Corruption and Crisis Control:
The Nature of the Game –
New South Wales Police Reform 1996–2004

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A thesis submitted in partial fulfilment of the requirements
for the award of the degree of
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DECLARATION

I, Jann Ellen Karp, declare that this thesis, submitted in partial fulfilment of the requirements for the award of the degree of Doctor of Philosophy, in the Department of Social Policy and Sociology, University of Sydney, is wholly my own work unless otherwise referenced or acknowledged. The document has not been submitted for qualifications at any other academic institution.

Jann Ellen KARP
2007
DEDICATION

This thesis is dedicated to improving the leadership practices of and for all police officers.
ABSTRACT

Using the Wood Royal Commission into the New South Wales Police Service in 1994 as its major case study, this thesis hypothesises that, although this inquiry had a far reaching impact on both the personal and working lives of police officers in the organisation itself, it proved ineffectual in its attempt to control corruption. It argues that corruption, and the subsequent inquiries into this corruption, can be seen to have a cyclic nature and the failure of such inquiries has a long and international history. It contends that the nature of the public inquiry itself can be seen to contribute to the continuation of the cycle of corruption. Clearly, putting an end to corruption requires more than the investigation, public exposure and punishment of a few corrupt police, followed by a generalised tightening of the chain of command. Instead, this thesis demonstrates that the problem is primarily an organisational one and it is important to look at management reforms.

This thesis contends that the cycle of corruption involves the nature of police work; the catalyst that triggers the inquiry; the inquiry itself and the issue of the report; and the police and community responses. An examination of all these factors is crucial to understanding the cycle’s dynamics. The final report of the Wood Royal Commission was in 1996 and this thesis specifically analyses the cycle of corruption in relation to the response of the police executive to this inquiry. It shows how the police response focused on the tactical crisis response central to operational policing — in this case appeasing official censure and community fears. As little more than a public relations exercise, senior management strategically addressed the specific recommendations of the report rather than creatively considering the implications exposed during the inquiry. The idea that corruption is a symptom of an ineffective system and not simply a slackening of effective control by senior management was never considered.

In the aftermath of the Wood Royal Commission there was much discussion about ‘police culture’ being ‘a culture of corruption’. The forgotten casualties of the inquiry has been individual police officers, many of whom see policing as a vocation. This thesis has allowed many voices to be heard and used both qualitative and quantitative methods to analyse a wide range of information and data, which included personal interviews with serving police officers and members of external organisations, as well as printed material from Royal Commission Reports, Hansard and other government documents, internal Police Service documents and media reports. It has used Bourdieu’s theoretical approach which allows an analysis of the complex relationships involved between police officers as individuals who operate within the wider networks of a specific organisation and the way the personal is important as an explanatory tool of what happens within a policing culture and how this culture is perceived differently from within and without. Bourdieu’s theory also facilitates analysis of the interactions of this network with the wider community, putting in context the responses of both
the police service and the community. The connection with the personal is important as an explanatory tool of what happens within a policing culture and how this culture is perceived differently from within and without. Bourdieu constructs an understanding of the ‘nature of the game’ of policing and the shaping of the individual within police culture, giving insight into the source of moral dilemmas, personal beliefs and personal behaviour.

As the current management system of command and control is at the heart of this response, this thesis has also analysed the assumptions inherent in this management philosophy, considering both necessary operational strengths as well as organisational weaknesses. A central theme of the thesis is that open dialogue will reduce the incidence of corruption and risk within policing institutions. This thesis argues that there must be an integrative approach to reform — accountable, active leadership combined with critically constructed practical approaches that tackle the complexity of the dynamics embedded in the ‘nature of the game’ of policing itself.
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LIST OF ABBREVIATIONS

ALRC ..........Australian Law Reform Commission
CAS ............Computerised Assessment System
CEO ............Chief Executive Office
CET ............Commissioner’s Executive Team
CIS ............Complaints Information System
CJC ............Criminal Justice Commission
CLR ............Commonwealth Law Reports
CMSU ..........Crime Management Support Unit
COP ............Commissioner of Police
COPS ..........Computerised Operational Policing System
EMS ............Employee Management System or Executive Management System
ICAC ..........Independent Commission against Corruption
IT ..............Information Technology
LAC ..........Local Area Command
No. ..............Number
NSWLJR ........New South Wales Law Reports
NVIVO ...........Trade name for software qualitative analysis program
OPR ..........Office of Professional Responsibility
OCR ............Operational Crime Review
PIC ..........Police Integrity Commission
PSC ..........Professional Standards Command
PSW ..........Police Service Weekly
QB ..........Queen’s Bench
QSARP ..........Qualitative and Strategic Audit of the Reform Process
RC ............Royal Commission
S/Constable .....Senior Constable
Vol. ............Volume

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CHAPTER ONE

The Cycle of Corruption: The New South Wales Police Force and the Wood Royal Commission

1.1: Introduction

This thesis examines the question of why, despite numerous inquiries and investigations into corrupt activities within the New South Wales Police Service, there has been no apparent end to corruption within this organisation. It will argue that corruption, and the subsequent inquiries into this corruption, can be seen to have a cyclic nature. Using the Wood Royal Commission into the New South Wales Police Service in 1994 as its major case study, this thesis hypothesises that, while this inquiry had a far reaching impact on both the personal and working lives of police officers in the organisation itself, it proved ineffectual in its attempt to control corruption. Nor was this failure peculiar to this particular Royal Commission for this was just one instance in a long and international history of corruption inquiries that have done nothing to change the pattern of corrupt practices already in existence in policing organisations around the world (see also Appendix O). It is a major contention of this study that the nature of the public inquiry itself can be seen to be a contributing factor fuelling the continuation of the cycle of corruption. Clearly, putting an end to corruption must mean more than just the investigation, public exposure and punishment of the few ‘rotten apples’ and a general ‘crackdown’ on work practices for officers in the Police Service overall.

This thesis will demonstrate that the cycle of corruption existing within the NSW Police Force is composed of the following parts: first, there is the ongoing nature of police work; second, the crisis or catalyst that triggers the inquiry to be set up; third, the inquiry itself and the issue of the report; four, the police response; and fifth, the community response. Of course, as this model is a cycle that continues inexorably rather than a linear progression from one through to five, the numbering of these parts above is purely a literary convenience in the interests of clarity. These are parts rather than stages and frequently overlap with each other.
Chapter One: Cycle of Corruption: The NSW Police Force

The Wood Royal Commission made its final report into police corruption in the NSW police service in 1996 and this thesis will specifically analyse the cycle of corruption in relation to this period of inquiry. In terms of preventing corruption, one of the limitations to the effectiveness of inquiries such as the Wood Royal Commission lies in the fact that the executive police response necessarily becomes centred on how to satisfy official censure as well as allay community fears created during the course of the inquiry, concerning themselves with tightening and strengthening chains of control over the organisation itself. This response becomes, first and foremost, a public relations exercise, with senior management strategically addressing the specific recommendations contained in the report rather than creatively considering the implications of the broader picture exposed during the inquiry. In the crisis created by the Wood Royal Commission, it will be argued, the police executive demonstrated a marked lack of interest in the proposition that corruption is a symptom of an ineffective system not simply a slackening of effective control by senior management.

As the current management system of command and control is at the heart of this response, this thesis will also proceed by analysing the relationship of this response and the assumptions inherent in this management philosophy, considering both its necessary strengths as well as its...
weaknesses. A central theme of the thesis is that open dialogue will reduce the incidence of corruption and risk within policing institutions. Commanders of organisations who have constantly been under review tend to respond to demands for further change with a negative and defensive attitude. This thesis seeks to prove the need for an integrative approach to reform — accountable, active leadership combined with the utilisation of command and control when appropriate. Police leaders presently demand accountability by means of rigorous and inflexible auditing, a process that offers little feedback and few problem-solving initiatives, and often exacerbates the problems.

