpower and resources is being spent on the island's intelligence services and personnel security tasks. Other Government departments as well as the community at large have always expected the police to willingly take on the enforcement tasks arising out of a range of new laws resulting from numerous progressive measures of the State. The public today have taken for granted that it is the duty of the police to enforce exchange control laws, anti-smuggling laws, bribery laws, immigration laws, price control laws, wild life protection laws and excise laws though there are law enforcement agencies for the enforcement of such laws. It needs to be realised that with almost every new legislative enactment, a fresh dimension was added to police work.

Diversification of Police Functions

The traditional crimes with which most police services have been concerned in the investigation, have been principally offences against persons and property. By this I mean cases of violence, burglary and theft and a criminal was either a murderer, rapist or thief. These all too simple classifications have changed. Now, at the top of the table, so to say, are offences against the State and other offences such as cheating, forgery, exchange control violations, tax evasion, bribery etc., the investigations into which are laborious, complex and time consuming.

We have had instances where the Government of Sri Lanka has been defrauded, by precious stones to the value of about a million rupees being exported on exchange control permits fraudulently obtained, spices worth several lakhs of rupees have been exported on forged exchange control permits, payments have been made to exporters on goods imported, at prices which were heavily inflated, in order to remit foreign exchange far in excess of the actual value of the goods, exports have been made from Ceylon on invoices in which the price of the goods is undervalued so that the overseas buyer yields the price difference to the credit of the exporter. We have found that a large portion of foreign exchange thus illicitly accumulated abroad is used for the purchase of narcotics, arms etc. Investigations into these offences have, therefore, been given a high priority and my country's delegation which attended the General Assembly Session of Interpol at Teheran successfully moved a resolution on international co-operation in the investigation of exchange control offences.

The investigation of other types of offences which have in the recent past risen in priority have also increased police activity and increased the diversity of police functions. In this connection I would like to quote the former Director of the F.B.I., Mr. Gray who succinctly describes the new type of crime and criminal.

"Office holders who occasionally compromise principle or a public trust in exchange for gifts and favours, businessmen who pad their expense accounts and deflate their income tax returns would be stunned if anyone said they were not responsible and law abiding citizens. The working man who patronizes after-hours bars and neighbourhood bookmakers, those who buy merchandise at prices and under circumstances that clearly suggest that it is stolen or smuggled, contribute to the survival of crime in our society though they would be aghast at being called criminals."

Insurgency and Rehabilitation

The April 1971 insurgency was another challenge to the police who found themselves playing a non-traditional role in which they were totally unaccustomed to, and it further emphasises the extension in police operations. The police initially, but subsequently with the assistance of the Armed Services, had to break it by force of arms, and thereafter had to inquire into the violence committed by the insurgents.

This uprising was an effort made by a section of misguided, politically motivated youth to overthrow the legally constituted Government by force. It achieved some success initially but within a week it was quelled. This uprising was due to the frustrations and disillusionment of the youth due to the lack of adequate job opportunities and the failure of accepted institutions to accelerate the pace of progress. This cannot be equated with the student uprising in 1968 in Paris and Bonn and the general malaise that affected students all over Europe and America in the 1960s. In Sri Lanka the syndrome was a violation of accepted moral standards and not a repudiation of these standards themselves. This view is justified when one considers the response by the insurgents, and those on the fringe of it, to the magnanimous gesture of the Prime Minister, Mrs. Sirimavo Bandaranaike when she called on them to surrender guaranteeing that there would be no reprisals and undertaking to consider their grievances justly and to treat them humanely. In all nearly 18,000 were arrested or surrendered—the large majority of over 12,000 gave themselves up and today over 17,000 have been released after investigations or on

conviction after suspended sentences were passed on them, and it is only a handful who remain in prison custody on conviction for serious offences against the State, for murder, and other heinous offences.

A British authority on rehabilitation was invited by the Government to review the work done and I quote below extracts from his report:

"The approach of those responsible for the welfare and rehabilitation of Ceylon's political detainees is without question the best I have found in any country, anything I have ever advocated, worked for, and seen succeed in Detention Camps anywhere, is already in operation or is being attended to in one or other of the Camps.

I would single out for special commendation, the system of welfare officers which has been established and which puts Ceylon ahead of any country of which I have experience, and the quite exceptional schemes directed towards the large number of educated detainees and the provisions afforded to young detainees studying for Ordinary Level and Advance Level Certificates."

Another interesting feature of this programme of rehabilitation was the encouragement of cultural interests and regarding which I quote the same authority:

"I cannot speak too highly of the very imaginative cultural and vocational training programme operating in the Detention Camps and even within the transit camps. It is to the best of my knowledge, absolutely unique and it is admirably suited to what is also an almost unique situation. Ceylon has an exceptionally high proportion of educated detainees and this gives added point and interest to the provisions made specifically for educated detainees. This include not only students but also some teachers, university lecturers and school principals."

The police were members of the Divisional Rehabilitation, Vigilance and Welfare Committees and the success of the scheme was in a large measure due to the active participation of the police in these Committees.

I think that this unique system of

rehabilitation would receive scant praise in the Western democracies which have the problems of urban guerrillas and terrorists. I believe that their thinking is that the political detainee must be locked up under strict prison conditions without a claim to public status—such as to be allowed to receive food specials, to wear their own clothes, to correspond with the outside world, as these provisions permit a seed-bed of conspiracy. It is still too soon for us to judge the correctness or effectiveness of both these attitudes. We, in Sri Lanka rest on the hope that out of good comes good. I earnestly hope that we will never have cause to regret it. Nevertheless some steps should also be taken to provide for organisations financed jointly by the Government and the private sector to increase the opportunities currently available for younger people with no particular skills or qualifications to be employed on various types of manual work such as repairing roads, reclaiming land, clearing channels and other agricultural projects so that their energies could be adequately sublimated.

Awareness of Fundamental Rights

The growing awareness of the people of their fundamental rights was the natural corollary of this change to a new society. In situations such as this, the onus is cast at once on the police to assess the position and to see that its officer-cadres provide the leadership and guidelines so that the subordinate ranks who come in daily and in direct contact with the public are not left isolated and floundering. The powers of arrest, search and remand that the police have are some of the spheres most often attacked because they have been resorted to indiscriminately. It behoves the police, therefore, at times to follow the spirit of the law and not the letter of the law.

The right to freedom of speech and expression, the right of peaceful assembly, the right to freedom of movement—these are cardinal freedoms within our Constitution—and any police incursion into these spheres is bitterly resented, sometimes violently. The literacy rate in Sri Lanka is one of the highest in

Asia. Over the last five years nearly 4,000 graduates have passed out each year from the University and last year over 100,000 passed the G.C.E. Ordinary Level and the Advanced Level Examinations. With the diversification of the economy rapid industrialization, and the enactment of liberal labour laws, the rights of the urban working classes have also escalated and these educated youth now form a considerable section of the white collar and working classes. A noval feature introduced in Sri Lanka is the Peoples' Committees in every district. These Committees were established by an Act of Parliament and have the right to look into irregularities in Government departments, bribery, hoarding, corruption, the abuse of power, wastage of Government funds etc. and are authorised to check on records and documents in Government departments. The police have, therefore, to be on the alert and to ensure that they act according to the law at all times. Every country, however, has to impose certain limitations on all types of freedom in the national interest and public security and the imposition of those restrictions are the cause of conflicts. Unrestricted freedom is not a blessing, and who can deny that the right to strike has been carried to ridiculous lengths.

Trade Union leaders themselves are so obsessed with the strategy and tactics of fighting a class war that they are prepared to commit their followers regardless to lost jobs and ruined livelihoods.

Slumps, recessions, unemployment, closed factories, impoverishment have no place in their euphoria. In the good old days, it used to be religious and social service organisations that cared for the underdog but now they have been joined by the secular religions of democracy and socialism and it takes an awful lot for anyone to counter them for fear or being branded a reactionary. This general attitude which is apparently a natural symptom of the welfare state is the bane of not only the industrialized countries, but more so of the developing countries.

The role of the police, therefore, in handling all manner of situations from cautioning a traffic offender to arresting an individual for a criminal offence or in dealing with strikes calls for keenness,

judgment, skill, training knowledge and impartiality, particularly in our society where they are all too well aware of their rights and privileges. The maintaining of a proper balance between law enforcement and fairness to the individual in such conditions depends entirely on the situation in each country.

Whatever be the role and functions of the police in any society, I strongly urge that the delegates assembled here adopt a resolution condemning the current trend of sentencing policies adopted by countries in cases where violence is used against police officers. It is a mockery of justice to find instances of Magistrates resorting to sentences, sometimes, less than those given to traffic offenders. This type of action shatters morale, lowers standards and encourages pacifism and I am certain that no police officer would want this to happen in his own service. The criminal law in most of the older democracies is heavily weighted on the side of the accused but in some instances, as in the case of exchange control offences in my country, the role is reversed. Unfortunately not so in the case of an assault on a policeman. The police service has been described as the most important public service in peacetime and per se an efficient, disciplined and loyal service is the one sure bulwark of any democratic Government. In view of this, the need for judicial safeguards against attacks on police officers must be accepted.

Police-Public Relations

In as much as the police are striving to establish better relations with the public, the public have an equal obligation and responsibility to co-operate with and to understand the need for a police service. No State activity can take place for any appreciable length of time in the absence of the police—take away the police service and there will be chaos. All these factors are virtually too little understood. Wide publicity must be given through the mass media and through police publicity branches, and once the role of the police is understood, increased public co-operation will undoubtedly follow. Another aspect of public relations is the need for public

participation in routine police work. For this purpose a Police Reserve and a Police Cadet Corp which consists of people from all walks of life, and boys and girls from schools have been established. The Special Police Reserve are given basic training in general police work and mobilised when required to augment the police, mostly always for crowd control duties at large state and religious festivals. They have apart from this, joined the regular police on patrols and have staffed the information desks. Their most satisfying role, however, from a police point of view, is in my opinion, as public relations officers. Since they come from all walks of life, they get back to civilian life when de-mobilised, and have been most helpful in espousing and propagating information regarding the regular police. They have also, when mobilised, brought great credit to the Service. A classic example of this was the performance given by the Hewisi Band of the Sri Lanka Special Police Reserve at the Royal Edinburgh Festival of 1974. They were an immediate and tremendous success touring all over the United Kingdom. Their cultural troupe are so popular in Sri Lanka that they receive a never-ending stream of requests for performances at temple ceremonies, schools, state functions, for shows in aid of charitable institutions, and from the Sri Lanka Tourist Board. Undoubtedly they have achieved more in fostering cordial relations between the police and the public, and vice versa, than years of administrative activity in this sphere.

Recruitment and Training

Whatever role to which police activity is channelled with its many sided functions, its success or failure depends fundamentally on the training that a police officer receives on enlistment, and on the facilities available for regular in-service courses, such as promotion and detective courses etc., at intermediate and command levels, during his career. The end-product is the result of the type of training, the quality and content of what is taught and the competence of the teaching staff.

In Sri Lanka enlistments are made at the level of a Constable, Sub-Inspector and

Assistant Superintendent of Police. The training at the Police College at all these levels is fairly traditional — elementary law, practical police work, crime investigation and prevention and a wide range of subjects relating to national problems, civics and other general and allied subjects. The curriculum is periodically revised and all material updated. In order to work out this programme, guest lecturers from the universities, other training establishments, senior and experienced administrators holding high executive positions, and technically qualified persons such as doctors and forensic experts deliver lectures.

For many decades in the past, the emphasis has been on physical training and education. In the recent past, the inadequacies of this system have been rectified, and now the emphasis is clearly, on an academic education backed by problem oriented practical lessons. Unfortunately the existing teaching staff who have been trained to teach on the old lines find it difficult, however well-intentioned they may be, to meet the new demand. In view of this, the Police College has to fall back heavily on external lecturers. This by itself is not an unwelcome feature, but I am of the view that there must always be a large number of police officers who are trained and qualified to teach in a Police College. Another drawback to the selection of talented police officers to staff the College has been the lack of incentives and other material advantages which must be offered to draw in the best material. We have been seriously concerned with these problems and are making every effort to rectify this situation. In this aspect, it may be possible that we are a step or two behind most other Asian countries, but it should not be long before we are able to take our place alongside the countries in the region. One other matter which is receiving high priority attention is the establishment of a Police Academy for higher studies or an Institute of Police Management and Criminology. The need for such an organisation is now manifestly obvious.

It would be interesting to note that nearly all, with one exception, of the directly recruited officers to the rank of Assistant Superintendent of Police, and

who are now serving in the Sri Lanka Police from the Inspector-General down, are university graduates, or have been in the university prior to joining the police service. It is fortunately due to this that the absence of an Academy or Institute has not been detrimental to the progress of the Service, as these officers have successfully kept abreast of new trends and techniques, and have been willing to learn and make innovations, and to apply some of these methods to their work. Apart from this a great many of the senior officers both promoted and directly enlisted have been following courses at the Academy of Administrative Studies which had been established some years ago to train public servants in management techniques.

I have drawn attention to three matters —the need to have qualified, competent and trained police officers as lecturers, the need for in-service and special courses and an Academy or Institute, as being essential to the development of an established police service. It is by having these facilities that higher standards of policing can be achieved. Nevertheless, teaching programmes must be related to the type of work each rank is expected to perform and I think it would be wholly unnecessary to foist too wide a range of subjects into the curriculum.

The subjects taught at different levels differ only marginally from country to country. It is in the teaching methods that many affluent countries have a distinct advantage on account of the equipment available to them such as films, audio-visual apparatuses etc. But since we live and work in our own society, this may not be such a disadvantage after all — being a step ahead of the criminal would be sufficient—a league ahead may be frightening! Over specialization is another problem area and I am strongly of the view that a policeman must be a well-rounded individual and that the high degree of specialization required of a doctor, atomic scientist or engineer is not required in our field of work. Certainly crime investigators, traffic officers and lectures at Police College must be experts but the tendency now is for police duties to be compartmentalized into a number of specialities and this I feel is not going

to achieve the required results.

As I have already mentioned personnel development is paramount to the sustenance of a high standard of policing, considering the growing complexity of the police organization, as well as the ever increasing demands for greater efficiency by a public conscious of its rights, and alert to the fundamental human freedoms prevailing in a democracy.

The efficiency and reputation of a police force can only be maintained by improving the quality of its manpower and it cannot be over emphasised that police administrators must give high priority to this need, particularly in developing countries which are not in a position to apply modern technological developments to routine tasks. The development of leadership qualities, the application of proven methods of selection for positions of command and leadership, and the proper selection of personnel for the assignment of varied and complex police tasks, should therefore engage the attention of top management.

Promotions

Schemes of promotion from the lowest rung of the police service through various supervisory grades to that of Assistant Superintendent of Police are now receiving the close attention of the Department as well as the Government. The Police Department is seeking to have a well defined policy on promotions with emphasis on examinations, aimed primarily at eliminating the subjective factor. This is being attempted with the full realisation that promotion is a major motivational aid, particularly in a closed organisation such as the police where there is little or no horizontal mobility. Promotion is something that a conscientious officer looks forward to, and if he is denied that opportunity due to a fault of the administration, it leads to frustration—more so if the officer is one who has shown a great attachment to the organisation. Eminent writers on management have pointed out that people led to accept promotion for good work tend to interpret their non-promotion as rejection by superiors and the organisation as a whole. This feeling

of rejection is less painful if the persons involved do not identify wholly with the organisation; and this is something that cannot be said of policemen who whilst on duty as well as off duty are so closely identified with the police organisation.

Need for Better Rating Systems and Selection Devices

Whatever policy that is adopted for selection of personnel to supervisory and management levels, the ultimate aim should be to fill a vacancy with the best person for the job. Ability to perform the job should be the guiding criterion although experience and seniority are also factors that cannot be completely left out considering the existing structure of the organisation.

The achievement of this, necessarily demands better rating systems as well as modern selection devices, in addition to examinations. The complex nature of police work, together with the multifarious variables involved in the successful completion of police functions, make quantification of police work a difficult and voluminous task. But this, I believe, is something that we must strive to achieve. Much research has obviously to go into this and in my opinion this area of research is eminently suited for co-ordinated action in a spirit of regional co-operation.

Together with the refinement of the rating systems should be the introduction of other modern selection devices such as psychiatric testing and extended interviews. I admit that these are costly and time-consuming, but such expenditure is justified when one considers the fact that law enforcement which vests authority and power in its representatives, also imposes on them stresses unlike those encountered in any other profession.

Looking Ahead

A fundamental characteristic of the modern State is the existence of law and order. In the game of sociological role playing, it is the police organisation that is charged with the duty of maintaining peace and protecting citizens from crimi-

nal acts, at the same time safeguarding their collective and individual freedoms. If we are to play this role to satisfy public expectations, we cannot afford to be complacent and static. We have to keep pace with a fast changing society. We must be able to scientifically determine the situations that are likely to develop in the future and change our methods and procedures to meet such situations with acceptance. A constant review of police methods and procedures in the light of changing needs and situations must necessarily involve the serious attention of police administrators at the highest level.

This all important aspect of police management cannot be fulfilled unless adequate priority is given to research. We have given recognition to this in the Sri Lanka Police Department. But I must

confess that as a less affluent nation it is not possible to allocate the desired amount of resources in the form of money, equipment and trained manpower to this all important task. This problem, I believe, is something that is endemic to the developing countries of the Asian region. As such I commend to fellow participants at this Seminar to consider the setting up of a regional institute for research on law enforcement problems that are common to our countries. This will not only enable us to pool the knowledge that we already possess and have a profitable dialogue on our problems, but I also firmly believe that we will then be able to make the most of our limited resources in research equipment and skills for the greater benefit of the law enforcement needs of the Region.

Antecedents of Police Integration in the Philippines

by J. E. Salido[*]

Introduction

The Philippines consists of 7,001 islands with a total area of 115,603 square miles inhabited by 40 million people. It is a country of diverse different religions, political and economic persuasions.

Prior to September 21, 1972, there were some 600,000 loose firearms in the country. The majority were in the hands of private armies in the pay of politicians, others were possessed by underworld characters and ordinary citizens. There was a time in Philippine history when might was right. With the use of private armies and/or a firearm tucked in one's waistline, the results in many public election could be well predicted.

The efficacy of police officers against the flagrant display of firearm was reduced to nil in a greater part of the country then. The police were distributed in the 1,007 police agencies all over the country. There was no uniform and standardized law enforcement, equipment, training, or salary because all financial support depended on the income of the political subdivision and hardly any from the national government. The implementation of police act of 1966 was often disregarded by local politicians. Appointments to the police departments were most of the time dictated by one's loyalty during election rather than his basic qualifications under the law. To aggravate the situation, many members of suburban police agencies were identified with underworld characters. Many were even apprehended in connection with major crime. Other members in the rural areas could not divorce themselves from local politicians for the simple reason that they owed their positions to the local executives. As an effective weapon against members who refused to cater to their request, the municipal council could

legislate against the salary of a member by not providing the salary in the municipal budget. This situation was aggravated by the income of certain municipalities. If the income was low, policemen would receive low salaries. The financial assistance from the national government by way of salary subsidy came late and was subjected to the usual stringent rules of government expenditures.

Realizing the ineffectiveness of the police agencies against the backdrop of the aforementioned factors, President Marcos issued a series of Decrees to integrate the police agencies of the Philippines, divorcing them from the control of local politicians, providing them with standardized salaries, equipment, and training. Conscious of the undesirable members, a policy of inspection and separation was vigorously pursued by the National Police Commission. Depending on the gravity of their offenses and disqualifications under the law, others are permitted to stay under certain conditions.

To date some 71 provinces have been integrated in accordance with the principle set forth in the new Philippine Constitution. Section 12, Article XV of the Constitution provides "The State shall establish and maintain an integrated national police force whose organization, administration and operation shall be provided by law." The Philippine government agencies tasked with this gigantic job are the Philippine Constabulary and the National Police Commission. The thrust in this integration process are standardization of equipment, training, salary, and professionalization. In view of the enormity of·these programs, separated discussion on each can be entertained later.

Discipline

No other principle supersedes discipline as a primordial imperative in law

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enforcement. Moral discipline in particular is a trait that should be deeply instilled in the law enforcer to make him a man of character and fortitude—impervious to corruption, political influence, or other factors that may impede the fair, impartial, and just dispensation of his duties. Secretary Enrile, speaking before the first batch of National Police Commission (NAPOLCOM) hearing officers recently fielded to handle the investigation of police administrative cases throughout the country, dwelled on the merits of the police disciplinary process as follows:

"An effective and expedient police disciplinary program simultaneously cuts down the elements of abuse, corruption and inefficiency in the service; inculcates and strengthens the merit system in the ranks; and finally, jacks up the morale and confidence of the majority who preserve and practice the high ideals of integrity, dedication and courage in the performance of their duties."

The close attention that NAPOLCOM has given the police disciplinary process is clearly reflected by the fact that since October 1973, we have increased the number of adjudication boards to handle the backlog of police administrative cases and during the period covering October 1973 to October 1974, 2,499 cases were decided upon by the adjudication boards, posting a record high since the inception of the Commission in 1966. In the process, I would say that we have indeed achieved the objectives envisioned by Secretary Enrile and have thereby molded a new image of the policemen in the streets and image of uprightness, integrity, and probity which has gradually won the respect of the people.

Professionalization

Perhaps professionalization may also be interpreted as a disciplinary process, but more on the organizational, rather than on the moral level. Moral discipline has to do with intrinsic values, with attitudes and principles—professionalization as a form of organizational discipline has to do with motivations, knowledge, skills, capabilities, with effectiveness and

efficiency in the campaign for law and order. The NAPOLCOM professionalization scheme is mainly a three-pronged effort covering training, salary subsidy, and equipment modernization.

In the field of training, since 1966 the NAPOLCOM has produced a total of 34,995 graduates in various police courses, ranging from the police basic course, of which 19,007 policemen have been trained in our nine academies throughout the country, to the higher level supervisory and specialized courses which are designed to advance knowledge and skills in police management, intelligence, communications, and other special fields. Indeed, the training effort has been a considerable accomplishment when viewed in the light of the fact that in 1966, two-thirds of all policemen in our country did not have any relevant training, a full 40% did not even finish high school, and 45% did not even possess any civil service eligibility.

Alongside out training programs, we have bolstered our salary subsidies allocated to municipal and city police agencies. Since 1971, the NAPOLCOM has released a grand total of 96.6 million pesos for such subsidies. From March to November 1974, a total of 37.8 million pesos was released, 9.2 million pesos of which was paid during the month of November. The rationale behind the accelerated subsidy scheme is self-explanatory. As stated by the president, one cannot expect a policeman to guard property worth millions if he is only paid a few hundred pesos a month. More than ever, we want to make the police profession attractive, both in the sense of professional remuneration and prestige.

The last part of the professionalization scheme is our equipment modernization program, with focus on the gradual sophistication of communications equipment. To date, the commission has issued 1,754 integrated radio communication units to various city and municipal police agencies. We consider the communications modernization program highly imperative in the face of the increasing sophistication of resources and facilities being utilized by the remaining crime syndicates and other outlaw groups in the country which has afforded greater

mobility and coordination on land and sea. This effort will continue as we augment and intensify our police training and salary subsidy programs.

Integration

Integration has been considered the most important point in the police reform program, since it envisions a policy of organizational discipline that is supervised at the national level. As of 1 July, 1975, a total of 61 city police agencies and 1,447 municipal police agencies in 72 provinces have been integrated throughout the country and placed under the operational supervision of the Philippine Constabulary. The creation of a national police force under Constitutional mandate has paved the way not only for a higher level of professionalism among our law enforcers as they are placed on a higher plane of responsibility but also for the closer identification of law enforcement programs with the overall strategy of national security. The latter point is reflected in the intensified involvement of our local police agencies in anti-subversion and anti-dissident activities, especially in areas where military presence is insufficient.

