

## **Assessing the impact of co-production on pathways to outcomes in public services: the case of policing and criminal justice**

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### **AMM VERSION**

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### **Abstract**

There has recently been an upsurge of interest in the role of co-production in public services. This paper focuses on how the capabilities of public service users and other citizens can improve the outcomes of public services such as policing and the criminal justice system, where the role of citizens is altering significantly. The paper develops a model of pathways to public service outcomes, showing the connections between citizen co-production and the core activities in policing and criminal justice, in line with the classic public policy model of problem prevention, detection, treatment, support for recovery and rehabilitation, and contribution to higher quality of life outcomes. The paper then explores the empirical evidence from the literature for the impacts of each of the identified pathways to outcomes in this co-production model. The literature review finds some evidence for almost all relationships modelled but also reveals serious limitations in the research base.

### **Key words**

Co-production; Public services model; Policing; Criminal justice; Community safety; Pathways to outcomes

# **Assessing the impact of co-production on pathways to outcomes in public services: the case of policing and criminal justice**

## **Introduction**

This paper focuses on how user and community co-production can improve the outcomes of public services, taking the specific case of policing and the criminal justice system. It develops a model of pathways to public service outcomes and tests it against evidence of impacts from the academic and practitioner literature.

There has recently been an upsurge of interest in the role of co-production in improving public services and public outcomes (Brandsen and Honingh 2016), including its potential in policing and community safety (Meijer 2014). Indeed, a dramatic change has occurred in public services - the perceived role of citizens has altered significantly over time, in a process that Thomas (2012) has characterized as a progression from the role of 'citizen' to the role of 'customer' under New Public Management and now 'partner' in the era of public governance. Kelling and Moore (1988:5) suggest that 'the proper role of citizens in crime control' in the USA up to the 1970s was to be 'relatively passive recipients of professional crime control services', whose actions to defend themselves or their communities were regarded as inappropriate, smacking of vigilantism. However, the subsequent rise of community policing recognized the intimate relationship between police and citizens, e.g. through programs that emphasize neighborhood consultations, crime control meetings, assignment to officers of "caseloads" of households with ongoing problems, etc. (Kelling and Moore (1988:12). Indeed, the Nobel Prize-winning work of Elinor Ostrom started with in-depth research into the co-production benefits of community policing in Chicago (Parks et al. 1981).

A similar process has been observed in the criminal justice system. O'Brien and Robson (2014:25) suggest that "Broadly speaking, between the late 18th century and the mid-to-late 20th century, the system in England and Wales shifted from one based on treating prisoners as rightless objects, to treating people as largely passive subjects with needs and limited rights, and then – to some extent – to a model that recognizes prisoners as citizens, with values and capabilities that could and should be nourished." It is this latter model that we explore in this paper, examining how capabilities of public service users and other citizens can be harnessed to improve the outcomes of policing and the criminal justice system. However, it is important to recognize that, as Nabatchi et al. (2017) observe, citizens may simultaneously serve in multiple roles, moving between acting as citizens, clients and paying customers depending on the specific situation.

Specifically, this paper explores the role and impact of user and community co-production, for which we adopt the definition of Loeffler (2020): "Public service organisations and citizens making better use of each other's assets, resources and contributions to achieve better outcomes or improved efficiency." In line with most of the recent literature (Brandsen and Honigh 2016), our definition of co-production therefore does not refer to inter-organizational co-operation but only to activities where contributions are jointly made by citizens ('experts by experience') and organizational staff ('experts by profession'). It also distinguishes co-production from self-help or self-organization, where citizens' contributions are not matched by contributions from professionals. However, as this paper makes clear, not all co-production of publicly-desired outcomes in policing and the community justice system occurs through public services - citizens also make some valuable impacts on outcomes through behavior change promoted by the public sector.

This paper provides a model and an assessment of these different pathways to outcomes, with a discussion of the evidence for them. While the evidence suggests that many co-production initiatives have already been successful in improving the outcomes of policing and criminal justice services, compared to either the traditional model of professionally-provided public services or the model of self-organised activities in civil society (Bovaird and Loeffler 2012), the paper also highlights some of the potentially dysfunctional aspects of co-production (the ‘dark side’ of co-production), such as when it is undertaken inefficiently or ineffectively (e.g. through incompetence, lack of coordination, lack of investment, misunderstanding, lack of skills, value incongruence or over-regulation), neglects public governance principles (such as transparency, accountability, due process, the equalities agenda or sustainability) or when it involves illegal practices (such as corruption, infringement of privacy, illegal discrimination or harassment).

### **Methodology**

We first developed a draft conceptual model for understanding the potential impact of co-production in policing and the criminal justice system and then used this model as a framework to explore the empirical research in the literature on whether these impacts have been evidenced in practice. The conceptual model was originally developed from previous research by the authors (Loeffler 2019; Loeffler and Bovaird 2019) and this draft model was then extended on the basis of models suggested by other researchers in the literature, and tested against relationships highlighted in key empirical research from the literature.

In order to undertake this extension and testing of the draft model, an extensive literature survey of the English-language literature was conducted to locate empirical studies of how co-production has contributed to each of the key elements of the model and what impacts

have so far been identified. The literature search was initiated through a key word search of the Clarivate Analytics Web of Social Science, regarded as the standard data base for academic social science articles in the UK. (Li et al. (2018) have described it as “the world’s leading scientific citation search and analytical information platform.”)