However, although it will be arguing that command and control style management is largely inappropriate when applied to human resource issues, an in-depth analysis of alternate theories of management lies outside the scope of this thesis and for this reason will not been discussed. The research component of this thesis, therefore, is not directed at what and how the report’s specific recommendations were addressed, but at the overall response of the Service and its workers to the pressures of the inquiry that was exercised on individuals during the period lasting from 1996 to 2004. The aim of examining this entire period is to review the steps with which the organisation attempted to arrest corruption and halt the apparent unstoppable cycle of inquiries and discover the reasons why this response ultimately failed.

The thesis is both informed and strengthened by the researcher’s personal experience as a serving officer. During the period in question I was able to observe the ongoing cycle of corruption not as a detached researcher but firsthand, from within the organisation. Being a participant in the process led to my questioning the relevance of the Royal Commission as a response capable of successfully tackling the phenomenon of police corruption. The evidence of the existence of ongoing corrupt activity I first observed in police work was in 1986 and the last executive police offence of alleged corruption I reported was in 2003. During this observation period it became apparent that there was a familiar pattern discernible in the personal stress and elements of behaviour exhibited during interviews with police officers at all levels over this ten-year period. In spite of the obvious specificity of individual circumstances, officers reported that they were still basically advised to be quiet; assured that the matter was already being properly taken care of already; or denounced as trouble-makers. The organisation can be seen to draw in on itself, responding with protestations, denials and convoluted self-justification to counter the outside condemnation and indignation of the community response. Almost invariably, the leadership remains reactively defensive. Nor is this pattern of response limited to the higher-ranking officers and directed entirely at controlling lower ranking officers. In fact, it is just as common between senior executive officers of equal rank and, in such cases, the opinion of the senior officer or the officer with the highest level of individual reputation usually prevails.
1.2: The Inquiry

Royal Commissions into police involvement in corrupt practices and other standing commissions — such as the New South Wales Police Integrity Commission 1996 — have long had a continuing role overseeing police activities, specifically in the area of police corruption. Such commissions of inquiry involve outside organisations reviewing the Police Service and calling its members to account for their behaviour in an attempt to establish the truth about serious police corruption. The Royal Commission court process then decides whether the accused police officer is guilty or innocent. It is generally assumed that commissions are about discovering the truth. Alternately, I would like to suggest that perhaps commissions are also about finding a truth that is considered to be acceptable to the public and to politicians. Is it possible for commissions to reveal a truth that has the potential to destabilise the government and create anxiety in the community? And while commissions can make recommendations, which may include the prosecution of individuals, they cannot decide guilt or innocence for they are limited by their terms of reference.

The focus of this study is directed specifically at the period following the Wood Royal Commission, from 1996 to 2004, when the New South Wales Government called upon the New South Wales Police to respond to the Royal Commission’s Report and become accountable for its past and future actions. However, it is important here to put this inquiry in a broader context. The Royal Commission that commenced in May 1994 was established with broad terms of reference which included the efficacy of its Internal Informants program and of its Internal Affairs Branch (Wood 2000: 3). Commissioner Wood’s terms of reference were to inquire into the nature and extent of corruption; the activities of the Professional Responsibility and Internal Affairs Branch; the system of promotion; the impartiality of the Police Service in investigating and/or pursuing prosecutions; the efficacy of the internal informers policy; and any other matters relating to the abovementioned matters concerning possible criminal activity, neglect or violation of duty, if the Commissioner considered an Inquiry into such matters to be in the public interest.

The commission came about as a response to the fact that a growing number of ‘whistle-blowers’ had for some time been signaling that all was not well and that there were people outside the police organisation who were willing to listen to them. As individuals or small groups, these concerned officers were hoping to effect change in a police organisation they saw as inherently corrupt. The issue featured heavily in the media, gaining a groundswell of support from the community, and politicians from the major parties began to find that they were being lobbied intensively to force the issue out into the open and make it subject to public scrutiny. In particular, the Independent state politician John Hatton made an historic speech in the New South Wales State Parliament on 11 May 1994, during which he stated that these were very serious issues of corruption indeed, involving such activities as the supplying of drugs;
conspiring to pervert the course of justice; and consorting with criminals. Hatton dramatically presented conversations he had had with serving police that made it clear that avoiding a Royal Commission into the New South Wales Police was not an option. It was an independent challenge that no Police Minister or Police Commissioner could comfortably ignore.

These sorts of public relations disasters are by no means unique to the New South Wales Police Service and are, in fact, an international phenomena. The ‘whistle-blower’, whether motivated by abstract notions of right and wrong or simply disgruntled and seeking retribution, is the catalyst for most inquiries. Since the late 1960s there has been a spate of these highly publicised government investigations into policing organisations around the world, all of which had been generated by allegations of misconduct, deviancy and corruption. In 1969 Lord Scarman conducted an inquiry into the controversial activities of allegedly anti-Catholic officers of the Royal Ulster Constabulary; activities that had already necessitated Operation Banner — the deployment of soldiers from the British Army to support the civil administration of Northern Ireland against increasing civil unrest. The report recommended a complete reorganisation of the Royal Ulster Constabulary, with the aim of both modernising the service and bringing it into line with other British police organisations.

The fact that these sweeping reforms were clearly ineffective became blatantly apparent fifteen years later when the issue surfaced again, forcing a second investigation: the Stalker Inquiry of 1984. This time the highly publicised evidence created political fallout that was even more highly charged. Headed by John Stalker of the Greater Manchester Police, this inquiry was again set up by the British Government and once more it involved the investigation of a series of shootings allegedly perpetrated by the Royal Ulster Constabulary. The victims were all members of Irish Republican Army, who had been ambushed and deliberately shot in apparent executions. In both cases it was alleged that the Royal Ulster Constabulary had unofficially decided upon a shoot-to-kill policy in operations involving suspected terrorists of the Irish Republican Army and the accusation was that this policy was widely exercised. If such activities were allowed to continue unchecked, it was claimed, the Royal Ulster Constabulary was just another terrorist organisation — an instrument of state oppression dedicated to the perpetuation of the protestant domination of Northern Ireland.

Another linked set of international investigations into police corruption occurred in New York City. The Knapp Commission of 1970 and the Mollen Commission of 1994 forced the New York Police Department into a highly publicised exposure of corrupt practices. Triggered by the furious media coverage generated by the public revelations of ‘whistle-blowers’ Patrolman Frank Serpico and Sergeant David Durk, the Knapp Commission was set up in 1970. During the public hearings in late 1971 the testimony of these two operational policemen was expanded by testimony from dozens of other witnesses, including former
Police Commissioner Leary and a number of officers and victims of police corruption and violence. In the aftermath of the inquiry charges were laid against several officers and recommendations were made to thoroughly reorganise and restructure the police organisation. Two decades later there was to be another major investigation, the Mollen Commission, set up to examine similar allegations and, once again, there were damaging public revelations. Again the inquiry caused a political furore, especially after a report finding was that the corruption uncovered was far more venal and criminal than the situation assessed by the Knapp Commission and allegedly redressed in the sweeping reorganisation immediately afterwards. There existed, according to these revelations, a ‘blue wall of silence’ actively protecting corruption against public exposure and blocking the ability of the organisation to reform.

In Australia, too, there was an immediate precedent. A few years before the Wood Inquiry there had been the Fitzgerald Inquiry of 1989, set up to investigate police corruption in Queensland and creating a national sensation after allegations had been systematically made public around Australia by an ABC Four Corners journalist, Chris Masters in a program he called ‘The Moonlight State’. Put in this context, the Wood Royal Commission into the New South Wales Police Service in 1996, with all its sensational coverage and in-depth allegations, provided another warning blip on the radar. In all of these cases the very public nature of the inquiry must be seen to be of crucial importance because each incident has served to focus public attention upon the apparent inability of police services to control their ranks and to reform themselves from within. It is this obviously cyclical characteristic that is particularly relevant to this thesis.

