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THE PREVENTION OF POLICE CORRUPTION AND
MISCONDUCT: A CRIMINOLOGICAL ANALYSIS OF
COMPLAINTS AGAINST POLICE

By
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B.Sc.(Hons)

Being a thesis submitted in fulfilment of the requirements of the degree of Doctor of Philosophy in Criminology and Criminal Justice at Griffith University
December 2000
ACKNOWLEDGEMENTS

Writing a PhD thesis is never a task done alone. Advice and guidance from one’s supervisors is always a crucial component in reaching the journey’s end. In my case I should like to extend my thanks to Ross Homel and Tim Prenzler. Ross for his wealth of theoretical knowledge, bigger picture focus and broad brush strokes which moulded my thesis into its final state. Tim for his patience and endurance in reading my initial drafts which were gradually polished by his enviable skills in editing into their eventual forms, and his availability to discuss my concerns which provided light to what often seemed like an endless tunnel of thesis writing.

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Finally, on a less professional note, I would also like to express my thanks for personal support and encouragement provided by family and friends, and in particular my fiancé, Kelly.

This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.

Andrew Ede
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# ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>CCTV</td>
<td>Closed Circuit Television</td>
</tr>
<tr>
<td>CIB</td>
<td>Criminal Investigation Branch</td>
</tr>
<tr>
<td>CJC</td>
<td>Criminal Justice Commission</td>
</tr>
<tr>
<td>FYC(s)</td>
<td>First Year Constable(s)</td>
</tr>
<tr>
<td>NCO(s)</td>
<td>Non-Commissioned Officer(s)</td>
</tr>
<tr>
<td>PCYC(s)</td>
<td>Police and Community Youth Club(s)</td>
</tr>
<tr>
<td>PIN</td>
<td>Personal Identification Number</td>
</tr>
<tr>
<td>PROVE</td>
<td>Police Recruit Operational Vocational Education</td>
</tr>
<tr>
<td>QC</td>
<td>Queen’s Counsel</td>
</tr>
<tr>
<td>QPE</td>
<td>Query Personnel system</td>
</tr>
<tr>
<td>QPS</td>
<td>Queensland Police Service</td>
</tr>
<tr>
<td>RBT</td>
<td>Random Breath Test</td>
</tr>
<tr>
<td>SP</td>
<td>“Starting Price” [bookmaking]</td>
</tr>
<tr>
<td>TAB</td>
<td>Totalisator Administration Board</td>
</tr>
<tr>
<td>TON</td>
<td>Traffic Offence Notice</td>
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22 November 2000

This is to certify that the Criminal Justice Commission has authorised Mr Andrew Ede to use the data on which this dissertation is based. The dissertation gives a fair representation of Mr Ede’s involvement in, and contribution to, the collection and analysis of these data, and the writing of relevant Commission reports.

DR DAVID BRERETON
Director
Research and Prevention Division
ABSTRACT

The reform measures recommended by the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (referred to as the “Fitzgerald Inquiry”) radically transformed the face of policing in Queensland. The most significant of these recommendations was the establishment of an external oversight body, the Criminal Justice Commission (CJC), which has independence from executive government and holds the power to investigate not only police but any public servant or politician. Other recommendations included “Whistleblower” legislation, increasing sanctions for serious misconduct, lateral recruitment and promotion by merit rather than seniority. The first main research question tested in this thesis is whether these reform measures have produced improvements in the following areas: the efficiency and effectiveness of the processes for dealing with complaints against police; public confidence in those processes and the public standing of the Queensland Police Service (QPS) generally; standards of police behaviour; the incidence of corrupt conduct; and police attitudes towards reporting misconduct by their fellow officers.

These Fitzgerald Inquiry reforms were strategies primarily derived from two schools of thought describing the nature and cause of police corruption: deterrence based theory (including “individual” or “rotten apple” theory) and cultural (also labeled “cultural” or “socialisation”) based theory. To date most strategies used to combat police corruption have been underpinned by these theories. A third theory – situational based theory (sometimes titled “environmental” or “opportunity” theory) – which has had success in crime prevention, has been scarcely used in the area of police corruption. However, an extensive body of research has affirmed the effects of situational factors on police behaviour, suggesting the potential for the application of situational crime prevention initiatives in combatting police corruption. The second research question proposed in this thesis is whether situational based theory could also be beneficial in the prevention of police corruption.
Data drawn upon to test the first research question were interviews and surveys with police officers, public attitude surveys and statistics from the processing of complaints against police. Although each source has limitations, collectively the data are sufficiently comprehensive – and robust – to defend conclusions about the general direction of the changes which have occurred. These data indicate that the Fitzgerald Inquiry reforms have, at least to some degree, had their intended impact on the QPS. These reforms have contributed to an apparent improvement in public confidence in the complaints system and the QPS generally. Moreover, the available evidence suggests that the Fitzgerald Inquiry reforms have resulted in a weakening of the police code of silence. As far as the specific issue of corruption in the QPS is concerned, it is difficult to draw firm conclusions from existing data sources. However, the weight of the available evidence is that such conduct is less pervasive and occurs at lower levels than was the case in the pre-Fitzgerald Inquiry QPS. It is very difficult to ascertain which reform components were the most effective and which were not helpful at all, as these reform measures were initiated simultaneously. For example, the negative elements of the police culture may have been eliminated or reduced but whether it was the cultural strategies or one of the deterrence based strategies influencing officer behaviour remains unknown.

The second main research question the thesis poses is that the use of situational crime prevention techniques has potential for contributing to the prevention of police corruption. A situational analysis of complaints against police data, including the development of a typology for classifying types of police corruption and misconduct, was used as an example of how this may be accomplished in Queensland. The study provides some, albeit limited, support for the hypothesis that situational crime prevention methods are applicable to police corruption. Based upon three years of complaints data, enough homogenous cases were gathered to enable the analysis of four categories of police corruption – Opportunistic Thefts, Driving under the Influence, Assault (while off-duty), and Theft from Employer. Given that this study only used three years of complaints data held by the CJC and more than nine years of data exist, productive situational analyses of many other categories of corruption is probable. This study also illustrated that complaints against police data are being under utilised by the QPS and the CJC. For future research in the situational analysis...
of complaints data, I recommend improving the gathering of data from complaints files for storage in electronic form to enable situational prevention analysis to be conducted more readily.

A geographical example was used to illustrate further how complaints against police data could be more extensively utilised as a prevention tool. This analysis was conducted at an organisation unit level determined primarily by geographical factors. The complaint patterns of units of similar “task environments”, as measured by unit size and type of duties performed, were compared in an attempt to identify those units experiencing the presence or absence of “bad apples” or a “negative culture”. This study led to the conclusion that a divisional analysis of complaints data can provide information valuable in combatting police corruption. When task environment was held constant, it was possible to identify units experiencing the effects of possible “bad apples” and/or “negative cultures”. Once these particular units were identified, intervention strategies to address the units’ particular problem could be constructed. Future research in this area would involve ongoing divisional data analysis followed-up by individual assessment of officers identified as “bad apples”, or a “compare-and-contrast” procedure to distinguish features requiring correction in units identified as having a “negative culture”.

The research findings presented in this thesis are that progress has occurred in a number of areas in addressing the problems identified by the Fitzgerald Inquiry, but that there is undoubtedly scope for more to be achieved. Despite the very significant increase in the resources and powers available to investigators post-Fitzgerald, it is still difficult to prove that a police officer engaged in misconduct, or that other officers were aware of this fact and had failed to take action, because of the constraints imposed by evidentiary and legal requirements. Thus, while it is vital to maintain an effective and credible independent complaints investigation system and ensure that there is a proper internal discipline process in place, the scope for increasing the “deterrent power” of the present system is limited. Putting more resources into complaints investigations might make a difference at the margins, but is unlikely to lead to a significant increase in the probability of a complaint being substantiated and a sanction imposed. Investing more resources in investigations has
an additional cost in that such resources are then lost to other efforts to combat corruption that may provide more fruitful results in the long term. The value of an occasional substantiation is placed above the ability to engage in a large amount of prevention work.

Inevitably then, three clear messages are apparent. First, continued effort must be made to modify the organisational climate of the QPS in terms of commitment to integrity. Recommended strategies to accomplish this end are to continue the recruitment of more educated, female and older officers to reduce police-citizen conflict and the negative elements of the police culture, and also to develop a comprehensive, integrated approach to ethics education for QPS officers at all ranks and positions. Second, other forms of deterrence against misconduct are needed such as the use of covert strategies like integrity testing which could be conducted in conjunction with the CJC. Third, a greater emphasis needs to be placed on developing and implementing preventive strategies. This thesis has shown that valuable prevention strategies can be gained from situational and divisional analysis of complaints data, and a range of proactive management options based upon situational crime prevention theory are recommended. These strategies have application in any police service.
STRUCTURE OF THE THESIS

This thesis is intended to extend knowledge in the area of police corruption prevention primarily through the utilisation of complaints against police data. The thesis is divided into five sections each containing several chapters. Section One contains two chapters providing introductory and background material. Chapter One describes the rationale for research work to be conducted into police corruption by outlining the extent of such corruption and its cost and effects on society and police services. The research questions tested in the thesis are outlined, the data sources employed to test these questions are described, information on definitions of police corruption and typologies used in classifying police deviance are presented, and some methodological difficulties are discussed. Chapter Two provides background on the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (referred to as the “Fitzgerald Inquiry”) describing the reform measures recommended by, and implemented subsequent to, this inquiry into the Queensland Police Service (QPS).

Following these introductory chapters, Section Two contains two chapters. The Chapter Three provides information on theories proposing the causes of corruption and strategies used to combat corruption. The Chapter Four describes the Rational Choice, Routine Activities, and Situational Crime Prevention theories informing the third study of this thesis – the situational analysis of complaints files – which is presented in Chapter Seven.

Section Three contains two chapters describing the first two studies of this thesis which cover the research conducted by the Criminal Justice Commission (CJC) on the impact of Fitzgerald Inquiry reform measures (I was the principal author and researcher for this project). The creation of the CJC as an independent oversight body for the QPS was a major reform measure. The first study examines the impact the reforms have had on the efficiency and effectiveness of the processes for dealing with complaints against police, as well as public confidence in those processes and the public standing of the QPS generally, standards of police behaviour, and the incidence of corrupt conduct. The second study examines measures of police attitudes towards reporting misconduct by their fellow
officers. Specifically, this study attempts to answer the question of whether the influence of the police code of silence has been diminished by the implementation of the Fitzgerald Inquiry reforms.

Section Four is divided into two chapters. The Chapter Seven outlines the third study of this thesis – the situational analysis conducted on a selection of complaints files held by the CJC including the development of a typology for classifying types of police corruption and misconduct. The Chapter Eight of this section describes the fourth study of the thesis. This chapter presents an analysis conducted at an organisation unit level – determined primarily by geographical factors – using data from the Complaints Management System of the Ethical Standards Command located within the Inspectorate of the QPS. In this analysis the complaint patterns of units of similar “task environments” – as measured by unit size and type of duties performed – were compared in an attempt to identify those units experiencing the presence or absence of possible “bad apples” or a “negative culture”. This would allow for the development of remedial interventions.

Section Five examines what was learnt from the above four studies and suggests some future directions in advancing the organisational integrity of the QPS. This section is divided into three chapters. The Chapter Nine briefly outlines the overall conclusions of the CJC research, describes some of the deficiencies that are still present today in the QPS and then makes recommendations for strategies and procedures to aid in the prevention of corruption. The Chapter Ten presents possible future research following on from Studies Three and Four – the situational and divisional analyses of complaints data. This chapter describes some probable deficiencies in the use of complaints against police data and then makes recommendations for improvement in both the collection of complaints data and the use of these data in the prevention of police corruption. Some possible future research ideas are also outlined. Finally, a few brief closing remarks and recapitulation of the main points are made in the concluding chapter.
SECTION 1: INTRODUCTION AND BACKGROUND

This section consists of two chapters. The first chapter provides the rationale for research to be conducted into police corruption by outlining the extent of such corruption and its cost and effects on society and police services. The research questions tested in the thesis are outlined and the data sources employed to test these questions are described. This chapter then describes a variety of definitions of police corruption and misconduct that have been used by researchers and commentators over the years before I propose a definition for use in this thesis, particularly for use in the study presented in Chapter Seven. Advantages and disadvantages of a variety of typologies of police corruption and misconduct were similarly examined and one appropriate for use in the later study was then selected. Finally, some methodological difficulties are discussed.

The second chapter of this section describes the findings and recommendations of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (referred to as the “Fitzgerald Inquiry”). This enquiry found widespread corruption operating within the Queensland Police Service and the chapter outlines the wide ranging reforms aimed at improving standards of police behaviour, ensuring that misconduct was dealt with appropriately, enhancing police effectiveness, and restoring public confidence in the Service. Data about the post-Fitzgerald reform process provide the source material for this thesis. The Fitzgerald diagnosis drew on established theory regarding police corruption. This theory consistently informed the prescribed remediation, and the associated standards and principles of police conduct provide essential criteria for judging the success of the reform process.
CHAPTER 1

INTRODUCTION

Why try to prevent corruption? Is there much of it? Does it really have much effect? The first sections of this chapter address these questions by exploring quantifiable attempts to measure the extent of corruption within police departments from a variety of different jurisdictions and then discusses the impact of this corruption on society and police services. It should not be confused with researchers studying officers’ attitudes towards corruption which is reported later in the thesis. These sections argue that a wide variety of corruption exists across a range of police jurisdictions and that substantial costs are incurred by both society in general and police services as a result of this corruption. The final sections of this chapter outline the research questions of the thesis and the methods used to test these research questions.

Extent of police corruption

The main point of this section is that inherent in the occupation of policing is a high potential for corruption. The analysis of departmental internal disciplinary records and court records pertaining to corruption cases have previously been used in an attempt to assess levels of corruption (e.g., Cain, 1973; Cohen, 1970, 1972). These methods have been criticised because they greatly underestimate the actual level of corruption revealed by commissions of inquiry (Knapp, 1972, p. 195; Reiss, 1971, p. 169). Police departments tend to protect their reputation by covering up evidence of corrupt activities. Some other methods used for examining the extent of corruption have been attitudes of officers to corrupt behaviours, observational studies of police at work, seeking police views on the behaviour of their colleagues, surveys of the public, surveys of those arrested by police and official inquires into police misconduct. Some findings from each of these methods will be discussed.
In the United States, Barker, Friery, and Carter (1994) surveyed 167 officers attending in-service training at the academy regarding three types of police lying: “Accepted Lies”, “Tolerated Lies”, and “Deviant Lies”. The officers were asked to rate their degree of acceptance as either low, moderate, or high. Accepted Lies are lies accepted as part of the police officer’s working environment such as in undercover operations, lies told to the public to calm a crisis situation, lies told to the media to protect the innocent, and lies told to protect the image of the department. Tolerated Lies are recognised as lies by the police but are looked upon as necessary evils. For example, in the interrogation stage of arrest, deceptive practices may not only be tolerated but may be taught to police officers. Deviant Lies are told either to support legitimate goals, such as lying in court to ensure that a known criminal does not escape punishment, or in support of illegitimate goals such as to further an act of corruption or to protect an officer from organisational discipline or civil and/or criminal liability. They found that 15 per cent reported high and 83 per cent reported moderate acceptance of lies or deceptive practices contained in the Accepted Lies category. One per cent reported high and 85 per cent reported moderate acceptance of lies or deceptive practices contained in the Tolerated Lies category. One per cent reported high acceptance and 58 per cent reported moderate acceptance of lies or deceptive practices contained in the Deviant Lies category for legitimate purposes. Only eight per cent reported moderate acceptance (none reported high acceptance) of lies or deceptive practices contained in the Deviant Lies category for illegitimate purposes. This study showed that large proportions of police are willing to express tolerance for practices generally considered unethical, or even for criminal practices with a “legitimate” purpose (for example, lying in court).

Field studies using observational and interviewing methods reveal that some level of corruption exists in most police agencies (Cain, 1973; Chambliss, 1971; Ericson, 1981a, 1981b; Gardiner, 1970; Reiss, 1971; Wilson, 1968). Skolnick (1994) conducted a pioneering study of direct observation in the early 1960s. Primarily he spent six weeks observing the Vice Control Squad, four weeks with the Burglary Squad and two weeks with Robbery and Homicide in “Westville”, a United States city of approximately 400,000 residents. For comparison, he then spent two weeks with the police in “Eastville”, a city...
of comparable size and demographics. He observed a variety of police practices some of which were considered corrupt. For example, he found that informants were sometimes permitted to commit crimes: “burglary detectives permit informants to commit narcotics offences, while narcotics detectives allow informants to steal” (p. 125). In Eastville particularly, he reported that graft was routine, “a lawless collaboration between police and segments of the criminal underworld” (p. 202) and that the awareness of such graft and corruption was widespread. In another example, Reiss (1971) conducted an observational study of police in three American cities. High rates of rule infraction were reported even though approximately 40 per cent of officers in the study were observed for only one eight-hour tour of duty. It was observed that approximately one in five officers violated some section of criminal law while on duty and about four in 10 officers were involved in behaviour which significantly deviated from departmental rules. Another study (Haarr, 1997) involving approximately 580 hours of observation of 48 officers of the United States “Sun Valley Police Department” on patrol revealed that seven (14.5%) of the officers were sufficiently defiant of the rules to sleep on-duty while the researcher was in the car.

Barker (1983, 1986a) has conducted studies using an indirect measure of the extent of police deviance. He asked each subject to make a judgement as to what percentage of the officers in the department engage or have engaged in a variety of police deviance. In the first of these studies (Barker 1983), a questionnaire was administered to 271 officers attending training courses, drawn from a variety of United States police agencies and departments. Barker found that the “Corruption of Authority” (officer receiving unauthorised free meals, services, or discounts and liquor) was the most prevalent form of corruption identified by respondents. The mean perceived prevalence was 54 per cent. Accepting “kickbacks” (officer receiving money, goods, or services for referring business to towing companies, ambulances, garages, etc.) was the second most prevalent form of corruption. The mean perceived prevalence was 17 per cent. The lowest perceived prevalences reported were for direct criminal activities. Nevertheless, five per cent believed that between one and five per cent of fellow officers engage or had engaged in serious crimes such as burglaries, robberies, or grand larcenies (the stealing of property above a certain value), and a further three per cent thought that between 26 and 50 per cent were
or had been involved in serious crime. Of misconduct matters, sleeping on duty (39 per cent) and the use of excessive force (25 per cent) were the matters with the highest mean perceived prevalence. Overall, officers from larger departments indicated higher levels of involvement in all forms of occupational deviance than did those from the small agencies.

In another study, Barker (1986a) surveyed 43 of the 45 members of the police department in a southern United States city with a population of 25,000 and asked each subject to make a judgement as to what percentage of the officers in the department engage or have engaged in each of five patterns of police deviance. Respondents reported that 39.2 per cent of their colleagues use or had used excessive force on a prisoner and 22.9 per cent lie or had lied in court (that is, committed perjury). Other forms of deviance referred to were drinking on duty (8.0%), sex on duty (31.8 %), and sleeping on duty (39.6%).

An example of a survey of the general public is a national survey undertaken by the Australian Institute of Criminology in July 1987 which contained questions on a variety of policing issues including police misconduct. Table 1.1 shows the results from the question on police misconduct. The results illustrate that small but significant proportions of the population perceived that they (or a close relative or friend) had experienced some type of police misconduct.
Table 1.1 – Personal knowledge or experience of police misconduct (Queensland and Rest of Australia, July 1987)

<table>
<thead>
<tr>
<th></th>
<th>Queensland (n=317) %</th>
<th>Rest of Australia(^1) (n=2,097) %</th>
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<tbody>
<tr>
<td>Undue use of force</td>
<td>17.5</td>
<td>13.6</td>
</tr>
<tr>
<td>Corruption/malpractice</td>
<td>11.5</td>
<td>8.3</td>
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<td>Wrongful arrest</td>
<td>10.8</td>
<td>8.3</td>
</tr>
<tr>
<td>False accusations</td>
<td>18.7</td>
<td>15.1</td>
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<td>19.3</td>
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Notes:
1. “Rest of Australia” figures are based on responses from New South Wales, Victoria, Western Australia, South Australia, and Tasmania.
2. \(\chi^2\) revealed no statistically significant differences.
3. Question wording was “Have you or a close relative or friend, personally experienced any of the following: (1) undue use of force by police; (2) corruption/malpractice by police; (3) wrongful arrest; (4) false accusation by police; (5) harassment by police”. Response options offered were: (1) Yes; (2) No; (3) Don’t know.

Often the focus of surveys of arrestees is police use of excessive force. In an interview study conducted in London, Smith (1983) found that 22 per cent of people who were arrested said that officers used force or hit them, with 82 per cent considering this use of force to have been unjustified. Skogan (1990) reported that 10 per cent of the sample of the 1988 British Crime Survey alleged that either themselves or someone they knew had been subject to undue use of force in the past five years. An Australian study (Maher, Dixon, Swift & Nguyen, 1997) involving interviews with 98 young Indo-Chinese heroin users in Sydney found high levels of police harassment, intimidation and mistreatment. For example, 67 per cent of the interviewees reported that on at least one occasion police had taken money from them without any charges being laid in regard to that money. A local example of a survey of arrestees was a study conducted by face-to-face interviews with 489 defendants appearing in Queensland Magistrates Courts. The study was designed to collect information about police arrest, questioning and searching practices from the perspective of those who had experienced these powers (CJC, 1996a). Forty-seven per cent of this sample were dissatisfied with their treatment by police. The most commonly stated
criticism of the police was that they were impolite, rude or verbally abusive (10%), respondents had been assaulted (9%), intimidated (6%) or generally treated roughly (5%) by police.

In a more official form, there have been many commissions of inquiry into police misconduct (see Chapter Three) that have uncovered wide ranging levels of corruption. The following quote from the Pennsylvania Crime Commission (1985, p. 183) typifies the findings of such inquiries:

The Commission found that police corruption in Philadelphia is ongoing, widespread, systemic, and occurring at all levels of the Police Department. Corrupt practices were uncovered during the investigation in every police district and involved police officers ranging in rank from policeman to inspector. Specific acts of corruption involving improper cash payments to the police by gamblers, racketeers, bar owners, businessmen, nightclub owners, after-hours club owners, prostitutes, and others are detailed in the Report; more than 400 individual police officers are identified by first name, last initial, and badge or payroll number as receiving improper payments in terms of cash, merchandise, sexual services, or meals.

Moreover, Pogrebin and Atkins (1976) observed that systemic corruption is even found in small cities, for example, in Newburgh, a city of 50,000 upstate from New York City, where an organised theft ring operated by the local police department was uncovered.

In Los Angeles in late 1997 and early 1998, three incidents of serious criminal activity – a bank robbery, the false imprisonment and beating of a handcuffed arrestee, and the theft of three kilograms of cocaine from police custody – occurred where current or former officers of the Rampart Area were identified as suspects. A special Task Force was formed in May 1998 by Chief of Police Bernard C. Parks to investigate these incidents. Later in September 1999 Chief Parks convened The Board of Inquiry into the Rampart Area Corruption Incident to assess the totality of the corruption. This Board of Inquiry comprised seven subcommittees and two work groups resulting in over 300 people being involved in the process. A large number of recommendations for reform were made in the report covering areas including: testing and screening of police officer candidates; personnel practices; personnel investigations and management of risk; corruption investigations; operational controls; anti-corruption inspections and audits; ethics and integrity training programs; job-specific training programs; and the continuation of the work of the Board of Inquiry (Parks, 2000). In the United Kingdom, the Stephen Lawrence
Inquiry (MacPherson, 1999) examined racism and police incompetence in the investigation surrounding an unprovoked racist attack by five white youths. However, its relevance to this thesis is limited as, in regards to possible corruption, the report stated “that no collusion or corruption is proved to have infected the investigation of Stephen Lawrence’s murder” (paragraph 8.18).

In Australia, the 1987–89 Fitzgerald Inquiry in Queensland uncovered systemic police graft and corruption. Offences include obtaining protection money from illegal bookmaking and gambling, drug dealing, and prostitution. As a result of the Inquiry, 247 charges were laid against 219 individuals ranging from the Police Commissioner and Cabinet Ministers to brothel owners and “Starting Price” (SP) bookmakers (Courier Mail, Brisbane, 24th December, 1994, p. 7.). A large scale survey of serving and resigned officers (Australian Institute of Criminology, 1996) was conducted in conjunction with the Royal Commission into the New South Wales Police Service (1997). The responding sample sizes were 3302 non-commissioned officers, 230 commissioned officers and 94 officers who had resigned from the service in the last five years. However, the results of this survey are of limited use due to a large number of acknowledged methodological shortcomings (for example, lack of a pilot study, survey conducted concurrently to the investigations of the Commission, response errors due to social desirability influence and deliberate misrepresentation) and survey design shortcomings (too large and not user friendly) as well as a poor response rate.

Keeping in mind these problems, the main findings were that only 10 per cent of the non-commissioned officers and two per cent of the commissioned officers reported that any attempts had been made to get them to participate in any form of corrupt conduct, compared to 40 per cent of the resigned officers. A variety of hypotheses were explored to account for these differences, including that resigned officers’ exposure to corruption made them more likely to resign. However, in response to questions regarding the reasons for their resignation, corruption did “not loom as a very large issue for the resigned sample” (p. 233). It would seem to be a very strong possibility, especially in light of the Commission’s findings of widespread corruption, that “if one gives any credibility to the
Res [resigned officer sample] figure – and recall that this is a very small and unrepresentative sample – one would conclude that both serving groups are lying” (p. 138).

One may conclude that the extent of police corruption varies widely across different police jurisdictions. Corruption can be highly organised and pervasive or can appear to be virtually non-existent. However, in those departments with good corruption records, the question always arises as to whether there is little corruption or whether the corruption has just not been exposed to date. The main point of this section was to demonstrate that a variety of different research methods have shown that a high potential for corruption exists within the policing occupation. These research methods revealed a large range of corrupt practices existing within a variety of different police jurisdictions.

Costs and effects of police corruption

Many authors have commented on the costs of police corruption to society. For example Murphy (1985, p. 2) states “The cost of unethical conduct by the police is high: an excess of preventable crime, a low level of respect for the police, and a loss of citizen cooperation on which police effectiveness depends”. Bahn (1976) described a group of psychological experiments on “transgressions” (ranging from delivering a shock, telling a lie, upsetting some stacked cards, breaking a machine, taking money from someone and cheating on an exam) which showed that an individual who has “transgressed” is more likely to accommodate to later requests. Bahn (1976, p. 16) concluded that “corrupt police would be more inclined to make exceptions, be lax in their performance or job duties and less dedicated to the job on the whole than other police” (this “moral” or “criminal” career concept is discussed more fully in Chapter Three). In addition, Bahn (1976, p. 16) states “corrupt activities themselves and their concealment takes [sic] time, ingenuity, and effort during working hours. Another is that the perception of laxity and corruption on the force causes citizens to be scornful of police and less cooperative”.

In the same vein, Pogrebin and Atkins (1976, p. 15) state that police corruption “erodes public confidence in law enforcement as well as creates disrespect for the law itself. One extremely important result of corrupt police activities may thus be the public’s unwillingness to report crimes”. Marx (1992) also reports that citizens will not be inclined to report misconduct if the police are seen as corrupt, believing that reporting would do no good or fearing retaliation. In addition, Marx agreed with Sykes and Matza (1957) that police corruption encourages law breaking. Sykes and Matza (1957) noted that restraint against rule breaking was lessened by beliefs that “everyone is doing it”. This effect is magnified if authorities are included in the belief. That is, how serious could the rule be, if even those supposed to enforce the rule are breaking it? Burnham (1974, p. 311) in the context of corruption in the New York Police Department commented:

First, corruption imposes a vast secret tax on all kinds of businesses in the city. Second, corruption dilutes the enforcement of hundreds of laws and regulations, some ridiculous, such as the Sabbath regulations, and others serious, such as the prohibition against selling heroin. Third, corruption subverts the faithfulness of the policeman to himself, his commanders, and the institution he works for. Can a patrolman seriously consider the orders of a sergeant who, he knows, is shaking down a construction company? ...Finally, all of these costs seriously undermine the public’s faith in justice.

Many other authors also refer to the cost of corruption in terms of a betrayal of the public trust (for example, Cohen, 1986; Albert Reiss in the forward to Sherman, 1978a). Pittman (1990, p. 21) comments on the effects of corruption on police departments:

Police misconduct also undermines departmental discipline and seriously impairs effectiveness and efficiency. Police officers who spend their working hours pursuing payoffs have little time and less inclination to perform their assigned duties. Disciplinary problems are compounded when supervisory personnel and executives are also corrupt.

Bracey (1989) also points out that costs of corruption on the department are low morale, poor relations with the community, and ineffectiveness in fighting crime. The Royal Commission into the New South Wales Police Service (1997, pp. 45-47) lists many consequences of corruption for the Service including the compromising of police operations, the endangering of informants and undercover officers, diminished ability to attract quality recruits and retain officers of integrity and skill, increased external intervention into Service affairs, the jeopardising of budget increases, and refusal to cooperate by other law enforcement agencies.
Finally, the degree of trust that the common citizen places in the police is powerfully illustrated in the following quote from Bahn (1976, pp. 12-13):

Though fathers as well as sons may not be able to protect themselves against the sneakthief, the mugger, the beserk attacker, or the predator, they can retain some control by calling the police, even if only after a loss or attack....In the sense that most citizens are relatively helpless against most criminals, the police protect the helpless... If we should be involved in an accident, faint suddenly while walking on the street, or in some other way temporarily lose control, we place our trust in the police to help us and protect us at that time. The police legitimately may approach the individual prone on the street, open a door to find out why the occupant of an apartment or room does not respond to calls, or untangle the accident victim from the wreckage.

When the police deal with people who are temporarily ill, unconscious, or overcome, everything is entrusted to them. Not merely appropriate treatment or calling for the right kind of assistance, but also safeguarding and protecting the individual and his property. The police can open a purse to find identification and go through a wallet, looking for a driver’s license.

If the police are venal or corrupt, then we are all vulnerable to their rapacity. We are so much more helpless, so truly powerless that it is deeply frightening. Even those with a basic sense of trust, are badly shaken when their appointed protectors seem to become their predators.

There is another cost involved when discussing police misconduct. That is the cost of the system to deal with complaints against police. Every day, officers of the Queensland Police Service (QPS) – the jurisdiction being studied here – are involved in thousands of interactions with members of the public. While most of these encounters do not generate any complaints, there are, nonetheless, several compelling reasons for attempting to minimise the number of complaints that do occur.

First, there are substantial financial and other resource costs of investigating allegations of police misconduct incurred by both the Criminal Justice Commission (CJC – the Queensland police oversight body) and the QPS and, therefore, ultimately by the public. The direct cost of the QPS investigating a standard complaint has been estimated to be about $500. This figure does not include costings for regional office staff, or personnel at the QPS Ethical Standards Command and the CJC involved in processing these matters. For matters investigated by the CJC the costs are likely to be higher, given that the CJC investigates matters of greater complexity and seriousness. Therefore, strategies that can result in a legitimate reduction in complaint numbers are worthwhile, as it allows these valuable law enforcement and investigative resources to be channelled into other areas.
Second, complaints against the police can be used as a form of feedback on which the performance of the police organisation can be judged (Goldsmith, 1991). A poor relationship between the police and the community can severely restrict police effectiveness, given that assistance from the community is vital for police to successfully perform their duties. Therefore, complaints of police procedures or behaviours that are damaging this relationship need to be identified and addressed, so that ultimately police-community relationships can be improved.

Finally, the high personal and emotional costs of complaint investigations for both citizens and the police officers subject to allegations must also be considered. Even if the complaint is not substantiated, officers often find the complaint investigation process extremely stressful. Complainants also experience considerable stress and uncertainty during the investigation process. In addition, as most complaints are difficult to prove, there is a high level of complainant dissatisfaction with the investigation process (see CJC, 1994a).

**Research questions**

The above sections have shown that a high potential for corruption exists within the policing occupation by describing a large range of corrupt practices existing within a variety of different police jurisdictions. It follows then that strong workable measures are required to reduce these problems. This thesis is based on a case study of the reform process initiated by the Fitzgerald Commission of Inquiry in Queensland, which identified widespread corruption in the 70's and 80's in the Queensland Police. The inquiry and reform measures are described in detail in Chapter Two.

The thesis addresses two main research questions. The first question is: Have the reforms initiated by the Fitzgerald Inquiry – namely the creation of the CJC, the re-writing of the Police Rules, changes to the recruiting and training practices of the Service, and the introduction of a statutory obligation on police to report suspected misconduct by their colleagues – improved:
a) the efficiency and effectiveness of processes for dealing with complaints against police?

b) public confidence in those processes?

c) the public standing of the QPS generally?

d) standards of police behaviour and the incidence of corrupt conduct?

e) police attitudes towards reporting misconduct by other officers?

These Fitzgerald Inquiry reforms were primarily deterrence and culturally based strategies (that is, aimed at reducing the institutionalised tolerance for deviance in the organisation). While attempts can be made to gauge whether corruption in the QPS has been reduced, it is very difficult to ascertain which components were the most effective and which were not helpful at all, as these reform measures were initiated simultaneously. For example, the negative elements of the police culture may have been eliminated or reduced, but whether it was the cultural strategies or one of the deterrence based strategies influencing officer behaviour will remain extremely difficult to determine.

The second main research question the thesis poses is: Can the use of situational crime prevention techniques be beneficial in preventing police corruption? A situational analysis of complaints against police data, including the development of a typology for classifying types of police corruption and misconduct, is used to illustrate how this may be accomplished. This example also emphasises the point that, to date, systems recording complaints against police have been under-utilised for prevention planning. Valuable preventative information and strategies can be obtained from such data using both a situational analysis perspective and also a geographical perspective. The geographically-based study is conducted at an organisation unit level, determined primarily by geographical factors. The complaint patterns of units of similar “task environments”, as measured by unit size and type of duties performed, are compared in an attempt to identify
those units experiencing the presence or absence of possible “bad apples” or a “negative culture”, so that appropriate intervention techniques can be applied.

**Method**

For many years it has been recognised that “police corruption is by nature resistant to observation” (Sherman, 1978a, p. 187). An obvious, and sometimes the only, source of data on police corruption is complaints about police behaviour. However, as most corruption is consensual and conducted in secret, only a small proportion is likely to be reported. In another proportion, a less than willing participant may be unlikely to report, fearing reprisals from the corrupt officer. Scandal, media interest, reform measures, disciplinary policies, and the credibility of internal investigation and external oversight bodies can all influence the numbers and type of corruption matters being reported. Therefore, a variety of other measures are needed in order to develop some sense of the true frequency of corrupt acts. Sherman (1978a, p. 189) compared the study of corruption in police departments with attempts to learn about activity inside buildings from the outside.

   Much of the activity inside the building may never take place within viewing range of a window, and many windows may be shuttered for much of the time. Some windows may even be false, and the picture painted on them may misrepresent the real activity behind them. Yet a systematic observer can make fairly accurate inferences by looking through as many windows in as many buildings as possible. Eventually, the observer may even acquire a fairly detailed description of how the activity inside the building is organized and how it changes over time.

The data source “windows” used in this thesis, with their attendant strengths and weaknesses, are described in the sections below.

**Data sources**

The following section provides an outline of the data sources used in this thesis. Where necessary, a more detailed explanation of these data sources will be provided where the data are presented. This section also outlines my contribution in the gathering of this
Information as a Research Officer in the Research and Prevention Division of the CJC. Permission to use this data is given in the letter included in the thesis after the Acknowledgements. The main sources of data used in this thesis are as follows.

**Interviews with serving officers**

Semi-structured, confidential interviews with two groups of officers were conducted during 1995 to obtain the perceptions of serving officers at middle and senior management levels about the:

- changes in complaints and disciplinary procedures which had occurred since the completion of the Fitzgerald Inquiry
- changes in any behaviour widely condoned before the Fitzgerald Inquiry
- “cleanliness” of the Service
- willingness to report the misconduct of another officer and any repercussions to such reporting
- compliance with the QPS rules
- likelihood of misconduct being detected, reported and punished
- nature of such punishment.

The first group of interviewees comprised 27 officers from the ranks of Senior Constable to Inspector who had more than ten years service in the QPS. These interviews were conducted externally by academic researchers from Griffith University who previously had been QPS officers. The second group, who were interviewed by CJC research staff, consisted of the Assistant Commissioners and senior officers responsible for regional management in the eight police regions. Officers in QPS headquarters and members of the
Executive of the Queensland Police Union of Employees were also interviewed. In total, 12 interviews were conducted and the sample size of this group was 28 interviewees. My role was primarily in the interview design, analysis of the responses and report writing from these data.

**Surveys of police**

These surveys were designed to gauge how seriously QPS “rank and file” officers regard various types of misconduct; their willingness to report misconduct; their attitudes towards how the QPS manages complaints and discipline matters; and the extent to which officers’ views on ethical issues change over the period of their service. Three groups of police – recruits, First Year Constables (FYCs) and experienced officers – were surveyed in early 1995. (Detailed results of these surveys were reported in CJC, 1995a.) In March 1996 the survey was re-administered to a sub-sample of recruits after they had been in the field as FYCs for eight months. In consultation with Dr Brereton, I designed the research, constructed and administered the questionnaire, analysed the responses and wrote reports of the findings.

**Public Attitude Surveys**

In 1991, 1993 and 1995 the CJC commissioned surveys of Queensland residents about their attitudes towards the QPS, and their satisfaction with levels of police service. The 1995 survey included, for the first time, questions which focused specifically on public views and experiences of the complaints investigation process. (Key results of these surveys are summarised in CJC, 1995b.) In each survey, 900 adult Queensland residents were interviewed. Some additional survey data were also obtained from other sources such as the Australian Institute of Criminology, the Australian Bureau of Statistics and a survey undertaken by the CJC in 1996 of approximately 500 defendants appearing in Queensland...
Magistrates’ Courts (CJC, 1996a). All of this research either predates my time at the CJC or comes from an outside source, except the 1995 survey. For this survey, I redesigned and added material to the questionnaire, and was involved in the data analysis and presentation of results.

**Statistics on complaints against police**

In theory, when anybody (for example, a member of the public, another police officer, politician, lawyer) makes a complaint about the conduct of a police officer, a record of the nature of the complaint is made. Currently, these records are contained in three databases: one maintained by the CJC and the other two by the QPS (see below for details of these databases). I used these data to analyse trends over time in the number, type and outcome of complaints made against police. In addition, I obtained more detailed information on some types of complaints by reading and coding complaints files held at the CJC.

**Complaints against police data sources**

Data on complaints against Queensland police come from three sources:

a) the Query Personnel system database (known as the QPE system) maintained by the QPS

b) CJC complaints database and the associated charges register

c) Complaints Management System database maintained by the QPS Ethical Standards Command of the Inspectorate (this database was previously known as the Professional Standards Unit complaints database).
The QPE database

The QPE System, which is used for personnel management, has been maintained by the QPS since 1986. The system records information on staff allocations and leave and also details from officers’ personnel files, including complaints against individual officers and unfavourable mentions. It was hoped that this system would enable some pre- and post-Fitzgerald Inquiry comparisons on the extent that the reforms had been responsible for an increase in recorded complaints against police. In mid-1995, details on complaints and unfavourable mentions were downloaded from the database by the QPS and analysed by me for the purposes of research for the CJC report *Integrity in the Queensland Police Service: Implementation and Impact of the Fitzgerald Inquiry Reforms* (CJC, 1997a). The CJC gave an undertaking that details about individual officers recorded in the database would not be identified in any publication. The QPE database is the only source of statistical information about complaints against police and disciplinary outcomes in the pre-Inquiry period. As such, it is a valuable research resource. However, the database also has several limitations.

First, the database was not designed specifically for compiling complaints statistics and there appears to have been little, if any, “quality control” over the way in which information has been entered. For example, there does not seem to be a designated position responsible for data integrity or maintaining a data entry manual, the database contains many text fields, and data are entered by officers from many positions within the QPS but without any co-ordination. All these factors result in a variety of different data entry standards existing both over time and throughout the QPS.

Second, there does not appear to have been any consistent rule followed in determining how details of complaints should be recorded: the data were recorded neither as complaints nor allegations, but as a combination of the two. Consequently, it is not possible to apply consistent counting rules to the data.
Third, after the Fitzgerald Inquiry, “disciplinary charges” were divided into “breach of discipline” and “misconduct” matters (see page 43 for definitions of these matters), but before the Inquiry no such distinction existed. The QPE database therefore contains no information on how disciplinary matters might be categorised. In addition, the way in which complaint types and outcomes are classified in the QPE database is not comparable with either CJC or Professional Standards Unit data.

Finally, when the database was established in 1986, complaints data were retrieved from QPS files, but only for those officers who were then members of the QPS. These data include details of all complaints made in respect of then current officers, over the whole of their careers, including data relating to complaints pre-dating the establishment of the database. To provide as comprehensive a picture as possible, and given that few officers had left the QPS during 1984 and 1985, the CJC decided to include data relating to complaints originating in 1984 and 1985. However, the database omits those officers who left the employ of the QPS prior to 1986, some of whom may have been the source of significant numbers of complaints. In 1984–85, 146 police officers resigned or retired from the QPS, and a further three were discharged or dismissed (total of 149 officers). In 1985–86, 200 officers resigned or retired, and an additional seven officers were discharged or dismissed (total of 207 officers) (Queensland Police Department, 1985, 1986). As a result, any conclusions about the number or types of complaints or outcomes in the pre-1986 period must be treated with caution. In addition, any allegations with unknown dates were eliminated from the analysis.

**CJC complaints database**

It was hoped that the CJC complaints data would show that Fitzgerald reform measures had increased substantiation rates compared to those reported in the Fitzgerald Inquiry report. The database can also be used to explore the types of matters reported and to ascertain if areas of concern, particularly those identified by the Fitzgerald Inquiry (for example, “verballing” which is the fabrication or alteration of evidence), have improved. The CJC
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complaints database has been in operation since the establishment of the CJC’s Complaints Section in April 1990. The database captures information on all official misconduct complaints against members of units of public administration (including the QPS) and all misconduct complaints against members of the QPS. The database allows information to be retrieved about both complaints and allegations. (Note that one complaint can encompass several specific allegations, several complainants and several officers). The database only records details about misconduct complaints. The only information which is recorded in relation to breach of discipline matters is the number of such complaints. (See Chapter Two for a description of the distinction between misconduct and breach of discipline matters.)

An associated component of the CJC complaints database is the charges register. That register records details of all charges, both criminal and disciplinary, which have been recommended against officers in units of public administration. Where charges are proceeded with, the register also records the result of those charges. The data presented in this thesis relate only to charges against members of the QPS. The charges are recorded in the categories of criminal conduct, official misconduct, misconduct and breach of discipline. The statistics obtained from the register are subject to constant revision, as matters previously categorised as “pending” are finalised. The data presented in this thesis were extracted on the 28 August 1997.

Complaints Management System database

In 1991, the Professional Standards Unit was established within the QPS to coordinate, monitor and review complaint resolutions and investigations within the Service. Since January 1992, the Professional Standards Unit has maintained a relational database of all complaints against members of the QPS regardless of which organisation (the QPS or the CJC) has dealt with the matter. Information is available from the database about complaints, allegations, subject officers and complainants. On 1 October 1997 the Professional Standards Unit was restructured into the Ethical Standards Command and its
database was officially titled the Complaints Management System. The entire database is periodically downloaded and provided to the CJC Research and Prevention Division by the Ethical Standards Command for use in a variety of research projects.

In some respects, the Ethical Standards Command data are more comprehensive than CJC data, because the Complaints Management System records details of breach of discipline as well as misconduct matters. The Ethical Standards Command also records substantially more information than the CJC about the members who are the subjects of complaints and the complainants. On the other hand, the Complaints Management System covers a shorter time frame and not all misconduct complaints received by the CJC come to the attention of the Ethical Standards Command. In cases where no action is taken by the CJC (that is, the matter is not investigated, is deemed to be not in jurisdiction, or is withdrawn) the complaint is not usually passed on to the QPS. Several hundred complaints a year fall into this category.

The CJC and Ethical Standards Command also use different classifications schemes to record details about the types of complaints and complaint outcomes. In addition, it would appear that the CJC records more allegations for each complaint than does the QPS.

**Definitions of police corruption and misconduct**

Over the years a variety of definitions of corruption have been proposed and used. For example, McMullan (1961, pp. 183-184) proposed the following widely used definition of corruption:

...a public official is corrupt if he accepts money or money’s worth for doing something that he is under a duty to do anyway, that he is under a duty not to do, or to exercise a legitimate discretion for improper reasons.

Roebuck and Barker (1974, p. 8) defined police corruption as:

...any type of proscribed behaviour engaged in by a law enforcement officer who receives or expects to receive, by virtue of his official position, an actual or potential unauthorised material reward or gain.
More (1985, p. 203) defined corruption as:

...any act involving the misuse of authority that resulted in a law enforcement officer receiving a material reward or violating criminal laws.

Common to each of these three definitions is the officer receiving some material gain.

Other authors have expanded their definitions to include varying forms of gain. For example, Lusher (1981, p. 631) defined corruption as “the illegal or improper use of police power for personal gain in some form, not necessarily financial, by persons possessed of police power” (see also Goldstein, 1975, p. 3). Similarly, Lynch (1989, p. 166) said:

...corruption occurs when a police officer acts in a manner which places his or her personal gain or benefit ahead of duty in the course of meeting responsibilities, resulting in violations of police procedure or violations of criminal law. (see also Cohen, 1986, p. 23)

Fishman (1978) surveyed a random sample of 500 police who were given a list of 14 commonly cited definitions of police corruption and asked to indicate which statement represented the officer’s agency’s definition. The majority indicated the definition of the National Advisory Commission on Criminal Justice Standards and Goals (1973, p. 473):

Police corruption consists of acts which involve the misuse of police authority for the police employee’s personal gain; activity of the police employee which compromises, or has the potential to compromise his ability to enforce the law or provide other service impartially; the protection of illicit activities from police enforcement, whether or not the police employee receives something of value in return; the police employee’s involvement in promoting the business of one person while discouraging that of another person.

While expanded to include personal rather than just material gain, this type of definition was sometimes taken to exclude some police activities involving a corruption of power, such as physical abuse or illegal searches and seizures. Goldstein (1975, p. 3) argued that:

Corruption and physical abuse are sometimes inseparable. Police have, for example, been known to use force or threat of force to obtain payoffs. But most of the complaints alleging improper use of force do not include charges of corruption for personal gain.

Price (1972) described both police brutality and corruption as forms of deviant behaviour but distinguished between them by stating that police brutality “typically triggered by emotional responses to frustration, anger, hate, and the like has as its goal satisfaction though release of tension”. Corruption, on the other hand, “is typified by behavior directed toward the goal of financial advantages (and sometimes tangentially enhanced status)” (p. 162).
Both police corruption and police misconduct have also been defined as a subset of “police occupational deviance”:

Police occupational deviance refers to all deviant acts, i.e., violations of criminal laws, departmental rules and regulations, and ethical police standards, which occur during the course of occupational activity and are related to employment as a police officer (Barker, 1983, p. 30).

Under this conceptualisation police corruption was defined as “any proscribed act which involves the misuse of the officer’s official position for actual or expected material reward or gain” (Barker, 1983, p. 30). Police misconduct is any form of police occupational deviance that does not involve a material reward or gain.

Thus, while these definitions include activities such as physical abuse, other authors have sought to include “noble cause corruption” in their definitions. Shearing (1981, p. 1) simply stated “police corruption is identified as police behaviour that results in private gains at public expense”. He also defined “organisational police deviance” as “various deviant acts designed to further organisational objectives rather than promote personal gains (p. 2)”; that is, the deviant activities carried out by police officers to “fight crime”. Along similar lines, Punch (1985, p. 14) stated:

...corruption is when an official receives or is promised 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.

