New public management and the 'business' of policing organised crime in

Australia

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Abstract

The globalisation of new public management (NPM) across OECD countries had a profound impact on the administration and management of policing policy and practice. The ideologies of NPM were enthusiastically embraced in Australia in response to high-level corruption with mixed results (Fleming and Scott, 2008). This article draws on interviews with senior Australian federal police to explore the policing of organised crime in the context of NPM. Emerging themes concerned the requirement to make the 'business case' for resources on the basis of strategic intelligence, recognition of the complexities associated with performance measurement, and institutional competition as agencies vie for limited public resources. This paper questions the discursive practices of NPM policing and raises questions about notions of 'accountability' and 'transparency' for effective police approaches to organised crime.

Introduction

There has been a paradigm shift from public administration to 'new public management' (NPM) in government-funded sectors starting since the mid-1980s (Dixon et al., 1998; Gray and Jenkins, 1995). According to NPM, the public sector should adopt a result driven method to management, borrowing principles and practices from the private sector (Dixon et al., 1998). These principles relate to accountability and transparency in the allocation of resources, and the measurement of performance as a means to achieving greater efficiency (Noordegraff and Abma, 2003). For many leading scholars NPM represents 'one of the most striking international trends in public administration' (Hood, 1991: 3).

NPM is premised on neoliberalism that both 'frames our understanding of crime' and 'shapes the governance techniques' to deal with it (Nieto, 2012: 140). One of the distinguishing features of neoliberalism is 'an emphasis on cost-effective, pragmatic, results-based government, coupled with accountability at all levels' (O'Malley, 2008: 57). O'Malley further argues that 'crime control has been refocused in terms of "stronger" and more "efficient" state agencies responsive to populist demands', necessitating the police to adopt managerial practices closely aligned with a 'business environment' (O'Malley, 2008: 57-58). These developments are 'part of a more general developing neo-liberal logic within late modern Western polities' (Hogg, 2008: 285). Police are faced with the challenge of responding to organised crime in a highly

politicised environment. As a result of demands introduced under neoliberalism, senior police managers operate in incentive-based systems of accountability with an emphasis on performance measurement. This paper draws attention to how police reconcile their role responding to crime while working in systems of bureaucratic accountability.

In 2009 the annual global turnover of transnational organised crime[1] and drug trafficking was estimated to be US$870 billion (£670 billion) (UNODC, 2011). The minimum annual cost for police responses to organised crime in the European Union is €210 million (£180 million), and this figure excludes the annual budgets of national police agencies (Levi et al., 2013). In 2013-4 it was estimated organised crime cost Australia AUD$36 billion (£21 billion), and this figure included AUD$15 billion (£9 billion) in spending on police and criminal justice responses (Australian Crime Commission, ACC, 2015a). In Australia, organised crime encompasses criminal activities including enabler activities (money laundering, identity crime, public sector corruption), trafficking in illicit commodities (drugs, firearms) and crimes against the person (human trafficking, child sex offences) (ACC, 2015b). Aligned with international trends, there has been a shift from hierarchical and ethnic crime groups to more flexible and entrepreneurial forms of organising across criminal markets and jurisdictions (ACC, 2015b; Ayling and Broadhurst, 2014). This means organised crime

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[1] There is an extensive literature on the definitional complexities of organised crime (see for example Finckenauer, 2005). For the purpose of this article organised crime is defined according to the *ACC Act 2002* (Cth), which determines the scope of the ACC's powers as the federal agency with the mandate to respond to organised crime in Australia.

is multifaceted and presents numerous challenges for police (Harfield, 2008). Police responses to organised crime are important to study because organised crimes can be sophisticated, extending across time and place. This is likely to make it harder for police to demonstrate immediate outcomes and their responses are, therefore, more likely to be deemed unsatisfactory. Under the demands introduced by NPM, police must attest to their ability to manage this complex phenomenon, and consequently the practices of NPM are intensified. While there is an extensive literature that reviews NPM and performance management in policing and criminal justice (Butler, 1984; Butterfield et al., 2004; Hoque et al., 2004) little has been written on the experience of policing organised crime in the era of NPM, this research addresses this imbalance.

Development of federal agencies to respond to organised crime in Australia
The Australian Federal Police (AFP) and the Australian Criminal Intelligence

Commission (ACIC) are currently the two federal agencies with a mandate to respond

to organised crime in Australia. In 1979 the AFP was formed in response to a terrorist

attack that occurred during the 1978 Commonwealth Heads of Government (CHOGM)

meeting in Sydney. The formation of the AFP was a 'watershed in the arrangements

made for the administration of criminal justice in Australia' (Chappell and Wilson,

1996: 127), denoting the start of a trend towards Commonwealth Government

involvement in criminal justice.[2] The main function of the AFP is to protect the interests of the Commonwealth (AFP Act, 1979).