In this key word search, we paired ‘co-production’ and ‘coproduction’ separately with each of the key elements which were included in the draft model, namely:

- policing
- criminal justice
- community safety
- crime reduction
- crime prevention
- reducing opportunities for crime
- desistance
- crime deterrence
- reporting crime
- imprisonment
- giving witness (in court)
- punishing crime
- fear of crime
- justice in the community
- restorative justice
- quality of life of victims
- victim recovery
- victim restitution
- quality of life of offenders
- offender experience of punishment
- offender reintegration in the community
- policing governance
- public governance in policing
- criminal justice governance
- public governance in criminal justice

This search resulted in over 1500 initial references, which were quickly narrowed down to 640 by eliminating duplicates, non-social science references and references to countries outside Europe and the USA. These in turn were scanned by the researchers and classified into four categories:

Category 1: No reference to policing or community safety, as defined in this study

Category 2: No reference to co-production, as defined in this study

Category 3: Reference to co-production in policing/community safety, no evidence of impact

Category 4: Reference to co-production in policing/community safety + evidence of impact

This narrowed down the number of relevant articles falling into category 3 to 28 (which was supplemented by another 10 relevant references gleaned from other sources) and in category 4 to 24. All 52 articles, book chapters and books in categories 3 and 4 were read by both authors and we extracted from them all references to final and intermediate outcomes hypothesised to arise from policing and criminal justice, together with all evidence on the connections between the variables in the model, since even those connections suggested in category 3 articles deserved to be further explored (or highlighted as issues for future research).. On the basis of this analysis, we added to and fine-tuned the specific pathways included in the draft model (e.g. the link between restorative justice and quality of life of offenders). Finally, we considered the empirical evidence from the references in category 4 related to each pathway in the final model and summarised this evidence in the later sections of this paper, which report how co-production impacts on each outcome and intermediate outcome in the model.

Subsequently, after the first round of reviews of this article, we used the same search criteria to identify further articles published from January 2018 to March 2019 (inclusive). This identified one further book and 9 new articles in category 3 (which is a revealing indication of the salience of this topic), of which 3 provided some evidence of impact. This extra literature did not suggest any further changes to the model, although it threw some further

light on the strength of the relationships involved.

As only a relatively small number of studies with empirical results were identified, we have not used strict exclusion criteria to narrow down the number of studies covered in this paper. Rather, we have reported the findings relevant to each element of the model and we have separately highlighted those relationships which have been reported as statistically significant. This paper therefore summarises the current state of empirical evidence on the impact of co-production in policing and criminal justice but, given the relatively undeveloped state of research into co-production in this field, does not claim that the relationships so far identified constitute a fully tested model.

### **Conceptual model for co-production in policing and criminal justice**

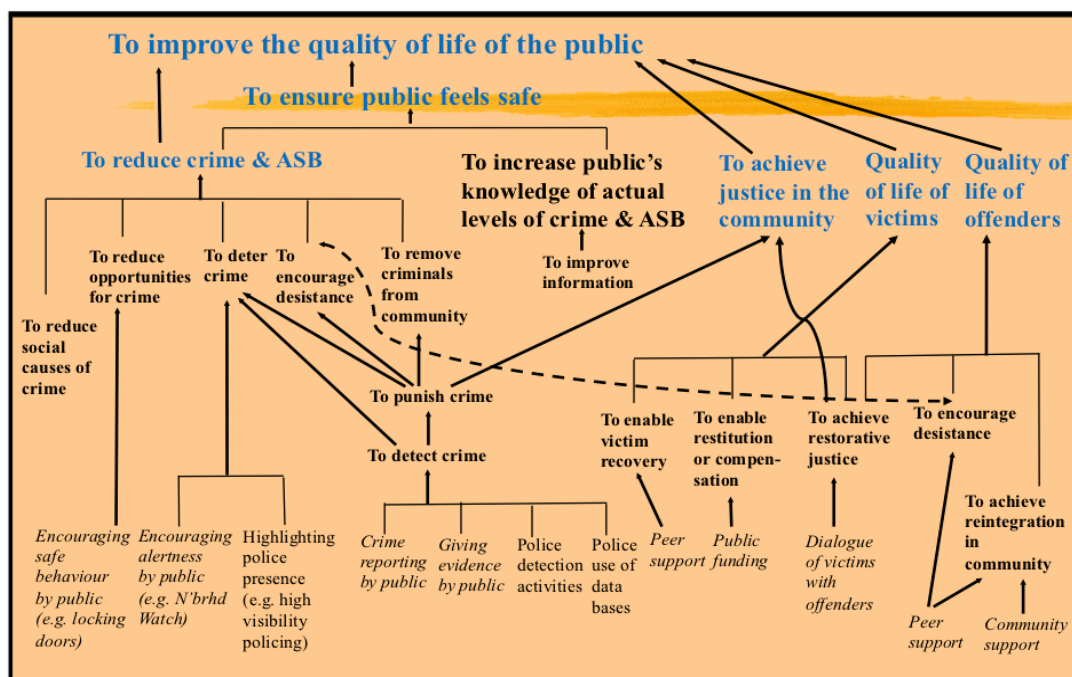
The core activities in policing and criminal justice conform to the classic public policy model of problem prevention, detection, treatment (elimination and amelioration), and support for recovery/rehabilitation of affected stakeholders (Loeffler and Bovaird 2019). This is the basis for the conceptual model which we developed (Figure 1) from our previous research (Loeffler 2019) and the literature to highlight how outcomes are achieved by policing and criminal justice interventions, including contributions made by citizens.

The purposes of policing and the criminal justice system essentially revolve around two key concepts. The first is helping the community to feel safe. This can be achieved partly by reducing crime and anti-social behavior but also by directly tackling fear of crime, since there is a major gap between this and the reality of crime levels.

Second, another set of outcomes relate to achieving justice in the community. This is often focused on very specific crimes which evoke public horror or media attention (e.g. those

involving abuse of children or vicious cruelty to helpless victims or acts of terrorism). Nevertheless, persistent disregard of public annoyance can eventually provoke outcry against even low level injustices (e.g. non-prosecution of parking offences).