The common thread of most of these definitions is that the illegal behaviour of the officer is directed towards the seeking of some sort of personal gain. As Carter (1990) pointed out, this “personal gain” mentioned in many of the definitions may include “status or an experience that is psychologically rewarding to an individual” rather than, or in addition to, material rewards. Some seek to include organisational gains and others wish to include physical abuse. It is obvious that no single definition of police corruption will be universally appealing or will have application in every situation. However, to be able to deal generally with police corruption, it is necessary to work with a definition which is not too constricting or broad. The purpose of this thesis is not to distinguish between the many forms of police occupational deviance often called police corruption, misconduct, crimes,
etc., but to examine the causes of and ways to control such behaviour. However, for this thesis I have tended to concentrate upon the more serious forms of police deviance (titled “corruption”) rather than less serious behaviours (titled “misconduct”). Thus, the following definition has been used:

*Corruption is defined as any act involving the misuse of authority when a police officer receives or is promised a material reward or when a police officer violates criminal law. Misconduct is any violation of departmental rules or regulations that does not involve the receipt or promise of a material reward or gain for the police officer.*

Thus, gratuities would fit into the above definition as a minor form of corruption because they involve a small material gain for the officer. An assault or Driving under the Influence would also be classified as corruption as these behaviours involve violation of criminal law. An officer having sex, sleeping or drinking alcohol on duty would be misconduct as these behaviours do not involve material reward or violate criminal law. These behaviours are only contrary to departmental rules or regulations. However, for reasons outlined immediately below, a factor of more importance than the definition of corruption is the typology used to classify the “corruption” into various categories. As explained below, this typology should be highly specific with homogenous categories. Existing typologies will be discussed in the next section.

**Typologies of police corruption**

The rationale behind the development of a typology of police corruption is to conceptualise this form of corruption in a concise and comprehensible manner. This conceptual understanding will then help police administrators (both internal and external) to focus training, supervision or other prevention strategies in order to minimise the potential for such deviance. Furthermore, the development of a homogenous typology is of vital importance to the development of situational crime prevention strategies. The more similar the crimes or, in this case, corrupt behaviours are within a category, “the more likely
something can be done to prevent this kind of crime happening in the future” (Poyner, 1986, p. 31).

Some authors propose typologies that encompass the entire realm of police corruption but are too broad and non-specific to be of much practical value. For example, Ward and McCormack (1987, p. 37) classified police corruption into four categories:

1. Acts which are common throughout the whole department and are generally accepted.
2. Acts which are less common than those of the first category but which are generally overlooked.
3. Acts which are common to particular units, like narcotics and vice, and which are accepted or overlooked by unit members.
4. Acts which are not common, which involve a few individuals, and which would be reported if discovered.

While this type of classification may be an aid to the description of police corruption, it is of limited use in prevention efforts because the categories are too heterogeneous.

Earlier, Meyer (1977) – in explaining how to improve the investigation of police corruption – examined 1,126 citizen complaints lodged with the New York City Police Department in an eight month period in 1972 that had been investigated and closed by the time he was conducting his review in the following year. He constructed a basic typology which is presented in Table 1.2, along with the number of cases he classified in each category.

<table>
<thead>
<tr>
<th>Table 1.2 – Meyer’s typology of complaint types</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Miscellaneous (n=246)</td>
</tr>
<tr>
<td>II. Rules and Procedures Violations (n=43)</td>
</tr>
<tr>
<td>III. Bribery (n=61)</td>
</tr>
<tr>
<td>IV. Gratuities (n=93)</td>
</tr>
<tr>
<td>V. Larceny – Money (n=127)</td>
</tr>
<tr>
<td>VI. Larceny – Property (n=94)</td>
</tr>
<tr>
<td>VII. Larceny – Property Arrest Situations (n=38)</td>
</tr>
<tr>
<td>VIII. Larceny – Property from Towed Vehicles (n=83)</td>
</tr>
<tr>
<td>IX. Protection Schemes (n=270)</td>
</tr>
<tr>
<td>X. Protection of Parking (n=71)</td>
</tr>
</tbody>
</table>
He also reported that “corruption was most frequently alleged to have occurred on the street (315), at business or construction sites (310), at police facilities (126), and in vehicles (112)” (Meyer, 1977, p. 22). This form of typology, while still not specific enough, is moving towards a useful prevention typology because the categories are becoming more homogenous as required for the development of situational prevention strategies.

Several years later Barker (1983) outlined the following typologies of police corruption and misconduct which he used in his studies (Table 1.3):

### Table 1.3 – Barker’s (1983) typology of police corruption and misconduct

<table>
<thead>
<tr>
<th>CORRUPTION (Involves a Material Reward or Gain)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Corruption of Authority (for example, unauthorised free meals, discounts, etc.)</td>
</tr>
<tr>
<td>2) Kickbacks (receipt of money, goods or services for referring business to towing companies, ambulances, etc.)</td>
</tr>
<tr>
<td>3) Opportunistic Thefts (from arrestees, victims, crime scenes and unprotected property)</td>
</tr>
<tr>
<td>4) Shakedowns (taking of money or other valuables from traffic offenders or criminals)</td>
</tr>
<tr>
<td>5) Protection of Illegal Activities</td>
</tr>
<tr>
<td>6) Traffic Fix (disposing of or quashing citations or court proceedings)</td>
</tr>
<tr>
<td>7) Misdemeanour Fix</td>
</tr>
<tr>
<td>8) Felony Fix</td>
</tr>
<tr>
<td>9) Direct Criminal Activities</td>
</tr>
<tr>
<td>10) Internal Payoffs (for example, the sale of days off, holidays, work assignments etc. from one officer to another)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MISCONDUCT (No Material Reward or Gain)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Police Perjury</td>
</tr>
<tr>
<td>2) Police Brutality</td>
</tr>
<tr>
<td>3) Sex on Duty</td>
</tr>
<tr>
<td>4) Drinking on Duty</td>
</tr>
<tr>
<td>5) Sleeping on Duty</td>
</tr>
<tr>
<td>6) Other Violations (for example, speeding in patrol cars, personal shopping on duty)</td>
</tr>
</tbody>
</table>
Barker (1983) surveyed 271 officers attending training courses from a variety of police agencies and departments about the perceived extent of these types of corruption and misconduct within their departments (reported earlier in Chapter One). Barker (1983) concludes with the recommendation that, “It may well be that the best method to control or prevent these patterns of police deviance is to recognize their possible existence and introduce the police recruit to them prior to his/her going on patrol”. This seemingly logical precaution has also been suggested by other authors (e.g., Johnston, 1993; Burnham, 1974).

Punch (1985) suggested adding to the Barker (1983) typology the corruption categories of “flaking” and “padding” which are the planting of or adding to evidence, particularly in drug cases. Carter (1986) also operationalised “police brutality” by dividing it into a tripartite typology of “(1) physical abuse/excessive force; (2) verbal/psychological abuse; and (3) legal abuse/violation of civil rights” (pp. 151-152).

In a later work, to encompass such improprieties as discrimination, violations of civil rights, verbal mistreatment, and sexual harassment, Barker and Carter (1994, p. 6) proposed:

...a two-point typology: (1) Occupational deviance and (2) abuse of authority... Police occupational deviance is the deviant behavior – criminal and non-criminal – committed during the course of normal work activities or committed under the guise of the police officer’s authority.

Police occupational deviance is further divided into two categories – police corruption and police misconduct. Abuse of authority was defined as:

...any action by a police officer without regard to motive, intent, or malice that tends to injure, insult, trespass upon human dignity, manifest feelings of inferiority, and/or violate an inherent legal right of a member of the police constituency in the course of performing “police work” (p. 7).

Abuse of authority is further divided into three categories: “physical abuse”, “psychological abuse”, and “legal abuse” (pp. 7-8).

In respect to police violence, Uildriks and van Mastrikt (1991) outlined a five category classification system based on the motivation behind the violence. These are police violence as:

1) a “fair fight” with individual officers and members of the public agreeing to “sort things out” on a one-to-one basis
2) “effective policing” used to achieve the desired goal “means justifies the end”

3) “informal punishment” either in addition to a formal charge or as an alternative to such a charge

4) an “act of war” or “showing them who the boss is”

5) “police riots” where police are “the major or even only perpetrator of disorder, violence, and destruction” in which “roving bands of policemen set upon unprovocative persons and/or property in an excessively violent manner” (Stark, 1972, p. 17).

Carter (1990) outlined two types of drug corruption in his work. The first he titled “In Search of Illegitimate Goals” which has two subtypes; the “User-driven cycle” involving the confiscation of drugs for personal use and the “Profit-driven cycle” involving the theft, robbery, or the taking of bribes from traffickers. Of interest here are the rationalisations of the officers involved in these activities. Of the “User-driven cycle” Carter (1990, p. 89) stated that:

While recognizing that taking drugs from the police custodial process is “wrong” (typically citing violations of department rules rather than criminal laws), officers did not view this behavior as corrupt since it did not involve an exchange of money between the officer and a drug trafficker.

Of the Profit-driven cycle, he stated:

...the officers who committed thefts and robberies of drug dealers viewed officers who accepted bribes or committed extortions as the “real corrupt” officers...The logic was that if a bribe was taken, a fellow officer could be injured by this action. However, thefts from the drug dealers did not “hurt anyone except the criminals” (p. 90).

The second type of drug corruption is labelled “In Search of Legitimate Goals”, which involves the prosecution and incarceration of drug traffickers through illegitimate means (for example, false statements, perjury, “planting” evidence, entrapment, etc.).

The CJC uses the following quite elaborate code list shown in Table 1.4 in its investigation of complaints against members of Queensland public sector agencies including the QPS. The CJC’s code list was developed by several staff members based upon the initial several hundred complaints that the CJC received after its establishment. It should be noted that the only codes which are not relevant to police are in “Corruption, Favouritism”, involving Zoning or Development.
### Table 1.4 – Criminal Justice Commission allegation type code list

**A Assaults**
1. Common
2. Serious Assault without Weapon and excluding Sexual
3. Serious Assault with Weapon and excluding Sexual
4. Sexual
5. Other

**B Behaviour**
1. Incivility/Rudeness/Verbal Abuse/Aggressive Manner
2. Intoxication
3. Inconsiderate
4. Other

**C Corruption, Favouritism**
1. Receipt of Benefits – Zoning/Development
2. Receipt of Benefits – excluding Zoning/Development
3. Giving Favours/Bias – Zoning/Development
4. Giving Favours/Bias – excluding Zoning/Development
5. Other

**D Drugs (other than Organised Crime – Refer O2)**
1. Protection of Persons involved in Drugs
2. Cultivation/Manufacturing
3. Using
4. Dealing including Trafficking
5. Planting of Persons/Property
6. Misappropriating Seized Drugs
7. Other (refer also S1)

**E Evidence**
1. Fabrication of, inc. Verballing, Perjury, etc.
2. Improperly/Unlawfully Obtaining
3. Destruction/Tampering with (excluding Misappropriation of Seized Drugs)
4. Other

**F Firearms**
1. Display of
2. Discharge of
3. Other

**G Goods and Property**
1. Wrongful Seizure
2. Failure to Return
3. Damage of Seized Property (refer also S3)
4. Improper Use of Property of Unit of Public Administration other than Vehicles (refer T2)
5. Other

**H Harassment**
1. Threats
2. Excessive Attention
3. Sexual
4. Other
### Table 1.4 – Criminal Justice Commission allegation type code list (continued)

<table>
<thead>
<tr>
<th></th>
<th>Information Breaches</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Disclosure/Passing of Confidential Information</td>
</tr>
<tr>
<td>2</td>
<td>Refusal to Disclose (excluding Name/Identification – refer L3)</td>
</tr>
<tr>
<td>3</td>
<td>Giving Incorrect Information</td>
</tr>
<tr>
<td>4</td>
<td>Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Dealings With: Juveniles/Disabled/Aborigines</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Conduct of Interview</td>
</tr>
<tr>
<td>2</td>
<td>Wrongful Arrest/Detention</td>
</tr>
<tr>
<td>3</td>
<td>Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Custody Matters</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Refusal of Legal Representation</td>
</tr>
<tr>
<td>2</td>
<td>Refusal to Provide Necessities/Medical Attention</td>
</tr>
<tr>
<td>3</td>
<td>Refusal to Allow Contact</td>
</tr>
<tr>
<td>4</td>
<td>Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Failure to Perform Duties</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To Investigate/Properly Investigate</td>
</tr>
<tr>
<td>2</td>
<td>By Police to Report Offence</td>
</tr>
<tr>
<td>3</td>
<td>Failure to Identify (Name, Station, Reg No., etc.)</td>
</tr>
<tr>
<td>4</td>
<td>Not performing statutory duty</td>
</tr>
<tr>
<td>5</td>
<td>Absent from Place of Duty/Claiming for Duties not Performed</td>
</tr>
<tr>
<td>6</td>
<td>Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Misuse of Powers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Involvement in Civil Dispute</td>
</tr>
<tr>
<td>2</td>
<td>Exceeding Powers</td>
</tr>
<tr>
<td>3</td>
<td>Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Arrest/Detention</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Wrongful (excluding J2)</td>
</tr>
<tr>
<td>2</td>
<td>Instead of Summons</td>
</tr>
<tr>
<td>3</td>
<td>Reason Not Given</td>
</tr>
<tr>
<td>4</td>
<td>Unnecessary Force During</td>
</tr>
<tr>
<td>5</td>
<td>Entrapment</td>
</tr>
<tr>
<td>6</td>
<td>Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Organised Crime</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Gaming/Gambling</td>
</tr>
<tr>
<td>2</td>
<td>Drugs</td>
</tr>
<tr>
<td>3</td>
<td>Prostitution</td>
</tr>
<tr>
<td>4</td>
<td>Money Laundering</td>
</tr>
<tr>
<td>5</td>
<td>Racing/Trotting/Coursing</td>
</tr>
<tr>
<td>6</td>
<td>SP [“starting price”] bookmaking</td>
</tr>
<tr>
<td>7</td>
<td>Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Proceedings/Judiciary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Failure to Properly Present Prosecution/Defence</td>
</tr>
<tr>
<td>2</td>
<td>Wrongful</td>
</tr>
<tr>
<td>3</td>
<td>Inappropriate Judicial Conduct</td>
</tr>
<tr>
<td>4</td>
<td>Other</td>
</tr>
</tbody>
</table>
Table 1.4 – Criminal Justice Commission allegation type code list (continued)

<table>
<thead>
<tr>
<th>Column</th>
<th>Description</th>
<th>Code(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q</td>
<td>Prostitution (excluding Organised Crime – refer O3)</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Protection of</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Not being Policed</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Consorting with Prostitutes</td>
<td>4</td>
</tr>
<tr>
<td>R</td>
<td>Criminal Act or Omission</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Stealing</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Other Dishonesty Offences (refer also L5)</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Sexual Offences</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Leading to Death</td>
<td>5</td>
</tr>
<tr>
<td>S</td>
<td>Searches</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Wrongful Drug Investigation Search</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Other Wrongful Search</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Search Occasioning Damage (other than Seized Property – refer G3)</td>
<td>4</td>
</tr>
<tr>
<td>T</td>
<td>Traffic/Vehicles</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Issuing of T.O.N.’s [Traffic Offence Notices]</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Manner of Use of Vehicles of Units of Public Administration</td>
<td>3</td>
</tr>
<tr>
<td>U</td>
<td>Unrest (Handling of)</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Riot</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Street Disturbance</td>
<td>3</td>
</tr>
<tr>
<td>V</td>
<td>Victimisation (not Harassment – refer H)</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Victimisation of whistleblowers/complainants</td>
<td>2</td>
</tr>
<tr>
<td>W</td>
<td>Warrants of Commitment/Apprehension</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Improper Execution</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Delays in Execution</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Improperly Issued/Completed/Sworn</td>
<td>4</td>
</tr>
<tr>
<td>X</td>
<td>Miscellaneous</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>High Speed Chase</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Discharge of Firearm</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Attempted Suicide by Prisoner/Detainee</td>
<td>4</td>
</tr>
<tr>
<td>Z</td>
<td>Major Incident (Police)</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>High Speed Chase</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Discharge of Firearm</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Attempted Suicide by Prisoner/Detainee</td>
<td>4</td>
</tr>
</tbody>
</table>
The classification system used by the CJC for statistical purposes is (like most official crime categorisation systems) not suitable for a situational type analysis since many of the categories are both too wide and too ambiguous. That is, behaviours that are quite dissimilar will be found together in the same category and behaviours that are very similar may be scattered over several categories. To obtain the appropriate level of homogeneity necessary for the situational prevention efforts proposed by this thesis it was necessary to re-classify the CJC complaints data into a typology with more specificity. Thus, the classification system of Barker (1983) – see Table 1.3 – was adopted as the starting point typology for the current research. (See Chapter Seven for more on how the typology was developed from this point to its final stage).

**Methodological issues**

In September 1997 the CJC released the report titled *Integrity in the Queensland Police Service: Implementation and Impact of the Fitzgerald Inquiry Reforms* (CJC, 1997a) for which I was the principal researcher and author. As described in the report, a major problem in preparing the report was the lack of reliable data from the pre-Fitzgerald Inquiry period, which meant there was no firm baseline for comparison purposes. For example, there are no statistically-based studies of police attitudes towards reporting misconduct by other officers which could be compared with the findings from police ethics surveys described above. Similarly, the only survey on public confidence in the complaints system was undertaken in 1995, after the new system had been in place for some years. The findings of the Fitzgerald Inquiry itself provide a baseline of sorts, but it is not good research practice to rely on a single source.

Also, the data available from the pre- and post-Fitzgerald Inquiry periods were often not readily comparable. For instance, the method of categorising allegations against police which was used prior to the Fitzgerald Inquiry was not adopted by either the Professional Standards Unit or the CJC. It was also very difficult to compare findings from different public opinion surveys, because of the lack of consistency in question wording.
In addition, there are considerable problems involved in interpreting complaints data, particularly where these data are being used as indicators of changes in the extent and seriousness of police misconduct and corruption. Frequently corruption is conducted in secret and is “consensual” rather than victim-based: hence, it is unlikely to lead to a complaint. Conversely, not all complaints against police are indicative of inappropriate behaviour by the officers concerned. Some complaints arise because the complainant does not understand the police role or powers, or misinterprets the actions of police. Some complaints are deliberately fabricated or exaggerated and many concern matters (such as police failure to attend a call more quickly, or to solve a crime) which relate more to the quality of service delivery than to misconduct on the part of individual officers. In addition, as shown by the CJC’s Attitudes to Police Survey (CJC, 1995b) and the Defendants’ Survey (CJC, 1996a), many people who feel aggrieved by some police action or inaction do not make a formal complaint for one reason or another.

A further complication is that the number of recorded complaints against police may vary over time for reasons unrelated to any change in the underlying level of police misconduct. For example, an increase in the number of recorded complaints against police since the Fitzgerald Inquiry could well be the result of greater public willingness to complain, due to greater confidence in the complaints process; a change in police recording practices, whereby complaints are more likely to be formally documented than in the past; or an increased level of police-citizen interaction (CJC, 1997a). Hence, a rise in complaints does not necessarily indicate a deterioration in police standards of behaviour and, conversely, a fall in complaints may not equate to an improvement in behaviour. Focusing only on substantiated allegations almost certainly leads to an understating of the extent of police misconduct. Complaints categorised as “unsubstantiated” include many matters where it is possible that the police behaved improperly, but insufficient evidence was available to support a criminal or disciplinary charge. In addition, the number of substantiated complaints recorded in any given year is sensitive to changes in reporting and recording practices, as well as to changes in the way in which complaints are dealt with (for example, greater use of informal resolution may result in fewer matters being recorded as substantiated) and the efficacy of the complaints investigation process.
As a way of dealing with the above difficulties, wherever possible, multiple data sources were utilised to explore particular issues. Although each source has limitations, collectively they can be used to build up an overall picture. It may not be possible to be precise about the extent to which the Fitzgerald Inquiry reforms have led to changes in police attitudes and behaviour or increased public confidence in the QPS and the complaints system. However, in most cases, the data are sufficiently comprehensive – and robust – to support defensible conclusions about the general direction of the changes which have occurred.

Further methodological difficulties exist that are specific to the situational analysis of complaints files (Chapter Seven – Study Three) and the divisional analysis of complaints data (Chapter Eight – Study Four). There were two main difficulties associated with Study Three. The first difficulty to be overcome was the development of a homogenous typology for use in classifying the various types of police corruption and misconduct. Such a typology is vital for the development of situational crime prevention strategies. The next issue was to determine if there exists enough detailed information contained in CJC complaints files to enable a situational analysis to be attempted. Study Four also had two main difficulties. First, the CJC complaints database lacked details regarding subject officer location details and a unique identifier for each subject officer which were necessary to conduct the divisional analysis. Thus, it was necessary to use the Complaints Management System of the QPS instead. The second difficulty involved attempting to provide a measure of “task environment”. This was accomplished by recoding of data in the Complaints Management System into four subtypes (General Station, Criminal Investigation Branch, Traffic and Other Duties) as well as inclusion of unit size factor (also called a unit’s establishment). All these methodological difficulties from Studies Three and Four will be discussed in more detail in the respective chapters.
Summary

This chapter described the rationale for research work to be conducted into police corruption by outlining the extent of such corruption and its costs and effects on society and police services. The chapter described a large range of corrupt practices existing within a variety of different police jurisdictions with costs to society such as increases in preventable crime, a less effective police service, and a betrayal of public trust. The costs to police departments include lowered morale, loss of resources to the investigation of police misconduct complaints, compromising of police operations, and diminished ability to attract quality recruits and retain officers of integrity and skill. The research questions tested in the thesis were then outlined, the data sources employed to test these questions were described and some methodological difficulties were discussed. The next chapter of this section describes the findings and recommendations of the Fitzgerald Inquiry into police misconduct in Queensland.
CHAPTER 2
THE FITZGERALD INQUIRY IN QUEENSLAND

The report of the Fitzgerald Inquiry (1989) identified various features of the QPS that had allowed widespread misconduct to go undetected and unpunished, and documented a lack of confidence by the public in the willingness and ability of the QPS to investigate complaints of misconduct. Areas of particular concern identified by the Fitzgerald Inquiry included inadequate external scrutiny and oversight of the investigation of misconduct by police, the existence of a strong “code of silence” among police, inappropriate rules and procedures for reporting and investigating misconduct, closed recruitment policies, and poor management and supervision.

The Inquiry recommended a comprehensive package of reforms aimed at restructuring the QPS and the environment in which it operated. Primarily, those reforms fell into two broad but inter-related categories: those aimed at improving the processing, investigation and monitoring of complaints; and those directed at changing the organisational climate of the QPS so as to promote proper conduct and reduce the tolerance of misconduct. The Inquiry’s major recommendation aimed at improving the processing, investigation and monitoring of complaints centred around the creation of the CJC – an independent civilian-controlled agency with substantial powers and resources to investigate suspected misconduct by police officers and to monitor internal investigations conducted by police. The Inquiry’s recommendations concerning this oversight body were incorporated (in many cases, almost verbatim) into the Criminal Justice Act 1989, which established the CJC. The Inquiry made a range of recommendations directed at changing the organisational climate of the QPS so as to promote proper conduct and reduce the tolerance of misconduct. Primarily, the Fitzgerald Inquiry argued that an important strategy for achieving cultural change in the QPS was to make substantial changes to the gender, educational and age profile of recruit intakes. In addition, the Fitzgerald Inquiry report urged the adoption of policies which would facilitate lateral entry from other organisations into more senior positions within the Police Service, and give a greater role to civilians in senior and management positions.
Introduction

On 27 July 1987 the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (referred to as the “Fitzgerald Inquiry”) held its first public hearings. The Inquiry was a crucial event in the history of the QPS. As stated by Weller (1994, p. 265) rarely do royal commissions “have the legitimacy of Fitzgerald to demand attention and implementation”. It brought the problem of police misconduct and corruption into stark public focus and resulted in wide-ranging reforms being made to the QPS and the institutional environment in which it operated. As a result of the Inquiry some senior police, including the then Police Commissioner Sir Terence Lewis, were identified as corrupt and the public image of the Service was severely tarnished. The report of the Inquiry, released in July 1989, was highly critical of the management of the QPS and of the politicians who had been responsible for its oversight. The QPS was said to be “debilitated by misconduct, inefficiency, incompetence and deficient leadership”, and characterised by “lack of discipline, cynicism, disinterest, frustration, anger and low self-esteem” (1989, p. 200). To address these problems, the Fitzgerald Inquiry proposed wide ranging reforms aimed at improving standards of police behaviour, ensuring that misconduct was dealt with appropriately, enhancing police effectiveness, and restoring public confidence in the Service.

The Fitzgerald Inquiry’s findings

The report of the Fitzgerald Inquiry (1989) identified various features of the QPS that had allowed widespread misconduct to go undetected and unpunished, and documented a lack of confidence by the public in the willingness and ability of the QPS to investigate complaints of misconduct. Examples of such corruption were “verballing” (manufacture

1 For ease of reference the expression “QPS” has been used throughout this thesis to denote the Queensland Police Service and its predecessors (except in direct quotations and references).

or falsification of or tampering with evidence); theft of seized or forfeited property, and the acquisition of such property at undervalued prices upon its official disposal; using informants and other criminal contacts for the disposal of illegally acquired property; and the acceptance of money, property and sexual favours in return for providing benefits such as warnings about law enforcement activities, information, licences, favourable exercise of discretions, and the charging of “nominees” so those responsible could avoid prosecution. The Inquiry concluded that the complaints and disciplinary system was ineffective in detecting and preventing unethical behaviour and that there was a clear lack of commitment within the QPS to investigate properly complaints of police misconduct. Areas of particular concern identified by the Fitzgerald Inquiry included:

- **Inadequate external scrutiny and oversight of the investigation of misconduct by police.** The Fitzgerald Inquiry was highly critical of the Police Complaints Tribunal, the external body established in 1982 to receive and investigate complaints of police misconduct, comprised of a Judge of the Supreme or District Court, a Stipendiary Magistrate and a person nominated by the Queensland Police Union of Employees. In the Inquiry’s view, the Police Complaints Tribunal had failed to provide an effective external process for overseeing the way complaints were being handled and lacked public confidence because of its lack of resourcing. Its recommendations could be and were ignored or diluted by the police force, and its membership and method of appointment resulted in diminished impartiality and independence.

- **The existence of a strong “code of silence” among police.** According to the Fitzgerald Inquiry, the majority of Queensland police officers had for many years adhered to an unwritten code under which it was considered impermissible for police to criticise their colleagues – particularly to anyone outside of the organisation – or to cooperate in investigations of fellow police. The Inquiry described the code as “an integral element of police culture … [which] has been a critical factor in the deterioration of the Police Force” (1989, p. 202) by reducing, if not almost eliminating, concern about possible apprehension and punishment as a deterrent to misconduct.
- **Inappropriate rules and procedures for reporting and investigating misconduct.** The Fitzgerald Inquiry found that the regulations governing standards of conduct were unclear and poorly defined (1989, pp. 286, 293-94), internal investigation units had inadequate resources and powers (pp. 288-89), and there was little support for officers to report misconduct (p. 286). In the Inquiry’s view, the procedures for handling complaints had actually inhibited the reporting and detection of police misconduct.

- **Closed recruitment policies.** The Fitzgerald Inquiry argued that the recruitment practices of the QPS had promoted insularity and a resistance to external scrutiny of practices due to the virtually total reliance on base-level Constable recruitment with internal promotions, the lack of diversity in recruit intakes (that is, few recruits who were female or from minority backgrounds), and also the youth and inexperience of many recruits (1989, pp. 246-247).

- **Poor management and supervision.** The Fitzgerald Inquiry identified several deficiencies in QPS organisational and management structures and processes (see CJC (1994b) for more detail). It concluded that poor management and supervision resulted from a number of factors, including inadequate information and administrative systems, inappropriate procedures and guidelines, and insufficient training. These deficiencies often enabled misconduct to be hidden from scrutiny and allowed officers to escape accountability for their actions. For example, there was no supervision of contacts and arrangements between officers and informants (1989, p. 203), which meant that any irregularities or misconduct could frequently go undetected.

The Inquiry recommended a comprehensive package of reforms aimed at restructuring the QPS and the environment in which it operated. The Inquiry’s major recommendations centred around the creation of the CJC – an independent civilian-controlled agency with substantial powers and resources to investigate suspected misconduct by police officers. Reforms in complaints processing fell into two broad categories: those aimed at improving the processing, investigation and monitoring of complaints (such as through the
establishment of the Official Misconduct Division of the CJC); and those directed at changing the organisational climate of the QPS so as to promote proper conduct and reduce the tolerance of misconduct. Both these areas will be addressed below.

Reforming the complaints and disciplinary system

Most of the Inquiry recommendations relating to the police complaints and discipline processes have been implemented wholly or with some modification. Key changes introduced as a result of the Inquiry, which will be elaborated below, have involved:

- the creation of the CJC – an independent civilian-controlled organisation with substantial powers and resources to investigate suspected misconduct by police
- re-writing of the Police Rules
- implementation of some measures to make the disciplinary process less adversarial
- strengthening of the statutory obligation on police to report suspected misconduct by fellow officers and greater statutory protection of officers who report misconduct.

Other important procedural and structural changes which have occurred in this area since the completion of the Fitzgerald Inquiry have been the implementation of informal resolution as an alternative method for dealing with minor complaints against police and the creation of two new organisational units – the Professional Standards Unit and the Commissioner’s Inspectorate – to oversee the disciplinary process and promote compliance with organisational policies and procedures. A recent development is the creation of an Ethical Standards Command within the QPS. This new Command, which is developing close working relationships with the CJC on a variety of projects, merges the functions of
the Professional Standards Unit and the Inspectorate, and is intended to facilitate a more proactive approach to the prevention and detection of police misconduct.

**The role of the Criminal Justice Commission**

The Fitzgerald Inquiry’s recommendations concerning the CJC were incorporated (in many cases, almost verbatim) into the *Criminal Justice Act 1989*, which established the CJC. As recommended by the Inquiry, the CJC has jurisdiction to investigate complaints against police which, if proved, would amount to “misconduct”. The QPS, on the other hand, has retained responsibility for “breach of discipline” matters. A breach of discipline is a breach of any provision of the *Police Service Administration Act 1990* or directions of the Commissioner (which includes the Code of Conduct and Code of Dress and Appearance). Breaches can commonly be described as violations or derelictions of duty. Misconduct, which is regarded as more serious, is defined by section 1.4 of the *Police Service Administration Act 1990* as conduct that:

- (a) is disgraceful, improper or unbecoming an officer; or
- (b) shows unfitness to be or continue as an officer; or
- (c) does not meet the standard of conduct reasonably expected by the community of a police officer.

Misconduct, or conviction for an indictable offence, are further grounds for disciplinary action.3

In contrast to the Police Complaints Tribunal and the external oversight agencies of most other Australian jurisdictions, the *Criminal Justice Act* extends the CJC’s role well beyond that of investigating allegations of police misconduct. As listed in the Integrity Report (CJC, 1997a, p. 10), the CJC also has responsibility for:

- overseeing and reporting on reform of the QPS generally, particularly in relation to the implementation of the Fitzgerald Inquiry recommendations

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3 Section 9(1)(f) and (g) *Police Service (Discipline) Regulation 1990.*
through research, investigation and analysis, giving policy directives on law enforcement priorities, education and training of police, revised methods of police operation, and the optimum use of resources (sections 23(h), (i) and (k))

investigating more serious allegations of misconduct (known as official misconduct) in the public sector generally (s. 23(f)(iii))

monitoring, reviewing, coordinating and initiating reform of the administration of criminal law and criminal justice in Queensland, including the use and effectiveness of investigative powers (s. 23(b) and (e))

overseeing criminal intelligence matters and managing criminal intelligence specifically with respect to major and organised crime and official misconduct (s. 23(d))

providing witness protection (s. 23(f)(ii))

advising organisations (including the QPS), and educating the public, on issues relating to ethical conduct by public officials and the prevention of corruption (s. 29(3)(e)).

It should be noted that the CJC has interpreted the provision described in the second dot point, “giving policy directives”, as authorising it to issue recommendations as well as directives. To date, the CJC has not issued any formal directives to the QPS preferring to take a co-operative approach making recommendations to police and monitoring their implementation.

The framework of rules

In accordance with the recommendations of the Fitzgerald Inquiry, the rules relating to police behaviour and discipline have been comprehensively re-written. These rules are now set down in the

- *Police Service Administration Act 1990*
- *Police Service (Discipline) Regulation 1990*
- *Police Service (Review of Decisions) Regulation 1990*
- *Criminal Justice Act 1989*,


as well as various Commissioner’s Directions and QPS policies, orders and procedures, including the *QPS Human Resource Management Manual* (particularly *Section 17.1: Code of Conduct, Section 18: Discipline, and Section 26.1: Code of Dress and Appearance*). The aim of these re-writes was to clarify the previously rather ambiguous standards of behaviour that were expected of QPS officers.

**Processes for handling complaints**

Some progress has also been made in addressing the Fitzgerald Inquiry’s criticisms of internal police disciplinary processes as unnecessarily complex and adversarial, and as being weighted too much in favour of the accused officer. The ineffectiveness of this system provided very little in the way of prevention benefits as its deterrence power was limited. Under new procedures, supervisors may now deal with minor breaches of discipline by issuing a written direction to the subject officer to rectify conduct. Where such a direction is ignored, the matter must then be reported as a breach of discipline (section 18.2.2 of the *QPS Human Resource Management Manual*). For administrative and disciplinary matters, police officers (including officers who are the subject of an investigation) may be instructed to answer truthfully, completely and promptly all questions directed to them by a person conducting an inquiry or investigation (section 18.4.3 of the *QPS Human Resource Management Manual*). The current system allows for formal hearings of disciplinary charges where the adjudicating officer exercises a discretion to determine whether the subject officer’s legal representative may attend. That hearing is not adversarial and the normal rules of evidence are relaxed. The privilege against self-incrimination has been abolished for disciplinary charges. The officer conducting the hearing is required to act fairly as an adjudicator and not as a prosecutor (section 18.6 of the *QPS Human Resource Management Manual*).

An important initiative aimed at providing officers with more immediate and responsive feedback to their actions, as well as improving relations with the public, is the introduction by the QPS, in July 1993, of informal complaints resolution procedures for resolving minor
complaints, such as rudeness and duty failure. This initiative was developed in conjunction with the CJC. The task of the officer who conducts the resolution – the authorised member – is to ensure that the complainant is satisfied with how the complaint is handled, rather than to decide whether disciplinary or criminal offences have occurred. Taking on the role of a conciliator rather than an investigator, the authorised member relays the views of each party – the complainant and the officer – to the other. Disciplinary sanctions are not imposed following the process. The possible outcomes are: the complainant accepts the explanation offered where it is lawful and reasonable; the officer apologises to the complainant or the authorised member apologises on the officer’s behalf or on behalf of the QPS; or the complainant agrees to differ where there is no corroboration of either version (section 18.12 of the QPS Human Resource Management Manual). Several hundred complaints a year are now resolved informally. Previous work by the author has shown that the process is considerably cheaper, quicker and more satisfying for complainants than the process of formal investigation, although there is still considerable scope for reducing the time involved (CJC, 1994a; CJC, 1996b).

**Initiatives to encourage the reporting of misconduct**

In accordance with the recommendations of the Fitzgerald Inquiry, section 7.2 of the Police Service Administration Act 1990 now requires any sworn or unsworn member of the QPS who knows or reasonably suspects that misconduct has occurred to report that misconduct to the Commissioner of Police and the CJC (see Chapter Six, pages 163-166 for more on the number and type of police against police complaints received by the CJC). It is also the duty of all police officers to take appropriate action under the regulations when a breach of discipline or misconduct is suspected. Section 7.3 of the Police Service Administration Act 1990 makes it an offence for anyone to take any form of retribution against a person who has made a report under section 7.2. The Criminal Justice Act 1989 (section 131) contains a similar provision. The Whistleblowers Protection Act 1994 seeks to protect people who disclose unlawful, negligent or improper conduct affecting the public sector and to encourage the making of such disclosures (see sections 3, 7, 41, 42 and 43 Whistleblowers Protection Act 1994). That Act also applies to the QPS. The legislation
makes it an offence to cause, attempt to cause, or conspire to cause detriment to a person, because that person made or may make a public interest disclosure.

The organisational context

A recurring theme of the Fitzgerald Inquiry report (1989) was that it is not sufficient simply to change the way in which complaints are handled. The organisational climate of the QPS had also to support and reward proper behaviour. The Inquiry report argued that organisational features such as recruitment practices, inadequate training programs and poor management styles had all contributed to the development of a police force that was insulated from the community which it served, and that felt threatened by external criticism (pp. 208-212).

The Fitzgerald Inquiry argued that an important strategy for achieving cultural change in the QPS was to recruit older, better educated people from a more diverse range of backgrounds, who had some exposure to “life’s experiences” and had developed social networks outside of policing (1989, pp. 245-247). Consistent with these recommendations, there have been substantial changes to the gender, educational and age profile of recruit intakes: women now comprise approximately one-third of the annual recruit intake into the QPS, compared with less than 10 per cent in the mid-1980s; most officers recruited after 1991 have been educated beyond secondary school and many have also had work experience, whereas this was true for less than 10 per cent of recruits in the pre-Fitzgerald Inquiry era; and in the early 1990s about 50 per cent of recruits were under the age of 21 compared to around 10 per cent currently (CJC, 1997a). In addition, the Fitzgerald Inquiry report urged the adoption of policies which would facilitate lateral entry from other organisations into more senior positions within the Police Service, and give a greater role to civilians in senior and management positions. Although the QPS has made some progress in both lateral recruitment and civilianisation, policies in both areas have been targeted principally at lower ranks or administrative or clerical positions and there has been
only some opening up of senior QPS positions to civilians or former officers from other police services.

The Fitzgerald Inquiry (1989) reported that recruits received “inadequate instruction in public ethics” (p. 211) and that in the future “training must include an ethical component as an integrated aspect of all matters taught” (p. 249). This view conforms with the view widely expressed in the policing literature that it is essential for all police officers, from recruits to senior officers, to be trained in ethics (for example, see Australian Police Minister’s Council, 1997, p. 8; or the reference list in Project Honour Team, 1996). Ethics education has been incorporated into the Police Recruit Operational Vocational Education (PROVE) program, Constable Development and Professional Development programs, but the delivery of training in other areas is still inconsistent and uncoordinated. Key areas where further attention needs to be given to ethics education are the First Year Constable program, including training of Field Training Officers (where new officers receive their initial on the job training and where socialisation begins) and training for detectives (an area identified by the Fitzgerald Inquiry as one with a high potential for corruption to flourish).

Both the Fitzgerald Inquiry (1989) and QPS Review (1996) reports suggested that improved standards of police conduct need to be entrenched by a supportive system of management and supervision. A number of strategies for achieving this have been identified in the CJC Integrity Report (CJC, 1997a). The first of these strategies was the selection and training of middle-level managers. The QPS has taken some steps towards utilising more proactive management strategies to deal with complaints and discipline issues. For example: the Professional Standards Unit has developed procedures to identify officers with lengthy complaint histories; processes are now in place to ensure that minor errors are dealt with managerially, rather than being diverted to the complaints system; complaints investigators are encouraged to include suggestions for remedial action in their reports; and a risk management policy has been introduced (although implementation has been hampered by a lack of training). The second strategy was to increase the use of proactive management techniques. Until recently, the middle management ranks of Sergeant, Senior Sergeant and Inspector received little or no training in either ethics or
management. Some officers who are disgruntled because of perceived blocking of their promotional paths continue to have significant negative input into the operational training and supervision of recruits. The recently instituted Management Development Program will address deficiencies at this level in the longer term, but there is no requirement on officers currently holding middle management positions to undergo this training, unless they are seeking further promotion.

The third strategy was to implement changes to current policing styles. The actual task environment of operational police remains similar in some significant respects to that criticised by the Fitzgerald Inquiry as contributing to a closed organisational culture. Relatively little concrete progress has yet been made in implementing alternative models of policing in the QPS, particularly community policing, despite several reviews highlighting deficiencies in this area (Public Sector Management Commission, 1993; CJC, 1994b; QPS Review, 1996).

Summary

The Fitzgerald Inquiry found widespread corruption operating within the Queensland Police Service and recommended wide ranging reforms aimed at improving standards of police behaviour, ensuring that misconduct was dealt with appropriately, enhancing police effectiveness, and restoring public confidence in the Service. Primarily, those reforms fell into two broad but inter-related categories. First, the Inquiry concluded that the complaints and disciplinary system was ineffective in detecting and preventing unethical behaviour and that there was a clear lack of commitment within the QPS to investigate properly complaints of police misconduct. The Inquiry’s major recommendation aimed at improving the processing, investigation and monitoring of complaints centred around the creation of the CJC – an independent civilian-controlled agency with substantial powers and resources to investigate suspected misconduct by police officers.

Second, the Inquiry recognised that the QPS had developed an organisational climate that was insulated from the community which it served, felt threatened by external criticism,
and fostered a strong “code of silence” among police. The Inquiry made a range of recommendations directed at changing the organisational climate of the QPS so as to promote proper conduct and reduce the tolerance of misconduct. Primarily, the Fitzgerald Inquiry argued that an important strategy for achieving cultural change in the QPS was to recruit older, better educated people from a more diverse range of backgrounds, who had some exposure to “life’s experiences” and had developed social networks outside of policing. Consistent with these recommendations, there have been substantial changes to the gender, educational and age profile of recruit intakes. In addition, the Fitzgerald Inquiry report urged the adoption of policies which would facilitate lateral entry from other organisations into more senior positions within the Police Service, and give a greater role to civilians in senior and management positions. Although the QPS has made some progress in both lateral recruitment and civilianisation, policies in both areas have been targeted principally at lower ranks or administrative or clerical positions and there has been only some opening up of senior QPS positions to civilians or former officers from other police services.

The next section covers the theoretical frameworks which underpin the four studies, presented in later chapters, which are used to test the research questions of the thesis.
SECTION 2: CAUSES AND PREVENTION OF POLICE CORRUPTION

This section consists of two chapters. The first chapter provides background information on the police corruption literature. The chapter does not linger on the large body of material which describes corruption in various jurisdictions, but rather focuses on the causes and controls of this corruption. Theories of police corruption have been divided into five categories: Individual or “Rotten Apple” Theories, Cultural or Socialisation Theories, Task Environment, Political Context Theories and, finally, an “Integrated Theories” category which examines concepts that do not neatly fall within one of the other categories. Lastly in this chapter, a review of some strategies that have been proposed to deal with police corruption is presented.

The second chapter describes the Rational Choice, Routine Activities, and Situational Crime Prevention theories informing the third study of this thesis – the situational analysis of complaints files – which is presented in Chapter Seven. This chapter concludes with a section that lists those corruption prevention strategies and techniques discussed in Chapter Three that derive from a situational theory basis.
CHAPTER 3

NATURE, CAUSES AND PREVENTION OF POLICE CORRUPTION

This chapter describes several theories on the nature and cause of police corruption illustrating the need to have many “arrows” in your “bow” when combatting police corruption. A “state of the art” response to corruption draws upon many different theories in the development of its anti-corruption efforts. Individual theory based strategies are the most prolific. A greater focus upon strategies designed to address cultural factors has become more apparent in recent years. Previously under utilised strategies based upon opportunity theory are now becoming more widely recognised as pertinent to combatting police corruption. Another approach described in this chapter, titled the “slippery slope” theory because it refers to the manner in which officers can proceed from small indiscretions to more serious forms of corruption, draws upon elements from nearly all the above theories.

Also discussed in this chapter is the debate over the function of external oversight bodies, viewed as particularly important to ensure public confidence in the complaints process. Finally discussed is the necessity for a hierarchy of responses for combatting police corruption from the least often used commission of inquiry option involving high levels of “external coercion and control” to frequently used techniques with the emphasis on cooperation and persuasion.

Introduction

Corruption amongst police is as old as the concept of a police force itself. There have been many official commissions of inquiry into police corruption and associated forms of misconduct and conflict with the public. Some overseas examples are the Office of the
Public Complaints Commissioner (1984) who conducted an inquiry into a number of widely publicised allegations of torture by officers from the Hold-up Squad of the Metropolitan Toronto Police Force; the inquiry by Scarman (1981) following the riots during the weekend of 10-12 April 1981 in the Brixton area of South London; and the New York Police Department has had inquiries into corruption dating back to 1894 (Goldstein, 1975) with the most recent being the Mollen Commission (Mollen, 1994).

In addition to the more recent Fitzgerald Inquiry and the Royal Commission into the New South Wales Police Service, Australia has also had its fair share of official commissions of inquiry, for example: the New South Wales inquiry conducted by the Honourable Mr Justice Lee after a widely publicised arrest of a man on 25 charges of sexual assault, assault, robbery and detaining for advantage, for which the prosecution could offer no evidence (Lee, 1990); in Queensland, an inquiry following the admission of a police constable in court that a substantial portion of the prosecution case had been fabricated by police (Lucas, 1977); in Victoria, 55 officers were named as engaging in a variety of misconduct by an inquiry chaired by Barry Beach QC (Beach, 1976) originating from a tape recording allegedly revealing that a police officer had taken a bribe and was further conspiring to pervert the course of justice; and in South Australia, the Second Royal Commission on Allegations of Bribery against Police Officers reported in 1927 that “for several years before the issue of either commission on this matter, there had been in operation some extent of bribery of police officers by bookmakers or their agents” (Murray, 1927, p. XVI).

For many years pleas for research into the nature and control of police corruption have been heard from a variety of bodies (Law Enforcement Council, 1974, pp. 15-19; National Advisory Commission, 1973, p. 495) and while corruption has been a topic of discussion and debate since police forces were first established, only recently has the serious nature of the problem been matched by empirical research and reform measures. A body of literature exists that describes the extent of police corruption in various jurisdictions (e.g., Mollen, 1994), hypothesises about its causes and control (e.g., Cooksey, 1991), makes suggestions on how to improve the procedures used by police to investigate corruption (e.g., Meyer, 1977), and even describes prevention plans that have been implemented (e.g.,
Knapp, 1972). Nonetheless, very little rigorous empirical research or evaluation has been conducted on these causes or controls.

Causes and theories of police corruption

This section describes some of the many theories developed in an attempt to explain police corruption. The majority of these theories can be grouped into four main types, each of which will be discussed below. Theories explaining corruption have been attempted in terms of the individual, the police organisation and culture, the nature of police work and the environment in which officers work, and the political context and influence. Finally, this section will look at some approaches which integrate components from several of the other types of theories and, in particular, will examine one of these theories titled the “slippery slope” theory.

Individual or “rotten apple” theories

The “Rotten Apple” theory has been an often stated theory of police corruption. For example, the Chicago Crime Commission suggested corruption could possibly be avoided if recruiting practices were sufficiently thorough so as to screen out individuals prone to corruption (Peterson, 1960). Goldstein (1970) also placed the cause of corruption, in part, on the individual seeking selfish ends. The theory is based upon the belief that only a few apples in the barrel are bad, and once these are removed the remainder will be untainted. “Rotten apple” theorists see police corruption as a result of personal moral weakness, personality defects, or the accidental recruitment of individuals unsuited for police work. When confronted with corruption evidence, police departments often resort to explaining the problem as a few “rotten apples” in an otherwise “clean barrel” in an attempt to avoid outside scrutiny or the necessity of implementing drastic changes to combat the problem. However, this theory was disputed as early as 1972 in the investigation of New York police corruption by the Knapp Commission (Knapp, 1972) and more recently here in Australia
(Fitzgerald Inquiry, 1989; Lusher, 1981). In 1981, the then President of the South Australian Police Association, Inspector Barry Moyse, was quoted saying, “The very fact that the Police Force in this State can rid itself of its “bad apples” is testimony to a tried and proven system” (The Advertiser Newspaper, Adelaide, 8th November, 1981). He was later jailed for corruption.