I take from an article of Secretary Enrile entitled "Public Order, Integration and Community Action" in citing the gains we have achieved in the implementation of the integration scheme and I quote:

"It has been observed that the integration scheme has been highly workable in both urban and rural situations firstly, because there has been wider coordination in communications; secondly, because there has been, as expected a steady decline in traditional function overlapping and rivalry among law enforcement agencies; thirdly, because of the removal of political influence in police activities; and fourthly, because there has been a unified thrust towards common investigation, intelligence and other operational strategies which has affected greater economy in the utilization of manpower and material resources."

Community Action

From discipline, professionalization, and integration, we come to the final imperative in law enforcement—community action. Time and again, community action has been a theme consistently emphasized by our President, a theme concretely expressed in the deputization of our local grassroots institutions, the barangays, for domestic law enforcement work. No less than the chief of the Philippine Constabulary, Major General Fidel Ramos, has stated that the citizen himself must be the focus of our efforts in the maintenance of law and order because the socio-economic and political nature of current national problems compel and dictate the imperative of national discipline, rather than external police action, as the primary moving force toward sustained public order. In an amplification of this policy, General Ramos states three principles: That it is the inner moral force of the citizen that should operate toward the establishment of peace and harmony in our communities; that it is citizen involvement that should mold a strong and unified community capable of holding collective moral away in the promotion of national discipline; and finally, that it is community action and active community vigilance that can ultimately shield the society against recurrent threats of crime and subversions.

All the principles which I have dwelt upon have, in their own way, contributed toward the molding of the new image of the civilian law enforcer in our society today, an image of integrity, efficiency and professionalism that has gradually won the appreciation of our people. As our nation surges on in the quest for sustained progress and stability, we retain high hopes that wider horizons will be reached in our discipline, professionalization, integration, and community action programs designed to upgrade the quality of law enforcement in our country and thereby enhance further the image and reputation of our police forces so that ultimately, they will stand up to the fine tradition of law enforcement that we endeavor to establish and sustain in our society today.

Some Aspects of the Police Activities in Iraq

by Thasan Ali Al-Hermizi*

In this paper, I wish to deal with the two characteristic aspects of the police activities in my country, namely their efforts in the maintenance of good public relations with the people and in their crime prevention activities.

I. How to Improve the Relations Between the Police and the Community

1. Importance of Public Relations

Since the revolution, which was led by the great Arab Bathist Socialist Party, there has been a good progress in the relationship between the police and the public. This was due to the emphasis which the Bathist Party placed on strengthening of these relations through constructive and effective programmes.

The police, more than any other department, are in need for a good public relations in order to carry out more effectively the various functions entrusted to the police. The objectives of such a public relations programme are not simply to have people like their policemen. No one can have all the people liking them all the time. The nature of police work is such that this is impossible. However it is very important to have a majority of the public actively support the police department. The goals of a public relations programme in general can be summarized as follows:

(1) Public Understanding

An informed public is the way to effective law enforcement.

(2) Public Confidence

To strengthen good relations with the public is necessary to win its confidence and respect. The public relations programme for attaining this goal includes a system of visits, meetings, and other

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ways to create "friends of police" groups which will contribute to the maintenance and improvement of this relationship.

(3) Public Support

Such public support may take many forms, such as compliance with the law, assistance in police investigations, and backing of measures to improve the police service.

2. Elements of a Public Relations Programme

To achieve these goals the public relations programme must put emphasis on two major factors:

(1) To create, encourage and maintain direct personal contact between a police and citizen;

(2) To facilitate the flow of information between the police department and the public.

3. Obstacles in the Way of Public Relations

Although there has been remarkably good progress in the relations with public, there are difficulties in improving these relations. Among these difficulties are (a) the disinclination of a part of the public in obeying the laws and (b) the mass media have weakened the public's acceptance of the necessity of the laws. These matters will be explained in more details below.

(1) Impacts of Urabnization and Industrialization

People lived free for a long time without any restrictions to their liberties and activities. Life also was simple and uncomplicated. But the progress of civilization and the gathering of population in certain areas have created very complicated problems. The city of Tokyo, for instance, has a population of about eleven and a half millions, Cairo six millions, and Baghdad two millions.

In a rural country, the police department had very limited functions to execute in order to preserve peace and order. But with industrial growth and a rapid change from a rural to an urban society, police had to take upon themselves more roles and functions in a larger-scale. There have to be more laws and regulations than before. For example, people living in close proximity require more laws to govern their conduct than the same number do when widely dispersed. Many cities which doubled their population found that they had to triple their police force to maintain similar levels of peace and order. Yet the public's attitude towards the police has not changed as rapidly as urban growth has expanded the police functions. Although the citizen seeks protection from the police against law breakers, he still retains some of the hostility toward authority as symbolized by the policemen. He also may be personally hostile toward the laws that the policeman enforces. So, as the policeman is a symbol of authority, he receives more than his share of the public's hostility toward authority. Perhaps one of the most demoralizing aspects of police work is public failure to recognize the value and competency of the police.

(2) The Spoils System of Police Department

The public's hostility to authority is influenced also by the reputation gained by policemen and police departments in the past. The operation of the police department under the spoils systems, the debasement of policemen by bribery and connivance with criminals, the inadequacy of untrained and unimaginative policeman to meet urban police problems—all combined to give the policemen a bad name. Unfortunately, these inadequacies of the police in the past overshadowed the constructive steps taken towards professionalism of the police service.

(3) The Role of Press Media, T.V. and Films

The literature touching on police tends to show the policemen with a characteristic image of inefficiency and brutality. The same thing is true with television series and films. They characterize a policeman as a dull and inefficient fellow. There are many examples of that.

(4) Expanding Police Activities

The policemen's job in maintaining social peace has been expanded. Widespread use of automobiles and adoption of detailed and complex traffic laws have resulted in an entirely new relationship between the police and public. The majority of people are traffic violators. It is almost impossible to drive without breaking the traffic law somehow. The police, on their part, are not numerous enough to witness and apprehend every violation. Police work has also expanded in other directions. A policeman works with various groups to prevent juvenile delinquency and to promote safety education. The prevention of crime is now considered to be the policeman's job, yet this was not always the case. These new tasks have been given to them without public backing for the necessary supporting manpower, money, and equipment. Thus they cut into the abilities of a department to perform it's traditional functions.

(5) The People's Sympathy to the Arrested Criminals

As has been explained, there is a combination of hostility toward authority, suspicion of policemen and police methods, and disrespect for policeman's abilities and integrity. This is why the public in general tends to be sympathetic to anyone apprehended by the police, with the possible exception of those charged with very dangerous crimes. Public hostility is an unhappy heritage of today's police departments, the good one's as much as the bad one's. One of the barriers to improving police units has been low public expectations in terms of integrity and ability from their policemen. These expectations are reinforced each time when there is a public relations failure by the policemen or his department. Even though there may be many people in the community who have no deep rooted hostility to their police department or to the policemen in it, still it affects the police and makes public relations programmes defensive.

4. The Ways to Improve Police Public Relations

The objective of a public relations programme is to have the majority of the public actively support the police department. To attain this goal the public relations programme should be based both on short term and long term programmes.

A. The Short Term Programme

Under the short term programme the following measures should be included.

(1) "Flying Help," Formation of Police Reserve Units, etc.

It is necessary to change the attitude of the public towards their police department by inviting certain sections of the public to assist policemen in their duties. Police departments always invite high school students to assist traffic police in traffic control duties in their holidays. Police departments also invite volunteers from the public to work with them especially in patrol duties and with the police department's "Flying Help" Units. These students and volunteers from the Community would take a clear look at all the problems of police operations and can be of great assistance in spreading the word about what a good job the police force is doing. Establishment of formations of police reserve units or auxiliary police is also a good way to do this. The major purpose, of course, is to provide assistance to police in emergency situations. But training of reserve units is also an excellent public relations activity. Police training of student crossing-guards is another way of bringing a substantial number of young people into contact with the police.

(2) Informing the Public of the Police Peace Preserving Activities

It is very important to inform the public about major incidents and the extent of damage caused by them and showing the role of the police in preserving peace and protecting the community from those who have committed crimes. This could be done by printed publications of the successful activities done by the police. The method of presenting material in these publications must be carefully considered if it is to be read by those for whom it is intended. Photographs and other illustrative devices should be also used in order to enhance communication.

(3) Mobilizing the Public for Crime Prevention

The public should also be informed of actions which can be taken to prevent the occurrence of crimes. This includes studying the methods which are used by criminals in their crimes. Crime prevention work can be done by appearing before groups of citizens and by television programmes. Police work is interesting and a well selected police officer will have many cases which would interest all sorts of groups. There are many topics appropriate for this purpose such as traffic safety, traffic congestion, parking, juvenile problems, narcotics, crime detection, firearms, firearm safety, etc.

(4) Informing the Public of Laws

Explain the specific laws and regulations to the public by means of meetings, press, television, and other available means are very important for making the public law-abiding. The public may often commit crime because of ignorance or misunderstanding of laws.

(5) Appropriate Rewards System

Rewards should be given on special occasions to persons who assist the police. People wish their help to be properly appreciated. Some of them like their help to be appreciated in public, as in an interview on the police Television programmes. Rewards were given in police T.V. programmes in my country in the police traffic week to the best driver of the year without violations and to the best driver without violations for twenty years.

(6) More Social Services

The police department should increase the range and variety of social services to the public. The "Flying Help" services of the police department in my country is a good example. They receive all kinds of calls for help. They vary from asking the telephone number of night duty drug stores to taking pregnant women to hospitals for delivering their babies. These extra social services of "Flying Help" units constitute about 60% of the total work of the police department. It's telephone number (04) is well known to nearly every citizen in my country.

(7) Training of Policemen in Public Relations Work

Policemen must be taught by lectures and special films the role of public relations in serving to create a more cooperating public. Policemen should be prepared for personal contacts with people. They should meet people on their special occasions in a good manner.

(8) Studying People's Problems for Solution

In any police department, a public relations programme should include studies of problems and difficulties which affect the relations between the police and the community. These studies must aim at finding appropriate solutions to these problems. In my country, there are "People's Committees" to deal with these kinds of problems. These committees, sponsored by the Arab Bathist Socialist Party, are held every month in every district of my country. Police officers meet with citizens in these committees. Citizens of the district introduce the problems with which they face and a general discussion follows to reach a solution. These problems are introduced afterwards to the police department's public relations bureau for further study. Thus, day by day the police department remains aware of the new trends and problems.

B. The Long Term Programme

The long term programme includes different methods which could be adopted by the police to secure a better understanding and co-operation. They are as follows:

(1) More Studies and Research

It is important to make more studies about the attitude of the public, the cause of public disaffection for the police, their disinclination to give evidence as witnesses in the courts, and their disregard for and violations of traffic laws and rules. It is therefore necessary to establish a Research Section in the police department's public relation's division to cope with these problems.

(2) More Attention to Younger Generations

More attention should be given to the new generations, namely the high school students, school children, and the youth. They must grow up with a favourable attitude towards the policemen and police functions.

(3) More Support From the Public

The Public relations department should be given every possible support. Well trained officers with high personal capabilities should be assigned to the department.

(4) More Frequent Contacts

A good way to improve relations with the community is to join in people's clubs and in their social activities, specially sport activities like football, tennis, and other games. Citizens should be invited to visit police departments to take a close look at the policemen on duty. The police should give lectures in schools and trade unions and take part in national occasions and celebrations.

(5) Police Publications

Police publications, specially the police magazine, could play a big role in showing different police activities.

(6) Maintenance of High Standards for Policemen

Because good performance is a basic way to a better relationship with the community, promote high standard of knowledge by policemen and advance their efficiency in their work.

(7) Constant Reviewing of the Laws

It is important to review the laws and regulations which are enforced by the police and to try—through responsible channels—to amend them to suit the new trends and changes in the society.

II. The Preventive and Repressive Activities of the Police

1. General Observations

The Bathist Arab Socialist Party gave great importance to preventive activities to be taken by the police department and

the safeguarding of human rights of individuals. Acting according to these instructions, the police department gave great importance to the role of police in preventive activities.

The role of the police in preventive activities in one of the hardest duties which they have to perform, since it is closely related to the fundamental rights of the individuals.

Policeman's responsibility to protect the community requires him to put restrictions on the rights and freedom of individuals. If a policeman stops a person who has not committed any crime, even only for checking his identity, it is a restriction of his personal right and freedom.

Police preventive activities include police patrol duties in streets, districts, and highways. Police, in performing this duty, are preventing crime by the mere presence of the police patrol in any street or highway. This forces the criminal to change his prepared sheme for committing a crime. An efficient police patrol has very important role in crime prevention and protection of the public and the public interests.

The preventive work of the police is very hard to define and put in a set form. The idea of prevention is vague as well.

Even some lawmen include punishment as preventive activity, because of the effect it has on other people as a deterrent which leads to the committing of fewer crimes.

2. Necessity of Public Co-operation

Public co-operation with the police has a role in crime prevention not less than that of the police patrol. Police departments in every country seek for better relations with the public. But because the police duty to prevent crime and preserve the peace requires law enforcement men, so its relations with the public remain a difficult one.

3. Dealing with the Juvenile Delinquency

Protecting the public and its interests includes dealing with juvenile delinquency. Police activities towards juveniles relating to crime prevention necessitates police visits to schools in all standards to give lectures explaining the social role of the police and the importance of the laws in protecting the rights and interests of the public.

The students must be cautioned of the dangers of narcotics addiction. Students are always very easy to influence and to turn to crime.

4. The Preventive Activities of the Police

The prevention of crime is one of major roles of the police. It is a very delicate role and it may lead to continuous critisism of police department since it often affects the rights and freedom of individuals. Laws in every country put restrictions on these preventive activities.

Unfortunately violations are always expected to these rules. Suspected persons are stopped and searched upon suspicion and on the ground of their past criminal records. This is done without any other evidence produced against them. They are even arrested without being authorized by the magistrates. That constitutes a serious crime.

In some authorized stop and search procedures, the police use force without obvious reasons. Another method of police preventive activities in protecting the community is the method of entrapment. In entrapment the police lure and instigate the suspect to commit a crime, and afterwards they arrest him. This method has brought criticism to police departments. It is also an unlawful act.

Entrapment is used mostly in narcotics cases. Suspects always object to these methods as unlawful, and that they have been both lured and aided by the police to commit these crimes. Using operatives or informers is another way adopted by the police in crime prevention. Operatives are given money by the police to give information which leads to the discovery of crimes and arrest of the criminals. This method may also be unlawful.

Crime prevention should not rely on such methods. It should rely on the police department itself, on the kind of policemen who are enforcing the law.

5. Necessary Measures

The police department should recruit selected young policemen with a good education. They should be well trained, specially those who are selected for patrol duties. They should be specialized in patrol duties and in public relations, because they are in direct contact with the people every day.

Protection of the public and its interests as well as crime prevention should be based on good public relations. The public should trust their police department and co-operate with it. Police duties are changing continuously. They are rendering increasingly more social services to the community.

Police departments cannot attain their objectives simply by increasing the number of police patrol units on the streets and highways. Neither can they achieve their aims by applying penal codes more severely. Protecting the public and public's interests could be reached by better public relations, by rendering more social services to the public, and by efficient execution of police duties.

No force should be used in any way against individuals. The police department's motto should be "the police are in service of the public."

6. Conclusion

The police department in my country has a big role in preventing crimes and securing people's safety and property. Since it's foundation the department has specialized in crime prevention and detection of certain crimes such as burglary, car thefts, narcotics, pick pockets. The officers and policemen in this department know by experience most of the specialized criminals. They know also their past records.

Police department also plays a crucial role in crime prevention. The department is specialized in patrol duties, quick help, and social services. They have enough patrol cars to cover the cities and suburbs. They answer calls for help instantly and within five minutes or less they are in the scene of any incident. Indeed they are very efficient in performing their duties and raising the standard of public expectation for the police department.

SECTION 3: CONCLUSIONS OF THE SEMINAR

Report of the Seminar

by UNAFEI Staff

Part I: Seminar Summary

List of Participants

Mr. Natesan Krishnaswamy
(Chairman of the First and Final Plenary Sessions)
Deputy Inspector General of Police, Planning and Coordination, Tamil Nadu, India.

Mr. Mir Bahadur Ali Khan
(Chairman of the Second Plenary Sessions)
Deputy Inspector General of Police, Administration, Special Police Establishment, Pakistan.

Mr. Thamby Thurai Rajashingam
(Rapporteur of the First and Final Plenary Sessions)
Commandant, Royal Malaysia Police College, Malaysia.

Mr. Rudra Rajasingham
(Rapporteur of the Second Plenary Sessions)
Deputy Inspector General of Police, Administration, Police Headquarters, Sri Lanka.

Mr. Kiyoshi Inoue
(Co-Chairman of the First Plenary Sessions)
Judge, Osaka District Court, Japan.

Mr. Mitsuteru Takaki
(Co-Chairman of the Second Plenary Sessions)
Deputy Director, Tokyo Probation Office, Japan.

Mr. Kōya Abe
Deputy Director, Safety Division, National Police Agency, Japan.

Mr. Ihsan Ali Al-Hermizi
Director of Police Pension, Iraq Police H.Q., Iraq.

Mr. Masud Ansari
Public Relations Advisor to the Chief of National Police of Iran, Iran.

Mr. Mahesh Dutta Dikshit

Deputy Inspector General of Police, CID., Uttar Pradesh, India.

Dr. Mochammad Hindarto
Professor, Police Science College, Indonesia.

Mr. Abdur Raquib Khandaker
Deputy Inspector General of Police Headquarters, Bangladesh.

Mr. Bounthanh Khounlavong
Chief of Narcotic Bureau, Lao National Police, Laos.

Mr. Hideichi Nakazawa
Director, Kinki Regional Narcotic Control Office, Japan.

Mr. Isao Okimoto
Public Prosecutor, Hachioji Branch, Tokyo District Public Prosecutors' Office, Japan.

Mr. Jose Escutin Salido
Special Assistant to Secretary of National Defence and to the Chairman, National Police Commission, Philippines.

Mr. Yasutoshi Satō
Assistant Director, Tokyo Regional Correction Headquarters, Japan.

Mr. Lab Kumar Shrestha
Officer-in-Charge of Planning, Police Section, Home Ministry, Nepal.

Mr. Harbans Singh
Officer-in-Charge of "RW" Division, Singapore Police Force, Singapore.

(UNAFEI Staff Attending)

Mr. Zen Tokoi
Director

Mr. Minoru Shikita
Deputy Director

Mr. Teruo Matsushita
Chief, Training Division

Mrs. Kinko Satō
Chief, Research Division

Mr. Tomiyoshi Kawahara
Chief, Information and Library Service

Mr. Torsten Eriksson
Visiting Expert

Mr. Dean C. Smith
Visiting Expert

Dr. David H. Bayley
Visiting Expert

Perspective

Introduction

The Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Kyoto, Japan, in August 1970, focused attention on the serious consequences to society of insufficient attention being given to measures of crime prevention including the treatment of offenders; it called upon Governments of all countries to intensify their crime prevention efforts; it urged international organizations to strengthen international cooperation and aid; and finally it called for special attention to be given to the administrative, professional, and technical structure necessary for more effective action in the area of crime prevention.

At its meeting held in July 1973 the Asian Regional Preparatory Meeting of Experts examined the agenda of the Fifth United Nations Congress to be held in Toronto in September 1975 which included the subject "Emerging Roles of the Police and Other Law Enforcement Agencies with Special Reference to Changing Expectations and Minimum Standards of Performance."

This 39th Seminar Course conducted by the United Nations Asia and the Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) in February-March 1975 on "Roles and Functions of the Police in a Changing Society" represents one more response of the Asia and the Far East region to the call of the Fourth United Nations Congress and, in addition, makes a specific contribution to the forthcoming Fifth Congress. The subject of this seminar also dovetails with the subjects of earlier seminars organized in a systematic manner by UNAFEI on various facets of crime prevention as, for example, "Criminal Justice Reform in Asia and the Far

East" discussed by the 32nd Seminar Course (1973) and "Planning and Research for Crime Prevention in Asia" discussed by the 35th Seminar Course (1974).

The 39th Seminar Course was attended by 19 representatives from 13 nations: one each from Bangladesh, Indonesia, Iran, Iraq, Laos, Malaysia, Nepal, Pakistan, Philippines, Singapore and Sri Lanka, two from India and six from Japan. Most of the participants were senior police officers drawn from these countries. The participants from Japan were from all sectors of the criminal justice system including the police. The discussions at the Seminar were marked by frankness and objectivity.

This Seminar was the first time that the police of this region have been called upon to state their views on the roles and functions of the police in the context of social change. Though police roles and functions have generally been accepted as important and vital, these have rarely been the subject of any detailed academic study or discussion in a sociological context let alone by police officers themselves. This Seminar has therefore enabled study and discussion in a cross-national context and has involved a scrutiny of the subject in terms of basic concepts and trends that have validity and value, not only for the police but for the society they serve. The result of these discussions, summed up in this paper, will facilitate acceptance of police roles and functions that will make a positive and constructive contribution to the welfare of society.

Police in the Asian Countries

The picture presented by the participants in the Seminar showed that with a few exceptions the countries of this region shared some common features in their socio-cultural backgrounds which made for similarities in the roles and functions of their police forces and their relationship with their people. They were multi-racial, multi-lingual, and multi-religious. They had inherited police forces that were subjected to colonial police traditions. Their societies were not cohesive. A number of countries had dense

populations, which were growing faster than their economics. They were facing an increase in the volume and complexity of crime, especially violent crime, juvenile crime and crime of an economic nature. This last category of crime that was prevalent in certain countries includes offences like hoarding, black-marketing, adulteration, smuggling, tax-evasion, exchange-control violations, and corruption. Such crime led to social, political, and economic consequences more serious than the consequences of "traditional crime." The development of such countries was being slowed down by anti-social forces indulging in these types of crimes.

The Seminar, however, noted that in a homogeneous society like Japan the conditions mentioned above did not prevail. Police roles and functions were dynamic and positive. Despite tremendous urbanization and industrialization, there was, in fact, a decline in crime.

The participants of the Seminar had the opportunity of studying the significant elements in the various police systems, and based on these comparative studies the Seminar puts forward the analytical observations set out below.

Police Roles

The police comprise the most pervasive physical presence of governmental authority in any society. The police have greater contact with the public than any other government functionary. The police image in the public eye is entirely dependent upon a willingness to help and assist the public in a vast range of human situations. It is therefore unwise for any government not to utilize in full the potential of the police in this role.

Urbanization and industrialization lead to a break-down of the traditional mechanism of social control over individual behaviour such as the family, the neighbourhood, the community, religion, etc. Increasing social complexity of urban society generates nonconformist, delinquent, and eventually criminal behaviour. The vital need of every changing society, therefore, is a policeman who acts not only as an efficient legal instrument but also as an understanding human being,

sensitive to needs of the new environment.

Police Functions

The Seminar noted that the range and relative emphasis of police functions varied from country to country. It was not desirable or possible to isolate any specific functions and seek to define them alone as legitimate to the police. Notwithstanding the above, it was necessary to regard crime prevention as a core police function. The Seminar concludes that crime prevention could be defined as all and any police action aimed at preventing the occurrence of any form of crime. All other police functions including detection and enforcement of law support this core function. Crime prevention should therefore be considered the main basis of police work.

Effective crime prevention includes a wide range of activities that stretch beyond the mere enforcement of law. It necessitates on-the-spot remedial handling of situations that would otherwise lead to crime. It calls for the use of discretion in the large bulk of street situations. It is obvious, therefore, that a well-informed use of discretion is of primary importance so that crime and disorder may be nipped in the bud.

If such intelligent use of discretion was not made at an incipient stage, situations would develop into violations of the law, and the entire machinery of the law would be put into motion. The consequent flooding of the criminal justice system, with cases which could have been so prevented, gives significance to the following remarks of the United States President's Commission on Law Enforcement and the Administration of Justice:

"Above all the Commission's enquiries have convinced it that it is undesirable that offenders travel any further along the full course from arrest, to charge, to sentence, to detention, than is absolutely necessary for society's protection and the offender's own welfare. Much of the congestion throughout the system from police stations to prisons is the result of the presence in the system of offenders, who are there only because there is no

other way of dealing with them."