Both these fundamental purposes of policing and the criminal justice system contribute to citizen outcomes at an even higher level, namely quality of life, both for citizens in general and for those specific stakeholder groups most intensively involved, i.e. victims and offenders. Figure 1 shows these different aspects of quality of life as the final outcomes brought about by activities in policing and the criminal justice system.



**Figure 1. Model of pathways to outcomes in policing and criminal justice** (Key: specific co-production activities shown in italics).

Co-production is highlighted in Figure 1 by showing how some specific activities of citizens (in italics) contribute directly to the pathways to outcomes – e.g. encouraging behavior by the



public which is likely to prevent crime. Many more co-production activities are covered in the literature reported below.

It is striking that the co-production activities in policing and criminal justice which are shown in Figure 1 (and this is also true of most of the more detailed examples reported below) mainly involve forms of co-delivery through citizen action. Other modes of co-production such as co-commissioning, co-design and co-assessment are still relatively rare in this field and involve typically small-scale projects, which have not been evaluated in terms of impact (Loeffler 2020; Nabatchi et al., 2017). They are therefore not covered in this paper.

Finally, Figure 1 shows that one critically important driver of crime reduction is outside of the influence of policing and the criminal justice system, namely the set of ‘social causes’ of crime (Behn 2014). Many of these social influences on crime can, of course, be tackled by co-production in other realms of public policy but they are not considered further here.

### **Impact of co-production on crime levels and fear of crime**

We now focus on the effects of co-production on key variables highlighted in Figure 1, first looking at co-production activities which directly help in crime prevention, deterrence and desistance, and then exploring co-production in detecting and punishing crime, and finally exploring co-production activities focused on justice in the community and quality of life of victims and offenders.

#### *Impact on crime reduction*

In Figure 1 we highlight the pathways to cut crime through reducing social causes of crime (not further explored here), reducing opportunities for crime, deterring crime, encouraging

desistance and removing criminals from the community. The first two of these are often labelled ‘crime prevention’ but actually all five approaches can help to prevent crime.

The scope for citizen contributions is particularly strong in *reducing opportunities for crime* – e.g. through encouraging safe behavior such as locking all doors and windows when leaving the house. Some of these activities can be seen as pure self-help – but where they have been encouraged or supported by police or other public service initiatives, then we can classify them as co-produced. In surveys of citizens in five EU countries, Loeffler et al. (2008) found that a high proportion of respondents claimed to take such steps (e.g. well over 80% reported taking care to lock doors and windows and around 40% kept an eye on their neighbor’s house and asked them to do the same). However, our literature search highlighted that relatively few community crime prevention initiatives have been evaluated.

Similarly, opportunities for citizens to contribute to *detering crime* are important, especially through citizens alerting the police to potential criminal activities. Skogan et al. (2004) have studied Chicago’s famous police-sponsored ‘beat meetings’, where large numbers of residents show up to exchange information and propose solutions with the police (interestingly, as often in disadvantaged neighbourhoods as in advantaged). By 2002, over half of the observed beat meetings involved equal police-citizen participation. However, despite intensive efforts, the meetings have had much less success in mobilizing citizens to engage in collective self-help behaviour. It seems that very large numbers of those who participate tend to view the meetings as places to lobby for service delivery, not participate in its co-production. Another example is Neighborhood Watch schemes which in England and Wales cover 3.8m households with 173,000 volunteer coordinators, and in the USA cover over 40% of the population. A systematic review of Neighborhood Watch schemes around

the world (Bennett et al. 2008) concluded that Neighborhood Watch was followed by a reduction in crime of between 16% and 26% (with 19 studies indicating it was effective in reducing crime and only 6 producing negative results).

In the USA, Groff et al. (2011) found that foot patrols in a controlled experiment achieved a 23% reduction in violent crime in Philadelphia, based on a model which provides more proactive community contacts and more community intelligence to the police while on these patrols. Foot patrols reacted more consistently than car patrols to signs of social disorder in their patch, in line with the 'broken windows' hypothesis that foot patrol officers, by their presence and through tackling social disorder, can (re-)establish normative order in a community and encourage greater informal community control.

Community policing has a long history as a police-led approach making use of community inputs, e.g. through community-based crime prevention, and sometimes even civilianization (Skolnick and Bayley 1988:5). However, Cordner (2014) suggests that it was sometimes implemented rather superficially in the USA – in 2002 fewer than 25% of agencies had adopted the more robust features of community policing, such as giving citizens a role in recruitment and evaluating police officers and reviewing complaints against the police. Even worse, Taylor (2016) has accused recent US 'zero tolerance' policing practices of repudiating the police-community collaboration on which the 'broken windows' approach was grounded, exacerbating the very problems that co-production approaches sought to reduce. Moreover, community policing may be captured by the most active groups or even get caught between competing community groups.

More recently, citizens have been seen to play a key role in the prevention of terrorism Petersen (2019), e.g. through the US Suspicious Activity Reporting (SAR), undertaken by

FEMA: “Preventing terrorism is a responsibility of every American, and requires an alert and informed citizenry that is ready to report suspicious activity that may be indicative of a terrorist act or terrorism planning” (FEMA, 2012: 322-323).

The evidence therefore suggests that there are many opportunities for citizens to contribute to the reduction of crime, and that they are often willing and effective in doing so – however, not all of these initiatives have been evaluated in terms of their final effects on crime levels.

### *Encouraging desistance*

One key way in which co-production has an impact on crime is by encouraging desistance, which is a process of behavioral change, helping individuals at risk of committing crime to desist sustainably from criminal activity. Weaver and McCulloch (2012: 7) highlight empirical evidence from the work of LeBel (2007; 2009) which established that volunteering or advocacy behaviors had a positive correlation with increased self-esteem and life satisfaction, and a negative correlation with criminal attitudes and behaviors.