The Lusher Inquiry (1981, p. 632) – an organisational review of both the New South Wales Police Force and the Police Department – criticised the rotten apple theory saying:

The “rotten apple” theory deals with the corrupt individual and sees all corruption in terms of an individual. It cannot and does not conceive the existence of a corrupt or substantially corrupt organisation such as, for example, a police force or part of it, which is a vastly different concept.

The Pennsylvania Crime Commission (1985, p. 195) also viewed the rotten apple theory as “an obstacle to any meaningful attempt to deal with systematic corruption”. Patrick Murphy, the New York City Police Department’s Commissioner responsible for the Knapp Commission reforms also argued:

The “rotten apple” theory won’t work any longer. Corrupt police officers are not natural-born criminals, nor morally wicked men, constitutionally different from their honest colleagues. The task of corruption control is to examine the barrel, not just the apples – the organization, not just the individuals in it – because corrupt police are made, not born (Barker, 1986b, p. 10).

The “rotten apple” hypothesis therefore largely ignores the place of organizational factors in the initiation and maintenance of corruption and many other authors are critical of this defensive perspective (for example; Birch, 1983; Doig, Phillips & Manson, 1984; Skolnick, 1982; Royal Commission into the New South Wales Police Service, 1997). In addition, Wilson (1970, p. 293) suggests the “rotten apple” theory does not account for the extent of corruption in large cities. This theory would also indicate that the police recruiting and selection procedures have totally failed, a fact not likely to be admitted by police departments. Apart from ensuring the selection process was restricting “bad apples” from entering the police service, under this theory, prevention efforts would be directed towards the detection and removal of the existing “bad apples” and the deterrence of other officers from engaging in corrupt behaviours.
Cultural or socialisation theories

These sociological theories place the emphasis not on individual officers but on the group or organisation. They propose a police subculture which includes the view that deviance is institutionalised and accepted to some degree within all police departments (Barker, 1986b; Cohen, 1986; Reiss 1971; Roebuck & Barker, 1974; Stoddard, 1974). The cultural or socialisation hypothesis states corruption emerges because such deviant behaviour is regarded as appropriate within the police subculture and younger police are socialised by their senior colleagues into the corrupt practices of the department. Several studies have demonstrated a substantial decline in the attitudes that recruits held towards corruption and misconduct as their career as a police officer progresses (Brereton and Ede, 1996; Ellis, 1991; Niederhoffer, 1967; Reiner, 1985; Sherman, 1982).

Studies of employee deviance in other fields of employment will also be pertinent in the discussion of police deviance. Hollinger and Clark’s (1983) United States survey of 9,175 retail, hospital and manufacturing employees (supplemented by face-to-face interviews with 256 employees and 247 corporate managers) found that factors extrinsic to the workplace, such as external economic pressures, had no significant relationship to “corruption” such as property theft and counterproductive behaviour. Hollinger and Clark found that deviance was related to organisational culture influences, such as employee dissatisfaction, the perceived chance of being detected, and informal and formal social controls. Organisational climates where employees felt exploited created greater employee dissatisfaction with their job and these employees were more likely to engage in property theft or counterproductive behaviours. Those companies experiencing the least theft were those communicating a “pervasive and consistent message from all departments within the organization that theft was not acceptable behavior” (p. 145) by engaging in activities such as formulating clear policies against theft, presenting ongoing training and education to disseminate these policies, and the public sanctioning of any employee who is caught stealing, regardless of their occupational level. Hollinger and Clark found that these formal sanctions were important in shaping the much more effective “informal social controls initiated by fellow co-workers, such as gossip, ridicule, and ostracism” (p. 145).
The police subculture is conventionally considered to be the result of commonly shared danger and negative working conditions, unfair public criticism, hostility of minority groups, and the need for co-operation during times of crisis and danger (Pyo, 1994). Another factor adding to police insularity is the homogeneity of the “traditional” police agency comprised of police officers who are “typically white and male” (Carter, Sapp and Stephens, 1989, p. 39), “drawn from the lower to middle socio-economic sections of the community” with “no more than average intelligence and education” and join the Service when young with “little experience or knowledge of activities unrelated to police work” (Fitzgerald, 1989, p. 211). Brogden, Jefferson and Walklate (1988) note that the pressures to make large numbers of arrests can result in the development of a code which emphasises toughness, tolerance of fellow officers’ deviance and corruption, and a sense of solidarity based on mutual support against a common enemy. Lester and Ten Brink (1985, p. 326) report that “fraternizing with other police officers socially seems to be associated with increased tolerance for misbehavior by fellow police officers and with an increased willingness to cover up such behavior”. A vital component of this police subculture is secrecy which is often perceived among police as more important than honesty and lawfulness (Lynch, 1989; Reiss, 1971; Westley, 1970a).

However, it should be noted that police sub-cultural norms should not be viewed as static and unified but “frequently riven with internal conflict along the lines of race, religion, age, rank, politics, and honesty/corruption” (Sherman, 1977, p. 113). Guyot (1977, p. 109) states “there are subdivisions, hierarchies, status groupings, and other formal arrangements. There are also informal relationships, cliques, friendship patterns and temporary collaborations”. Punch (1985) also observed often divided and conflicting units and recently the Royal Commission into the New South Wales Police Service (1997, p. 32) warned about oversimplifying the concept of a police culture (see Text Box 3.1). Nonetheless, the organisational culture of many traditional police forces does appear to show a strong closing of ranks in the face of external scrutiny and powerful internal pressures against whistleblowing and non-conformity.
The concepts of police culture presented in Text Box 3.1 are based upon the work of Chan (1994, 1996, 1997, 1999) which provides a theoretical framework for understanding police culture incorporating the works of several previous authors. First, Chan incorporates elements of the work of Bourdieu (1990) which explained culture as an interaction between the police’s cultural knowledge (which he titled “habitus”) and structural conditions of police work (which he titled “field”).

Chan also draws upon Sackmann’s (1991) argument for the existence of multiple subcultures within a police organisation. Sackmann’s cognitive perspective describes four dimensions of cultural knowledge which blend in different areas and at different levels of the organisation to produce a variety of subcultures. The four dimensions of the habitus are:

1. **dictionary knowledge**, which provides definitions and labels of things and events within an organization;
2. **directory knowledge**, which contains descriptions about ‘how things are done’ generally in the organization;
3. **recipe knowledge**, which prescribes what should or should not be done in specific situations; and
4. **axiomatic knowledge**, which represents the fundamental assumptions about ‘why things are done the way they are’ in an organization (Chan, 1996, p. 113).

Text Box 3.1 – The Royal Commission into the New South Wales Police Service (1997)

Factors to Consider When Using the Concept of Police Culture

- the fact that there is no single police culture, significant differences existing, for example between the cultures relevant for uniformed beat police, detectives and senior command, and between different jurisdictions;
- the complexity of the relationship between cultural values and actions;
- the element of individual choice;
- the role of the individual member as an active and creative participant of that culture, it being inappropriate to regard each officer as a passive agent unable to contribute to change;
- the social, political, legal and organisational context of policing, in which the culture takes its place;
- the possibility of cultural change as well as resistance to change; and
- the fact that not every aspect of the culture is negative or supportive of corruption.
An example of dictionary knowledge would be making the distinction between “rough” and “respectable” elements of society. Examples of directory knowledge are officers looking out for signs of the “unusual” and taking shortcuts, such as looking for individuals out of place and bluffing suspects into confessions. Recipe knowledge would include rules such as “cover yourself and don’t rat on others” (Chan, 1996, p. 121). Axiomatic knowledge is based upon what police view as their mandate, such as waging a war against crime, maintaining public order, and the protection of persons and property.

Finally, Chan draws upon the work of Shearing and Ericson (1991) that acknowledges “the active and creative role played by members of the police force” in shaping the organisational culture. Chan summarises Shearing and Ericson (1991) saying that police officers “are not passive carriers of police culture” and that they “have an active role to play in developing, reinforcing, resisting or transforming cultural knowledge” (Chan, 1997, p. 73). Chan proposes an interactive model for the production of police practice where the relationships between the elements (cultural knowledge or habitus, structural conditions or field, and police “actors”) “are neither uni-directional nor deterministic” (Chan, 1997, p. 74). Chan’s research with this model has primarily focused upon police racism. However, strategies for changing police culture or subcultures are based upon targeting as many dimensions of the habitus as possible as well as addressing the often neglected field. For example, the axiomatic knowledge of the war on crime may be replaced by a problem solving philosophy, or the wide discretionary powers which form part of the field may be replaced with clearly defined legal powers and obligations.

Bennett (1984) discusses the socialisation of recruits into the police culture and divides studies in the literature into basically two groups: those supporting the hypothesis that police officers’ personality traits are different prior to their entry into the service; and those that support the view that the unique characteristics of the occupation result in attitudinal and value differences between the police and citizens. Bennett argues in favour of the second hypothesis based on the sheer bulk of supportive literature and the flawed methodology of studies advocating the personality theory. However, the exact nature of this socialisation hypothesis is not agreed upon with many authors arguing the relative
importance of various elements of the police occupation. A three stage process proposed by Bennett (1984, p. 50) involved:

...individual change manifested through affiliation with and influence by occupational reference groups. In addition, the nature and content of the influence as well as the individual’s need to affiliate are determined by the structural factors that coalesce during work-related encounters. Finally, individual characteristics will either enhance or retard the process.

He tested the model on 117 subjects without prior police experience who completed three questionnaires; one at entry (T1), the second at academy graduation (T2), and the final at end of field training (T3). He found that “recruits’ values became more similar to those of experienced officers during academy training (from T1 to T2) but decreased in similarity while serving as probationary officers on the street (T2 to T3)” (p. 57). This was interpreted as evidence of the socialisation process affecting officer’s cognitive orientations, but that the proposed model could not fully explain these changes.

An earlier study conducted by Savitz (1970) found comparable results. Savitz compared 226 recruits surveyed during their first week of training at the Academy (T1), at the end of their 12 week training period (T2), and the remaining 197 members after 6 months “in the field”, with a convenience sample of 197 “experienced” patrol officers (average 5 years experience) and a sample of 233 detectives. Savitz (1970, p. 697) stated that:

As they respond to the “reality shock” of actual patrol work, recruits tend to become more permissive towards inappropriate police action and, by and large, more closely approximate the values of experienced patrolmen rather than the more critical judgements of the detective population.

This theory was used to explain police corruption in the case used in this thesis. The culmination of public and media outcry over alleged police corruption in Queensland was the Report of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald Inquiry). The report of 1989 made reference to the socialisation of police recruits in its section on police culture:

When [police recruits] join the Force, they enter an insular environment where they work and socialize almost exclusively with their colleagues. Their experience of the broader society is therefore not widened greatly. Contact with members of the public tends to be in situations of distress, conflict and hostility.... Faced with public indifference, mistrust, hostility and resentment,
police come to depend on their fellows for physical security, friendship, sympathy, emotional support and a feeling of self-worth (Fitzgerald, 1989, pp. 201 and 210).

Others have commented that as most of their social life is spent with other officers and their families, officers’ “standards of behavior and their values are determined more by their own alienated subculture than by that of the public they are supposed to serve” (Shernock, 1990, p. 27). The Royal Commission into the New South Wales Police Service (1997, p. 29) listed other socialisation factors that enhance the opportunity of officers engaging in corrupt practices (see Text Box 3.2).

<table>
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<th>Text Box 3.2 – The Royal Commission into the New South Wales Police Service (1997) Socialisation Factors Enhancing the Opportunity for Officers to Engage in Corrupt Practices</th>
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<tbody>
<tr>
<td>• much police work is unsupervised and discretionary;</td>
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<tr>
<td>• the risk of detection and punishment is often seen to be low;</td>
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<td>• senior police, who should be in a position to stamp out corrupt practices, are often known to be compromised by their own unethical behaviour while junior officers;</td>
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<td>• there is often an imperative to deny corruption either because of close political association with the Service, or because it is expedient to avoid scandal;</td>
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<td>• recruitment has in the past favoured young, impressionable and poorly educated males, who have little experience of work or the diversity of society, and who quickly respond to a machismo environment and invitation to join a “brotherhood”; and</td>
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<tr>
<td>• police are regularly confronted with law and order campaigns calling for an aggressive and result-oriented style of policing that does not cater for due process, and favours both rough justice and the fabrication of evidence.</td>
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As mentioned previously, part of this socialisation process is a development of loyalty to the “code of silence” (Fitzgerald Inquiry, 1989, pp. 202-205) which functions to shield corrupt police from detection. The Fitzgerald Inquiry (1989, p. 362) describes the code as involving the following elements:

- loyalty to fellow officers;
- it is impermissible to criticise fellow officers, particularly to outsiders;
The prevention of police corruption and misconduct: a criminological analysis of complaints against police

- the exemption from scrutiny of the critical activities of police, including contact with informants;
- the belief that police do not enforce the law against or carry out surveillance on other police; and
- those who breach the code can be punished or ostracised.

The Royal Commission into the New South Wales Police Service (1997, p. 32) stated that the “code of silence” has “been often linked to the proliferation and concealment of police corruption”. Murphy and Moran (1981) identified the code of silence as a major contributor to police misconduct in the New York City Police Department. Aultman (1976), Bracey (1976), Niederhoffer (1967), Sherman (1974) and Westley (1970b) have all commented upon the socialisation of new officers into the police subculture which has an emphasis on secrecy and the need to protect fellow officers even if they are doing wrong. As the new police identify with this subculture they increasingly see non-police as hostile or at least indifferent. An American authority on police misconduct, Professor Goldstein states, “There is no more formidable barrier to eliminating corruption than the blue curtain – the conspiracy of silence among police” (Goldstein, 1977, p. 202). Lewis (1990) argues that because of this code and without appropriate policies to act as a “safety net for honest police”, it is easier to allow corruption to flourish unchecked than it is to attempt to stop it. Muir (1977) and Stoddard (1974) both believe that once a police officer has violated a law, standard or rule, the officer is bound to remain silent regarding other officers’ violations, even if these violations are more serious. Pogrebin and Atkins (1976) comment that a factor contributing to non-reporting is the fear of a counter allegation concerning the reporting officer’s own behaviour on some future occasion simply because of the latitude of discretion involved in police work. Shernock (1990) argues against this explanation and presents evidence that abiding by the “code of silence” is based more on a concern not to provide further ammunition for public criticism of the police. Walker (1983) similarly argues that public criticism fosters attitudes of secrecy even to the point of lying about the misconduct of other officers.

Barker (1986a, 1986b) empirically tested the code in his survey of 43 of the 45 members of the police department in a southern United States city. Using his typology (as outlined previously – see Table 1.3, page 28), he asked how often an officer in the department
would report another officer for engaging in the various forms of corruption (Barker, 1986b) or misconduct (Barker, 1986a) on a four-point scale (every time, sometimes, rarely, and never). He reported such findings as 77 per cent of the subjects would always report an officer who takes something of value from a victim (opportunistic thefts). However, only 58 per cent would always report opportunistic thefts from a burglary scene or an unlocked building. Figures of 70 to 80 per cent were found for shakedowns, protection of illegal activities, and traffic fixes. Slightly higher, but not above 90 per cent, of every time reporting were found for felony fixes and direct criminal activities. The “every time reported” levels of internal payoffs, misdemeanour fixes, and most kickbacks were around the 40 to 50 per cent mark. Corruption of authority was seldom reported as it was not perceived as a form of corruption. With the forms of misconduct, Barker (1986a) also asked the subjects to rate the behaviour on perceived “deviance” or “wrongness” on a scale from 0 (low) to 9 (high). He reports that the perception of how often the officers thought the behaviour would be reported (and its extent – see Chapter One) was almost a direct function of how “wrong” the police peer group perceived the act. The mean perceived “wrongness” (followed by the every time reporting figure in the brackets) of drinking on duty was 8.72 (56%); of lying in court (police perjury) was 8.58 (28%); of sleeping on duty was 7.95 (14%); of sex on duty was 7.49 (19%); and of police brutality was 6.72 (12%). Thus, in this police department, the code of silence was demonstrated to offer some protection for officers engaged in corrupt activities and a greater level of protection for officer misconduct. Among the officer misconduct behaviours, drinking on duty was perceived to be the most “wrong” and involved the greatest amount of risk of being reporting while police brutality was seen as least “wrong” and involved the lowest risk of being reported.

For reasons of efficiency (Ewin, 1990) and morale (Richards, 1993) the police seek to foster loyalty within their ranks. They do so formally and informally by fostering a strong sense of comradeship, membership in an exclusive “family”, insider status, and pride in doing a socially necessary, difficult, and demanding job. Richards (1993, p. 53) outlines a good example based on safety to explain why police departments foster loyalty:

Two police officers, Jack and Jill, are confronting a hostile crowd in an attempt to maintain public order. If both remain at their posts, they have a fairly good chance of holding the crowd in check
until reinforcements arrive, and so of both fulfilling their duty to maintain public order and escaping injury. If they both run away, the crowd will advance immediately, and the chance of either of them not being seriously injured is markedly less. But if one stays at his or her post while the other runs away, the one who runs will have an even better chance of avoiding injury than each will have if both remain, while the one who stays will have an even worse chance than each will have if they both run. Suppose that these facts are known to both officers, and each calculates in a thoroughly rational way with a view simply to his or her own well-being. Jack reasons: if Jill remains at her post, I shall have a better chance if I run than if I stay. So whatever Jill is going to do, I would be well advised to run. Since the situation is symmetrical, Jill’s reasoning is exactly similar. So both will run. And yet they would each have a better chance of avoiding serious injury, and, coincidentally, of doing their duty, if both remained at their posts.

However, as loyalty works as a double-edged sword, it can often go wrong in terms of protecting corrupt colleagues (Ewin, 1990; Richards, 1993). Officers tend to generalise their loyalty to all police officers even towards those who are undeserving of their loyalty. Prevention initiatives under this theory involve the identification of the negative aspects of a particular culture and implementing strategies to eliminate or minimise the effects of these negative elements, including strategies aimed to reduce the likelihood that new recruits will be socialised into this culture (such as the recruitment of older, better educated people from a more diverse range of backgrounds, who have had some exposure to “life’s experiences” and have developed social networks outside of policing).

**Task environment**

The work of the police officer is fraught with corruption hazards. An officer must exercise discretion over the use of considerable powers (for example, the power to arrest, to charge, to use physical force) in dealing with a wide variety of people, including many criminals whose interests lie in trying to corrupt the officer and some of whom have substantial resources with which to tempt the officer. In addition, the general officer works in a situation of low visibility with most of the officer’s actions not witnessed by either members of the public or supervisory officers. Davis (1991, p. 24) states that “police work
itself seems to have a strong tendency to corrupt. Police see much more of the underside of life than the rest of us do, not only the worst people but even good people at their worst”.

According to Sherman (1977, p. 115) “There are persuasive arguments that the task environment is the most important determinant of police behavior, more important than the particular political environment”. He gives the example of prohibition in America which changed the task environment drastically, with an accompanying growth in corruption, but “the end of prohibition wiped out bootlegger corruption of police by wiping out bootleggers” (p. 116).

Lynch (1989, p. 167) says that “police work may place an officer in a position of unrelieved exposure to the opportunity for and temptation to participate in corrupt activities”. Carter (1986, pp. 155-157) outlines a number of stressors (“life-threatening”, “social isolation”, “organizational”, “functional”, “personal”, “physiological” and “psychological”) that, while not the cause of dysfunctional behaviour, do affect an officer’s performance and decision making. Reiss (1980) considers the situational factor of a challenge to the officer’s authority by a member of the public as the prime motive for the use of violence. Other authors argue that police deviance arises from the pressure placed upon the profession to maintain social order (Bittner, 1967; Douglas, 1971; Ericson, 1981b). For example, as Bittner (1967, p. 710) expresses it:

> Patrolmen do not really enforce the law, even when they do invoke it, but merely use it as a resource to solve certain pressing practical problems in keeping the peace ....The problem patrolmen confront is not which drunks, beggars, or disturbers of the peace should be arrested and which can be let go as exceptions to the rule. Rather, the problem is whether, when someone “needs” to be arrested, he should be charged with drunkenness, begging, or disturbing the peace.

An often cited aspect of an officer’s profession is the development of a cynical attitude toward their job which may result in a tendency to excuse graft (Niederhoffer, 1967). Wilson (1970) argues that cynicism occurs as a result of the weak moral convictions of the community which desires an officer who will not take bribes yet also wants to bribe him or her. Other authors blame this cynicism on situational factors in the nature of the work which provides affinity and affiliation with individuals whose self-interest lies in the
corruption of the officer (Pyo, 1994). Brodeur (1981) presents the theory that the major cause of this cynicism and the resulting police deviance is produced by the impotency that police feel in the face of rising crime.

Cohen (1987, p. 52) states that police officers “regularly step into situations in which neither their objectives nor their functions are particularly obvious”. He discusses the example of officer D’Angelo who searches a drug dealer illegally in order to secure a conviction under “the means justifies the ends” premise. He concludes by stating:

By undermining the legal processes of administration of the law of search and seizure and narcotics laws, D’Angelo contributes to the conditions of secrecy and police isolation that foster corruption in narcotics enforcement and, presumably, further entrench the use of heroin (p. 59).

Richards (1993) also comments that officers’ often justify immoral behaviour with reference to the goal of securing a conviction. This can include the practice of elaborate deceptions when questioning a person, or perjuring him or herself in court. Similarly, Mugford (1981) described a theory titled “deviance-as-coping” in which, due often to contradictory work pressures (for example, the pursuit of “law” and that of “order”), corruption arises when work situations can be more expediently dealt with by deviance than by “proper” behaviours. The recently released Royal Commission into the New South Wales Police Service (1997, pp. 28-29) provides a list of job related factors that encourage corruption (see Text Box 3.3).
Under this theory, prevention focuses upon the identification of situations and opportunities for officers to engage in corruption, followed by the implementation of strategies aimed at eliminating these opportunities, or at least reducing the risks of corruption occurring should the officer be placed in this situation. (A much more elaborate discussion of these concepts is presented in the following chapter.)
Political context theories

The relationship between police and politics has long been a problem area for modern police services. The police services of most democratic societies attempt a political neutrality where they are independent from both political control and accountability in regards to individual law enforcement decisions. As Cranshaw (cited in Stenning, 1994, p. 209) stated “the dilemma for a liberal democratic society is to acknowledge the political nature of policing and yet to ensure that it is carried out in a non-partisan way”. This often involves recognising a “distinction between “policy” and “operational” decisions, indicating that the former are within the purview of police governing authorities, while the latter are not” (p. 219). Unfortunately, this also implies that the difficulties of distinguishing between improper and proper political influence on police policy and operational decisions will always exist.

Many authors have seen police corruption as a direct result of improper political interference (Pollock-Byrne, 1989; Price, 1972; Sherman, 1977). Lack of political independence has been a major problem in the United States where policing is the most decentralised in the world. The majority of police departments are answerable to local government authorities, typically reporting to elected municipal politicians, with politics and law enforcement so enmeshed in Sheriffs’ departments that the chief law enforcement administrators are themselves elected officials. In Sherman’s (1980) discussion of the “capture” of police agencies by outside forces, particularly by politicians, he reports that the “basic tool of capture is control over jobs” (p. 485). In previous research conducted in the United States, Sherman (1978a) reports that in the “Central City” Police Department only promotions and assignments (not hiring decisions) were directed by political influence; and his study of the Oakland Police Department found only assignments governed by political control. However, in both these situations, police officers under orders from their supervisors ignored law violations of vice establishments that paid the politicians for this privilege.
Political interference is by no means unique to the United States. For example, Prasad (1979) described high levels of political manipulation of the police in India. The ruling party’s intolerance of political dissent has seen the police used as a strong arm of the government in controlling uprising even to the extent of “physical liquidation” (p. 9) of the dissidents. At a more modest level, local politicians colluded with police in the protection of a variety of offences (for example, “prostitution, gambling, smuggling, blackmarketing, hoarding, prohibition, dowry, child marriage”) in return for “assurance of protection, service preferment and even pecuniary gains” (p. 7).

In Australia, while there is not the same level of legislated enmeshment between the police and political processes (for example, the elections of local sheriffs) as found in the United States, the political context is still influential. O’Brien (1993, p. 77), in discussing Australian police departments stated:

The police hierarchy is controlled by the government of the day and its associated political system. The political system will exert influence on police forces which may be positive or negative. If the influence is negative then police corruption may be greater. Certainly, if there is political corruption, then it is most likely that this lack of positive leadership will increase the likelihood of police corruption.

It could be argued that the police corruption in Queensland in the 1970’s and 1980’s uncovered by the Fitzgerald Inquiry would not have been so pervasive if it were not encouraged or at least tolerated by key office holders in the government of the day. Lewis (1990) attributes the then Premier and a succession of police ministers with sanctioning police corruption by refusing to investigate even the matters deemed by the Police Commissioner as warranting investigation. Lewis (1990) argued that this defence of the police was not unique to the police department, with dismissive methods of dealing with allegations of government wrongdoing being “characteristic of the political regime as a whole” (p. 52). Finnane (1990, p. 164) described the government of the day as viewing “policing as an integral part of the governing apparatus” with police used

as front-line troops in a tactical battle with street demonstrators protesting over uranium mining, then over free speech and assembly itself. Police were also used during this period as means of surveillance of troublesome politicians and other opponents of the ruling regime, as points of information and intelligence on electoral matters...and generally, ideologically, as points of resistance to the government’s social and political enemies (p. 164).
The political context theory implies that prevention efforts would be most effectively used to identify which elements of the current political system were impinging upon the ability of the police service to carry out its intended function without interference, and to isolate or at least reduce the impact of these political systems on the police service. However, prevention strategies based upon political context theory will not be examined further in this thesis for several reasons. First, as stated above, in Australia, there is not the same level of legislated enmeshment between the police and political processes as found in other overseas jurisdictions. Second, in Queensland, the recommendation of the Fitzgerald Inquiry for the establishment of an oversight body independent from both the government and the police department – the CJC – was designed in part to further reduce political interference in the policing process (Chapter Five, page 144 describes why it is difficult, if not impossible, to ascertain the impact of this Fitzgerald Inquiry recommendation from the other recommendations based upon deterrence and cultural theories that were implemented simultaneously). Third, political aspects of the CJC and its relationship with the government have been covered extensively by other authors, particularly in the writings of Colleen Lewis (Lewis, 1997a; 1997b). Finally, prevention initiatives based upon political theory are unlikely to be gained from analysis of complaints data which is the primary focus of this thesis.

**Integrated theories**

Many authors attempt to define the causes of corruption as a blend of factors identified in the above types of theories. For example, Delattre (1989, p. 78) stated:

> Neither the structural theory nor the rotten-apple theory is adequate by itself, nor are they mutually exclusive...the structural argument cannot account for those who remain uncorrupted in corrupting environments; and the rotten-apple argument fails to explain how decent persons fall victim to corruption.

One approach that draws upon elements from nearly all the above types of theories is referred to by the Knapp Commission (Knapp, 1972) as the “slippery slope” theory (titled by others as the “moral career” theory (Sherman, 1982)). The “slippery slope” refers to the manner in which officers can proceed from small indiscretions (e.g., receiving free meals)
to more serious forms of corruption such as taking bribes. Maas (1973) related the biography of Frank Serpico, a New York City police officer, who refused to take part in organised corruption and later testified against corrupt officers. The book illustrates how early in a “rookie” police officer’s career the temptations would be small and almost insignificant, like receiving free food. Then perhaps one day the rookies’ partner may give them half of a small amount of money that a motorist paid in return for not receiving a traffic ticket. What do you do? Report your more senior partner knowing for certain you will be ostracised by the rest of the station? Refuse the money and therefore be guilty of “looking the other way”? The Pennsylvania Crime Commission (1985, pp. 196-197) states that the new policeman “will be tested by the older men to see his reaction to minor indiscretions”. However, Feldberg (1985) states that small gratuities are not a corrupting influence if they are viewed by the officer as a token of appreciation or friendliness rather than as a bribe offer. He states that to reduce the risks of misunderstandings, management should provide concrete guidelines for all personnel.

Sherman (1974) outlined stages of corruption a New York officer would be faced with, starting with “perks” (free coffee and meals); moving to accepting free drinks from a bar operating after closing hours; onto acceptance of bribes from regulative offenders; participating in receiving regular payoffs from local gambling operations; bribes from prostitutes, pimps and brothel owners; and finally narcotics graft which may even lead to officers going on to selling drugs themselves. Sherman (1974, p. 199) states that the officer works “up a ladder of increasing self-perceived social harm of offences, neutralizing any moral objection to the (crime-specific) graft at each rung of the ladder”. The stage at which the officer stops can become a key element in the officer’s apologia: “I might be bad, but I’m not that bad” (p. 201).

Sherman (1982) further outlined the stages through which officers caught in a Denver police burglary ring in 1961 appeared to progress, from becoming disillusioned with the criminal justice system to actually committing planned burglaries on a regular basis. The stages were:

1) First they suffered moral experiences that showed them that the laws were not impartially enforced and that judges were corrupt.
2) Then they learned that other police officers were dishonest, including those who engaged in “shopping”, i.e., stealing goods at the scene of a nighttime commercial burglary, with the goods stolen by the police thus indistinguishable from the goods stolen by others.

3) They joined in the shopping themselves and constructed an apologia for it (“the insurance pays for it all anyway”).

4) The apologia provided a rationale for a planned burglary in which they were the burglars (“the insurance still pays for it”).

5) The final stage was to commit planned burglaries on a regular basis (pp. 18-19).

Sherman (1974, p. 201) also notes the stages at which bribery turns to extortion accompanied by a “What the hell, I’m a crook, so I’ll make the most of it” reaction. This has been termed “reactive” and “proactive” by Reiss (1971), and by the Knapp Commission (Knapp, 1972) “grass-eaters” (reactive) and “meat-eaters” (proactive).

The first step on this slope is often cited as the acceptance of gratuities (e.g., Burnham, 1974). Sherman (1974) proposes when the police officer is faced with a decision concerning acceptance of gratuities, the resulting redefinition of self, or apologia, is critical to the future participation in corrupt acts. The police officer will progress through the stages of corruption for only as long as conflicts to this self-concept can be reconciled. More (1985, p. 203) states:

> Material reward, the key element of the operational definition, must include the acceptance of free coffee and meals. While it is acknowledged such gratuities seem insignificant, there is reason to believe they create an atmosphere conducive to corruption. Under such circumstances, police integrity is compromised.

This issue of gratuities is often a topic of great debate. Gratuities are “goods, services or money offered to police free of charge or at a discount, ostensibly as an expression of gratitude, without an explicit requirement for a return favour” (Prenzler, 1994, p. 2). Some argue that police “should be encouraged to accept freely offered minor gratuities and that such gratuities should be perceived as the building blocks of positive social relationships between our police and the public” (Kania, 1988, p.37). Feldberg (1985) suggests that police officers are shrewd enough to make the distinction between a good-will gesture from a merchant and a solicitation of a bribe. Other authors discredit these views and offer empirical evidence showing strong community support for the main arguments opposed to
the acceptance of gratuities (Prenzler, 1994; Sigler & Dees, 1988). Whatever a particular police department decides in response to this issue, it should have clear and enforced guidelines for its members.

One step that often leads to more serious transgression is “noble cause” corruption. Daley (1978), in his book about a corrupt New York City police officer who “turned” and helped to gather evidence against other corrupt officers, described examples of how this behaviour can escalate. He illustrated how activities, like installing illegal wiretaps to ascertain if suspected criminals were engaged in illegal activity, can quickly escalate into most serious forms of “noble” corruption. The next step on the ladder of corruption may be paying informants with a proportion of the drugs seized in operations for which they had provided information. From this point it is just another small step into such activities as robbing narcotics traffickers and ordering them to return to their countries of origin then applauding “themselves for accomplishing what no court seemed able to accomplish, a heavy fine followed by instant deportation” (p. 279).

This section has discussed how police corruption can be explained by a single or combination of theories. One approach, titled the “slippery slope” theory, draws upon elements from nearly all the theories presented earlier in this chapter and describes the manner in which officers can proceed from small indiscretions to more serious forms of corruption such as taking bribes. Often the first step on this slope is cited as the acceptance of gratuities (e.g., receiving free meals) and one step that often leads to more serious transgression is “noble cause” corruption. “Noble cause” corruption is when officers engage in conduct that is against departmental regulations or is illegal because they believe this is necessary in order to apprehend perpetrators. Prevention efforts arising from this theory would aim to separate the distance between the steps on the slope so that officers could be more aware, and hence, more able to resist the decline of the slope. The next section describes these strategies and others based upon the theories described previously in this section that have been recommended to address police corruption.
Strategies to deal with police corruption

A variety of approaches have been put forward to combat the seemingly growing problem of corruption. These approaches differ depending upon the diagnosis made about the causes of corruption. Some relate directly to one theory, as outlined in the previous section. For example, some strategies seek to deter the officer from wrongdoing through identification and punishment of misconduct and, hence, are individual in their focus. Other strategies combine elements from one or more of the above described theories. Examples of some of these strategies which rely upon one theory and other strategies which draw together elements from several theories will be presented below. Finally, the role of external oversight and the issue of developing a proactive versus a reactive approach will be discussed.

Individual or “rotten apple” theory based strategies

First, as theories locating the cause of corruption with the individual officer have been around the longest and police organisations until recently have subscribed to those theories, strategies designed to select the best possible officers and then deter these officers from engaging in misconduct have been most heavily relied upon and are most prolific. For example, Cooksey (1991, p. 5) stated “an effective strategy must begin with recruitment and continue into training. In addition, a procedure should be instituted to investigate charges of police misconduct within an agency”. He identified maladaptive management responses to corruption such as denial, acknowledgment of a problem but understating its impact, or taking “overt action to cover it up” (p. 5). His proposed strategy includes: background investigations, polygraphs, tests of emotional and psychological fitness, and probationary periods for recruits; development of corruption prevention training programs for all officers; and the formation of effective internal investigation units.

Similarly, Carter (1986) proposed that efforts should focus upon the selection of personnel, training (on officer’s actual duties of service to the public and the maintenance of order
rather than their overemphasised “crime fighting” responsibilities), evaluations of officer work performance, transparent complaint and internal affairs systems, public information and education in regards to corruption and the complaints process, internal preventive programs (to alleviate the officer stressors), effective personnel supervision, and sanctions for improper behaviour. Marx (1992, p. 165) also argued for increased sanctioning:

Tougher criminal and civil penalties, increased provision, protection and rewards for whistle-blowers and informers might have some preventive effect. The law might be changed to make it easier to offer proof of corruption.

Indeed, Doig et al. (1984) agreed by stating that “two obstacles to illegal action are the perceived probability of being caught, and the expected severity of the penalty if one is caught” (p. 29). However, there is evidence that the actual probability of a police officer being caught and suffering a penalty for engaging in misconduct is low. In a study of 271 complaints of assault by police officers, only 9 per cent were substantiated (CJC, 1997b). Not surprisingly the perceived probability is also low (see CJC (1995a) where a sample of 65 “experienced” officers gave consistently low ratings to the chances of being caught for a variety of behaviours that would likely result in a disciplinary charge if detected). Some have argued that police officers tend to fear the internal disciplinary process, rather than external criminal procedures because the latter is seen to be less effective (see Punch (1985) for examples). Others are not even this optimistic. For example, Pogrebin and Atkins (1976, p. 13) state that:

In short, very few police expect repercussions from their involvement in corrupt exchanges. They are not deterred by the law enforcement apparatus of which they are a part, nor do they fear departmental sanctions for their illegal behaviour.

Uildriks and van Mastrigt (1991) also caution that, except under atypical circumstances, such as scandal, the dependence upon a system of punitive disciplining will produce problems of bitterness and estrangement throughout the organisation as the rank and file become more secretive and uncommunicative. Heavy disciplining strategies will also discourage initiative and reduce creativity. Instead, Uildriks and van Mastrigt recommend “positive disciplining” in forms ranging from simple informal compliments to allowing officers to attend specialised courses.
Ronald McAulay (1989), former Commissioner of the Australian Federal Police, argued that management has failed to combat corruption by ignoring three important areas. These are 1) the total lack of anything but the reactivity of the present system, 2) the financial “disincentives” (p. 171) available to discourage corruption, and 3) the special responsibilities which police officers have. In his discussion of the first point he went on to say that criminality and suitability for employment as a police officer are separate issues. Far too often have acquittals been equated to having unblemished records, when in reality court processes do not really address the issue of their suitability for continued employment. In regards to his second point McAulay proposed that in the event of a criminal conviction for an offence of a corrupt nature, cash entitlement received at the end of the member’s contact be forfeited. On the third point he stated (p. 172):

All too frequently we have accepted that a member’s right to remain silent when being interrogated over an alleged criminal offence has coincidentally extended to him the privilege of refusing to account to his employers for his conduct whilst on duty.

In addition he noted that under the excuse of respecting the member’s privacy many areas of concern were ignored or failed to be identified. These were such things as opulent lifestyles which could only be supported beyond the member’s lawful means and drug enforcement personnel cohabiting with known and convicted drug dealers and users.

Dombrink (1988) suggested that strategies of police corruption control should centre around instilling professionalism, high morale, and commitment to innovation. However, Davis (1991) cautioned that the motives behind the call for professionalism might not be primarily to prevent corruption but as a method of increasing aspects of employment such as “privileges, status or income” (p. 23) to be comparable to that of doctors or lawyers. Davis argued that high levels of these employment aspects are not common to professionals (for example, priests, teachers, nurses) and many occupations have high levels of these aspects without being professionals (for example, movie stars, “professional athletes”, stockbrokers). Lundman (1980) and Ericson (1981b) also argued against promoting police professionalism saying that self-policing has not worked. Numerous critics have argued that the concept of police professionalism is just used by police as a defence against making themselves accountable to the rest of society (Alderson, 1984; Bradley, Walker & Wilkie, 1986; Brogden, 1977, 1982; Hain, 1979; Holdaway, 1983; Kettle & Hodges, 1982;
Simey, 1988; Stephens, 1988; Yeager & Brown, 1978). Shernock (1990) in his survey of 177 patrol officers in which he operationalised concepts including the comparative value placed on ethical conduct, the tolerance of the misconduct of other officers, and expediency, concluded that:

...permitting police officers greater self-governance over police matters, which they feel is absolutely necessary to accomplish their moral ends of controlling crime and protecting the public, would certainly not ensure the type of self-regulation required by a code of ethics (p. 39).

Davis (1991) did point out that a code of ethics can provide a common vocabulary for discussion, remind police of what is and what is not expected of them and may inspire an officer to do more than he or she would otherwise do. He cautions that most codes only imply responsibility for the officer’s own conduct and say little about an officer’s responsibility for helping fellow police officers do the right thing. David Dixon writes extensively on the impact of current laws as well as police rules and instructions on police practice. Dixon warned that “[t]o many police officers, such codes are just more irrelevant paper generated by headquarters” (1999a, p. 71) and noted a lack of empirical studies on the impact of these codes of ethics. Dixon stated “Experience suggests that codes of ethics have little effect if simply imposed: they have to be products of a positive engagement with existing values and practices, so that they become permeated into police cultures” (1999a, p. 76). Dixon further stated that the aim of such rules should not be “to suppress discretion, but to improve its exercise” (1999a, p. 94). Dixon’s research on the impact of the Police and Criminal Evidence Act 1984 (PACE) in England and Wales on police practices concluded that the Act had a substantial and beneficial effect on improving fairness and openness in the process of detaining and questioning suspects before laying charges (Dixon, 1997).

In summary, the implications of the individual or “rotten apple” theory in terms of prevention planning centres around developing strong recruitment and selection programs to maximise the chances of screening out “bad apples”, implementing a high level of ethics and corruption prevention training including encouraging police professionalism via a code of ethics to minimise the chances of “apples going bad”, and establishing effective complaint and internal investigations systems to provide deterrent effects in addition to detecting and eliminating any “bad apples”.
Cultural or socialisation theory based strategies

Henry (1990, 1991) wrote extensively on the reforms that the Knapp Commission (Knapp, 1972) introduced into the New York City Police Department. Two particular strategies aimed at breaking down the code of silence/“blue curtain” were the Field Associate Program and Integrity Testing. Field Associates were police officers (primarily recruits and younger officers) recruited to secretly report to Internal Affairs any corruption they observed during the course of their normal assignments. They were expected only to report any suspected or observed criminal activity of their fellow officers, not minor breaches of regulations or similar minor misconduct. Field Associates were guaranteed anonymity and that they would never have to testify publicly. This initiative created “a tremendous amount of functional anxiety and corruption consciousness” which forced “all police officers to become more circumspect in all their activities” (Henry, 1990, p. 50). The secrecy of the numbers of Field Associates recruited by the program resulted in suspicions that the number was far greater than it actually was. Corrupt police could not operate flagrantly with implicit security of peer protection, and the Internal Affairs Section was provided with large amounts of very accurate information about corruption. There was another added benefit as described by Henry (1990, p. 51):

...some corrupt cops subtly tested the impressionable and naive rookies by involving them in minor misconduct, often in order to determine their reliability and willingness to conform to the group’s ethic of silence. Many naive young officers had become involved in minor corruption in order to gain peer acceptance by demonstrating a willingness to subscribe to the group ethic and norm of silence. The possibility that a rookie was a double agent precluded many of these tests, allowing the rookies to develop and gain experience without the taint of early co-optation [sic]. The existence of field associates added a new and (at least in terms of corruption prevention) positive dimension in the socialisation of young police by preventing, or at least delaying, early involvement in corruption or misconduct.

Integrity Testing was initiated in New York to bypass the “code of silence” hurdle encountered so often in traditional police corruption investigations. However, Integrity Testing is primarily individual in focus as its prevention aspects are based on deterrence. Integrity Testing purposely placed officers in potentially compromising positions. Undercover Internal Affairs officers engaged in testing such as offering bribes; handing in
a “found” wallet to determine if the officer kept it or complied with procedures to return it to its proper owner; lodging an allegation by telephone to test if the receiving officer ignores or refers it; “planting” valuable contraband at the scene of supposed “burglaries” and monitoring officers’ actions; and checking that all of the pre-measured drugs are turned in after the arrest of undercover Internal Affairs officers posing as drug dealers. Henry (1990) reported the outcome of one of these tests involving the turning over of “found” wallets. In 71 per cent of the cases wallets were returned according to procedures, and in 29 per cent they were not.

One could easily imagine that the introduction of such tests into a police service would cause much outrage and resentment. Henry (1990) reported that New York City police had come to expect these tests with honest officers knowing that they have nothing to fear if they acted properly. Loyalty is a valuable asset and an integral part of effective policing. Its worthwhile components should be actively encouraged by management. However, management also needs strategies to actively discourage maladaptive loyalty like the “code of silence”, and it needs to assess what possible detrimental impact these strategies will have on the beneficial qualities of the police culture. Both Field Associates and Integrity Testing raise objections within the ranks because of their use of deception and the possibility of entrapment. However, activities based on these principles, such as “sting” operations, “white lies” during interrogations, plain-clothed and undercover officers, unmarked cars, and even the concealment of radar traps are used routinely by the police in their fight against crime. The familiar motto of “the end justifies the means” is often used where the arrest and conviction of non-police criminals is concerned.

Henry (1991) further pointed out that while proactive strategies like Field Associates and Integrity Testing are important, a police service should not overlook the development of specialised training in ethics and the use of discretion, as well as the development of capable and qualified supervisors and middle managers. However, perhaps the most important factor in achieving permanent reform discussed by Henry (1991) and also emphasised by Sherman (1995) is sustained and focussed public attention upon the progress of reform. Sherman (1995) made the point that the Knapp Commission reforms did in fact change the culture of the police force but that it became “old news” and was not
continued to be managed to generate public interest. Dixon (1999b) warns that the “maintenance of reform campaigns depends significantly upon the pressure from public discourse about policing” (p. 140). This lack of focussed public attention allowed corruption to again flourish resulting 20 years later in the Mollen Commission (1994) which found that “Today’s corruption is far more criminal, violent and premeditated than traditional notions of police corruption suggest and far more invidious than corruption of a generation ago” (p. 10). At the time of the Knapp Commission (1972), the most common form of corruption was the mutually beneficial arrangement between police officer and criminal that allowed criminals immunity from arrest. The Knapp Commission (1972) described officers engaging in this form of corruption as “grass-eaters” and found that the majority of officers in the Department at that time were part of this category. The “meat-eaters”, those engaged in serious corruption, were relatively rare. The Mollen Commission (1994) found that the situation had reversed. The majority of the Department’s police officers were described as “honest and hard-working” (p.1) and the report stated that “minor corruption is no longer systemic among the ranks” (p. 16). However, the Mollen Commission (1994) found that among the corrupt officers “meat-eaters” were the rule not the exception:

Officers in numerous narcotics-infested precincts throughout the City routinely stormed drug locations and stole whatever drugs, money or other property they could find; they stopped drug dealers and their vehicles and stole from them openly; and they sometimes used violence to carry out these activities (p. 17).

Similarities can be seen with the Royal Commission into the New South Wales Police Service (1997) which found that “theft and extortion from criminals had become regular features of policing in some sections of the Service” (p. 114). Like the Royal Commission into the New South Wales Police Service (1997) which recommended the establishment of the Police Integrity Commission, the primary Mollen Commission (1994) recommendation that aimed to ensure continued public attention upon the reform process was the creation of a permanent independent oversight agency. Unlike NSW this external oversight agency has not yet eventuated.
Shernock (1990) recommended making efforts to improve police/community trust rather than to diminish police solidarity, stating:

In order to deal with the constant threat of being in a dangerous situation involving persons who cannot be identified in advance, the police come to view everyone with suspicion, and thus the police become isolated from the rest of society (p.27).

Ewin (1990) also saw removal of the isolation of police officers from the community in general as very important in the fostering of loyalty to principles rather than loyalty to members of the group. Recommended are visits by police officers to schools, police running road safety classes for school children, and Community Watch schemes.

Cooperation of this sort helps to break down the division that Fitzgerald found between police officers and others and to make it less likely that the loyalty that comes simply from a feeling of rejection will arise (Ewin, 1990, p. 13).

Actively seeking older recruits and making it easier to enter the police service some way up the scale are recommended to increase the number of recruits with experience of work or life outside the police service.

A higher standard of education will usually help to make people less gullible and less easily led into thoughtless wrongdoing, even if it might sometimes make them more efficient at thoughtful wrongdoing (Ewin, 1990, p. 14).

Other empirical evidence by Niederhoffer (1967) and Smith (1978) concluded that as educational standards increased authoritarian attitudes were reduced. Several official enquiries have also recognised the need for adequate educational standards (Lucas, 1977; Lusher, 1981; Neesham 1985). Ewin (1990) recommended counselling, the absence of which is noted by Fitzgerald (1989), to become a regular part of the recruitment and training procedures and argued that an explicit code of ethics might help to provide a focus for such counselling.

In summary, cultural or socialisation theory would guide prevention planning towards strategies aimed at reducing the negative elements of police culture which condone or foster misconduct. These strategies can include: Field Associate and Integrity Testing programs; training in ethical behaviour, particularly of supervisors and middle managers; initiatives which reduce the isolation of the police from the community such as visits by police officers to schools, police running road safety classes for school children, and Community Watch schemes; and recruiting from a broader cross-section of the community
such as increasing the proportion of officers from a variety of ethnic and cultural backgrounds, with higher education, or who are older having more life experience outside the police service. Sustained public attention is seen as necessary to achieve any permanent cultural change.

**Opportunity or task environment theory based strategies**

Other authors have suggested changes in the policing task environment are necessary to prevent corruption. Burnham (1974) advocated procedural changes to reduce corruption, such as the lack of “buy money” (police funds to purchase legitimate evidence) leading honest narcotics detectives into selling and trading drugs for this information (see also Sherman, 1978b) and the tightening of regulations governing meetings with criminal informants. Burnham (1974, p. 310) cited one experienced narcotics detective saying “The moral jump from making illegal drug deals to getting evidence and dealing in drugs to make money is not as big as it might look to an outsider.” He also recommended the removal of arrest quotas which place a priority on quantity over quality and only result in the arrest of more small-time offenders. Sherman (1978b) also was critical of arrest quotas saying that they produced an institutional pattern of perjury in order to achieve these objectives.