The Seminar noted that it was a unique feature of the Japanese police system that the police take notice of acts indicating the beginnings of juvenile delinquency and do not blindly initiate legal action until repeated advice from police, parents, and teachers have failed to take effect. The exercise of such discretion is accepted by the police, the public, and the criminal justice system of Japan. Within the overall prevention-correction effort of the criminal justice system in Japan, the police make a particularly important contribution towards preventing juvenile delinquency in its incipient stages. In this respect it is to be noted that juvenile delinquency is a major crime problem in many countries of this region.

Once it is accepted that discretion is vital for crime prevention, it becomes obvious that both the basic and in-service training of a police officer needs to be re-oriented. High emphasis on the dynamics of interpersonal relations and a knowledge-perspective that will promote the sound use of discretion are vital necessities; with special attention in the in-service courses to replace negative by positive attitudes in the performance of police functions. This will mean greater emphasis in police law enforcement on the spirit of the law and greater reliance on street knowledge rather than book knowledge.

The second consequence is that police organization needs to be reformed. Whilst most of the police forces of the region have centralized, unified police forces operating under some form of common legal system, their physical presence in the community is very thin. Much of the manpower has necessarily to be deployed in para-military formations in functions like border security, internal security, etc. Only a limited amount of manpower is available for crime prevention functions. There is therefore a need to ensure that sufficient manpower is provided at all times for the core crime prevention function of the police. In this respect the Seminar noted that in several countries of the region, the physical deployment of manpower within the community had visibly demonstrated its tre-

mendous value to police crime prevention functions and to police-community relations.

With regard to the problem of corruption and white collar crime which were posing a serious threat in certain developing countries, the Seminar concluded that in such countries where economic development was of vital importance, emphasis on enforcement should be biased towards crime affecting such development. As a consequence, corruption, tax evasion, black-marketing, and such other crimes as jeopardize economic development should form the first priority of law enforcement in such countries. The hands of law-enforcement agencies should also be strengthened by a rational law of crimes, procedure, and evidence. There should also be an integrated enforcement policy against the whole gamut of crime.

Two factors that impaired the police image were corruption and partiality. While various causes contribute to these, it was felt that much could be done by leadership to generate in police forces a climate of integrity and impartiality that engenders pride and self-esteem in their members. No other method would appear to offer better results.

There was need for more systematic and meaningful research in respect of police roles and functions, not only in a sociological context, but also in a field-operational context. This would help in formulation of basic police policies and scientific police operations. Such research should be a continuous and sustained process in every police force.

The more populous developing countries in the region have poor financial resources but have abundance of police problems. They could not afford to have their development programmes stalled by crime and anti-social activities. In this respect the Seminar noted that intelligently planned police expenditure will, in the long run, act to reduce the problems of economic crime and anti-social activities, and thus contribute to smooth and orderly economic and social development.

There was need for investment in higher quality recruitment and training;

in restructuring police forces to provide adequate career prospects and functional requirements at different levels; in systematic and meaningful research; and in facilities of communication, transport, forensic science, and computer services which would raise the speed and quality of police response to public need. The countries concerned should therefore consider police expense as development expenditure and not hesitate to give it appropriate emphasis.

International aid should be forthcoming for countries seeking the same for supporting police reform programmes. Yet another aspect deserving attention is the international sharing of police experience. The UNAFEI could enlarge its activities of collection, documentation, and dissemination of resource material with the cooperation of countries of the region. The premier police research or training establishment in each country could fulfil the liaison function with UNAFEI. The training and research activities of UNAFEI could also be enlarged through seminars, courses, etc., dealing with various facets of police roles and functions in greater depth, in a sociological context.

It is to be noted in this regard that in the light of the complexities of the environment in each country, and in the present state of limited knowledge, it is premature to conceive of norms of police performance. Much more study and research will be necessary before such concepts emerge.

Recommendations

This Seminar unanimously agrees on the following conclusions and recommendations in respect to the roles and functions of the police force of participants' countries to the extent of their applicability:

(1) The role of the police should be not merely that of an agency to enforce the law, but also that of a social agency that acts with and on behalf of the public to prevent crime and public disorder by mediation and advice. Enforcement of law should be undertaken when these methods fail or are obviously inapplicable. The primary police function should therefore

revolve around the concept of crime prevention as being the core function. In this respect all and every police activity aimed at any alleviation of the prevailing crime situation could be treated as the primary role of the police.

(2) Police training should therefore be re-oriented with this role in mind and be aimed at maximizing the intelligent use of discretion by the individual police officer to serve the spirit of the law. Training should also emphasize defensive toughness of body and mind to ensure that the individual police officer's sense of self-confidence will be heightened.

(3) The laws of crime, procedure and evidence, and enforcement policy should be re-oriented to deal effectively with the crime problem in a comprehensive, rational and integrated manner, based on trust in the enforcement agency.

(4) It is vital for public confidence and for maintenance of the police image that the police should maintain a high standard of integrity and impartiality. They should enforce the law without any bias towards any groups or interests. Leadership should endeavour to create an internal climate of pride and self-esteem in police forces, which will sustain high standards of integrity and impartiality in their members.

(5) With the dual objective of crime prevention and seeking to bridge the gap between the police and the public, the police organization should ensure that a maximum proportion of the police force is dispersed physically as close as possible to the community. In this manner the police will be able to respond to public needs and expectations. A suitable feedback system should also be established to gauge public opinion at regular intervals for assessment of public needs and expectations and to see how far they are being fulfilled.

(6) Methods of recruitment and placement will need to be sophisticated and based on aptitude and performance. Entry qualifications for police personnel should be raised where necessary.

(7) All police forces should be structured so as to carry adequate career prospects, while fulfilling functional requirements at different levels.

(8) To raise the speed and quality of

police operations and response to the public, provision of facilities like communications, transport, forensic science, and computer services should be given priority.

(9) There should be sustained and meaningful research on police roles and functions in both a sociological and an operational context.

(10) The necessary financial resources should be provided for a clear-cut plan of police reform to be implemented in a phased, systematic manner. Interna-

tional aid should be forthcoming for countries seeking such support for their police reform programmes.

(11) The UNAFEI should enlarge its training and research activities for the benefit of countries of the region and also its collection, documentation, and dissemination of resource material relating to international police experience. The premier police research or training establishment in each country could fulfil the liaison function with UNAFEI in this regard.

Part II: Reports of Papers and Discussion

Participants' Papers

Introduction

All work of the Seminar was done in general sessions with participants, visiting experts, and faculty members of UNAFEI in attendance. Participants were organized into two groups, each with its own chairman, co-chairman, and rapporteur. Each group was responsible for conducting the sessions allocated to it, for summarizing the papers of its members, and for reporting the content of discussion. The reports of each group are presented below:

Group 1

Chairman:
  Mr. Natesan Krishnaswamy (India)

Co-Chairman:
  Mr. Kiyoshi Inoue (Japan)

Rapporteur:
  Mr. Thamby Thural Rajasingam (Malaysia)

Participants:
  Mr. A. R. Khandaker (Bangladesh)
  Mr. M. D. Dikshit (India)
  Mr. N. Krishnaswamy (India)
  Mr. A. Ansari (Iran)
  Mr. I. A. Al-Hermizi (Iraq)
  Mr. T. T. Rajasingam (Malaysia)
  Mr. K. Abe (Japan)
  Mr. K. Inoue (Japan)

Group 2

Chairman:
  Mr. Mir Bahadur Ali Khan (Pakistan)

Co-Chairman:
  Mr. Mitsuteru Takaki (Japan)

Rapporteur:
  Mr. R. Rajasingham (Sri Lanka)

Participants:
  Mr. L. K. Shrestha (Nepal)
  Mr. M. B. Ali Khan (Pakistan)
  Mr. J. E. Salido (Philippines)
  Mr. H. Singh (Singapore)
  Mr. R. Rajasingham (Sri Lanka)
  Mr. H. Nakazawa (Japan)
  Mr. I. Okimoto (Japan)
  Mr. Y. Sato (Japan)
  Mr. M. Takaki (Japan)

Each session was opened by the chairman briefly introducing the panel members who then presented their individual papers by reviewing and highlighting items of interest contained therein. At the end of each individual presentation time was allotted for clarification and discussion on particular points by all members of the seminar after which the chairman briefly summed up the major joints covered.

Individual Presentations

Presentations by members of the first panel followed the sequence as contained

in this report. The points covered by them may be briefly summarized as follows:

Mr. Abdur Raquib Khandaker (Bangladesh) briefly discussed the changing variety of crime in Bangladesh with special emphasis on the problems of law and order and the increase in white-collar crime. He reiterated that though the strength of the police in his country was low when compared to other countries he believed that with better training and modern logistic facilities this shortage of manpower would be satisfactorily overcome. He agreed that police efficiency depended on good and satisfactory laws and their impartial enforcement. He analyzed the role of political leaders especially in developing countries and the contributions by educational institutions and other important agencies in society in remodelling and establishing a society on the basis of acceptable norms. He emphasized the need for wider public/police cooperation in overcoming criminal problems and suggested that the initiative for bridging this "gap" should come from the police. In conclusion, whilst advocating a happy blending of the courts, legislature and police, he emphasized that greater stress should be placed on the rehabilitation aspect of corrections. He argued that the criterion of successful enforcement can never be measured in terms of the number of persons arrested.

Mr. Mahesh Dutta Dikshit (India) outlined the changing nature of Indian society since independence and the consequent complexity of the problems faced by the Indian Police. He attributed these problems, amongst other things, to an awakening sense of greater expectation amongst the previously under-privileged classes; growth of militant trade unionism; multiplicity of political parties; urbanization and the related problems of overcrowding, slums, delinquency and unemployment; rising student expectations and subsequent indiscipline owing to a lack of sufficient opportunities. He considered that the key to the problem lay in a better police image. This the police in India were attempting to achieve through various campaigns like "police weeks," "courtesy weeks," "safety weeks," and the like. He suggested that consideration should be given to continuing these campaigns throughout the year.

In summary he made the following pertinent points: (i) that senior police officers should ensure that all personnel discharge their duties in an efficient and impartial manner with all aberrations being adequately dealt with; (ii) police behaviour should be exemplary; (iii) effective two-way communication between the public and police should be established and maintained; (iv) the public should be actively involved in crime prevention activities; (v) area and city cooperation committees should be formed to bridge the "gap"; (vi) all personnel should be trained in public relations. In conclusion he reiterated that it is most important that efforts should be made by the police to win over the active support of youth through various meet-the-people sessions and extra-curricular activities. Only by such activities could the police hope to change their image.

Mr. Natesan Krishnaswamy (India) in presenting his paper deviated from the contents therein as much of the situation in an Indian context had been already covered by Mr. Dikshit. Mr. Krishnaswamy therefore took the opportunity to make some astute and perceptive observations on "police problems" in an Asian perspective. He observed that except for Japan, which was the only developed country in Asia, the remaining countries represented in the Seminar had much in common, being multi-racial, multi-lingual, and multi-religious. They did not therefore enjoy social and cultural cohesion. They had also suffered years of colonial exploitation. Their populations are outstripping their economic capabilities. Development was further slowed by anti-democratic and anti-social forces. All these factors, he suggested, culminated in an increase in all forms of crime, especially economic crime. A probable contributory factor was inadequate laws and inadequate enforcement. On the other hand, Japan had been able to accomplish three miracles: population control, economic growth, and a decline in crime. All participants therefore had much to learn from the Japanese system of criminal justice. With the Japanese example in mind he suggested that the requirements of all countries could be summarized in order of priority as: (i) maintenance of police neutrality from politics; (ii) rational and com-

prehensive laws that will engender trust in law enforcement agencies, judicial and correction systems; (iii) review and reorganization of police manpower requirements to achieve greater emphasis on prevention; (iv) improved training; (v) improved equipment and communication facilities; (vi) welfare requisites; (vii) increases in manpower.

Mr. Krishnaswamy concluded by suggesting that UNAFEI play a greater role in international police aid especially in relation to training and equipment for modernization. This, he suggested, could be done through the setting up of regional sub-centres of UNAFEI and the subsequent codifying and sharing of resource materials.

Mr. Mochammad Hindarto (Indonesia) emphasized the important role played by the police in any changing society since law and order are the requisite conditions that enable any society to achieve its goal. He then outlined the historical background of the Indonesian police, which has since August 17, 1945, had to change its status and organization on a number of occasions to adjust to the needs of the social situation, especially in view of the fact that Indonesian society had to achieve its identity through violent revolution from colonialism. The attitude of the police had therefore to change to suit the times. As an integrated part of the Indonesian Armed Forces the duties of the police not only include the maintenance of peace and order in the community but the additional duties of (i) participation in defence and the preparations needed for this and (ii) performing the functions of a social-political force actively taking part in various sociological activities of the state. The police, in addition to their law and order functions, therefore, partake in and are representend on regional consultative bodies which are responsible for the coordination of various regional government agencies. Sociological activities include leadership of local community organizations in which resident police personnel act as leaders, promoters, stabilizers, and the dynamic force in all aspects of the activities of the local community. He concluded by stating the basis of pre-service and in-service train-

ing made available to Indonesian police officers and suggested that only through satisfactory education and training could the quality of police personnel be raised.

Mr. Masud Ansari (Iran) briefly traced the history of the police in civilization. He stated that though the police were highly respected at their inception in early history, the same was not true in modern times though the scope and duties of the police had vastly increased. He suggested that to command good will and respect the police should render services with the aid of psychological techniques and that selection of personnel should be confined only to those who are psychologically capable of rendering such service. Candidates for police service should therefore he subjected to stringent tests to ensure their suitability and possession of appropriate human values. Education should be considered as the prerequisite to development of character; character development gets precedence over mere book knowledge. Promotions and increments should be based on conduct, degree of respectability achieved, and public satisfaction of services rendered. Emphasis should be placed by police management personnel on character development. He concluded by suggesting that cybernetics could be used to advantage by the police in determining the exact requirements of society. Only in this way could the police hope to bridge the gap between them and the public.

Mr. Ihsan Ali Al-Hermizi (Iraq) in his presentation covered the topic "How to Improve Relations between the Police and the Community," and suggested that this could be done by a public relations programme aimed at achieving better public understanding, public confidence, and public support. To overcome any obstacles the problem should be tackled on a short-term and a long-term basis. On a short-term basis he suggested that some of the efforts by the police should include television programmes, citizens committees, organized visits to police establishments, joint citizen/police patrols, and a reward system for those who have helped the police in their duties. On a long-term basis he suggested that the police should seek to win over citizens through contacts and lectures at schools, more social serv-

ices, and the setting up of special departments of police like "flying help" and crime prevention branches to concentrate on public service aspects of police duties.

Mr. Bounthanh Khounlavong (Laos) in presenting his paper outlined the historical background of Laos, its society, economy, politics and culture in an effort to present the drastic changes facing the Laos National Police. Laos has since independence in 1945 been engaged in civil strife. This has led to a neglect of development in national and socio-cultural activity. The kingdom of Laos is currently governed by a coalition form of government. As a consequence of this a combined force of Laos National Police and the armed element of the "left wing" conduct combined policing in two provinces, namely the Royal City of Luang Prabang and the capital city of Vientiene. This has created problems of liaison, command and jurisprudence. This change in Laosian society has increased policing problems faced by the National Police of Laos. Nevertheless, the Laos National Police is seeking to enhance the effectiveness of the policy by undertaking (i) a reorganization of the police and (ii) improvement of the criminal justice adimiration system. Reorganization will, it is envisaged, take the form of reduction in numbers of personnel and departments, revitalizing authority and command, and increasing police morale through an incentive system. In addition to this the Laos police are seeking to improve their image and public cooperation through a revitalized public relations programme. In conclusion he stated that the police are seeking to improve efficiency through an improvement in crime reporting and the maintenance of adequate and satisfactory statistics.

Mr. T. Rajasingam (Malaysia) reviewed very briefly the background of Malaysia, its social conditions and reiterated that policing in Malaysia is basically rural with some element of urban policing needs. He outlined the *Salleh* system of policing through which Malaysia was in the main policed, whereby selected police rank and file were required to reside in their areas of responsibility and act as the eyes and ears of the police. From these beats they would perform their normal functions

and not only get to know the local community but also take an active part in local community activities. Superimposed on this system was the normal mobile patrols and visits by senior officers. He then explained the special repressive nature of the Special Prevention of Crime Ordinance and gave an indication of the Secret Society menace in Malaysia which necessitated the existence of this repressive law. The third point elaborated upon in his presentation was the system of selection of senior police officers, who undergo a week's selection programme to test their suitability for police duty from a psychological point of view. He concluded by stating that time prevented him from elaborating all the points brought out in his paper but hoped that the points contained therein would be considered and weighed by all participants in the discussion sessions.

Mr. Koya Abe (Japan), before presenting his paper entitled "Crime Prevention Police in Japan," suggested that crime prevention was the most vital of police functions. However, the balance between emphasis on crime prevention and suppression should be well maintained and must always be within reasonable bounds. Statistics and research show that crime amongst juveniles in Japan is not caused by necessity but by greed or the desire to get something for nothing. It was therefore important that correct training in morals should be given to youth. He was thus of the opinion that the main emphasis on crime prevention should be given to the guidance of youth. In conclusion, law enforcement procedures in Japan are aimed not at merely following the letter of the law but at the crucial question of what serves the cause of justice. He then presented his paper which outlined the duties of the National Police Agency and the functions of the crime prevention police, the Crime Prevention Movement, the Crime Prevention Association, and the role played in crime prevention by police boxes and police patrols.

Mr. Kiyoshi Inoue (Japan) in his presentation covered the important and vital question of "To What Degree the Japanese Police were Faithful to Law." He cited reported cases where the District Court

and the High Court had different views on the right of the police to "stop and question" suspects. He then gave some examples of unreasonable investigative activities of police officers and the problems faced by law enforcement officers. He concluded his presentation by explaining the powers of the courts in Japan in entertaining or refusing applications for warrants of arrest and the system of checks inherent in law against decisions by public prosecutors not to prosecute certain cases. The chairman then closed the session by summarizing his observations on the criminal justice system of Japan, characterizing it as one which gave the maximum amount of discretion to its officers, like the police and the public prosecutors, and, on the other hand, had a system of checks and balance to ensure non-abuse. The object of the whole system was to enforce criminal justice in a fair and humane manner. In spite of this great discretion, abuses were very small in number as evidenced by the small number of violations.

Mr. Lab Kumar Shrestha (Nepal) in his paper discussed the relation between police and public and police training in the context of Nepal. He said that the police could not function in an effective manner if its internal operations deviated from society's norms and values. Further he explained how his country is encouraging crime prevention through public education programmes and dialogue with the community. He suggested that law enforcement is concerned primarily with human conduct rather than physical objects, and because of this the success of the police department is much more dependent upon the qualities of its personnel and its behaviour than upon the suitability of its equipment. Talking about the importance of training, he said "an important training objective is, therefore, an understanding of human drives, inhibitions, emotions, reactions, and attitudes, and of techniques that promote a desirable relationship between the police and the public." The Nepal police force is looking ahead in that particular line in order to serve the society and nation with a touch of modern reorganization, he said.

Mr. Mir Bahadur Ali Khan (Pakistan)

gave the historical, cultural, and social background of his country and explained the difficulties the police is facing in their relations with the community. The unsavoury impression created during the colonial days still persists to some extent in the minds of the public and will require lot of effort on the part of police to improve. The police must work sincerely and honestly and in order to obtain their cooperation acquaint the public with their difficulties.

Discussing the attitudes of police towards criminals, he compared the severe enforcement methods and laws of Saudi Arabia with those of the U.S.A. Crime in Saudi Arabia is very much under control whereas in the U.S.A. it is going up. He advocated a balance between these two extremes. For countries where there is still a great percentage of illiteracy and political stability is lacking, a greater amount of repression is necessary. As the circumstances improve, there should be more and more stress on preventive and corrective aspects.

Crime figures indicated that the standards of investigation, clearance of cases, and convictions were satisfactory. These could be improved further with the use of modern scientific techniques if the equipment-budget permits.

Commenting on the modes of supervision by senior officers, he advocated stress on inspecting the quality of work of subordinates rather than mere quantity. Sometimes this undeserved attention to figures alone encourages a tendency towards non-registration of cases by the station officers. The first step in criminal justice is proper reporting and registration of all offences taking place. Proper supervisory techniques and contact of senior officers with the public can go a long way in achieving this objective.

Mr. Jose E. Salido (Philippines) stated that prior to September 21, 1972, the police agencies in the Philippines were virtually autonomous and independent from the national government. The situation encouraged political intervention and influence by local and national politicians.

With the declaration of Martial Law on September 21, 1972, President Marcos

integrated the 1,500 police forces into the Integrated National Police, pursuant to the New Constitution. Predicated on the four imperatives of discipline, professionalization, integration and community action aimed at promoting the credibility of the police, the public image was improved. The National Police Commission through its regional academies standardized training. The national government expedited subsidizing the pay of police officers in poor municipalities. The residents of the community were involved in reporting the presence of criminals through the Barangay System. People also started denouncing abusive police officers and corruption. The appropriate disciplinary punishments are meted out. Steps are actively being taken to show the members of the police as men of character and fortitude—impervious to corruption, political influence, and fair, impartial and just in carrying out his duties.

He concluded that substantial success has undoubtedly been realized by the Philippines. However, reformation and improvement being a continuing process, the Philippine Government is strengthening the police agencies through further expansion and training under the Philippine Constabulary.

Mr. Harbans Singh (Singapore) said that in Singapore there exists now a healthy rapport, cooperation, and understanding between the public and the police.

With regard to the crime situation, a recent study for the period 1962–1972 showed that the overall crime situation has remained more or less constant. The disturbing factor is that crime has now become more sophisticated and organized and there are indications that a large number of offences are being committed by juveniles in the age group of 15–19. With rapid industrialization and development of new towns there is a tremendous shift in population and this has compounded both traffic and crime problems. A high powered Road Transport Committee was set up to tackle the traffic problem with the firm objective of improving the public transport and reducing traffic congestion. The police on its part has instituted more scientific methods of law enforcement and enforcement of traffic

regulations, viz., a traffic ticketing system has been introduced, traffic records are computerised, and the mobile squad is equipped with radio transceivers. To combat crime and to effectively deal with the mobile criminal the operational infrastructure of the force has been modernised—for example, "team policing" has been introduced. A blueprint setting up new divisional boundaries and the construction of new police stations has been accepted by the Ministry of Home Affairs which will not only meet the challenges posed by changing population patterns, urbanisation and future urban/industrial expansion but will also provide a sound basis for the efficient deployment of manpower and will bring about an approximate equality among station jurisdictions in terms of area, population, property and crime. The Criminal Investigation Department has been streamlined and a new unit, the Criminal Intelligence Unit with offshoots in all divisions, has been set up to regularise the entire field of intelligence gathering and utilization.

To raise the morale of junior officers the "Lee Soo Ann Committee" was set up which made recommendations *inter alia* for better housing conditions and an increase in salaries. It can confidently be asserted that these improvements will make a police career more meaningful and rewarding.

In concluding, he suggested and recommended that UNAFEI could play a more meaningful role by introducing a seminar for frontline supervisors like the sergeants and also the inspectors who do most of the supervisory and legwork in any police service and by establishing a police college in this region to teach techniques and management-oriented subjects at the highest levels.

Mr. Rudra Rajasingham (Sri Lanka) briefly outlined Sri Lanka's history and pointed out the changes that had taken place in its economic and social life as a result of foreign domination, and the changes that were still taking place in its advancement towards the establishment of a Socialist Democracy. With this background he traced the changing roles of the police since its establishment on organized lines in the early 19th century.