Cited in the Wood Report, the Mollen Commission in New York had identified the main ways in which certain aspects of police culture facilitate corruption. First, they encourage corruption by setting a standard that nothing is more important than the unswerving loyalty of officers to one another — not even stopping the most serious forms of corruption. This was considered to embolden and gives excuse for the activities of corrupt police and those susceptible to corruption. Second, these attitudes effectively thwart efforts to control corruption. They lead officers to protect or cover up for others’ crimes — even crimes of which they heartily disapprove (Mollen, cited in Wood 1997a: 10). The corruption issues involving the Royal Ulster Constabulary, although they more overtly political, bear a striking similarity in terms of the perceived solidarity and secrecy of the organisation under investigation. Clearly the investigations in Northern Ireland were just as much about criminal matters as those in New York. And, just like the Ulster Constabulary, there were found to be incidences of police allegedly being involved in conspiracy; perverting the course of justice by the supplying false evidence in criminal briefs, some of which led to convictions for homicide; and both committing homicides and covering up homicides committed by others.
Therefore, although those occurring in Northern Ireland might appear to be closely tied to the highly politicised events of ‘the troubles’, the criminal matters and methods of concealment demonstrate a remarkable consistency links these very separate police organisations.

Following the Knapp Commission a distinction had been drawn between the ‘grass eaters’, those who were involved in petty and generally unsolicited corruption largely due to the pressure to conform, and the ‘meat eaters’, those who were involved in aggressive premeditated major corruption of an overwhelmingly criminal nature. The Wood Royal Commission Report (Wood 1997a) contained numerous definitions of the term ‘corruption’. Under both the law and police practice policy, corruption includes behaviour by an officer who expects or encourages someone to neglect duty, or conduct which results in the officer being improperly influenced in the exercise of functions (see Appendix I). Specific acts of corruption can involve major transgressions such as the fabricating or planting evidence; giving false evidence; applying trickery; using excessive force, threats or other improper tactics to procure a confession or conviction; or improperly interfering with or subverting the prosecution process. Corrupt police officers can also conceal forms of misconduct by fellow members of the Service, or assist them to escape internal or criminal investigation. These corrupt activities were described by Justice Wood as the conventional kind — ‘process’ and ‘noble cause’ corruption (Wood 2000: 3). Further to Wood, the Independent Commission Against Corruption (ICAC) found that police also engage in serious criminal behaviour and that, in each case, the relevant conduct is considered to be corrupt, whether motivated by an expectation of financial or personal benefit or not, and whether successful or not (ICAC 2001).

Overall, corruption in the Police Service Act can be taken to comprise any deliberately unlawful conduct on the part of a member of the Police Service, whether by act or omission, that utilises his or her position for unfair advantage, whether on or off duty, and the exercise of police powers in bad faith. It includes participation by a member of the Police Service in any arrangement or course of conduct where that member, or any other member:

• is expected or encouraged to neglect his/her duty or to be improperly influenced in the exercise of his/her functions;
• fabricates or plants evidence; gives false evidence; applies trickery, excessive force or threats or other improper tactics to procure a confession or conviction; improperly interferes with or subverts the prosecution process;
• conceals any form of misconduct by another member of the Police Service or assists that member to escape internal or criminal investigation; or
• engages him/herself as a principal or accessory in serious criminal behaviour.
In each case, according to the Wood Report, the relevant conduct is considered to be corrupt, whether or not it is motivated by an expectation of financial or personal benefit, and whether or not it is successful (Wood 1997a: 25).

The above definitions apply to an officer deliberately neglecting his/her duty — that is, where the neglect is intentional rather than a mistake or error of judgement. It is necessary to include seemingly ‘unintentional neglect’, even though this may only appear to be a ‘cutting of corners’, for this simple act of compromise can lead to greater corruption and it can occur when corrupt officers witness neglect of their professional responsibilities. Corruption also includes behaviours ranging from receiving bribes to process or noble cause corruption, which can result in defendants being convicted on the basis of manufactured or improperly obtained evidence. It is important that leaders/managers in any operational command consider all aspects mentioned in the above definition, as it was apparent from the Wood Royal Commission that much of this behaviour was common, not just in specialised squads, but throughout the whole Police Service (Wood 1997a).

The Wood Royal Commission concluded that police in management hierarchies should be required to take radical steps to ensure that the environment supporting corruption was eliminated. In short, the culture that allowed corruption not only to survive but also to thrive was to be broken down entirely by sweeping reforms. Significantly, Wood noted in a public address in 1998 that:

> What has been universally recognised is the imperative for change, and the need to break the cycle of corruption, scandal, inquiry and reform, and return to corruption? That cycle has been shared by many Police Services, and New South Wales has not been an exception to it, having undergone scrutiny through several Commissions of Inquiry and investigations (Wood 2000: 10).

The data presented in this thesis supports this concept of a cycle of corruption but expands this to suggest that periods of inquiry and response are both inter-related parts of that same corruption cycle. Far from corruption merely developing as a recurrent problem it should be seen as just one of linked phases of a much more complex cycle. So although police officers’ behaviour is covered by statute law, common law, government policy and departmental policy, (i.e., point 1, in Figure 1.1, The Cycle of Corruption) the nature of police work and police management responses nurtures this cycle.

1.3: The Response

In a document labelled Appendix 31 of its final report the Wood Royal Commission (Wood 1997a: 246) offered a plan suggesting what reforms should be effected in the police
organisation — a series of defined problems that needed resolution — and the Police Service at the Executive level concentrated heavily on this checklist. Policy operators and senior police distributed copies of the appendix and quoted it readily as a source of direction. But, although Appendix 31 was referred to often within the Police Service, no one really understood them. Nor did the Wood Royal Commission offer any insight into how to make the concepts found in the appendix operational.

In design, Appendix 31 was not intended to be specific about practicalities. It was not a step-by-step plan for reform. Rather, it was a way to measure reform and evaluate if the recommendations of the Report were being satisfactorily put into place. In this regard it resembled earlier guides that had been circulated during equally ineffectual and piecemeal approaches to the implementation of new management strategies. Appendix 31, which introduced terminology such as ‘key reform areas’, did not contribute any positive suggestions about how to implement the key reform areas of this process. Identified simply as ‘effective leadership and management’; ‘changing culture and value’; and ‘an honest Service which repels corruption’, such key reform areas were pitched at an abstract level and were, therefore, less than precise. The police executive simply adopted the language without providing support to effect their implementation, thus making any lasting or deeper changes virtually impossible. Although there were, in total, ten key reform areas and this should have involved detailed educational support, significantly, the Police Integrity Commission simply distributed them. And while the Hay audit group (2000) certainly endeavoured to give effect to the recommended reforms, they were given little chance of success.

One key reform area suggested that progress should result in a greater acceptance of diverse and innovative ideas and cultures — certainly an important abstract goal but in practical terms hardly feasible without a carefully research strategy. Unfortunately memos from further up in the hierarchy glibly demanding immediate results are hardly conducive to promoting the acceptance of abstract innovations. Indeed, this thesis argues, the repetitive cycle of corruption inquiries and the exposure of new instances of corruption at regular intervals only serves to rigidify both the internal culture of fear of ideas and the traditional command and control style response. The fear apparent in the culture of policing had already been documented in previous Royal Commissions (see Appendix G: 1954, 1971, 1978, and 1979). Any innovative ideas presented by observers who had been closely watching the police response to the Commission — for example, academics such as Janet Chan (1996) and David Dixon (1999) and independent politicians such as John Hatton (1994) — were effectively thwarted by the fact that there was no agenda with which to introduce them. Instead, anxiety about innovation strengthened a determination to rely on known management styles and this was the predominant reaction of an executive that was well aware that they, too, were under external review.
In essence, the demand for change created the very fear that stultified the possibilities for change within the organisation. This research indicates that a key reform area should have been to start to define what the word ‘reform’ actually entailed in the NSW police organisation and how this could be converted into a both a theoretical structure and a practical strategy. Fundamental questions needed consideration but there was no forum in which to do this: just a series of commands for control trickling up and down through the hierarchy. Specific acts of corruption by individual officers had been identified and those individuals had been heavily condemned for their actions after public revelations — especially in regard to the use of video and telephone interception. In contrast, the organisation’s executive had not been publicly embarrassed during this inquiry, nor were they ever to be so despite their failure to arrest the ongoing cycle of corruption and its negative effects on those within the organisation or the community it served.