In addition, Burnham (1974) added an individual theory-based strategy of the use of realistic training instead of trying to pretend police corruption does not exist. This approach would candidly show the recruits the temptations that will be offered on the street and how to resist them. Finally, he stated:

> Procedures should be developed to eliminate the requirement that narcotics detectives – and certain other policemen – must break the law to enforce the law. If such new procedures cannot be worked out, the police department should publicly announce that honest enforcement is impossible and force the legislature to rewrite the relevant laws (p. 312).

For example, Burnham stated that a lack of access to “buy money” often leads narcotics officers into the practice of trading quantities of seized drugs in exchange for information.
Marx (1992) similarly recommended a blend of individual and task environment based strategies:

...careful selection, adequate pay, anti-corruption training, more intensive field supervision and having sergeants present when arrests are made, a de facto policy of non-enforcement for minor offences likely to give rise to problems; a policy of requiring two people to be present during situations that are most likely to give rise to allegations of corruption (meetings with an informant, counting money, male-female encounters). Paper audit trails, audio and video recording, polygraphs and drug-tests are also used (p. 165).

Doig et al. (1984) commented on the use of legislation in the form of the “exclusionary rule” (which precludes the use of evidence obtained illegally to prosecute a suspect) in an attempt to curb officers’ abuses of civil rights. They stated that the exclusionary rule may be more effective as a deterrent than the threat of disciplinary action against the officer. However, the exclusionary rule does have defects. These are that it is not always enforced, and it involves a societal cost. This societal cost is that as relevant evidence is disallowed an offender is not punished and also if there are victims of the perpetrated crime these victims are possibly disadvantaged even though they were not responsible for the officer’s misconduct and were not in a position to prevent it (Doig et al., 1984). It should be noted however that the exclusionary rule has not been extended to the common law in Australia to the extent that it has been in the United States (Goode, 1991). Dixon (1997, 1999b) is critical of this as it allows police to exploit loopholes in the law “by relying on courts not to exclude evidence obtained from suspects during unlawful detention” (1999b, p. 173).

As mentioned previously, Brodeur (1981) presented the theory that the impotence that police feel in the face of rising crime is the major cause of police deviance. Based on this premise, Brodeur argued that increasing legal and procedural checks will only add to this impotence generating more deviance and, perhaps, the decriminalisation of citizens’ behaviour would more effectively check police deviance. Others have recommended similar legislative measures for different reasons. For example, based on the “slippery slope” theory, Sherman (1974, p. 205) argued in relation to the stages faced by New York officers (described in previous section) that:

If the graft steps from perks, to gambling, to prostitution, then to drugs, are small, a single step from perks to drugs is quite large. If gambling and prostitution were legalized, the narcotics pusher would not face policemen accustomed to taking large bribes.
In summary, opportunity or task environment theory suggests that initiatives to prevent corruption should be based upon changing the policing task environment. Primarily these strategies have been in the form of procedural changes designed to reduce corruption, such as: addressing the lack of “buy money” (police funds to purchase legitimate evidence); the tightening of regulations governing meetings with criminal informants and other situations that are most likely to give rise to allegations of corruption (for example, counting money, male-female encounters); the removal of arrest quotas which place a priority on quantity over quality and produce an institutional pattern of perjury; instituting more intensive field supervision; and eliminating de facto policies of non-enforcement of minor offences. In addition, legislation reforms are often recommended, such as the use of the “exclusionary rule” (which precludes the use of evidence obtained illegally to prosecute a suspect) and the decriminalisation of particular types of citizen behaviour such as gambling and prostitution.

**External oversight**

The trend towards independent or external elements which play a significant part in the resolution of complaints against the police has increased rapidly in recent years and shows few signs of abatement (Goldsmith, 1991). Many authors have called for separate external review bodies (Christian, 1983; Goldsmith, 1991; Hewitt, 1982a; Lambert, 1986; Scarman, 1981; Spencer, 1985; Uildriks & van Mastrigt, 1991). Christian (1983) and Hewitt (1982b) argued that independent bodies will be better able to eliminate unnecessary and trivial complaints. Lewis (1994) presented “evidence to support the proposition that the public has lost confidence in a complaints process which is the exclusive domain of the police” (p. 96).

On the other hand, Palmer (1992) argues that these external bodies will increase the “siege mentality” within policing leading to decreased levels of cooperation and trust which are necessary in the effective investigation of corruption. He stated that through self-regulation, rather than watch-dog bodies, management needs to draw upon the positive, supportive
aspects to change and develop an attitude of professionalism where strict accountability and responsibility is paramount. Professionalism refers to both the development of a code of ethics and the adoption of this code by the occupational group primarily through self-regulation. However, Doig et al. (1984) stated that the available evidence suggests this is not very effective for controlling “bilateral” corruption (p. 30) where there is mutual reward for the parties involved (for example, bribery). As Stoddard (1974, p. 303) pointed out, “It appears obvious that those who are involved in the “code” will be the least useful instruments for alleviating the problem”. In addition, an interesting finding reported by Shernock (1990) in his survey of 177 patrol officers was that those less opposed to control are more likely to have more scrupulous ethical standards.

While many officers of all ranks have a preference for self-regulation based upon the arguments of superiority of access and investigative expertise (Rippon, 1984; Terrill, 1982), others disagree with this argument (Ericson, 1981b; Lewis, 1997a; Lundman, 1980; Yeager & Brown, 1978) and the low substantiation rates of such internal investigation units (Fitzgerald Inquiry, 1989; Littlejohn, 1981) does not inspire public confidence in such a system. Indeed, as Uildriks and van Mastrigt (1991, p. 214) commented, “no matter how thorough the investigation, the public will never be convinced of its impartiality”. Brown (1987) confirmed this view with empirical evidence that shows nearly two-thirds of the respondents in his study believed it was wrong for the police to investigate themselves. However, Dombrink (1988) pointed out that where police themselves investigate and judge the facts relating to allegations then few serious complaints are likely to be sustained and experience in several cities indicates that merely having a review board consisting of civilians is less likely than police internal review to bring a guilty verdict and more lenient when it does. While aggressive internal measures send a message to the public that the department is honest and will not tolerate misconduct, Marx (1992, p. 156) commented that “simple self-interest and reciprocity work against aggressive action” by internal units. Some have raised concerns about the apparent lack of objectivity when the police investigate and adjudicate themselves (Hewitt, 1982b; Maloney, 1975; Marin, 1976; Police Complaints Board, 1980). Shernock (1990, p. 38) stated “the view that the ends justify the means certainly indicates that without public accountability police would not exercise professional regulation over the use of unlawful or unethical procedures”.

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THE PREVENTION OF POLICE CORRUPTION AND MISCONDUCT: A CRIMINOLOGICAL ANALYSIS OF COMPLAINTS AGAINST POLICE

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Other research also points to concerning features of internal investigation units. For example, Barker & Wells (1982) reported on the findings of a survey of 115 police chiefs on the definition and control of police deviance within their department. The most worrying of the results was the findings on how the corruption, including criminal conduct, would be dealt with by the chiefs:

In all but one of the examples, the majority of the chiefs would handle police corruption through in-house or departmental action. The exception was for a police officer committing burglaries, but even here, 25 percent of the chiefs surveyed would handle this criminal act in-house (p. 16).

Goldsmith (1991) saw two main difficulties in the trend towards external accountability. The first was convincing police that external involvement was inevitable and beneficial, and that much organisationally relevant information can be learnt from citizen complaints. The second difficulty was achieving an appropriate internal/external balance in the responsibility for dealing with such complaints. However, Maguire and Corbett (1991) reported some findings that seem to indicate that police may not be as opposed to external accountability as is generally thought. They found that almost half of the 50 officers interviewed would have preferred an independent investigator, and police officers generally found investigating their colleagues a thoroughly thankless job. Goldsmith (1991) argued convincingly that complaints should not be viewed as pathological and threats to existing policies and to individual officers, but as a normal part of policing and an opportunity to learn for the future practice of policing. He observes that the public is the source of two forms of information: criminal intelligence and information about how the police organization is functioning. Officers are always complaining that they never get enough criminal intelligence from the public, but resist the right of citizens to complain about improper police behaviour.

In summary, the importance and role of police oversight agencies has been a matter of much debate. Advantages of external oversight such as increased public confidence in a complaints process can be countered by arguments that such external bodies increase the “siege mentality” within policing. Similarly, advantages of the self-regulation model, such as superiority of access and investigative expertise, can be countered by apparent lack of objectivity when the police investigate and adjudicate themselves. However, the weight of
both evidence and opinion would seem to favour the view that corruption prevention is enhanced if an effective model of external oversight is used.

**Proactive strategies**

The days have passed when police anti-corruption strategies are comprised entirely of reactive activities (that is, investigating complaints). Investigations “tend to occur after the event, are time consuming, dependent on oral evidence and they are perhaps most vulnerable to failure for no other reason than that they often deal with events long after their occurrence” (Reiss, 1983, p. 93). Pittman (1990, p. 33) stated that internal disciplinary procedures are “complex, overlapping, restricted by resources and reactive in nature. External controls are heavily weighted in the legal, adversary processes and generally lack penetration”. In addition, Bracey (1989) commented that as both the giver and receiver of bribes are satisfied and have broken the law, neither is likely to report their illegal activity. Homel, (1997a, p. 43) summarised the criticisms of the investigative model stating it is predominantly reactive, relying on third parties to lodge a complaint; it has an individualistic, “bad apple” focus that makes it difficult to attend to systemic issues; it seeks culpability rather than explanation and must negotiate formidable legal, evidentiary, and procedural hurdles; it invokes the notion of deterrence while delivering rates of detection and punishment that are generally below the threshold of effectiveness.

Thus, many authors urge the use of proactive measures (for example, Marx, 1992; Henry, 1990; Sherman, 1977; Burnham, 1974). In addition, Pyo (1994) found that 9 out of the 10 middle to high ranking officers interviewed in his study agreed that a “proactive wing” was necessary in investigating police corruption.

Originating in New York, proactive strategies are now being employed in jurisdictions worldwide. Such strategies include management accountability, Field Associates, using “turned” officers, compulsory rotation, drug screening, declaration of assets and financial interests, and integrity tests (Bracey, 1989; Doig et al., 1984; Palmer, 1992). Management accountability makes it part of the commander’s role to seek out and eliminate any corrupt activities that exist among the commanders’ personnel. Managers are held responsible if
corruption occurs. As noted previously, Field Associates are ordinary officers (usually recently graduated recruits) that, in addition to regular duties, are recruited to secretly report any corrupt activities on the part of their peers. “Turned” officers are corrupt officers promised leniency or immunity if they help to gather evidence against other corrupt officers. Rotation strategies are based upon the assumption that it takes time to develop the ties necessary for most corruption. To counter the frequency and regularity of contact between the potential corrupees and corrupters, rotation involves the regular transferring of personnel particularly those in specialty squads such as narcotics and vice. Carter (1990) pointed to the particular problems of specialists squads. For example, narcotics and vice officers “receive even less supervision than patrol officers and not only are constantly exposed to the drug culture but also are expected to participate in the culture as a charade” (p. 96).

The goal of these proactive strategies is prevention, as well as general intelligence to assess a problem and the apprehension of corrupt officers (Marx, 1992). For example, with integrity tests, police are warned they may be subjected to a variety of tests at any time. The warning is intended to deter violations by creating the uncertainty that a corrupt offer might not actually be what it appears to be. The knowledge that the tests are common place keep people honest and help them to resist peer pressure to participate in corrupt activities.

Sherman (1974, p. 231-232) proposed a continuum of corruption prevention strategies from the least to the most proactive.

1. Altruistic citizens.
2. Dissatisfied contractors.
3. Honest policemen.
4. Dishonest policemen [also called “turned” officers].
5. Paid citizen informants
6. Police spies [also called field associates].
7. Corruption patrollers [also called integrity testers].

He went on to state that “many man-hours are expended by corruption control units in sorting out wheat from chaff among the less specific complaints” (p. 232). Sherman (1978b) used interviews, official police records, and newspaper accounts to evaluate the effects of changes in corruption control policies on police corruption in four American
police departments. He outlined two basic types of corruption control policies: (1) managerial strategies for preventing or reducing corrupt behaviour, and (2) internal policing strategies for apprehending and punishing corrupt officers. These policies can be either classified as “premonitory” or “postmonitory”. “Premonitory strategies attempt to identify and anticipate corruption before or during its occurrence, in order to prevent or intercept corrupt acts. Postmonitory strategies respond to corruption after it has already occurred” (p. 4). He found that premonitory, proactive and covert strategies were superior and could be employed in a police department of any size, although the specific tactics may differ.

The recently released report of investigations and hearings on corruption by members of the QPS in relation to drugs and the drug trade (CJC, 1997c) demonstrated “the need for investigations into police corruption, to be proactive and intelligence driven rather than be merely reactive and complaint-driven” (p. xiv). This report also outlined flaws in current corruption prevention strategies, such as problems in the system for the registration of informants, deficient procedures for dealing with seized money and drugs, inadequate rotation of officers, and the misuse of police computer facilities and lack of computer audit trails, all of which were compounded by “a lack of effective supervision and the implementation of inefficient risk-management practices” (p. xii).

However, as Bracey (1989) observed, these proactive strategies come at a price. As well as recognising the need for proactivity, her work points out the possible negative sides to these otherwise well intentioned activities. Management accountability can lead to commanders attempting to employ an ever-increasing level of control over their subordinates in an effort to avoid the disgrace of corruption. Or a manager may be even more likely to cover up a subordinate’s misconduct out of fear that they will be held responsible. In addition, problems exist in determining how far up the chain of command such accountability should extend. Field Associates could never be totally honest with those they work with, and all officers will often wonder whether their partner and other team members are lying about their identities and activities. Hostility and suspicion may be produced by the knowledge that the agency is using “turned” officers. Moreover, the surreptitious recording not only uncovers corruption but may highlight honest but
embarrassing situations that honest cops would prefer not to have revealed. Rotation reduces the officers’ opportunities to get to know their neighbourhoods and people living there. It reduces the opportunities for team building and developing trust and long term policing strategies. The regular loss of colleagues and supervisors who provide friendship and support also contributes to poor morale. Bracey (1989) sums up by saying it is important to develop:

...training, leadership and organisational ethos that will help police officers freely choose integrity over corruption – not because of the threat of sanctions but because their personal morality and professional pride make integrity more appealing (p. 179).

Sherman (1977) argued strongly for the use of “turned” or undercover officers saying the “most effective methods of intelligence gathering are both covert and proactive” (p. 119). Similarly, he stated the techniques that are the “most controversial – and effective – are integrity tests” (p. 120). However, he also cautioned that “[t]hese techniques carry substantial organisational costs. The lack of trust in rank and file that these techniques suggest could produce a self-fulfilling prophecy of untrustworthy behavior” (p. 120).

Marx (1992) while also in favour of proactive measures pointed out that with integrity tests care should be taken to ensure they are not taken to extremes. He referred to “double testing” which is testing if the officer will accept a corrupt offer and if they reject the offer, then seeing if they will report the offer. Other troubling possibilities were the “creation of crimes that are an artifact of the investigation” and “the direction of resources from known to possible offences” (p. 166). He also stated that such techniques can further the gap between employees and employers, creating the impression that management doesn’t trust or understand staff and is “out to get them”, which is hardly conducive to obtaining the best performance. He warned that if employees believe they are under constant scrutiny and testing then “conformity may increase as candor, spontaneity, innovation, and risk-taking decline” (p. 169).

Homel (1997a) introduced the concept of an “enforcement pyramid for the prevention of police misconduct” to outline a hierarchy of responses, including proactive strategies, that the CJC can draw upon to fulfill its police oversight functions. At the top of the pyramid
are responses least used and most dependent upon “external coercion and control” and at
the bottom the responses most often used with emphasis on cooperation and suasion. The
pyramid hierarchy presented from top to bottom was:

- Fitzgerald type public inquiry
- Intelligence gathering/Undercover operations
- CJC investigations/Prosecutions/Disciplinary procedures
- Police management system reviews
- Demonstration projects/Joint working parties
- Police Codes of Ethics/Regular meetings and discussions/Support for Police Ethical Standards
  Command (p. 45).

Homel (1997a) further stated that the normal emphasis of the regulating agency in
overseeing an organisation would be on “voluntary compliance through persuasion,
demonstration, negotiation, education, and warnings” (p. 44).

However, when the organisation (in this case, the police) exploits the cooperative stance of the
regulator and cheats on compliance, the regulator shifts to a deterrent response. The more powerful
the sanctions at the disposal of the regulator, the less often they will be used, since the mere threat
of an extreme response (provided it is politically feasible) will be sufficient to guarantee voluntary
compliance most of the time (p. 44).

**Summary of strategies to deal with police corruption**

This section has illustrated the need to have many “arrows” in your “bow” when
combatting police corruption. A “state of the art” response to corruption draws upon many
different theories in the development of its anti-corruption efforts. Individual theory based
strategies are the most prolific. Apart from ensuring the selection process was restricting
“bad apples” from entering the police service, under individual theory, prevention efforts
would be directed towards the detection and removal of the existing “bad apples” and the
deterrence of other officers from engaging in corrupt behaviours. A greater focus upon
strategies designed to address cultural factors has become more apparent in recent years.
Prevention initiatives under the organisational or cultural theory involve the identification
of the negative aspects of a particular culture and the implementation of strategies to
eliminate or minimise the effects of these negative elements, including strategies aimed at
reducing the likelihood that new recruits will be socialised into this culture. Under the task
environment theory, prevention focuses upon the identification of situations and opportunities for officers to engage in corruption, followed by the implementation of strategies aimed at eliminating these opportunities or at least reducing the risks of corruption occurring should the officer be placed in this situation. These previously under-utilised strategies based upon opportunity theory are now becoming more widely recognised as pertinent to combating police corruption and for this reason these opportunity theories will be the focus of the following chapter. One approach that draws upon elements from nearly all the theories presented earlier in this chapter is referred to as the “slippery slope” theory (titled by others as the “moral career” or “criminal career” theory). The “slippery slope” refers to the manner in which officers can proceed from small indiscretions to more serious forms of corruption such as taking bribes. Prevention efforts arising from this theory would aim to separate the distance between the steps on the slope so that officers could be more aware and, hence, more able to resist the decline of the slope. Also discussed in this section was the debate over the function of external oversight bodies, viewed as particularly important to ensure public confidence in the complaints process. Finally, the discussion emphasised the necessity for a hierarchy of responses to combat police corruption from the least often used Commission of Inquiry option involving high levels of “external coercion and control” to frequently used techniques with the emphasis on cooperation and persuasion.
CHAPTER 4

RATIONAL CHOICE THEORY, ROUTINE ACTIVITY THEORY AND SITUATIONAL CRIME PREVENTION

Introduction

This chapter provides the theoretical framework underpinning the third study of this thesis – the situational analysis of complaints files – the results of which are presented in Chapter Seven. The current chapter provides theoretical background for each of the Rational Choice, Routine Activities, and Situational Crime Prevention perspectives. It also presents some new theoretical work in the form of definitions for each of the 16 techniques of situational prevention. In conclusion, the chapter describes how, even though some commissions of inquiry have outlined a number of goals in line with situational crime prevention objectives, very little literature exists on the use of situational prevention techniques in the area of police corruption. However, an extensive body of research has affirmed the effect of situational factors on police behaviour, suggesting the potential for further application of situational crime prevention initiatives in combatting police corruption.

Rational Choice Theory

The study of police corruption and misconduct is part of the larger criminological study of occupational deviance. The field is closely related to, and informed by, mainstream criminology. The theories of police corruption described in Chapter Three are based on more broadly conceived theories of crime and deviance. Most traditional criminological theories attempt to explain why certain individuals or groups are more likely to engage in criminal behaviour with reference to biological, psychological, or social needs or deficits. These are theories of “propensity to crime” or “criminality” rather than “crime or criminal acts” (Gottfredson & Hirschi, 1990, p. 4). “Criminality” relates to the processes though
which individuals start, continue and desist from certain forms of crime. The existence of a motivated individual is only one component to explain the occurrence of a crime. “Situational” or “opportunity factors”, that vary greatly between different offences, must also be taken into account.

Most methods of crime prevention arising from “classical” or contemporary classical theories of criminology, whether they involve changing the offenders or the crime environment, are based on assumptions about offenders’ perceptions and decision-making (Gottfredson & Hirschi, 1990; Vold & Bernard, 1986). This view of the offender as a decision maker underlies recent criminological work undertaken by psychologists, economists and sociologists of deviance (Clarke & Cornish, 1985; Cornish & Clarke, 1986). This “rational choice” perspective assumes the process involved in the decision to commit crime is like many other decisions made by “normal” people (Clarke & Cornish, 1985; Cromwell, Olson & Avary, 1991; Niggli, 1994) – that is, at some point individuals “choose” to commit crimes after evaluation of alternative courses of action, calculating the anticipated benefits and rewards in comparison to the costs and risks, and choosing the action that optimises their gain. Cornish and Clarke (1987, p. 935), for example, stated:

Rather than assuming that potential offenders are fueled by a general disposition to offend which makes them relatively indifferent to the nature of the offense they commit, the rational choice perspective asserts that specific crimes are chosen and committed for specific reasons.

The “benefits” not only include material gains but also emotional satisfactions, such as excitement, status, and feelings of superiority or independence. The costs are not only those directly associated with formal punishment but include psychological and social costs, such as pangs of conscience, humiliation, social disapproval, family and marital conflict, and loss of self-esteem (Cromwell et al., 1991, p. 10).

However, rational choice theory does not assume that all or even most decisions result from careful planning and deliberate weighing of alternatives and consequences. For a choice of action to be “rational”, it does not require well-informed calculated choices. All that is required is that decisions are perceived to be optimal based upon the individual’s current perception of the risks and gains involved. Rationality that is “limited” (Cromwell et al., 1991, p. 10) or “bounded” (Simon, 1957, p. 196) involves individuals using “heuristics”
or simplifying rules (Tversky & Kahneman, 1974, p. 1124). Due to such factors as human cognitive limitations, time constraints and the availability of relevant information, decisions are made using these simplifying rules rather than all the information available. These rules are developed by individuals to save substantial cognitive effort, but may still produce “good” solutions. Individually, people also differ in their information-processing capacities and competencies, and are subject to “cognitive schemas” (Tesser, 1978, p. 290), such as “selective attention” caused by one’s own “importance-beliefs” (Slovic & Lichtenstein, 1968, p. 1), individual “rules of thumb” or “standing decisions” (Cook, 1980, p. 220), or other “values in use” (Niggli, 1994, p. 86) used to aid and speed decision processes. Thus, thought patterns, while “internally logical”, consistent, and hence “rational” to the offender, may be regarded as both inconsistent and irrational by another individual.

Clarke and Cornish (1985, pp. 167-170) use the example of residential burglary to present models illustrating some of the factors influencing the decision to commit a crime. These include “background factors” (such as psychological factors, upbringing, social factors and demography), “previous experience and learning” (such as direct and vicarious experience of crime, contact with law enforcement agencies, conscience and moral attitudes, self-perception, foresight and planning), evaluation of both “legitimate” and “illegitimate” solutions (such as degree of effort, amount and immediacy of reward, likelihood and severity of punishment, moral costs), “reaction[s] to any chance event[s]” (such as an easy opportunity, urgent need for cash, persuasion by friends, intoxication, arguments with family members), and target characteristics (such as accessibility, visibility, security measures, occupancy).

Criminological theorising emphasising the “background factors” has been preoccupied with the issue of initial involvement in crime and has failed to develop adequately explanations for specific kinds of offending. However, a situational or rational choice approach “stresses the rational elements in criminal behavior and...also demands that attention be paid to the crucial distinction between criminal involvement (at its various stages) and criminal events” (Clarke & Cornish, 1985, p. 174). The value of Rational Choice Theory in illustrating offenders’ decision making processes has been well established in numerous
studies. For example, it has been useful in explaining the specificity of automobile theft (Clarke & Harris, 1992); motorcycle theft (Mayhew, Clarke & Elliott, 1989); residential burglary (Cromwell et al., 1991; Wright, Logie & Decker, 1995); commercial burglary (Walsh, 1986); robbery (Cusson & Pinsonneault, 1986; Feeney, 1986; Morrison & O’Donnell, 1994; Walsh, 1986); drink driving (Grasmick, Bursik & Arneklev, 1993); traffic offending (Corbett & Simon, 1992); opiate use (Bennett, 1986a); male prostitution (Calhoun & Weaver, 1996); and shoplifting (Carroll & Weaver, 1986). This rational choice perspective, combined with early opportunity theories, such as routine activity theory as described below, provides the theoretical underpinnings for a situational approach to crime prevention. Consequently, it is from the point of view of corruption prevention that Rational Choice Theory holds significant promise for policing.

Routine Activity Theory

Routine activity theory (Cohen & Felson, 1979) proposes that “direct-contact predatory crime” requires a “motivated” or “likely offender” and “suitable target” (or victim) converging in time and space in the “absence of a capable guardian”. The authors proposed this theory as, in their judgement, conventional theories of crime “have difficulty in accounting for the annual changes in crime rate trends in the post-World War II United States” (Cohen & Felson, 1979, p. 604). According to Clarke (1995, p. 100), routine activity theory,

> avoids speculation about the source of the offender’s motivation, which distinguishes it immediately from most other criminological theories. Instead, it focuses on the convergence in space and time of the three elements of crime, that is to say, on the conditions favoring the occurrence of a criminal event, rather than the development of a criminal disposition.

Cohen and Felson (1979) demonstrated that rises in residential burglary between 1960 and 1970 in the United States were largely attributable to changes in “routine activities” such as the growing proportion of unoccupied homes during the day (as a result of more single person households and increased female participation in the labour force), the greater consumption of entertainment outside the home, and also to factors such as the greater
portability of televisions and other electrical goods. Since then Felson has defined minimal elements for types of offences other than “direct-contact predatory crime” (Felson, 1992) and, to accommodate social control theory (Hirschi, 1969), has proposed a fourth element of “the intimate handler”, or someone who knows the offender well enough to “afford a substantial brake” on the offender’s activities (Felson, 1986). Clarke (1992) proposed to also add “crime facilitators” to this equation – implements that constitute the essential tools for the commission of specific types of crime. For example, automobiles provide transport to and from crime scenes; weapons neutralise and secure compliance from victims and security personnel; credit cards provide access to funds to be defrauded; crowbars or other tools enable access to premises.

**Situational Crime Prevention**

As noted, Clarke’s review of criminological research “suggested a more dynamic view of crime than allowed by dispositional models. It appeared that criminal conduct was highly susceptible to variations in opportunity and to transitory pressures and inducements” (Clarke, 1992, p. 8). Therefore, this approach is not aimed at the “root social causes” of crime, and does not try to change underlying psychological or genetic factors of the offender, but relies simply upon “reducing the opportunities for crime” (Clarke, 1992, p. 3). As Bennett (1986b, pp. 43-44) has commented, an individual’s past or inherited factors resulting in a “disposition to offend” are given less importance than the “calculation of costs and rewards” in explaining the immediate “motivation to offend”. Situational crime prevention covers all methods that seek to prevent crime by modifying the physical environment, the community, or the potential victim with the aim of increasing the risks or efforts, or decreasing the rewards of committing crime. Clarke (1992, p. 4) stated that:

Situational prevention comprises opportunity-reducing measures that are, (1) directed at highly specific forms of crime (2) that involve the management, design or manipulation of the immediate environment in as systematic and permanent way as possible (3) so as to increase the effort and risks of crime and reduce the rewards as perceived by a wide range of offenders.
Examples of these measures include strategies such as “target hardening” by the use of locks, bolts, bars, fences, gates or even the use of graffiti resistant material on public transport. Situational measures can involve utilising advances in technology such as sensor alarms, closed circuit television (CCTV), breathalysers, speed and red light cameras. Employee surveillance of particular locations is provided by ticket collectors, grounds keepers, and doormen. A variety of strategies such as Neighbourhood Watch aim to better utilise “natural surveillance provided by members of the public” (Clarke, 1992, p. 4). Situational prevention can even include measures such as improving “coordination of public transport with pub closing times and the separation of rival soccer fans in different enclosures at the stadium” (Clarke, 1992, p. 4).

A significant advantage of this approach is that offenders do not have to be identified before they can be dealt with. Cornish and Clarke (1987, p. 934) make the point that once prevented from engaging in a specific crime, the potential offender will not necessarily search for another crime to commit and could rationalise desistance in a variety of ways such as “I would have eventually got caught anyway”.

A large body of literature testifying to the relative effectiveness of such techniques now exists (Clarke, 1992; Clarke, 1995; Evans, 1995; Nicholson, 1995). The original set of eight opportunity-reducing techniques used in situational crime prevention was developed by Hough, Clarke and Mayhew (1980). These were later developed into twelve techniques by Clarke (1992, p. 13), under the three groupings of “Increasing the effort”, “Increasing the risks” and “Reducing the rewards” (see later in this chapter for discussion on more recent modifications). The following paragraphs structured around these groups provide just a few examples of the successful use of such techniques.

Numerous examples of prevention by “Increasing the effort” are available. The most well known of all situational techniques is that of “target hardening”. Decker (1972) in New York City showed that changes in parking metre design could substantially lower the use of slugs. Mayhew, Clarke, Sturman and Hough (1976) reported a 60% decline in the rate of car theft in West Germany after the fitting of steering column locks on all cars.
Challinger (1991) reported a dramatic decline in the damage to public telephones in South Australia and Northern Territory after the strengthening of coin boxes. Other techniques in this group are “access control”, “deflecting offenders” and “controlling facilitators”. “Access control” was illustrated by Matthews (1990) in reported success in blocking off streets to reduce access to a red light district by cruising “johns”. “Deflecting offenders” was demonstrated by Poyner and Webb (1987) who showed how increasing illumination and reducing congestion by separating market stalls can foil pickpocketing and other “stealth” thefts. Examples of “controlling facilitators” are provided by Clarke and Mayhew (1988) who demonstrated that the removal of carbon monoxide from the public gas supply reduced the rate of suicide in England and Wales; and Knutsson and Kuhlhorn (1981) who showed that cheque fraud was diminished in Sweden by the introduction of identification procedures.

The next group of techniques involve “Increasing the risks”. Examples of “entry/exit screening” are provided by Scherdin (1986) who illustrated how electronic detection screens reduced thefts of books and audiovisual materials at a university library; and DesChamps, Brantingham and Brantingham (1991) who demonstrated that ticket re-design to aid inspection produced a two-thirds reduction in fare evasion. The impact of “formal surveillance” was illustrated by van Andel (1989) who showed that in three Dutch cities the employment of 1200 youths to serve as safety, information and control inspectors substantially lowered rates of vandalism, assault and fare evasion on subways. Poyner (1991) illustrated the use of CCTV in reducing auto theft from a large shipyard parking lot. The use of “surveillance by employees” was shown by Mayhew, Clarke, Burrows, Hough and Winchester (1979) who found that CCTV reduced mugging and thefts at London Underground stations. Waller and Okihiro (1978) have shown that the likelihood of an apartment building being burgled is reduced by the presence of a doorman, and Poyner (1992) demonstrated the value of CCTV on buses in reducing the incidence of vandalism. Examples of “natural surveillance” by improvements in street lighting are reported by Griswold (1984) to prevent commercial burglary; and in the prevention of convenience store robbery by unobstructed views into the interior of the shop as reported by Hunter and Jeffrey (1992).
In the group of “Reducing the rewards”, “target removal” was demonstrated by Pease (1991) in the form of the removal of gas and electric coin metres on a public housing estate in Britain in conjunction with security upgrades (target hardening), and a variety of Neighbourhood Watch (natural surveillance) to lower the burglary rate. Laycock (1991) demonstrated the high value of media publicity and police door-knocks in association with “identifying property” to reduce burglaries. The effectiveness of “removing inducements” was demonstrated by Sloan-Howitt and Kelling (1990) in decreasing subway graffiti as the prompt erasing of graffiti eliminated the offender’s satisfaction from having their talent publicly displayed. The value of “rule setting” was described by Ramsay (1991) in diminishing public disorder problems by the imposition of explicit local prohibitions against the drinking of alcoholic beverages in the streets and other public spaces.

The debate over Situational Crime Prevention

It has been argued that situational measures will only be useful for crimes with a strong “opportunistic” element, while alternative strategies are necessary for other crimes that are more deeply motivated or committed by “hardened” offenders (Trasler, 1986). However, evidence for situational approaches is now growing in areas usually thought to be the domain of “hardened” offenders, such as dramatic reductions in aircraft hijacking by baggage screening (Wilkinson, 1986), and considerable success in preventing armed robberies by target-hardening banks (Clarke, Field & McGrath, 1991; Gabor, 1990; Grandjean, 1990), post offices (Ekblom, 1988), convenience stores (Hunter & Jeffery, 1992), betting shops (Clarke & McGrath, 1990) and buses (Poyner, Warne, Webb, Woodall & Meakin, 1988). In addition, Lloyd, Farrell and Pease (1994) reported some promising results using a variety of techniques including “Quick Response Pendant Alarms” (p. 4) to prevent repeated domestic violence.

Of special note is the fact that situational prevention focuses on highly specific categories of crime, as it is assumed that the decision processes and information utilized will vary greatly between different offence contexts. Thus, a high degree of uniformity or
homogeneity in a specific crime set allows for a more detailed definition of the process and conditions involved in the crime. Poyner (1986) states:

This may explain why so much preventive research has been disappointing. Because so much effort has been concentrated on crude groupings of crime types such as burglary, robbery or auto theft, it has been virtually impossible to find truly common facts about the conditions which lead to each of these groups of crime (p. 39).

This fact has resulted in situational prevention encountering some difficulty gaining acceptance in government and political circles. Situational prevention was often seen as a perfunctory response to the underlying “causes of crime such as poverty, deprivation, unemployment and poor schooling” rather than as valid techniques used “to solve highly specific problems as experienced by particular communities or organizations” (Clarke, 1992, p. 28). Other initial criticisms, as pointed out by Clarke (1995, p. 133), included hostility arising from the target-hardening techniques which evoked fears of developing a “fortress society”. However, Clarke (1995) goes on to say that acceptance will increase as policy makers and society in general gain greater experience with the more low-profile situational measures (such as steering column locks, the marking of automobile parts, or interior lighting of commercial premises), techniques that may actually reduce the fear of crime (such as improved street lighting, defensible space architecture, or uniformed security guards in public areas), or other measures (such as bar coding of merchandise and central locking of automobiles) which improve security and also have “considerable advantages of convenience” (p. 133).

A further initial fear concerned the erosion of privacy and civil liberties produced by the use of technological measures (such as CCTV, alarms, electronic screening and scanning devices) that would result in “big brother” forms of state control. However, as mentioned above, these fears should be reduced by a fuller understanding that situational techniques “cannot be applied wholesale; they need to be tailored to the particular circumstances giving rise to specific problems of crime and disorder” (Clarke, 1992, p. 28) and that many of the initiatives need to be taken, not by the state, but by private and commercial parties.
Much debate also occurs in the situational prevention literature regarding “displacement”. Displacement is the term used to describe “the idea that blocking opportunities for crime will simply result in it being displaced elsewhere or to some other time, being committed in another way, or even being transformed into some other kind of offense” (Clarke, 1992, p. 22). However, as committing crime becomes more and more risky, difficult and unrewarding, the rational choice underpinnings of this theory imply that offenders will more and more often choose legal alternatives to achieve their purposes. There are empirical studies that provide evidence to suggest that displacement does not always occur (for example, see Clarke et al., 1991; Clarke & Mayhew, 1988; Knutsson & Kuhlhorn, 1981; Matthews, 1990; Poyner & Webb, 1987) or that there is not always 100 per cent displacement (for example, see Bennett & Wright, 1984; Chaiken, Lawless & Stevenson, 1974; Mayhew et al., 1976). However, this evidence should not preclude displacement concerns being considered and incorporated into the design and evaluation of all situational prevention projects.

The opposite of displacement is “diffusion of benefits”. Diffusion is the name given to the benefits gained from preventing one crime which also reduce other sorts of crime or crime in other areas or times. For example, Pease (1991) found that an experiment to target-harden houses that had recently experienced a burglary in a public housing estate in the North of England lowered the burglary rate not just for these houses but for the whole estate. Again there is much empirical evidence to support this phenomenon (for example, see Clarke et al., 1991; Ekblom, 1988; Pease, 1991; Poyner, 1991, 1992; Poyner & Webb, 1987; Scherdin, 1986).

As previously mentioned, the original set of eight opportunity-reducing techniques used in situational crime prevention was developed by Hough et al. (1980). These were later developed into twelve techniques by Clarke (1992), and more recently into sixteen by Clarke and Homel (1997). The latter divide the techniques into four main areas: “Increasing Perceived Effort”, “Increasing Perceived Risks”, “Reducing Anticipated Rewards”, and “Inducing Guilt or Shame”. Table 4.1 (from Clarke & Homel, 1997) illustrates how each of the sixteen techniques fits in these groups and provides examples of each technique (see
As only the title of each technique followed by several examples were presented by Clarke and Homel (1997), I created a definition of each of the techniques (based upon material from Clarke (1992, 1995) and Clarke & Homel (1997)). These are provided in Table 4.2 (see page 105).

It is important to note that situational crime prevention is not incompatible with other forms of crime prevention. The strategies used by the criminal justice system to prevent crime, such as the incarceration of offenders who commit many types of crime frequently over long periods of their lives, reduces the opportunities these individuals have to offend. Thus, this strategy could be viewed as a form of “access control” where potential offenders are prevented access to victims. The deterrence factor as a result of increasing punishment for offences is itself not a situational crime prevention technique, but another expression of the rational choice perspective that underlies much of the situational crime prevention theory. Efforts to address broad social conditions such as unemployment and discrimination which produce criminal activity, while not situational, are still important. For example, countering the widespread problems of illegal drug use involves understanding elements of offender motivation, addressing underlying social conditions, as well as focusing on the immediate circumstances of offending. As neatly described by Pease (1994, p. 677), “target-hardening measures are relevant only if social conditions underpin them. The stoutest door will yield in time if no neighbour calls the police or intervenes.”
Table 4.1 – Sixteen techniques of situational prevention

<table>
<thead>
<tr>
<th>Increasing Perceived Effort</th>
<th>Increasing Perceived Risks</th>
<th>Reducing Anticipated Rewards</th>
<th>Inducing Guilt or Shame</th>
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</thead>
<tbody>
<tr>
<td><strong>1. Target Hardening:</strong></td>
<td><strong>5. Entry/Exit Screening:</strong></td>
<td><strong>9. Target Removal:</strong></td>
<td><strong>13. Rule Setting:</strong></td>
</tr>
<tr>
<td>Slug rejector device</td>
<td>Automatic ticket gates</td>
<td>Removable car radio</td>
<td>Harassment codes</td>
</tr>
<tr>
<td>Steering locks</td>
<td>Baggage screening</td>
<td>Women’s refuges</td>
<td>Customs declaration</td>
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<tr>
<td>Bandit screens</td>
<td>Merchandise tags</td>
<td>Phonecard</td>
<td>Hotel registrations</td>
</tr>
<tr>
<td><strong>2. Access Control:</strong></td>
<td><strong>6. Formal Surveillance:</strong></td>
<td><strong>10. Identifying Property:</strong></td>
<td><strong>14. Strengthening Moral Condemnation:</strong></td>
</tr>
<tr>
<td>Parking lot barriers</td>
<td>Burglar alarms</td>
<td>Property marking</td>
<td>“Shoplifting is stealing”</td>
</tr>
<tr>
<td>Fenced yards</td>
<td>Speed cameras</td>
<td>Vehicle licensing</td>
<td>Roadside speedometers</td>
</tr>
<tr>
<td>Entry phones</td>
<td>Security guards</td>
<td>Cattle branding</td>
<td>“Bloody idiots drink and drive”</td>
</tr>
<tr>
<td><strong>3. Deflecting Offenders:</strong></td>
<td><strong>7. Surveillance by Employees:</strong></td>
<td><strong>11. Reducing Temptation:</strong></td>
<td><strong>15. Controlling Disinhbitors:</strong></td>
</tr>
<tr>
<td>Bus stop placement</td>
<td>Pay phone location</td>
<td>Gender-neutral phone lists</td>
<td>Drinking age laws</td>
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<tr>
<td>Tavern location</td>
<td>Park attendants</td>
<td>Off-street parking</td>
<td>Ignition interlock</td>
</tr>
<tr>
<td>Street closures</td>
<td>CCTV systems</td>
<td></td>
<td>Server intervention</td>
</tr>
<tr>
<td><strong>4. Controlling Facilitators:</strong></td>
<td><strong>8. Natural Surveillance:</strong></td>
<td><strong>12. Denying Benefits:</strong></td>
<td><strong>16. Facilitating Compliance:</strong></td>
</tr>
<tr>
<td>Credit card photo</td>
<td>Defensible space</td>
<td>Ink merchandise tags</td>
<td>Improved library checkout</td>
</tr>
<tr>
<td>Caller-ID</td>
<td>Street lighting</td>
<td>PIN for car radios</td>
<td>Public lavatories</td>
</tr>
<tr>
<td>Gun controls</td>
<td>Cab driver ID</td>
<td>Graffiti cleaning</td>
<td>Trash bins</td>
</tr>
</tbody>
</table>

Table 4.2 – Definitions of the sixteen techniques of situational prevention

**TARGET HARDENING**
Target hardening obstructs offenders by physical barriers through the use of such devices as locks, safes, screens, or reinforced materials.

**ACCESS CONTROL**
Access control refers to measures intended to exclude potential offenders from places such as offices, factories, and apartment buildings. These techniques form the central component of defensible space measures.

**DEFLECTING OFFENDERS**
These techniques involve deflecting offenders from potentially tempting situations or locations, or by attracting or re-directing them to other locations or activities.

**CONTROLLING FACILITATORS**
Controlling facilitators attempts to restrict availability of items such as weapons, vehicles, telephones and credit cards which aid in the commission of crime.

**ENTRY/EXIT SCREENING**
Entry screening differs from access control in that the purpose is less to exclude potential offenders than to increase the risk of detecting those who are not in conformity with entry requirements. Exit screens serve primarily to deter the illegal removal of objects or impede offender escape routes.

**FORMAL SURVEILLANCE**
Formal surveillance is provided by police, security guards and other employees, whose main function is to furnish a deterrent threat to potential offenders.

**SURVEILLANCE BY EMPLOYEES**
In addition to their primary function, some employees, particularly those dealing with the public, also perform a surveillance role. They include shop assistants, hotel doormen, grounds keepers, parking lot attendants, and train conductors.

**NATURAL SURVEILLANCE**
Householders may trim bushes at the front of their homes, and banks may light the interior of their premises at night in attempts to capitalize on the “natural” surveillance provided by people going about their everyday business who may intervene or notify formal agents of control.
Table 4.2 – Definitions of the sixteen techniques of situational prevention (continued)

<table>
<thead>
<tr>
<th>Target Removal</th>
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<tbody>
<tr>
<td>Target removal is the removal of potential targets or the replacement of these targets with less attractive alternatives.</td>
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<table>
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<tr>
<th>Identifying Property</th>
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<tbody>
<tr>
<td>Identifying property refers to the variety of property marking measures such as those used with automobile parts which allow for tracing of stolen items. This is especially useful for reducing the re-sale value of stolen items.</td>
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<tr>
<th>Reducing Temptation</th>
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<tbody>
<tr>
<td>These techniques reduce the temptations involved in offending behaviour by diminishing the apparent value or attractiveness of targets or minimising their visibility such as not having bare walls which invite graffiti.</td>
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<tr>
<th>Denying Benefits</th>
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<tr>
<td>These techniques seek to eliminate or reduce the benefits that the offender gains from committing the crime. Arguments in favour of rapid repair of vandalism or graffiti also fall under the heading of denying benefits on the grounds that offenders will not gain satisfaction from public display of their handiwork.</td>
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<table>
<thead>
<tr>
<th>Rule Setting</th>
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<tbody>
<tr>
<td>Rule setting is the introduction of new rules or procedures (and the improvement of those in place) that are intended to remove any ambiguity concerning the acceptability of conduct. The existence of these rules means that offenders must be prepared to incur higher costs in terms of fear or conscience. Such rules would not normally require the backing of law, but some highly specific laws and local ordinances have the character of situational measures.</td>
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<thead>
<tr>
<th>Strengthening Moral Condemnation</th>
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<tr>
<td>Strengthening moral condemnation is specifically intended to raise the costs of crime in terms of shame or guilt that would be experienced by the offender.</td>
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<tr>
<th>Controlling Disinhibitors</th>
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<tr>
<td>These techniques attempt to restrict or modify psychological disinhibitors, such as alcohol, drugs, dehumanising propaganda and television violence, which impair perceptual or cognitive processes so that offenders are unaware of breaking the law, or because the higher order mental processes involved in conscience are undermined.</td>
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<tr>
<th>Facilitating Compliance</th>
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<tbody>
<tr>
<td>Facilitating compliance techniques make it easier for people to conform to existing rules and regulations.</td>
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</table>

The prevention of police corruption

Very little literature exists on the use of situational prevention techniques in the area of police corruption. The only exception would seem to be in relation to police violence where there are a small number of publications. For example, in the United Kingdom, Uildriks and van Mastrixt (1991) outlined three situational stages that occur before the occurrence of police violence. The first of these phases is the anticipation phase during which expectations are formed prior to arriving at the scene based upon the nature of the event in question, its location and the types of people the officer is anticipating finding at the scene. The next stage is the entry and initial confrontation stage where the officer adjusts his/her initial expectations with the extra information that quickly becomes available upon arrival. The third stage is the exchange of dialogue and information with various members of the public involved in the incident. More or differing information may become available. The attitudes and behaviours of the members of the public and wider social or physical contextual factors may be perceived. Uildriks and van Mastrixt (1991) proposed that all of these stages are traversed by the officer prior to the conscious decision to use force. In Australia, a study of 271 complaints of excessive force by officers of the QPS (CJC, 1997b) identified some basic situational factors that were often present in these conflictual encounters. These encounters involving on-duty officers most often occurred late in the evening (and most often on Fridays, Saturdays and Sundays) in a police-controlled space (such as police vehicles, cells, interview rooms, watchhouses) where no other people were present and the citizen(s) involved had used alcohol or drugs.

More generally, an extensive body of research studies has affirmed the influence of situational factors on police behaviour. For example, Worden (1989) discussed an observation study of officers from 24 police departments in three metropolitan United States areas involving 900 patrol shifts during which officers made 855 traffic stops. He found that a police officer’s decision to arrest is “based to a significant degree on situational cues that officers interpret in similar ways” (p. 702). Such situational cues include the gravity of the violation in question, the visibility of the encounter, the presence
of bystanders and other officers, and the suspects’ attributes (race, sex, alcohol consumption, etc.). Even the officer’s discretionary time (that is, how busy the officer is) is relevant.

Some commissions of inquiry have outlined a number of goals in line with situational crime prevention objectives. The aims of the reforms recommended by the Knapp Commission Report (1972) included the curtailment of corrupt practices by eliminating as many situations as possible which expose police officers to corruption, and by imposing strict controls over those situations where “corruption hazards” are unavoidable, such as enforcing drug, liquor and construction industry laws and regulations, dealing with expense money, and contacts with informants. On the other hand, Fitzgerald Inquiry recommendations included a move towards Community Oriented Policing which arguably makes it more difficult to protect officers from corruption hazards as it involves greater interaction between the officer and the community. A recent example provided by the Royal Commission into the New South Wales Police Service Report (1997, pp. 231-234) was critical of police being assigned to duties in the Police and Community Youth Clubs (PCYCs). The Report expressed:

...concern that police involved in the PCYCs have access to substantial sums of money, can exercise wide-ranging authority and discretion in the day-to-day management of the clubs, but report to part-time civilian committees and not to the Police Service. As a result, the Service is not able to exercise effective supervision over their activities (p. 234).