During the period of colonial rule the

police were used fundamentally in a deterrent role, and as a result they lost contact with the mass of the people. Just prior to and after Independence in 1948, however, a voyage of "Re-discovery" was started by the police of establish good faith in the villages by taking the initiative in establishing welfare societies, in an effort at rural upliftment, and latterly with the establishment of Anti-Crime Societies to seek their active cooperation in the task of crime prevention.

The change of emphasis from a deterrent role to a friendlier role identifying the police with the people was by no means an easy one. This required on the part of the police a re-orientation, not only in attitudes but also in methods of training. During this period, however, a social revolution, described as the most significant upheaval in Asia, occurred, ushering in what has been termed the era of the "Common Man." The police began to be called upon to perform a wide variety of functions not directly concerned with the prevention and detection of crime, such as maintaining industrial peace as well as enforcing a range of new laws resulting from numerous progressive measures of the State. The police service had to realign itself in order to act firmly but with acceptance in a rapidly changing social environment.

In this context programmes of recruitment and training had to be radically altered to meet the new challenge. There is still much more than can be done in this field and in the methods of selection by the introduction of psychiatric testing and other modern selection systems. He also pointed out the need to provide incentives in order to obtain the services of talented officers to serve on the staff of the police college as well as the need to establish a police academy, the need for which was now manifestly felt.

In conclusion, he felt that it was imperative that there should be a constant review of police methods and procedures in the light of the constantly changing role of the police. As the less affluent nations may not find it possible to allocate the desired amount of resources in the form of money, equipment, and trained manpower to this all important task, he recommended the setting up of a regional institute for

research on law enforcement problems which were common to countries in Asia and the Far East.

Mr. Isao Okimoto (Japan) mentioned that the notable features of the Japanese system of public prosecution are, firstly, security of tenure of public prosecutors and secondly, control and supervision by the Minister of Justice for the purpose of maintaining fair, impartial, and independent prosecution.

Japanese public prosecutors can investigate all criminal offences and have sole authority to prosecute. Public prosecutors play a quasi-judicial role from the viewpoint of "due process of law."

Moreover, Japanese public prosecutors can suspend public prosecution even if there is enough evidence for conviction, if, after considering the character, age and situation of the offender, the gravity of the offence, the circumstances of the offence, the prosecution is deemed unnecessary.

Japanese public prosecutors are playing a vital role in adjusting the administration of criminal justice to the changing needs of society. Effective countermeasures taken by the prosecution against the rapid increase of traffic accidents and public pollution cases are good examples of this.

Mr. Mitsuteru Takaki (Japan) explained briefly the organisation and functions of probation and parole services in Japan. He stated that 70,000 probation and parole cases are handled by 780 probation officers and 47,000 volunteer probation officers. Japanese probation services are characterized by the extensive participation of volunteers. In addition to supervision and aftercare of offenders, the probation office is in charge of promoting crime prevention activities in the community. He emphasized particularly the crime prevention activities organised by the probation office. In order to mobilize the interest of the public probation offices, volunteer probation officers' associations, women's associations for rehabilitation aid, and B.B.S. (Big Brothers and Sisters) associations have organised yearly a nationwide crime prevention campaign—"the Movement to Enlighten the Society." The aim of this campaign is to get rid of the people's prejudice against offenders and to make people more aware of offenders' needs and potentialities

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for participating in the community. Volunteer probation officers are in very advantageous positions to gain the interest of the public, because many of them are leaders of other activities in the community too.

General Discussion

Chairman:

Professor David H. Bayley, Visiting Expert

Rapporteur:

Mr. T. Rajasingam (Malaysia)

Introduction

The general discussion sessions covering a total of eight periods were conducted by Mr. David H. Bayley, Professor at the Graduate School of International Studies, University of Denver (U.S.A.), who presented a series of six papers and led the various discussion sessions. The purpose of these papers were to examine police practices comparatively across national boundaries with special emphasis on the tasks police perform and the implications which such task-objectives have on operational behaviour and organisational management. He sought in these papers to develop hypothesis as to why police practices varied among nations or over a period of time. Mr. T. Rajasingram acted as the Rapporteur throughout the sessions.

Section 1: Appropriate Police Tasks and Social Change and Police Tasks

Presentation

In this paper Professor Bayley touched on the problems of whether the police should restrict their activity to pure criminal detection and prevention or expand their services to other "extraneous duties." He defined his views as to what most police forces undertake in the course of their duties as, firstly, the enforcement of laws; secondly, the prevention of crime; thirdly, the mediation of possible conflicts; fourthly, the regulation of various aspects of social life; and, fifthly, the providing of various social services. However, the scope

of activities varied between police forces even in the same country. He suggested that any argument for the elimination of any of these functions as being inappropriate to police functions was unrealistic, as all five functions mentioned above were inter-related. The police could not seek to escape from performing a variety of functions. In graphic form the work of a police force should be thought of as occupying concentric circles around a core function —the core being enforcement and prevention, and the concentric circles representing mediation, services, regulation and miscellaneous duties, in that order of decreasing emphasis. The police should therefore seek to undertake any activity that eventually assists the core function of enforcement and prevention. This thesis therefore should provide some form of answer to the question: (i) what is the range of actual police activity? and (ii) are there any principles that can be used to determine which of the police activities undertaken are more appropriate?

Professor Bayley also sought to discuss why various police forces emphasis different activities at different times with a view to seeking to identify the outside factors if any that may determine police activities. In brief, the question was whether police tasks change according to social evolution. He suggested that there were two factors that condition what the police do in any given society, namely, the nature of interpersonal relations and political culture. As regards interpersonal relations he argued that as interpersonal contacts in urban industrial areas are lessened the nature of police activities in such communities are biased towards non-enforcement type duties. The police are therefore required to perform in a non-enforcement mode in communities where informal sanctions are declining, i.e., urban industrial areas and large cities. He however agreed that this may not be necessarily so in all communities. In tight communities in certain countries like Japan, this lessening of informal sanctions may not apply. As regards political culture, which he defined as the customary attitudes and behaviour of people in a community with regard to their government, authority, and political processes, he advanced several propositions. Firstly, that non-enforcement aspects would be

higher where political trust was high, civility in politics common, and compromise a characteristic of political process, i.e., like Britain. Secondly, that non-enforcement aspects will also be greater in countries where the people tend to identify themselves with the Government, i.e., statist countries. In non-statist countries the police would be considered as agents of formal law. They would therefore lack the moral standing the police enjoy in other countries and their functions would as a consequence be more enforcement orientated. Whilst differences in police activities within countries may be explained by differences in political culture, differences in police activities within the same country will be attributable to changes in interpersonal relationship. On this hypothesis it would be possible to make predictions about what kind of work the police of various countries will be doing in the future. The challenge for the police in developing nations would therefore be to provide more non-enforcement type of services in the future. Police organisations should therefore be reorganised to cope with this coming need. Training requirements must be reviewed and old military type ideas of discipline changed. To the extent that police forces in the future will stress non-enforcement duties, progress must mean (a) enhanced discretion at lower levels, (b) command structure democratised and decentralised, (c) training expanded, (d) recruitment standards in education raised.

Discussions

Many points were raised by various members. Points were made as to whether the police should undertake any extraneous duties and whether such duties were in fact impinging on the duties of other related agencies. During these discussions it became evident that only in America and only recently at that had any time and motion study been undertaken to compare the percentage of enforcement duties to non-enforcement type duties performed by the police. It was a consensus of opinion that there was however a gap between what the police were expected to perform and what they were actually doing by way of non-enforcement duties but that police

forces were generally reluctant to admit even the existence of this gap. This was a defence mechanism employed by police management.

Mr. Krishnaswamy then enquired as to how a police force could seek to identify what the public actually wanted of their police. The chairman suggested that as no specific machinery existed for this purpose, greater contact and feedback between higher and lower ranks of the force would provide some of the answers. In this respect he was of the opinion that it was the responsibility of police management to find the answers as to what the public expected through a judicial use of the method suggested by him.

Mrs. Sato (Faculty) in her observations touched on the paradox of apparent conflict between enforcement and non-enforcement functions of the police especially in the field of juvenile delinquents. As the chairman explained there was in the final analysis no conflict as long as the ultimate objective of enforcement and prevention was maintained. He was supported in this view by Mr. Abe.

Conclusions

Though no firm conclusions were reached by the participants, many of the ideas and suggestions contained in the two papers generated much discussion. The following were the general opinions reached:

(a) As to police tasks, the police must undertake certain social non-enforcement types of work because, firstly, they are in the front line and are in a position to perform this task and, secondly, such activity assists them in their primary or core responsibility in the enforcement of laws and the prevention of crime. As to the question of the extent of these services, it was the consensus of opinion that the police should not tread in fields that were the exclusive right of other government agencies. In such cases refusal was preferable. The sole measure of police responsibility in this respect was whether such non-enforcement duties were directly or indirectly assisting the core function of police, i.e., the enforcement of laws and the prevention of crime.

(b) As to the role of social evolution in police tasks it was agreed that both

interpersonal relationships and what may be termed political culture determines the role the police have to play in society. Society therefore decides the role of the police and this role will change so long as society changes. As regards the contention that the nature of change in interpersonal relationships in urban industrial societies would lead to an empnasis on non-enforcement functions by the police, it was agreed after some discussion on the points made by Mr. Rajasingham, that there were possibly some other factors that may have a bearing on this question. As no studies had been made on the subject and no statistics were available it was unsafe to make firm conclusions at this stage. It was however agreed that non-enforcement aspects of police duties will increase in the future regardlessly.

Section 2: Specific Tasks that Penetrate the Police Role

Presentation

In this paper Professor Bayley discussed the three aspects of policing that in his opinion were highly controversial and presented enormous difficulties for police administrators, namely (i) the use of discretion by police officers, (ii) citizen counselling, and (iii) crime prevention. He contended that these three aspects were inseparable parts of "real police work" and any attempt to separate them from law enforcement was artificial.

Policemen were however embarrassed by the issue of discretion and sought to pretend that they only enforced laws. However the police were, for various reasons, never able to enforce all laws. This meant that they used discretion in law enforcement; they were not blindly applying the law under all circumstances. However, being afraid of criticism for judgements they ought not to make, the police denied the use of discretion and become secretive in their actions. This secrecy tended to inhibit open discussion with the result that discretion by individual officers tended to become haphazard and unsystematic. He argued that though the status and education of police officers tended to be lower than court officers, police officers were

exercising as much, if not more, freedom of choice as were judges. These two segments of criminal justice were discrepant with respect to discretion and status.

If discretion was necessary to responsible police work, then he argued that it must be legitimized. He suggested that this could be achieved by, firstly, the police developing the courage to discuss the reality of police work and, secondly, by the various segments of the criminal justice system beginning a dialogue amongst themselves about what the police should do. In short, the change must begin from within the criminal justice system, especially from within the police force itself. Legitimizing the use of discretion would protect the police from uninformed criticism and raise their status as professionals. Furthermore, any denial by the police in the use of discretion creates a vicious circle of denial followed by unjust criticism and by more secretiveness by police officers and suspicion of police actions.

On the subject of counselling he observed that the police were reluctant to develop an efficient counselling ability as they regarded this as diversionary. The pitfall in this respect was to consider counselling as a public relations ploy rather than as an essential part of the police function. To be performed well, support for all ranks by training and proper organisation were essential. He suggested that basic requirements in this respect were, firstly, the existence of a specialised unit within the police for this function, secondly, the police must become an effective referral agency with a knowledge of all the services available from government and allied agencies; thirdly, training of all ranks to ensure that they can recognise referral situations and take appropriate action; fourthly, officers in counselling work should receive appropriate training in interpersonal communication; and, fifthly, that counselling officers must ensure that, where necessary, adequate follow-through action is taken to ensure that citizens' interests are satisfied.

As to crime prevention he observed that this was often a forgotten aspect of the police role. Crime prevention was the basic rationale for police work yet not only was it often neglected but many police officers considered it a detraction from more important tasks. If crime prevention was

made the core of police work then the case for discretion and counselling to avoid situations that lead to crime assumed important. He therefore suggested two steps for reform; firstly, police forces should enhance their capacity for advising about crime prevention by establishing special crime prevention units and, secondly, the police should expand their role as advisors to the community on the relationship between crime and social policy. The police know at first hand about the realities of life. They should therefore organise this information systematically and relate it to the problem of deviance and thus play an advising role to the nation.

Once the idea that these three aspects of policing are closely related is accepted, there arises the need to consider appropriate training. Though legalistic training would continue to be necessary, it should be supplemented by courses on the social realities policemen had to confront and the discretionary decisions they would have to make. The content and mode of training would therefore have to be re-orientated. Furthermore, the form of training needed also to be examined. Traditional systems of stress-training of an inflexible nature need to give way to more flexible non-stress training as recent studies revealed that the latter method produced a higher level of efficiency, job satisfaction, and performance acceptability by persons served. It follows that the instruction of instructors at police institutions will also have to be changed.

Discussion

The discussions during this session were more active and lively because of the fundamental nature of some of the arguments presented by Professor Bayley. There was no argument over the fact that the police were in the course of their duties exercising discretion at various levels, and furthermore, that they were hesitant as a general rule to publicly admit to this function. There was also general consensus that the police should continue to perform this function. As no speaker was in opposition to this proposition, the questions of paramount importance that evolved were therefore:

a) how much discretion and subsequent

counselling should the police undertake? and

b) should the police publicise this fact and if so, to what extent?

Mr. Salido contended that the police should first establish their credibility before seeking to undertake function (a) and also stated that one of the problem areas in effective performance of task (a) would be the existing professional jealousies between other government agencies undertaking counselling type functions. The chairman observed that for the police to effectively undertake this function the public should have confidence in the police. It was not sufficient for the public to think of the police as "legal agents." The police should be "moral agents," only then could there be confidence and acceptance by the public.

Mr. Rajasingam quoted the situation in his country whereby the Conciliation Board Act allowed the police to perform limited conciliatory activities. However, he admitted that training in this aspect was lacking. Mr. Khandaker suggested that "discretion" was an abstract term and could not be defined. It would therefore be difficult to lay down clear-cut terms of reference. Furthermore, the Police Rules in Bangladesh inhibited the police in acting as mediators. Professor Bayley agreed that world-wide standards could not be set up. Circumstances and scope of discretion would vary according to countries.

Mr. Krishnaswamy then expressed his opinion that though the police, the prosecution, the courts, and the correction institutions had discretion in enforcement aspects, the police had greater discretion in that not only could they decide to investigate or not investigate an "enforcement type" case, they had discretion in other non-enforcement spheres of crime prevention as they performed administrative, regulatory, mediation, and social service functions. The police could therefore be said to have the greatest discretionary power within the criminal justice system. Suitable training of police officers in the exercise of discretion was therefore important.

Judge Inoue observed that the police should have good grounds before exercising discretion. He stressed that all government servants must be careful not to abuse

their powers and to ensure that they upheld and maintained their moral right to exist.

Conclusion

In view of the far-reaching nature of the problem and the fundamental nature of the issues raised, no firm conclusions could be drawn to cover the situation in all countries. From the comments and observations made by all participants, the general consensus was:

a) that the police should continue to exercise discretion in their duties;

b) that appropriate training should be given to policemen to undertake this job. For this purpose training should be re-examined both as to extent and mode. The suitability of specific subjects would depend on the political culture of the country concerned, together with social norms and expectation of the society;

c) that attempts should be made to legalise or institutionalise the use of discretion by the police. As there would be much reaction from various quarters, this process should be undertaken with patience and circumspection;

d) that the method employed should begin with discussions from within the criminal justice system in general and the police forces in particular;

e) that as far as public acceptance was concerned, it would be wiser to begin in one field like the use of discretion in traffic offences, etc., and to widen the scope once the public have become used to the idea;

f) that in regard to the question of counselling, the police should in the main act as a referral agency and not seek to dominate this field.

Section 3: Force and Authority in the Police Role

Presentation

At this session Professor Bayley sought to examine national differences in the use of authority and force by police and to analyse the factors that account for these differences. He began his presentation by stating that different police forces used different levels of force to enforce their authority and that such differences were apparent even within the police of the same country. Though on the whole not much force was used by the police nor were the incidents large in number, they were significant because of public sensitivity. Thus in terms of public relations the issue of force was crucial. The area discussed in his paper was not inclusive of riot situations where the police were compelled to use force to restore law and order. This was a special circumstance. What he wished to discuss was the situation with regard to routine encounters between the police and the public. In view of the infrequent use of actual force by the police in such routine encounters it would perhaps be more useful to discuss the amount of deference in police-public relations, i.e., the degree of respect, politeness, and civility shown by the police to the public in the course of their dealings. Force, then, may be conceived as an extreme lack of deference.

In discussing the concept of deference he suggested that there were three factors that determine the degree of deference shown by the police. He agreed however that his propositions were hypotheses and needed testing before acceptance. The factors were:

1) The greater the amount of social distance between the police and the public the greater was the possibility that the police officer will show less deference, and thus the greater the possibility that he will use force, as when the police are dealing with persons of a different race or cast, or culture, or with criminals. As a further example, in heterogeneous societies where social distance was likely to be great, there was a greater likelihood of force being used by the police regardless of the fact that no offence had actually been committed by the suspect. Social science researchers had often noted this phenomenon.

2) The lower the self-esteem of a police officer the more likely he was to employ force in his dealings with the public. Thus if his self-esteem was high, he was more likely to remain poised and not lose his temper in spite of any lack of deference by the public. Closely coupled with low

self respect was the problem of low public regard. The lower the public regard the lower was self respect generally. Thus a vicious circle was created by the cycle of low public regard leading to low self-esteem and this in turn leading the police to use greater force to offset this image. The continuing use of force in turn tended to reinforce the negative public image of the police and further lower public regard. This was a major problem and effective social engineering was necessary to rectify the situation. One possibility was an improvement of the public image through administrative action like increasing pay, etc., or adequate training to improve self respect.

3) The last factor related to cultural regard for the physical display of authority. This was a factor dependent on the cultural state of a particular community and on the regard in which physical force was held in the particular society. He cited examples of training and attitudes of the police in America, Britain and Japan. In American society the "he-man" approach was held in high esteem, whereas this was not so in Britain or Japan, where the police went about their affairs in a more unobtrusive manner.

Discussion

In the discussion that followed a number of views were put forward to both reinforce the points made by Professor Bayley and to seek solutions. Mr. Salido explained the situation in the Philippines with respect to the use of force and suggested that in his society the possibility was that restraint by the police would be construed as weakness. He felt that a "he-man" approach was therefore the solution. The chairman agreed that factor (3) mentioned above covered this aspect and much depended on the culture of the community. Mr. Krishnaswamy of India compared the training practices of India and Japan and noted that in India the emphasis was on parade ground training with the men trained as symbols of force. In Japan this was not so and training was slanted towards individual power and this tended to increase self esteem. Mr. Rajasingam suggested that amongst the qualities that increased self esteem was higher education of police-men. This was accepted by the chairman after some discussion. Mr. Kandaker expressed any misuse of the police for political purposes and the lack of moral training as factors that lowered self esteem. The chairman agreed with his observations and those of Mr. Ali Khan who suggested that a differentiation should be made between the use of force during a crowd control situation and normal police responses. Judge Inoue agreed with the hypothesis presented by Professor Bayley and added further that with regard to the third factor much depended on the cultural nature of the society. In Japan it was generally accepted that rule by virtue was better than rule by force. The chairman concluded that the character of a police force depended on the society it served. By this token the Japanese police could not work in another country or vice versa. Mr. Harbans Singh suggested that the role of the police changes with changes in the society it served, especially from a colonial to a post-colonial period. He was of the opinion that this gap would be narrowed in the future. The chairman agreed with this and stated that the political climate in certain ex-colonial countries could lead to the police being continued to be used as if they were the tool of a colonial power. This could lead to a widening of any gap between police and public. The role senior officers could play was probably restricted by certain factors. Mr. Kandaker agreed with this and cited examples where the police were under the jurisdiction of the Minister of Home Affairs who was the sole arbiter of their use, unlike Japan where the police were more independent under the public safety commission.

Conclusion

The general consensus of opinion regarding the three factors discussed was:

a) It was true that the three factors enunciated by Professor Bayley had a bearing on the use of force by the police in situations other than those covered by a public order situation;

b) In heterogeneous societies, class, colour, creed, and other differences aggravated the problem outlined in factor (1). Even in homogeneous societies, differences

in political or religious beliefs created situations where factor (1) applies;

c) It was important that police forces gave considerable attention to reviewing training methods and emphasis to give sufficient importance to the individual self esteem of policemen. Allied to this problem of training was the question of raising public regard through administrative action like increasing educational qualification for entry, police pay, etc.;

d) As regards factor (3), society decided this to a certain extent. However, the example of the London Metropolitan Police should be borne in mind. The police by refraining from using force over the years changed public attitudes;

e) The major factors that contribute to a lowering of the public's image of the police were social conditions in a community and the misuse of police by political leaders. Police officers therefore had a role to play in this respect. Political leaders were doing a disservice to their own causes and their countries by misusing the police;

f) Though Japanese police philosophy was good, it was not always possible to transplant this ideology in other countries owing to cultural differences;

g) Though the police are often thought of as a "containing force," they can play a creative role. Thus, though the police cannot transcend cultural differences, they can do certain things to improve society. This should therefore be undertaken by the various forces in the context of their national backgrounds.

Section 4: Police Reform and International Comparisons

Presentation

In presenting his paper Professor Bayley emphasized the element of accountability or, in other words, mechanisms that can ensure proper police behaviour. He listed police self esteem and related ethics/esprit-de-corps as crucial elements in the incidence of good or bad police behaviour. He was of the opinion that education, training, equipment pay, etc. were by themselves not adequate guarantees of right behaviour. The institutional climate of police operations should be studied because the

organisation could as a whole influence individual conduct considerably. He suggested the following strategies to achieve improved police behaviour:

1) The responsibility for supervising and monitoring discipline must be internal and not external to police forces. The police organisation's capacity to handle this responsibility must therefore be enhanced. Any external intrusion in this sphere may be detrimental because it could lead to defensive reaction on the part of police personnel.

2) The climate for generating right attitudes must be created within the police by police officers themselves. This should include a willingness to punish or expose those who fall below set standards.

3) External measures to check on police behaviour should be reserved as a last resort when the police fail to put their own house in order through internal measures.

He further added that the police would generally tend to reflect the cultural situation prevailing in a particular region. Nevertheless there is a need for the police to set for themselves higher standards than may prevail. Reforms can enhance the police image not only in the public eye but in their own eyes. Policemen should be trained to look upon themselves as elite personnel.

Discussion

The discussions during these sessions centred around what the police could or should do to improve their image and thus raise standards. Mr. Dikshit stated his opinion that corruption permeated all strata of some societies and enquired therefore whether the police could be singled out for improvement within the context of such a society. The chairman replied that though the police could not be separated or taken out of the context of society, they should make a certain effort to "swim upstream." He quoted the example of the Japanese police who think their own standards of conduct higher than those of politicians and businessmen. In fact the police represents one of the most convenient pressure points where social reform could begin, and the Philippines' attempt to reform the police "root and branch" was

most interesting. Mr. Smith considered that police pay should not be linked to civil service salaries and that police requests for manpower should receive special attention. Mr. Khandaker suggested that there was a need for specialized study in each country of the factors that lead to corruption. Mr. Al-Hermizi was of the opinion that external supervision of the police was more harmful to the police because it reduce effectiveness. Internal leadership should be of a high standard and should not hamper discretion at lower levels. Any inefficiency could be traced to top leadership and only good police performance through example will eventually enhance the public image of the police. Dr. Bayley agreed with this view and reiterated that good leadership by senior officers was essential.

Judge Inoue in seeking to explain the reason for police self-esteem in Japan stated that the Japanese regarded Government as a source of moral authority and every public servant including the police tried to live up to this expectation. The chairman agreed with this explanation and stated that therein lay the difference in outlook between a Japanese civil servant and one from another society. Mr. Rajasingam drew attention to the idea that discipline should be collegiate and suggested that it was the cohesive factor that allowed the police to function in a predetermined manner. The question as to whether it should be collegiate or hierarchical therefore required further study. The chairman agreed with this and added that the way discipline operated should be related to different situations in different ways.