Certainly the existence of a management problem had been recognised by Commissioner Wood in the opening pages of the report.

It is a matter of serious concern that senior management appears to have been unaware of the extent of the problem or, if aware, have failed to adequately respond to it (Wood 1996: 3).

However, ‘serious concern’ or not, immunity was assured to any individual of high rank on the assumption that such decisions had involved a necessary decision to ensure the protection of the organisation rather than simply their colleagues or themselves. For this reason one of the major obstacles to the reform process was never addressed. This is hardly surprising as traditional command and control leadership practices have never really been challenged in the Police Service despite brief flirtations with incorporating fragmentary ideas from other management strategies — such as, for example, the Total Quality Management approach that had been adopted from overseas industry work sites and was never really given sufficient inservicing or organisational support.

The historical development of the police organisation itself goes a long way towards explaining the persistence of this management style (See Appendix N). The first European settlement was a penal colony but although emancipists and free settlers were soon challenging this as the colony gradually evolved into a democracy, the lines of control brought intact from Britain, a state structured by class, remained hierarchical. Policing reflected the need to preserve public order and protect private property and the security of individuals living within the state. Significantly, therefore, policing retained a military model with the closed relationship of the command and control environment restricting dialogue to questions about how the managers are managed further down the line. Command and control involves the defensive, reactive model of finding error and dealing with it by punishing the recalcitrant,
bringing the troublemaker into line to protect the integrity of the chain of command. Whistle-blowers cannot be effectively managed with an iron glove. Unofficially, the troublemaking officer may be ostracised, given inconvenient shifts, isolated, defamed and placed under informal sanctions. With command and control as the dominant management philosophy in the New South Wales Police Service innovative theory is reduced to the level of crisis management.

The leaders of the New South Wales Police Service did not know of the problems of corruption in the Police Service, or if they were aware, they failed adequately to respond to it … [M]any leaders give lip service to anticorruption plans, the statement of values and other high sounding propositions, although the reality of their command is that they encourage corruption and incompetence (Finnane 1994b: 3).

Commissioner Wood’s observation that management played an important role in the cycle of corruption was not a problem peculiar to the New South Wales Police Organisation. Following the Knapp Commission’s investigations one of the most important features to surface in the proposed reforms was a policy of strict accountability (Palmer 1992: 121). Commanders were to be held accountable for the actions of their subordinates and produce reports detailing key areas that could foster corruption. They should monitor corrupt activities and, overall, they should encourage better recruitment and human resources selection policies and introduce policies to effect changes in police attitudes. With the Knapp reforms, Bracey (1989: 3) suggested that managers and supervisors were made personally responsible for the actions of their subordinates, making ignorance and surprise at the discovery of corruption constituted a prima facie case of bad supervision. In other words, bad management should have been culpable.

As Henry suggested at the time of the Mollen Commission two decades later, policing organisations urgently needed to ‘sustain vigilance and attention to the issue and the practice of corruption as environments change, and to adapt policies, strategies and structures accordingly’ (1994: 175). A year before the former Queensland Criminal Justice Commission, now the Crime and Misconduct Commission, had also emphasised the importance of having ethics training programmes for staff, not only to point out behaviour that should be avoided, but also to help officers develop skills in moral reasoning on the job. Gordon (2003) suggested that in organisations such as the New South Wales Police, one cannot be sure that apparent structural change, which aims to transfer leadership, power and control to the front line and, through this, to create more democratic work environments, will actually have the anticipated effect. Despite the Commissioner’s claims to the contrary (Ryan 1998, 2001), power still remain centralised in the hands of a dominant few (Gordon 2003: 167).

Tunnell and Gaines (1992: 12) reported that when police chiefs were questioned about the general pressure encountered in the performance of their jobs, 56 per cent reported that they
were under political pressure. In practice, it is extremely difficult to maintain a working balance between police responsiveness and political accountability. From an ethical perspective, police executives must be accountable to their authorising environments for their performance and that of the departments they lead (Moore and Stephens 1991: 50). Therefore, for practical and ethical reasons, police executives must engage their political environments regularly and often. The record of accomplishment in reports, which are filed with different kinds of overseers and authorisers, maintains police credibility in the community (Moore and Stephens 1991: 52).

The failure of the Knapp Commission reforms to effect meaningful structural change can be seen in the emergence of much the same insistence on reform in the report issued by the Mollen Commission. The same can be said in regard to the inquiries in Northern Ireland. The report of the Scarman Inquiry clearly did little to effect any real changes in the organisation of the Royal Ulster Constabulary, a fact that led directly a decade and a half later to an even greater level of conflict between Protestants and Catholics in Northern Ireland and enlarged rather than curbed the level of corruption existing in that police service. Reflecting on this failure Stalker drew lessons from the events which were unfortunately ignored.

What I quite failed to anticipate, however, was the studied reluctance of some senior police officers and government officials to admit that these contradictions existed – even in the face of evidence to the contrary (Stalker 1988: 12).

If the inquiry had not been obstructed, he believed that trust and openness could have developed, even though this might have needed to be over a long period. Stalker’s guiding concerns are equally relevant to the issue of police corruption in New South Wales because, in his words, ‘If the police fail the government fails’ (Stalker 1988: 254).

The final report of the Wood Royal Commission stated that there were four main explanations for the long-running corruption in New South Wales: command non-accountability; ineffective supervision; a lack of risk management; and poorly-run internal investigations. Given that accountability means to be held publicly responsible for one’s actions, police officers, as public servants, are accountable for their actions both by a legislative oversight regime and by their personal ethics and each police officer must be seen to be acting in good faith. This means all officers are accountable by law for the decisions they make when they use the power attributed to the position of police officer within the community even when they are off duty. Moore and Stephens (1991: 61) argue that ‘strong mechanisms of external accountability are a key to legitimacy’.

Strategic goals involve much wider issues such as cooperation with other external agencies. When police organisations fail to meet the objectives set for them by the community and
parliament then cover-up measures can become involved — particularly if the reasons behind the failure of an organisation will create a high level of political fallout.

At the level of parliament and the community, there is also a fifth class of question, which has the most leverage of all: there is a high level of interagency contact although often it can be defensive and marred by elements of secrecy in all that are involved rather than being seen as an opportunity for problem solving. This is obvious at parliamentary level where ministers guard the problems in their portfolios secretly. Very clear examples of interagency cooperation at ministerial level are areas concerning youth unemployment, welfare and health issues (Godfrey 1993: 44).

A relevant question in this area of study, although not at the heart of this thesis, is: what is the government’s role with the police organisation to counteract police corruption? This question is relevant because it is the government that is working with or demanding that the police organisation counteract corruption.

The then-Chief Justice of New South Wales has written:

> Another constitutional principle which is of large practical significance for the role and operations of the police force is the rule of law. In our community no one is above the law and this includes those who apply and enforce it. The police have to obey the law, rules and regulations which, in the last resort, and if necessary, will be enforced by the courts (Gleeson 1993: 29).

Fundamentally, the cycle of corruption has been perpetuated because neither the relevant government administrations nor police executive actively encourage real change over time through constructive interagency support and involvement. Nor do they choose the hard option of positioning responsibility overall, particularly examining the upper levels of ministerial, judicial or police corruption activity. Instead, the overriding aim is to rebuild a sense of stability in the community by dealing with corruption as an exercise geared towards masking its existence.

A few years after his dismissal after false evidence had been given to discredit him, John Stalker coupled his feeling of personal loss — ‘I devoted two years of my life to this task and I failed!’ (Stalker 1988: 9) — with a sense of anger that he had been thwarted by a determined cover-up that many believed had extended into the British government itself. Stalker’s review (1988) of the inquiry poses important questions. Was the Ulster situation any different to everyday policing within countries not engaged in a political dispute? How can the police and community build a relationship of trust when the police appear to be abusing their power and using this to threaten members of that community? How can the police organisation reform itself from within? What does accountability mean? Stalker argued that it was apparent that if
accountability had been welcomed in an open and honest fashion, then the community at large would have trusted the police more willingly. Instead, the Royal Ulster Constabulary united to form a formidable opponent, virtually impervious to his questioning. In his opinion the actions of a few had led to the loss of credibility of the whole police organisation, within both the government and the community. The few that he is referring to were high up in the power structures of the police and government organisations who, he believed, had good reason to fear his success.