The ACIC was formed through a series of amalgamations centralising Australian intelligence agencies, which has mirrored international trends (Bowling and Ross, 2006). The origins of the ACIC can be traced to the Royal Commission on the Activities of the Federated Ship Painters and Dockers Union (the Costigan Commission), established to investigate criminal activities within the Painters and Dockers Union (Costigan, 1984). The Costigan Commission drew public and political attention to the problem of organised crime and provided the momentum for the creation of a new national intelligence agency with the powers of a Royal Commission. This enabled the Commonwealth Government to overcome the constitutional limits of Australia's federal structure and allowed for open-ended investigation into multi-jurisdictional crimes (Gillian, 2002). State and territory police were considered ill-equipped due to their generally reactive approach to policing problems, limited specialist expertise and fragmented information sharing (Parliamentary Joint Committee on the National Crime Authority, PJC-NCA, 1988; 1991). The investigative approach adopted by the Costigan Commission supported the creation of a standing Commission with powers to conduct hearings with a focus on intelligence gathering (Findlay et al.,

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[2] Under the *Commonwealth of Australia Constitution Act 1900* (Cth) criminal law and policing are generally considered responsibilities of the States and Territories of Australia, and not the Commonwealth. However, the Commonwealth has expanded its involvement in these matters, through national policy, federal legislation and the creation of federal police and intelligence agencies.

2009). In 1984, upon delivery of the final Costigan Commission report, the National Crime Authority (NCA) was formed with functions including the collection, analysis and dissemination of intelligence, investigating relevant criminal activities, and leading task forces with state and territory police (NCA Act, 1984).

There was political dissatisfaction with the NCA following the first few years of operation, notably due to its perceived failure to share intelligence with state and territory police and its autocratic approach to joint investigations (Chappell, 1986). Most significantly, performance expectations were not met and the agency's results were deemed to be unsatisfactory given resource allocations (PJC-NCA, 1991). In response, in 2003 the Australian Crime Commission (ACC) replaced the NCA through the amalgamation of the NCA, the Australian Bureau of Criminal Intelligence (ABCI) and the Office of Strategic Crime Assessments (OSCA) (ACC Act, 2002). The ABCI and OSCA provided operational and strategic criminal intelligence to Australian police (Chappell, 1983). The rationale for the merger was to strengthen intelligence gathering, with the Parliamentary Joint Committee on the National Crime Authority (PCJ-NCA, 2002a: 22) noting 'with the incorporation of ABCI and OSCA… intelligence gathering has been given further importance in the work of the new organisation.' The functions of the ACC included the collection and dissemination of intelligence, and the investigation of federally relevant criminal activity, in particular serious and organised

crime (ACC Act, 2002). The ACC maintained the powers bestowed on the NCA, and was granted further coercive powers.[3]

In 2013 a National Commission of Audit was conducted to review the performance and functions of the Commonwealth Government. One recommendation was that the ACC be merged with the CrimTrac agency to consolidate national intelligence capabilities (National Commission of Audit, 2014). The role of the CrimTrac agency was to provide national information-sharing services between Australia's police and security agencies (CrimTrac, 2015). In July 2016 this merged agency was rebranded as the Australian Criminal Intelligence Commission (ACC Amendment Act, 2016).

Performance measurement and policing of organised crime

International approaches to measuring police impact on organised crime focus on process measures and outputs, rather than outcomes (Castle, 2008). The measurement of police work and subsequent determinations of 'effectiveness' are contested. Some authors have asserted performance measurement regimes in the United Kingdom (UK) and Australia distract police from their law and order and human rights objectives (Legrand and Bronitt, 2012). For example, Legrand and Bronitt (2012) argue that

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[3] For example, an individual who fails to respond to ACC questions or produce documents are in contempt and an application can be made to the Federal Court or the Supreme Court (of the relevant state or territory) for the individual to be detained and dealt with by that court (s.34 of the *ACC Act 2002*).