Conclusion

At the end of the discussion, Professor Bayley remarked that on an international level the police had a lot to learn from one another. However, the police should be cautious of their ability to export practices from one country to another. There was a tendency to provide too much free advice. This was not always suitable because conditions (social and political) were not similar. It is often found that certain police advisors are biased toward their own methods and procedures which were not necessarily suitable to other countries. A study of local conditions prevailing was required before a decision was taken as to what was best copied or imported.

In conclusion he put forward four points which he considered were vital and which were unanimously agreed upon:

1) A great deal more information on national police practices and methods was needed to be made available internationally. Nations must therefore be more willing to be informative on their own police operations. Some governments were reluctant to do this but to achieve results the initiative must be taken.

2) When studies are made of police activities in other countries more attention should be paid to everyday activities of the police and less to command structure, organisation, and equipment. In short the practical aspects of policing at street and village level in the various countries require priority in study and not the functions of central headquarters.

3) Any study of police activities should relate them to the social and cultural context of the country concerned.

4) Based on what the police are really doing, police officers, especially senior officers, must have the courage to accept the responsibility that is theirs. They are crucial in criminal justice administration and have enormous potential influence in society. They must accept, and society must be prepared to give, responsibility which they cannot really avoid.

PART II

Material Produced During
The 40th Training Course on
The Treatment of Offenders

SECTION 1: EXPERT'S PAPER

Periodic Detention in New Zealand

*by Eric A. Missen**

Introduction

Among the guiding principles that have consistently governed the formulation and practice of correctional measures in New Zealand over the past twenty years is that "offenders should be removed from the community only as a last resort." The introduction of periodic detention in 1963 under the direction of the then Secretary for Justice, Dr. J. L. Robson, marked a major step forward in enlarging the range of penal sanctions and correctional treatments short of committal to an institution. It fills a gap between probation and imprisonment, and while imposing on the offender conditions much more rigorous than those of probation, still leaves him as a member of the free society.

Legislation providing for periodic detention for youths between 15 and 21 years, was passed by an amendment to the Criminal Justice Act in 1962. In 1963 it was introduced with the opening in Auckland of a residential centre for youths between the ages of 15 to 21 years. This centre was opened as a pilot scheme, but it was not long before similar facilities were provided in other major cities. At the outset periodic detention was conceived as a means whereby young offenders indulging in anti-social behaviour rather than showing marked criminal tendencies could be brought up with a round turn, with their leisure time seriously curbed and put to uses that would emphasise the concept of restitution to society. However within the space of a few years it became to be seen both by the courts and by the public in general as an effective and sensible sanction applicable to a wide field of offending. At the present time, June 1975, there are 33 periodic detention work centres of which 13 provide weekend residential accommodation for youths; eight are non-residential centres for adults in major cities; 11 are non-residential centres for mixed youth and adult groups (17 years of age and upwards) in provincial centres; and there is the one and only centre for female offenders recently established in Auckland. During the year ended 31 December 1974, 3,010 offenders were sentenced to periodic detention and currently some 1,280 offenders are serving sentence.

In the development of the scheme, once the success of the pilot centre in Auckland was assured, facilities were provided first for young male offenders in other areas, then for male adult offenders in major cities; then for male offenders from 17 years of age and upwards in provincial centres, lastly the centre for female offenders in Auckland.**

In centres where numbers have been insufficient to justify setting up a work centre as such, the courts have made wide use of probation with the condition of undertaking community work as an alternative to the sentence of periodic detention. The offender is required, for a stated number of Saturdays, to participate in special work projects in the local community as may be arranged by the Probation Service in liaison with the local Authority or community groups such as, for instance, Junior Chambers of Commerce. The concept is exactly the same as periodic detention; its application is shaped to meet the different circumstances.

Legislation

Relevant provisions of the Criminal Justice Amendment Act, 1962 are:

S.9—Where any person who is not less

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** The Criminal Justice Amendment Act, 1966, removed the age limit of 21 years.

than 15 years of age is convicted of any offence punishable by imprisonment, the court may, in its discretion, sentence him to periodic detention for such term as it thinks fit, not exceeding in any case 12 months.

S.10—A sentence of periodic detention may be imposed for non-payment of a fine.

S.11—A person sentenced to periodic detention may also be placed on probation from the date of sentence or on expiry of the term of periodic detention.

S.14—A sentence of periodic detention is not to be imposed on any person who has at any time previously been sentenced to (i) detention in a detention centre or to borstal training, or (ii) imprisonment for a term of one month or more.

S.15—No Court shall sentence any person to periodic detention without first considering a report from the probation officer on the offender's social history and a report from a medical practitioner.

S.16—When sentencing a person to periodic detention the court must specify the number of occasions in each week he is required to report at a work centre, or alternatively — and this is invariably the course followed — direct him to report on such occasions each week as may be specified by the warden.

S.17—Activities at a work centre are prescribed as such activities (physical or mental), as attending classes or groups, or undergoing such instruction as the warden considers conducive to the person's reformation and training. Detainees are required to work at the direction of the warden either within the work centre itself or outside (i) at any hospital or charitable or educational institution; or (ii) at the home of any old, infirm or handicapped persons; or (iii) on any land of which the crown or any public body is the owner, or lessee or occupier; provided that no work is undertaken which would otherwise be done by a member of the ordinary labours force of the community.

The Establishment of Work Centres

The policy has been to provide weekend residential centres for young offenders where numbers are sufficient to justify this course. In so doing the Department of Justice has sought large dwellings in residential areas, soundly built but in considerable disrepair through lack of maintenance, standing in a fairly large section of land and handy to public transport. The tentative decision as to acquisition is attended in each case by a carefully considered process of seeking to allay any fears or doubts in the local community by an approach to the major, the member of parliament representing the area, and the nearby residents. Then, as soon as the purchase is completed, the Minister of Justice releases a statement to the press and members of the local news media are invited to inspect the property. Any initial opposition from local residents has invariably been overcome, if not immediately, then in the course of time when the behaviour of the detainees and the upgrading of the property have spoken for themselves. But this studied attention to good public relations has been an essential element in the provision of work centre facilities.

Each residential centre provides weekend accommodation for from 15 to 20 youths. So far as is possible the necessary repairs and modifications to the dwelling, the clearing and re-development of the section, attention to boundary fences and so on is undertaken by detainees themselves. Any major additions and alterations particularly involving plumbing and electrical installations must, however, be done by qualified tradesmen.

The essentials of a non-residential centre are office space for the warden, a locker and lunch room, ablutions and storage space for tools. Here vacant premises in centrally situated light industry or commercial areas have generally been acquired and with the resource and ingenuity of the wardens, assisted by the Ministry of Works, have been converted to use by detention centre labour itself.

In the case of both residential and non-residential centres, the premises as going concerns usually bear little resemblance to

their condition and appearance on purchase but all this with very little cost to the taxpayer. Without in any way failing to comply with building standards, adaptation and improvisation have been used to the full in providing adequate facilities at low cost.

Administration and Staffing

Periodic detention in New Zealand is not a form of part-time imprisonment. Placing the scheme within the administrative jurisdiction of the Probation Service was a deliberate move to underline its community-centred nature, giving emphasis to the concept of restitution by the offender to the community and in the community.

The administration of periodic detention work centres is seen in the roles of the Probation Service, Wardens and Advisory Committees. The District Probation Officer is the department's agent in the work of establishing a work centre and he is responsible for the general direction and oversight of the Warden and his staff. As we have seen above, the Probation Service is involved in furnishing presentence reports on persons to be sentenced to periodic detention and the service also provides training and assistance to work centre staff as well as counselling and advisory services to detainees as required.

The Warden is charged, under the provisions of the Act, with the general administration of the work centre. For residential centres a man and wife are appointed as warden and matron. According to the size of the muster at each centre assistant Wardens are appointed on a part-time basis to assist with the organisation and supervision of work parties. Appointments of Wardens of residential centres have been made from the ranks of retired navy and army personnel, the police young offenders squad, prisons service, of a minister of religion and from other callings. In selection, emphasis has been given to personal qualities of character, initiative, imagination together with proven abilities in counselling young people or in man-management. Appointments to adult and mixed centres have tended

to be made largely from among men with a trade, construction or contracting background. Subject to the overall direction of the District Probation Officer in respect of the programme, and provisioning and maintenance of the centre, the warden looks after its day to day running and in this is given as wide a discretion as possible.

For each centre there is an Advisory Committee, although in the larger cities it is usual for the same Committee to act in respect of the two, three or more centres that may be located in the area. The Advisory Committee is chaired by a Stipendiary Magistrate—the equivalent in most criminal justice systems to a District Court Judge. Membership comprises the District Probation Officer, Superintendent of Police, Director of Social Welfare, a trade union representative and two or more other members from among the local community. The Advisory Committees are appointed by the Minister of Justice. They have no statutory responsibilities but their job is to act as a link between the centre and the public, to advise the Secretary for Justice on matters of policy and administration, and to vet prospective work projects put to it by the Warden. There is no doubt that the Advisory Committees have played a valuable role in promoting public understanding and acceptance and in ensuring the adequate provision of suitable work projects in the community with the full support of the trade union movement.

Work Centre Programmes

At non-residential centres the programme is very much that of a full day each Saturday on assigned work at the centre itself or elsewhere. This may include maintenance of grounds, painting, minor repairs and construction work, laying concrete paths, erecting fences, clearing scrub, tree felling, afforestation, digging drains and so on. Here then the Warden's task centres mainly around finding suitable work projects, allocating the work, ensuring that the necessary tools and transport are available and that the work is done to proper standard by each detainee. In addition he will give time to

the induction of new detainees, to difficult cases in need of guidance or counselling or requiring discipline because of an infringement or carelessness or laziness.

As one would expect, education and counselling have a much larger part in the programmes for youths at residential centres. At such centres the detainees report at 7 p.m. on Friday and remain in residence until forenoon on the following Sunday. They are required to attend also on one evening in the week from 7 p.m. to 9:30 p.m. Usually this is on Wednesday evening. Saturday is a full work day on projects similar to those undertaken by non-residential centres. The aims of the programmes for young offenders may be briefly stated as:

(i) the development of sense of responsibility and an appreciation of the proper place of discipline,

(ii) the development of personality and good inter-personal relationships, and

(iii) the achievement of specific goals in work, recreation, and knowledge.

Within the overall framework of policy objectives and prescriptions as to attendance and work, each Warden has been encouraged to develop his own programme in liaison with his District Probation Officer and Advisory Committee. Thus, by and large, the detailed programme of each work centre reflects the Warden's own personality, philosophy and experience. The specific approach of the Wardens of four centres is described below in the words of a Department of Justice research publication.*

"Centre 'A' is a strictly run, disciplinary establishment. The whole emphasis of the training programme is upon rules and the need to obey them. Trainees are, however, given an opportunity to criticise and discuss the running of the centre at group discussions.

"The boys arrive at the centre by 7 p.m. on Fridays. A work schedule has been prepared and work is assigned, including maintenance, cleaning, cooking, and community projects. Each boy is made responsible for a particular 'area' in the centre, and must keep his 'area' clean and tidy at

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* Research Series No. 4, Justice Department, N. 2.

all times he is at the centre. Failure to keep an 'area' up to the standards required can result in a penalty involving four hours additional work. Throughout the weekend there is great emphasis on cleanliness, tidiness, and smartness: all work must be carried out exactly as taught and laid down by the rules.

"Group activity of various types occupies the evening. This includes a group discussion led by the warden. On Saturday, the trainees whose job is to do the cooking get up at 6:30 a.m. — the remainder at 7 a.m. Work, which begins at 8 a.m., may be at the centre or on an outside project, such as the maintenance of an elderly person's home. The work programme is carried out at a brisk pace —there is no time for dawdling or loafing around.

"Work occupies the whole day until 5 p.m. After dinner another group session is held for the trainees who did not participate the previous evening. All are then free at the centre until bedtime. There are no formal activities organised on Sunday mornings. Boys spend some time preparing their respective 'areas' for inspection, and when an area has been inspected and passed, the trainee concerned may have his bed and locker inspected, and leave. Usually all have left by 10 a.m.

"On Wednesday evening all attend to hear a talk given by a visiting speaker. Attendance is normally from 7 p.m. to 9:30 p.m.

"Basically all periodic detention work centres follow the same format as that described in regard to centre 'A,' there are, however, major differences in emphasis.

"At centre 'B' there is again an emphasis upon discipline, but it is supplemented by the development of a casework relationship. The warden at centre 'A' makes no deliberate effort to establish inter-personal relationships: the warden at centre 'B,' in seeking to alter the trainee's value system as distinct from his overt behaviour, attempts deliberately to establish a personal relationship with each trainee. High standards of performance are expected—and obtained.

"In general, the warden of centre 'B' uses the programme as a means of redirecting youths from the course they have

previously followed to a course which is at least 'centre of the line,' and if possible 'right of the line.' The means employed to achieve these ends are an admixture of strict discipline and inter-personal relationships.

"Centre 'C' operates on the principles of good discipline and good manners, with the added ingredient of the need for trainees to think beyond the immediate gratification of needs. The warden endeavours to plan a programme of activities which centre around a youth's thinking capacities. In his opinion, most of his charges are too lethargic, both mentally and physically. He sees a need for sharpening their cognitive processes and thus developing a more positive outlook and behaviour pattern.

"A very varied programme has been developed including educational activities such as lessons in basic English and arithmetic (work is set, marked, and tests are given). A wide variety of community projects are carried out, avoiding any repetition or dullness in job content. Other activities include a boat-building project, a tramping trip in the Southern Alps (the latter is anything but a 'holiday jaunt'), and training in the management of their own welfare account, together with practice in running a committee. Leisure hour activities include playing 'Scrabble' (word building game) and completing crossword puzzles. Use is made of enacted plays to encourage discussion concerning various aspects of behaviour. The latter all serve to promote an animated and vigorous programme which the warden considers will develop the trainees' cognitive processes.

"High standards in manners, behaviour, personal cleanliness, and work effort are expected at all times. Once the rules have been explained and understood, a trainee is expected to assume full responsibility for his own behaviour. While the warden at centre 'C' demonstrates genuine concern to the trainees for their welfare there are no 'second chances' or 'second warnings'; penalties for misbehaviour or failure to carry out a task are automatically imposed. The only comment the warden makes is to quietly, but firmly, point out the cause and effect relationship between misdemeanour and penalty. By developing

some sense of responsibility for himself, it is hoped that the trainee will gradually extend this to include a sense of responsibility towards other persons—particularly his parents and employer.

"The warden at centre 'D' views his task as that of providing a 'facilitative environment' which will meet the needs of the 'whole person.' He endeavours accordingly to provide a stable environment for the trainees whom he views as being casualties of a permissive society. The youths who come before the courts are considered to have no goals other than those of immediate self-gratification: they have endeavoured to give meaning to their lives in socially deviant ways.

"With the latter as his basic position the warden sees periodic detention as a means of enabling a youth to work out his own relative responsibility for the situation in which he now finds himself—and to do so within an authority-structured environment. In learning the rules of the establishment the process of becoming 'other-centred' will already have made a beginning as the trainees are expected to tell each other the rules of the centre and the penalties which can be incurred.

"The warden sees his first task as that of building a relationship with the trainee. This is crucial in assisting the trainee towards the ultimate aim of being able to see himself, define himself, and develop an aim in life beyond himself. All activities at the centre are directed towards development by the trainees of a positive self-concept.

"The effectiveness of the work programme is regarded as being an outcome of the counselling programme: criteria for effectiveness include the development of a more responsible attitude towards employment, stability of employment, and increased efficiency and productivity. Apart from maintenance in and around the centre, the warden endeavours to select community projects which have a high creative content and which stimulate interest and encourage the use of initiative.

"The Saturday night programme is equally varied: on the first Saturday of the month the trainees participate in a recreational programme conducted by the University School of Physical Education.

On the second Saturday there is a programme involving contact with outside youth groups; on the third Saturday the trainees spend the evening at the local swimming baths, and on the fourth Saturday there is a visiting speaker. On the occasion of a fifth Saturday in the month the trainees are escorted to a cinema and are then left to return to the centre unescorted. (This trust has not so far been abused.) The film then forms the subject for group discussion the following Wednesday night.

"Individual counselling and group discussion tend to be the centre of focus at centre 'D.' An interesting feature is a weekly period of 15 minutes during which the warden becomes the target for a frank exchange of question and answer relating to problems of a religious and ethical nature: there is never any shortage of questions and the period invokes considerable interest on the part of the trainees.

"In each of the four centres described, the elements of discipline, good manners, individual and group counselling, hard work both at the centre and community-based projects, and the maintenance of a lively atmosphere are all present. An outstanding feature continues to be the degree to which each of the latter may be present at any particular centre."

The role of the Matron in residential centres is an important one. The influence of her presence is seen in the atmosphere of the centre, in the decorations, arrangement of furnishings and so on. More fundamentally, however, as the mother figure she is able to establish a rapport, to receive confidences and to be able to counsel in situations that otherwise would remain below the surface. The Matron looks after the kitchen and dining room services and detainees are rostered in turn to help with preparing, cooking, serving and clearing away after meals.

Periodic Detention Centre for Women

After some debate it was decided that the centre for women should be non-residential. Apart from the cost factor other major advantages envisaged in not requiring women to live in over the weekend were that offenders with children, if

unable to find satisfactory day-care, could take the children with them to the centre on Saturdays and secondly, that some offenders, especially those in domestic service, are normally employed at hours that could clash with residence at the centre.

The centre opened in January 1975 and eleven offenders, who otherwise would have been sent to prison or borstal, are currently attending—accompanied by half dozen children. The warden is a trained social worker who before her appointment to this position served as Matron, with her husband as Warden, of an adult pre-release hostel in the Auckland area. A male Assistant Warden has just been appointed.

As would be expected the programme for women is still in its formative stages. It is designed to provide for detainees physical needs, personality needs and inter-personal and community relationships. The aim is for each person to achieve specific goals in training, education and work while seeking to influence attitudes and impart skills through a combination of instruction, seeing and doing. Subjects to be covered include child care; personal hygiene, grooming and deportment; planning, purchasing and cooking meals; general home management, budgetting and civics. Presence of children at the centre will obviously be an advantage in some sessions.

Evaluation

The only results of completed research so far were published by the Department of Justice in "Periodic Detention in New Zealand, Research Series No. 4, 1973." That booklet gives a description of the treatment and an analysis of

(1) the outcome in respect of youths sentenced from August 1963 to July 1967 over a period of two years after completion of sentence, and

(2) the outcome during sentence of 354 offenders sentenced to non-residential centres.

The results are given in the following tables.

By whatever criteria "success" or "failure" may be defined the fact is that, of

Residential: Outcome for All Detainees

Outcome	No.	% of Total
Not reconvicted	100	39.8
Admonished	1	0.4
Convicted and discharged	1	0.4
Fined	51	20.3
Probation	14	5.6
Detention centre	27	10.8
Periodic detention	5	2.0
Borstal	38	15.1
Prison	14	5.6
Total	251	100.0

Non-residential: Outcome of Sentence Period

Outcome of Sentence	No.	% of Total
Term. due date	246	69.5
Term. breach only	35	9.9
Term. further offence only	31	8.8
Term. breach and further offence	21	5.9
Term. absconder	21	5.9
Total	354	100.0

the young offenders sentenced to periodic detention, 39.8% did not re-offend during the two years period at risk, while another 26.7% committed minor offences did not, however, attract sentences of detention in any form. Thus 66.5% of the group, who, in the absence of periodic detention would have gone to prison, still remained in the community. As to the adult offenders the least that can be said is that, in respect of 70% of the group, society has been spared the costs, both financial and social, attendant upon imprisonment, while the men themselves have continued to make their contributions and exercise their responsibilities within the community.

Conclusion

Periodic detention as a sentence of the Court and as a form of community treatment in New Zealand has attracted the

attention of criminologists and correctional administrators in many countries throughout the world. As a sanction alternative to imprisonment it has proved its effectiveness. It commends itself on both social and economic grounds. It enables the offender to meet the penalty of his offence without withdrawing his labour from the community, without depriving his family of his support and companionship and without either he or his family becoming a charge on the state. It avoids the stigma of imprisonment, and, in respect of the married offenders, avoids the hardships imprisonment imposes on the families of most of them. Furthermore periodic detention centres can be established at very little cost; it is a form of treatment that is cheap to introduce and to administer and this without taking any account of the work undertaken by the detainees which in itself is of considerable value.

What are some of the factors that have contributed to the success of periodic detention in New Zealand? I offer the following as my personal views formed from a close association with the scheme over a period of eleven years from its introduction in 1963.

First, the attitude of members of the Judiciary. The wholehearted support of Judges and Stipendiary Magistrates in the concept of the sentence of periodic detention as a disposition, not in place of a fine or probation, but as an alternative to imprisonment; their willing acceptance of the desirability of pre-sentence reports and the involvement of Magistrates in the administration of the centres is beneficially reflected in both sentencing and treatment. The key to the successful outcome of a sentence to periodic detention is the perception and motivation of the offender rather than the nature of the offence. So with the assistance of the Probation Officer's pre-sentence report the Courts have been able to apply the sentence over a wide field of offending but with proper regard to the ability of the offender to face up to the situation and to do something with it.

Next, periodic detention is seen by the public at large as a appropriate penalty providing a sensible balance between the demands of punishment, restitution and

rehabilitation. The demands upon the offender in forfeiting, over a period of some months, his Saturdays or weekends with a week night as well in some cases, are not inconsiderable. (Indeed, it may be said as an aside, that some detainees have deliberately committed further offences in the hope of "escaping" to hopefully a prison sentence of shorter duration. But any development of the practice was curbed by an amendment to the law providing that, unless the Court ordered otherwise, a person serving a sentence of periodic detention and subsequently sentenced to imprisonment for less than one year would be required to return to periodic detention for the unexpired portion of his term on his release from prison.) Furthermore the community is both involved in the administration of the scheme and in the direct beneficiary of work undertaken by offenders whether for needy individuals or charitable organisations or on local community projects.

Another significant factor is that from the outset the scheme has had the support of the trade union movement. The lead given by the President of the Federal of Labour at the introduction of periodic detention has been fol-lowed by trade union members of Advisory Committees. Over the years they have made a valuable contribution as union representatives and in their own right as individuals.

Mention must be made, too, of the very great advantage of the existence of a well-equipped Probation Service already closely identified with the sentencing function of the Courts and the supervision of offenders in the community. This provided a settled and sound administrative framework for the introduction and development of periodic detention. In addition the enthusiasm, initiative and imagination of Probation and Work Centre staff is reflected in the programmes for each centre and the beneficial results of time willing given to public relations work.

Finally it must be said that New Zealand has for many years experienced full employment—at times even over—full employment. Nevertheless there should be no great difficulty in most countries in finding useful work of the kinds specified in the New Zealand legislation, which if not undertaken in terms of a scheme of this nature—with benefit both to offenders and the community—would not be undertaken at all.