Some of the strategies for dealing with police corruption outlined in Chapter Three of this thesis involve components of situational prevention, while others do not. Sometimes authors and inquiries recommend techniques in line with situational prevention while at the same time recommending strategies that conflict with or are outside of this theory. The remainder of this section groups recommended strategies and techniques with a situational basis by categories of situational prevention technique as illustrated in Table 4.1. It should be noted that this exercise is not based upon an assessment of the effectiveness of the strategies listed, but simply involves defining them as situational.
Strategies containing a situational prevention component

This section lists the approaches contained in the literature that are underpinned by situational prevention theory. Approaches are listed by categories of situational prevention technique as illustrated in Table 4.1.

**Target hardening**
- Strategies designed to increase the security of drugs, cash or other property seized by police.

**Deflecting offenders**
- Procedural changes to reduce corruption, such as the lack of “buy money” (police funds to purchase legitimate evidence) leading honest narcotics detectives into selling and trading drugs for this information.
- The removal of arrest quotas which place a priority on quantity over quality and only result in the arrest of more small-time offenders. Sherman (1978b) also was critical of arrest quotas saying that they produced an institutional pattern of perjury in order to achieve these objectives which paved the way for lying to cover up corruption.
- Compulsory rotation strategies that are based upon the assumption that it takes time to develop the ties necessary for most corruption.

**Controlling facilitators**
- Computer audit trails to reduce the incidence of the misuse of police computer information facilities.
Entry/exit screening

- Strategies that propose increasing the efficacy of recruitment procedures such as the inclusion of background investigations, polygraphs, tests of emotional and psychological fitness, probationary periods for recruits, seeking older recruits with more life experience and raising the educational standards.

Formal surveillance

- Strategies to increase effective supervision of personnel, such as management accountability, which makes it part of the commander’s role to seek out and eliminate any corrupt activities that exist among the commanders’ personnel.

- Integrity Testing which purposely places officers in potentially compromising positions and then monitors their resulting behaviour.

- The establishment of an external oversight body, such as the CJC, with the capacity to investigate police and also carry out physical surveillance to increase perceived risks of detection.

Surveillance by employees

- Increased provision, protection and rewards for whistleblowers and informers, including legislative changes to make it easier to offer proof of corruption.

- Field Associates who are police officers (usually recently graduated recruits) recruited to secretly report any corruption they observe during the course of their regular duties.

- Reward systems that may range from cash payments to immediate promotion for officers offering corruption information.

- The use of “turned” officers who are corrupt officers promised leniency or immunity if they help to gather evidence against other corrupt officers.
Natural surveillance by the general public

- Strategies to encourage complaints, such as easy to use complaints systems, legislation or policies to reduce the burden of proof or even paying citizen informants for information about corrupt police activities.

- Strategies to sustain and focus public attention upon the progress of reform, such as regular use of the media to highlight corruption issues.

Reducing temptation

- Eliminate policies of non-enforcement for minor offences likely to give rise to corruption problems (for example, minor drug, prostitution and gambling offences).

Rule setting

- Strategies that centre around instilling professionalism via an explicit code of ethics.

- The tightening of regulations governing situations that are most likely to give rise to allegations of corruption, such as strict procedures for dealing with seized money and drugs, systems for the registration of informants, and policies of requiring two people to be present during meetings with informants, counting money, and male-female encounters.

Identifying property

- Marking or tracing of drugs, cash or other property seized by police.

Denying benefits

- The use of legislation in the form of the “exclusionary rule” to curb officers’ abuses of civil rights.
Conclusion: The prevention of police corruption

Some commissions of inquiry have recommended a number of goals in line with situational crime prevention objectives (such as the curtailment of corrupt practices by eliminating as many situations as possible which expose police officers to corruption), and by imposing strict controls over those situations where “corruption hazards” are unavoidable (such as enforcing drug, liquor and construction industry laws and regulations, dealing with expense money, and contacts with informants). Disappointingly, very little literature exists on the use of situational prevention techniques in the area of police corruption. However, an extensive body of research has affirmed the influence of situational factors on police behaviour. For example, Worden (1989) found that a police officer’s decision to arrest is based to a significant degree upon situational factors including the gravity of the violation in question, the visibility of the encounter, the presence of bystanders and other officers, the suspects’ attributes (race, sex, alcohol consumption, etc.) and even the officer’s discretionary time (that is, how busy the officer is). Such research suggests that the expanded application of situational crime prevention initiatives in combatting police corruption holds great potential.

The next section moves onto exploring the first research question of the thesis – that the reforms initiated by the Fitzgerald Inquiry, namely the creation of the CJC, the re-writing of the Police Rules, changes to the recruiting and training practices of the Service, and the introduction of a statutory obligation on police to report suspected misconduct by their colleagues, have reduced corruption and misconduct within the QPS.
SECTION 3: CJC RESEARCH ON THE IMPACT OF FITZGERALD INQUIRY REFORM MEASURES

This section of the thesis is divided into two chapters which summarise the findings of a report released by the CJC in September 1997 titled *Integrity in the Queensland Police Service: Implementation and Impact of the Fitzgerald Inquiry Reforms* (CJC, 1997a). I was the principal author and researcher for this project. For ease of use in this section of my thesis the term “the Integrity Report” will be used to refer to this document. In addition this section incorporates into its analysis two additional years of data (1996–97 and 1997–98) where appropriate.

The Integrity Report was concerned with those recommendations of the Fitzgerald Inquiry which were directed towards improving the police complaints and discipline process and enhancing police integrity in Queensland. The first chapter of this section examines the impact these reforms have had on:

- the efficiency and effectiveness of the processes for dealing with complaints against police
- public confidence in those processes and the public standing of the QPS generally
- standards of police behaviour and the incidence of corrupt conduct.

Overall, the findings indicate that the implementation of the Fitzgerald Inquiry reforms have significantly enhanced the operation of the police complaints and discipline system in Queensland: Surveys of the general public indicate a marked improvement in the public perception of the image of the QPS, and the weight of the available evidence is clearly that officer misconduct is less pervasive and occurs at lower levels than was the case in the pre-Fitzgerald Inquiry QPS.
The second chapter examines measures of police attitudes towards reporting misconduct by their fellow officers. Specifically, this chapter attempts to answer the question of whether the influence of the police code of silence has been diminished by the implementation of the Fitzgerald Inquiry reforms. The evidence presented in this chapter supports the conclusion that these reforms have resulted in a weakening of the code of silence within the QPS.
CHAPTER 5

STUDY ONE – MEASURES OF THE IMPACT OF FITZGERALD REFORM RECOMMENDATIONS

Introduction

This chapter summarises three chapters of the Integrity Report (see page 113). These three chapters described: the impact of the Fitzgerald reforms on public perceptions of the QPS and the complaints against police process; the way in which complaints are processed; and police discipline and misconduct.

In order to assess the implementation and impact of these and associated reforms, the Integrity Report drew upon four main data sources: CJC and QPS data on complaints against police and CJC complaints files; surveys of police; interviews with experienced serving officers; and public attitude surveys.

These data sources have been described in Chapter One of this thesis and, where necessary, more detail on each will be provided where the data are presented. Although each data source has limitations, collectively they can be used to build up an overall picture. It may not be possible to be precise about the extent to which the Fitzgerald Inquiry reforms have led to changes in police attitudes and behaviour or increased public confidence in the QPS and the complaints system. However, in most cases, the data are sufficiently comprehensive – and robust – to support defensible conclusions about the general direction of the changes which have occurred.
Public confidence in the QPS and the complaints investigation process

One of the objectives of the Fitzgerald Inquiry was to restore public confidence in the QPS and, more specifically, in the police complaints investigation process. The Inquiry reported that the failure by successive governments to face the problem of police misconduct had undermined the community’s confidence in public institutions (p. 30). It is not possible to quantify the impact of the Fitzgerald Inquiry reforms on public confidence in the police, given that no comparable pre- and post-Inquiry surveys have been conducted. However, the limited data available support the conclusion that before the Fitzgerald Inquiry, Queensland police generally had a less favourable public image than their counterparts in other Australian jurisdictions.

The limited data are derived from two sources. First, two series of national surveys – McNair Anderson polls conducted in 1973, 1976, 1979 and 1982 and Morgan Gallup Polls in 1967 and 1978 – which contained questions on police effectiveness, honesty and ethical standards in comparison to other occupations, public respect for police, and police standing and image (Swanton, Hannigan & Psaila, 1985). Second, a national survey undertaken by the Australian Institute of Criminology in July 1987 which contained questions on respect for police, police performance, police honesty, the politeness and helpfulness of police, frequencies of stopped/questioned contacts with police, requests for assistance, and respondent satisfaction with the assistance received (Swanton, Wilson, Walker & Mukherjee, 1988; Swanton, Walker & Wilson, 1988).

These surveys found fairly high levels of support for police overall, but also indicated that people in Queensland generally had a less favourable view of their police than did people in other States. According to the McNair Anderson Polls, in 1976 and 1982 Queensland had the lowest proportion of respondents stating that the police service did a “good” or “fair” job, was equal lowest in 1973 with New South Wales, and tied for second lowest with Western Australia (New South Wales being the lowest) in 1979. Similarly, in each of the 1967 and 1978 Gallup polls and the 1987 Australian Institute of Criminology surveys, the proportion of Queensland respondents stating they had “great” respect for the police
was below the national average. For example, in 1987 only 37.8 per cent of the 317 Queensland respondents stated they had “great respect” for the police compared to 58.3 per cent of the 2097 respondents from the “Rest of Australia” (“Rest of Australia” figures are based on responses from New South Wales, Victoria, Western Australia, South Australia and Tasmania). However, these responses may have been affected by the controversy and negative reporting of police which accompanied the commencement of the Fitzgerald Inquiry: the Inquiry officially began on the 26 May 1987 and the survey was conducted in July 1987.

Post-Fitzgerald Inquiry surveys of the general public were undertaken by the CJC in 1991, 1993 and 1995. In each survey approximately 900 adult residents throughout Queensland were telephone interviewed by a private market research firm on behalf of the CJC with questions relating to perceptions of crime, the QPS, the complaints process and the CJC (CJC, 1991; CJC, 1993; CJC, 1995b). In general these surveys indicated a marked improvement in the public perception of the image of the QPS. For example, agreement with the statement “The police have a bad image in Queensland” decreased from 61 per cent in 1991 to 29 per cent in 1995.

Some cross-jurisdictional comparative data on attitudes to police are available from the Australian Bureau of Statistics Population Survey Monitor (unpub.), conducted in three waves during February, May and September 1996. Eight questions from the survey were particularly relevant for current purposes. Table 5.1 shows that the proportion of Queensland respondents who agreed with the two questions relating to “tolerance of corruption” was slightly above the national average, whereas the proportion who said that they trusted their local police and were satisfied with the services provided by the police was below average. However, while the differences were statistically significant they were quite small. On the other four questions, relating to the perceived honesty and professionalism of police, there were no statistically significant differences between Queensland and the rest of Australia.
Table 5.1 – Measures of the public’s attitude to the police
(Queensland and Rest of Australia, 1996)

<table>
<thead>
<tr>
<th></th>
<th>Queensland (n=1,160)</th>
<th>Rest of Australia(^1) (n=8,316)</th>
</tr>
</thead>
<tbody>
<tr>
<td>% stating “strongly agree” or “agree”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sometimes police have to break the rules to get the job done.</td>
<td>56.1</td>
<td>52.1(^2)</td>
</tr>
<tr>
<td>There will always be some police corruption.</td>
<td>88.0</td>
<td>84.0(^3)</td>
</tr>
<tr>
<td>I do not have confidence in the police.</td>
<td>10.6</td>
<td>9.5</td>
</tr>
<tr>
<td>I trust my local police.</td>
<td>73.8</td>
<td>76.7(^4)</td>
</tr>
<tr>
<td>I think the police perform their job professionally.</td>
<td>72.3</td>
<td>73.2</td>
</tr>
<tr>
<td>Police treat people fairly and equally.</td>
<td>49.8</td>
<td>51.0</td>
</tr>
<tr>
<td>Most police are honest.</td>
<td>70.3</td>
<td>69.4</td>
</tr>
<tr>
<td>% stating “very satisfied” or “satisfied”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satisfaction with services provided by police</td>
<td>67.0</td>
<td>70.8(^5)</td>
</tr>
</tbody>
</table>


Notes:
1. “Rest of Australia” figures are based on responses from New South Wales, Victoria, South Australia, Western Australia, Tasmania, Northern Territory, and the Australian Capital Territory.
2. \(\chi^2 = 6.59, df 1, p<.05\).
3. \(\chi^2 = 12.57, df 1, p<.01\).
4. \(\chi^2 = 4.75, df 1, p<.05\).
5. \(\chi^2 = 7.12, df 1, p<.01\).

In interpreting these findings it is important to be aware that the surveys mentioned above indicate that there has always been a high “base” level of public support for police in Australia, and therefore only limited scope for initiatives such as the Fitzgerald Inquiry to “make a difference”. In addition, public attitudes towards police are shaped by a range of socio-demographic and personal factors. Other research has shown that once attitudes are formed, they are likely to be resistant to change, especially in the shorter term (Dawley, Morrison & Carrol, 1980; Kraft & Wijesinghe, 1970).

Comparable pre- and post-Fitzgerald Inquiry measures of public attitudes towards the police complaints investigation process also are not available. However, the Fitzgerald Inquiry (1989, p. 292) reported that the Police Complaints Tribunal had “lost all public confidence”. By contrast, the 1995 Attitudes to QPS Survey (CJC, 1995b) found that 87
per cent of respondents agreed that complaints against the police should be investigated by an independent body, not by the police. The survey also found that 59 per cent of respondents saw the CJC as independent from the police and 60 per cent saw the CJC as having had at least some success in improving police conduct. According to this survey, and a 1996 CJC survey of defendants appearing in Queensland Magistrates Courts (CJC, 1996a), many people are still reluctant to make complaints against police. In the 1996 CJC survey, only 29 per cent of respondents who stated they were unhappy about some aspect of their treatment by police made a complaint to a third party. The most common explanations given by respondents for not making a complaint to anyone were that: “It wouldn’t do any good” (43% of those who said they did not complain) and “Couldn’t be bothered” or “Not serious enough” (a combined total of 19%). Lack of knowledge about how to make a complaint was a relatively minor factor (9%) as was fear of possible repercussions (9%). There needs to be further research conducted into reasons for not complaining with the aim of ascertaining ways to increase reporting rates.

To the extent that comparisons are possible, complaint rates in Queensland appear to compare fairly favourably with those in other jurisdictions. For example, the 1988 British Crime Survey (England and Wales) found that 20 per cent of respondents reported annoyance at police behaviour in the previous five years (Maguire and Corbett, 1991). Of these, half stated they felt strongly enough to make an official complaint, but only one-fifth had attempted to do so. For the same year in Scotland, 19 per cent of respondents had felt annoyance at police behaviour in the previous five years (Allen and Payne, 1991). Of these, 55 per cent stated they felt strongly enough to make an official complaint, but only 25 per cent actually did so. Similarly, the 1992 British Crime Survey (England and Wales) reported that 21 per cent of respondents had felt annoyance at police behaviour, either towards themselves or someone they knew, in the previous five years (Skogan, 1994). Of these, 45 per cent stated they felt strongly enough to make an official complaint, but only 19 per cent attempted to do so.

The 1995 Attitudes to QPS Survey does not allow us to present results for a five-year sample, but a four-year sample can be obtained which should be fairly comparable to the
overseas studies mentioned. Of the respondents to the 1995 survey, 21 per cent reported annoyance at police behaviour in the previous four years. Of these, 49 per cent stated they felt strongly enough to make an official complaint, but only 31 per cent actually did so and a further six per cent attempted to make a complaint but failed (the reasons for failure to make a complaint were not elicited by the survey). The CJC’s defendants’ survey (1996a), which covered a more sceptical population, found a reporting rate of 28 per cent. These findings suggest that there may actually be a higher “complaining rate” in Queensland than in the United Kingdom, but the survey sample sizes are very small by comparison with the British surveys and the samples may not be comparable in terms of the types of experiences which motivate people to complain. Moreover, it is not possible to ascertain whether the results are unique to Queensland or indicate a more general Australian tendency.

The processing of complaints

In assessing the impact of the Fitzgerald Inquiry reforms on the way in which complaints against Queensland police are processed, the Integrity Report used three main sources of statistical data – the Query Personnel system (QPE) for the period 1984–85 to 1993–94, the CJC complaints database for the period 1991–92 to 1995–96, and the CJC Charges Register for the same period (see Chapter One). This chapter of the Integrity Report also drew upon data contained in the Fitzgerald Inquiry report (1989), interviews with middle level officers recruited into the QPS before the Fitzgerald Inquiry, and interviews with representatives of senior management in the regions and at QPS headquarters (see next section for more details concerning these interviews). The Integrity Report posed, and attempted to answer, the following four questions:

To what extent have the reforms been responsible for an increase in recorded complaints against police? The number of complaints against police rose sharply following the establishment of the new complaints and discipline system in 1990. According to QPS data, the number of complaints per 1,000 officers rose from 215 in 1989–90 to 505 in 1993–94 – a rise of 135 per cent (CJC 1997a, p. 56). After 1993–94 there was some drop-off in
complaint levels, but they have remained well above the pre-Inquiry levels. This marked increase can be attributed to improved processes within the QPS for recording complaints, and to enhanced public confidence in – and access to – the system for dealing with police complaints (see previous section). However, extraneous factors also appear to have contributed to the growth in complaints, such as increased contact between police and civilians and a possible general cultural change in people’s attitude to making complaints about matters of concern to them (CJC 1997a, p. 59).

Are complaints more likely to be substantiated now than in the past? For a variety of reasons, pre- and post-Fitzgerald Inquiry complaint substantiation rates are not comparable. These reasons include a varying level of filtering which occurs at the complaints recording stage, changes in the types of complaints received, and the introduction of alternative complaints resolution procedures, like informal resolution. However, the available data indicate that: (a) the substantiation rate for matters investigated by the CJC is now above the rate achieved by the Police Complaints Tribunal – for the five year period from 1991–92 to 1995–96, an average of 25% of matters investigated by the CJC were substantiated (CJC 1997a, p. 62), compared to 18% as reported in the Fitzgerald Report (1989, p. 291) for the Police Complaints Tribunal from 1981–82 to 1985–86; and (b) the number of charges substantiated per 1,000 officers increased significantly in the post-Fitzgerald Inquiry period. (For example, in the Pre-Fitzgerald years there were about 15 to 20 charges per 1,000 officers proved. This increased to around 45 per 1,000 officers during and just after the Inquiry before levelling off at around 35 per 1,000 officers (CJC 1997a, p. 64)). These findings indicate improved investigative effectiveness.

Is the QPS more responsive to CJC recommendations than it was to those of the Police Complaints Tribunal (the oversight body which preceded the CJC)? The QPS usually acts upon CJC recommendations. The Integrity Report (pp. 66-67) indicated that over the five year period 1991–92 to 1995–96 only 73 of 1,080 recommendations (6.7%) made by the CJC were not proceeded with by the QPS. Identifying the reasons these 73 recommendations were rejected is outside the scope of this thesis. However, this compares very favourably with the one-case-in-three success rate reported for the Police Complaints
The Fitzgerald Inquiry (1989, p. 290) observed that “far from cooperating with the Tribunal the Police Force has used a range of devious techniques to avoid the Tribunal’s recommendations for action against some police”.

Has the process for administering sanctions against police been improved? The QPE data provided few answers in regards to this matter. The data do show the use of the most severe sanctions such as dismissals, demotions, reductions in pay, and salary increase deferments, rose after the Fitzgerald Inquiry, although they still only accounted for a small proportion of total sanctions. The use of transfers as a formal disciplinary measure ceased entirely after 1990–91, in line with a recommendation of the Fitzgerald Inquiry; on the other hand, the use of suspended sanctions increased substantially. In June 1996, an independent review commissioned by the CJC and conducted by a former judge of the Supreme Court, the Honourable W.J. Carter QC, examined 73 files in which a disciplinary charge had been laid and substantiated (Carter, 1996). While Mr Carter found the quality of investigations and determinations to be very good, he was critical of the sanctions imposed in 31 cases. In two cases, he suggested that the disciplinary action was too severe and in the other 29 cases, he suggested that the sanctions imposed were either inadequate or inappropriate. In particular, Mr Carter was most concerned with the “habitual practice of suspending sanctions” and attaching “limited life” to sanctions. The CJC understands that these QPS practices have now been discontinued. However, from the available data it is not possible to measure the extent to which there have been changes in the way in which sanctions are administered.

Overall, these findings indicate that the implementation of the Fitzgerald Inquiry reforms has significantly enhanced the operation of the police complaints and discipline system in Queensland. However, it has been difficult to increase the likelihood of any given complaint being substantiated because of the general problem of prosecuting police officers. Bongiorno (1994) discusses these problems in regards to criminal prosecutions but similar obstacles exist for departmental disciplinary action. Bongiorno (1994) stated that the police officer has a number of significant advantages in the investigative process over the ordinary citizen. In addition to being more likely to refuse to answer questions, the officer is less likely to be found in possession of incriminating items or will have devised
an explanation for their possession, is familiar with justice system processes, has had experience in court and with giving evidence, and is supplied with legal advisers from the police union. On a more sinister side, Bongiorno (1994) noted that the witnesses are often “friendly” as they are working colleagues. These same working colleagues may intimidate other witnesses, and it is not unusual for confidential prosecution documents to be obtained from police sources for the officer’s defence.

Standards of behaviour in the QPS

This chapter of the Integrity Report considered whether the reforms introduced in the aftermath of the Fitzgerald Inquiry have improved police discipline and reduced misconduct in the Service. The chapter primarily draws upon quantitative data taken from CJC and Professional Standards Unit complaints databases, and qualitative data obtained from interviews with serving police officers who were recruited into the QPS prior to the commencement of the Fitzgerald Inquiry in order to assess the extent to which the situation in the QPS has changed since the Fitzgerald Inquiry. As discussed below, each type of data has limitations but, in combination, they provide valuable insights into the impact of the Inquiry and associated reforms on the level of police misconduct in Queensland.

Interview findings

The qualitative data utilised here were obtained from two sets of interviews conducted with serving QPS officers in 1995. The first study – referred to here as the “experienced officers” interviews – was undertaken for the CJC by researchers from Griffith University’s Centre for Crime Policy and Public Safety. These researchers were contracted to interview a selection of police officers who had joined the QPS prior to the Fitzgerald Inquiry. An opportunity sample of 27 interviewees was chosen from the three largest centres of population in Queensland – Brisbane, Townsville and the Gold Coast – although some had also served in the most remote parts of the north and west of the State. The officers who
were interviewed had between 11 and 30 years’ experience in the QPS and included all ranks from Senior Constable to Inspector, general duties and specialised duties backgrounds, uniformed and plain-clothed officers, men and women. All of those interviewed stated that they were familiar with the pre- and post-Fitzgerald Inquiry complaints and discipline systems.

The purpose of these interviews was to obtain the officers’ views about the current state of discipline within the QPS and the impact of the Fitzgerald Inquiry on police attitudes and behaviour. The purpose of using independent university researchers, rather than CJC staff, to conduct the interviews was to encourage police to talk frankly about their perceptions of the old and new disciplinary systems. An additional consideration was that the university researchers were former members of the QPS with extensive contacts within the Service. The semi-structured confidential interviews were designed to allow sufficient flexibility for interviewees to respond in their own words. A checklist was used to ensure that the central topic remained the focus of discussion and that issues were considered systematically. Most interviews were conducted away from police premises at a mutually agreed time, usually at a private residence or university premises. Interviews were taped and then later transcribed so that respondents could be guaranteed anonymity and that none of the material provided to the CJC by the researchers contained any identifying information.

The second set of interviews – the “senior officers study” – was undertaken by CJC research staff who interviewed the Assistant Commissioners of each of the eight police regions, as well as senior officers from QPS Headquarters. On some occasions, especially in the regions, several other officers also took part in the discussions. All of those interviewed were informed that they would not be identified in any public material prepared by the CJC. It is impossible to say whether this assurance had the desired effect in all cases, although most of those who participated gave the impression that they were speaking frankly.

Interviews with police are, in some respects, a much “richer” source of data than are complaints statistics. However, potential pitfalls in using this type of data are that
interviewees may not always be entirely frank and their responses may be influenced by the desire to make a good impression. They may also have a poor recall of events, leading to possible exaggerations or underestimations of the extent of change. Additionally, they may have had direct exposure to only small parts of the organisation and therefore not be in a position to talk authoritatively about overall changes. We endeavoured to minimise the impact of these factors by ensuring that interviews were conducted with a broad cross-section of officers and (in the case of the experienced officers group) at “arms length” from the CJC, and by ensuring that the anonymity of interviewees was assured. These procedures may not have had the desired effect in every case, but there was sufficient commonality in the responses to enable some broad conclusions to be drawn.

**Experienced officers study**

The experienced officers were asked by the researchers if they thought that the QPS was “cleaner” – that is, having less corruption and misconduct – than in the pre-Fitzgerald Inquiry era. All but one officer agreed with this proposition. Typical responses were:

Definitely. I definitely believe that people are more inclined to think to do the right thing than before because there is more education and obviously there is more checking these days too. So people are definitely more inclined to be seen to do the right thing.

What I would say is, in my belief, is that there has been since Fitzgerald a breaking down of… hard core misconduct. I don’t think it’s as institutional as it was. I don’t think police officers are doing things or admitting to doing things in the line of hard-core corruption. It would be silly of me to say that we are free of misconduct; what I would say is, it’s not to the extent it was.

However, eight officers also expressed reservations about the extent of the change. For example:

Overall I think it’s cleaner than what it was before Fitzgerald … but there is still corruption on a lesser scale and police still generally believe their police badge is a discount card for any retailing stores or outlets where you can purchase things.

I think that there are still some larrikins around, whether those larrikins are taking the chance of accepting graft as they did pre-Fitzgerald, I don’t know, but it probably is a little bit cleaner … but it’s by no means squeaky clean after Fitzgerald and that is for sure.
Twenty-two of the experienced officers who were interviewed were asked whether they thought there was greater compliance with QPS rules and regulations under the new system. Of these, 19 felt that there was much greater compliance:

I think they are certainly thinking twice before they are doing anything. I have to say overall, yes, they are more prepared, more confident with the rules and regulations.

I think there is a greater compliance with it because again it is documented – everyone knows where they stand.

Yes, I’d say so. Mainly due to the fact that police are now aware that if they do something that is wrong, whether it be a breach of our discipline or our regulations, or whether it be a breach of a criminal law, or whatever … the public will more readily complain.

I think that there would tend to be, because there is more concern about being investigated, more concern about doing the right thing, making sure that you try to do the right thing because you don’t want to be investigated by the CJC.

Oh, I’m sure of that … the discipline system that we have has certainly changed a lot of attitudes and also there is a lot more documented on what is required. The people that are coming into the system seem to be, maybe in their education at the Academy or something like that, but they certainly have greater knowledge of what is required and their responsibilities.

Now we have these people being sworn in to the police force with some uni education etc., they’re more aware of their responsibilities and it’s pushed home to everybody that if they did deviate, they will suffer the penalties. That is accepted, whereas in the past the police knew that they could deviate and virtually nothing would be done about it.

I think they are, grudgingly they are … people don’t now go head first into situations. They stand back and assess it. They’ll still go in and act if something needs to be done, but they assess the situation first. Again I don’t think it’s from a moral point of view; I think it’s from the fear of discipline.

It was generally considered by this group of interviewees that there was now a greater propensity for officers to report other officers (see Chapter Six) and more likelihood that misconduct by officers would be detected. Only two interviewees considered that there was no greater likelihood of misconduct or improper behaviour being detected now than prior to the Fitzgerald Inquiry. The remainder thought there had been definite improvements:
Yes, certainly. I think any police officer who thought about it would think twice because there is a great likelihood that any police officer who is guilty of any misconduct is detected. I would suspect that they would be. Whereas in the past I think they would be too, but nothing would happen. They know now that it will be detected and something will happen about it.

Yes, I suppose so … I would hope so with the CJC and the internal investigations mob. And with the CJC being dedicated to investigating misconduct, yes I guess there is a greater likelihood that it’s going to be detected.

Yes, for no other reason than that the public are very aware that they can complain and something will be done about it.

Yes, I think that the people in the supervisory type of roles these days are a lot more responsible people. I worked at a city station some years ago, and the people that were in the supervisory roles in those days just couldn’t care less about what the troops were doing and certainly these days it’s totally different, a different place, and right across the board the supervisors and those sort of people have taken on a lot more responsibility.

Yes, because there are more formal processes … accountability is everywhere, in every aspect of what we do. And police, well it’s a lot more difficult for police to take short cuts and like cross that misconduct line. The opportunities really aren’t there anymore. We’ve advanced in technology to the stage where those windows of opportunities aren’t there anymore, plus the fact we are much busier now. I believe that police officers have a reasonable and professional attitude and are more willing to report things because I suppose they take the job more seriously. I’m disappointed in those that don’t reform or those that cross the line … the Service has now drawn the line here and this is what we must comply with. And we know now that if we breach the law we are liable to be punished … the CJC have a big influence and are a big brother; they will be there. If something goes wrong or the police have done some offence, then we know that they’re just there … we know that there just won’t be some Inspector coming; it will be the CJC.

Twenty-four of the interviewees were asked if there were any practices that were condoned before the Fitzgerald Inquiry that are no longer considered acceptable. Only three officers said that nothing had changed. Fourteen mentioned that drinking on duty had almost been eliminated. For example:

The one that sticks out in my mind is drinking on duty. I did see a lot of that before Fitzgerald. It was quite common, more so in the plain-clothes area of policing, but it happened in uniform as well.
Yes, probably ten years’ ago nearly everybody had a drink on duty. Very rarely now that you smell alcohol on anybody’s breath who is on duty … Well, I guess conduct in general has changed and people are more aware of what their responsibilities are as police officers.

I think liquor-related offences, like drinking on duty, drunkenness or coming to work drunk, that type of behaviour I believe was condoned somewhat. There was a lot of harbouring of drunkenness once upon a time … I think that it is quite rare today. I’m not saying for one minute that it does not still happen somewhere, someplace, but, compared to pre-Fitzgerald, it’s extremely minimal today.

I had to work with police officers who couldn’t even walk up the front stairs of a police station, they were so drunk … that doesn’t happen anymore and that’s good. But now if it did happen, most of us wouldn’t condone it anymore; most of us would say, “you know, get rid of him, I won’t work the shift with him”. I mean you would actually go and report it.

However, one officer felt that the drinking practices had only changed form:

I don’t know about any uniformed sections, but certainly in the CIB [Criminal Investigation Branch] that hasn’t changed. The only thing I guess that has changed is they’re not drinking so much now in public places; drinking more so now in private places but still during working hours.

Five officers stated that there had been a definite decrease in the use of force:

… using physical force to obtain information; that is definitely gone. Well, anyone that does that this day and age needs their head read, it’s as simple as that … Pre-Fitzgerald, you never taught it, well not officially, but I mean – let’s face it – it was an accepted practice.

Okay, use assault in prisons as an example … the more serious stuff that you possibly could have brushed under the carpet and got rid of pre-Fitzgerald can’t be done anymore.

… well, certainly the intimidation or physical abuse or threats of some suspects was probably more acceptable in the past than it is in the present.

… if people are getting obviously mistreated on the side of the road or whatever by police officers, these days, rather than stand back and say nothing, something would be said; maybe not necessarily to the CJC. I mean we still have this inbuilt thing of not racing out to fill out the form, but it would certainly be well known, “hey, keep him out of my patch I’m not working with him anymore”.

Crims don’t fall down as much as they used to.

Comments were also made to the effect that officers were less likely to “let other officers off” for traffic offences, were generally better mannered when dealing with the public, were...
less likely to be absent without reason and no longer practised “verballing” (“Verballing” is the fabrication of or tampering with evidence. See “Verballing” section below, page 141.). For example:

My behaviour and attitude have changed. However, I tend now to be more careful of what I say to members of the public. You’ve got to be careful not to offend members of the public.

Possibly the main one from my point of view would be being absent without senior officers knowing where exactly you were or being told where you were. Going back years ago, I know that some police would disappear for lengthy periods of time.

Pre-Fitzgerald, we could go to jobs without wearing our caps. Today we must have our caps on at all times. A bit of offensive and abusive language towards some of the radicals around the place before Fitzgerald was more or less tolerated. Today you mention one word to somebody, he’s down at the police station as quick as his legs can carry him to make that complaint.

I’d say in the past some police tended to manufacture pieces of evidence where there was a failure to attain the evidence by other means. Now police will go out and obtain the evidence, and won’t tend to manufacture evidence for the court.

… hard-core people, you could say, who used to bend the rules have been eliminated.

**Senior officers study**

The senior officers interviewed by CJC researchers generally expressed similar views to the experienced officers regarding the extent of misconduct in the QPS. Most of the senior officers agreed that there was now a genuine concern on the part of the Service to combat misconduct; with an increase in accountability, integrity and professionalism and an overall increase in the willingness to report other officers.

One Assistant Commissioner was very positive about the reforms that had occurred:

There’s no comparison to where we are today but we haven’t fully reached there either. There is now a greater acceptance of accountability at all levels … The culture now is that if you do the wrong thing there is a fair chance it will be identified and complained against. For instance an officer today would accept the fact that he or she was caught for RBT and required to undergo
Further tests. In the old days, they would have just laughed and driven off. More people have a genuine concern to address misconduct.

Other positive comments included:

There is more professionalism – an awareness of what are the acceptable limits.

The new system will have a long-term benefit for the Police Service and will uplift standards.

There has been a reduction in the level of misconduct mainly because there is more apprehension about the process, who they will front, and the penalty.

Senior officers are more accountable and professional. All officers work and conduct themselves with the knowledge that if they do something wrong, something will happen to them.

It was also felt that there were fewer opportunities for misbehaviour, and that this was assisted by the age and maturity of recruits as well as the new training system.

On the other hand, some of the senior officers who were interviewed felt that the Fitzgerald Inquiry had “painted a blacker picture of misconduct than was the reality”. For example, one Assistant Commissioner did not believe that the Drug Squad or general Criminal Investigation Branch (CIB) was involved in corruption, only the Licensing Branch.

Pre-Fitzgerald, most people were not involved in serious corruption and didn’t go looking for it.

In the old days, there were plenty of officers trying to do the right thing, but they were forced to work in a confined environment … corruption was around the minority, but it impacted widely. A junior officer had to go with the flow when his senior officers were involved in corruption.

The extent of verballing pre-Fitzgerald has been blown out of proportion; only a small number of officers had this reputation but everyone has been tarred with the same brush. There was far less serious bribery and corruption pre-Fitzgerald. Most of the problems were in the Licensing Branch.

This last-quoted officer noted that the Fitzgerald Inquiry investigators “had gone over the Drug Squad with a fine-tooth comb and found nothing”.

According to one Assistant Commissioner, under the current system “all” officers are subject to the complaints and disciplinary process whereas “the old view was that once you got to a certain rank such as Senior Sergeant or Inspector you were exonerated from the discipline system”. This was verified by another senior officer who commented:
Pre-Fitzgerald, the rule was, “shut your mouth and toe the line”. Now NCOs and Commanders will report other officers.

Another Assistant Commissioner agreed that “misguided loyalty” was a lot less than it had been, while conceding that management “will never be able to stop the situation where officers get together to agree on the same story or to cover-up”.

A number of officers were concerned about the negative effects that CJC investigations had upon police who were the subject of complaints. For example:

The time involved in investigations can be very stressful to the police officer involved and his or her family. Police officers today aren’t able to handle the stress and end up on stress leave. Even when police officers just think the CJC is investigating them, they expect the worst and practically stop working.

The average officer is more concerned about what the CJC will do to them than they are about the QPS Command.

Despite these comments, most officers expressed support for the concept of the CJC:

If the external watchdog is removed, the situation will revert back to the old ways. The CJC should always keep the official misconduct function.

The new system has improved integrity and established a barometer and clear standards against which to measure performance, but it is very cumbersome and leaves people in limbo for too long. However, one Assistant Commissioner doubted whether any complaints and disciplinary system could have a significant impact upon major corruption. This officer saw a need for more proactive anti-corruption strategies to deal with these forms of consensual corruption.

Another senior officer warned that:

… there is still some way to go. It’s a continuing process. We can’t drop our guard and think everything is fine now.

Summary of interview findings

In summary, the two sets of interviews conducted during 1995 indicated that officers generally perceived an improvement in the behaviour and conduct of police as a result of the Fitzgerald Inquiry reforms. The main changes identified by interviewees were a
“cleaner” Service, with greater compliance with the rules and regulations governing the conduct and behaviour of police; less misconduct, particularly involving drinking alcohol on duty, “verballing” and unlawful assaults on people being interviewed by police; a greater likelihood of misconduct or improper behaviour being detected, and a greater propensity for police officers to report fellow officers for misconduct. This last issue is explored further in Chapter Six.

Complaints data

Methodological issues

The Integrity Report discussed several methodological problems and data limitations which I have previously discussed in Chapter One of this thesis. The report was restricted to an analysis of CJC complaints data for the period 1991–92 to 1995–96. I have included an extra two years of data (1996–97 and 1997–98) and extended the analysis of trends. Differences in counting methods from the Integrity Report are also noted where relevant. Data on complaints in the pre-Fitzgerald Inquiry period are available from the QPE database, but major changes in reporting behaviour and complaints recording practices resulting from the Inquiry render these data of little value for comparing standards of police behaviour in the pre- and post-Fitzgerald Inquiry periods. The main limitation of the CJC complaints database is that it does not give a complete picture of the range of police behaviours which give rise to complaints. This is because the database only records details about complaints of alleged misconduct and excludes minor breach of discipline matters (whereas the QPE database records both types of complaints). The operational definition of misconduct used by the CJC has also tended to narrow over the years which may have contributed to an “artificial” drop in some types of complaints.
Types of misconduct allegations

Overview

Table 5.2 shows, for each financial year over the period from 1991–92 to 1997–98, the number of allegations per 1,000 officers reported to the CJC, according to the type of misconduct which was alleged. It should be noted that the number of allegations is considerably greater than the number of discrete complaints because a single complaint may involve several allegations of similar or different types of behaviour, made by one or more complainants against one or more officers. The final separated row of the table presents the number of complaints per 1,000 officers for each financial year.
Table 5.2 – Types of misconduct allegations made to the CJC per 1,000 sworn officers (1991–92 to 1997–98)

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<td>109.4</td>
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<td>17.2</td>
<td>15.2</td>
<td>13.2</td>
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<td>6.4</td>
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<td>Total</td>
<td>543.8</td>
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<td>652.7</td>
<td>635.3</td>
<td>671.8</td>
<td>538.0</td>
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Complaints per 1,000 Officers

| Source: | CJC complaints database. |
| Notes: | INCLUDES CRIMINAL ACT OR OMISSION, DRUG, ORGANISED CRIME AND PROSTITUTION RELATED ALLEGATIONS. |
| 1. | INCLUDES THE FABRICATION OF, UNLAWFULLY OBTAINING, DESTRUCTION OF OR TAMPERING WITH EVIDENCE. |
| 2. | INCLUDES THE WRONGFUL SEIZURE OF, FAILURE TO RETURN, DAMAGE TO AND IMPROPER USE OF GOODS AND PROPERTY. |
| 3. | INCLUDES HIGH-SPEED CHASES RESULTING IN INJURY, ANY DISCHARGE OF FIREARMS NOT ALREADY THE SUBJECT OF A COMPLAINT, AND ATTEMPTED OR ACTUAL SUICIDES BY PRISONERS OR DETAINES. |
| 4. | INCLUDES ALLEGATIONS OF FAILURE TO PROPERLY PRESENT PROSECUTION OR MALICIOUS PROSECUTION AND WARRANT OF COMMITMENT OR APPREHENSION ALLEGATIONS. |
| 5. | FIGURES DIFFER FROM THOSE REPORTED IN INTEGRITY IN THE QUEENSLAND POLICE SERVICE: IMPLEMENTATION AND IMPACT OF THE FITZGERALD INQUIRY REFORMS. THESE FIGURES INCLUDE MATTERS ORIGINALLY CLASSIFIED AS MISCONDUCT BUT FINALISED AS BREACH OF DISCIPLINE, PREVIOUSLY EXCLUDED. |
An examination of the seven year average shows the most common forms of misconduct alleged over this period were assaults and improper arrests or misuse of powers by police. Other commonly reported matters involved allegations relating to behaviour and duty failure. These findings reflect the fact that most complaints arise out of contact between police and members of the public. Over this seven year period, there was an average of only 16.3 allegations of corruption or favouritism per 1,000 officers. However, allegations of criminal conduct – a broader category which includes alleged involvement in drugs, organised crime and prostitution – averaged 82.1 per 1,000 officers (see below for a more detailed analysis of this category). Allegations relating to the fabrication or destruction of evidence – a major concern of the Fitzgerald Inquiry – were relatively uncommon, although extremely serious, averaging 21.3 per 1,000 officers per year.

Table 5.2 also shows there was a general rise in the number of complaints and allegations recorded, peaking in 1996–97, then a dramatic fall off to levels seen in the early-90s. This general trend can also be seen to influence most of the specific categories of allegations. However, this aggregate trend disguised some significant movements within specific categories. The main declines in the number of allegations per 1,000 officers were in behaviour allegations (which fell by 62 per cent) and duty failure allegations (which declined by 33 per cent). The main increases in allegations per 1,000 officers were in assault allegations (which rose by 48 per cent), allegations relating to “arrest/detention/misuse of powers” (which increased by 30 per cent), allegations relating to the conduct of searches (which increased by 56 per cent), and allegations of criminal conduct (which increased by 63 per cent).

The following discussion examines these trends in more detail. The increase in “major incidents” reflects a change in recording practices – this category was not introduced until during the 1992–93 financial year. Consequently, trends in this category will not be considered in this discussion. There is also an analysis of trends in verballing-related complaints: an area of police misconduct which was of particular concern to the Fitzgerald Inquiry.
Behaviour and duty failure

Taken at face value, the decline in allegations relating to inappropriate behaviour and duty failure points to greater police professionalism in dealing with members of the public. However, an alternative explanation is that, over time, more of these matters may have been classified as breach of discipline rather than misconduct, and so no longer show up in the CJC complaints database. In order to test this hypothesis, trends were examined in equivalent types of complaints recorded in the QPS Complaints Management System database. (This database records breach of discipline as well as misconduct matters, but covers a more limited time frame than the CJC complaints database – see Chapter One, page 22.) The Ethical Standards Command last provided the Research and Coordination Division with a download of its database on 27 September 1998. This database shows a fairly constant decrease in the level of “behaviour” and “duty failure” allegations since 1993 and especially steep decreases since 1996, supporting the hypothesis of positive change in the way in which police interact with members of the public. This downward trend is particularly significant given that there was a corresponding 22 per cent increase in the demand for police services as measured by the number of crimes reported per 1,000 sworn officers between 1991–92 and 1997–98.

Assaults, misuse of powers and searches

There are two possible explanations for the large increase between 1991–92 and 1997–98 in assault allegations and allegations relating to misuse of powers and improper searches. The first is that police became more aggressive in their dealings with members of the public over this period (which, if true, would indicate a decline in standards of behaviour.) The second possibility is that the trend simply reflects a greater number of police-civilian contacts; that is, while the likelihood of police behaving improperly in any one encounter did not change, the number of such encounters increased. In order to test these competing hypotheses, trends in these particular complaints categories were plotted against relevant
measures of police activity. The results of this analysis are presented in a series of graphs below.

In the case of allegations of “improper arrest/detention/misuse of powers”, the most appropriate available police activity measure is the number of offences cleared by arrest, as such complaints are most likely to arise in the context of a person being arrested or detained by police. Figure 5.1 shows a fairly close relationship between these two indicators. For the first four years the increase in allegations outstripped the growth in the number of arrests, but this was corrected for during the period from 1995–96 to 1997–98 when allegation numbers fell in line with the number of arrests.

**Figure 5.1 – Comparison of improper arrest/detention/misuse of powers allegations received by the CJC with number of offences cleared by arrest per 1,000 officers (1991–92 to 1997–98)**

![Graph showing comparison of improper arrest/detention/misuse of powers allegations with number of offences cleared by arrest.](image)

Sources: CJC complaints database and QPS Statistical Services’ correspondence received 10 February 1997 and 24 September 1998.

Notes:
1. Figures differ from those reported in *Integrity in the Queensland Police Service: Implementation and Impact of the Fitzgerald Inquiry Reforms*. These figures include matters originally classified as Misconduct but finalised as Breach of Discipline, previously excluded.
2. Y1 indicates the left-hand axis and Y2 indicates the right-hand axis.
For allegations about police searches, the best available activity measure is the number of reported drug offences per 1,000 officers, as most police searches are conducted in the context of enforcing drug laws. As shown by Figure 5.2, there is a very close correlation between the number of search allegations and the number of reported drug offences per 1,000 officers, which is a strong indication that the rise in such complaints has been due entirely to increased police activity in this area. The dramatic fall in allegations for the 1997–98 financial year is at this moment unexplained but could indicate a positive behaviour change by police in this area, especially in the light of the assault allegation trends discussed below. No changed in recording practice was found to explain the sudden fall.

Figure 5.2 – Comparison of search allegations received by the CJC with number of reported drug offences per 1,000 officers (1991–92 to 1997–98)


Notes:
1. Figures differ from those reported in Integrity in the Queensland Police Service: Implementation and Impact of the Fitzgerald Inquiry Reforms. These figures include matters originally classified as Misconduct but finalised as Breach of Discipline, previously excluded.
2. Y1 indicates the left-hand axis and Y2 indicates the right-hand axis.
Similarly, Figure 5.3 shows assault allegations compared to reported drug and good order offences. The combined number of drug offences and good order offences is an indicator of the extent of “proactive enforcement” by police, as reports of such offences are normally police-initiated, rather than the result of a complaint from a member of the public. Furthermore, other research undertaken by the CJC (CJC, 1997b) indicates that many assault complaints against police arise from “street policing” situations, where the suspect has initially been stopped and questioned for relatively minor offences. Figure 5.3 illustrates that the increase in assault allegations between 1991–92 and 1995–96 closely matched the increase in reported drug and good order offences. However, the divergent lines showing a fall off in allegations compared to reported offences for the 1996–97 and 1997–98 years may be a sign of improved police conduct in this area.

**Figure 5.3 – Comparison of assault allegations received by the CJC with number of reported drug and good order offences per 1,000 officers (1991–92 to 1997–98)**


Notes:
1. “Good order” offences exclude “fare evasion” offences and include “indecent behaviour”, “language” offences, “disorderly conduct”, and “resist/hinder” etc.
3. Figures differ from those reported in *Integrity in the Queensland Police Service: Implementation and Impact of the Fitzgerald Inquiry Reforms*. These figures include matters originally classified as Misconduct but finalised as Breach of Discipline, previously excluded.
4. Y1 indicates the left-hand axis and Y2 indicates the right-hand axis.
Also relevant in this context are the findings of a detailed analysis undertaken by the CJC of a representative sample of assault complaints against police from the four years 1990–91 to 1993–94 (CJC, 1997b). This study found a decline in the proportion of assaults where the complainant suffered injuries although the differences were not quite statistically significant at the .05 level. This finding suggests that the severity, if not frequency, of assaults attributed to police may have declined over this period. Anecdotal evidence from experienced police also suggests that the incidence of serious, premeditated, assaults by police has decreased (see Interview Findings section above).

**Criminal conduct and corruption**

Table 5.2 shows an upward trend in the number of “criminal conduct” allegations per 1,000 officers. Criminal conduct, as defined in the CJC complaints database, covers criminal acts or omissions, involvement in using or dealing in drugs, and participation in organised crime and prostitution-related activities. The most common criminal conduct allegations consist of stealing and other dishonesty allegations (around 40% of the category), followed by drug-related allegations such as protection of persons involved in illegal drug activities, dealing or trafficking in illegal drugs and using illicit drugs (35% of the category). Organised crime and prostitution-related allegations, a focus of the Fitzgerald Inquiry report, in total, comprised less than 9 per cent of criminal conduct allegations.