metrics have become the core business of policing, both defining and determining the central functions of police services. This managerialisation of policing, underpinned by a politics of accountability, serves to construct and transform notions of police practice, performance and impact (Collier, 2006). This expansive managerialist ethos now imbued in contemporary policing has been widely critiqued (Mackenzie and Hamilton-Smith, 2011). Further, there have been concerns about the unethical use and manipulation of performance metrics, notably Compstat[4] and its varied manifestations in countries including the United States (US) and Australia (Eterno and Silverman, 2012). The political climate creates expectations for unachievable results that are then reflected in manipulated statistics (Eterno and Silverman, 2012). This draws attention to the political pressures for police to demonstrate favorable returns on investment (ROI). Despite these concerns, no research has been conducted that specifically explores these issues with police leaders in Australia. This research aims to fill this gap by speaking to police leaders about the rationalities, techniques and consequences of NPM for organised crime policing. In doing so, it considers some of the intended and unintended consequences of NPM by accessing and analysing the voices of police power, or as Reiner (1991: 5) suggests 'a significant elite group'.

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[4] Compstat is a performance driven managerial strategy where senior police are held accountable for bringing about crime reductions (Willis et al., 2007).

Methodological considerations

Police leaders are arguably the most informed about managerial, strategic and operational elements within any given agency, directing the work of the agency, and being immediately accountable to the executive (Dupont 2006). They have knowledge of policy making and the authority to speak to a range of issues relevant to management in the context of political demands. Dupont (2003, 2006) analysed transcripts of the oral histories of ten retired police commissioners in Australia to explore their views on the expansion of private policing and the political environment. This research, now a decade old, showed that as a result of law and order politics senior police were increasingly likely to be held accountable for results. Dupont's research draws attention to managerialist practices in policing, including performance measurement (for further research about police leaders see Loader and Mulcahy 2001a, 2001b; Wall, 1998). Against a background of historically high-levels of corruption,[5] Australian police had embraced the managerial principles and practices of NPM (Fleming and Scott, 2008; Hoque et al., 2004). This history makes Australia an ideal case to study NPM as a management philosophy in policing.

The objective of this research was to interview individuals who had held senior leadership positions within federal policing, criminal justice policy, and intelligence

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[5] On the Fitzgerald Inquiry in Queensland in the late 1980s and early 1990s, see Lewis et al., (2010). On the Wood Royal Commission in New South Wales in the 1990s, see Dixon (1999).

agencies over the past thirty years (approximately 1980-2010).[6] Data collection involved purposive and snowball sampling (Berg, 2009). Interviewees were identified because of their professional experience in policing organised crime, or for having held relevant expert advisory positions. There is a complex web of federal and state police in Australia. For this study sampling was targeted towards the federal police agencies as these are specialist agencies that have been created specifically with the mandate to respond to organised crime in Australia, as described above. It was a deliberate methodological choice to recruit individuals who had recently retired or left their positions to encourage open and honest disclosure.

In total, seven individuals were recruited to participate in interviews, contingent on anonymity. While the sample may appear small, it is the first study of its kind to access the voices of police leaders across Australian federal agencies. This is on par with other research on police leaders, for example Dupont's (2003, 2006) study involved a sample of ten police commissioners, who were interviewed by another former police commissioner (rather than the researcher). It is recognised there may be limits to the generalisability of the research, although that is not to say that it is not generalisable. The target population is limited and, therefore, a sample of seven individuals may be highly representative. Further, as an endeavour in qualitative inquiry, the generalisability of the current research rests upon the higher-order

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[6] This research project was granted ethical clearance by the Griffith University HREC, protocol number: LEJ/01/12/HREC. The research was conducted in accordance with the approved protocol.

generalisations that can be made (Firestone, 1993; Yin, 2011). Analytic generalisability is assured by forging close links between empirical data and higher-order claims and through the strategic choice of Interviewees (Stenbacka, 2001).

The agencies represented in this research included the spectrum of federal agencies with the mandate to respond to organised crime in Australia. This included very senior personnel with the NCA (now ACIC); the ACC (now ACIC); the AFP; the OSCA (now ACIC); and the ABCI (now ACIC). During their careers, the interviewees had been at the forefront of policing organised crime, or at the helm of the federal agencies. Reflecting across their careers the Interviewees shared valuable insights into the development of organised crime policing overtime. Whilst, it is acknowledged that some insights may have been influenced by the Interviewees' formative professional development *prior* to the introduction of the innovations described in this research, the selected respondents were actually centrally involved in accommodating many of these innovations. Anonymity, combined with their retired status, in fact, helped elicit very candid accounts of Interviewee involvement and 'complicity' in developing the architecture of contemporary organised crime policing.