SECTION 2: GROUP WORKSHOP

Workshop I: New Perspectives in Correctional Institutions

Summary Report of the Rapporteur

Chairman: Mrs. Josefina Montante-Santos
Advisors: Mr. E. A. Missen, O.B.E. and Mrs. Kinko Sato
Rapporteur: Mr. A. L. de Silva

Titles of the Papers Presented

1. Increasing Criminality in Hong Kong
   by Mr. Chun Chak Lam (Hong Kong)
2. Overcrowding in Correctional Institutions in Sri Lanka
   by Mr. A. L. de Silva (Sri Lanka)
3. Classification in the Correctional System in the Philippines
   by Mrs. Josefina Montante-Santos (the Philippines)
4. Treatment in Juvenile Prisons in Japan
   by Mr. Terumitsu Takabayashi (Japan)
5. Socialization of the Juvenile Training School
   by Mr. Tetsuya Ozaki (Japan)
6. Treatment of Delinquent Children
   by Mr. Akio Aramaki (Japan)

Introduction

The group consisted of five correctional officers and one child guidance and training officer. The topics presented and discussed during the sessions necessarily involved contemporary as well as traditional problems in relation to institutional treatment. In many Asian countries, overcrowding is one of the prevailing characteristics in the correctional system. This tendency has been accelerated by the constant increase in crime and the major reliance on prisons to deal with it. However, it is also recognized that these countries have made every possible effort to improve this situation and to provide the prisoners with many rehabilitative programs. Participants' views or opinions faithfully reflected their serious concern on the problem and their strenuous efforts to bring about a satisfactory solution.

Overcrowding

The first paper which came up for discussion was the paper presented by Mr. Chun Chak Lam on "Increasing Criminality in Hong Kong." In Hong Kong, a total of 20,592 persons were apprehended and prosecuted for having committed various offenses in 1974. It shows an increase of 42.1 per cent over 14,500 such persons in 1973. As a result of this marked increase in crime and the court's major reliance on longer prison sentences, a total prison population including treatment or detention centers has increased remarkably from 6,479 in 1973 to 8,221 in 1974. Mr. Chun pointed out a number of serious problems arising out of overcrowding in prisons, which may not only create the strain on basic living conditions such as sleeping or kitchen facilities but hamper their operations to establish adequate security or frustrate their effective execution of rehabilitative programs.

Mr. Chun then referred to the building or remodeling of institutions in Hong Kong. In 1975, a new minimum security prison has been brought into use for housing 600 prisoners. The Prisons Department is taking over an island, formerly used as a leprosy treatment center, to be used for the treatment of narcotics addicts. One of the existing treatment center will be reverted to a prison for housing 700 prisoners. However, he stressed that, although it was of urgent necessity to expand the capacity of prisons, the construction of new prisons alone did not bring about a long-run solution to the problem under the growing crime rate in present Hong Kong, and that the wider use of probation or other alternatives to prison sentences was

not only less costly but in the long run might prevent much recidivism. Many participants agreed to his view and felt the vital necessity of reviewing their traditional penal policies whose major reliance had been put on prison to deal with crime.

Mr. A. L. de Silva also presented the same problem in his detailed paper on "Overcrowding in Correctional Institutions in Sri Lanka," and analyzed the causes of overcrowding and the measures directed toward its solution. In Sri Lanka, the rate of overcrowding was 55 per cent in 1948. It once touched the bottom when it decreased to 35.5 per cent in 1965. However, it has increased to 106.8 per cent in 1971. Unlike in Hong Kong, this increase was mainly due to unproportionately sharp increase in persons held in prisons awaiting trial. It is very clear from the fact that the overcrowding rate of 10,642 convicted prisoners was merely 7.7 per cent, while that of 41,677 unconvicted prisoners was 568.5 per cent in 1971.

Mr. de Silva stressed that this marked decrease in the overcrowding rate of convicted offenders may be attributed to a number of measures taken by the Government including the greater use of probation, parole, pardons, or other alternatives to imprisonment as well as the establishment of new correctional institution. He then introduced the new provisions of the Administration of Justice Act which would be expected to maximize the total effects of criminal justice process. Above all, a wide discretionary power was given to a judge or a magistrate to grant the bail to the offender. This may be considered as an effective method to solve the problem of overcrowding on persons awaiting trial. During the discussion, many participants observed that the wider use of probation or other alternatives to imprisonment had played important roles in solving the problem of overcrowding on convicted prisoners. However, they pointed out that the increase in persons awaiting trial may be attributed to a number of factors in overburdened judicial system, and that every possible effort should be made to reevaluate the effectiveness of the total system by extensive and thorough researches from many perspectives.

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Classification Programs

Mrs. Josefina Montante-Santos presented her paper on "Classification in the Correctional System in the Philippines," and introduced the operation of classification programs in the correctional system. In the Philippines, the Reception and Diagnostic Center is the only and separate institution to which male convicted offenders are committed for study and classification with the purpose of deciding the treatment program best suited to their needs and the institution to which they should be transferred. This Center formulates the recommendations for treatment based on the results of the tests, interviews, and observations of various staff members. The Classification Board in each institution can change or modify the program in accordance with the inmate's changing needs and with new analysis.

It was generally agreed that classification was a much-needed method by which the coordination and integration can be achieved both in diagnosis and treatment in the individual case. However, many participants stressed that classification should not be considered as panacea, because the knowledge of human behavior was still largely undeveloped, and because it was frequently a custodial officer who had been primarily responsible for the change of the inmate. In regard to particular treatment programs under the classification method, Mrs. Santos explained a number of treatment programs in correctional institutions. Many participants observed that, among others, the treatment in Iwahig Penal Colony, a world-famous open institution, and the diversified agricultural training in Davao Penal Colony may provide the inmates with the most effective programs for their rehabilitation and reintegration into the society.

Juvenile Delinquency

1. Treatment in Juvenile Prison

Mr. Terumitsu Takabayashi presented his paper on "Treatment in Juvenile Prisons in Japan," and argued the needs for the reevaluation of the treatment in juvenile prisons. In Japan, juvenile offenders between sixteen and twenty who have been

sentenced to imprisonment in the ordinary courts are committed to juvenile prisons. The inmates may be continuously institutionalized until they reach the age of twenty-six. A total population of juvenile prisons has showed a general downward trend and statistics show that there were only 331 prisoners in 1973. There were also 3,238 adult prisoners between twenty and twenty-six in juvenile prisons. Of the offenses committed by such juveniles, the higher percentage can be seen in professional negligence causing death or injury, rape, robbery, and larceny.

Mr. Takabayashi, while observing that there had still been a tendency of treating juvenile prisoner *en masse* in juvenile prisons, emphasized that more individualized treatment should be placed into operation, and that it should be necessary in formulating such treatment to differentiate one offender from others in personality, character, sociocultural background, the motivation of his offense, and his particular potentialities for reform or recidivism, and to determine the best rehabilitative measures to solve his set of problems so as substantially to reduce the probability of his committing offenses in the future. It was generally agreed that individualized treatment must be more utilized for handling the inmates in juvenile prisons. However, it was also agreed that all the emphasis cannot be placed upon individualized treatment alone, because sufficient demonstration had been made to show that the group approach to treatment was a valuable and essential addition to the treament program.

2. Treatment in Juvenile Training School

Mr. Tetsuya Ozaki presented his paper on "Socialization of the Juvenile Training School," and argued the need to reduce isolation from the community in juvenile training schools. He observed that the school still remained as an institution isolated from the community where its inmate eventually made his way. He then pointed out the following facts obstructing the socialized treatment of the school: (1) lack of suitable social guidance, (2) large gap between vocational training and industrial needs, (3) limited kinds or types of vocational training course, (4) inadequate budget,

(5) lack of competent instructors, and (6) limited recreational activities.

It was generally agreed that isolation from the community will often be sufficient to make the juvenile characteristic of the penal community and so disrupt his personality that the adjustment in any outside community will be next to impossible, and that education, vocational training, and other such activities in the school should be carried out in the community or draw into the school community-based resources. In this relation, it was also agreed that the public attitude toward the school should be improved for effective operations of the training program in the school. Some participants pointed out that it was very difficult to reduce isolation from the community under the attitude of the public who may often consider an incident of escape as a serious threat to the community.

3. Child Guidance and Training Home

The final paper which came up for discussion was the paper presented by Mr. Akio Aramaki on "Treatment of Delinquent Children." Mr. Aramaki pointed out some problems relating to the treatment of delinquent children in Child Guidance and Training Homes in Japan. One serious problem is the escape of children from the homes. Statistics of the Musashino Gakuin Home show that there has been a constant increase in escapes of children from the Home for seeking pleasure or freedom. Mr. Aramaki observed that this tendency showed the difficulty in treating delinquent children in this changing and complex society. His view may be supported by the same statistics indicating recent decrease in success rate of released children in the Home. Many participants agreed to his view and stressed that today's youths lived only for the moment, lacked a sense of oneness with society, and were filled with unusual want and discontent. In this connection, Japanese participants emphasized that recent commercialization was becoming so all-pervasive, and all the efforts to keep consumption rising through every means of inducement including advertisement, TV, radio, etc., had been creating frustration in the minds of young people.

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Classification in the Correctional System in the Philippines

*by Mrs. Josefina Montante-Santos**

Introduction

The prison of today has abolished the stripes, the shaved head, the ball and chain, the lockstep, the water cure, and not a few dehumanizing forms of custody and discipline. Inmates are now allowed to enjoy radios, newspapers, books, magazines, games, movies, letters, and visitors. They eat better food and sleep on better beds than their forerunners. Some of them may even sleep in the open air outside their cells. Nobody would doubt that imprisonment of offenders need not include purposively inflicted suffering, or mere restraint on them can not accomplish the purpose of correction.

It is now unmistakably clear that the prison should make every possible effort to rehabilitate prisoners within the framework of a system of security. The emphasis in rehabilitative treatment is upon the integration of diagnosis and treatment in the individual case. Classification is the whole system of differentiation in accordance with inmates needs and individualized execution of treatment programs consistent with the needs. As Mr. F. Loveland pointed out, the purposes of classification are accomplished, (1) by analyzing the problems presented by the inmate through the use of every available technique such as through* social investigations, medical, psychiatric, and psychological examinations, or educational, vocational, religious, and recreational studies; (2) by deciding in the staff conference on the program of treatment and training based upon these analyses; (3) by assuring that the program decided on in the conference is placed into operation; and (4) by observing the progress of the inmate and by modifying the programs in accordance with his changing needs and with new analyses.

* Bureau of Prisons, Montinlupa, Rizal, Philippines.

Reception and Diagnostic Center

The Reception and Diagnostic Center is the new development in the field of classification. Its roles and functions are defined in the Administrative Order No. 8, Series of 1953, of the Department of Justice. It is a separate institution to which male convicted offenders are committed by the courts or other authorities for study and classification with the purposes of deciding the treatment program best suited to their needs and the institution to which they should be transferred. It also facilitates their adjustments to prison life and develops attitudes which will enable them to make the most of their opportunities offered in the prison.

Prior to the development of classification, the admission program for a new inmate is extremely important and scheduled for the first few days after he is received. Inmates are preoccupied with anxieties and not in a frame of mind to enter upon a program of self-improvement. Some of these problems can be brought to the surface and handled in the interviews with the case worker, psychiatrist, chaplain, or others on the staff. But to many, the feeling of distrust of institutional personnel is so deep-seated and the time available for initial interviews and examinations is so short that the problems remain undisclosed and "unventilated." To meet this situation, the new inmates are always encouraged and guided to discuss their problems with well-trained and understanding staff member. This phase of an orientation program has much to offer in placing them in a frame of mind to accept a constructive program and to cooperate in carrying it through.

The Classification Staff Meeting consists of the chiefs of sections and units chiefly concerned with the diagnosis, training, treatment, and custody of inmates. All the data are submitted to a case coordinator who integrates them into a Case Summary Report. The Report represents the combined results of all the tests, inter-

views, and observations of the staff members in those sections and units. It is presented to the regular staff meetings for final deliberation and evaluation. Recommendations for the treatment of the inmate cover the following areas: (1) institutional allocation, (2) type and degree of custody, (3) work assignment, (4) academic and/or vocational training, (5) type and degree of social orientation and training, (6) immediate medical or psychiatric needs, and (7) others. With these recommendations formulated and approved by the Director of Prisons, the inmate is then discharged from this Center, two months after the date of commitment, and he is transferred to the operating institution to which he has been classified.

Treatment in Correctional Institutions

1. New Bilibid Prison

The Old Bilibid Prison had been constructed in the city of Manila during the Spanish regime mainly as the place of confinement for Filipino prisoners. The construction of the New Bilibid Prison started in 1936 on 552 hectares of land in the suburbs of Manila to solve the problem of overcrowded population as well as to cooperate with the city development plan. The new institution is a maximum security prison and has a capacity of 3,000 prisoners. However, it now accommodates around 9,000 prisoners and is known as the largest prison in the world from the standpoint of population. It actually receives all the convicted offenders from all the courts in the country except those sentenced by the court of Zamboanga, who are directly committed to the San Ramon Prison and Penal Farm. The New Bilibid Prison specializes in the industrial type of vocational training. It operates various shops on furniture, shoe repairing, blacksmith and tinsmith, auto-mechanics, automobile body, electronics, watch mending, tailoring, carpentry, and rattan work. It also provides training in gardening, poultry, piggery, and animal husbandry. Academic training is also important, and inmates are provided with opportunities to complete their high school education during their terms.

2. Iwahig Penal Colony

The Iwahig Penal Colony in Palawan was built in 1904 as a colony for the incorrigible offenders. However, this policy was changed soon afterwards by the Reorganization Act of 1907, and the Colony became an institution for very tractable offenders. It now enjoys the reputation of being one of the finest open institutions in the world. At present, the Colony has an area of 36,000 hectares and average population of 4,000 prisoners. One important feature of the Colony is the privilege granted to the colonist to call their families to the Colony at the Government's expense and to live with them in the colonists' village. This Colony maintains various community facilities, such as schools, church, recreation center, post exchange, and hospital for the colonists and their families. The colonists with the family can cultivate a piece of land and are usually encouraged to raise poultry and livestock for their personal use. Another remarkable feature is the Tagumpay Settlement administered by the Colony. Its 1,000-hectare land in the Colony had been divided into six hectares of homestead lots for released prisoners who desired to live in the Settlement.

3. San Ramon Prison and Penal Farm

The San Ramon Prison and Penal Farm was built in the south of Zamboanga by Spanish authorities for the confinement of political offenders. At that time, a rebel who had not been shot was sent to Guam, Mariana, or Zamboanga. It is now a mixed-custody institution with the area of 1,534.6 hectares and with average population of 1,200 prisoners. Its main product has been copra, one of the biggest sources of income of the Bureau of Prisons. Coffee, rice, corn, and cattles are also raised in this institution.

4. Davao Penal Colony

The Davao Penal Colony was established in 1932, by the then Director of Prisons, General Paulino Santos. During the war, the Colony with an area of 18,000 hectares had been used as a concentration camp for American prisoners of war. Since the reconstruction in 1946, the

Colony has been famous for its abaca, rice, and other agricultural products as the main source of income of the Bureau of Prisons. At present, the Colony is a combination of medium and minimum security types of institution. The majority of inmates are placed on a medium custody and work in the open fields under escort guards.

5. The Correctional Institution for Women

The Correctional Institution for Women is the only penal institution for women in the Philippines. It was established in 1931 on the 18-hectare piece of land in Mandaluyong, Rizal. Prior to the establishment of the institution, female prisoners were incarcerated in one of the wings of the Bilibid Prison. The institution has average population of 180 inmates. It provides them with the vocational training programs on handicrafts, beauty culture, dressmaking, clothweaving, slipper making, and others.

Reclassification by Classification Board

Classification does not end with initial diagnosis and program planning. Changes in the conditions, requirements, and needs of the institution or the individual prisoner would consequently necessitate corresponding changes in the treatment program as formulated by the diagnostic staff of the Reception and Diagnostic Center. It may, and does, also occur that imperfections and limitations in the initial and diagnostic classification process account for treatment programs which may not be entirely suitable for implementation in the operating institutions. For these reasons, each institution is provided with the Classification Board for the purpose of (1) updating the individual treatment programs of prisoners, (2) modifying and enriching the program and (3) ensuring that the program is realistically articulated to the abilities and limitations of the institution which will implement it.

Workshop II: Juvenile Delinquency and Related Problems

Summary Report of the Rapporteur

Chairman: Mr. Riza Ali Akber
Advisor: Mr. Shozo Tomita
Rapporteur: Mr. Walter W. Nanayakkara

Titles of the Papers Presented

1. Juvenile Delinquency in Sri Lanka
   by Mr. Walter W. Nanayakkara (Sri Lanka)

2. Juvenile Delinquency in Pakistan
   by Mr. Riza Ali Akber (Pakistan)

3. Juvenile Delinquency in Nepal
   by Mr. B. K. Bantawa (Nepal)

4. Treatment in Probation and Parole Supervision in Japan
   by Mr. Yoshio Okada (Japan)

5. More Effective Utilization of Volunteer Probation Officers
   by Miss Hiroko Sogabe (Japan)

6. Community Movement and Crime Prevention
   by Mr. Seong Gil Choi (Korea)

Introduction

The group consisted of four probation officers, one correctional officer, and one police officer. The discussion covered a wide area of the prevention and treatment of juvenile delinquency and the social work methods of probation and parole relating to delinquents and adult criminals. It was observed that, though juvenile delinquency had not yet reached an alarming proportion in some countries, it generally posed a serious social problem in most Asian countries. Then, many participants in those countries showed a deep interest in probation and parole process based on casework methods and practices. The main theme of the discussion, therefore, could be divided into two categories: (1) Juvenile Delinquency, and (2) Community-Based Treatment.

Juvenile Delinquency

Sri Lanka

Mr. Walter W. Nanayakkara presented his paper on "Juvenile Delinquency in Sri Lanka," and emphasized the successful probation services and the decrease in serious delinquencies in his country. In Sri Lanka, recent statistics show that, while the total number of juvenile delinquents has been increasing, both juvenile probationers and juvenile delinquents in certified schools have been decreasing in number. Mr. Nanayakkara argued that those figures corresponded respectively to the increase in minor infractions and the decrease in serious delinquencies. Therefore, he expressed a rather optimistic view that juvenile delinquency was not a very serious problem in Sri Lanka.

Much had been discussed for and against Mr. Nanayakkara's view and some reasonings to his optimism. He stated the following reasons: (1) the outcome of successful probation services to handle juveniles without cutting them off from families, schools, and other supportive influences and without increasing the probability that the label of criminal should be indelibly impressed upon them; and (2) the authority of family and neighborhood as an important binding force and a form of social control. A number of participants agreed to these observations. However, they emphasized that these observations as well as the statistical data will not permit such conclusion as to the extent of juvenile delinquency in Sri Lanka. While they highly estimated sincere efforts of the well-developed probation services, they specially observed that the situation claimed the serious consideration of urbanization and industrialization which resulted in a gradual loss of family

and community ties and which will lead to increased crime and delinquency.

Pakistan

The second paper which came up for discussion was the paper presented by Mr. Riza Ali Akber on "Juvenile Delinquency in Pakistan." In Pakistan, it is observed that juvenile delinquency has been increasing in number, and recent statistics show that around 50 per cent of cognizable offenses were committed by juveniles. Among various programs for the control of juvenile delinquency, Mr. Riza stressed the necessity of establishing special juvenile institutions. At present, there are only a few juvenile institutions within walls and only one Certified School-cum-Remand Home in Karachi. Therefore, most delinquents are still kept in prisons together with adults. There should be more borstal schools, reformatories, and other juvenile institutions without walls, which emphasize education and training. Other participants also stressed the needs of such institutions, because experiences in ordinary prison were undoubtedly a significant factor in promoting further delinquencies.

Mr. Riza raised another question about the age jurisdiction. The Penal Code of Pakistan defines the "juvenile" as a child between the ages of seven and twelve. In other countries, the age jurisdiction varies greatly from one country to another. He felt that the variation seemed to be oddly arbitrary. After discussion, it was generally agreed that individual and social factors to determine the age limit differed very much in different countries, and that a certain age limit as a common criterion of juvenile delinquency could not be established in all Asian countries.

Nepal

Mr. B. K. Bantawa presented his paper on "Juvenile Delinquency in Nepal," and pointed out that there were many factors of social change contributing to juvenile delinquency and causing a serious social problem in Nepal in the very near future. Nepal is one of a few countries in the region where delinquency has been slight in the extent and gravity. However, recent increases in gang fights, drug abuse, and

prostitution probably indicate growing frustration and aggression in the minds of youths and portend their continuing and progressive deviations in the future. Mr. Bantawa explained the changes in the attitudes of youths from a vacuum in the society that had arisen from a kind of conflict between the older conservatives and the younger liberals.

Many participants paid special attention to the causes of delinquency in Nepal whose rather isolated position from foreign cultures had been maintained for long time until 1951. Among the various causes, Mr. Bantawa stressed the following: (1) dysfunction of joint family system as a form of social control; (2) impacts of foreign cultures, especially those of foreign hippies; (3) lack of recreational or social activities; and (4) lack of special institutions for juveniles. The discussion was focused on the joint family system as agents of social control. Many participants observed that the large family system could still exercise close control over the activities of its members especially in the rural areas. However, Mr. Bantawa expressed a contrary view that parental or family authority had been rapidly dissipating in Nepalese society, because parents were feeling difficulties in meeting all the needs of the members and gradually losing their powers to teach them the meaning of authority and order, and that youth members had been feeling strong frustration and mistrust of the traditional conservatives.

Community-Based Treatment

Two Japanese participants presented their papers on probation and parole services in Japan. Mr. Yoshio Okada, in his paper on "Treatment in Probation and Parole Supervision in Japan," analyzed the collaborative attitudes between probation officers and volunteer probation officers. In Japan, a total of 785 probation officers are now carrying on supervision over a very large number of probationers and parolees amounting to more than 80,000 persons throughout the country. To reduce such heavy caseloads, more than 50,000 volunteer probation officers have been widely used since the inception

of new probation and parole services in 1950. Mr. Okada first observed the following merits of the system: (1) friendly or non-authoritative attitudes; (2) flexibility in the treatment; (3) no transfer problem; (4) increase in mobilization of social resources; (5) easy access to the probationer and his surroundings; (6) close and influential position in the community. He then pointed out some problems arising from the volunteer system, such as (1) inequality of treatment by different volunteers, (2) lack of professional training, and (3) marked social change precluding the development of "rapport." After discussion, however, it was generally agreed that probation and parole services should use citizens in the regular programs.

Mr. Okada referred to the recent follow-up study on probation outcome by volunteer probation officers. Comparison between volunteer probation officers and probation officers showed that there had been little difference in success or failure. However, it showed that treatment by volunteer probation officers had been effective for the probationers having lower rate of subsequent crime, and that treatment by probation officers had been effective for those having higher rate of subsequent crime. Many participants displayed much interest in the results of the study forecasting the roles and limitations of volunteers.

Miss Hiroko Sogabe presented her paper on "More Effective Utilization of Volunteer Probation Officers," and expressed a growing concern for the present volunteer system. Miss Sogabe observed that one of the major problems was the increasing agedness of volunteer probation officers, which had already caused occasional inactiveness or ineffectiveness in their probation and parole work. As a matter of fact, the average age of the volunteers is now 60.1 year-of-age, and its constant increase will be seen in the future. It is not uncommon that an aged volunteer has difficulties in establishing constructive interpersonal relationship with a youthful probationer.

Miss Sogabe then pointed out the fol-

lowing conditions which had precluded the utilization of younger volunteers: (1) financial stability as a necessary qualification, (2) devotion to unpaid work in working hours; (3) reluctance of aged volunteers in recruiting younger colleagues; (4) customary reappointment of aged volunteers; and (5) commendation system for long services. During the discussion, she made the following suggestions for more effective utilization of citizen volunteers: (1) enlightenment of the public on the community-based treatment; (2) public recruitment for taking new volunteers into services; (3) recruitment of woman volunteers; (4) establishment of pay system; (5) special considerations to the working hour for worker-volunteers, etc. It was agreed that these efforts in mobilizing community resources would undoubtedly help to eliminate the informal pressure operating throughout the community to lock out the probationer or parolee who carried a criminal stigma.

In relation to community movement, Mr. Seong Gil Choi presented his paper on "Community Movement and Crime Prevention." In Korea, while major emphasis has been placed on severe punitive policy in criminal justice, there has been a growing recognition of the needs of public participation. The New Community Movement was launched in 1970 to mobilize community resources more effectively for the prevention of crime and delinquency. It has resulted in great success in the control of crime and delinquency; statistics on prison population show that 873,134 inmates in 1971 have alarmingly decreased 430,802 in 1974.

