Criminal justice system: Thinking about police reform

Renuka Sane
National Institute of Public Finance and Policy

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From the Locust Effect by Gary Haugen and Victor Boutros:

...violence has a devastating impact on a poor person's struggle out of poverty, seriously undermines economic development in poor countries, and directly reduces the effectiveness of poverty alleviation efforts. It turns out that you can provide all manner of goods and services to the poor, as good people have been doing for decades, but if you are not restraining the bullies in the community from violence and theft - as we have been failing to do for decades - then we are going to find the outcomes of our efforts quite disappointing.

- ► Rule of law, safety are pre-requisites for citizen well-being
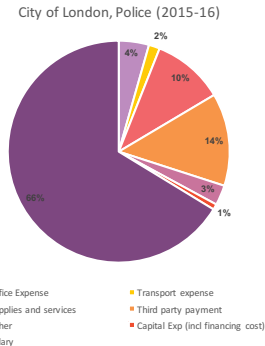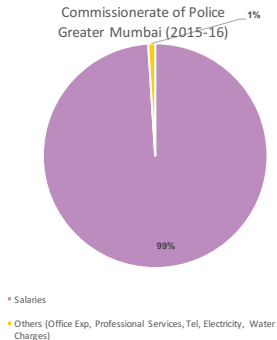- ► And for market based growth.

Part I

Policing in India: Where do we stand?

From the NCRB statistics

- In 2016, there were 30,450 cases of murder reported in India - this is a murder rate of 2.4 murders per 1,00,000 population.
- The work-load on the police:
  - 24,567 murder cases pending investigation fro 2015
  - An addition of the 30,450 cases registered in 2016
  - Of these, 32,339 cases were disposed by the police either as chargesheets (27,538) or as other reports.
  - This gives us a charge-sheet rate of 85.2%, but a pendency rate of 41.2%
- The conviction rate for murder was 38.5%. For all IPC crimes was 46.8%.

- Police strength (per 1,00,00 population)
  - Sanctioned: 180.59
  - Actual: 137.11
- Investigators (ranks of assistant Sub Inspector (ASI), Sub Inspector (SI) and Inspectors) are about 11% of total police strength.
- Police seen to be overworked: majority of police stations had its staff putting in 11 hour to 14 hour workdays
- Lack IT systems for managing workflow better
- Lack data analytical tools to crunch large data sets available in cases of terrorism and financial crimes

Comparing Mumbai with London

Commissionerate of Police Greater Mumbai (2015-16)

1%
99%

- Salaries
- Others (Office Exp, Professional Services, Tel, Electricity, Water Charges)

City of London, Police (2015-16)

2%
4%
10%
14%
3%
1%
66%

- Office Expense
- Supplies and services
- Other
- Salary
- Transport expense
- Third party payment
- Capital Exp (incl financing cost)

Source: City of London Police Annual Report 2015-16/
Commissionerate of Police, Greater Mumbai Civil Budget 2015-16

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▶ Limited share in state budget expenditures, about 3-5%
▶ More than 90% of budget spend on salaries.

In summary: Traditional constraints in policing in India

- Low human capacity
- Inadequate equipment
- Low information availability - crime rates, absence of crime database, non-networking of police stations, etc.
- Defects in evidence collection, police-prosecution coordination issues - lead to low convictions and hence poor deterrence.
- Police behaviour sometimes deters crime reporting and investigation.

Major reasons for these constraints

Recruitment and HR policies

Procurement and contracting capacity

Low budgetary allocation

Lack of modern coordination and information sharing protocols

Absence of good information about crime

Lack of strategic planning and management systems

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Part II

Current policy, New framework

Major reasons for these constraints

Major constraints	Steps being taken currently
Recruitment and HR policies	
Procurement and contracting capacity	Procurement of certain equipment by MHA, Procurement by state police.
Low budgetary allocation	Police modernisation
Lack of modern coordination and information sharing protocols	Capacity building at forensic labs and centres
Absence of good information about crime	Crime database - CCTNS, National e-reporting system
Lack of strategic planning and management systems	

- One approach has been to design "Model Police Acts" to engender better performance by the police.
- Three Bills:
    - National Police Commission (NPC), 2006
    - Police Act Drafting Committee Version (PADC), 2006
    - Bureau of Police Research and Development (BPRD) version, 2015
- All bills have some accountability measures.
- These mostly relate to rules for behaviour and standard operating procedures, serious misconduct, and punishments for violation
- No movement to set strategic goals
- No movement towards aligning appraisals to performance

Inputs, Outputs, Outcomes

- A simpler example from the field of education.
  - Inputs: Schools and teachers
  - Outputs: Enrollment
  - Outcomes: Test scores.
- Example: Police modernisation
  - Inputs: Funds from the Centre
  - Outputs: arms, equipment, housing.
  - Outcomes: ?
- Framework for policing.
  - Inputs: Number of policeman, equipment
  - Outputs: Official crime statistics, conviction rates, custodial deaths
  - Outcomes: Citizen satisfaction with police, safety perceptions.
- Continuous monitoring, and feedback loops should shape policy decisions