Braga and Weisburd (2012) concluded from a meta-analysis of US studies into focused deterrence strategies that they are associated with an overall statistically significant, medium-sized crime reduction effect. While these strategies involve intensive police contact with, and pressure upon, known and suspected criminals (e.g. drug dealers), the emphasis is not only on decreasing offending but also on decreasing opportunities for crime, deflecting offenders away from crime (e.g. by focusing services and support on dealers, so that those willing to change their lives have the support they need), increasing the legitimacy of police actions and increasing the collective efficacy of communities. This latter activity is the most directly co-

productive element of the approach but the overall strategy is for the police to encourage known and suspected criminals to change their behaviour in order to improve their own outcomes and, in consequence, to reduce crime. They suggested that the large effects observed came precisely from the multifaceted ways in which this program influenced criminals. Moreover, focused deterrence enhanced collective efficacy in communities by engaging community members in the strategies developed. Similarly, Cherney (2008) highlights that the police can mobilise citizen's resources to prevent crime through educational programs which raise their awareness of what they can do to help. These desistance programmes partly work by increasing self-efficacy, i.e. the belief that one can personally make a difference (individual self-efficacy) or that people generally can make a difference (social self-efficacy), a factor which has been highlighted in many studies as a key driver of co-production in community safety (Parrado et al. 2013; Alford and Yates 2014; Bovaird et al. 2016). In turn, successful involvement in such programmes can increase the self-efficacy experienced by known and suspected criminals, producing a virtuous circle.

Ross et al. (2011:68-70), drawing on scientifically rigorous literature, predominantly from the US, identify one type of early intervention program as distinctively effective for preventing or reducing youth crime and anti-social behavior, namely child skills training which aims to teach children "social, emotional, and cognitive competence by addressing appropriate effective problem solving, anger management and emotion language" and which thereby prepares service users for a greater role in the co-production of their own future welfare.

There is also a substantial literature on teen courts in the USA, where adolescents hear cases and usually also make decisions about sanctions to be applied to teen perpetrators of low-level crimes, thus helping young people to effect positive change in their lives through their interaction with positive peers and through community involvement. Bright et al. (2015)

summarise empirical research evidence which demonstrates that teen court completers experience relatively low rates of recidivism up to one year after their hearings.

Ross et al. (2011:68-70) identify two promising co-production programs for encouraging desistance. First, mentoring, a form of peer-group support, typically involves a non-professional from the community spending time with an at-risk young person in a non-judgmental, supportive capacity, whilst also acting as a role model. Second, after-school recreation allows young people to experience and learn skills in a range of non-academic activities, which is particularly valuable for those who struggle with school work and risk low self-esteem. However, these activities are likely only to be effective if highly structured and co-produced with professional support, rather than simply self-organized in the community.

Weaver and McCulloch (2012:13) highlight a similar peer support approach, the *Routes Out of Prison* project in Scotland, which employs Life Coaches (mainly reformed offenders or ex-substance abusers) to support short-term prisoners before and after release with emotional and practical peer support, and to act as advocates on issues such as housing debt, benefits advice, health, addiction, training, education and work experience. In 2009-10, 43% of the prisoners signed up to continued engagement on release and the project evaluation found that peer support was highlighted by all key stakeholders, including prisoners, as a key strength.

A key aspect of rehabilitation is preparation for work while in prison and on probation.

Weaver and McCulloch (2012:11) report an evaluation of the *Straight to Work* project of The Giles Trust which employs former prisoner peer advisors, following their release, to provide intensive resettlement support for newly released prisoners. The intensive program of support called 'Through the Gates' was estimated in 2009 to have reduced re-offending by 40%, with

savings to the taxpayer of £10M (ProBono Economics 2010), and significant quality of life improvements for the ex-prisoners.

Not all desistance approaches work through community co-production mechanisms – Albertson (2015) presents qualitative evidence demonstrating that arts and creative activities in prison can increase the capacities of offenders to express themselves and thereby contribute to the developing of offenders’ personal and social strengths and resources, although the consequent impact on reoffending was not researched.

The evidence therefore suggests strongly that user and community co-production can play an effective role in encouraging desistance from crime by those at risk of committing crimes and in preventing a return to crime by ex-offenders.

### *Removing criminals from the community*

The effectiveness of removing criminals from the community depends on the court system and, ultimately on the detection and successful prosecution of crime. Although historically victims played a much stronger role in prosecution (Holder, 2018), perhaps the most obvious way in which citizens contribute to directly to removing criminals from the community is by giving witness in court. Although this is sometimes legally enforced, it is more often a voluntary choice by witnesses. In 2014-15, more than 11,000 criminal trials in England and Wales had to be abandoned because witnesses pulled out or did not appear at court – however, this only constituted 2.1% of trials in the crown court and 6.8% of trials in the magistrates' court (<http://www.bbc.co.uk/news/uk-35347781>). In England and Wales, help is

available for those daunted or concerned about this nerve-wracking (and even potentially traumatizing or dangerous) process from the Citizens Advice Witness Service. The Witness Service is also a form of co-production, being run by nearly 2,500 volunteers and 300 staff and helping over 14,000 citizens per month who are giving witness (<https://www.citizensadvice.org.uk/about-us/how-citizens-advice-works/media/press-releases/witnesses-need-support-to-feel-confident-giving-evidence/>). However, managing of witnesses is not always effectively done, e.g. Richards (2009) reports research into children giving evidence that they have been abused or mistreated which indicates that support for these child complainants has been limited in improving their experience and, in turn, increasing conviction rates.