[T]he way my removal was handled has left the firm conviction in many people’s minds that I was getting too close to the truth about the activities of policemen operating under cover and without proper control in Northern Ireland (Stalker 1988: 10).

Although John Stalker’s predicament as was made far more public than most it is similar to the experience felt by many of those who attempt to apply open policing to public accountability. The Report of the Wood Royal Commission found that the police organisation appeared to be marked by a code of silence so strong that Justice Wood described the service as having a siege mentality. In the New York inquiries this was described as ‘the blue wall of silence’ behind which individual police officers could safely hide because it united most officers in their resolve to give investigators the “standard police answer” to awkward questions — memory loss. Certainly this siege mentality is one of the greatest obstacles to conducting investigations into corruption in any policing organisation. To Justice Wood the code of silence refers to the reluctance of those in the Police Service to discuss the existence of corruption but it also functions as a term adopted by policing cultures to protect sources and confidential information. For the purposes of the analysis in this thesis, however, the code of silence will be used to describe that ethic of silence created due to fear. A group or individual within a police organisation may disagree with what is happening, or may want to change the situation, but fear of organisational retribution renders them too afraid to speak out.

In the broader sense, any corrupt or criminal group will have some version of the code of silence. A related and lesser definition, however, is the ‘need to know’, which implies that people do not need to know. Honest police officers who become witnesses in internal affairs investigations face ostracism, alienation or even retribution if they do not respect the code of silence and can rationalise this by arguing that investigators really do not need to know. In the case of the Wood Commission, however, the discovery of this apparently criminal ‘code’ led to an examination of leadership as central to the practice of police corruption. Clearly the role of the police executive as leaders in times of organisational crisis, historically and currently, needs to be considered, as does the issue of whether this can be inflexibly conflated as a criminal code. When executives have to deal with complex issues, a sense of urgency is passed down the line. Considerable media pressure is exerted so that issues can be resolved as quickly
as possible. Appendix H has been compiled to list the events upon which the media has extensively reported in relation to inquiries — in this summary there are eight pages of events highlighted by written media reports. The response is then motivated by a political agenda and the timeframe is often impossible to meet effectively. As a way of diverting attention away from the true crises, executives tend to focus on easier issues that are not operational disasters, an inappropriate and inadequate response brought about by the pressure of events. The present form of command and control management does nothing to resolve conflict within the police organisation; conflict from the community about policing; or conflicts between individuals within the organisation.

A major scandal that has erupted during all of these inquiries has been the opaque nature of policing procedure, inevitably regarded as a perverse solidarity designed to protect corrupt activities and effectively block any reform measures that threaten their existence. Certainly this level of individual and organisational loyalty can be seen to have a secret nature. Internationally corruption has been actively kept in place within an organisation that is not necessarily in itself corrupt but is indisputably secretive. An examination of the factors that govern this secrecy, therefore, is for this reason crucial as it is embodied in the ‘nature of the game’ of policing itself.

1.4: Policing: The Nature of the Game

Investigating the nature of the game is a key to understanding one of the most important dynamics underlying the resilience of police organisations to change and explaining why the cycle of the corruption is kept in motion. It is important to consider that secrecy is not simply put in place for the purpose of perverting the course of justice but plays an important part in the effectiveness of policing operations. The pressures of an operationally complex environment in which experienced and mature officers must carry out their investigations as quietly as possible involves high levels of confidentiality to achieve results. The secrecy of operational work is part and parcel of the job, as is its protection of trust as the binding force behind a team. However, it is equally obvious that there also needs to be a balance of openness. The Police Service’s future depends on addressing this necessary survival behaviour without destroying the ability of the organisation to carry out its brief in the most effective manner.

Professional organisations involved in service that is stressful, urgent and life-saving are observably different from services based on economics. The exclusive nature of operational environments, closed to outside influences, can be observed in occupations such as policing, medical and other emergency services. At the same time professional occupations involved in public services appear to need to protect themselves and their colleagues while they work under pressure or come under scrutiny from the general community, particularly if the
organisation is subjected to an inquiry. Some would argue these environmental factors cannot be changed. Rather what is needed is an officer’s ability to change his or her responses to this environment. But as police are given the power to ‘produce effects intended by the legislature’ (Alderson 1979: 11) it is important that they get the balance between secrecy and obstruction just right. Alderson, formerly a Chief Constable, believes that an open relationship with the general public is more than just a public relations exercise.

The police in using their law enforcing powers will generally be effective with public support and generally less effective without it (1979: 11).

The fact that police enforce laws makes them particularly vulnerable to criticism, even though they are bound by formal policies about how to conduct this work. Often what direction they should take in their working day is determined by the needs of the community. Discretion is an important part of an officer’s power: they can decide whether or not to press charges against an individual although they should have very good reasons to support this action. Discretion should not serve as an excuse for avoiding work; protecting the guilty or removing individuals who inconveniently close to discovering the truth like John Stranger. It is simply a filter that can be applied when making decisions.

Falling back on discretion to hide corrupt activities perverts this power. For example, members of a police executive knowing of corruption among their own ranks and failing to deal with it lawfully is not an example of the exercise of discretion. Commissioners of Police who are aware of corruption and have failed to deal with it are committing offences under the authority of their employment, the Police Service Act. However, both the community and the police officers themselves need an appreciation of the limitations of ascribed power. Former NSW Police Commissioner Lauer has been quoted as dismissing the idea of generic corruption within his force, although he later conceded that the organisation had a limited problem with corruption and agreed that corrupt officers should be dismissed.

It is unfortunate that a career in policing, which is often individually motivated by the expressed desire to serve the community, is frequently seen to be dominated by the activity of officers serving their own needs and abusing their powers. Irish academics Mulcahy and Ellison (2001) have explored the notion of ‘service’ and how it influences police attitudes towards corruption, policing conflict and offering a service to the community. When a conflict of values occurs within that community, the Police Service will often gather together to form a united front which identifies the police as doing ‘the public good’:

Modern police work is an onerous and diversified task. Police are called upon not only to enforce ‘the law’, which is a relatively small proportion of their work, but also to be counsellors, social workers, psychiatrists, ministers, and even doctors (Sarre 1989: 105).
However, police who engage in corrupt activities will also strenuously argue that they are engaged in ‘good work’ and may also incorporate improper activities as part of this work. Mulcahy and Ellison (2001) describes the construction of the notion of public good as follows:

The notion of service provision presents policing in benign terms, as an essentially positive entity for which there is a clear necessity and an express public demand … Values such as order, peace, equality and justice may be promoted through effective and fair police work … however, in societies where the legitimacy of the state is questioned values such as those described above are neither universally shared nor maintained … thus any hint of conflict can be deflected, and a commitment to the wider community can be highlighted (2001: 395).

Of course, the importance of the idea of all police officers as universally providing a community service has to be balanced against the realities of ongoing police corruption. Chief Constable Sir Ronnie Flannagan has defined officers in the Royal Ulster Constabulary in terms of public service.

We are no more; we are no less, than public servants delivering public good – that of the policing service (Royal Ulster Constabulary 1996, cited in Ellison and Smyth 2000: 7).

This thesis argues that it is clear that some police are often involved in activities that are not in the public’s best interests. Yet while researching the thesis, I discovered how powerfully the concept of public good is experienced by those in police culture and that any suggestion of corruption within the Police Service as a whole creates high levels of conflict and confusion, particularly when the suggestion is coupled with the threat that corruption may be revealed. Corruption allegations cause just as deep a division and as much anxiety within police organisations as they do in the wider community they are employed to serve. It becomes extremely stressful when the idea that police do ‘good’ work is repeatedly challenged by the growing cynicism of a general public that has frequently been given cause in the media to mistrust police authority. So although many career officers consider policing as a vocation linked to service, power and duty of care, recent employment trends show that officers are now less likely to stay in the service for a lifetime and far more likely to move into other professions (Gardner 1997: 5).