Table 5.2 shows that in 1996–97 criminal conduct allegations increased by 73 per cent over the previous year and then fell off by 28 per cent in 1997–98. The most likely cause of the dramatic fluctuation was the amalgamation of several existing CJC investigative operations into an inquiry into police and drugs – codenamed Operation Shield – conducted on behalf of the CJC by the Honourable W.J. Carter QC (CJC, 1997c). This was a large scale inquiry into police misconduct and corruption in the policing of the drug trade, integrating the disciplines of intelligence and financial analysis, relying heavily on surveillance and technical support, and incorporating both private and public investigative hearings. Taking into consideration the increased number of complaints this operation would have generated,
it would appear that criminal conduct and corruption allegations have remained fairly stable since 1993–94.

“Verballing”

One of the specific forms of misconduct highlighted by the Fitzgerald Inquiry was “verballing” (fabrication or alteration of evidence). In the view of the Inquiry, there was “virtually no risk involved for police in misconduct such as verballing and the chances of success are excellent” (1989, p. 207). Where evidence was disputed, the police version would almost invariably prevail because the accused often lacked credibility whereas police would generally support and corroborate each other. Table 5.2 above shows little change between 1991–92 and 1997–98 in the total number of evidence-related allegations per 1,000 officers. However, as shown by Figure 5.4 a clear downward trend is evident in the sub-set of allegations categorised as “fabrication of evidence (including verballing, perjury etc.)”. This trend is of particular significance when compared to the increase over the same period in the total number of offences cleared by arrest per 1,000 officers. (All other things being equal, we would expect there to be more “verballing” allegations if more people are being arrested and processed by the police). The reason or meaning for the sudden increase in these matters in 1997–98 after a previous low in 1996–97 is at present unexplained, but is some cause for concern.

These quantitative data are consistent with the opinions expressed by police who were interviewed for this study (see Interview Findings section above, page 123) that the practice of verballing has become much less common as a result of the Fitzgerald Inquiry reforms and the introduction of mandatory recording of interviews with suspects.
Figure 5.4 – Comparison of police “fabrication of evidence” allegations received by the CJC with total number of offences cleared by arrest (1991–92 to 1997–98)

Sources: CJC complaints database and QPS Statistical Services’ correspondence received 24 September 1998.

Notes:
1. Figures differ from those reported in *Integrity in the Queensland Police Service: Implementation and Impact of the Fitzgerald Inquiry Reforms*. These figures include matters originally classified as Misconduct but finalised as Breach of Discipline, previously excluded.
2. Y1 indicates the left-hand axis and Y2 indicates the right-hand axis.

**Conclusion: Standards of behaviour in the QPS**

Interviews conducted with middle level and senior officers during 1995 indicated an overall improvement in the behaviour and conduct of police officers as a result of the Fitzgerald Inquiry reforms. The main changes identified by interviewees were:

- a “cleaner”, less corrupt, police service with greater compliance with the rules and regulations governing the conduct and behaviour of police
• less misconduct, particularly involving drinking alcohol on duty, “verballing” and unlawful assaults on people being interviewed by police

• a greater likelihood of misconduct or improper behaviour being detected and a greater propensity for police officers to report other officers for misconduct (see next section).

Analysis of the CJC complaints data indicates that there has been a reduction in police behaviour giving rise to allegations of “duty failure” and “verballing”, and that the severity of alleged assaults may have diminished. There have been increases in some complaints categories, but this appears to have been due largely to increased police enforcement activity, rather than to any deterioration in standards of behaviour. However, while these findings are reasonably positive overall, the continuing high volume of complaints clearly shows there is scope for further improvement in police standards of behaviour, or that mechanisms need to be found to reduce police-citizen conflict, if possible. For example, there is a need to review police enforcement strategies to ascertain if they are contributing unnecessarily to the increase in complaints in these areas. In summary, the complaints data indicate that since the conclusion of the Fitzgerald Inquiry and the implementation of associated reforms, there has been an overall improvement in standards of police behaviour in Queensland. However, the pace of change has been uneven and there is clearly scope for more to be achieved.

As far as the specific issue of corruption in the QPS is concerned, it is difficult to draw firm conclusions from existing data sources. The weight of the available evidence is clearly that such conduct is less pervasive and occurs at lower levels than was the case in the pre-Fitzgerald Inquiry QPS, but some problem areas remain. It is extremely unlikely that corruption could ever be eliminated altogether given the size and diversity of the QPS, the opportunities available to officers to act improperly, and the difficulty of detecting and investigating police involvement in corruption. The threat can be contained but it is probably unrealistic to assume that it can be removed completely.
These Fitzgerald Inquiry reforms were primarily concerned with deterrence and culturally based strategies to prevent misconduct. In addition, one of the aims of the Fitzgerald Inquiry recommendation for the establishment of an oversight body independent from both the government and the police department – the CJC – was to reduce political interference in the policing process. As stated in Chapter One, it is very difficult to ascertain which components were the most effective and which were not helpful at all, as these reform measures were initiated simultaneously. For example, as will be demonstrated in the following chapter, the negative elements of the police culture may have been reduced but whether it was these cultural strategies that resulted in an improvement in police conduct, one of the deterrence based strategies influencing officer behaviour, or a change in the level of political interference (or a combination of these factors) will remain extremely difficult to determine.
CHAPTER 6

STUDY TWO – EFFECT ON THE POLICE CODE OF THE FITZGERALD INQUIRY REFORMS

Introduction

The Fitzgerald Inquiry (1989, p. 362) reported that the majority of Queensland police officers had for many years adhered to an unwritten code under which:

- loyalty to fellow officers was paramount
- it was considered impermissible to criticise fellow police, particularly to outsiders
- critical activities of police, including contact with informants, were exempt from scrutiny
- police did not enforce the law against, or carry out surveillance on, other police
- those who breached the code would be punished and ostracised.

The Fitzgerald Inquiry described the code as an integral element of the police culture and as “a critical factor in the deterioration of the Police Force” (1989, p. 202). According to the Inquiry, the code virtually guaranteed mutual loyalty and support, thus eliminating any concern about apprehension and punishment for misconduct. It encouraged police not to enforce the law against other police, “nor co-operate in any attempt to do so, and perhaps even obstruct any such attempt” (p. 203). The Inquiry also observed that an elite of influential and senior officers helped to impose and perpetuate the code, and manipulate it to its own ends (p. 362).

As noted in the previous chapter, in accordance with the recommendations of the Fitzgerald Inquiry, section 7.2 of the Police Service Administration Act 1990 now requires any sworn or unsworn member of the QPS who knows or reasonably suspects that misconduct has occurred to report that misconduct to the Commissioner of Police and the CJC. Failure to report misconduct can result in disciplinary charges against the officer with a full range of disciplinary sanctions available (for example, demotion, fines, reprimands, reduction of salary, dismissal).
This chapter examines whether the influence of the police code of silence has been diminished by the implementation of the Fitzgerald Inquiry reforms. This is assessed using data from interviews with experienced officers, surveys of police about their perspectives on ethical conduct, and police-against-police complaints reported to the CJC’s Complaints Section in 1991–92 and 1994–95.

**Interview findings**

There was fairly broad agreement amongst the experienced officers interviewed (see Interview Findings section of previous chapter, page 123) that police are now more likely to report a fellow officer than they were in the pre-Fitzgerald Inquiry era. However, several interviewees indicated that this behaviour change was due to increased apprehension about what would happen to them if they did not report suspected misconduct rather than any attitudinal change. For example, one interviewee stated:

I wouldn’t call it willingness, but if you don’t report them, and it comes to their [senior management’s] notice that you didn’t, then you’re in deeper trouble than the bloke who you were supposed to report on.

Some officers cited the overriding need for loyalty to one’s fellow officers as a reason for not reporting questionable conduct, but even among these officers there was substantial agreement that an officer’s obligations to colleagues did not extend to covering up “serious” matters:

I think that there’s a reluctance always for police to report police for minor matters. For major matters I think there wouldn’t be, most police officers wouldn’t hesitate. It depends if it was a criminal act – yes, whereas if it was more a breach thing I would deal with it myself.

Even the people with the old attitudes still look over their shoulder and say “Alright this has happened. I can’t deal with this beyond a certain point. I will have to report it”.

According to most interviewees, the attitude of police to colleagues who had made complaints about other officers depended largely on the nature of the complaint made:

It has to be something fairly serious before other police officers accept another police officer informing on them.
Finally, some interviewees suggested that younger officers were more likely than their more experienced counterparts to report misconduct by other police. For example:

I have heard many, many instances where people who have been out in the field for a few years … have been working with trainees [and] have found themselves a subject of a report that has been generated by that junior trainee.

The senior officers who were interviewed by CJC staff held somewhat divergent views about the extent to which the code of silence still operated within the QPS. For example, in one region we were told by a senior officer that “you’ll never crack the code”, whereas another officer present at the same meeting declared that “it’s not a problem in this region”. However, most of those interviewed considered that police were now more likely than in the past to make formal complaints against other officers:

They won’t report one another for minor infractions, but if it is something substantial and interferes with operational effectiveness, they will.

The “culture” now is that if you do the wrong thing there is a fair chance it will be identified and complained against.

Officers will look after each other where the minor stuff is concerned, but not if there is something serious. That is something which has changed since Fitzgerald – officers won’t put their jobs on the line to cover up for someone else. There has been a new breed of officer coming into the Service. This change in behaviour was attributed by several senior officers to protection for whistleblowers from persecution by corrupt officers provided under the new system.

In the old days people were concerned that if you squealed you were finished; now there is more support. Once police wouldn’t report something unless they were certain about it; now you can report and you will be covered.

The view was expressed by several officers that “a lot of minor matters which should be treated as management problems were being reported” because of concern about the potential consequences of not making a report under section 7.2 of the Police Service Administration Act.

The senior officers in one region agreed that police will no longer put up with serious misconduct, but suggested that junior officers were still nervous about reporting senior officers. Other officers agreed that the lower level ranks would be more inclined to report misconduct informally to a supervisor rather than put in the complaint themselves. One
Assistant Commissioner felt that a specialised education program was required to inform officers that they must report suspicious behaviour, because police are affected by their loyalty to each other. He also felt that the inexperience of new recruits meant they would probably be shocked to see misconduct and would report it as a consequence, whereas in the past “recruits were rough and not of high standards and so were not as shocked by misbehaviour”.

In accordance with the views expressed by middle level officers, the senior officers acknowledged that an important consideration for many officers was fear of what would happen to them if they were found to have turned a blind eye to misconduct by another officer.

They know that if they don’t report and it comes to light later they will be in trouble.

There has been a marked increase in the willingness of police officers to report complaints made against other officers. There is much less inclination to protect an officer engaged in significant misconduct as officers do not want to get caught out.

One senior officer asserted that the majority of police will now report another’s misconduct because of the statutory requirement to report. However, this officer conceded that there were some isolated pockets where misbehaviour was not reported, usually involving older officers.

In summary, experienced middle ranking officers and senior police generally agreed that the Fitzgerald Inquiry reforms have led to a weakening of the police code within the QPS, although there was some divergence of opinion as to the extent of the change and the reasons for it.

**Findings from ethics surveys**

In the first half of 1995, the CJC conducted a series of surveys (CJC, 1995a) which focused on the attitudes of QPS officers towards ethical issues and the discipline process. Self-completed questionnaires were administered to three groups: recruits, First Year Constables...
(FYCs), and officers with several years’ experience. The FYC sample was a re-survey of the recruit sample conducted in March 1996 after the recruits had completed their academy training and had been in the field as FYCs for eight months. The purpose of this re-survey was to clarify whether differences found between the groups in the first round of surveys were due to innate differences between the groups (a cohort effect), or to the varying amount of time each group had been exposed to the cultural, organisational and task environment of the QPS (a socialisation effect).

The surveys were designed to address the following questions:

1) How willing were officers to report misconduct to the QPS or the CJC?

2) How seriously did police officers regard various types of misconduct and to what extent did they perceive a difference between their own views and those of QPS management and the general public?

3) To what extent did recruits change their views on ethical issues once they had been exposed to the police “culture” and day-to-day policing work?

4) How did police rank and file regard the complaints and disciplinary process and, in particular, the approach of QPS management to disciplinary issues?

Because no comparable data are available for earlier years, the results of these surveys do not bear directly on the issue of whether there has been a change in prevailing police attitudes towards the reporting of misconduct as a result of the Fitzgerald Inquiry. However, the surveys are useful for determining the extent to which, and reasons why, police remain reluctant to report misconduct by their peers. The surveys also provide a valuable baseline for monitoring future cultural change within the QPS.
Methodology

The following discussion refers to three samples:

The recruit sample. This group consisted of 59 recruits, representing three squads from the January 1995 intake. The survey was administered a few weeks after the recruits had commenced their training at the Academy.

The re-survey (FYC) sample. This group consisted of 84 officers, being all of the January 1995 recruit intake remaining in the Service as at March 1996 (the re-survey sample is larger than the original sample because the recruit survey could initially only be administered to three of the four squads in the January 1995 intake). This group was surveyed while attending a training course at the Academy after approximately eight months in the field as First Year Constables (FYCs).

The experienced officer sample. This sample of 65 officers was obtained by surveying two groups of officers who attended detective training and investigative skills courses held in March and April 1995. These officers had between three and 12 years’ policing experience, with an average of 5.6 years. By surveying officers who attended these courses, we were able to obtain a relatively large number of responses – and a very high response rate – with only a minimal outlay of resources. The main disadvantage of this sampling strategy is that those who attended the courses were not necessarily representative of the QPS rank and file. For instance, there were relatively few females in the group and a very large number of plain-clothes detectives (59% of all respondents). However, our sampling technique does not appear to have greatly affected the results obtained, as few differences were found in the responses given by plain-clothes and uniformed officers, or between males and females.

The survey was administered to each group during class time. Respondents were not required to provide any identifying information on the questionnaire and were advised that all responses would be treated confidentially. Respondents were asked for their co-operation in the study but were told that participation was not compulsory. Only one
officer chose not to complete the questionnaire. (Responses for males and females are not presented separately, given that gender proved not to be a significant determinant of how officers responded to the scenarios (CJC, 1996c)).

The survey comprised three main sections. The largest section contained a series of scenarios based on situations that police might find themselves in. The scenarios described conduct by police which, if proven, would generally result in some form of disciplinary action being taken against the officers concerned. These scenarios were broadly modelled on questions used in a 1992 Australian National Police Research Unit survey (Huon, Hesketh, Frank, McConkey & McGrath, 1995). Respondents were asked to identify what action they might take if they became aware from a “very reliable non-police source” that another officer had engaged in conduct described in the various scenarios. The options were to: do nothing; raise the matter directly with the officer concerned; bring the matter informally to the attention of a senior officer; make a formal report to the QPS; or report the officer to the CJC. Respondents were also asked to rate the seriousness of the conduct described in each scenario on a scale of 1 to 10 according to how it would be scored by themselves, a typical officer, the QPS “hierarchy” and the public. The scenarios to which the officers were asked to respond are presented in Text Box 6.1 on the following page. In another section of the survey, officers were asked to indicate the extent to which they agreed or disagreed with a number of statements concerning the incidence of misconduct within the QPS, the management style of the organisation, and the level of support provided to whistleblowers.
Text Box 6.1 – Ethics Survey Scenarios

Scenario 1 — Off-duty officer tries to avoid a Random Breath Test (RBT)
An off-duty police officer who has drunk a little too much is stopped for an RBT by police officers he doesn’t know. The off-duty officer is obviously a bit under the weather. He identifies himself as a fellow police officer in an effort to avoid blowing in the bag.

Scenario 2 — Officer at bottle shop pockets cigarettes
The local bottle shop has been broken into for the third time in so many weeks. The responding patrol enters the premises to wait for the owner to arrive and sort out the mess of cigarettes and liquor lying all over the floor. One of the officers bends down, picks up a torn pack of cigarettes from the shattered window display, and puts the pack in his pocket.

Scenario 3 — Officer retaliates against youth who assaulted female officer
In a pub brawl a young female First Year Constable responding with her partner to a “disturbance” call, receives a nasty black eye from a tattooed youth wielding a billiard cue. As the arrested youth is led into the cells, the male team member gives him a savage kidney punch saying, “hurts, doesn’t it”.

Scenario 4 — Accident by police misrepresented in report
During a quiet period on patrol, two officers decided to test how the rear of the police vehicle would slide on the deserted, wet car park. Their attempts resulted in a minor collision with a shopping trolley. Rather than go into full details about the scrape when reporting the damage, the driver stated the car was “sideswiped” by an unidentified vehicle while they were attending to an inquiry.

Scenario 5 — Words added to suspected rapist’s statement
An offender is picked up for a particularly nasty rape/assault in a local park. There’s no doubt he’s the culprit. There’s an excellent I.D. but the offender who is “streetwise” says nothing. To make matters certain, the arresting officer attributes the words, “OK I was in the park but I didn’t touch the bitch” to the offender in his notebook.

Scenario 6 — Pick-up outside of patrol area
On a quiet Saturday afternoon an officer decides to travel well outside his area to get some equipment for his Sunday building job. In radio contact all the time he picks up the gear and returns to his patrol area.

Scenario 7 — Registration check to get details of attractive woman
The young lady in the Mazda sports car is very attractive and smiles at the young officer in the patrol car alongside at the traffic lights. The officer, following a couple of lengths behind, radios for a vehicle registration check to find out her address.

Scenario 8 — Officers accept free beer at Christmas time
The publican of a local tavern requests some extra police patrols as he is experiencing some problems with troublesome patrons. The officers at the station accept a couple of cartons of beer sent by the publican to the station’s Christmas party in appreciation of the officers’ service during the year.
It is important not to equate attitudes directly with actual behaviours performed. For example, the theory of reasoned action developed by Fishbein and Ajzen (1975; Ajzen and Fishbein, 1980) states that behaviour can best be predicted by an individual’s intentions to perform it and intentions are formed from two conceptually independent variables. The first of these variables is the person’s attitude towards the behaviour and the second is the person’s subjective norms, which refers to the perceived social pressure to perform or not perform the behaviour. While often both variables are important determinants of intention, the theory assumes that the relative importance of these variables depends to some extent on the intention under consideration, and the relative weights of the attitudinal and normative components may vary between individuals.

Researchers have also looked for variables that have effects on behaviour that are not mediated by intentions. For example, Gorsuch and Ortberg (1983) proposed the addition of a measure of “moral obligation”; Ajzen (1985; also Ajzen and Madden, 1986) found a measure of “perceived control”, designed to assess a person’s perception of obstacles that prevent behaviour from occurring, to have both a direct and indirect (via intentions) effect on behaviour. Pagel and Davidson (1984) in a study on contraceptive usage, and Budd and Spencer (1985) in a study on alcohol use, found that the inclusion of a “personal” norm measure (what people think they should do, as distinct from what they perceive others’ opinions to be) substantially improved predictions of intentions. However, the most important of these other variables is past behaviour which is often found to be the best single direct predictor of future behaviour (for some examples see Ajzen & Madden, 1986; Bagozzi, 1981; Bentler & Speckart, 1979; Fredricks & Dossett, 1983; Manstead, Proffitt & Smart, 1983).

For these reasons, as well as the obvious fact that the performance of a behaviour is also dependent on appropriate opportunities or on possession of resources (time, money skills, willpower, cooperation of other people, etc.), no simple relationship between attitudes and behaviour should be assumed.
**Stated willingness to report**

As previously discussed, section 7.2 of the *Police Service Administration Act 1990* requires any member of the QPS who knows or reasonably suspects that misconduct has occurred to report the misconduct to the Commissioner of Police and the CJC. Six of the scenarios described behaviour clearly amounting to misconduct under the *Police Service Administration Act 1990*. The possible exceptions were scenario 6 (pick-up outside patrol area) which would most probably constitute a breach of discipline and scenario 8 (free beer at Christmas time) which currently might not attract any disciplinary action from the QPS. Figures 6.1 to 6.8 show the proportion of respondents who indicated a willingness to bring the behaviour described in the various scenarios to “official notice” by either formally reporting the officer to the QPS or CJC, or informally bringing the matter to the attention of a senior officer.
The types of behaviour most likely to be formally or informally reported by the re-survey (FYC) and experienced officer groups were stealing cigarettes from a break and enter scene (scenario 2) and verballing (scenario 5). The actions least likely to be reported were making an unauthorised registration check (scenario 7), doing a pick-up outside of one’s patrol area (scenario 6), and accepting free beer at Christmas time (scenario 8). Key findings from the above graphs are that for all scenarios, the recruit sample expressed the greatest willingness to take action against the offending officer. Over a period of 13 months, the willingness of this group to report dropped noticeably for all scenarios except scenario 2 (officer at bottle shop pockets cigarettes). The re-survey (FYC) group was generally very close to the experienced officer sample in their responses. In addition, there was only one scenario – relating to “verballing” – where more than 10 per cent of respondents from the re-survey (FYC) and experienced officer sub-samples said they would be prepared to report the offending officer directly to the QPS or CJC. Respondents expressed a greater willingness to “informally raise the matter with a senior officer”, but by far the most common response was to do nothing or raise the matter directly with the officer concerned. In other words, in almost all cases the very large majority of respondents indicated they would not comply with the requirements of section 7.2 of the Police Service Administration Act 1990.
A comparison was also made of the proportion of respondents who indicated that they would take “no action” if they knew of a police officer engaging in the behaviours outlined in the scenarios. The results are presented in Table 6.1 and illustrated in Figure 6.9. For all scenarios except scenario 2 (officer at bottle shop pockets cigarettes), the proportion of respondents in the re-survey and experienced officer samples who said that they would take “no action” was significantly greater than in the recruit sample (in scenario 5 – words added to suspected rapist’s statement – only the experienced officers were significantly different from the recruit sample). There were no statistically significant differences between the re-survey (FYC) and experienced officer samples for any scenario expect for scenario 3 (officer retaliates against youth who assaulted female officer) where significantly more of the re-survey (FYC) sample indicated they would take no action.

Table 6.1 – \( \chi^2 \) values for sample differences for proportions of respondents who choose to take “No Action” for each scenario

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Recruits compared to Re-survey (FYCs)</th>
<th>Recruits compared to Experienced Officers</th>
<th>Re-survey (FYCs) compared to Experienced Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scenario 1</td>
<td>12.043***</td>
<td>14.753***</td>
<td>0.372</td>
</tr>
<tr>
<td>Scenario 2</td>
<td>1.986</td>
<td>0.227</td>
<td>3.766</td>
</tr>
<tr>
<td>Scenario 3</td>
<td>22.495***</td>
<td>7.050**</td>
<td>4.347*</td>
</tr>
<tr>
<td>Scenario 4</td>
<td>12.043***</td>
<td>9.202**</td>
<td>0.104</td>
</tr>
<tr>
<td>Scenario 5</td>
<td>3.684</td>
<td>5.728*</td>
<td>0.407</td>
</tr>
<tr>
<td>Scenario 6</td>
<td>28.136***</td>
<td>15.360***</td>
<td>1.496</td>
</tr>
<tr>
<td>Scenario 7</td>
<td>34.519***</td>
<td>24.663***</td>
<td>0.531</td>
</tr>
<tr>
<td>Scenario 8</td>
<td>24.145***</td>
<td>20.843***</td>
<td>1.247</td>
</tr>
</tbody>
</table>

Notes:
1. df = 1 for all tests.
2. * = p<.05.
3. ** = p<.01.
4. *** = p<.001.
Figure 6.9 – Percentage of respondents who chose to take “No Action” for each scenario

Source: CJC 1997a.

Perceptions of QPS management and discipline

Respondents in each sub-sample were also asked to record, on a seven-point scale ranging from “strongly disagree” (1) to “strongly agree” (7), their level of agreement with a series of statements relating to the QPS management and discipline process. Table 6.2 presents the average responses of the re-survey (FYC) and experienced officer samples to these items.
Table 6.2 – Respondents’ perceptions of the QPS management and discipline process

<table>
<thead>
<tr>
<th>Statement</th>
<th>Average score</th>
<th>Re-surveys (FYCs) (n=84)</th>
<th>Experienced officers (n=65)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The QPS rules for proper conduct have been made clear to me.</td>
<td>5.4</td>
<td>4.6**</td>
<td></td>
</tr>
<tr>
<td>2. The QPS takes a very tough line on improper behaviour by police.</td>
<td>5.8</td>
<td>5.5</td>
<td></td>
</tr>
<tr>
<td>3. The QPS concentrates on what we do wrong rather than what we do right.</td>
<td>6.1</td>
<td>6.3</td>
<td></td>
</tr>
<tr>
<td>4. It is not unusual for a typical officer to turn a blind eye to improper conduct by other officers.</td>
<td>4.9</td>
<td>4.6</td>
<td></td>
</tr>
<tr>
<td>5. Sometimes you have to break the rules if you want to get on with other officers.</td>
<td>2.9</td>
<td>3.4</td>
<td></td>
</tr>
<tr>
<td>6. The QPS recognises and rewards proper behaviour by police.</td>
<td>2.9</td>
<td>2.2*</td>
<td></td>
</tr>
<tr>
<td>7. There is little incidence of improper conduct in the QPS.</td>
<td>4.5</td>
<td>4.7</td>
<td></td>
</tr>
<tr>
<td>8. Expecting officers to always follow the rules is incompatible with getting the job done.</td>
<td>4.7</td>
<td>4.8</td>
<td></td>
</tr>
<tr>
<td>9. Whistleblowing is not worth it.</td>
<td>4.6</td>
<td>4.6</td>
<td></td>
</tr>
<tr>
<td>10. It is understandable if officers behave improperly after the QPS has let them down.</td>
<td>3.9</td>
<td>4.3</td>
<td></td>
</tr>
<tr>
<td>11. An officer who reports another officer’s misconduct shouldn’t expect much support from the police hierarchy.</td>
<td>3.5</td>
<td>3.9</td>
<td></td>
</tr>
<tr>
<td>12. An officer who reports another officer’s misconduct is likely to be given the “cold shoulder” by his or her fellow officers.</td>
<td>5.7</td>
<td>5.7</td>
<td></td>
</tr>
</tbody>
</table>

Source: CJC 1997a.
Notes:
1. Officers not responding to the question were excluded from this table.
2. \( **t=3.322, df 145, p<.001. \)
3. \( *t=2.663, df 143.998, p<.01 \) (Levene’s test indicated equal variances could not be assumed).

The table shows that:

- There was very little divergence of opinion between respondents who had been in the Service for only a few months and officers with several years experience.

- The majority of respondents agreed that it was “not unusual for a typical officer to turn a blind eye to improper conduct by fellow officers”.


There was a very high level of agreement with the proposition that officers who report misconduct by other police were likely to be ostracised by their fellow officers.

The QPS was seen as reasonably supportive of officers who report misconduct by their fellow officers, but the majority of respondents agreed that “whistleblowing is not worth it”.

QPS management was seen as punitive, rather than supportive, in its approach to promoting proper conduct by police. A substantial majority of respondents from the First Year Constable and experienced officer sub-samples agreed with the proposition that the QPS “concentrates on what we do wrong rather than what we do right”, and disagreed that “the QPS recognises and rewards proper behaviour by police”.

**Ethics surveys summary**

The ethics surveys indicate that there is still considerable reluctance amongst rank and file police to report misconduct by fellow police where that behaviour is not seen as serious, although there is a greater stated willingness to report actions such as verbalising and stealing. More generally, the surveys highlight the powerful – and not always positive – influence which the occupational culture has on new entrants to the Service. As stated earlier, because no comparable data are available for earlier years, the results of these surveys do not bear directly on the issue of whether there has been a change in prevailing police attitudes towards the reporting of misconduct as a result of the Fitzgerald Inquiry. However, the responses to the verbalising scenario suggest that police views of this practice may have altered substantially since the Fitzgerald Inquiry, which reported that verbalising and the fabrication of evidence were widely practised and tolerated within the QPS. Factors which may have contributed to this change in police attitudes include: strong pronouncements by QPS leadership, the courts and the CJC that verbalising is an...
unacceptable practice; vigorous investigation of such allegations by the CJC; and the
development of investigative procedures – particularly, the introduction of mandatory tape
recording – which have significantly reduced the opportunities for verballing.

In addition, the responses indicate that many rank-and-file police still do not regard the
organisational climate within the QPS as very conducive to the reporting of misconduct by
fellow officers. However, there were also some positive findings. The surveys show that
QPS senior management has been fairly successful in communicating to police that the
organisation takes a serious view of misconduct and will take firm action against officers
who behave improperly (although, as indicated this theme has largely been communicated
by relying on a process viewed as involving negative, rather than positive, reinforcement).

Analysis of police against police complaints

The third component of research used in this chapter consisted of an analysis of complaints
which related to allegations of misconduct made by police against other police. (The QPS
is required to notify the CJC of all allegations of misconduct made against police officers,
regardless of whether these complaints are made by a member of the public or emanate
from within the Service.) The aims of this research were to ascertain how many complaints
against police were initiated by police who did not hold managerial or supervisory
positions, and to identify the circumstances under which such complaints were most likely
to be made. The Integrity Report examined complaints received by the CJC in 1991–92 and
1994–95. This section also includes data from the 1997–98 financial year.
Data collection

Using the database maintained by the CJC’s Complaints Section, 183 files were initially identified from 1991–92, 310 files from 1994–95, and 306 files from 1997–98 where the subject officer was recorded as an employee of the QPS and the complainant was recorded as “police” or “Commissioner of QPS”. The 1991–92 financial year was selected as the starting point for the study as this was the first full year of reliable complaints data captured in the database. To maintain comparability between the three years and ensure that the study was restricted to cases that met the strict definition of a “police against police complaint”, the following were then excluded:

- files where the complainant or subject of the complaint was a non-sworn member of the QPS or a member of another policing organisation
- “major incident” complaints which did not relate specifically to an allegation of misconduct (such as reports of high speed pursuits, firearm discharges and attempted suicides by prisoners or detainees which have to be reported to the CJC regardless of whether the reporting officer suspects misconduct)
- complaints which were simply passed on by a police officer from an outside source
- notifications that an officer had appeared in court or was the subject of a Domestic Violence Order
- complaints that were generated from within the CJC, as a result of proactive intelligence gathering
- the file could not be located or could not be accessed for confidentiality reasons
- a small number of matters which had been incorrectly classified.
This left a sample of 95 complaints involving 112 subject officers in 1991–92, 102 complaints involving 135 subject officers in 1994–95, and 141 complaints involving 180 subject officers in 1997–98.

**Police-initiated complaints as a proportion of all complaints against police**

Table 6.3 shows that complaints made by police against other police have increased in both number and proportion of total complaints against police. This is an indication of a gradual weakening of the code of silence.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of misconduct complaints against police¹</td>
<td>1790</td>
<td>1511</td>
<td>1513</td>
</tr>
<tr>
<td>Police-initiated complaints (as per criteria)²</td>
<td>111</td>
<td>115</td>
<td>141</td>
</tr>
<tr>
<td>Police-initiated complaints as a proportion of all complaints</td>
<td>6.2%</td>
<td>7.6%</td>
<td>9.3%</td>
</tr>
</tbody>
</table>

Source: CJC complaints database.
Notes:
¹ Total excludes major incidents and breach of discipline matters.
² This number includes complaints where access to the file was denied or file could not be located.

**Rank of the complainant and informing officers**

Table 6.4 shows the rank of the formal complainant in the complaints examined for 1991–92 and 1994–95. Officers were categorised into three groups: management (Inspectors and upwards), supervisors ( Sergeants and Senior Sergeants) and non-supervisory ranks (recruits
However, in a considerable number of cases, these senior officers had acted on the basis of information provided to them by a junior officer. Table 6.5 shows data on the rank of the officer who was the source of the information upon which the complaints was based and indicates that the largest number of complaints originated from supervisory and non-supervisory ranks rather than from management. In addition, there was an increase in the number of such complaints from a ratio of about one complaint from every 120 officers of the rank of constable or senior constable in the 1991–92 and 1994–95 years to one in 101 officers in 1997–98. Similar increases in the number of complaints originating from supervisor and management ranks are also evident. This may indicate a weakening of the code of silence caused to some extent by the Fitzgerald Inquiry reforms.
Table 6.5 – Rank of officer who was the source of the complaint in police against police complaints (1991–92, 1994–95 and 1997–98)

<table>
<thead>
<tr>
<th>Rank of source</th>
<th>1991–92 Per cent (n=94)</th>
<th>Ratio to sworn officers</th>
<th>1994–95 Per cent (n=102)</th>
<th>Ratio to sworn officers</th>
<th>1997–98 Per cent (n=139)</th>
<th>Ratio to sworn officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-supervisor</td>
<td>39.4</td>
<td>1:120.7</td>
<td>34.3</td>
<td>1:121.7</td>
<td>34.5</td>
<td>1:100.6</td>
</tr>
<tr>
<td>Supervisor</td>
<td>41.5</td>
<td>1:43.2</td>
<td>36.3</td>
<td>1:52.7</td>
<td>38.1</td>
<td>1:38.6</td>
</tr>
<tr>
<td>Management</td>
<td>19.1</td>
<td>1:14.4</td>
<td>29.4</td>
<td>1:9.2</td>
<td>27.3</td>
<td>1:8.0</td>
</tr>
</tbody>
</table>


Notes:
1. “Non-supervisor” rank includes recruits, constables and senior constables. “Supervisor” rank includes sergeants and senior sergeants. “Management” rank includes inspectors to commissioner.
2. Only valid per cents used in statistical analyses.
3. In 1991–92, the rank of the officer who was the source of the complaint was unknown in one case.
4. In 1997–98, the rank of the officer who was the source of the complaint was unknown in two cases.

Types of matters reported by police officers

An average of only 10 per cent of police-initiated complaints related to assaults, improper arrests and misuse of powers matters, whereas such allegations accounted for an average of 34 per cent of total complaints against police over these three years. Conversely, a relatively high number of police-initiated complaints related to alleged criminal acts and omissions (defined as including drug-related offences, involvement with prostitution, stealing and other dishonesty offences). This involved an average of 29 per cent of police-initiated complaints compared to 16 per cent of total complaints against police. Allegations of duty failure and information breaches also accounted for a sizeable proportion of police-initiated complaints (14% and 12%, respectively). However, these proportions did not differ greatly from those found in total complaints against police (12% and 7%, respectively).

The small number of police-initiated complaints relating to assault and misuse of powers is consistent with the findings of the ethics surveys, which suggest that many police
consider it acceptable to use a degree of excessive force in the course of carrying out one’s duties. Significantly, most of the police-initiated complaints of assault concerned off-duty officers, whose behaviour could not be justified by invoking the demands of “the job”. On the other hand, police appeared more willing to report an officer who has engaged in criminal conduct unrelated to the performance of his or her duties, or is seen to have been derelict in the discharge of those duties. This finding is also broadly consistent with the survey findings.

**Police against police complaints summary**

Analysis of police-initiated complaints of misconduct indicates that most of these complaints are formally made by officers with supervisory or management responsibilities. However, a considerable number of such complaints are based on information provided by more junior officers. Complaints initiated by police of all ranks increased between 1994–95 and 1997–98. These changes may indicate a weakening of the code of silence to some extent. The analysis basically supports the findings of the ethics surveys concerning the types of misconduct which police are most likely to report.

**Police code conclusion**

There are substantial methodological difficulties involved in measuring the present strength of “the code” and in making comparisons with the pre-Inquiry era. However, based on the weight of the available evidence it would seem the Fitzgerald Inquiry reforms have resulted in a weakening of the police code of silence within the QPS. This is supported by evidence indicating that officers in managerial and supervisory positions have become more conscientious in discharging their obligations to initiate action against police officers suspected of misconduct. Also, while junior officers are still generally reluctant to formally complain against other officers, there appears to be a greater willingness to bring suspected misconduct to the attention of more senior officers on an informal basis and rank and file
police now generally see the QPS as an organisation which takes a tough line on misconduct by police.

Although there has been a weakening of “the code”, particularly in the upper levels of the Service, there is still considerable resistance among rank and file police to the idea that they should have to report misconduct by fellow officers, especially for those forms of misbehaviour which are seen as less serious. Factors which have presented obstacles to bringing about more substantial cultural change at the “rank and file” level include the strength of the “rank and file” culture, which continues to exert a powerful influence over new entrants, despite the very substantial changes in the character of recruit intakes following the Fitzgerald Inquiry (see page 47 for details of recruit intake changes). The organisational climate within the QPS is seen by rank and file officers as punitive, rather than supportive, in its approach to promoting proper conduct by police. Additionally, there is the widespread perception that officers who report other police for misconduct are likely to be ostracised by their peers. These findings indicate that, while progress has undoubtedly been made in changing the undesirable elements of the police culture identified by the Fitzgerald Inquiry, there is clearly scope for more to be achieved.

A final observation is that the findings presented in this chapter are by no means unique to the QPS. Two National Police Research Unit studies (Huon et al., 1995; McConkey, Huon & Frank, 1996) have reported very similar results in surveys of large samples of serving police officers from seven Australian jurisdictions. Overseas studies of police organisations have also reported that rank and file police frequently take a less serious view of misconduct than do police managers or the general public, and that recruits soon soften their views on ethical issues once they go into “the field” (Ellis, 1991; Niederhoffer, 1967; Reiner, 1985; Sherman, 1982). Similar patterns have been observed in other public and private sector organisations, especially those with para-military structures (Baron & Greenberg, 1989; Grabosky, 1989; Hodgetts, 1991). Such studies indicate that changing the culture of any large police organisation is, of necessity, a slow and difficult process.

The next section moves onto the exploration of the second research question of this thesis – that the use of situational crime prevention techniques can be beneficial in preventing police corruption.
SECTION 4: A SITUATIONAL ANALYSIS AND DIVISIONAL EXPLORATION OF COMPLAINTS DATA

This section is divided into two chapters. The first chapter outlines the situational analysis conducted on a selection of complaints files held by the CJC. The chapter starts with a description of the initial data gathering and the concurrent construction of a typology for classifying types of police corruption and misconduct which was finally based upon 531 completed complaints files that resulted in some level of substantiation from the 1993, 1994 and 1995 calendar years. This is followed by an explanation of the refinement and continuation of the data gathering process. Finally, an interpretation of the data is attempted via the creation of summary analysis tables for several categories of corruption – Opportunistic Thefts, Driving under the Influence, Assault (while off-duty), and Theft from Employer. The conclusion of this study is that situational crime prevention methods are of value in the development of strategies to combat police corruption and that, in this regard, complaints against police data has been under-utilised as a prevention tool to date.

The second chapter of this section describes the fourth study of this thesis. The chapter presents an analysis conducted at an organisation unit level, determined primarily by geographical factors, using data from the Complaints Management System of the QPS Ethical Standards Command. This analysis is groundbreaking in two ways. First, it is performed at a much lower level of geographical specificity than previous analyses by either the QPS, the CJC or in any published material from other jurisdictions. Second, it attempts to control for causal factors (as described in Chapter Three of this thesis). That is, the complaint patterns of units of similar “task environments”, as measured by unit size and type of duties performed, were compared in an attempt to identify those units experiencing the presence or absence of “bad apples” or a “negative culture”. This study concluded that a divisional analysis of complaints data can provide information valuable in combatting police corruption. Once task environment was held constant, those units experiencing “bad apples” or “negative cultures” or both effects were identified. After these particular units are identified, intervention strategies to address the units’ particular problem can be applied. The presence of “bad apples” should be addressed by management via responses.
tailored to the individual(s) in question. Units identified as having a “negative culture” should undergo a compare-and-contrast procedure with the aim of identifying features such as management practices, procedures, leadership styles, or perhaps combinations of the above features that are beneficial to units in reducing a “negative culture”. For units with both “bad apples” and a “negative culture”, both these types of interventions should be implemented simultaneously followed by close monitoring to ensure that neither problem resurfaces.
CHAPTER 7
STUDY THREE – A SITUATIONAL ANALYSIS OF COMPLAINTS FILES

Introduction

This chapter tests the second research question of the thesis – can situational crime prevention techniques be utilised to prevent police corruption? – by outlining the situational analysis conducted on a selection of complaints files held by the CJC. The chapter starts with a description of the initial data gathering and the concurrent construction of a typology for classifying types of police corruption and misconduct, with a focus on the more serious category of corruption. The initial data gathering found that for virtually all sub-categories of allegations some degree of “substantiation” was necessary to achieve an adequate level of information to conduct analysis. Thus, the second phase of the data gathering process was restricted to those cases where some level of “substantiation” was evident. Finally, an interpretation of the data is attempted via the creation of summary analysis tables for several categories of corruption. A proper test of situational prevention entails pre-test measures, application of an intervention and post-testing measures of the impact – with controls on other variables. This was not possible within the institutional setting within which the study was undertaken. Nonetheless, the study is consistent with the first key step in situational prevention – analysis of situational variables – in order to test the theory at that level.

Development of the typology

The development of a typology of corruption and misconduct with consistent homogenous categories was a process that continued throughout the data gathering phase. As indicated in Chapter Three, the starting point was provided by the work of Barker (1983) – see Table 1.3, page 28. This typology divided corruption into 10 sub-categories and misconduct into
six sub-categories. The definition of corruption and misconduct used in this thesis (as presented in Chapter Three) is:

*Corruption is defined as any act involving the misuse of authority when a police officer receives or is promised a material reward or when a police officer violates criminal law. Misconduct is any violation of departmental rules or regulations that does not involve the receipt or promise of a material reward or gain for the police officer.*

Initial work to flesh out the typology was conducted by examining the “precis” (a short, one paragraph description of the allegation written by the Principal Complaints Officer) from the CJC Complaints Database for all files from the month of January 1994. This initial typology is presented in Table 7.1 (see below for a description of the additional information presented in this table). The 1994 calendar year was chosen as the vast majority of files from this period had been finalised but had not been shipped to off-site archiving (as discussed later, when more data were required, the time period examined increased to include the 1993 and 1995 calendar years). This typology underwent revision and refinement throughout the data gathering phase as described in following sections. The final typology is presented later in the chapter in Table 7.2, page 177.

**Initial data gathering**

The hardcopy files from all complaints received in January 1994 were examined. These 106 files involved 133 allegations classified according to the typology (as it had been developed at that stage – see Table 7.1) as one of the sub-categories of either corruption or misconduct. The number of allegations falling into each of the corruption and each of the misconduct sub-categories is also presented on the typology in the first column on the left. The letters that appear after some entries in this column correspond to further subdivisions of these sub-categories as indicated in the “description” column of Table 7.1. The second column on the left shows the number of allegations for which there is probably enough information and enough detail to conduct some analysis. The primary reason that the files do not provide an adequate level of information is the large proportion of files that are “not investigated”.
THE PREVENTION OF POLICE CORRUPTION AND MISCONDUCT:
A CRIMINOLOGICAL ANALYSIS OF COMPLAINTS AGAINST POLICE

Table 7.1 – Initially developed typology

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Number where analysis possible</th>
<th>Number of alleg.</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Corruption of Authority (for example, unauthorised free meals, discounts, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C2</td>
<td>Kickbacks (receipt of money, goods or services for referring business to towing companies, ambulances, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C3</td>
<td>Opportunistic Thefts (of A=drugs; B=money; C=other) from</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1(B)</td>
<td>-1 arrestees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1(C)</td>
<td>-2 victims</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-3 crime scenes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-4 unprotected property</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1(B)</td>
<td>-5 police possession</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-6 during searches</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C4</td>
<td>Shakedowns (taking of money or other valuables from traffic offenders or criminals)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C5</td>
<td>Protection of Illegal Activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C6</td>
<td>Fixes (disposing of or quashing citations or court proceedings)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>-1 traffic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-2 misdemeanour</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-3 felony</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C7</td>
<td>Flaking/Padding (planting of or adding to evidence, particularly in drug cases)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C8</td>
<td>Internal Payoffs (for example, the sale of days off, holidays, work assignments etc. from one officer to another)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C9</td>
<td>Direct Criminal Activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>-1 drug dealing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>-2 drug use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>-3 other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>C10 Other (or unknown)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

MISCONDUCT (No Material Reward)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Number of alleg.</th>
<th>Number where analysis possible</th>
</tr>
</thead>
<tbody>
<tr>
<td>M1</td>
<td>Police Perjury</td>
<td>2</td>
<td>28</td>
</tr>
<tr>
<td>M2</td>
<td>Police Brutality</td>
<td>45*</td>
<td>12</td>
</tr>
<tr>
<td>M3</td>
<td>Sex on Duty</td>
<td>25</td>
<td>9</td>
</tr>
<tr>
<td>M4</td>
<td>Drinking on Duty</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>M5</td>
<td>Sleeping on Duty</td>
<td>14</td>
<td>1</td>
</tr>
<tr>
<td>M6</td>
<td>Failure to Follow Procedures</td>
<td>4**</td>
<td>1</td>
</tr>
<tr>
<td>M7</td>
<td>Failure to Perform Duties</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>M8</td>
<td>Release of Confidential Information (A=false information)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M9</td>
<td>Other Violations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M10</td>
<td>Victimisation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-1 whistleblower</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-2 other officer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-3 citizens (racial)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Included is one “A” type and four “B” type allegations.
**Included is one “A” type allegation.
The CJC Complaints System User Manual lists the following reasons why complaints are “not investigated” [followed by my explanatory comments where necessary in square brackets]:

- the circumstances do not reasonably raise suspicion of official misconduct or misconduct
- the complaint is patently without credit, frivolous, vexatious or anonymous without substance
- it can not be productively investigated because the information provided is not sufficiently detailed or conclusive [for example, “officers from X district are corrupt and doing deals with drug dealers” – no names known]
- it can not be productively investigated as the commitment of resources is disproportionate to the seriousness of the alleged misconduct, or the law or rule allegedly breached is obsolete
- the allegation if proved would not amount to official misconduct [for public servants] or misconduct [for police] [analysis of files held by Ethical Standards Command which include breach of discipline matters was an option but, as will be explained later, the focus of the situational analysis for this thesis was more serious “corruption” matters]
- the allegation pre-dates 22/04/90 and is not exceptional
- another agency is more appropriate [rarely used for police matters]
- court is the best forum to determine the case [often used if the complaint arises from an incident where the complainant charged with resisting arrest or assaulting police].

For complaints that were investigated it was often the case that file information concerned allegations that lacked specificity or could not be connected to a particular event or events. Text Box 7.1 provides some general and specific examples of why files did not reveal any fruitful information.
Text Box 7.1

The “Protection of Illegal Activities” is often found to be nothing more than the complainant’s misunderstanding of just how slow an investigation can be particularly if the officers involved have large workloads.

Complaints of officers dealing or importing drugs are often based on second hand or rumour information which provide little or no basis for investigation.

A complaint was made that an officer was a large scale drug and arms dealer, and that he payed cash for at least two houses and owned 6 cars. Checks revealed that the officer owned two homes bought several years apart and each involved a mortgage. In total the family owned two cars; one Toyota Camry, 3 years old; the other a 10 year old Holden Commodore.

A report that an officer was growing cannabis on his outback property resulted in investigators obtaining a covert search warrant and the property was searched. No drugs were found.

Officers were thought to be protecting or managing prostitutes when a complainant found the officer’s details in a prostitute’s note book. The investigation revealed that the prostitute obtained the details from the officer as part of a previous investigation by the officer during which she was questioned.

An officer is receiving free alcohol from motels so they can stay open longer than their licence allows. The officer was found to rarely frequent one of the motels in question and never the other. The motels were even able to cite cases when they had been breached for staying open too late.