### *Crime detection*

It is clear from the model in Figure 1 that crime detection is critically important to several of the pathways to outcomes, including crime deterrence and, through punishment of crime, to desistance and removing criminals from the community. Co-production can play a major role here. Neighbourhood patrols such as Street Watch can often help to provide key information after crimes have been committed. A similar co-production initiative in the UK, Speedwatch, through which local residents monitor speeding motorists in their streets, record their speed with a laser speedgun/camera and send a photo of the car with its speed recorded to the police, can be effective, not only in crime detection but also in deterrence. For example, the Speedwatch initiative in Wiltshire County Council involved 765 local residents in 140 volunteer teams in rural areas monitoring motorists' speed (Milton 2016) and resulted in a 35% reduction of fatal and serious injuries from traffic accidents (in Wiltshire compared to a national fall of 22% during this period). Using the values for road accidents saved suggested in HM Treasury (2014), this had a monetary value of £15m.



More generally, crime reporting hotlines like 911 in the US and 999 in the UK can help to speed up and inform police interventions and investigations. Recently, the internet and social media have become extra tools for putting police in touch with citizens for the detection and pursuit of crime – detection of internet crime obviously functions in this way but so too does citizen action to dispel child pornography from internet forums. While this is partly a community self-organizing response, it can also result in forms of ‘coveillance’, where citizens play a role in the surveillance structure of the state. However, there is a fine line between ‘crowd intelligence’ and resonating rumor and prejudice which undermine rather than enhance the rule of law – or, even worse, serve the oppressive control of the ‘Orwellian’ state (Hoogenboom 2010).

Since 2004, Dutch police have been developing and using an online system called CitizenNet (*Burgernet*) in nine cities (Meijer, 2012: 200), through which police can call citizens for information on recent crimes (e.g. burglaries near their house) or even crimes which are currently taking place (e.g. criminals seen running from scene of crime). The system aims to help citizens feel safe in their own environment, to speed up tracking of suspected or missing people, and to strengthen trust in the police. An average of 4.6% of citizens in the nine cities signed up for CitizenNet and 9% of all the cases qualified as fit for CitizenNet action were solved with the help of its information - more than 50% of all successful police actions, so an important addition to existing procedures (Meijer 2012: 200-201).

More problematic is the issue of what members of the public should do when they actually see crime taking place, given that their direct intervention may be dangerous (to themselves, to the assumed offenders, and to bystanders). Police have traditionally discouraged such direct action, although legislation in both USA and UK allows for citizen arrests (Robbins 2016).

The evidence therefore suggests that community co-production with the police can be an effective approach to detecting crime but some safeguards are necessary to ensure that 'coveillance' does not infringe public governance principles.

### *Impact on fear of crime*

For decades, there has been a major gap between reported crime levels and the public's perception of crime levels. In the UK, for example, just over 60% of adults perceive crime in the country as a whole to have risen over the past few years (ONS 2015a), whereas in fact recorded crime against households and resident adults (aged 16 and over) had reached the lowest level since 1981 (ONS 2015b). Similarly in the USA, a majority of respondents to the annual Gallup crime survey said crime had worsened compared with the previous year (with more than 80% holding this view in the late 1980s and early 1990s and between 53% to 74% in the decade after 2001), whereas government statistics showed serious crime decreased nearly every year from 1994 through 2010 (McCarthy 2015).

Can co-production influence this gap between perceived and actual levels of crime? Zhao et al. (2002) analyzed 31 research studies on the effect of US policing tactics on citizen's fear of crime. The three policing activities which were most effective in reducing fear of crime were police sub-stations, community meetings (particularly joint problem-solving meetings), and everyday face-to-face contact between officers and citizens in the neighborhoods of greatest need, all three of which tactics increased face-to-face non-enforcement interactions between police officers and community members (Johnson 2016), so that police officers could more effectively develop solutions in cooperation with the reporting residents.

Similarly, a review of well-founded academic studies by Weisburd and Eck (2004:59) (restricted to studies based on randomized experiments, quasi-experiments and correlational methods) concluded that community policing strategies, when implemented without problem-oriented policing, did not significantly cut crime or disorder but did cut levels of citizen fear of crime.

There appears, therefore, to be quite strong evidence that community co-production with the police, involving regular contacts not related to any specific enforcement issue, can be an effective approach to reducing fear of crime.

#### *Impact on costs of policing*

Does co-production reduce policing costs? There have been few studies on this and the studies which exist do not support such a relationship. Musso et al. (2019) found no consistent relationship between fiscal characteristics or capacity of police authorities in California and volunteer contributions to local policing activities. Moreover, their findings showed that few cities combined a contracting arrangement with a volunteer programme for police, suggesting that “the efficiency of contracting out may substitute for the constitutive value of citizen engagement” (Musso et al. 2019: 489).

Moreover, Bullock and Johnson (2018: 25), studying the delivery of police-relevant services by the members of faith-based organisations (FBOs), highlight how, although co-production may usefully reduce demand on constabularies, it can also generate costly demands on the police service, e.g. through the need for “identifying suitable FBOs, motivating them to participate, sharing information, making joint decisions about the delivery of interventions, and managing or coordinating service delivery.”

## **Impact of co-production on achieving justice**

The main ways in which co-production by citizens can help to achieve justice are to ensure that crimes are detected and punished (covered above) and to contribute to restorative justice.

Restorative justice has moved from the periphery of the criminal justice system in the UK and now plays a prominent role in many aspects of mainstream service provision in the system. Restorative justice is a co-produced approach to delivering justice (Weaver 2011), involving a degree of personalization for the offender (and, indeed, for the victim).

Johnstone (2004) argues that it seeks to achieve a subjective experience of justice amongst people who have experienced an injustice, rather than some objective concept of justice and that it comprises four common practices:

- *Victim-Offender Mediation*: offering victims of crime a chance to meet in a safe setting with the person who harmed them, with a trained mediator, allowing the offender and victim to develop an action plan for repairing the harm caused.
- *Family Group Conferencing*: here, family members and community supporters of both victims and offenders support the offender's reparative efforts and efforts to change their way of life to reduce the chance of reoffending.
- *Sentencing or Peacemaking Circles*: here, many community residents and justice and social service staff also take part, with family and support networks, and can recommend a sentence to the judge – and often consider what the community can and should do to help in a broader plan of community action, linking restorative justice to community regeneration and capacity building.