In-depth and open-ended interviews were conducted about a range of topics relevant to policing organised crime. A specific line of enquiry related to performance measurement. Interviews ranged in duration from one hour and fifteen minutes to three hours and fifteen minutes. All interviews (with the exception of one- as the Interviewee

did not consent) were recorded and transcribed *ad verbatim*. The transcripts were edited for ease of readability and Interviewees were provided an opportunity to confirm the transcripts (or notes where consent to record was not obtained). Analysis was both concept driven (deductive) and data driven (inductive). Initially the transcripts were read to identify broad themes. This stage of open coding involved the identification of themes arising from the data (Berg, 2009). Once themes had been identified, the transcripts were re-read with the view to identify all relevant excerpts which were structured into separate documents for further analysis, a process Yin (2011) refers to as disassembling and reassembling. Each theme was examined to identify subthemes to meaningfully structure the data. Categorisation into subthemes was concept driven and involved drawing connections with the literature and archival data to support interpretation. In particular, the official reports of the Parliamentary Joint Committee of the National Crime Authority (PCJ-NCA, later Parliamentary Joint Committee on the Australian Crime Commission (PJC-ACC) and Parliamentary Joint Committee on Law Enforcement (PJC-LE)) were used to triangulate the interview findings. This is because the role of the PCJ is to evaluate, consider and comment on agency performance. This was an emergent and cyclic process of managing the constant interplay between data, concepts, and theories or what Golden-Biddle and Locke (2007: 53) term 'data-theory coupling' explaining 'we show data and tell their significance'. Therefore, the results

and discussion are intertwined: showing the Interviewees' statements in their own words and interpreting the significance with reference to relevant literature.

Findings and emerging themes

Making the 'business case' through 'intelligent policing'

As a result of the expansion of alternative security providers (i.e. private security) police are required to attest to their legitimacy to secure public resources (Dupont, 2006). NPM is a technique for establishing legitimacy and has resulted in an entirely new form of regulation termed the 'liberal bureaucracy' that has been 'inspired by the precepts and principles of the neoliberal economy' (Giaque, 2003: 586). Consistent with principles that underlie neoliberalism, efficiency and effectiveness are prioritised resulting in a need to justify public administration activities along these lines (Giauque, 2003). Consequently, there is a focus on performance measurement to evidence legitimacy to secure further public resources. The interviewees in this study identified the need to make a 'business case' to secure resources. This has coincided with a new approach to policing known as intelligence-led policing (ILP). There is an expectation that in return for public resources police will demonstrate a return on investment (ROI), requiring performance measurement, accompanied by the threat of reduced funding. The police interviewed in this study were acutely aware that public resources are finite

and must be allocated strategically. Therefore, they were selective in what operations they conducted, and against which targets:

A whole range of intelligence collection capabilities may be available but then it is a matter that you have to keep your feet on the ground about this. That is the matter of resources; they simply do not have the resources to do everything

Interviewee 5

This has contributed to a new approach to police work, namely strategic intelligence in priority setting and ILP, which can be understood as an example of rationality driving resourcing (Ratcliffe and Sheptycki, 2004). Interviewee 1 described the strategic intelligence processes implemented to prioritise police work:

Based on an assessment process the groups and individuals were placed in a priority order based on how compelling the information was… The [Agency] *worked on a prioritised targeting campaign to establish which organised criminals were active and were considered a threat to society. We then, via the Board process, allocated multiagency taskforces with designated terms of reference to target them and put them out of business. That is the process that basically happens today.*

Interviewee 1

The strategic assessment process described by Interviewee 1 is a clear example of ILP and is directly connected to the re/ordering of policing priorities according to intelligence. ILP is fundamentally 'oriented to the logic' of NPM as it is focused on prioritising resource allocation and efficient delivery of police work (Innes and Sheptycki, 2004: 2). That is, the main reasons for using intelligence for prioritisation are to increase police effectiveness in thwarting organised crime and to support the strategic deployment of resources. Indeed, one of the first major criticisms leveled at the NCA was a lack of strategic understanding of organised crime to direct targeting:

The Authority freely admits that it does not as yet have an overall strategic view of organised crime in Australia. Its selection of targets to become the subject of references is not animated by some grand plan which will result in the progressive suppression of organised crime in this country (PJC-NCA, 1988: 41)

There has been a convergence with NPM and the drive for policing to become more 'scientific' and 'problem-oriented'[7] (Innes et al., 2005; for example 'police as problem busters' see Eck and Spelman, 1987). Police operations are prioritised

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[7] This is related to tensions between epistemological frameworks around identification and analysis of social 'problems' and the selection of corresponding 'solutions' (Sercombe, 2015).

following an assessment of the available intelligence. Reports of the PJC confirmed the central role of intelligence in informing police priorities:

The ACC provides specialist advice on the national criminal intelligence priorities and the criminal threats and issues that the ACC Board considers to be a high priority. The priorities are informed by ongoing intelligence collection, assessment and harms monitoring... The priorities are also then used to inform the strategic direction and work priorities of the ACC. (PJC-LE, 2013: 15)

Interviewee 1 provided an example of ILP specifically supporting the strategic deployment of resources while discussing how the ACC makes a determination of whether to use its coercive powers. The language used by Interviewee 1 points directly to the principles of NPM in targeting and the introduction of ILP to ensure efficient utilisation of resources. Intelligence is used to 'justify the business case':

The Board works on the basis that you have got a finite resource because the [Agency] has around 550 people. But under this unified approach if your intelligence is strong enough you can have federal and state police allocated to a task force in Sydney or Perth. You have the intelligence to use the coercive

powers under that unified approach; this approach can be quite effective and a more efficient utilisation of your resources. However, to do that you have to be able to justify the business case in relation to who should be targeted it has got to be very strong and reliable intelligence.

Interviewee 1

The Board of the ACIC directs and authorises all activities, which itself is a new governance structure implemented in the transformation from the NCA to the ACC. This governance structure (i.e. CEO and Board) is explicitly a 'commercial governance model' (PJC-NCA, 2002a: 13). The application of a commercial governance model to a police agency further demonstrates the application of private sector managerial techniques to a public service as an accountability mechanism. As a result of limited resources, police must be selective in who they target, and commercial governance structures are implemented to evaluate which targets provide the most compelling 'business case' on the basis of intelligence. The implication is that police operations that have a clear and immediate return on investment are the ones authorised by the Board, a point discussed below.

Performance measurement: Key performance indicators (KPIs) and returns on investment (ROIs)

Key performance indicators are the defining feature of NPM in policing (Fleming and Scott, 2008). The annual reports of police agencies in Australia reveal NPM in practice: the language of Key Performance Indicators (KPIs) and Returns on Investment (ROIs) permeates the pages of these documents. Early reports of the PJC-NCA revealed a clear expectation for the NCA to deliver results:

Looking back on the debate leading up to the establishment of the NCA the Committee considers that there was a clear expectation that the Authority would get results (PJC-NCA, 1988: vii)

In order to evidence results there is a requirement to develop performance metrics to report to government. For example, the main recommendation of an early evaluation of the NCA concerned reporting on comprehensive performance measures:

[It is recommended] *that the NCA commence regular reporting on a comprehensive rage of performance measures so that the PJC* and *the community will be better able to assess its performance* (PJC-NCA, 1998: vii)

The importance of performance measurement was conveyed in interviews. For example, Interviewee 1 continually used the language of performance metrics and returns on investment, which were closely monitored through financial assessment:

The process includes a financial assessment to ensure that the combined agency effort provides value for money.

I think the return of investment on the operation was very favorable. In the end the government requested information on the cost and the return on investment. You can't go all the way to the end of it [an operation] *and then say 'well, that was a financial disaster you didn't even effectively put the syndicate out of business or you didn't even stop the drugs coming in.' It is something that is very well monitored.*

Interviewee 1

While these strategies are explicitly designed to ensure value for money, efficiency and effectiveness in police work, Interviewees commented that the law enforcement community felt political pressure to produce a favorable ROI or risk reduced funding. The requirement to achieve results relative to resourcing was evident in the evaluations of the NCA in the years prior to major organisational change:

Since an early stage of its existence a criticism of the Authority [NCA] *is that it has failed to produce results that justify the resources allocated to it.* (PJC-NCA, 1991: 37)

Importantly, a favorable ROI was not limited to a good financial result in terms of the amount of criminal proceeds forfeited, because governments invest in operations that will provide a good political return as evidence of a strong law and order policy (see Garland, 2001; Hogg, 2008):

Governments will say 'we will give you so much money and if you don't make us a profit on that you won't get as much next year.' This is really quite callous. [Interviewer: So you felt that in the Agency? The push?] *I think the law enforcement community as a whole did. You know government invest in things that are going to give them a good political result.*