In addition to these general problems, there is a definite reluctance by police officers to admit to any wrong doing even in the face of evidence from many sources. This can be contrasted to previous work by Homel, Clarke and MacIntyre (1995) involving an analysis of complaints made to the CJC where the subjects were public servants. Public servants, when faced with partial or provisional evidence of their wrongdoing, frequently confessed or offered some sort of justification for their actions. On the other hand, police officers, probably as a result of their familiarity with the law and legal process, usually deny any wrongdoing and never seem to change from this position. In many cases, perhaps because of this reluctance to admit anything, the subject officer was not interviewed by investigating officers unless strong evidence was already at hand.
It should be noted that for virtually all sub-categories used in this study some degree of “substantiation” is necessary to achieve an adequate level of information to conduct analysis. The only sub-categories that appeared to be analysable without reliance on substantiated cases were as follows:

- “M7 Failure to Perform Duties” had 14 allegations of which 3 were substantiated. However, these contained evidence that the officer involved was negligent rather than deliberate in his/her actions.

- “M8 Release of Confidential Information” had one case that was not substantiated but the evidence uncovered would probably allow analysis. In this case the officer did release information but it was deemed he did it to further the investigation.

- “M2 Police Brutality” in comparison to other categories had a lesser proportion of cases “not investigated”. Therefore, there were many cases that were “not substantiated” but still investigated and thus provided enough information (usually in the form of the complainant’s version of events) to conduct analysis. However, it was decided not to analyse this category for two reasons. First, as stated previously, the focus of the situational analysis conducted in the thesis was to be on the more serious “corruption” rather than “misconduct” matters. Second, the (then) Research and Co-ordination Division of the CJC was concurrently conducting a research project comprising a comprehensive analysis of several hundred complaints of assault made to the CJC (see CJC, 1997b).

**Conclusion from initial data gathering**

The conclusion at this stage was that further data gathering from files should involve only those with some degree of substantiation.
Data gathering from substantiated files

A listing of all completed files with some level of substantiation from the 1993, 1994 and 1995 calendar years was compiled (a total of 531 files covering 608 allegations). The precis from each of these files was examined and the typology underwent further revision. The final typology is presented in Table 7.2. The number of allegations falling into each of the corruption and each of the misconduct sub-categories is also presented in the first column on the left. Of the 608 allegations, 213 were classified as “corruption” under the typology and 395 classified as “misconduct”.

At this point, as mentioned earlier, the decision was made to concentrate the situational analysis on the “corruption” allegations. This decision was based upon three considerations. First, it was thought that the files of the more serious allegations were more likely to contain much more specific information. Second, a large proportion of “misconduct” matters fell within the “Police Brutality” sub-category and, as stated earlier, the CJC was concurrently undertaking a research project into this area. Third, the additional analysis of the “misconduct” data was not envisioned to add any extra profit to this study which was primarily an illustrative example of how situational analysis could be used in relation to police complaints data.

A summary description for each of these “corruption” files was constructed that included all the information contained in the file that was relevant for a situational analysis. Also noted beneath these descriptions were any situational techniques that may have been helpful in preventing the behaviour that occurred. Three examples of such descriptions obtained from files that provided a comprehensive level of information are given in Text Boxes 7.2 to 7.4 below.
## Table 7.2 – Final typology

### CORRUPTION (Involves a Material Reward or Criminal Activity)

<table>
<thead>
<tr>
<th>No. of Alleg.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(n=213)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Corruption of Authority</td>
</tr>
<tr>
<td>C2</td>
<td>Kickbacks</td>
</tr>
<tr>
<td>C3</td>
<td>Opportunistic Thefts (of A=drugs; B=money; C=other) from</td>
</tr>
<tr>
<td></td>
<td>-1 arrestees</td>
</tr>
<tr>
<td></td>
<td>-2 victims</td>
</tr>
<tr>
<td></td>
<td>-3 crime scenes</td>
</tr>
<tr>
<td></td>
<td>-4 unprotected property</td>
</tr>
<tr>
<td></td>
<td>-5 police possession</td>
</tr>
<tr>
<td></td>
<td>-6 during searches</td>
</tr>
<tr>
<td>C4</td>
<td>Snakedowns</td>
</tr>
<tr>
<td>C5</td>
<td>Protection of Illegal Activities</td>
</tr>
<tr>
<td>C6</td>
<td>Fixes</td>
</tr>
<tr>
<td></td>
<td>-1 traffic/regulatory offences</td>
</tr>
<tr>
<td></td>
<td>-2 misdemeanour/simple offences</td>
</tr>
<tr>
<td></td>
<td>-3 crime</td>
</tr>
<tr>
<td>C7</td>
<td>Faking/Padding</td>
</tr>
<tr>
<td>C8</td>
<td>Internal Payoffs</td>
</tr>
<tr>
<td>C9</td>
<td>Direct Criminal Activities</td>
</tr>
<tr>
<td></td>
<td>-1 drug dealing</td>
</tr>
<tr>
<td></td>
<td>-2 drug use</td>
</tr>
<tr>
<td></td>
<td>-3 public exposure</td>
</tr>
<tr>
<td></td>
<td>-4 insurance fraud</td>
</tr>
<tr>
<td></td>
<td>-5 other fraud</td>
</tr>
<tr>
<td></td>
<td>-6 credit or SP gambling</td>
</tr>
<tr>
<td></td>
<td>-7 fare evasion</td>
</tr>
<tr>
<td></td>
<td>-8 other bill evasion</td>
</tr>
<tr>
<td></td>
<td>-9 dangerous driving/failing to stop</td>
</tr>
<tr>
<td></td>
<td>-10 driving under the influence</td>
</tr>
<tr>
<td></td>
<td>-11 unregistered vehicle/false number plates/unlicensed driving</td>
</tr>
<tr>
<td></td>
<td>-12 stalking</td>
</tr>
<tr>
<td></td>
<td>-13 breaking domestic violence order</td>
</tr>
<tr>
<td></td>
<td>-14 assault</td>
</tr>
<tr>
<td></td>
<td>-15 sexual assault</td>
</tr>
<tr>
<td></td>
<td>-16 willful damage</td>
</tr>
<tr>
<td></td>
<td>-17 shop-lifting</td>
</tr>
<tr>
<td></td>
<td>-18 murder</td>
</tr>
<tr>
<td></td>
<td>-19 unlicensed possession of concealable firearm</td>
</tr>
<tr>
<td></td>
<td>-20 sale of firearm without licence to possess</td>
</tr>
<tr>
<td></td>
<td>-21 receipt of stolen goods</td>
</tr>
<tr>
<td></td>
<td>-22 non-payment of fines</td>
</tr>
<tr>
<td></td>
<td>-23 failing to comply with national park regulations</td>
</tr>
<tr>
<td></td>
<td>-24 auto theft</td>
</tr>
<tr>
<td>C10</td>
<td>Outside Employment Conflict of Interest</td>
</tr>
<tr>
<td>C11</td>
<td>Theft from Employer</td>
</tr>
<tr>
<td></td>
<td>-1 money</td>
</tr>
<tr>
<td></td>
<td>-2 property</td>
</tr>
<tr>
<td></td>
<td>-3 fraudulent time claim</td>
</tr>
<tr>
<td></td>
<td>-4 fraudulent expenditure, allowance, or leave claims</td>
</tr>
<tr>
<td></td>
<td>-5 legal advice</td>
</tr>
<tr>
<td>C12</td>
<td>Sale of Confidential Information</td>
</tr>
<tr>
<td>C13</td>
<td>Sale of Licences</td>
</tr>
</tbody>
</table>
### Table 7.2 – Final typology (continued)

**MISCONDUCT (No Material Reward)**

<table>
<thead>
<tr>
<th>No. of Alleg. (n=395)</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>M1</td>
<td>Police Perjury</td>
</tr>
<tr>
<td></td>
<td>M2</td>
<td>Police Brutality</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-1 physical abuse/excessive force</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-2 verbal/psychological abuse</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-3 legal abuse/violation of civil rights</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-4 damage to property</td>
</tr>
<tr>
<td>81</td>
<td>M3</td>
<td>Sex on Duty</td>
</tr>
<tr>
<td>27</td>
<td>M4</td>
<td>Drinking on Duty</td>
</tr>
<tr>
<td>54</td>
<td>M5</td>
<td>Sleeping on Duty</td>
</tr>
<tr>
<td>6</td>
<td>M6</td>
<td>Failure to Follow Procedures</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-1 smoking on police premises</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-2 incorrect completion of official documents</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-3 high speed chase procedures</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-4 prisoner safety procedures</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-5 use of firearm/firearm safety procedures</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-6 return of seized property</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-7 movement of property procedures</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-8 associating with convicted and active criminals</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-9 securing prisoner</td>
</tr>
<tr>
<td>1</td>
<td>M7</td>
<td>Failure to Perform Duties</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-1 to take complaint</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-2 to adequately investigate</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-3 to adequately prepare court evidence</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-4 to charge offender</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-5 to secure seized/hand-in property</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-6 to report other officer (Section 7.2)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-7 to aid injured person</td>
</tr>
<tr>
<td>10</td>
<td>M8</td>
<td>Release of Confidential Information (A=false information)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-1 covering-up officer mistake or indiscretion</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-2 to obtain favourable transfer</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-3 to avoid work detail</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-4 cheating on exams/assignments</td>
</tr>
<tr>
<td>3</td>
<td>M9</td>
<td>Deceiving Employer</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-1 to take complaint</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-2 to adequately investigate</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-3 to adequately prepare court evidence</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-4 to charge offender</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-5 to secure seized/hand-in property</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-6 to report other officer (Section 7.2)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-7 to aid injured person</td>
</tr>
<tr>
<td>30, 3(A)</td>
<td>M10</td>
<td>Victimisation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-1 whistleblower</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-2 other officer (includes sexual harassment)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-3 citizens (racial)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-4 complainant/witness</td>
</tr>
<tr>
<td>6</td>
<td>M11</td>
<td>Misuse of Authority</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-1 allowing civilian to wear police uniform/use badge/impersonate officer</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-2 taking sexual advantage</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-3 issuing of licences</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-4 improperly influencing court</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-5 claiming undercover status to avoid apprehension</td>
</tr>
<tr>
<td>8</td>
<td>M12</td>
<td>Misuse of Police Property</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-1 police computer</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-2 telephone/fax</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-3 vehicle</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-4 premises</td>
</tr>
<tr>
<td>12</td>
<td>M13</td>
<td>Improper On-Duty Behaviour</td>
</tr>
<tr>
<td>12</td>
<td>M14</td>
<td>Improper Off-Duty Behaviour</td>
</tr>
<tr>
<td>1</td>
<td>M15</td>
<td>Impropriety Regarding Promotions</td>
</tr>
</tbody>
</table>
Text Box 7.2

Typology Classification: C3-5 Opportunistic Thefts – police possession
(Type: Andrugs, Bmone, Cmoney)

File Number: XX-XX-XXX (type C)

Younger brother of Officer S had his bicycle stolen. Officer S admits that on the way to the station to look at lost property he said to his brother something like “We will go and have a look for a bike and if there is something similar to yours we will grab that one”. Once at the station they were shown property by Officer R who returned bicycle and issued receipt but failed to check original Criminal Offence Report (of when bicycle reported stolen). Another Officer did check this and discovered they were not the same bicycles and this investigation resulted. Officer R corrected for not checking with original paperwork and Officer S resigned pleading guilty of stealing in court (no conviction recorded, good behaviour bond for 12 months).

Possible situational techniques as described in Tables 4.1 and 4.2 (and description):
Rule Setting (returned property must be checked against original Criminal Offence Report).
Facilitating compliance ("stealing from the property room is stealing from the victim").

Text Box 7.3

Typology Classification: C9-10 Direct Criminal Activities – driving under the influence

File Number: XX-XX-XXX (also M4 – drinking while on call)

Off-duty officer driving departmental vehicle at 1.30am involved in two accidents had blood alcohol concentration of 0.14%. The first accident was some limited damage to parked car and the second accident resulted in the police vehicle leaving road, overturning and being written off (total damages bill $21,600 for officer to pay). No one injured. Officer fined $600 and disqualified for 7 months. Disciplinary action was reduction in rank suspended pending completion of 250 hours community service. Officer was entitled to use vehicle for travel to and from work and Officer stated as reason for use of departmental vehicle that while he was off-duty he was still on-call. In addition, he had gone straight from work to his birthday celebrations and had not yet returned home. CIC’s view was he used the vehicle for private purposes to drive to the birthday function (as he had even changed into civilian clothes), left the vehicle for 7.5 hours while drinking with friends, and then drove the vehicle to another position in the same street for the purely private reason namely obtaining a hotdog (at which time the parked car was damaged). (It should also be noted that police were called to the scene at the time as there were several witnesses but upon seeing the Officer sitting in the police vehicle eating, called to the station for further instructions from the Officer-in-Charge. They were instructed to return to the station. Officer-in-Charge was reprimanded (which was seen as an extremely light punishment for what was obviously an attempt to “cover up”)).

Possible situational techniques as described in Tables 4.1 and 4.2 (and description):
Formal surveillance (better supervision by Officer-in-Charge would have prevented second accident; better supervision by managers in general would help prevent police vehicles being used for non-work purposes).
Rule setting (police must not be in charge of – or passenger in? – police vehicle if they have consumed any alcohol).
Facilitating compliance (“When those who enforce the law, break the law, there is no law”; “Don’t be a bloody blue’ idiot”).

1. The word “blue” refers to the colour of QPS uniforms.
Typology Classification: C12 Sale of Confidential Information

File Number: XX-XX-XXX

Investigations in 1992 based upon information received from a police superintendent revealed that several police officers from the Police Operations Centre during the 1987–1989 period were providing information to towing operators about the occurrence of traffic accidents in return for a deposit of $30 to a TAB Telebet account. At the end of 1989, the Police Operations Centre moved to the new police headquarters (and was renamed the Police Communications Centre) and experienced a significant change in technology. The most important feature was that telephone interceptors no longer manually filled out a job card (and then placed the card on a conveyor system) but logged information onto computer (which transmitted it to the Communications Co-ordinator). This appears to have significantly reduced the opportunity for telephone interceptors to delay information in order to make calls to tow truck operators.

Investigative hearings were held by the CJIC. One officer who held a Telebet account in the scheme is deceased (Officer X) and another was excused from attendance on medical grounds.

Officer W, after claiming privilege against self-incrimination, made a full confession. He stated he opened the Telebet account at the suggestion of Officer X. Officer W states he questioned the legality of the arrangement but Officer X told him there was nothing wrong with it, but if the boss found out there would be trouble. Officer X instructed Officer W that when he phoned the information to the towing company he should identify himself and money would be paid into his account. Officer W denied ever delaying placing the job card on the conveyor system. Officer W received $900 over the 12 month period July 1987 to July 1988, all in multiples of $30. He states Officer X told him other officers were in the scheme but he was never told names.

Officer M suspended, has tendered resignation but this will not take effect until official misconduct charges proceed before a Misconduct Tribunal. Officer M, after claiming privilege against self-incrimination, made full confession. Officer M claimed that in 1987 Officer H (who was not stationed in Communications) explained that police could get spotters’ fees and told him to contact Mr R about it. Mr R explained that to eliminate the passage of money Officer M should open a TAB account. He did and supplied the details to Mr R who provided him with a phone number. He denies delaying putting a job card on the conveyor system (he stated he did receive a request to delay one for a while but refused the request). Officer M received $3,510 in the period Sept 1987 to October 1988. He states he withdrew from the scheme when his wife became ill from a back complaint. He states he was aware other police were in the scheme but does not know who they were.

Officer F is no longer member of QPS but served in Communications for 3.5 years and operated two Telebet accounts that fit the pattern of payments described by other officers. He received $420 in a 12 month period.

Officer S commenced duty in the Communications Centre in 1980 and was still there at the time of the investigation. He opened his Telebet account on 22 July 1987. Up until the date 5 Sept 1989, all deposits (total $4540) were in multiples of $30, except for one of $20. Officer S denied any involvement in the scheme and could not explain deposits. Officer was dismissed from the service.

Possible situational techniques as described in Tables 4.1 and 4.2 (and description):
Controlling facilitators (computerised system to replace manual logging of incoming calls as described in first paragraph).
Formal surveillance (better supervision of the officers receiving telephone calls in the Operations Centre – even just the supervisor’s presence would have reduced the incidence of this behaviour).

1. In a Misconduct Tribunal an officer is under obligation to answer questions or face contempt charges. After claiming the privilege against self-incrimination, the officer’s statement is not admissible in evidence against the officer in civil or criminal proceedings.
Creating summary tables

From descriptions such as these, tables summarising common features of the cases were constructed for each category which had enough files to make this exercise worthwhile. Table 7.3 presents the category of Opportunistic Thefts (C3). Table 7.4 shows Direct Criminal Activities - driving under the influence (C9-10). Table 7.5 illustrates Direct Criminal Activities - assault (C9-14), and Table 7.6 presents Theft from Employer (C11).

Tables were also attempted for several other of the smaller categories (Direct Criminal Activities - sexual assault (C9-15), Outsider Employment Conflict of Interest (C10), and Sale of Confidential Information (C12)). However, for these categories the summary tables did not seem to be able to reveal any worthwhile similarities. The reasons for this could be the inadequate number of cases, that the category is not homogenous enough, or simply that situational analysis is not appropriate for this type of corruption. These reasons will be discussed further in the conclusions section below.

The number of “cases” presented in the following summary tables do not correspond to the number of allegations as presented in Table 7.2. This is for four main reasons. First, one “case” can involve several allegations or even several files where the same or similar allegations may have been repeated. Second, allegations included in the typology show some level of substantiation but sometimes this substantiation may not be against an officer but a member of the public also involved in the case or even the complainant in the event of a false complaint. Third, the review of the file uncovered more specific information than was contained in the precis revealing that the allegation was more appropriately classified under another category. Most often when this situation occurred, one of the misconduct categories was more appropriate than the corruption category. Fourth, some files were unavailable at the time of analysis.
### Table 7.3 – Opportunistic Thefts (C3)

<table>
<thead>
<tr>
<th>Analysis Number</th>
<th>File Number</th>
<th>Failure to Comply Fully With Standing Procedures</th>
<th>Property Not Put in Property Room</th>
<th>Poor Management Practices</th>
<th>Lack of Training and Experience of Officers</th>
<th>Property Taken From Exhibit Room</th>
<th>Paper Work Contained Clerical Errors</th>
<th>Property Missing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>$100</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Gold jewellery</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>$93.40</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>xx-xx-xxxx</td>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>$250</td>
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</tr>
<tr>
<td>5</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>$203</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>$69.05</td>
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</tr>
<tr>
<td>7</td>
<td>xx-xx-xxxx</td>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>See note 2 below</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Tool box (value $5000)</td>
<td>$9160</td>
</tr>
<tr>
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<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>$100</td>
<td></td>
</tr>
<tr>
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<td>xx-xx-xxxx</td>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>$100</td>
<td></td>
</tr>
<tr>
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<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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<td>Y</td>
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<td>13</td>
<td>xx-xx-xxxx</td>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Gun case</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Small envelope of green leaf material</td>
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<tr>
<td>15</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Camera</td>
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</tr>
<tr>
<td>16</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Cannabis plant, seeds, and smoking paraphernalia</td>
<td></td>
</tr>
</tbody>
</table>

1. "Failure to Comply Fully With Standing Procedures" includes not providing full details in paper work, not checking property against inventories or criminal reports, and property not being verified/acknowledged in prisoner's or other officer's presence.

2. Case 7 involved an officer who was illegally charging the owners of stolen cars for the return of the cars. The money was paid back into QPS accounts and then used to continue the undercover operation against car thieves.
Table 7.3 – Opportunistic Thefts (C3) (continued)

<table>
<thead>
<tr>
<th>Analysis Number</th>
<th>File Number</th>
<th>Failure to Comply Fully With Standing Procedures¹</th>
<th>Property Not Put in Property Room</th>
<th>Poor Management Practices</th>
<th>Lack of Training and Experience of Officers</th>
<th>Property Taken From Exhibit Room</th>
<th>Paper Work Contained Clerical Errors</th>
<th>Property Missing</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Sports bag, 6 gold-plated spoons, 2 CDs, 20 cents</td>
</tr>
<tr>
<td>18</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td>Y</td>
<td></td>
<td>Y</td>
<td>3 packets of cigarettes</td>
</tr>
<tr>
<td>19</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>jacket</td>
</tr>
<tr>
<td>20</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>3 Brisbane City Council warning lights</td>
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<tr>
<td>21</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td></td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>mobile telephone</td>
</tr>
<tr>
<td>22</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>(extra cannabis plants found)</td>
</tr>
<tr>
<td>23</td>
<td>xx-xx-xxx</td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>firearm</td>
</tr>
<tr>
<td>24</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>set of green satin sheets</td>
</tr>
<tr>
<td>25</td>
<td>xx-xx-xxx</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>500 cannabis seeds</td>
</tr>
<tr>
<td>26</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>sleeping bag (borrowed, used, and returned)</td>
</tr>
<tr>
<td>27</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td></td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>400 grams of cannabis</td>
</tr>
<tr>
<td>28</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>1 head of cattle</td>
</tr>
<tr>
<td>29</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td></td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>wallet</td>
</tr>
<tr>
<td>30</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>4 casks of wine, 1 cask of port, carton of beer</td>
</tr>
<tr>
<td>31</td>
<td>xx-xx-xxx</td>
<td></td>
<td>Y</td>
<td></td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>$376.40</td>
</tr>
</tbody>
</table>

1. “Failure to Comply Fully With Standing Procedures” includes not providing full details in paper work, not checking properly against inventories or criminal reports, and property not verified/counted in prisoner’s or other officer’s presence.
<table>
<thead>
<tr>
<th>Analysis Number</th>
<th>File Number</th>
<th>Officer Involved in Accident</th>
<th>Off-duty</th>
<th>Arrested Late Night/Early Morning (7.45pm to 6am)</th>
<th>In Dept. Vehicle (should only be used for work)</th>
<th>Drinking Occasion Occurred After Work</th>
<th>Drinking Occurred Due to Celebration (eg birthday)</th>
<th>Officer was Looking for Something to Eat After Drinking</th>
<th>Officer Experiencing Relationship (R) or Work (W) stress</th>
<th>Other Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>R&amp;W</td>
<td>Other officers tried to cover up.</td>
</tr>
<tr>
<td>2</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>R&amp;W</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>R&amp;W</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>R&amp;W</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>R&amp;W</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>R&amp;W</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>R&amp;W</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>R&amp;W</td>
<td>Only short distance to drive.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>R&amp;W</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>W</td>
<td>Officer refused test.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Officer refused test and tried to induce other to cover up. Officer has history of alcohol related complaints.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. In all cases except the first, the accident involved only the officer’s car and/or stationary objects/parked cars. The first case was a two car collision.
2. Some information presented in this table would also appear in other corruption sub-category summary tables. For example, use of department vehicle for non-work activity would also appear in a summary table for M12-3.
Table 7.5 – Direct Criminal Activities - assault (C9-14)

<table>
<thead>
<tr>
<th>Analysis Number</th>
<th>File Number</th>
<th>Late Night /Early Morning (7.45pm to 6am)</th>
<th>Fri or Sat</th>
<th>Officer drinking</th>
<th>Complain drinking</th>
<th>On Licenced Premises (B = Bouncer assaulted)</th>
<th>Verbal Exchange Precedes</th>
<th>Involved possible slur to officer girlfriend</th>
<th>Knew/acquainted with complainant (D = Domestic Incident)</th>
<th>Complain Sex</th>
<th>Officer Sex</th>
<th>Other Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>M</td>
<td>M</td>
<td>2 officers involved</td>
</tr>
<tr>
<td>2</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>M</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>M</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>M</td>
<td>M</td>
<td>another officer present &amp; uninvolved</td>
</tr>
<tr>
<td>5</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td></td>
<td>Y</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>F</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>M</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>xx-xx-xxx</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Y(D)</td>
<td>F</td>
<td>M</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>xx-xx-xxx</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>Involved Traffic Offense Notice</td>
</tr>
<tr>
<td>10</td>
<td>xx-xx-xxx</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Y(D)</td>
<td>F</td>
<td>M</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Y(D)</td>
<td>F</td>
<td>M</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>xx-xx-xxx</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>Between 2 officers</td>
</tr>
<tr>
<td>13</td>
<td>xx-xx-xxx</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Y(D)</td>
<td>F</td>
<td>M</td>
<td>M</td>
<td>Damage to property also</td>
</tr>
<tr>
<td>14</td>
<td>xx-xx-xxx</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Y(D)</td>
<td>F</td>
<td>M</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td></td>
<td>Y</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>Officer had knife</td>
</tr>
<tr>
<td>16</td>
<td>xx-xx-xxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td></td>
<td>Y</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>2 officers involved (one had previous report re. psychological and behavioural problems)</td>
</tr>
</tbody>
</table>

1. Cases appear here rather than in M2 (Police Brutality) as in all cases the officer was off-duty. Therefore, there was no fall back to it just being an excessive force issue.
2. Complainant is abbreviated to "Complain".
3. A question mark after a table entry indicates probable rather than certain information due to the vagueness of the file information on this point.
Table 7.6 – Theft from Employer (C11)

-1 money (cases 1-5)
-2 property (cases 6-10)
-3 fraudulent time claim (cases 10-12)
-4 fraudulent expenditure, allowance or leave claims (cases 13-16)

Note: Case 10 involves both property and fraudulent time claims.

<table>
<thead>
<tr>
<th>Analysis Number</th>
<th>File Number</th>
<th>Failure to Comply Fully With Standing Procedures</th>
<th>Poor or Lack of Standing Procedures</th>
<th>Poor Book Keeping</th>
<th>Poor Supervision</th>
<th>Lack of Training</th>
<th>Safe/Strongbox /Storage Not Secure /Too Many With Access</th>
<th>Property Missing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>$40</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>$1421 (from Police Club)</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td></td>
<td>Y</td>
<td>$235 (from gift collection)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td>Y</td>
<td>$416.35</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>$89.50</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>Bench</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>Firearms</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y (of items)</td>
<td></td>
<td></td>
<td>Y</td>
<td>Tape measure and torch</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y (of items)</td>
<td></td>
<td></td>
<td>Y</td>
<td>2 sets of police overalls</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>Hand-held radio and claims for unnecessary overtime.</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td>Y</td>
<td>1 day's overtime</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td>Y</td>
<td>False claim for escort duty</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td>Y</td>
<td>Extra travelling allowance</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td></td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>$13,000 in Worker's Compensation Payments</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td></td>
<td></td>
<td>Y</td>
<td>Y</td>
<td>$57.05</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>xx-xx-xxxx</td>
<td>Y</td>
<td></td>
<td></td>
<td></td>
<td>Y</td>
<td>Extra mileage claim</td>
<td></td>
</tr>
</tbody>
</table>
Analyzing summary tables

An analysis of the information contained in each of the summary tables is now possible. An analysis of the summary Table 7.3 (Opportunistic Thefts) reveals deficiencies in the following areas of QPS responsibility:

• poor management practices (11 cases, 35%)
• the performance of duties by inexperienced or untrained officers (10 cases, 32%)
• inadequate security of exhibit room (6 cases, 19%)

and that the following features were common from an offender point of view:

• failure to store property in the property room (10 cases, 32%)
• clerical errors (7 cases, 23%)
• failure to fully comply with standing procedures (17 cases, 55%).

The next two tables (Tables 7.4 and 7.5) involve the category of Direct Criminal Activities. In most of the sub-categories of Direct Criminal Activities, the responsibility of the behaviour in question falls mostly upon the shoulders of the officer involved. However, an analysis of the summary Table 7.4 (Direct Criminal Activities - driving under the influence) reveals the following areas of QPS responsibility which could warrant improvement:

• there was poor supervision over the use of department vehicles (3 cases, 25%) all of which were preceded by a drinking occasion occurring after work
• the officer involved was experiencing either relationship or work stress that possibly could have been addressed under an employee assistance scheme (5 cases, 42%).

Other general features noted were:

• in all cases the officer involved was off-duty
• in all but one case (92%) the incident happened at night or early morning
• in nine cases (75%) the misconduct was detected because the officer was involved in an accident.
In the next category regarding assault, cases appear in summary Table 7.5 (Direct Criminal Activities - assault) rather than in M2 (Police Brutality) as all incidents occurred when the officer was off-duty. Therefore, there was no fall back to an excessive force issue. The first notable point in the analysis of the summary Table 7.5 is that five of the 16 cases were domestic incidents that would seem to constitute their own separate sub-category. This sub-category would still fall within Direct Criminal Activities and would logically be titled “Domestic Violence”. These domestic violence incidents as well as the following factors suggest the QPS could focus some form of self-control or conflict management programs toward their staff. In the remaining 11 cases:

- all were definitely preceded by verbal exchanges
- 9 cases (82%) involved male officers accused of assaulting a male complainant; one case involved both a male and a female officer who were accused of assaulting a male complainant; one case involved a male officer accused of assaulting a female complainant
- 4 cases (36%) involved a possible slur to the officer’s female companion
- 6 cases (55%) occurred on licensed premises and in half of these cases the establishment’s bouncer also claimed to have been assaulted by the officer
- the officer had been drinking in 7 cases (64%) and the complainant in 3 cases (27%).

An analysis of the summary Table 7.6 – Theft from Employer – reveals deficiencies in the following areas of QPS responsibility:

- poor supervision of accounts, property, over-time or extra expense claims (12 cases, 75%)
- inexperienced/untrained officers assigned to handle accounting or their own extra expenses (5 cases, 31%)
- lack of, or poor, procedures for officers to follow (5 cases, 31%)
- storage facility not secure or too many staff with access (4 cases, 25%)

and that the following features were common from an offender point of view:

- poor book keeping (10 cases, 63%)
- failure to fully comply with standing procedures (9 cases, 56%).
Not shown in Table 7.6 but mentioned in a few instances by officers (particularly in cases involving overtime, allowance or claim discrepancies) was that the small sums of money involved in these cases was far overshadowed by the amount of unpaid overtime that the officers had performed. These comments illustrate one rationalisation employed by the officers to justify their actions.

Using the analysis from each summary table, situational techniques which would be useful in preventing the continuation or reoccurrences of such corruption can be devised. To illustrate the situational technique formulation, analysis from summary Table 7.6 – Theft from Employer (C11) will be used. Situational techniques that would be useful in preventing further theft from the QPS are listed below. Included are some specific examples of strategies.

**Target hardening**

Establish minimum standards throughout QPS for the storage of money (even social funds) and other valuables (including firearms, see case 7).

**Access Control**

Reduce number of officers with access to money storage.

**Strengthening moral condemnation**

- **Cashbox stickers/posters**
  - “Taking temporary loans is still theft”
- **On forms**
  - “Claiming for time you did not work is stealing”
  - “Rorting overtime is stealing from the service”
  - “Check dates as submitting false claims is theft from the QPS”
- **On pay-slips**
  - “Paid work while on sick leave is stealing”
  - (A similar warning on Workers’ Compensation Board payments)

**Surveillance by employees**

The increased surveillance by employees could be accomplished by a variety of methods. The rotation of treasurers would prevent long periods where a single person is the only one to see the books. Policies ensuring dual responsibility (for example, requiring two signatures) for monies paid out and requiring the presence of another officer when counting or moving money or valuables would also be advisable.
Formal surveillance

Managers should initiate more regular checks on books, claim forms and QPS property in the possession of officers. Managers should institute more stock-takes of goods and property storage facilities. Policies should be formulated to place the onus for loss in the above areas upon managers to ensure that checks and stock-takes are conducted thoroughly.

Target removal

More frequent banking would have prevented the large loss suffered by the Police Club (case 2).

Identifying property

QPS property was stolen in five cases. The marking of property clearly and permanently with the “QPS” initials may deter theft of such property for private use.

Rule setting

Education of officers in the rules for claiming travelling allowances and the training of officers acting in positions with book keeping responsibility.

Provide more onus to comply with existing rules via the use of sanctions for failing to comply and rewards (which could be as simple as supervisor recognition) for following procedures.

Establish rules where none or poor ones exist (for example, in many book keeping areas and in regards to the use of QPS property by officers over long time periods).

Facilitating compliance

The provision of a Service financial consultant available for appointments or simple telephone advice would be valuable in guiding officers in a variety of accounting situations.

Paying officers for overtime rather than fostering the expectation that officers should not be compensated for this overtime which can result in an officer’s rationale to recover such payment from the QPS via corrupt means.

Making forms easier to complete via such methods as redesign and printing calculation rates on the forms.

It may also be of use to know something about how the offenders were caught as a guide to the effectiveness of current detection efforts. In three cases (cases 1, 5 and 12) the
offence was uncovered by regular audit or system checks. In the 13 remaining cases the
offence was reported after money or property was discovered missing by other officers.
From a detection rather than a prevention standpoint, in only three cases (cases 2, 4 and 7)
was the offender not caught and in these three cases disciplinary sanctions were imposed
for negligence or attempting to cover up that money was missing. Moreover, in 10 of the
remaining 13 cases (not cases 8, 10 and 14) it appears that the offender was caught after
the first “known” offence.

Conclusion

The study presented in this chapter provides some, albeit limited, support to the hypothesis
that situational crime prevention methods are applicable to work in the area of police
corruption prevention. Based upon three years of complaints data, enough homogenous
cases were gathered to enable the construction of summary tables (from which the full
analysis can then be conducted) for the four categories of Opportunistic Thefts, Driving
under the Influence, Assault (while off-duty), and Theft from Employer. However, it
should be noted that none of these categories involve what would be regarded as “classical
corruption” (that is, bribery).

The forms of police deviance described by these four categories are quite diverse,
suggesting that with enough data many categories of police corruption and misconduct
would be amenable to such a situational analysis. Given that this study only used three
years of complaints data held by the CJC and more than nine years of data exist, the
situational analysis of many other categories of corruption is definitely possible. The
implications of this study for proactive prevention are discussed in more detail in Chapter
Ten.

As mentioned above, summary tables were also attempted for several of the smaller
categories. However, the tables did not seem to be able to reveal any worthwhile
similarities. Possible reasons could be the inadequate number of cases, that the category
is not homogenous enough, or simply that situational analysis is not appropriate for this
type of corruption. However, given that these categories only contained a handful of cases
and each of the categories where table construction was possible contained between 12 and
31 cases, the most probable reason for the inability to construct summary tables was the
lack of data. The inference that situational analysis is not appropriate should only be made
if more homogenous data are added to these smaller categories and summary tables still do
not produce any fruitful results. One problematic concern noted was the lack of
situationally relevant information recorded in the complaints files. This issue will be
addressed in more detail in Chapter Ten.

Unlike the studies reported in Section Three, this study was undertaken exclusively for the
purpose of this thesis. It was not an official CJC project. The findings also illustrate that
complaints against police data have been under-utilised as a prevention tool. The fourth
study described in the next chapter adds further weight to this conclusion by illustrating a
currently unexplored application for complaints data – a divisional level analysis.
CHAPTER 8

STUDY FOUR – AN EXPLORATION OF DIVISIONAL DATA

Introduction

Due to the widespread availability of the desktop computer there has been a vast improvement in the quantity and quality of data available for use by police personnel or other criminal justice professionals over the last decade. Recently, the increasing availability of software to enable mapping of these data has opened up a new field. Until the last decade, few criminal justice agencies could do more to analyse the spatial distribution of crime than what was traditionally done by individual officers using coloured thumbtacks on a wallmap of the policing area in question. This new technology has been used to examine a large range of categories of crime, for example, drug dealing (Taxman & McEwen, 1997), gang crime (Block, 1997), gang violence (Kennedy, Braga & Piehl, 1997), motor vehicle theft (Brantingham & Brantingham, 1995; Canter, 1997; Lewin & Morison, 1995; Santiago, 1998), murder (Rossmo, 1995), rape (Reboussin, Warren & Hazelwood, 1995), residential burglary (Canter, 1997; Reno, 1998), and robberies (Canter, 1997; Jochelson, 1997). Researchers have found that criminal occurrences are concentrated in relatively small areas (Brantingham & Brantingham, 1993; Maltz, Gordon & Friedman, 1991; Sherman, Gartin & Buerger, 1989; Weisburd, Maher & Sherman, 1992) often called “hot spots” and have called “for a change in the unit of analysis from persons to places” (Weisburd et al., 1992, p. 48).

In this view the physical and social characteristics of the place are the most important determinants of the crime event. Again, the complementary theoretical perspectives of Rational Choice, Routine Activities and Situational Crime Prevention have influenced this study of criminal events occurring at places. Offenders will “come across criminal opportunities as they go about their daily routines and make decisions whether to take action” (Braga et al., 1999, p. 546). These criminal opportunities are most likely to arise at areas located near where offenders routinely move. Understanding the characteristics of
such places enables the development of situational crime prevention measures that “reduce the opportunities for specific categories of crime by increasing the associated risks and difficulties and reducing the rewards” (Braga et al., 1999, p. 547).

Study Four of this thesis further illustrates that complaints against police data have been under-utilised in preventing police corruption. It is hypothesised that, like general crime, much prevention information can be gained by a change from a person to a place focus in dealing with complaints against police officers. In this study, complaints against members of the Queensland Police Service (QPS) were examined from a previously untried vantage point – that is, at an organisational sub-unit level. The study analyses where officers were stationed when they were the subject of complaints. It is operationally useful to know which stations are attracting more than their fair share of complaints and which are functioning well in terms of conduct and complaints. At the same time, I wanted to examine some underlying factors. As discussed in Chapter Three, there are three commonly cited causes or underlying factors for a station or unit attracting a high level of complaints:

1) the “task environment” of the station or unit
2) the possible presence of “bad apples”
3) the “culture” of that station or unit.

The research question answered by this study is a component of the second main research question of the thesis (see page 15). Specifically the question here is – Can a geographically-based analysis of complaints against police data be beneficial in preventing police corruption?

**Methodological issues**

Currently the CJC does not maintain subject officer location details or a unique identifier for each subject officer in its complaints database. This is because in the establishment phase of the CJC and for many years afterwards the primary focus of the organisation was investigation rather than proactive activities. I am heavily involved in projects to rectify
these deficiencies by back-capturing these data from complaints files and QPS human resource databases. However, the significant amount of work and time involved in these exercises means that I was not be able to utilise the CJC complaints database for the current analysis. Therefore, this divisional level analysis was only possible by examining the Complaints Management System of the Ethical Standards Command located within the Inspectorate of the QPS.

It should be noted that the Complaints Management System is not currently a full set of data pertaining to complaints against police. As previously noted, complaints against police are divided into two categories – misconduct and breach of discipline matters. “Misconduct” includes the more serious allegations sometimes referred to as “official misconduct” or even “criminal conduct”. There exists a number of misconduct matters (perhaps up to 50%) that are not entered on the Complaints Management System. This is because not all misconduct complaints received by the CJC come to the attention of the Ethical Standards Command. Particularly in cases where no action was taken by the CJC (that is, the matter was not investigated, was deemed to be not in jurisdiction, or was withdrawn) the complaint is not usually passed on to the QPS. This system is currently being examined with a view to a better data exchange being developed between the QPS and the CJC. Thus, rather than focusing on the actual units identified by the following analysis, the procedure should be viewed as a model of analysis to be conducted after the Complaints Management System becomes more complete. On the other hand, the importance of matters where no action was taken by the CJC is questionable and it could also be argued that the inclusion of these matters is probably not going to add very much value to the analysis.

This data set is not easy to work with for several reasons. The QPS divides the state into eight geographical Regions each under the control of an Assistant Commissioner. With the exception of the Metropolitan North Region, each of the Regions consists of a number of police Districts, which in turn are divided into a number of Divisions. Usually, each Division equates to a police station. Unlike other Regions, the Metropolitan North Region
has a flattened chain of command through eight Divisions with no Districts. There are also several organisational components with State-wide functions such as State Crime Operations Command, Operations Support Command, Ethical Standards Command and Corporate Services. Each of these has component Branches or Divisions (for example, Forensic Services Branch or Human Resources Division). The lowest level of organisation is the Unit or Squad but these vary in their level of geographical responsibility. For example, the Child Exploitation Unit has State-wide responsibilities; the Northern Region Stock Squad has Regional responsibilities; Townsville District Criminal Investigation Branch (CIB) takes a District focus, whereas Ayr CIB (Ayr is just one of the twenty-odd Divisions in Townsville District) takes a Division focus. As Units or Squads are too small to produce meaningful statistics, it was necessary to recode the unit codes back up to their appropriate “divisional unit” (see next section for a clarification of this process). The codes are not static as units can be created, disbanded or moved. In addition, one must attempt to cope with changing divisional, district or regional boundaries, or other organisational re-structuring. After overcoming such problems, the figures themselves are of little value unless they are linked to some standardising data. In this case, complaints figures were standardised by the number of officers so that divisions with differing numbers of officers could be compared. Accomplishing this task resulted in a list of divisions that were ranked on number of complaints per officer.

For the purposes of this analysis, complaints data were used from the entire database (from its inception in January 1992 until the time of last download (on 4/11/97) prior to conducting the analysis), comprising almost six complete years. Only data pertaining to complaints against sworn members of the QPS were included, resulting in 11,939 complaints in my analysis. As only one year of electronic data for police numbers was available, police strength (also called “establishment”) was taken at May 1997. It should be noted this “establishment” is the size of the unit not the number of actual officers stationed at the unit over the six year analysis period. Therefore, the number of individual officers who were the subject of complaints while stationed at a particular unit might be larger than the unit’s establishment. To give a hypothetical example, the “Sandy Desert Water Police”, with an establishment of 12 officers, may have had 30 officers stationed there over the six year period of which 20 officers may have been the subject of a
complaint. Using the unit’s establishment rather than the actual number of officers stationed at the unit over the six year analysis period also has the advantage of improving comparability between the units by eliminating any staff turnover effects. For example, with two units of the same size working in the same “task environment” (see next section) we will be comparing complaints per officer for each unit. However, if the actual number of officers stationed at the units over the six years is used rather than the units’ establishment, the unit with the higher turnover will have fewer complaints per officer.

**Operationalising the “task environment”**

As mentioned in Chapter Three, the “task environment” in which police officers work is theorised to play an important part in producing deviance. Two factors were taken into consideration in order to operationalise the “task environment”. First, units were not recoded up to a divisional level, but instead were recoded into up to four subtypes for each division. These subtypes were:

- General Station
- Criminal Investigation Branch (CIB)
- Traffic
- Other Duties.

The use of these subtypes resulted in what might be best conceptualised as 436 “divisional units” from the 279 police divisions. “Other Duties” are most often either an administrative or specialist nature (for example, Divisional Inquiry Offices and Water Police). It should be noted that State, Regional, or District Function Personnel¹ (or Divisional Function Personnel for the Metropolitan North Region) have also been included in separate “divisional units” and coded in the “Other Duties” category. For ease of use,

---

¹ State, Regional or District Function Units involve a large range of activities including task forces, administration, intelligence, education and training, scenes of crime, and specialist squads.
The second factor taken into account in operationalising the task environment is that it might be argued that in the larger busier stations a greatly different style of policing is necessary in comparison to smaller quieter stations. I have attempted to accommodate this by the inclusion of a station establishment size variable (a unit’s establishment can also be called a unit’s strength). This will be discussed in more depth in later sections.

**Operationalising measures of “bad apple” and “negative culture” influences**

As stated previously in this chapter, “complaints” covers both misconduct matters – including behaviours that would be defined as corruption – and breach of discipline matters. A conceptualisation of a measure of “complaints per officer” is that it is the product of the “Concentration” of complaints and the “Prevalence” of complaints. “Concentration” is calculated by dividing the total number of complaints per unit by the number of officers stationed at that unit who were the subject of complaints. “Prevalence” is the number of subject officers divided by the unit’s establishment. This equation is illustrated below.

\[
\text{Complaints per officer} = \frac{\text{Number of complaints}}{\text{Number of subject officers}} \times \frac{\text{Number of subject officers}}{\text{Unit establishment}}
\]

\[
= \frac{\text{CONCENTRATION}}{\text{PREVALENCE}}
\]

To give a hypothetical example, if the “Sandy Desert Water Police”, with an establishment of 12 officers, had received 19 complaints against seven officers then:

\[
\text{Complaints per officer} = \frac{19}{7} \times \frac{7}{12}
\]
This would mean that the “Sandy Desert Water Police” have had 1.6 complaints per officer with a Concentration of 2.7 and a Prevalence of 0.6. A discussion of how the interaction of these two measures will provide indications of “bad apple” and “negative culture” influence is presented in later sections.

It should be noted that the analysis and following discussion is based upon the assumption that a high Concentration is an indication of the presence of “bad apples” and a high Prevalence is an indication of a “negative culture”. It is acknowledged that there are other possible reasons for high or low levels of complaints that are not associated with police misconduct. For example, a unit largely free of misconduct might be stationed in an area of predominantly middle class people who feel confident about complaining. Alternatively, another unit may be very corrupt but residents in the area may think that it is not worth complaining. These factors would form part of the unit’s “task environment” which I discuss in the next section as defined by a unit’s size and type of duties performed. It is possible to build in a variety of additional task environment factors to attempt to accommodate for a larger range of such task environment influences. For example, socio-economic status of the divisional area, population density (as a rural/urban measure), proportion of residents from ethnic and cultural backgrounds, measures of the amount of police-public interaction, crime statistics, level of tourism measures and many other factors could all be included to further define the task environment. The major purpose of this study was to show that, to date, complaints data have not been fully utilised as a corruption prevention tool by illustrating a method of analysis which can produce corruption prevention recommendations. As such, it was decided that the inclusion of additional task environment factors was not vital to this illustration given the complexities of obtaining such data at a police divisional level.

It should also be noted that, again based upon the above assumption, the terms “bad apple” and “negative culture” are being used both as a form of heuristic shorthand and as an aid to clarify the concepts under discussion. In truth, “bad apple” indicates nothing more than a unit containing an officer or officers with a high number of complaints for which there could be a number of reasons, as discussed above. Similarly, “negative culture” indicates
a unit with a high Prevalence of complaints among its officers, not actually a “negative culture”.

**Testing “task environment” importance in the consideration of “bad apple” and “negative culture” measures**

As described previously in this chapter, “task environment” has been operationalised in two ways: by type of duties performed by the unit and by size of the unit. That is, small CIB units will only be compared to other small CIB units, as the task environment is assumed to be similar. Likewise, large General stations will only be compared to other large General stations and not to, for example, medium sized traffic units. However, it was first necessary to test that both these task environment factors were indeed important. It could be that the type of duties was not important. For example, all small units may have a similar task environment no matter whether they be General, CIB, Traffic or Other Duty units. Or perhaps all traffic units have a similar task environment no matter what their size.