Part III

Measurement

- An institution works if it delivers what is expected of it.
- What do we expect of the police?
- *Maintaining Law and Order*
  - Maintaining peace and tranquility
  - Preventing violence and disorder
  - Restraint from inflicting violence against citizens, including the accused
- *Solving crimes*
  - Responsiveness to citizen complaints
  - Facilitating reporting of crimes
  - Evidence collection and protection
  - Investigation
  - Prosecution

- ▶ Police functions are multi-dimensional - Need various metrics for performance
- ▶ Current systems of information have several problems
    - ▶ reported crimes are a fraction of the overall level of crime
    - ▶ citizens face difficulties in reporting
    - ▶ low reported crime need not mean "safety".
    - ▶ citizens may make costly adjustments - for example, not step out at night - this is "defeat" not "victory"
- ▶ We need to measure performance continuously through surveys
- ▶ Survey's are useful for:
- ▶ Resource allocation
    - ▶ Focus policy attention
    - ▶ Basis of staffing
    - ▶ Design of other interventions
- ▶ Sensitise citizens into demanding better services

- Usually done on a sample of the population annually.
- Done through independent survey agencies.
- Examples: CHRI Crime victimisation survey in 2015 (Delhi and Mumbai), IDFC Institute SATARC survey, 2016 (Delhi, Mumbai, Chennai, Bengaluru).
- Questions include
- **Crime incidence**: what is the true picture of crime faced by citizens?
  - Crimes committed by other residents
  - Atrocities by the police themselves
- Perceptions of the police: what do people think of the police?
- Experience with the police: what do people who approached the police for filing complaints feel about the experience?
- Perceptions of safety: how safe do people feel in their houses, in their neighbourhoods, at odd hours of the day?

|	Theft		
	% victims who went to police	% victims who managed to file an FIR	% approached police but failed to file an FIR
Delhi	44	6.7	84
Mumbai	33	5.9	81
Bengaluru	16	6.9	62
Chennai	20	8.3	58

- We have a serious problem of under-reporting
- Likely to be higher for "sensitive" crimes like domestic violence, sexual harassment and rape.

Question: Do you feel safe if a male/female member is out of the house at various points in time (7pm, 8pm, midnight)? This shows the percent who "always feel safe".
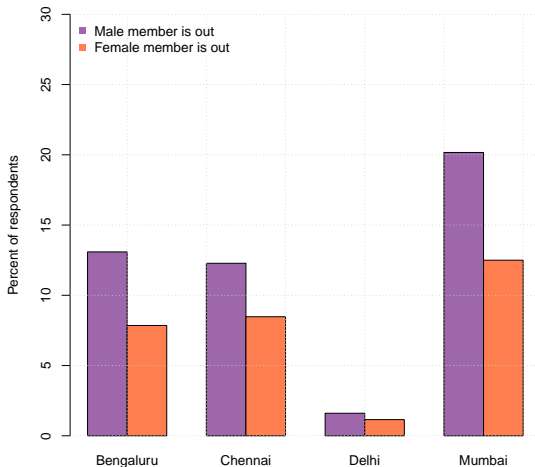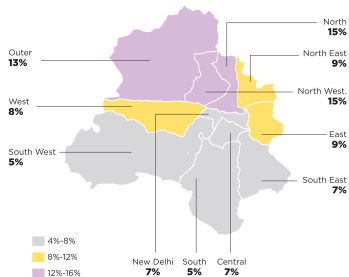
- Useful for resource allocation
- Progress can be checked through consecutive rounds of the survey

Part IV

Conclusion

- Our constraints and scope of work make it hard to do strategic management.
- High degree of ad-hocism.
- Affects long-term capacity building and effectiveness.
- We should focus part of our energy on managing our capacity strategically.
- Accountability:
    - Aimed at improving perceptions of security and public order among citizens.
    - Careful to not focus on one measure of performance alone.

State-level and National plans for strategic action

- Both the centre and the states should identify the top 5-10 crimes and issues of public order
- Example: How do we reduce incidences of theft, and prosecute effectively?
- Plans should establish desired outcomes to be measured through CVS.
  - Set clear priorities: "Improving policing and prosecution related to crimes of theft"
  - Set measurable objectives: "Reducing incidences of theft, reporting of theft, and conviction rates by 10% in 5 years."
- Strategic plans should identify the necessary actions required for reducing the incidence of such crimes.
- Example: Improving police response time for theft cases, improving information and evidence collection, forensic labs, training, etc.
- Resource deployment and capacity building should be focused.
- Example: Dedicated training for handling theft cases, more personnel in theft-prone areas, etc.
- Centre should prioritise resource allocation for ensuring success of national and state plans.