Interviewee 5

Interviewee 5 discussed tensions they had experienced at a management level about decisions of targeting, and how this would be reflected in performance metrics. The Interviewee reflected that low-level and high-volume drug investigations enable police to obtain more convictions and 'that's what counts' (or perhaps that is what is countable), a point also made by Legrand and Bronitt (2012). Here, it is clear that police

work is directed to achieve performance expectations, demonstrating that such measures of 'accountability' skew police work to align with reductionist (and questionable) measures of 'success.' Aligned with NPM and explicitly managing for results, the appraisal of KPIs is a central concern for police; routinised in their everyday practices. Similarly, in a review of community policing in the UK, Hamilton-Smith et al. (2014) found pressure to meet performance targets resulted in a distortion and reprioritisation of community-based policing initiatives because these activities are 'unmeasurable.' In the quote presented below the Interviewee compared this crime numbers game (Eterno and Silverman, 2012) with the financial investigation into Alan Bond (convicted of serious fraud and corporate offences, see: Smith, 2002). The Interviewee questioned how low-level drug interdictions and high-level financial investigations can be equated:

I had an experience when I was running my division. I had a disagreement with my boss over a particular matter of targeting. He said 'take the guys off that you'll never get a result there, put them into drug investigations because we get a lot of quick and easy hits and results, convictions. That's what counts.' But in fact they were working on other matters that were probably much more serious than the average drug case but more difficult to prove. I remember one guy he was a brilliant fellow in the [Agency] *who was investigating Alan Bond operations and he was investigating for, I think two or three years, and he*

couldn't ultimately get the prize because the Swiss authorities wouldn't give him access to key evidence that he needed that this money was located in overseas bank accounts… At the end of the day if you are counting our statistics, some guy down the street who is a Sergeant running a small squad probably had about 50 arrests or convictions in six months period and this guy goes through three years with not one arrest or one conviction. Now how do you equate the two? That is the problem with statistics I think.

Interviewee 5

It is a failing of neoliberalism that police need to demonstrate value for money through 'quick and easy hits and results' targeted at low-level drug offences, at the expense of investigating serious fraud and corporate offences, arguably of greater societal consequence. Similar findings were identified in a review of confiscation orders in the UK where such orders were 'directed predominantly at relatively minor criminals with limited assets' at the expense of targeting medium or high-level offenders (Bullock et al., 2009: 22). The tension between achieving results at the expense of targeting high-level organised crimes was evident in evaluations of agency performance. For example, the PJC-NCA expressed concern about reductions in charges, at the same time the NCA shifted focus to investigating complex organised crimes:

The Committee was also concerned at the fact that there was a dramatic decrease in results which was not solely explicable by a change in emphasis in the Authority's work...to targeting complex national organised crime. (PJC-NCA, 2002: 10)

When coupled with the decrease in the number of charges- even allowing for a shift in emphasis of the Authority's work, towards targeting the 'Mr Bigs' of organised crime in Australia- the Committee considers that there are clearly efficiency issues which require resolution. The financial statements reinforce this... (PJC-NCA, 2002: 23)

There is a disconnect between the day-to-day work of police and the wider institutional performance expectations that they must achieve, or face penalisation. The measures of accountability introduced under NPM fail to acknowledge nuances in police work, particularly in relation to serious and complex cases or 'organised crimes.' This also raises questions about what is (and conversely, is not) considered 'success' in policing, discussed further below. An Interviewee pointed to the luck that is involved in identifying a large (10 or 15 ton) drug interdiction that make the statistics 'look great,' but at the same time, is hard to sustain in subsequent years (a point also made by Wardlaw and Deane, 1986). This demonstrates these accountability measures are

artificial and simplistic; yet reverberate throughout the entire policing enterprise as proxies of productivity, adding bureaucratic and political challenges for police to overcome:

I mean you could have one hit, you could get a 10 or 15 ton hit and you don't get another one for three years. So when you are adding up the statistics in the next year, people say 'well obviously your productivity has gone down, this is terrible we are going to have to take money away from you, well you aren't as productive as you were before.' So there is a bit of luck involved in this. It's not every day that you get a 10 or 15 ton hit but when you do it's fantastic. It makes the statistics look great but you can see it is a bit artificial. It makes very simplistic assumptions.

Interviewee 5

In sum, these measures are simplistic, reductionist and assess the process of policing rather than progress in achieving outcomes (Castle, 2008; Collier, 2006). Interviewee 4 commented that these measures are not measures of police success but rather police activity:

That is not monitoring success. That is monitoring activity. No matter the beauty of the strategy, we need to measure the results. They are measuring the activities.

Interviewee 4

Interviewees reflected on the consequence of not producing favourable ROIs because police are faced with the threat of resource reductions if they fail to achieve 'productivity' expectations (e.g. *'we are going to have to take money away from you'*). Accordingly, police work is directed towards obtaining quick and easy results (e.g. *'50 arrests or convictions in 6 months'*) at the expense of investigating more serious or complex crimes where it is more difficult to obtain a result.