The seemingly multifarious definitions of corruption causes great levels of distress to serving officers, particularly when it encroaches on the officer’s basic level of discretion. For example, Punch (1985) has extended the definition to mean:
Corruption is when an official receives or is promised a significant advantage or reward (personal, group or organisational) for doing something that he is under a duty to do anyway, that he is under a duty not to do, for exercising a legitimate discretion for improper reasons, and for employing illegal means to achieve approved goals (Punch 1985: 103).

The phrase ‘significant advantage’ is a hard concept to tie down. Did Punch mean that an officer who accepts a free McDonald’s meal is not corrupt? Does accepting a free cup of coffee constitute corruption? Kania (2004), who is also a police theorist, believes it is justifiable for police to accept gratuities and further suggests that suitable gifts as a police practice can benefit the community. Just as police officers must find a place to live and that choice provides an ‘undemocratic’ benefit to their neighbours, police officers also need a place to eat. Wherever they dine — whether free, at discount, or for full price — they are providing that restaurant with more protective service than the other establishments they do not, at that moment, frequent. If, as the ethically rigid officer describes, the officers bring bag lunches and eat in their cars or go home for their meals, they are denying their services to the general public altogether for that brief period of time? That seems to be a more serious denial of services than the alleged impropriety of taking the discount (Kania 2004: 7).

This level of debate over the diversity of definitions is now extremely prevalent in the policing community and it can be seen to enjoy a resurgence whenever the police organisation is under pressure. Unfortunately, it often reflects a level of debate that does not address the complex nature of the problems constituting police corruption. Certainly corruption is not unique to occupation of policing but, given the formal powers of police officers and the informal power that they can utilise within the policing environment, the prevention of corruption here is crucial. The community, the politicians, the serving police officers and the generations to come need to have confidence that the police will not abuse their powers. While common sense dictates that ongoing corruption inquiries will restore the community’s confidence in the police force it can also be argued that an unrealistic definition of what constitutes police corruption promotes cynicism in serving officers just as much as it undermines the confidence of the community in the police establishment. Rowse (2000) believes that institutions inhibit the building of trust, particularly if they are perceived not to trust their clients.

In his definition Punch (1985) has attempted to draw a line that in most situations cannot be drawn. If police are seen to stay below a certain threshold of financial or other reward, there can be confidence that officers are not behaving corruptly. However, this does not sound like the basis for a realistic debate in an area where ethical decisions are already complex. Such notions are trivial and yet this type of argument indicates this is a difficult area in which to lay
ground rules. It is important to define exactly what does or does not constitute corrupt behaviour and to make such boundaries an integral part of officer education and training. Palmer, a former Commissioner of Police, states that in order to regulate the acceptance of benefits, the *Queensland Police Service Code of Conduct*, established in 1990, properly excluded such things as incidental gifts, customary hospitality, or other benefits of nominal value (Palmer 1992: 104).

This research reviews corruption as constituting a variety of types of behaviour occurring within police work. Police can accept the importance of having a clear, open definition of these behaviours so they can be avoided. However, as in all work environments, clear boundaries and guidelines can quickly become blurred where there are competing interests needing to be addressed. The pressure of external accountability can send an already struggling system into an extremely defensive and even more rigid and punitive command and control response so understanding the impact of command and control is crucial to this discussion of police corruption. Barker and Wells make a pertinent point here in clarifying that not all misconduct is corrupt (1982: 9). They attempt to make a clear distinction between misconduct and corruption:

> Police misconduct is not related to corruption when there is any pattern of behavior which meets two basic criteria: it is a form of police occupational deviance; and may not involve a material reward or gain (1982:9)

Henry, a New York City Police Policy Officer, quotes Professor Herman Goldstein, who defined corruption as conduct involving an individual misusing authority in a manner designed to produce personal gain for him/her or for others (Henry 1994: 160). The important point here is the misuse of authority and personal gain. Henry clearly delineates the important role of power and authority as being the essential component of corrupt behaviour.

In this study, misconduct that involves the misuse of power is considered corruption — for example, a police officer who is aware of a corrupt action having taken place is bound by law (the Police Service Act) to report that corruption to a senior officer. The serving police officer does not have discretion in this instance not to report the corruption that has been witnessed. To not report would be to participate in systemic corruption and commit an offence under the Act. The main type of corruption referred to during the Wood Royal Commission is systemic corruption. This is defined as corruption that is accepted as part of the way of life or ethos of the organisation, which a significant proportion of its membership either pursues or tolerates at some stage of their careers (Wood 1997a: 26).

Policing, like organised criminal activity, is based on networks, and police officers can understand the organisational similarity more clearly than outside observers. Criminal activity
involves networks of criminals maintaining a code of silence in relation to each other and when a member of that community reveals information about those networks to police, the network has been betrayed. Police are also more effective if they are acting as parts of a cooperative team and can rely on the confidentiality of those in the team. A connection to other serving officers who are involved in arresting, detaining, even possibly having to kill in self-defence or in the defence of others, results in the formation of very tight bonds. Corruption can amount to a kind of defiance that can provide alternative resources and interactions. Networks, friendships, peer values and storytelling are characteristics of the police profession that can be seen as essential to the survival and sense of security of officers who frequently work together under alienating, unpredictable and dangerous conditions.

However, while the group loyalty aspect of police culture is positive when it results in the safety of officers, the solidarity associated with this strong sense of group loyalty has also been established as a support for the proliferation and concealment of police corruption. So, while police have the function of keeping the peace, and as police engage in this unique position, they are exposed to actual and potential corruption. Police, when they decide to perform a corrupt act to obtain a financial gain, for example, by accepting bribes or diverting evidence away from the court, make a decision that is a misuse of power. Police can also simply abuse their authority to achieve corrupt ends. Bertrand Russell defined power as being ‘the production of intended effects’ (Knight 1939: 253). With police power, there is a duty, a moral and ethical demand, to use power responsibly. Police must protect property without taking that property; they must protect the lives of those in the community without endangering those lives. They may deal with women and men who offer them sexual favours, or police may use the vulnerability of a victim to divert that victim from reporting an offence, such as, sexual assault or domestic violence. Social relationships may develop between criminal organisations and individual officers who may seek information, or economic gain — not only financial gain but to gain acceptance by a powerful group.

Policing is an ongoing, twenty-four-hour responsibility; an officer can never truly be off duty. An off-duty officer can make a decision that involves the use of power and, as will be discussed later, those decisions offer the opportunity to make both ethical or unethical decisions. It is therefore obvious that rank-and-file police officers need to work in an environment where the demands placed on them and their managerial counterparts are transparent and open to dialogue. This thesis identifies the conflict that individual officers can experience as inevitable from the nature of the policing tasks ascribed. For example, a police officer may want to correctly log in an expensive computer that has been found, but their own child needs a computer and so they may look at that property wondering if they can take it illegally.
Victims may present as domestic violence victims or in a circumstance that makes them vulnerable, and an officer may consider asking them out for a meal, or a date, or just sending them away from the police station unassisted. Police officers genuinely will want to stop criminal offences such as drug supply, armed hold ups, car thieving from occurring, however they will think that to really get close to the criminal activity in order to stop it they will need to join the criminal organisation. A police officer may, as is colloquially understood, ‘freelance’, or in other words, contact criminals to gain information with which to make a good arrest. This type of individualised tension between police and their police work can be a constant dilemma for operational police.

Alderson (1979) writes that:

The police represent force as a form of coercive power, and it is regarded as important that it should not be concentrated in the hands of a government or a person (1979: 12).

Individual officers can use coercive power; they can use covert means to obtain illegal outcomes; and they can overtly manipulate situations to resolve a situation in a manner that suits an individual who is not under the terms of the rule of law. An officer may make decisions with a degree of personal conflict, or an officer may make decisions with intent, acting on them criminally. The above cognitive practices are a part of daily operational police working life. Executive police decision makers will often have to make decisions where they know, for example, under the Act, that they must report a corrupt police act. However, if it is a colleague, a relation, a peer, then a senior officer will be thinking seriously about the action that they are supposed to take and the ramifications of that decision. This can lead to executive officers into making risky decisions which are corrupt to suit themselves, their colleagues or the organisation.