Mr. Choi explained that the primary importance of the Movement was placed on the improvement of living standards of the community and the development of self-help activities at the community level. Many participants observed that such measures could also be taken as to the community with high crime rate or with limited social control. In this connection, it was generally agreed that there was a wide variety of objectives and methods in use for the advancement of the community.

Juvenile Delinquency in Nepal

by B. K. Bantawa*

Introduction

There appears to be growing concern about the apparent increase in crimes and delinquencies committed by the younger generation in many Asian countries. They show a continuing and progressive growth in the volume and serious nature, constituting a grave social problem in those countries. Nepal is the country in which juvenile delinquency has been slight in contrast with other countries. However, there are now a number of factors of social change that contribute to juvenile delinquency and that will cause a real social problem of the country in the very near future. This paper attempts to analyze social, psychological, and other factors contributing to delinquency and to discuss certain effective measures of dealing with delinquents.

Historical Background

Nepal is a country sandwiched in between Chinese and Indian civilizations. With northern Mongolians professing Buddhism and southern Aryans having Hindu culture, Nepalese civilization in Katmandu and middle belt areas is of mingled nature derived from these two countries. In Nepal, around 93 per cent of the population are farmers who are religious and peace-loving and enjoy simple and modest life. However, it should be noted that the people used to live in the dark side of the world until 1951. In those days, Rana family and only a few of higher caste actually ruled over the country and the king was nothing but a puppet of the Rana prime minister. While Rana family enjoyed the luxuries in life, the people were deprived of their chances of education and compelled to be ignorant of the outside world. This autocracy may inevitably have led many people to traditional indifference and conservatism.

* Inspector, Nepal Police.

In 1951, with the active participation of the King Tribhuwan, the people won their liberties and were emancipated from the severe bondage of autocratic Rana rules. Democratic government was established, and vigorous efforts were made in education, social welfare, and many other fields. A major change was made in the discriminatory legal system. The present Constitution promulgated in 1962 prohibits any discrimination in the application of the general laws on grounds of religion, race, sex, caste, or tribe. Hindu caste system was thus abolished and the people are now considered equal in the eyes of law. However, even after the reformation of the social structure, the older generation still cherished traditional and conservative ideas. Many youths in 1970's began to feel discontent about the traditional value in the society. This portends no slight deviation of youths in no distant future.

Community's Attitudes

Nepal has no special law for delinquent juveniles except some provisions of the codified law, "Muluki Ain." If the juvenile is found guilty, there is no alternative for the authorities other than sending him to the correctional institution. Besides, it is quite difficult for the authorities to take some measures against the juvenile who did not violate any law but whose trends of maladapted behavior became too fixed. Considering that the problem cannot be dealt with by the criminal justice system alone, there should be understanding and active involvement by the public as a whole.

However, public participation in this field is quite restricted in Nepal. It may be attributed to the traditionally closed nature of the community and a lack of awareness in the seriousness of the problem. It is rather common for the community people to fail to report delinquencies or refuse to cooperate in investiga-

tions. Many people consider the juvenile's behavior to be negligible, and parents are quite reluctant to go to the police because they fear the loss of their status in the community. Even when someone is injured by a juvenile, he never asks for help from the police but resorts to revenge or other private settlements. Their attitudes will be the same after the delinquency is known to the police. A police officer in hot pursuit of a juvenile will be refused to enter a house without a warrant by the owner of the house. In case where he successfully managed to arrest the juvenile, great pressure will be put on the police to release him with the assurance of the community people as well as of the juvenile's parents.

Delinquent's Attitudes

At present, Nepal is undoubtedly in a process of transition to a modern democratic country. However, as Nepalese Professor Joshi observed, "There is a vacuum in the society and this vacuum is becoming broader and broader every day." This vacuum may have arisen from a kind of conflict between the older conservatives and the younger liberals. With a decline of parental and other authorities, there are now few people who can teach the meaning of authority and order. Therefore, the youths tend to live only for the moment and lack a sense of oneness with society. These attitudes can be observed in the recent trends of delinquency.

Nepal is one of a few countries in the world where juvenile delinquency has been slight in the extent and gravity. Even at present, it does not pose a serious social problem in this country. Statistics indicate that, while the youths less than 21 years of age accounted for around 20 per cent of the total population, they committed only 14 per cent of all crimes. However, it should be noted that crimes and delinquencies committed by the youths recently showed a general upward trends. Among the crimes in which the youths are frequently involved, those on gang fights, drug abuse, and prostitution increased notably in number. Their increases indicate growing frustration and aggression in the minds of the youths and portend their

continuing and progressive deviations in the future.

Causes of Delinquency

It is a very difficult task to know all significant forces in delinquency causation. In Nepal, however, there are certain types of influences which may function with special effect to produce delinquency.

Joint Family System

In Nepal, around 99 per cent of the population traditionally spend their lives in the joint family system. Such large family was the principal agency of social control in former times. However, it is now losing former authority over the family members. On the contrary, it may be contributing, to a great extent, to a kind of conflict between the older conservatives and the younger liberals in the family. Parents who take all the responsibilities of earning a livelihood for the members now began to feel great difficulties in meeting all the needs of the family. With a decline of parental authority, there are now very few people who can teach children the meaning of authority and order. Children who have been dependent on their parents now feel strong frustration or mistrust of the traditional conservatism and some of them try to live only for the moment. The youths are thus stepped in drug abuse, associations with gangsters, and other misconducts, and start to indulge in a career of crime.

Foreign Cultures

Before 1973, around 25 per cent of tourists were foreign "hippies" whose drug use had been almost universal in their culture. Nepalese youths were so much affected by their ways of living that many youths started to use hashish or LSD and to lead idle and immoral lives, as if those were the determinants of the hippies culture. On the other hand, many Western and other movies may play a significant role in youthful delinquency in this country, because they often arouse violence or aggression, intense sexual desires, desires for easy money and luxury and suggest

questionable methods for their achievement.

Recreational Activities

The lack of recreational activities may be considered as a major cause of delinquency, because most delinquencies are committed during the leisure time of youths. A high proportion of delinquents spend their time in unguided and unconstructive leisure activities such as drinking, using drug, sneaking into movies, wandering about the streets after dark, and roaming the streets after dark. However, there are only a few recreational programs in Nepal. The only social activities have been operated by Red Cross, Scouts, and National Cadet Corps. They are hardly of such nature as to attract the younger generation.

Prison

In Nepal, there are no special correctional institutions or remand houses for juvenile delinquents. They are processed and treated not differently from adult criminals. During incarceration, they often have chances to learn many criminal techniques from adult criminals or form alliance for the preparation of crime after release. Sometimes they are released from the prison very soon on account of young age without preparations for their successful reentry into society. Such prisons are certainly no suitable places for children and young persons. These situations, therefore, are one of the major factors affecting the increase of delinquency in this country.

Proposed Measures

In Nepal, the problem of juvenile de-linquency has not reached an alarming proportion requiring the mobilization of all public and private efforts so as to prevent it from spreading. However, the following measures should be taken for effective control of delinquency in its earlier stage.

(1) There should be a special law for juvenile delinquents, whose aim or philosophy is to help, and not to punish delinquents. The country should exercise more concern for the welfare of all its citizens, but especially for its juveniles.

(2) A special court for juvenile delinquents should be created in order to carry forward this protective function. Reliance should be placed to a great extent upon casework services to discover and solve the needs of the juvenile by non-punitive measures.

(3) Correctional institutions and remand houses for juveniles should be founded to segregate them from adult criminals who provide the knowledge of crime, vice, and perversion to the willing and unwilling.

(4) The school education should emphasize, other than academic training, moral inculcation, civic education, character building, physical hygiene, and many other preventive and curative tasks for the unadjusted.

(5) Juveniles should be provided with more opportunities of recreational and social activities to establish and maintain more healthy surroundings and responsible work habits.

(6) Conflicts between the old conservatives and the young liberals in the families and communities should be solved or improved by promoting mutual understanding as to each other's positions or problems.

Group Workshop III: Current Issues and Problems in Criminal Justice System

Summary Report of the Rapporteur

Chairman: Mr. B. Rostai
Advisors: Mr. Teruo Matsushita and Miss Masako Kono
Rapporteur: Mr. B. K. Roy

Titles of the Papers Presented

1. The Emerging Roles of the Police in Social Defense in India
   by Mr. B. K. Roy (India)

2. The Police and the Public in Iran
   by Mr. M. Moharery (Iran)

3. Radical Students in Japan
   by Mr. Keiichi Tadaki (Japan)

4. Some Proposals for the Improvement of Sentencing Process
   by Mr. Yoshio Otani (Japan)

5. Correctional Administration in Iraq
   by Mr. M. El Rahmani (Iraq)

6. Criminal Justice in Afghanistan
   by Mr. B. Rostai (Afghanistan)

Introduction

The group consisted of two police officers, a prosecutor, two judges, and a prison officer. Therefore, the papers covered a wide range of current issues and problems relating to the criminal justice system. The group observed that the problems of crime and delinquency in many Asian countries had been growing in extent and gravity as a product of marked social change. It was pointed out that recent modernization and urbanization, or sometimes political instability, had been accelerating the increase in the complexity of the issues and problems in the penal law and its administration. The group had lively discussions with a view to finding out answers to the various points raised in the papers.

Current Problems in Criminal Justice System

India

The first paper on "The Emerging Roles of the Police in Social Defense in India" was presented by Mr. B. K. Roy. This paper analyzed the traditional and emerging roles of the police in their functional perspectives, and highlighted some of the dilemmas faced by the police functionaries in their performance of day-to-day work. The police in India have been traditionally assigned the more negative role of acting as the strong arm of the society against the criminals, and this has unequivocally resulted in a negative image of the police among the public. Mr. Roy stressed that it may be desirable to give the police the more positive functions such as protecting the rights of citizens and giving aid to the individual and community.

There were differences of opinion among the participants as to whether the police must perform all duties not directly relevant to law enforcement. Some participants pointed out that the community-service duties were a waste of the time and the skills of policemen who had been specifically trained for fighting crime and delinquency. However, many participants favored the opinion that the community-service stimulated public esteem for and cooperation with the police, helped to familiarize policemen with the community, and furnished investigative leads to alert and intelligent officers. In addition, a number of participants felt that many Asian countries had been in a process of transition from the old repressive type of police to more developmental police activities, and that, in the absence of other

well-organized agencies, they should at least temporarily be assigned to wider range of social service functions.

Mr. Roy raised another difficult question as to whether the participation of the police will be of a certain value in the field of the rehabilitation of offenders. A number of participants expressed doubts about the police program of continuous supervision or casework treatment service, because the police do not staff themselves with professionally trained and experienced caseworkers, and because this kind of supervision sometimes constitutes an abuse of police authority or an infringement of substantial rights of the offender. However, some participants emphasized that the offender certainly benefited from sound casework treatment in a police setting, when, for example, he was an unwilling client and the ordinary social agency was not geared to meet him at its level of functioning. They also reasoned that an authoritative background would not interfere with establishing rapport with the client. After discussion, it was generally observed that, in many Asian countries where the use of caseworkers had been largely unavailable, the police should often serve as substitutes for them or at least play a complementary role in the rehabilitation program.

Iran

The second paper which came up for discussion was the paper presented by Mr. M. Moharery on "The Police and the Public in Iran." Iranian Police is one centralized organization consisting of over 25 departments in Teheran and 150 police offices in all towns of the country. After a series of reorganization and reformation, the police not only established a highly developed system staffed with professionally trained personnels and equipped with modernized transport and communication, but have moved from the original law-enforcement functions to the additional community-service functions. Mr. Moharery, however, pointed out that public cooperation had been given grudgingly and unenthusiastically. He then attributed these public attitudes to the following reasons: (1) people are still afraid of the police, believing that questioning by a

police officer is the first step toward arrest; (2) people are afraid of the revenge from the criminal; (3) people do not like to spend their time and money for such police matters; etc.

It was generally agreed that a police-community relation program was one of the most important functions of any police department, and that the police could not preserve the public peace unless the public participated more fully than it had done before in law enforcement. Many participants emphasized that the program was not a public relation program to sell the police image to the people in the community, but a long-range and full-time effort to acquaint the police and the community with each other's problems and to stimulate an action aimed at solving those problems. On the other hand, some participants placed primary importance on the improvement of basic living conditions by the police.

Japan

Mr. Keiichi Tadaki, in his paper on "Radical Students in Japan," analyzed recent activities of youthful extremists in Japan. He observed that a series of recent incidents indicated three different types of activities.

(1) Overseas Guerrillas

Starting with the hijacking of the Japan Air Lines jetliner, "Yodo," and the subsequent escape of a "Red Army" group to North Korea in March, 1970, Japanese guerrillas have been playing havoc in Tel Aviv, Singapore, The Hague, and other places outside Japan practically every year.

(2) Bomb Blasts

Between 1974 and 1975, there have been a series of time-bomb attacks on major corporations in Tokyo and Kobe areas. In May, 1975, the police arrested eight action-type anarchists gathered under the common name of an "East Asia Anti-Japan Armed Front."

(3) Inter-Factional Clashes

Since 1970, there have been incessant clashes with bloodshed between radical student groups, most of which occurred between "Core" (Chukaku-ha) and "Revo-

lutionary Marxist" (Kakumaru-ha). The number of the clashes was estimated at 238 incidents in 1973, in which two students were killed and 573 students and others were injured.

Many participants questioned about the causes of this rather unique kind of extremism by well-to-do youths in Japan. Mr. Tadaki, while stressing the difficulties in pointing out definite causes common to all youthful activists, stated that it should be necessary to consider the following possibilities:

(1) Some youths still believe their revolutionary ideal and intellectual leadership into the society and engage in more radical activities after their loss of public support;

(2) Some youths have their revolutionary ideal up in the air and tend to expand their own sects without any regard for the means employed;

(3) Some youths have no framework of thought to mold their revolutionary energy after the loss of authority of Marxism and rather favor clear-cut confrontations such as Viet Nam War or Arab-Israel disputes;

(4) Some youths lack a future prospective in the present behemothically managed society or are frustrated with recent commercialization to keep consumption rising through every means of inducement;

(5) Some youths have their feeling of grievance or victimization from an awareness of the threat looming over the whole world;

(6) Some youths have no chance of learning authority and order with the decline of paternal authority; or

(7) Some youths are by nature scatterbrained, easily misled, and fanatic.

Mr. Yoshio Otani, in his paper on "Some Proposals for the Improvement of Sentencing Process," proposed that two sentencing measures, the suspension of the imposition of sentence and the pre-sentence investigation, must be employed in Japanese criminal justice system. While observing that the present system of the suspension of the execution of sentence may often cause serious harm to the offender as the result of conviction, e.g., the loss of certain rights or the stigmatization of the offender, Mr. Otani pointed

out that the suspension of the imposition of sentence will not put the offender at such disadvantages because of the court's withholding conviction, that the traditional deterrent effects of sentencing may not be affected by the adoption of this measure, and that the power to set sentence at the time of revocation will enable the court to consider subsequent misconduct course. He then concluded that suspension of the imposition of sentence should be employed as a chief means of suspended sentence and that of the execution of sentence should be a supplementary means to it.

Mr. Otani's view on the suspension of the imposition of sentence as well as on pre-sentence investigation was accepted by a number of participants, but some participants stressed that the suspension of the prosecution by a public prosecutor had contributed as much to the rehabilitation and reintegration of offenders into society without the stigma of a criminal, and, therefore, that there will be no further necessity to employ the suspension of the imposition of sentence in addition to the traditional systems of suspended execution and prosecution. As to the pre-sentence investigation, it was generally recognized that sentencing mechanism may function well by being furnished with a detailed picture of the personality and background of the offender. However, a number of participants reasoned that the pre-sentence investigation carried out by the court officers alone would be inconsistent with the fundamental philosophy of the adversary system, because the report of the pre-sentence investigation may be used for sentencing despite of the information falling within the scope of the hearsay and other exclusionary rule.

Iraq

Mr. M. El Rahmani, in his paper on "Correctional Administration in Iraq," explained major aspects of correctional administration and policy based on the 1969 Law concerning Administration of Prisons. It provides an individualized and therapeutic treatment as a basic means to achieve the rehabilitative goal, which has already developed in correctional institutions. Iraq has allocated more resources

to penal institutions than other countries, and, therefore, the prisons are generally good and well run. Inmates are provided educational and vocational training after careful diagnosis and classification by specialists. They are often granted home leave to strengthen their family ties. However, probation or other alternatives to imprisonment has not been available in the country. Many participants highly estimated the development of institutional treatment, but placed emphasis on the wider use of community-based treatment for effective reintegration of offenders into society.

Afghanistan

The final paper which came up for discussion was the paper presented by Mr. B. Rostai on "Criminal Justice in Afghanistan." In Afghanistan, the new republican regime has been founded very recently. New government has adopted a number of measures for the solution of many crime problems in the country. Many persons who had been detained in prisons for a long period were quickly released or referred to the court. Special courts were planned to hear the criminal case in different aspects for the improvement of judicial functions. Besides, the Juvenile Court was established under the new ordinance. It has the power to commit juveniles to the Reformatory Institution for educational and vocational training.

Mr. Rostai then pointed out that the country in a process of transition to the new regime had vested all the judicial power on the Ministry of Justice. For example, the police officer or other specified officers of the Ministry of Justice have the power to issue the warrant for arrest. All the participants recognized the necessity of such powerful administration for the welfare of the public, however, they stressed that these measures should terminate as soon as possible so that the judiciary can function as an independent organ to maintain the proper balance of powers in the country.

The Emerging Roles of the Police in Social Defense in India

by B. K. Roy*

Introduction

This paper is an attempt to focus the attention on the emerging roles of the police in social defense in India. It endeavors to analyze the traditional and emerging roles in their functional perspectives and highlights some of the dilemmas faced by the police functionaries in their performance. Here social defense covers two main fields: (1) protection of society against criminals, and (2) protection of its members against the risk of falling into criminality.

The emerging roles of the police are the result of social change in the post-Independent era. The country has accepted the ideology of social defense in thought and action and desires the police properly and effectively to share with other agencies the involvement in this far-reaching field. However, it can be recognized that the police sometimes face some of the dilemmas in the performance of their duties. Those dilemmas often arise from the gap between the law and practice or from resistance to changes in the system. For example, criminal law is becoming increasingly rational in the formal sense, while the police often adhere to a kind of substantive rationality. Therefore, the roles of the police are sometimes inadequate to the existing needs of the society in which the status of the common man has been completely changed.

Social defense does not confine itself strictly to the limited goal such as reintegration of the offender into the community, but encompasses the total process of prevention and rehabilitation. For achieving these goals, police, judiciary, correctional agencies, and other sub-systems must enjoy a status of equivalence. None of them can function as a nucleus or at the fringe level or occupy the position of exteriority. In this connection, it may be pointed out that the future goals of social defense envisages greater participation of the police. It is, therefore, the duty of police to bring in necessary changes in attitudes and outlook in order to be an effective organ or social defense.

Ambivalence in Police Functions

Social defense necessarily involves a variety of strategic activities and covers a wide area of the apprehension of criminals, the containment of crimes, and various other activities at the community level. It shows that the entire band of activities is more or less a continuum between negative and positive polarities. The police have been traditionally assigned the more negative role with accountability to the political authority. As a result, public attitudes toward the police are more likely to be vituperative than appreciative. If the police are to prevent crime and rehabilitate criminal, they must keep open the various avenues of communication with the public.

The police at the post-Independent period have already exhibited, on many occasions, the quality of national force with awareness of the emergent roles in keeping with the social realities. In addition to their performing the new regulatory functions, the police undertake the responsibility of guaranteeing the rights of citizens and giving aid to the individual and community. Their operational standards have moved far from the show of authority and now have sympathetic understanding and persuasive technique. It is the public that can influence the success or failure of police work, and it is ambivalence rather than dichotomy that represents today's police functions.

No Duplication in Police Functions

The police, as one of the largest national forces, are in a position to observe what is happening in the community. They

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come into contact with more criminals and delinquents than the personnel of any other government agency. Therefore, a preventive and rehabilitative contribution of the police can be made to a great extent through the coordination of efforts between the police and other agencies. The coordination efforts will lead to a highly increased effectiveness of social-agency efforts throughout the country. This would by no means be an unnecessary duplication of the roles of other social agencies or an encroachment upon them.

The importance of preventive and rehabilitative efforts by the police may be indicated by the effects of their close contact with delinquent juveniles. The juvenile's initial impressions of justice and authority are most likely to be formulated to a great extent by the character of the police and his relation to them than is true of other agencies. Moreover, the police often deal with recalcitrant juveniles in the community at an earlier and a more critical stage than other agencies. In many cases, the trends of their maladjusted behavior became too fixed and are not easily manageable by other agencies.

It should be noted that the age group 18–21 has been most vulnerable and responsible for a larger share of crime in the country, whose rate of crime is overstepping that of population growth and running almost parallel with that of urban growth. In addition, the existing legal paradox is that there is no agency to supervise such delinquents under the Children Act which provides the special preventive and rehabilitative measures for juveniles under 18 years of age. The police, having great powers and well-organized facilities, can play major roles in dealing with this important section of the society.

Dilemmas and Conflicts

Conflicts and misunderstandings can occur even from slight abuses of the discretionary power vested in the police authority. However, major dilemmas and conflicts can be felt at two levels, inter-sub-system and intra-sub-system levels. At the former level, the sense of separatedness and prejudices often come up due to

disagreements among the different agencies of criminal justice system. Such situations can be avoided through the structural modifications of the sub-systems.

The dilemmas and conflicts within the police force would occur under the following situations: (a) a gap between law and morality, (b) a gap between the policy and actual operations, (c) inadequate strength of the force to meet public demands, (d) social and cultural level of the members of the force, etc. These situations create various dilemmas and conflicts such as lack of clarity in formulating effective policy, incomplete or partial enforcement of specific provisions of the law, the gap between promise and performance, or difficulty in enhancing the image of police.

Police Roles in Social Defense

Juvenile Delinquency

As was observed in the United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1960, there has been a growing trend in many countries to stress the preventive function which the police can fulfil in the community, particularly with respect to juveniles. This has lead to greater cooperation between the police and various social agencies, and, in many cases, to greater support by the public.

With this preventive role in mind, the police in India already took some concrete steps with regard to the prevention and rehabilitation of delinquents. It was early in 1952 that the Juvenile Aid Police Unit was started in Bombay, followed by the Unit in Calcutta in 1956, Hyderabad in 1958, Madras in 1960, Patna and Ranchi in 1961, Nagpur, Poona, and Sholapur in 1967, Calicut in 1970, and Bhilai, Indore, and Jabalpur in 1974. This Unit has two major objectives: identification and location of potential delinquents and delinquent areas and establishment of Boys Club and other recreational organizations. Boys Club is now being organized in many States in the country. The Unit has been found to be helpful in keeping juveniles out of trouble and in preventing their abuse.

Probation

Another important area where the participation of the police would be of immense value is in the field of probation. The delinquents certainly benefit from sound casework methods based upon the principle that maximum cooperation be elicited from all persons or agencies concerned with a client. Further, it is necessary to coordinate their activities so as to insure that no conflicts will result but necessary measures will be undertaken optimally. Therefore, all the departments concerned should play a complementary role, irrespective of the considerations as to whether a certain department gets more credit than the others. Since the number of the delinquent children is quite high in the country, preventive and curative measures are extremely important in the total rehabilitation of the delinquent juveniles.

After-Care

The police in India now play a passive role in the after-care programs of the country. Since their surveillance over known criminals and delinquents as a preventive measure has been criticized as detrimental to the reintegration of those criminals and delinquents into the community, efforts have been made to get over the difficulties by making the police structurally one part of the after-care organization, under which the police may also help them in finding suitable job and in giving protection against their involvement in antisocial activities. The police can also be of great help in the follow-up work which eliminates recidivism. Proper watch and examination without undermining the sense of self-respect of the ex-criminal and ex-delinquent would be necessary before expressing any opinion on the involvement of an individual in further delinquencies which call for action under the law.