Turfdom

One of the principles of NPM involves introducing competition in the public service (Hood, 1991). This means police agencies are placed in direct competition for limited resources, which can be counter-productive in relations and operations (Fleming & Scott, 2008). The need for each agency to justify their budget results in tensions and 'turf wars' when claiming credit for successful operations. Police should be working towards shared outcomes, yet performance measurement means agencies must first *'justify their expenditures'*, a finding that emerged during the course of fieldwork:

Turfdom is actually wound up significantly because everyone wants to be able to say 'I collared this particular person' as part of their KPIs... It's not really good enough to say 'I contributed to the solution to this problem,' sadly.

Interviewee 3

I think at the more senior level it's a lot more prickly because you've got a drug bust and the [Agency] *is standing up on the television, they're saying: 'this is what we got: kilos of Cocaine.' There were a lot of agencies that helped get to that point. But who gets the credit? So there is a jurisdictional tussle between agencies, and I think we'll never get rid of that because agencies have to justify their expenditures to the government.*

Interviewee 6

Jurisdictional and informational turfdom between Australian police agencies has been documented in the literature and evaluations of the NCA (Corns, 1992; PJC-NCA, 1988). For example:

The Committee received ample evidence… to support the view that mistrust and territorial jealousy continue to inhibit co-operation and the free interchange of information between law enforcement agencies in this country (PJC-NCA, 1988: 60)

The interview data indicated these tensions were not limited to police but also extended between police and policy domains. For example, the Commonwealth Attorney-General's Department (AGD) experienced opposition from federal police, as AGD was making inroads into their territory:

There was some reluctance from the Commonwealth law enforcement agencies because Attorney-General's was encroaching on their space… of those who felt they have organised crime on their badge.

Interviewee 7

Rivalry within and between agencies exists because 'success in law enforcement operations looms large as a marker of job success' (Sheptycki, 2004: 324). The available literature on (bureaucratic) competition (colloquially known as 'turf-wars') mainly concerns criminal gangs feuding for territory. Yet, interview data in this study revealed that police are involved in turf wars because each agency must demonstrate independent value for money. While there are examples of 'successful' joint operations (in terms of charges laid or drugs seized), the results of this study have shown that an unintended consequence of performance measurement is that it may influence relationships between agencies and impact their ability to work collaboratively.

Policing principles and outcomes

The ninth Peelian[8] principle is that the true test of police effectiveness is the absence of crime and disorder, rather than evidence of action responding to it. This means that process measures widely adopted under NPM are in conflict with one of the fundamental principles of policing in a democratic society. Willis et al. (2011) developed a different framework for measuring the effectiveness of drug law enforcement that is more aligned with the ninth principle. The high level outcomes Willis et al. (2011) suggest measuring include reductions in drug-related crime and organised crime and improvements in public health and amenity. Likewise, Legrand and Bronitt (2012) have proposed a set of indicators that represent broader notions of democratic policing. These include indicators of law and order, human rights and probity in office. Internationally, the International Centre for Science in Drug Policy (ICSDP, 2016) petitioned the 2016 United Nations General Assembly Special Session on Drugs (UNGASS) to rethink the performance metrics used to evaluate drug policy. The ICSDP proposed a broader set of indicators including health, peace and security, development and human rights. These are more comprehensive ways of assessing police performance, and extend the focus from reductionist process driven measures aligned with supply reduction strategies (such as drug seizures), to social policy outcomes more

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[8] Robert Peel is considered the father of modern policing and is often credited with proposing nine principles of policing by consent in a democratic society (Reiner, 2000).

aligned with harm minimisation. Interviewee 3 shared the view that the police outcome of harm minimisation is a better measure of police success:

I'm highly critical of those measures [seizure data]*... and you can argue that success is not all about drugs seized on the street anyway; it's more about harm minimisation.*

Interviewee 3

However, harm minimisation is in direct conflict with law and order approaches that have increasingly characterised crime control (Garland, 2001). It is also more difficult to count and measure. Despite this, Interviewees agreed that performance measures should represent social outcomes of police work, moving beyond proxies such as drug seizures, and instead look at patterns of drug use in the community:

Key performance indicators are legitimate to use but what's the bigger picture? The amounts of drugs seized, you can draw some conclusions, but you also need to look at drug use, drug patterns.