This thesis examines the role of individuals as leaders in a policing organisation; the ways in which leaders at all levels in the activities of policing must see Alderson’s concept of ‘coercive power’ as one that should be used responsibly; and the means by which officers are held publicly accountable for the uses of that power. As executive officers face the reality of being publicly accountable, it almost has the reverse affect of senior police wanting to hide ‘friends’ who are corrupt so that they, the reporting officer, the friend and the organisation remain in a stable, unscrutinised state.

Organisational leaders, in particular, traditionally hold positions of dominance by virtue of the acceptance of their superiority by others and, not surprisingly, subordinates have come to rely on leaders to make decisions, or as Foucault wrote, ‘construct new truths’. The ability to do this is a phenomenon central to the transformational leadership thesis. Consequently, this
privileged position has allowed traditional leaders to control agendas and thus ‘... produce a corpus of statements which not only create new ‘truths’ but also recreate the justification for their own existence’ (Haugaard 1997: 208). In short, their privileged position allows them to consolidate their need to exist and to embed their right to power within the historical antecedents and meaning systems of organisations (Gordon 2003: 163). An underlying argument of this thesis is that active and creative leadership that is flexible and open to discussion will do much to interrupt the present cycle of corruption. by seeing change as an organisational commitment rather than a survival mechanism (see Appendix M).

The active leadership model involves three-dimensional and complex thinking about issues. For example, it asks questions like: what is the problem? How are we going to address it? What is the timeframe? How can we resolve it with outside or internal assistance? What are the strategic implications? Is the officer involved or is the organisation at risk? The actions that follow such thinking lead to a knowledge base that contributes to the organisation over time. That knowledge base is not restricted to one individual but is accumulated by the whole team laying the foundation for strategic action in which strategies are examined and future risks are much more effectively identified. Experienced managers can then identify risk through open dialogue with team members rather than perpetuate the closed relationship of the command and control environment, which restricts dialogue to questions about how the managers are managed and the crisis is damped down. Leaders at all levels in the organisation who listen can then act to avoid risks. Experienced personnel who can encourage dialogue in risky areas ensure the risks become identified before corruption and the resulting crisis occurs.

1.5: Theoretical Approach

This thesis has used Bourdieu’s theoretical approach because this goes to the heart of analysing the complex relationships involved between police officers as individuals who operate within the wider networks of a specific organisation. It also facilitates analysis of the interactions of this network with the wider community, putting in context the responses of both the police service and the community to the Royal Commission revelations. The connection with the personal is important as an explanatory tool of what happens within a policing culture and how this culture is perceived differently from within and without. Bourdieu constructs a ‘feel’ for the nature of the individual within society (Shusterman 1999: 51-52), giving insight into the source of moral dilemmas, personal beliefs and personal behaviour.

Briefly, employing Bourdieu’s theoretical structure, individual police officers act according to their own bodily dispositions and perceptions (habitus) of the nature of ‘the game’ (the field). The field, in this case, is the police organisation: the hierarchical structure in which individual officers occupy various positions of dominance and subordination. In Bourdieu’s theory, however, this field is not just structured vertically by official rank but is also structured
horizontally by socially acquired personal status and prestige (symbolic capital) that creates a social dominance irrespective of official status. Individual police officers operate within a number of different fields, which can be either autonomous or interrelated — the team, the department and the police organisation; as well as society as a whole. The analysis of corruption as an aspect of behaviour existing within police culture is, in this way, greatly assisted by a framework or theory that allows the interpretation of how individuals think and interact.

Bourdieu’s theory (1977), which will be conceptualised fully in the next chapter, has already been explored by Janet Chan (1996) in her article published in the *British Journal of Criminology*, ‘Changing Police Culture’. Written in the aftermath of the Wood Royal Commission, Chan used the theoretical concepts of field and habitus to explain the importance of the role of the individual officer located within the police organisation — ‘police culture’. She argued that the individual’s habitus, their personal disposition and that internal point of view informing their social behaviour and social relationships, could then be located within those particular social networks existing within the policing organisation and the cultural rules of that institution — that police culture that had been revealed to be a culture of corruption.

Webb et al. (2002) have described the abstract concept of field as that:

… constituted by, or out of, the conflict which is involved when groups or individuals attempt to determine what constitutes capital with that field, and how that capital is to be distributed (Webb et al. 2002: 22).

This explains the apparent need of individuals to gain different forms of personal cultural capital, symbolic capital, even if this involves the use of corrupt practices. This concept does not simply conflate with monetary capital or financial gain but includes abstract intangibles such as prestige, respect, honour, influence and personal authority unrelated to rank. Such an analysis makes it possible to examine a police officer’s behaviour without the value-added notion that corruption amongst police is necessarily only a ‘deviant’ activity. Instead, the functioning of individual officers in the working life of the police organisation is examined in an attempt to go beyond notions such as ‘bad apples’ to construct an holistic theory of the process of policing.

This thesis argues that the concepts of field and habitus provide a model for the way police culture develops, both individually and as a group. Each individual has an unconscious habitus which, when grouped together with others practicing similar moral values, becomes group behaviour. The field then becomes the expression of wider, more formal values that impact on the habitus. The concept of habitus describes the dynamic workings of all police officers, their role(s) and their beliefs within the community in which they work. The field, as the context within which policing occurs, is therefore of primary importance to this investigation. The
field is understood through discussions of cultural capital which, in the Police Service, may be, for example, expressed through the symbolism of wearing a uniform, acting with authority, ‘doing good’ for the community and being decisive in response to disasters and other critical incidents. The social field, the culture of policing is established through police work, such as protecting life, protecting property, preventing crime, arresting offenders, and keeping the community safe.

The habitus, therefore, constitutes the subjective opinions and actions of each officer. Habitus in this work is exemplified in an analysis of narration, interviews and recorded comments. This study locates the habitus in the behaviour, demeanour and disposition of every officer. This is not dependent on rank or hierarchical position but indicates that they are merely officers within the policing organisation. Hierarchical positions define where a person is formally located in the organisation but not necessarily the ways in which they behave. The habitus is how the individual thinks and acts. Very important to this thesis is the relationship between the habitus and field. Are they related, interrelated, at times do they mould and influence each other?

Chan’s use of Bourdieu’s concepts of habitus and field offered a broader and, in places, a more specific way for her to explain how ideas, beliefs and behaviours become static in any organisation. I have extended the discussion to develop the arguments into other important areas such as symbolic capital, how an individual comes to ascribe notions of power to another individual and that individual’s group, and the doxa, the fundamental unthought beliefs that, taken as commonsense, are seen as self-evident and universal truths. The development of a doxic relationship between the habitus and the field construct an individual’s opinions within that particular field. The term field, as used in this thesis, represents the area of policing. Two fields are identified for analysis in this study: first, the field represented by the police executive and its links to the community being served; and second, the field represented by the operational arenas, for example, the Local Area Commands, specific task forces and highway patrols. The term habitus, as used in this thesis, describes the internal feelings, thoughts and behaviours of individual officers, concerning an individual’s disposition and his or her embodiment as a police officer at the level of a police officer’s role in a local police station. In this thesis it is suggested that the dominant doxa of policing is ‘command and control’ — that is, the inter-relationship between field and habitus is the dominant philosophy of command and control. For Bourdieu the concepts of field, habitus and doxa are dynamic, representing relationships of power, conflict, action and non-action.

This expands the notion of policing as located in a ‘social field’ and the relationship of that field to the ‘habitus’ of the police officer. This is necessary as central to this thesis’ understanding of why and how police reform does or does not occur are the specific structural relations operating within this field — specific power relations, specific formal and informal
relations and specific forms of discourse. The concept of symbolic capital is useful in explaining the narrow focus of most definitions of police culture which can’t comprehend the importance of the group’s capacity to increase an individual’s cultural or social standing as well. Hence, the attraction of a police officer located in a policing organisation, to an alternative and more attractive set of networks.