APPENDIX I

Incidence of Crime and Volume of Crime per 10,000 of Population

Category of Crime	1966	1967	1968	1969	1970	1966-1970 Average	1971	Change (%) Over 1966-1970 Average	Over 1970
Total Cognizable Crime	794,733 (159.4)	881,981 (172.7)	862,016 (164.7)	845,167 (157.5)	955,422 (173.7)	867,864	952,581 (173.3)	+ 9.8	− 0.3
Murder	12,631 (2.5)	13,398 (2.6)	13,841 (2.6)	14,732 (2.7)	15,708 (2.9)	14,062	16,180 (2.9)	+15.1	+ 3.0
Kidnapping & Abduction	7,874 (1.6)	8,192 (1.6)	8,847 (1.7)	8,464 (1.6)	10,111 (1.8)	8,698	9,647 (1.8)	+10.9	− 4.6
Dacoity	4,817 (1.0)	6,300 (1.2)	6,357 (1.1)	6,049 (1.1)	9,837 (1.8)	6,672	11,193 (2.0)	+67.8	+13.8
Robbery	8,585 (1.7)	10,252 (2.0)	10,194 (1.9)	9,922 (1.8)	16,958 (3.1)	11,182	18,402 (3.4)	+64.6	+ 8.5
House-breaking	150,180 (30.1)	173,575 (34.0)	156,248 (29.8)	145,429 (27.1)	166,339 (30.2)	158,354	165,807 (30.2)	+ 4.7	− 0.3
Cattle Thefts	24,103 (4.8)	26,468 (5.2)	25,568 (4.9)	22,354 (4.2)	337,211 (61.3)	318,285	335,204 (61.0)	+ 5.3	− 0.6
Ordinary Thefts	274,598 (54.9)	313,393 (61.3)	289,945 (55.3)	277,786 (51.8)					
Riots	34,696 (7.0)	42,447 (8.3)	45,811 (8.7)	55,796 (10.4)	68,331 (12.4)	49,416	64,114 (11.7)	+29.7	− 6.2
Criminal Breach of Trust	22,353 (4.5)	23,950 (4.7)	22,410 (4.2)	21,118 (3.9)	22,679 (4.1)	22,502	20,270 (3.7)	− 9.9	−10.6
Cheating	11,606 (2.3)	12,701 (2.5)	12,514 (2.4)	12,001 (2.2)	12,331 (2.2)	12,231	11,412 (2.1)	− 6.7	− 7.5
Counterfeiting	655 (0.1)	1,413 (0.3)	1,425 (0.3)	739 (0.1)	650 (0.2)	976	641 (0.1)	−34.3	− 1.4
Miscellaneous	242,635 (48.6)	249,892 (48.8)	268,856 (51.3)	270,777 (50.5)	295,267 (53.7)	265,486	299,711 (54.4)	+12.9	+ 1.5

Note:—Figures in brackets indicate volume of crime per 10,000 of population.

APPENDIX II

Juvenile Delinquency

Category of Crime	1966	1967	1968	1969	1970	1966-1970 Average	1971	Change (%) Over 1966-1970 Average	Over 1970
Total Cognizable Crime	22,077	22,853	21,385	21,703	27,226	23,049	26,846	+ 16.5	− 1.4
Murder	280	298	312	321	558	354	520	+ 46.9	− 6.8
Kidnapping & Abduction	162	156	187	185	255	189	288	+ 52.4	+12.9
Dacoity	63	55	82	96	129	85	122	+ 43.5	− 5.4
Robbery	125	182	170	147	244	174	312	+ 79.3	+27.9
Burglary	3,362	3,872	2,999	3,412	4,093	3,548	4,471	+ 26.0	+ 9.2
Thefts	10,144	10,396	9,415	9,445	10,462	9,973	10,422	+ 4.5	− 0.4
Riots	577	554	713	845	1,888	915	1,729	+ 89.0	− 8.4
Criminal Breach of Trust	234	255	218	243	220	234	214	− 8.5	− 2.7
Cheating	157	146	137	233	174	169	224	+ 32.5	+28.7
Counterfeiting	1	4	1	—	—	1	2	+100.0	—
Miscellaneous	6,972	6,935	7,151	6,776	9,203	7,407	8,542	+ 15.3	− 7.2

Actual Police Strength during 1971

States or U.Ts.	Area (in km²)	Mid-year Population (in 1,000)	Total Cognizable Crime IPC Reported During the Year	Actual Strength of Police Force			No. of Policemen per 100 km² of Area	No. of Policemen per 10,000 of Population	No. of Cases per Civil Policeman	% of Civil Police to Total Police
				Civil	Armed	Total				
Andhra Pradesh	276,754	43,611	46,390	37,873	13,297	51,170	18.5	11.7	1.2	74.0
Assam	122,099	16,055	28,199	18,073	9,481	27,554	22.6	17.2	1.6	65.6
Bihar	173,876	56,589	83,270	34,994	11,433	46,427	26.7	8.2	2.4	73.4
Gujarat	195,984	26,855	32,747	33,631	8,745	42,376	21.6	15.8	1.0	79.4
Haryana	44,222	10,024	8,237	8,491	2,460	10,951	24.8	10.9	1.0	77.5
Himachal Pradesh	55,673	3,431	2,494	5,502	408	5,910	10.6	17.2	0.5	93.1
Jammu & Kashmir	222,236	4,637	5,518	6,294	2,653	8,947	4.0	19.3	0.9	70.3
Kerala	38,864	21,405	29,712	16,683	1,890	18,573	47.8	8.7	1.8	89.8
Madhya Pradesh	442,841	41,912	88,548	35,486	21,726	57,212	12.9	13.7	2.5	62.0
Maharashtra	307,762	50,610	99,125	69,626	7,652	77,278	25.1	15.3	1.4	90.1
Manipur	22,356	1,075	1,931	2,410	2,358	4,768	21.3	44.4	0.8	50.5
Mysore	191,773	29,409	36,557	29,618	8,688	38,306	20.0	13.0	1.2	77.3
Nagaland	16,527	517	1,004	2,538	4,387	6,925	41.9	133.9	0.4	36.6
Orissa	155,842	22,049	30,502	17,958	5,527	23,485	15.1	10.7	1.7	76.5
Punjab	50,362	13,537	11,433	17,864	5,582	23,446	46.6	17.3	0.6	76.2
Rajasthan	34,214	25,875	36,743	30,177	8,213	38,390	11.2	14.8	1.2	78.6
Tamil Nadu	130,069	41,306	59,616	38,536	4,608	43,144	33.2	10.4	1.5	89.3
Tripura	10,477	1,565	1,785	2,731	817	3,548	33.9	22.7	0.7	77.0
Uttar Pradesh	294,413	88,736	236,328	67,786	21,106	88,892	30.2	10.0	3.5	76.3
West Bengal	87,853	44,686	78,546	41,320	25,335	66,655	75.9	14.9	1.9	62.0
Total	3,182,197	543,884	918,685	517,591	166,366	683,957	21.5	12.6	1.8	73.9
U.Ts.										
A. & N. Islands	8,293	116	370	330	865	1,195	14.4	103.0	1.1	27.6
Chandigarh	114	257	1,251	830	700	1,530	1342.1	59.5	1.5	54.2
D. & N. Haveli	491	74	84	61	38	99	20.2	13.4	1.4	61.6
Delhi	1,485	4,093	29,236	12,856	4,098	16,954	1141.7	41.4	2.3	75.8
Goa, Daman & Diu	3,813	861	1,219	1,382	592	1,974	51.8	22.9	0.9	70.0
Laccadives	32	32	19	215	—	215	671.9	67.2	0.1	100.0
Pondicherry	480	474	1,717	971	—	971	202.3	20.5	1.8	100.0
Total	14,708	5,907	33,896	16,645	6,293	22,938	156.0	38.8	2.0	72.6
Grand Total	3,196,905	549,791	952,581	534,236	172,659	706,895	22.1	12.9	1.8	75.6

Workshop IV: Special Problems in Criminal Justice

Summary Report of the Rapporteur

Chairman: Dr. Chua Patanacharoen
Advisors: Mr. Takeo Osumi and Mr. Takuji Kawasaki
Rapporteur: Mr. Harun-ur-Rashid

Titles of the Papers Presented

1. Juvenile Delinquency in Thailand
   by Mr. Direk Tengchamroon
   (Thailand)

2. Community-Based Treatment of
   Juvenile Delinquency in Bangladesh
   by Mr. Harun-ur-Rashid (Bangladesh)

3. Juvenile Delinquents in Senior High
   Schools
   by Mr. Kenji Shirakura (Japan)

4. Special Education for Mentally
   Retarded Children
   by Mr. Kenji Kiyonaga (Japan)

5. Activities of Narcotics Rehabilitation
   Center in Thailand
   by Dr. Chua Patanacharoen (Thailand)

6. Mental Disorders and Crime in Japan
   by Mr. Yukio Machida (Japan)

Introduction

This group consisted of a wide variety of members: one probation officer, one family court probation officer, one public prosecutor, one police research officer, one university lecturer, and one director of narcotics rehabilitation center. All the members of the group proposed to consider certain areas where there were special problems and preventive and curative measures to deal with offenders. Attention was paid to the problems of juveniles, narcotics addicts, and mentally disordered offenders. During the discussion, many members keenly felt that crime or delinquency was more than a physiological act of particular individual and involved a whole network of his social relations, and that the policy of prevention must be stressed to deal with his set of social relations.

Juvenile Delinquency

1. Family and Delinquency

Mr. Direk Tengchamroon stressed, in his paper on "Juvenile Delinquency in Thailand," that one manifest element in the delinquency was the criminalistic behavior of other members of the juvenile's family. Mr. Direk referred to the results of his research in the University of Thammasat and stated that all the delinquents in Bangkok metropolitan areas whom he studied had been reared in homes in which there were other criminal members, consisting of father (50%), mother (35%), parents (10%), and guardian (5%). He also pointed out that the following conditions were recognized in the homes of the delinquents: divorce (30%), poverty (30%), overstrictness (10%), lack of affection (10%), overwork of father (10%), and uncongeniality with other members (10%).

Some participants stressed that the method used in the research was too subjective for the determination of the importance of such conditions in the delinquency, and that the findings were likely to reflect the preconceptions of the investigator. They argued the necessity of comparison of certain home conditions among delinquents and non-delinquents. However, it was generally agreed that the family played an exceptionally important role in determining the behavior of juveniles. Many participants agreed to Mr. Direk's findings on criminality in the home as a factor of delinquency on the grounds that the juveniles under the influences of a family value system functionally related to crime may enter criminality more frequently than other juveniles under no such influences, and that there were not a few chances of parents' unwitting sanction or

indirect encouragement in such homes which would be the specific stimulus for various kinds of delinquency.

2. Community and Delinquency

Mr. Harun-ur-Rashid presented his paper on "Community-Based Treatment of Juvenile Delinquency in Bangladesh," depicted in detail the post-independence problems of crimes and delinquencies by the younger generation in Bangladesh. Among a number of measures taken by the Government, Mr. Harun emphasized the importance of a recently approved scheme of "Compulsory Village Multi-Purpose Cooperative Society," whose main purpose was to develop self-help and effort in village communities under one single program of approaches and techniques and to promote the improvement of the living conditions in those communities without disrupting or destroying the more valuable of their traditional ways of life.

Mr. Harun then considered the promising effects of the community program that may also be effective means of improving the delinquent's environment in the community and of utilizing community resources on the youth with problems. It was observed that the traditional joint family system would strengthen the function of a form of social control over the youth, that the community would create various kinds of jobs for unemployed youths, and that the migration to urban areas by the youth would be discouraged by strong village ties. There were a number of participants who introduced the approaches and techniques in use for the advancement of the community. Though their objectives and methods varied greatly according to the stages of development or the ways of life, it was generally agreed that more community organizations must be established to help the youth with their adaptation to the community and that community-based treatment must be more utilized for reintegrating them into the community.

3. School and Delinquency

Mr. Kenji Shirakura, in his paper on "Juvenile Delinquents in Senior High Schools," analyzed the recent trends and

causes of the delinquencies committed by senior high school students. In Japan, statistics show that the percentage of students among juvenile non-traffic offenders has been generally increasing since 1968. In 1973, about 61 per cent of total student offenders were senior high school students. Among the offenses committed by such group of students, the most prevalent offense was professional negligence causing death or bodily injury (38.0%), which was followed by theft (36.7%). Mr. Shirakura explained that the former mostly consisted of traffic accidents by motorcycle, while the latter was committed chiefly with greedy lust for money or things rather than with difficulties in livelihood.

Mr. Shirakura then observed the following causes of delinquency in senior high schools: (1) frustration created by recent commercialization; (2) decline of paternal authority; (3) unguided play in the leisure time; (4) influence of delinquent association outside school; (5) little interest in class work; and (6) lack of human interaction between school and students. In connection with the last cause, Mr. Shirakura referred to not a few cases in which the school authority had ruthlessly expelled the delinquent students without considering the circumstances that had led them to delinquencies. It was generally agreed that the school, next to the home, was in the most strategic position for the prevention of delinquency, and that more preventive and curative programs must also be established in senior high schools.

Mr. Kenji Kiyonaga presented his paper on "Special Education for Mentally Retarded Children," and emphasized that adequate school or social adjustments could greatly prevent crime and delinquency among mentally retarded juveniles. Mr. Kiyonaga referred to the results of his research in the National Research Institute of Police Science, in which he had recognized very slight difference in the percentage of delinquency between mentally retarded children and normal children. A study was made of the 441 boys who had graduated from the special classes for mentally retarded children in public junior high schools in Tokyo. The rate of delinquents among the mentally retarded children with I.Q. of 70 or less

was 7.0 per cent, while the same rate among normal children was 6.7 per cent.

Mr. Kiyonaga observed that recent special education system had given those children better chances than ever before to develop their potential and to make the most of their lives without great probability of their becoming delinquents. He also observed that it had been very effective to give them adaptive training through personal face-to-face methods in school. After much discussion, it was agreed that inferior mentality was neither a specific cause nor the outstanding factor in delinquency, and that it was not the mental deficiency per se but the inability to make necessary and adequate school or social adjustments which had resulted in delinquency.

Narcotics Addiction

Dr. Chua Patanacharoen described best efforts in the Rehabilitation Center for Narcotics-Addicted Prisoners. In Thailand, until quite recently no special programs had been provided for the treatment of narcotics-addicted prisoners in spite of their constant increase in number. The Center was established in 1965 for those prisoners through the country. The inmates are restricted to addicts who were imprisoned for violations of the narcotic laws. The Center provides medical, educational, vocational, religious, and other treatment programs to the inmates. Dr. Chua, while referring to the 1973 survey made by the Center, explained that the intensity of withdrawal symptoms at the time of admission was severe (7.8%), fair (23.3%), mild (36.6%), and none (32.3%), and that, in the case of severe withdrawal symptoms, they were treated with tranquilizers or sedatives, or methadone as a last resort where there were no alternatives. He also pointed out that new treatment technique mainly based on the Buddhist meditation had been employed, on a pilot basis, in the Center.

In evaluating results obtained from the treatment of narcotics addiction, Dr. Chua acknowledged that the results obtained at the prognosis phase should not be considered as a good success because of considerably high relapse rate. Many partici-

pants pointed out insufficient after-care services as one reason of considerably high relapse rate. With regard to the methadone maintenance, some participants doubted whether such opiate drug, regularly administered as part of medical program, could contribute to the rehabilitation of a narcotic addict. However, some participants sponsored the maintenance program because the drug did not itself produce euphoria, sedation, or distortion of behavior, and the patients remained alert and functionally normal.

Mental Disorder

Mr. Yukio Machida, in his paper on "Mental Disorders and Crime in Japan," considered specialized problems and measures to deal with mentally disordered offenders. In Japan, statistics show that, during 1972, around 0.87 per cent of total offenders investigated by the police were mentally disordered persons, and that, during three years of 1971 to 1973, those who had been acquitted or not prosecuted, or whose sentences had been mitigated, on the ground of mental disorders, amounted to a total of 1,388 persons. Of those persons, 35 per cent were accused of homicide, 17 per cent of arson, and 14 per cent of battery and assault. The examination of those 1,388 persons by psychiatrists showed that there had been 769 schizophrenics (55.4%), 136 alcoholics (9.8%), 99 mentally retarded persons (7.1%), 61 manic-depressives (4.4%), and 39 epileptics (2.8%).

Mr. Machida raised one complicated issue on security measures proposed by the Draft for the Revision of the Penal Code. In Japan, while the Penal Code provides that an act of an insane person is not punishable, the Mental Health Act authorizes the Governor to commit certain kinds of such persons to public mental hospitals on the basis of concurring certificates of two psychiatrists. Mr. Machida, while referring to the results of a recent study by the Ministry of Justice, stressed the ineffectiveness of present measures by the Governor on the ground that many dangerous persons had been released from hospitals before their mental conditions were ameliorated, and committed serious

crimes such as homicide, arson, robbery, and rape. He then pointed out the needs of security measures designed for medical treatment of certain kinds of mentally disordered offenders in special institutions. Many participants supported his proposal on the ground that such commitment may offer the maximum benefit to the individual and the minimum risk to the society.

Activities of Narcotics Rehabilitation Center in Thailand

by Dr. Chua Patanacharoen*

Introduction

There has been a wider recognition of the fact that narcotic addiction is a growing and critical national concern. The public are becoming increasingly aware of the social and economic damages of illicit narcotics use. Treatment of addiction is, however, by no means a perfected medical art. The results of medical treatment is generally impermanent, and relapse is more frequent than cure. This paper will describe strenuous efforts in the Rehabilitation Center for Narcotics-Addicted Prisoners in Thailand.

Criminal Sanctions

The basic narcotics control law is the Harmful Habit-Forming Drugs Act of 1922. The Amendment Act of 1961 was passed to exercise more effective control over the import, manufacture, production, sale, possession, and use of heroin and other narcotics. The Act provides that the use of narcotics is punishable by imprisonment for not less than six months nor more than ten years, and that the purchase or possession of narcotics is punishable by imprisonment for not less than three months nor more than five years. In the case of heroin or its derivatives, such purchase or possession is punishable by imprisonment for not less than one nor more than ten years. The import, manufacture, or production of heroin or its derivatives is punishable by imprisonment for life or for not less than five years. The import or manufacture of such narcotics with intent to sell or dispose of them to another person is punishable by death. A second or subsequent offense within five years following the expiration day of prison term for the former conviction carries the same punishment, but

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the court must impose an additional half of the punishment.

Narcotics Rehabilitation Center

1. Establishment

Until quite recently there had been no opportunities for the treatment of narcotics-addicted offenders. Any person who had been sentenced to a term of imprisonment for a violation of the narcotics control law was sent to a prison where ordinary prisoners were incarcerated. However, no special programs were provided for the treatment of such addicts in spite of the constant increase in the number. The Government, keenly feeling the necessity of special treatment program for this category of prisoners, created funds for the establishment of the Rehabilitation Center for those prisoners through the country. The Center was opened in 1965.

2. Organization

Under the direction and supervision of the Department of Corrections, the Center is responsible for the custody and treatment of the narcotics-addicted offenders who were imprisoned for violations of the narcotics control law and committed to the Center. The Center consists of three divisions:

(a) Supervisory and Administrative Division

This division is responsible for the security of the institution as well as its regular routines of administrative works;

(b) Vocational Rehabilitation Division

This division provides the inmates with rehabilitation programs with the main emphasis on vocational training and academic and moral education;

(c) Medical Care and Treatment Division

This division provides the inmates with medical treatment programs along with general medical and dental services in the institution.

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3. Staff

At present, there are 98 staff members in the institution. These include 60 custodial officers, 11 clerks, five trade instructors, four nurses, three accountants, two medical doctors, one social worker, and one chaplain. All staff members in the Center are employed on a full-time basis and enjoy a civil-service status with the security of tenure subject only to good conduct, efficiency, and physical or mental fitness. The staff members are provided with the opportunities to improve their knowledge and capacity to perform their duties more efficiently by attending in-service training courses organized by the Correctional Staff Training Center at suitable intervals.

4. Inmates

The Center has a capacity of about 2,500 inmates. The population of the Center was about 2,000 as of December, 1973, which was about twice as high as it had been in 1967. The inmates are restricted to the narcotics-addicts who are imprisoned for violations of the narcotic laws. Therefore, non-addicted prisoners who violated the narcotic laws and addicted prisoners who committed no such violations are not treated by the Center.

Statistics indicate the remarkable increase in narcotics addiction among youths under 20 year-of-age. The number of admissions of the youths was only 0.9 per cent of total inmates in 1967. It has increased ten times to 9.0 per cent in 1973, creating about 180 youth inmates to be treated separately from adults. The number of inmates over 40 year-of-age showed a decrease over the same period. Statistics also show that about 55 per cent of the inmates have no previous admission records in the Center and that about 21.3 per cent were illiterate.

5. Medical Treatment

Most narcotics-addicted prisoners usually undergo withdrawal before they arrive at the Center. According to a survey made by the Center in 1973, the intensity of withdrawal symptoms at the time of the admission was as follows: severe (7.8%), fair (23.3%), mild (36.6%), and none

(32.3%). In the case of severe withdrawal symptoms, they are treated with tranquilizers or sedatives. Methadone may be used only as a last resort, where there are no other methods of withdrawal.

6. Education and Vocational Training

Basic academic education is provided at seven levels to achieve at least a minimum level of education. The inmate in the Center may receive a General Education Diploma. Vocational training is offered in the fields of carpentry, woodwork, rattan work, and farming. Work programs may be useful for several purposes: to develop skills among those who have lacked legitimate occupation, to establish or maintain responsible work habits, and to prevent idleness and thus to promote orderliness and good discipline.

7. Religious Activities

The religious education is an integral part of the therapeutic treatment programs in the Center. A full-time chaplain conducts all kinds of religious services, carries on classes in religious education, and gives interviews to inmates with personal problems who may seek his help. Besides these programs, the inmate has an opportunity to participate in religious activities, such as those on New Year's Day, Songkranday, and other important Buddhist days.

8. Recreational Activities

Recreational activities such as music, TV, hobby crafts, library reading, and outdoor competitive sports are important to inmate morale and significant to effective institutional discipline. It is generally believed that inmates use their leisure to more damaging effect than non-criminals. It is apparent that the development of habits and interests has significant bearing upon the reorganization of the character of antisocial individuals.

9. Pilot Treatment Project

The Center recently initiated, on a pilot basis, new treatment technique mainly based on the principles of Buddhist medi-

tation. The pilot project was conducted by five Buddhist monks, two psychologists, and two medical doctors.

They first examined the inmate's patterns of behavior, environment, and other conditions and selected 120 inmates, who were divided into a treatment group and a control group. The former group was treated with meditation technique. The result of the project has not been reported, but necessary data have been already collected in the Center. Although it is now too early to predict the results, the staff of the Center personally observed that the treatment group showed more favorable conducts and attitudes than the control group.

10. Results of Treatment

In evaluating results obtained from the treatment of narcotics addiction, it is necessary to consider two phases of treatment. The incarceration phase usually entails withdrawal of narcotic drugs and therapy designed to overcome psychic dependence. The behavior of inmates at this phase seems to be quite encouraging, since they behave well and abide by all kinds of regulations of the Center. However, the results of the treatment at the prognosis phase cannot be considered as a good success because of considerably high relapse rate. As a matter of fact, around 40 per cent of all inmates have been treated more than once.

11. Problems

In carrying out the Center's activities to achieve the objectives that the Center has been alleged to serve, it appears that the following situations have hindered the fulfilment of such objectives: (1) shortage of funds for providing facilities and equipment; (2) shortage of competent personnel; (3) shortage of after-care services; (4) constant increase in addicts overburdening the Center; and (5) no perfected treatment technique.

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