- *Circle of Support and Accountability*: here, community members form support groups around feared ex-prisoners (particularly sex offenders) to help them be law-abiding and informally to monitor their behavior and ensure safety of the community.

Bazemore and Elis (2007:397), in an overview of restorative justice evaluations, conclude that most restorative programs have a positive impact on recidivism, often equal or stronger than treatment programs and that, increasingly, research reports positive impact on victims.

More recently, Meadows et al. (2012) found in an evaluation of a two year program of restorative justice in South Yorkshire that victims were generally satisfied with the outcome, feeling empowered by their experience, developing a greater sense of control and reporting increased confidence in the police. Offenders had also experienced a positive effect. Moreover, qualitative fieldwork suggested offenders participating in restorative justice were less likely to be reconvicted than other offenders, although the quantitative results were not quite statistically significant.

While co-production through restorative justice mechanisms has a strong logic and is supported by some encouraging experience, there is still not yet sufficient evidence for a conclusion on its effectiveness in achieving justice, as viewed by different stakeholders.

### **Impact of co-production on quality of life**

As shown in Figure 1, the policing and the criminal justice system has an indirect impact on the quality of life of all citizens through the reductions in the level of crime and the fear of crime and through the collective benefit from achieving community justice. In fact, various

studies have shown that citizens tend to prioritize ‘quality of life’ over ‘crime’ problems and, given that the former may not routinely fit into the remit of the police service, sharing of responsibility with other statutory agencies is essential (Bullock and Leeney 2013:208). However, we now explore two stakeholder groups whose quality of life is more directly affected by co-production in the system – namely victims and offenders/ex-offenders.

#### *Impact on victims’ recovery and restitution*

In addition to co-production through restorative justice achieving greater justice in the community (see above), Rugge and Scott (2009:18) conclude from previous research and their surveys of participants in Canadian restorative justice programs that restorative justice initiatives improved both psychological and physical health.

Umbreit (2008:2) concludes that “more than 50 empirical studies in North America and Europe have consistently found Victim-Offender Mediation to have a positive impact upon victim and offender satisfaction and perceptions of fairness, higher rates of restitution completion, and significantly lower rates of recidivism.” Moreover, Umbreit (2008) highlights that studies have consistently found that restitution agreements are less important to crime victims than talking directly with offenders about how they felt about the crime.

#### *Impact on offenders’ and ex-offenders’ quality of life – experience of punishment*

Ward and Brown (2004) characterize the dominant approach to offender rehabilitation in Canada, the UK, Australia, and New Zealand as a risk–need model, in which dynamic risk factors associated with recidivism are systematically targeted and the intensity of treatment delivered is related to each offender's assessed level of risk, seeking the reduction of

maladaptive behaviors, elimination of distorted beliefs, removal of problematic desires, and modification of offence-supportive emotions and attitudes. They suggest that this model results in more effective treatment and lower recidivism rates but does not promote pro-social and personally more satisfying goals, which would be more effective in motivating offenders. In contrast, they suggest that the Good Lives Model of offender rehabilitation, originating in Canada but now used internationally, is a strength-based approach, seeking to give offenders the capabilities to secure valued aspects of human functioning and living ('primary human goods'), which research on human motivation, well-being, and social policy suggests should include factors which involve the co-productive capabilities of prisoners: excellence in play and work (including mastery experiences); excellence in agency (i.e. autonomy and self-directedness); relatedness (including intimate, romantic and family relationships) and community; spirituality (in the broad sense of finding meaning and purpose in life); and creativity.

Furthermore, the need for such a co-productive approach is highlighted in a study by McCulloch et al. (2016:441), which found that "None of the participants identified their statutory justice experience as a co- one. ... Rather, the predominant experience described was one of punishment, judgement, humiliation, depersonalization and a 'total imbalance of power'. For most this was a distancing, disenfranchising and disorientating experience that, for some, directly impeded their capacity to cope, far less co-produce." However, the authors then highlight a number of counter-experiences where co-production was at least emergent, e.g. through the development of humane, reciprocal and productive relationships, or in the context of voluntary social work, or in people's activity as a provider of support while completing their sentence, mostly within the prison, e.g. in activity as a peer tutor, as a prison librarian or other formal and informal acts of peer support for fellow prisoners. They conclude (p. 446) that, in this particular context, the idea of co-production is tricky. "On the

one hand it is a clear, diverse and deeply valued concept and practice, considered foundational to individual outcomes of progression, recovery and desistance. On the other it is a distant ... ideal, resting as it does on notions of respect, collaboration, equality and empowerment.” They suggest that the criminal justice system in the UK has been drifting from humane, participatory and complex justice practices towards more politically popular promises of punishment, into which co-production will not fit easily.

User Voice, a nonprofit organisation led by reformed offenders, has developed a model for democratically elected prison councils which has been implemented in a number of UK prisons. It emphasizes not just outcomes but also processes of engagement. An evaluation of the early pilots (User Voice 2010) was positive. At one site during the pilot period there was a 37% reduction in complaints from prisoners and, at another site, the number of ‘segregation days’ (‘lock-down’) reduced from 160 to 47 days, suggesting reduced prisoner dissatisfaction and tensions.

There is clear potential, therefore, for user and community co-production to improve the quality of life of offenders and ex-offenders a by involving them more deeply and meaningfully in the operation of the justice system (including prisons) and in more positive rehabilitation processes.