Bourdieu’s work becomes more complex when it is applied to police corruption. A person may act against her or his own moral values within a group activity or within the cultural norms in which they work. These actions against an individual’s sense of honour can result in a deep and lasting internal conflict. It is these concepts that are applied in this study to the operational police world. The notion of omitting to act, or non-action, has not yet been adequately developed within the existing literature of policing. It is particularly with reference to notions of police resistance to matters of reform, fear of change and non-action that this thesis develops Bourdieu’s work.

1.6: Research Data and Methodology

The research data collected for this thesis includes 120 in-depth interviews involving twenty police officers and carried out over a five-year period. All but two of these interviews were audio-taped and twenty-five of these fully transcribed. Twenty of the transcriptions were scanned using the NVIVO analysis process, a qualitative method that allows huge amounts of data to be linguistically analysed pointing towards similarities of theme, emotion and attitude and even towards relationships between people. Interestingly, the language of encouragement or praise was noticeably missing from these interviews whereas the language embodying direction or demand was markedly plentiful. Those interviewed came from various levels of the hierarchy and interviews frequently took place several times a year during the five-year period. Many of these interviews were carried out at Police Headquarters but a variety of different police stations in different locations were also sourced. Although the interviews were all directed at collecting data about the interviewee’s participation in the reform process, these were semi-structured and the method employed was as unobtrusive as possible. Both male and female officers were interviewed but the questions were not especially concerned with gender issues as these were outside the scope of this thesis.

Ten executive police members were interviewed, including the present and one past Commissioner of the NSW Police, as well as employees of the Police Integrity Commission. Ten operational general duties police officers of different rank were also interviewed, and three detectives working in Command positions. A number of one-off interviews were also recorded with three unsworn but highly placed administrative officers; two officers from the NSW Police Association; and two consultants who had been employed to assist in the reform process during the years 1996 and 1998 — the latter two interviews were the only ones not recorded
on tape. Except for the operational police, all of those interviewed were in positions that could make it possible for them to influence the direction of the police organisation. The general duties police and detectives were interviewed primarily to gain an insight into how the Wood Royal Commission had affected their personal lives while working for the police organisation.

The research framework of this study draws both on deductive reasoning, testing theory in practice, and inductive reasoning, developing theory from practice (Langley 1999). In this way, the framework takes steps towards bridging the gap between theory and practice. As issues of confidentiality are important within the qualitative investigation, the thesis adopted a mixed methods approach, the qualitative approach being distinct because the nature of the inquiry demanded strict adherence to methodological practices designed to protect the confidentiality of all participants to an extremely high degree.

The research began by collecting evidence in several areas. Firstly, the relevant literature was reviewed in order to understand more about key concepts such as culture, reform, change, leadership and learning, as well as analyses of international inquiries for comparative purposes. Given that the literature was often general in its descriptions and not police specific, the research extended to material relating to past Royal Commissions and inquiries into corruption with the NSW Police and, from here, to data available from the NSW Police Association about the history of the police organisation and commentary in the media about past Inquiries and Commissions.

Statistical data relevant to the research question was also collected over a five-year period. Again different areas were sourced including arrest data; conviction rates; complaint data; community surveys and police surveys. Data was also gathered from the New South Wales Bureau of Crime Statistics and Research and this was chiefly broken down according to type of crime or department, rather than, for example, location. These statistics were included in order to examine some examples of police activity during this period of reform.

1.7: Structure of the Thesis

The thesis is structured into six chapters. Chapter One has introduced the thesis problem and issues as well as the conceptual tools, methodologies and data collection procedures adopted for the research. It provides a summary of definitions of police corruption and sketches the role of leadership as a contributing factor in the continuing cycle of corruption.

Chapter Two incorporates a literature review of the research relevant to discussions of police culture and police management, and develops the theoretical work of Bourdieu in relation to police corruption. This chapter also focuses on the assumption that leaders are extraordinary
individuals who are superior to ‘their’ followers. The common assumptions are that leaders’ decisions are not corrupt, but here they will be analysed as an integral part of the process of corruption which is usually unchallenged. The role of command and control as a solution to improving police behaviour is reviewed, as is the role of past Royal Commissions.

Chapter Three details the development of the methodology and rationale that was employed in assessing the New South Wales Police Service’s response to the issues of corruption and leadership. Both qualitative and quantitative methods were employed in the collection and analysis of information and data, which included personal interviews with serving police officers and members of external organisations as well as printed material from Royal Commission Reports, entries in Hansard and other government documents, internal Police Service documents and media reports.

Chapter Four then proceeds to analyse the research data. The dynamics perpetuating the cyclical nature of corruption is elucidated in this chapter, which is basically a description of a police organisation in crisis mode as it struggles to demonstrate change without necessarily understanding the holistic nature necessary to carry out this change. During years immediately following the Wood Royal Commission as various quick-fix methods were introduced in the effort to contain the fallout generated by the public and political response. With a new Police Commissioner in control and new imported policing strategies being introduced, the police organisation was apparently entering a new era of operational policing. But underneath, as this chapter will demonstrate, the old command and control management was still retained and internal communications about the apparent requirements to facilitate reform were rarely discussed. As many of the Wood Report expectations were simply handed down through the chain of command there was much confusion about what was to be changed, and who was responsible for the changes.

Chapter Five is an in-depth summing up of the principal research findings. This chapter examines the reasons it is difficult to affect change in police organisations, in particular the resistance of the command and control structures and their inability to create the environment necessary for major reforms. Other research questions that will be explored include what measures were employed by the executive to reform the organisation and describe how it was predicted what the reform measures would produce.

Chapter Six, as the final chapter in this thesis, offers practical solutions to the dilemmas discussed both by the Wood Royal Commission and those emerging from the data analysis undertaken during this research. The history of command and control management structures in policing is demonstrated as a major dynamic implicated in the cyclical nature of inquiries into police corruption. The practice of external supervision is reviewed to discover its
effectiveness as a method of supervision of the state police organisation. The thesis concludes that changing the nature of existing management approaches will open up the organisation to meaningful change, although it is stressed that this will never satisfy the ‘quick-fix’ demands of politicians, media commentators and, through them, the wider community — all major players in the cycle of crisis that fuels the repetitive cycle of corruption inquiries.

In this concluding chapter, it will be demonstrated that the thesis has moved in structure from ideas to practice, necessitating a return here to the integration of theory and practice. It will argue that previously the notions of culture, reform and change have been presented in existing literature in the field of policing as generic concepts and that these important ideas need to be discussed as integral to the innermost workings of the Police Service. Some proposed leadership recommendations are also put forward, including the recommendation of an integrated policing leadership model of active leadership combined with command and control traditions. Importantly, the suggested model, Changing Police Culture (see Figure 6.5) highlights the need for integration with the community in policing management and operation issues.

The confidence of the community is an important part of a successful policing organisation. Justice Brennan in *Police Service Board vs. Morris* stated that:

> The effectiveness of the police in protecting the community rests heavily upon the community’s confidence in the integrity of the members of the police force, upon their assiduous performance of duty and upon the judicious exercise of their powers. Internal disciplinary authority over members of the police force is a means — the primary and usual means — of ensuring that individual police officers do not jeopardise public confidence by their conduct, nor neglect the performance of their police duty, nor abuse their powers. The purpose of police discipline is the maintenance of public confidence in the police force, of the self-esteem of police officers and of efficiency (*Police Service Board vs. Morris* (1985: 156 CLR 397)).

Confidence, however, has to be gained. It is clear that to successfully implement police reform requires far more than simply the investigation, exposure and punishment of a number of corrupt police officers followed by a major reassertion of command and control discipline over the organisation as a whole, leaving in its wake disgruntled, stressed and disillusioned police officers primed to act as a trigger to ignite the cycle once again. Instead reforms should be critically constructed practical approaches that understand the complexity of the issues and have given much thought to the dynamics that are embedded in the ‘nature of the game’ of policing itself.