Interviewee 7

Interviewees in this study commented on the necessity of performance measurement in the era of NPM, however at the same time, believed that commonly

adopted measures were simplistic, artificial, narrow, and did not represent broader objectives of policing. It is for this reason it is argued that performance metrics as measures of police accountability should be outcome focused and aligned with broader objectives of policing. This research has shown how NPM, as an incentive-based accountability system, has contributed to a narrow and reductionist set of indicators that police can more easily achieve and measure or count, while neglecting outcome focused measures aligned with harm minimisation.

Implications and future directions

This research has shown some of the ways the rationalities of neoliberalism and NPM, as technologies of governance, have shaped the practice of policing organised crime in Australia. At its core, NMP is concerned with the efficient use of resources with the aim of making public services more efficient and effective. Despite these ideals, it remains important to examine how these techniques operate in practice including intended and unintended consequences. Numerous authors have drawn attention to the expansion of private policing and security providers (Dupont, 2006; Johnston and Shearing, 2003; Shearing and Stenning, 1983). These developments followed the shift in police roles from enforcing the law to responding to 'consumer demands' for service provision, which commenced with calls for police assistance (Bercal, 1970). NPM is a different dimension of the privatisation of policing as it represents police embracing private

sector principles from within. In this way, NPM policing bridges the divide between private and public providers of security, insofar as public agencies imitate private organisations. This is relevant to the 'blurring of already disintegrated boundaries between public, private and hybrid institutions, a process whose unforeseen effects can hardly be predicted, let alone controlled' (Dupont, 2006: 105).

Findings have shown that the need to make the business case for resources, and prioritise their rational allocation, has had implications for intelligence, and new approaches to 'intelligent policing' (Ratcliffe and Sheptycki, 2004). There was a shift not only in police priorities (i.e. those that produce a favorable ROI), but also the way they were identified through intelligence. Looking to current and future developments in public administration, this overlaps with the recent paradigm shift from NPM to Digital-Era Governance (DEG) (Dunleavy et al., 2005). DEG relates to the increasing digitalisation of administration, enabling more efficient counting (Dunleavy et al., 2005). More data are being collected to inform policing, and new technologies and systems to manage data are being developed (see for example: Chan, 2001; Gottschalk, 2007; Koper et al., 2015). It is for this reason the results described in this research have clear relevance to the recent formation of the ACIC via the amalgamation of the ACC and the CrimTrac agency, which administered Australian police information systems. This merger makes the connection between organised crime, managerialism, technology and big data clearer. One of the main implications of this research is the recognition of

the way in which NPM has contributed to the rationale for increased surveillance to inform ILP, to make strategic decisions about priorities and the rational allocation of resources. It has been argued previously that new technologies of surveillance themselves are an outcome of 'managerialist practices that seek economic, efficient, and effective means' and 'the rational bureaucratic practices of modernity and insurance logics that locate security in the development of intelligence-gathering' (Zedner, 2009: 75). Yet, there is an inherent paradox in this logic because technology makes surveillance and intelligence gathering resource effective on a large scale, meaning it is no longer necessary to identify *a priori* priorities to inform resourcing (Zedner, 2009). Future research should set out to explore how processes of strategic intelligence operate to construct problems and define police priorities, and how these practices advance with technology. On the basis of the continuation of trajectories established under NPM, it is expected the impact of intelligence and surveillance technologies on police managerial practices (and vice versa) will become significant.

Conclusion

On the basis of empirical data collected and analysed in this study of police leaders in Australia, NPM has had implications for both the means and the ends of policing organised crime at a federal level. Previous authors, and the Interviewees in this study, have raised critical questions about the broader objectives and actual outcomes of police

work. Interviewees in this study identified political pressures to produce favorable ROIs or face penalisation through reduced resourcing. It has been previously identified that political pressure is a driver leading to the manipulation and unethical use of metrics (Eterno and Silverman, 2012). It is somewhat ironic that management strategies designed for the purposes of strengthening police accountability, and implemented following systemic corruption, do themselves potentially promulgate unethical practices (Eterno and Silverman, 2012; Fleming and Scott, 2008; Hoque et al., 2004). The ethical challenge presented by problem and performance measurement is an avenue that should be explored in future research.

This research contributes to a limited field of scholarship about the socio-historical context and factors that have influenced developments in police managerial practices in Australia, which is an interesting case study bringing to light broader international trends introduced under neoliberalism. This analysis has demonstrated how the longer-term evolution of responses to organised in Australia has been driven and shaped by NPM. These practices can be understood as symptomatic of NPM in a broader social-historical context of neoliberalism, which has implications for current and future developments, including the expansion of surveillance technologies in intelligent policing. In conclusion, the discursive technologies of NPM govern the business of policing organised crime, which is exactly what they were designed to do.

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