#### *Impact on offenders’ and ex-offenders’ quality of life – reintegration in the community*

Weaver and McCulloch (2012:5) argue that the dominant UK model of rehabilitation mainly promotes professionally-led interventions designed, structured and delivered in adherence with the principles of the Risk, Need and Responsivity model, with the prisoner/probationer playing a largely passive role. Their research, however, suggests that peer-led programs can benefit all principal stakeholders, namely prisoners/probationers, peer educators, and the



prison or community, since peer educators may have enhanced credibility with prisoners and probationers, especially with 'harder-to-reach' groups (Weaver and McCulloch 2012:11).

Weaver (2011) presents evidence that the link with community is especially important in rehabilitation and argues that the process of co-production should include offenders, victims and communities, promoting offender strengths or assets – e.g. strong social bonds, pro-social involvements and social capital. Although Weaver and McCulloch (2012:10) conclude that projects fully engaging former prisoners/probationers in design, commissioning and delivery of rehabilitation programmes remain comparatively rare in the UK, they point to exceptions such as Foundation 4 Life, a London-based program which engages reformed offenders and former-gang leaders to deliver behavior modification workshops and programs to young people who are either still offending or at risk of offending. They report an evaluation, whereas nearly half of all participants entering the program said they did not care about the consequences of their offending; however, on exit, 20% said they would actively make a change and 26% were beginning to think about the consequences of their offending. (Moreover, 91% of reformed offenders acting as facilitators had not re-offended and some had obtained related employment).

In the UK since 2010 the Working Prisons initiative has sought to provide preparation for work. A report by User Voice (2014:2) concludes that “ ... the majority [of prisoners] felt that working prisons had been achieved to an extent, but with serious flaws and reservations. ...” The dark side of this approach was stressed by some respondents: “Service users both currently in prison and on probation were also highly concerned about working prisons being used as an excuse to exploit prisoners” (p. 5).

User and community co-production therefore seems likely to improve the reintegration of ex-offenders into the community through positive rehabilitation processes. However, as with its impact on the quality of life of offenders and ex-offenders, there is still a need for more empirical evidence on effectiveness, given the relative scarcity of such approaches to date.

### **Impact of co-production on governance principles in policing and community justice**

It is important to recognise that a focus on outcomes alone can distort the overall assessment of policy. As Weaver (2011) observes, the challenge is “not merely how to make justice co-productive, it is how to make co-production just.” Consequently, we also need to ask if co-production can improve achievement of the public governance principles to which policing and the criminal justice system should conform.

Fagan and Tyler (2004) conclude from their large-scale survey of New York residents that: “Public evaluations of police legitimacy impact on citizens' compliance with law: on their willingness to cooperate with and assist the police”, both of which are aspects of co-production. Their findings suggest that the primary factor shaping legitimacy is the governance principle of procedural fairness. More recently, Meijer (2014) has also summarised empirical research on crime control as indicating that citizen engagement strengthens citizens' regard for police legitimacy. Similarly, Huq (2013:695) reports that surveys of London and New York Muslim and non-Muslim communities found a “strong association between willingness to cooperate with antiterrorism policing and perceptions of procedural justice in both the U.S. and the U.K. contexts.” In the same vein, reporting to the police (“snitching”) may have a bad reputation in some communities, e.g. because of the perceived injustice in those communities of mass incarceration, racial profiling,

inappropriate use of ‘stop and search’ laws by the police, police rough treatment of suspects or racial bias in court sentencing, while community loyalty and the need of many disadvantaged citizens to work in the ‘informal’ economy may contribute to ‘anti-snitching’ norms in other contexts (Goodman 2018). However, there appears to be no evidence of the reciprocal effect, that contact with citizens through co-production might convince the police that they should themselves conform to public governance principles.

*Dysfunctions which impact on the effectiveness of co-production*

Neglect of public governance principles is one aspect of the potentially dysfunctional aspects of co-production. Co-production can also fail to improve social welfare when it is undertaken inefficiently or ineffectively, or when it involves illegal practices. (Neglect of public governance principles and illegal practices are often referred to as ‘the dark side’ of co-production). We set out in Table 1 a conceptual framework for these three different causes of dysfunctional consequences of co-production, and some examples of how they can occur.

Although only the illegal behaviours constitute a straightforward case of contravening ethical or moral principles in a way which can be formally sanctioned in society, some of the dysfunctional behaviours elsewhere in the list may also be seen as normatively unacceptable by many people (e.g. where Street Patrols by community members spend a disproportionate amount of time in neighbourhoods with high ethnic minority populations).

**Table 1. Dysfunctions which impact on the effectiveness of co-production**

Type of dysfunction	Examples of potential dysfunctional consequences of co-production
<i>Inefficient or ineffective practices</i>	
Incompetence	Badly implemented co-production reduces social outcomes
Lack of social and community coordination	Poorly coordinated co-production results in waste of citizen and public services resources (Ayling, 2005; Brewer, 2017), while the costs of coordination can be high (Brudney and Dunscombe, 1992)

Lack of public investment	Inadequately resourced co-production results in waste of citizen and public services resources
Lack of appropriate cause-and-effect knowledge	Co-production gives a voice to citizens who are ill-informed
Lack of appropriate skills to co-deliver community safety activities	Co-production gives a role to citizens which may be ill-informed or poorly done - e.g. not understanding 'nuances of threatening behaviour' in tense incidents (Smith and Albert, 2011)
Unpredictability in networks due to complex interaction of multiple actors seeking multiple outcomes – 'Black Swans' (Taleb, 2007) which are inevitable but whose form & size cannot be predicted in advance	Irrational community justice policies may be driven by pressure from communities experiencing moral panic, such as 'Jessica's Law', in response to rare and unlikely-to-be-repeated crimes (Griffin and Tritt, 2009). Again, some community members may actually become complicit in crimes as a result of getting to know local criminals
Value incongruence and conflicts mean that service users, communities and volunteers do not all share and conform to the values of the public service commissioners and providers	Vigilante behaviour by communities who take the law into their own hands to pursue and punish local people of whom they disapprove (Williams et al. 2016; Brewer and Grabosky, 2014).  Focus by co-producing citizens on those crimes which affect them rather than the general public (Brewer, 2017) or on those public policies with which they agree (Steen et al., 2018)
Over-regulation	Co-production, by bringing in new actors who do not understand normal public public service procedures, may require these procedures to be spelled out in much more detail
<b><i>Failure to conform to public governance principles</i></b>	
Lack of transparency	Difficulties in monitoring the contributions of service user and community contributions (e.g. how much 'spying on neighbours' occurs in Neighbourhood Watch schemes)
Lack of accountability	Difficulties in holding service users, communities and volunteers to account when agreed procedures for reporting crime have not been implemented (Brewer, 2017)  Blurred accountability may make it harder to identify and tackle failing professionals and managers (Steen et al., 2018)  Citizens may also become over-committed to co-produced activities, losing their critical perspective (Salamon, 2002)
Lack of citizen engagement	Difficulties in maintaining a stable and reliable level of citizen contributions to community safety, so that police can be confident that these activities will actually occur as planned, without imposing unreasonable burdens on citizens or resorting to moral coercion  Differential citizen involvement in co-production may mean an unfair redistribution of power between citizens (with consequences for democracy, since it promotes participative rather than representative democracy)
Non-compliance with equalities agenda	Difficulties in ensuring that citizens when co-producing do not exercise actual or perceived discrimination against any groups (Leach, 2006)
Increasing inequality	Difficulties in ensuring that disadvantaged people and groups have the same opportunity to engage in co-production as better-off groups, so that co-production differentially increases the welfare of the better off  Welfare benefits might be made conditional on high levels of co-production, even for those whose ability to co-produce is limited (McMullin and Needham, 2018)  Co-production of service users might be substituted for paid professional work as a form of exploitation

Lack of due process	Difficulties in ensuring that all co-producing citizens observe due process in their activities, so that formal procedures are followed and there is no bias in informal decisions – e.g. ‘naming and shaming’ of accused citizens before they have been tried (Whitman, 1998)
Lack of trust	Success of co-production reduced by unwillingness of either citizens or police to trust each other to contribute appropriately to public services
<b><i>Illegal behaviours</i></b>	
<ul style="list-style-type: none"> <li>• corruption</li> </ul>	Citizens co-producing community safety activities engage in corrupt behaviour, e.g. accepting bribes not to report observed crimes
<ul style="list-style-type: none"> <li>• infringement of privacy</li> </ul>	Citizens, engaging in ‘coveillance’ activities, seek to obtain or reveal information about local people which should remain privileged information (Marx, 1989)
<ul style="list-style-type: none"> <li>• illegal discrimination or harassment</li> </ul>	Difficulties in ensuring that citizens do not exercise discrimination against some other citizens in their co-production activities or engage in online or in-person harassment

All of these types of dysfunctional co-production are potentially important. Unfortunately, there has been relatively little research to date on most of these dysfunctions, as can be seen from the low number of references in Table 1 - the case for co-production cannot be judged fully until this gap has been rectified.

### **Conclusions and potential next steps in research**

This overview of current research findings on the impact of co-production in policing and the criminal justice system has found some research evidence for almost all of the relationships modelled in Figure 1. However, this review has also highlighted a number of serious limitations in the research to date.

First, little of the research to date has explored the highest level outcomes achieved by co-production. As Weaver and McCulloch (2012:8) state for the UK: “There is limited evidence of tangible outcomes of user-led change achieved in criminal justice.” While the literature demonstrates good reasons to believe that co-production may be effective in achieving high level outcomes, the relevant number of studies remains too small for full confidence.

Second, where outcomes are researched, only a narrow range of outcomes are addressed. In particular, much research has focused on crime reduction, perhaps because this is usually a government priority. Consequently, the effect of co-production on the collective outcome of justice in the community and on quality of life outcomes have been under-researched. Since all the highest level outcomes in Figure 1 have been explored by research in other policy areas, it should not be difficult to add this dimension to future co-production research on policing and criminal justice.

Third, many of the studies have been purely qualitative, illustrating the potential of co-production but giving only weak indications of the strength of its drivers and impacts. If there is to be greater commitment of public agencies to making co-production work in policing and criminal justice, more quantitative work on the strength of these relationships will be needed.

Fourth, pathways from co-production to outcomes achieved are not clear -- no study reported here has tested a full pathway to outcomes through the links hypothesized in Figure 1. This 'black box' approach to evaluation weakens the learning which can emerge. Moreover, it is essential to distinguish service systems in which cause-and-effect relationships can be established (as in Figure 1), as opposed to complex adaptive systems in which no such relationships exist. Such complex adaptive systems are especially likely where the pathways in the model are highly interconnected, unlike the simplified model shown in Figure 1.

Fifth, the types and level of co-production in pathways to outcomes may be underestimated by public agencies, which tend to focus mainly on their own inputs. This is exacerbated by the fact that co-production is often irregular in occurrence and therefore less able to be

programmed into public sector activity. Researching co-production requires moving away from simply observing and measuring the activities of public services staff, and towards developing a greater appreciation of the full range of activities of service users, especially those which occur when service professionals are not present to observe them.

Sixth, there has so far been little research into the potentially dysfunctional consequences of co-production in policing and community justice. The conceptual framework set out in Table 1 provides a practical starting point for such research.

Finally, there is a need for more research on effective public management strategies for promoting co-production, overcoming the barriers to it and dealing with the potential dysfunctional consequences which can reduce the effectiveness of co-production. Moreover while many narrow co-production strategies have been advocated to achieve specific policing and community justice outcomes, there is a need to test the coherence of an integrated programme of such co-production strategies.

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