The first step was to determine if the unit type distinction was important. In other words, did Concentration and Prevalence differ between the four types (General, CIB, Traffic, and Other)? Table 8.1 illustrates the differences in the mean Concentration and Prevalence for each of the four duty types. The table shows that Traffic units had the greatest Concentration of complaints amongst the fewest officers whereas Other Duties units had the greatest Prevalence of complaints (that is, the greatest spread of complaints amongst its officers). It was then necessary to test these differences for significance. After transformations (log(x+1)) of both measures, necessary to provide normally distributed populations, ANOVAs revealed group differences for Concentration (F(3, 432)=13.3389, p<.001 – see Table 8.2) and Prevalence (F(3, 429)=4.6932, p<.01 – see Table 8.3).
Table 8.1 – Mean Concentration and Prevalence for the four duty types

<table>
<thead>
<tr>
<th>Duty Type</th>
<th>Mean Concentration</th>
<th>Mean Prevalence</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>1.319</td>
<td>1.613</td>
</tr>
<tr>
<td>CIB</td>
<td>1.000</td>
<td>1.249</td>
</tr>
<tr>
<td>Traffic</td>
<td>1.659</td>
<td>1.114</td>
</tr>
<tr>
<td>Other Duties</td>
<td>0.703</td>
<td>2.217</td>
</tr>
</tbody>
</table>

Table 8.2 – Concentration ANOVA (log(x+1) transformation)

<table>
<thead>
<tr>
<th></th>
<th>Sum of Squares</th>
<th>df</th>
<th>Mean Square</th>
<th>F</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between Groups</td>
<td>0.822</td>
<td>3</td>
<td>0.274</td>
<td>13.3389</td>
<td>.000</td>
</tr>
<tr>
<td>Within Groups</td>
<td>8.873</td>
<td>432</td>
<td>0.02054</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>9.695</td>
<td>435</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 8.3 – Prevalence ANOVA (log(x+1) transformation)

<table>
<thead>
<tr>
<th></th>
<th>Sum of Squares</th>
<th>df</th>
<th>Mean Square</th>
<th>F</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between Groups</td>
<td>0.494</td>
<td>3</td>
<td>0.165</td>
<td>4.6932</td>
<td>0.003</td>
</tr>
<tr>
<td>Within Groups</td>
<td>15.044</td>
<td>429</td>
<td>0.03507</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>15.538</td>
<td>432</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Post hoc comparisons (both the LSD and Duncan tests were employed) revealed that all groups were different from each other on Concentration and that General and Other were significantly different from CIB and Traffic for Prevalence (but General did not differ from Other, and CIB did not differ from Traffic). It should be noted that Levene’s test did indicate that the homogeneity of variance assumption had been violated with both measures so a series of t-tests (which provide options for both equal and unequal variances) were conducted. These confirmed the findings described above.
Thus, after determining that the unit type distinction was necessary, the next step was to investigate whether the size of units was important to Concentration and Prevalence. For each unit type the correlations between Concentration and Prevalence and the size of the unit (again transformed \( \log(x+1) \) to achieve normality) was examined. Concentration was significantly correlated with unit size for CIB \((r=.37, p<.01)\) and Other \((r=.38, p<.01)\) and Prevalence was significantly correlated with unit size for General \((r=.31, p<.001)\), Traffic \((r=.69, p<.001)\) and Other \((r=-.37, p<.05)\). Figure 8.1 illustrates the relationship between predicted Concentration and unit size for CIB and Other Duties and Figure 8.2 illustrates the relationship between predicted Prevalence and unit size for General, Traffic and Other Duties.\(^2\) Figure 8.1 demonstrates that as a CIB unit’s establishment increases so does its predicted Concentration of complaints. A similarly shaped, but less steep curve, is also illustrated for Other Duties units. Figure 8.2 demonstrates that as a General unit’s establishment increases so does its predicted Prevalence of complaints. A similarly shaped, but far steeper curve, is also illustrated for Traffic units (note: the line is not extended to the right hand side of the graph as there are no Traffic units of this size). However, for Other Duties units an inverse relationship was found with a decreasing predicted Prevalence as size increases.

\[^2\] The graphs were calculated using the regression equation below:

\[
\begin{align*}
\text{transformed Prevalence} &= \beta \cdot \text{transformed strength} + \text{constant} \\
\log(\text{Prevalence} + 1) &= \beta \cdot \log(\text{strength} + 1) + C \\
\text{Prevalence} + 1 &= \exp(\beta \cdot \log(\text{strength} + 1) + C) \\
\text{Prevalence} + 1 &= \exp(\beta \cdot \log(\text{strength} + 1)) \cdot \exp C \\
\text{Prevalence} + 1 &= (\exp(\log(\text{strength} + 1)))^\beta \cdot \exp C \\
\text{Prevalence} + 1 &= (\text{strength} + 1)^\beta \cdot \exp C \\
\text{Prevalence} &= (\text{strength} + 1)^\beta \cdot \exp C - 1
\end{align*}
\]

"Concentration" was inserted for "Prevalence" for the corresponding graph.
Figure 8.1 – Predicted Concentration as a function of unit strength

Figure 8.2 – Predicted Prevalence as a function of unit strength
To incorporate in the analysis the correlation between Concentration and Prevalence, a MANOVA was conducted with Concentration and Prevalence as dependent variables and unit size and type as independent variables (Concentration, Prevalence and unit size were transformed (log(x+1)) to achieve normality). Both unit size (Wilks Lambda = 0.96671, F(2, 427)=7.35169, p<.01) and type (Wilks Lambda = 0.85470, F(6, 854)=11.62365, p<.001) were significant. The pooled within cells correlation between Concentration and Prevalence (that is, with the effects of unit size and type removed) was 0.371 indicating a moderate relationship between the two dependent variables.

A dimension reduction analysis revealed two significant dimensions for unit type: dimension 1 (Wilks Lambda = 0.85470, F(6, 854)=11.62365, p<.001) and dimension 2 (Wilks Lambda = 0.97459, F(2, 428)=5.57898, p<.01). The standardised discriminant function coefficients as shown in Table 8.4 indicate that dimension 1 is a contrast between Concentration and Prevalence but that Prevalence is the main component of dimension 2.

<table>
<thead>
<tr>
<th>Transformed variable</th>
<th>Dimension 1</th>
<th>Dimension 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concentration</td>
<td>1.06</td>
<td>0.188</td>
</tr>
<tr>
<td>Prevalence</td>
<td>-0.568</td>
<td>0.915</td>
</tr>
</tbody>
</table>

A plot of the estimates of the effects of these canonical dimensions is shown in Figure 8.3. The figure shows a large negative score on dimension 1 for Other Duties indicating that Prevalence is important for this duty type. A large positive score on dimension 1 for Traffic indicates that Concentration is important for this duty type. General and CIB were differentiated by their scores on both dimensions with General being positive on both dimensions and CIB being negative on both dimensions.
Figure 8.3 – Plot of estimates of effects for unit type dimensions

The standardised discriminant function coefficients as shown in Table 8.5 indicate that Prevalence is the main component of the discriminant function for unit size. Thus, the MANOVA reveals that unit size is only very weakly related to Concentration, once Prevalence is taken into account. The estimate of the effects of this canonical dimension was 0.399 indicating that a modest increase in Prevalence is produced as unit size increases. The reason for this effect is unknown but could be an artifact of better or more formalised complaints recording systems being in place in the larger units.

<table>
<thead>
<tr>
<th>Transformed variable</th>
<th>Dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concentration</td>
<td>0.391</td>
</tr>
<tr>
<td>Prevalence</td>
<td>0.787</td>
</tr>
</tbody>
</table>
Finally, having ascertained that unit size was related to either Concentration or Prevalence or both for all types of units, it was decided to classify the units on the basis of size. This means that units would have to be divided into several size categories within each unit type. This method, rather than leaving size as a continuous variable, would allow the “high” and “low” units described in the next section to be distinguished. The optimal size classification would be for the maximum number of size groups whose means were significantly different from each of the other groups (using t-tests) for that unit type on the measure or measures with which they were correlated. A large number of size variations were tested for each unit type and the final size categories decided upon are presented in Table 8.6. Thus, there were 11 task environment categories each to be analysed separately, ranging in size from 9 units for the large traffic category to 156 units for the small general station duties category.

Mean Concentration and Prevalence scores are presented in Table 8.6. The trends in these mean scores reflect those trends illustrated in Figures 8.1 and 8.2 and described in the previous paragraph.
Table 8.6 – Number, Concentration and Prevalence of units
by size and type

<table>
<thead>
<tr>
<th>Unit Size and Type</th>
<th>Number of Units</th>
<th>Mean Concentration</th>
<th>Mean Prevalence</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Station Duties</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small (1-2 officers)</td>
<td>156</td>
<td>1.373</td>
<td>1.446</td>
</tr>
<tr>
<td>Medium (3-11 officers)</td>
<td>68</td>
<td>1.345</td>
<td>1.593</td>
</tr>
<tr>
<td>Large (12-39 officers)</td>
<td>54</td>
<td>1.168</td>
<td>1.899</td>
</tr>
<tr>
<td>Very Large (40+ officers)</td>
<td>20</td>
<td>1.225</td>
<td>2.211</td>
</tr>
<tr>
<td>CIB</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small (1-3 officers)</td>
<td>29</td>
<td>0.796</td>
<td>1.253</td>
</tr>
<tr>
<td>Large (4+ officers)</td>
<td>30</td>
<td>1.198</td>
<td>1.245</td>
</tr>
<tr>
<td>Traffic</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small (1-5 officers)</td>
<td>12</td>
<td>1.454</td>
<td>0.658</td>
</tr>
<tr>
<td>Medium (6-10 officers)</td>
<td>12</td>
<td>1.854</td>
<td>1.168</td>
</tr>
<tr>
<td>Large (11+ officers)</td>
<td>9</td>
<td>1.672</td>
<td>1.648</td>
</tr>
<tr>
<td>Other Duties</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small (1-20 officers)</td>
<td>23</td>
<td>0.622</td>
<td>2.841</td>
</tr>
<tr>
<td>Large (21+ officers)</td>
<td>23</td>
<td>0.785</td>
<td>1.594</td>
</tr>
<tr>
<td>Total</td>
<td>436</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

The Concentration/Prevalence interaction

If we take the view that both Concentration and Prevalence can be divided into four categories (zero, low, medium and high) then this results in 10 combinations of Concentration and Prevalence (if either Concentration or Prevalence is zero then the other must also be zero).

After excluding the units with zero complaints (38 units comprising 8.7% of the total had zero complaints), it was decided that for each of the 11 task environment categories the top and bottom 10% (thus, being approximately about 1.3 standard deviations away from the
mean on a normal distribution) would be classified as “high” and “low” for Concentration and Prevalence, respectively, with the remaining 80% being classified as “medium” for both. (Because some units scored the same values on these variables the numbers assigned to high and low groups was not exact but as close to 10% as possible.) For samples containing small numbers of divisional units there would be a minimum of two units in each of the high and low categories. Table 8.7 shows how the 433 units (3 units had missing data) were classified according to unit size, type, and Concentration/Prevalence combination.

**Table 8.7 – Number of units by size and type classified by Concentration/Prevalence combination**

<table>
<thead>
<tr>
<th>Unit Size and Type</th>
<th>Concentration level (on top) x Prevalence level (below)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>zero low</td>
</tr>
<tr>
<td>General Station Duties</td>
<td></td>
</tr>
<tr>
<td>Small (1-2 officers)</td>
<td>27</td>
</tr>
<tr>
<td>Medium (3-11 officers)</td>
<td>6</td>
</tr>
<tr>
<td>Large (12-39 officers)</td>
<td>1</td>
</tr>
<tr>
<td>Very Large (40+officers)</td>
<td>1</td>
</tr>
<tr>
<td>CIB</td>
<td></td>
</tr>
<tr>
<td>Small (1-3 officers)</td>
<td>8</td>
</tr>
<tr>
<td>Large (4+ officers)</td>
<td>3</td>
</tr>
<tr>
<td>Traffic</td>
<td></td>
</tr>
<tr>
<td>Small (1-5 officers)</td>
<td>1</td>
</tr>
<tr>
<td>Medium (6-10 officers)</td>
<td>1</td>
</tr>
<tr>
<td>Large (11+ officers)</td>
<td>2</td>
</tr>
<tr>
<td>Other Duties</td>
<td></td>
</tr>
<tr>
<td>Small (1-20 officers)</td>
<td>2</td>
</tr>
<tr>
<td>Large (21+ officers)</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>38</td>
</tr>
</tbody>
</table>
The Concentration/Prevalence combinations could probably be interpreted in the following manner. The bulk of the units (those 234 with a medium/medium combination) could be seen as the average units. Units with low/medium or medium/low combinations (a total of 71 units) would be classed as above average with good cultures and largely free of any “bad apple” influence. Units with zero or a low/low combination (a total of 44 units) seem to be units with excellent cultures almost totally free of “bad apple” influence. The seven units with a low Concentration but a high Prevalence would seem to be units largely free of “bad apples” but with a “negative culture”. Alternatively, the eight units with a high Concentration but a low Prevalence would seem to have a positive culture but are being plagued by the presence of “bad apples”. The 31 units with a high Concentration and a medium Prevalence could be seen as units with lots of “bad apples” that are poisoning the culture. The opposite case – the 33 units with a medium Concentration and a high Prevalence – would seem to indicate that a “negative culture” is breeding “bad apples”. Finally, the 5 units with both high Concentration and Prevalence can be viewed as having both a very “negative culture” and many “bad apples”. Units in a combination with either “high” Concentration or “high” Prevalence (in the top 10% for their task environment) are shown in Tables 8.8 to 8.12 (identified only by a code name which also indicates unit type) along with their size, Concentration and Prevalence.
Table 8.8 – Units with a low Concentration but a high Prevalence  
(hypothesised to be largely free of “bad apples” but with a “negative culture”)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Unit Size</th>
<th>Concentration</th>
<th>Prevalence</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATION A1</td>
<td>3</td>
<td>.50</td>
<td>2.67</td>
</tr>
<tr>
<td>STATION A2</td>
<td>1</td>
<td>.40</td>
<td>5.00</td>
</tr>
<tr>
<td>STATION A3</td>
<td>1</td>
<td>.50</td>
<td>4.00</td>
</tr>
<tr>
<td>STATION A4</td>
<td>1</td>
<td>.60</td>
<td>5.00</td>
</tr>
<tr>
<td>STATION A5</td>
<td>2</td>
<td>.50</td>
<td>5.00</td>
</tr>
<tr>
<td>STATION A6</td>
<td>1</td>
<td>.67</td>
<td>6.00</td>
</tr>
<tr>
<td>REGION Z1 FUNCTIONS</td>
<td>24</td>
<td>.46</td>
<td>4.42</td>
</tr>
</tbody>
</table>

Explanatory note: The low Concentration score illustrates that the officers complained against each received only a small number of complaints. The high Prevalence score illustrates that many officers stationed at the unit received complaints.

Table 8.9 – Units with a high Concentration but a low Prevalence  
(hypothesised to have a “positive culture” but plagued by the presence of “bad apples”)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Unit Size</th>
<th>Concentration</th>
<th>Prevalence</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATION B1</td>
<td>12</td>
<td>1.45</td>
<td>.92</td>
</tr>
<tr>
<td>STATION B2</td>
<td>4</td>
<td>2.67</td>
<td>.75</td>
</tr>
<tr>
<td>STATION B3</td>
<td>4</td>
<td>2.33</td>
<td>.75</td>
</tr>
<tr>
<td>STATION B4</td>
<td>2</td>
<td>5.00</td>
<td>.50</td>
</tr>
<tr>
<td>STATION B5</td>
<td>55</td>
<td>1.54</td>
<td>1.75</td>
</tr>
<tr>
<td>STATION B6</td>
<td>2</td>
<td>5.00</td>
<td>.50</td>
</tr>
<tr>
<td>STATION B7 TRAFFIC</td>
<td>7</td>
<td>3.14</td>
<td>1.00</td>
</tr>
<tr>
<td>DISTRICT Y1 FUNCTIONS</td>
<td>10</td>
<td>1.00</td>
<td>.10</td>
</tr>
</tbody>
</table>

Explanatory note: The high Concentration score illustrates that officers complained against each received many complaints. The low Prevalence score illustrates that the officers complained against are a small proportion of officers stationed at the unit.
Table 8.10 – Units with a high Concentration and a medium Prevalence
(hypothesised to be units with a lot of “bad apples” that are “poisoning” the culture)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Unit Size</th>
<th>Concentration</th>
<th>Prevalence</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATION B5 CIB</td>
<td>33</td>
<td>1.97</td>
<td>1.00</td>
</tr>
<tr>
<td>STATION C1</td>
<td>13</td>
<td>1.42</td>
<td>1.85</td>
</tr>
<tr>
<td>STATION C2</td>
<td>2</td>
<td>5.40</td>
<td>2.50</td>
</tr>
<tr>
<td>STATION C3</td>
<td>2</td>
<td>4.25</td>
<td>2.00</td>
</tr>
<tr>
<td>STATION C4</td>
<td>2</td>
<td>6.00</td>
<td>1.00</td>
</tr>
<tr>
<td>STATION C5</td>
<td>33</td>
<td>1.51</td>
<td>1.30</td>
</tr>
<tr>
<td>STATION C5 CIB</td>
<td>7</td>
<td>1.56</td>
<td>1.29</td>
</tr>
<tr>
<td>STATION C6</td>
<td>2</td>
<td>4.00</td>
<td>1.00</td>
</tr>
<tr>
<td>STATION C7</td>
<td>1</td>
<td>5.00</td>
<td>2.00</td>
</tr>
<tr>
<td>STATION C8</td>
<td>4</td>
<td>2.00</td>
<td>2.25</td>
</tr>
<tr>
<td>STATION C9</td>
<td>1</td>
<td>4.00</td>
<td>3.00</td>
</tr>
<tr>
<td>STATION C10</td>
<td>1</td>
<td>3.67</td>
<td>3.00</td>
</tr>
<tr>
<td>STATION C11</td>
<td>2</td>
<td>4.00</td>
<td>1.50</td>
</tr>
<tr>
<td>STATION C12</td>
<td>18</td>
<td>1.47</td>
<td>2.83</td>
</tr>
<tr>
<td>STATION C12 TRAFFIC</td>
<td>3</td>
<td>2.50</td>
<td>.67</td>
</tr>
<tr>
<td>STATION C13</td>
<td>5</td>
<td>2.00</td>
<td>1.20</td>
</tr>
<tr>
<td>STATION C14</td>
<td>4</td>
<td>2.15</td>
<td>1.75</td>
</tr>
<tr>
<td>STATION C15</td>
<td>16</td>
<td>1.54</td>
<td>1.75</td>
</tr>
<tr>
<td>STATION C15 CIB</td>
<td>1</td>
<td>1.67</td>
<td>3.00</td>
</tr>
<tr>
<td>STATION C16</td>
<td>72</td>
<td>1.52</td>
<td>1.97</td>
</tr>
<tr>
<td>STATION C17</td>
<td>7</td>
<td>2.40</td>
<td>1.43</td>
</tr>
<tr>
<td>STATION C17 CIB</td>
<td>2</td>
<td>2.33</td>
<td>1.50</td>
</tr>
<tr>
<td>STATION C18</td>
<td>5</td>
<td>2.25</td>
<td>.80</td>
</tr>
<tr>
<td>STATION C19</td>
<td>1</td>
<td>5.00</td>
<td>1.00</td>
</tr>
<tr>
<td>STATION C20</td>
<td>2</td>
<td>4.50</td>
<td>1.00</td>
</tr>
<tr>
<td>STATION C21</td>
<td>1</td>
<td>3.50</td>
<td>2.00</td>
</tr>
<tr>
<td>STATION C22 CIB</td>
<td>4</td>
<td>2.00</td>
<td>1.50</td>
</tr>
<tr>
<td>STATION C23 TRAFFIC</td>
<td>28</td>
<td>2.57</td>
<td>1.64</td>
</tr>
<tr>
<td>W1 COMMAND</td>
<td>474</td>
<td>1.07</td>
<td>.57</td>
</tr>
<tr>
<td>DIVISION X1 FUNCTIONS</td>
<td>4</td>
<td>1.00</td>
<td>2.50</td>
</tr>
<tr>
<td>DIVISION X2 FUNCTIONS</td>
<td>3</td>
<td>1.00</td>
<td>3.33</td>
</tr>
</tbody>
</table>

Explanatory note: The high Concentration score illustrates that officers complained against each received many complaints. The medium Prevalence score illustrates that the officers complained against are a fair sized proportion of officers stationed at the unit.
Table 8.11 – Units with a medium Concentration and a high Prevalence
(hypothesised to indicate that a “negative culture” is breeding “bad apples”)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Unit Size</th>
<th>Concentration</th>
<th>Prevalence</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATION B5 TRAFFIC</td>
<td>8</td>
<td>1.54</td>
<td>1.62</td>
</tr>
<tr>
<td>STATION C12 CIB</td>
<td>5</td>
<td>1.00</td>
<td>2.20</td>
</tr>
<tr>
<td>STATION C22 TRAFFIC</td>
<td>4</td>
<td>1.25</td>
<td>1.00</td>
</tr>
<tr>
<td>STATION D1</td>
<td>1</td>
<td>1.75</td>
<td>4.00</td>
</tr>
<tr>
<td>STATION D2</td>
<td>1</td>
<td>2.67</td>
<td>6.00</td>
</tr>
<tr>
<td>STATION D3</td>
<td>30</td>
<td>1.26</td>
<td>2.97</td>
</tr>
<tr>
<td>STATION D4</td>
<td>2</td>
<td>0.75</td>
<td>6.00</td>
</tr>
<tr>
<td>STATION D5</td>
<td>10</td>
<td>1.08</td>
<td>2.50</td>
</tr>
<tr>
<td>STATION D6</td>
<td>2</td>
<td>0.93</td>
<td>7.50</td>
</tr>
<tr>
<td>STATION D7</td>
<td>19</td>
<td>1.03</td>
<td>3.26</td>
</tr>
<tr>
<td>STATION D8</td>
<td>3</td>
<td>1.12</td>
<td>2.67</td>
</tr>
<tr>
<td>STATION D9</td>
<td>2</td>
<td>1.12</td>
<td>4.00</td>
</tr>
<tr>
<td>STATION D10</td>
<td>6</td>
<td>1.16</td>
<td>4.17</td>
</tr>
<tr>
<td>STATION D11</td>
<td>39</td>
<td>1.28</td>
<td>3.44</td>
</tr>
<tr>
<td>STATION D12</td>
<td>14</td>
<td>1.15</td>
<td>2.86</td>
</tr>
<tr>
<td>STATION D13</td>
<td>26</td>
<td>1.15</td>
<td>2.88</td>
</tr>
<tr>
<td>STATION D14</td>
<td>4</td>
<td>1.80</td>
<td>2.50</td>
</tr>
<tr>
<td>STATION D15</td>
<td>5</td>
<td>0.94</td>
<td>3.40</td>
</tr>
<tr>
<td>STATION D16</td>
<td>11</td>
<td>1.27</td>
<td>2.73</td>
</tr>
<tr>
<td>STATION D17</td>
<td>4</td>
<td>1.40</td>
<td>2.50</td>
</tr>
<tr>
<td>STATION D18</td>
<td>1</td>
<td>1.00</td>
<td>5.00</td>
</tr>
<tr>
<td>STATION D19</td>
<td>45</td>
<td>1.17</td>
<td>3.11</td>
</tr>
<tr>
<td>STATION D20</td>
<td>49</td>
<td>1.31</td>
<td>3.00</td>
</tr>
<tr>
<td>STATION D21 CIB</td>
<td>4</td>
<td>1.20</td>
<td>2.50</td>
</tr>
<tr>
<td>STATION D22 CIB</td>
<td>2</td>
<td>1.22</td>
<td>4.50</td>
</tr>
<tr>
<td>STATION D23 CIB</td>
<td>9</td>
<td>1.06</td>
<td>2.00</td>
</tr>
<tr>
<td>STATION D24 CIB</td>
<td>1</td>
<td>0.80</td>
<td>5.00</td>
</tr>
<tr>
<td>STATION D25 TRAFFIC</td>
<td>17</td>
<td>1.21</td>
<td>1.94</td>
</tr>
<tr>
<td>STATION D26 TRAFFIC</td>
<td>5</td>
<td>2.00</td>
<td>1.00</td>
</tr>
<tr>
<td>STATION D27 TRAFFIC</td>
<td>4</td>
<td>1.20</td>
<td>1.25</td>
</tr>
<tr>
<td>STATION D28 TRAFFIC</td>
<td>10</td>
<td>1.71</td>
<td>1.40</td>
</tr>
<tr>
<td>DIVISION X3 FUNCTIONS</td>
<td>2</td>
<td>0.67</td>
<td>10.50</td>
</tr>
<tr>
<td>DIVISION X4 FUNCTIONS</td>
<td>3</td>
<td>0.67</td>
<td>8.00</td>
</tr>
</tbody>
</table>

Explanatory note: The medium Concentration score illustrates that officers complained against each received several complaints. The high Prevalence score illustrates that the officers complained against are a large proportion of officers stationed at the unit.
Table 8.12 – Units with both high Concentration and Prevalence

(hypothesised as having both a very “negative culture” and many “bad apples”)

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Unit Size</th>
<th>Concentration</th>
<th>Prevalence</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATION D13 TRAFFIC</td>
<td>11</td>
<td>3.00</td>
<td>2.82</td>
</tr>
<tr>
<td>STATION E1</td>
<td>4</td>
<td>2.10</td>
<td>2.50</td>
</tr>
<tr>
<td>STATION E2 TRAFFIC</td>
<td>10</td>
<td>2.36</td>
<td>1.40</td>
</tr>
<tr>
<td>STATION E3 TRAFFIC</td>
<td>1</td>
<td>3.00</td>
<td>1.00</td>
</tr>
<tr>
<td>REGION Z2 FUNCTIONS</td>
<td>126</td>
<td>1.10</td>
<td>3.56</td>
</tr>
</tbody>
</table>

Explanatory note: The high Concentration score illustrates that officers complained against each received many complaints. The high Prevalence score illustrates that the officers complained against are a large proportion of officers stationed at the unit.

Table 8.7 presented 10 possible Concentration/Prevalence interactions and Tables 8.8 to 8.12 presented the five interactions where problems are hypothesised. Of these, the most prevalent among all unit sizes and types was units with a high Concentration and a medium Prevalence (Table 8.10 – hypothesised as being units with a lot of “bad apples” that are “poisoning” the culture) or units with a high Prevalence and a medium Concentration (Table 8.11 – hypothesised as indicating a “negative culture” that is breeding “bad apples”). Very few units were found to have a low Concentration but a high Prevalence (Table 8.8 – hypothesised to be largely free of “bad apples” but with a “negative culture”), a high Concentration and a low Prevalence (Table 8.9 – hypothesised as having a “positive culture” plagued by the presence of “bad apples”), or thankfully, both high Concentration and Prevalence (Table 8.12 – hypothesised as having both a very “negative culture” and many “bad apples”).

Several points of note are evident in regard to Traffic units. First, six of the 33 Traffic units (or 18% of Traffic units) appear in the category of units with a high Prevalence and a medium Concentration (hypothesised as indicating a “negative culture” that is breeding “bad apples”). This proportion is more than twice the proportion of any other type of unit. Second, three of the 33 Traffic units (or 9% of Traffic units) appear in the category of units with both high Concentration and Prevalence (hypothesised as having both a very “negative culture” and many “bad apples”). This proportion was more than four times the proportion of any other type of unit. The reason for these Traffic unit differences is unknown and an
ethnographic study of these units might be necessary to gain a full understanding. It is possible that the Traffic “task environment” taints officers in some manner or that “bad apples” gravitate or are assigned to Traffic duties. However, it should be noted that as shown in Table 8.7, this was not general to all Traffic units – there were 21 Traffic units with both a Concentration and a Prevalence of medium or less.

**My analysis compared to “conventional wisdom”**

It was decided to test the findings from my analysis against what might the termed “convention wisdom”. In this context “conventional wisdom” is the knowledge of those who have had a great deal of experience dealing with actual cases and allegations of corruption and misconduct in the QPS. To this end the following exercise was conducted. Four senior officers (civilians) of the CJC experienced in assessing and investigating complaints were approached at a team leaders meeting. These officers had an average of 7.75 years experience at the CJC and all practised criminal law before joining the CJC. The officers were asked to list the 10 stations or units that they considered the “worst” in regards to corruption and misconduct. Other than this no instructions was provided to them to guide or influence their choices in any manner.

Their top 10 list did not concur greatly with my analysis. Of their listed stations only three appear in my analysis tables: STATION B5 (see Table 8.9), STATION D19 (see Table 8.11) and a unit that is part of W1 COMMAND (see Table 8.10). Two of the remaining stations on their list were the locations of recent high profile targets (that is, the subject officers were involved in serious misconduct and corruption). The remaining five stations or units were all high in terms of the sheer numbers of complaints pertaining to them (as opposed to any indexed “complaints per officer” measure). That is, the three General stations remaining were the 8th, 14th and 24th highest in terms of total number of complaints against the station (out of 298 stations) and the two CIB units were highest and 14th highest (out of 59). Indeed, the three units that appeared both on their top 10 list and in my analysis were also high in terms of sheer number of complaints: STATION B5 was 13th highest and...
STATION D19 was 10th highest of the General stations and W1 Command was 2nd highest of the 46 Other Duties areas. This seems to indicate that “conventional wisdom” reflects a combination of high profile target and volume of matters constructs and that corruption prevention practitioners can be assisted by more systematic scientific analysis of complaints.

Conclusion

The fourth study of this thesis supports the conclusion that a divisional analysis of complaints data can provide information valuable in combatting police corruption. This study found that each of the three factors considered – “task environment”, “bad apples” and “negative culture” – are important to any divisional analysis of police complaints data. “Task environment” was operationalised by taking into account the units’ duty type (either, General Station, CIB, Traffic, or Other Duties) and the unit’s establishment size. Once task environment is held constant (that is, like units are compared to like units) the effects of “bad apples” and/or “negative cultures” can be explored. A high Concentration of complaints per officer within a unit was assumed to be indicative of the presence of “bad apples”. Those units with a high Prevalence of complaints per officer were assumed to be experiencing the effects of a “negative culture”. Therefore, those units with both a high Concentration and a high Prevalence of complaints per officer are assumed to be experiencing a problem with both “bad apples” and a “negative culture”.

The next step, regarding what to do once these particular units are identified, is discussed further in Chapter Ten. In summary, the presence of “bad apples” should be addressed by management via responses tailored to the individuals in question. Units identified as having a “negative culture” should undergo a compare-and-contrast procedure. For example, units of a similar task environment, without the presence of “bad apples” and without a “negative culture” should be compared to each other. These should then be contrasted to units of a similar task environment, without the presence of “bad apples” but with a “negative culture”. The aim of this exercise would be to identify features such as management practices, procedures used, leadership styles, or perhaps combinations of the above features...
that are beneficial to units in reducing a “negative culture” and those features or combinations that permit or encourage a “negative culture” to flourish. For units with both “bad apples” and a “negative culture”, both types of interventions described above should be implemented simultaneously followed by close monitoring to ensure that neither problem resurfaces.

The next section synthesises what has been learned from the four studies presented in this thesis and suggests some future directions for advancing the organisational integrity of the QPS.
SECTION 5: THE WAY FORWARD – ADVANCING ORGANISATIONAL INTEGRITY

This section examines what has been learned from the four studies and suggests some directions for advancing the organisational integrity of the QPS. This section is divided into three chapters.

The first chapter briefly outlines the overall conclusions of the CJC research, describes some of the deficiencies that are still present today in the QPS and then makes recommendations for strategies and procedures to aid in the prevention of corruption. The data presented in Studies One and Two of this thesis indicate that the Fitzgerald Inquiry reforms have, at least to some degree, had their intended impact on the QPS. These reforms have contributed to an apparent improvement in public confidence in the complaints system and the QPS generally. The available evidence indicates an overall improvement in the behaviour and conduct of police officers and a weakening of the police code of silence within the QPS as a result of the Fitzgerald Inquiry reforms. However, the middle management ranks in the QPS have had little exposure to training in either management or ethics education, and there are some who are disgruntled with the effect of the reform process on their own careers, yet have a significant input into the operational training of recruits and junior officers. Moreover, the actual day-to-day task environment of operational police has changed little from that criticised by the Fitzgerald Inquiry report as contributing to a closed organisational culture. Another deficiency noted was that lateral recruitment and civilianisation policies have largely targeted lower ranks or administrative or technical positions in the QPS.

Recommendations for strategies to continue the prevention of corruption within the QPS include:
1) legalising and regulating vice activities, like gambling and prostitution, or minor drug offences like those involving the possession of small quantities of marijuana, to reduce opportunities for graft related to illegal activities in high demand

2) the recruitment of more educated, female and older officers to reduce police-citizen conflict and the negative elements of the police culture

3) developing a comprehensive, integrated approach to ethics education for QPS officers at all ranks and positions

4) implementing a range of proactive management options based upon situational crime prevention theory

5) the greater use of covert strategies such as integrity testing in conjunction with the CJC.

The second chapter presents possible future research following on from Studies Three and Four – the situational and divisional analyses of complaints data. This chapter describes some probable deficiencies in the use of complaints against police data and then makes recommendations for the improvement in both the collection of complaints data and the use of these data in the prevention of police corruption. Finally, some possible future research ideas are outlined.

The third study of this thesis found that situational crime prevention methods are also applicable to the prevention of police corruption. Based upon three years of complaints against police data, enough homogenous cases were gathered to enable the construction of summary tables (from which the full analysis was then conducted) for the four categories of police corruption. However, problems are noted with regard to conducting similar analyses in the future. As described in Chapter Three, the CJC allegation code list (that is, the current corruption and misconduct typology) as presented in Table 1.4 is not homogenous enough to enable situational analysis of the complaint categories. However, the CJC complaints database is currently under redevelopment and the new CJC allegation
code list, while it may not be homogenous enough to enable situational analysis of all complaints categories, is nevertheless far more specific than the current one and should provide enough homogeneity in at least some categories. Second, the information entered onto the electronic database is not specific nor detailed enough to conduct a situational analysis, currently making it necessary for the researcher to return to hardcopy files to extract information. Finally, the biggest problem is the lack of situationally relevant information recorded in complaints files. Guidelines are therefore suggested for complaints investigators regarding recording the information necessary to enable situational prevention analysis to be conducted more readily.

The fourth study of this thesis also found that complaints against police data can be utilised to a far greater extent to provide information that will potentially be valuable to the prevention of police corruption. The fourth study concluded that each of the three factors considered – “task environment”, “bad apples” and “negative culture” – are important to any divisional analysis of police complaints data. Once task environment was held constant (that is, like units were only compared to like units based upon the unit’s size and duty type), units experiencing the presence of “bad apples”, those experiencing the effects of a “negative culture”, and those suffering a problem with both “bad apples” and a “negative culture” were identified. Recommendations were made for addressing these problems by individual assessment of officers identified as “bad apples” or a compare-and-contrast procedure to distinguish features requiring correction in units identified as having a “negative cultures”.

Finally, a few brief closing remarks and recapitulation of the main points are made in the concluding chapter.
CHAPTER 9

LESSONS FROM THE RESEARCH

This thesis has described how the recommendations implemented in the wake of the Fitzgerald Inquiry have made improvements in the battle against corruption and misconduct within the QPS and how, with vigilance and continued commitment to these initiatives, further gains should be made. However, the Independent Commission Against Corruption (1990, p. 147) of New South Wales used the analogy of corruption as a disease. While it is curable after its identification, there is no certainty of a complete cure and there is no certainty that irreparable damage has not already been done. Thus, preventing corruption is far superior to attempting a cure.

This sentiment is consistent with the view of Carter (1990), who concluded from his research that “it appears extraordinarily difficult for the officer to desist from corrupt practices” (p. 94). The Fitzgerald Inquiry reform strategies were primarily derived from two schools of thought describing the nature and causes of police corruption: deterrence theory (also sometimes titled “individual” or “rotten apple” theory) and cultural (also labelled “cultural” or “socialisation”) theory. It is very difficult to ascertain which components of these deterrence and culturally based strategies were the most effective and which were not helpful at all, as these reform measures were initiated simultaneously. For example, the negative elements of the police culture may have been eliminated or reduced but whether it was the cultural strategies or one of the deterrence based strategies influencing officer behaviour remains unknown. The second research question proposed in this thesis is that a third theory – situational theory (sometimes titled “environmental” or “opportunity” theory) – which has had success in crime prevention could also be beneficial in the prevention of police corruption. This thesis illustrated how a potentially rich data source – complaints against police – has to date been under-utilised in efforts to identify and intervene in corruption opportunities. It is hoped that the illustrative examples of two different methods of approaching an analysis of these complaints data presented – a situational and a divisional analysis – will be of value to future preventative efforts.
The reform measures recommended by the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (referred to as the “Fitzgerald Inquiry”) radically transformed the face of policing in Queensland. The most significant of these recommendations was the establishment of an external oversight body, the Criminal Justice Commission (CJC), which had independence from the executive government and the power to investigate not only police but any public servant or politician. The first main research question tested in this thesis was: have these reform measures produced improvements in the following areas: the efficiency and effectiveness of the processes for dealing with complaints against police; public confidence in those processes and the public standing of the QPS generally; standards of police behaviour; the incidence of corrupt conduct; and police attitudes towards reporting misconduct by their fellow officers?

The data presented in Studies One and Two of this thesis indicate that the Fitzgerald Inquiry reforms have, at least to some degree, had their intended impact on the QPS. These reforms have contributed to an apparent improvement in public confidence in the complaints system and the QPS generally. Interviews conducted with middle level and senior officers during 1995 indicated an overall improvement in the behaviour and conduct of police officers as a result of the Fitzgerald Inquiry reforms. Analysis of the CJC complaints data indicates that there has been a reduction in police behaviour giving rise to allegations of “duty failure” and “verballing”, and that the severity of alleged assaults may have diminished. There have been increases in some complaints categories, but these appear to have been due largely to increased police enforcement activity, rather than to any deterioration in standards of behaviour. As far as the specific issue of corruption in the QPS is concerned, it is difficult to draw firm conclusions from existing data sources. The weight of the evidence is clearly that such conduct is less pervasive and occurs at lower levels than was the case in the pre-Fitzgerald Inquiry QPS. However, while these findings are reasonably positive overall, the continuing high volume of complaints suggests there is scope for further improvement in police standards of behaviour or that mechanisms need to be found to reduce police-citizen conflict. Two strategies arising from previous research that may reduce police-citizen conflict – the raising of recruits’ educational standards and the recruitment of more female officers – are discussed in the next section.
Based on the weight of the evidence it would seem the Fitzgerald Inquiry reforms have resulted in a weakening of the police code of silence within the QPS. This is supported by evidence indicating that officers in managerial and supervisory positions have become more conscientious in discharging their obligations to initiate action against police officers suspected of misconduct. Also, while junior officers are still generally reluctant to formally complain against other officers, there appears to be a greater willingness to bring suspected misconduct to the attention of more senior officers on an informal basis and rank and file police now generally see the QPS as an organisation which takes a tough line on misconduct by police.

In addition to adopting a new complaints and disciplinary model, several other major Fitzgerald Inquiry reform changes have been introduced by the QPS. First, the QPS has significantly altered the gender, education and age profile of its recruit intakes broadly in the directions recommended by the Fitzgerald Inquiry, although the impact of these changes is being diluted by current QPS policies aimed at recruiting substantial numbers of current or former police from other jurisdictions. Second, the Ethical Standards Command has recently implemented strategies to identify police officers with lengthy complaints histories, and is developing techniques for “profiling” police districts to identify systemic and managerial problems. Moreover, the QPS has developed, or is developing, some managerial strategies to reduce the opportunities for misconduct, including a requirement for complaints investigators to incorporate suggestions for remedial action in their reports where appropriate, and the establishment of a risk management policy. Risk management “has evolved from natural intuition and analytical thinking into a more formal process of communication of the controls in place to influence outcomes” (Ford, 1999, p. 4). Currently, “risk management” is a whole of government strategy designed to enhance and maintain public confidence in the corporate governance of the State. The need for Queensland government bodies at all levels to develop comprehensive risk management strategies is embodied in the following legislation and policies:

- Public Sector Ethics Act 1994
- Financial Management Standard 1997
Risk is defined as “the possibility of events or activities impeding the achievement of organisational objectives. It is also the probability of something you do not want to happen, happening” (Knight, 1999, p. 2). Therefore, risk management is the “systematic application of management policies, procedures and practices to the tasks of establishing the context, identifying, analysing, evaluating, treating, monitoring and communicating risk” (AS/NZS 4360, section 1.3.26). It is important to note that risk management strategies do not seek to eliminate risk but to recommend appropriate plans and practices to minimise the potential consequences of such risks. A good risk management strategy in relation to a police service would then pay special attention to corruption hazard areas such as the policing of prostitution and drugs. Finally, enhanced ethics components are now incorporated in, or are planned for, the PROVE (recruit), Constable Development and Executive Development Programs, even though ethics education has not yet been implemented in any consistent or coordinated way in other areas of training and education, including the important areas of the First Year Constable program and detective training. Research on police officer socialisation (for example, CJC, 1995a) shows that ethics education needs to be reinforced through a battery of other anti-corruption measures.

There are some areas highlighted in the Fitzgerald Inquiry report as requiring attention where less change has occurred. For example, the middle management ranks in the QPS have a significant input into the operational training of recruits and junior officers, yet most were recruited in the pre-Fitzgerald Inquiry era. Many of these officers have had little exposure to training in either management or ethics education, and there are some who are disgruntled with the effect of the reform process on their own careers. The views of these officers can adversely influence the attitudes of junior officers to the reformed complaints and disciplinary system (see Chapter Two, page 48). Also, in some significant respects the actual day-to-day task environment of operational police has changed little from that criticised by the Fitzgerald Inquiry report as contributing to a closed organisational culture (for example, little has changed in regards to the reactive policing model and anti-drug laws). Relatively little progress has been made so far in implementing alternative models of policing in the QPS, especially in the area of community policing, despite several reviews highlighting deficiencies in this area. It should be noted that community policing is likely to pose its own corruption hazards (such as higher levels of compromise
temptation due to greater familiarity with those individuals the officer is policing, and increased opportunities to engage in corrupt practices due to more situations in which the officer must use discretion and more unsupervised contacts with members of the public). These hazards need to be examined in more detail and particular vigilance by supervisors will be necessary. In addition, to date, lateral recruitment and civilianisation policies have largely targeted lower ranks or administrative or technical positions in the QPS. In practical terms, there has been only limited opening up of senior positions to “outsiders” who might bring different experiences and outlooks to the dominant police culture.

Thus, while there have been substantial changes in some aspects of police behaviour and attitudes, there has been relatively little change in other areas. It is vital that there is a proper internal discipline process in place and that an effective and credible independent complaints investigation mechanism is maintained. Although acknowledging that “some of its investigators will be seconded police officers, presumably because of their investigative skills”, Goldsmith (1991) states that “when compared to other ‘independent/external’ models” Queensland’s is the “most ‘independent’ and ‘external’ of those models” (p. 49). Lewis (1997a, p. 192) also argues that the CJC\(^1\) has most, but not all, of the reactive powers needed for an ideal oversight body to effectively respond to complaints against police conduct and related issues. It is also possible to look at its range of proactive features and argue that in this respect the CJC is leading the way in terms of civilian oversight bodies.

However, the scope for increasing the “deterrent power” of the present system appears limited. Putting more resources into complaints investigations is unlikely to lead to a significant increase in the probability of a complaint being substantiated and a sanction imposed because of the evidentiary and legal requirements demanding a high standard of

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\(^1\) Outside the scope of this thesis is discussion of the possible defect in the CJC model – its political oversight role – which involves the CJC in the political environment in a way not usually experienced by other police oversight agencies. See Lewis (1997a, 1997b) for in-depth analysis of this issue.
proof (and the reluctance of police officers to testify against their colleagues). Also, as stated by Sarre (1989, pp. 109-110):

> Just as it is fallacious to adopt the “rational deterrent” model with regard to policing crime (that is, more police power = greater deterrence = less crime), so it would be fallacious to adopt the same model when dealing with the wrongdoings of the police.

It is therefore critical that the momentum of organisational reform is maintained in the QPS and that the Service and the CJC continue to develop and implement new strategies for promoting positive behavioural and attitudinal change among police by reducing the motivation and opportunities for police to behave improperly.

A variety of recommendations for improvement can be made based upon different theories of police corruption, but many may be beyond the power of the Police Service to implement. For example, proponents of the “slippery slope” theory would recommend making the gaps between minor and major transgressions more significant so that officers would be less likely to slide down that slope. This could be accomplished by legalising vice activities, like gambling and prostitution, or minor drug offences like those involving the possession of small quantities of marijuana. This would reduce opportunities for graft related to illegal activities in high demand. As stated by Goldsmith (1999, p. 129),

> The connection between vice law enforcement (for example, illicit drugs) and police corruption is clearly established. Unless the external environment is changed, internal changes to police policies, training etc will be no match for the corrupting influences associated with illicit drugs.

Garde (1987, p. 209) has emphasised this point, citing the “almost complete absence of legislation attempting to prescribe moral regulations” – referring to minimal legislation relating to alcohol consumption, pornographic material, prostitution, and gambling – as one factor in explaining Denmark’s “nonexistent” police corruption (although the absence of such legislation may obviously have an effect upon other social problems). While such legislative changes may never occur in Queensland, from a QPS perspective there are a variety of approaches which can be utilised to address the problem areas described above (perhaps not as effectively as legislation changes but still with some positive effect). These strategies have been grouped into the following three broad areas: improving existing individual and cultural theory based efforts, adding new individual and cultural theory based strategies, and incorporating opportunity theory into proactive management practices. Each of these areas will be discussed in more detail below.
Improving existing individual and cultural theory based efforts

The task of improving the existing individual and cultural theory based strategies will be addressed under the three areas of recruitment, ethics education, and the role of the CJC.

**Recruitment**

As mentioned earlier in this chapter, two of the strategies described below (regarding educational standards and female recruitment) show promise in reducing police-citizen conflict. These two strategies, in addition to the others listed below, are in line with the Fitzgerald Inquiry report recommendations designed to reduce the negative elements of the police culture. To this end, the QPS needs to maintain and, if possible, raise further the educational standards of recruits and encourage officers to pursue further tertiary education. Carter, Sapp and Stevens (1989) present research supporting “a positive relationship between higher education and fewer citizen complaints, fewer disciplinary actions against officers, and fewer allegations of excessive force” (p. 13) and Lewis (1992) also argues for the necessity of higher education to increase officer problem solving, communication and inter-personal skills to enable the QPS to make the transition from a reactive style of policing to community policing.

The QPS also needs to continue the trend towards recruitment of older officers to increase the proportion of officers with life experience from outside the Service. In addition, steps must be taken to increase the proportion of females in recruit intakes over time and remove any remaining barriers to the retention and promotion of female officers. Apart from the Fitzgerald Inquiry recommendation supporting the value of attracting female officers to reduce negative elements of the police culture, Waugh, Ede and Alley (1998) present research and discussion on possible male/female differences in policing responsible for female officers attracting fewer complaints from the public. This paper assesses the extent
to which frequently asserted assumptions that female police officers are less likely than their male counterparts to engage in misconduct or to approve of such behaviour by fellow officers (Huon et. al., 1995; Martin, 1994; Miller & Braswell, 1992) hold true in the case of Queensland police. The paper draws upon three sources of data; attitudinal surveys administered to serving police officers, police-initiated complaints, and public complaints against police. The attitudinal data showed few gender differences in officers’ views of ethical conduct and the stated willingness to report a fellow officer known to have behaved inappropriately. In addition, female recruits were found to be as likely as males to modify their views once they have spent some time “in the field”. Attitudinal results were supported by the finding that only a small number of officers below the rank of Sergeant were willing to initiate complaints of misconduct against a fellow police officer, regardless of gender. Complaints against police data showed male officers were more likely than female officers to attract complaints, in particular, complaints of assault. Overall the findings of this paper question the arguments that female officers are inherently “more ethical” in their outlook or that they are more willing to report misconduct than their male counterparts. Thus, while female police officers may not be inherently more ethical, their employment has some important organisational implications such as a probable reduction in complaints, particularly those relating to the use of force, and a reinforcement of the principles of community policing.

It will also be necessary to monitor the impact of current policies relating to lateral recruitment of Constables to ensure that these policies do not impact adversely on efforts to raise the proportion of recruits who are older, more educated or female. All these recruitment strategies rely on the establishment and enforcement of strict vetting procedures (for example, psychological and drug testing, background and financial checks), particularly for lateral recruits from interstate and overseas, to ensure that any “bad apples” are kept out and that only the best personnel are selected.
Ethics education

The Fitzgerald Inquiry (1989) reported that recruits received “inadequate instruction in public ethics” (p. 211) and that in the future “training must include an ethical component as an integrated aspect of all matters taught” (p. 249). Before moving to address the area of ethics training do we need to consider if it is effective? That is, is there evidence in the wider literature that ethics education positively effects the behaviour of those receiving the education? There is a large amount of literature about how, when, where and why ethics education should be taught to a variety of different subject groups. However, there appears to be little empirical evidence examining actual behavioural change. One reason for this is the complexities of measuring such behavioural change. There does exist a body of literature that describes changes in subjects’ moral reasoning abilities with the underlying assumption that moral reasoning will affect behaviour. For example, Schlaefli, Rest and Thoma (1985) conducted a meta-analysis of 55 studies of educational programs designed to improve moral judgement. The authors found positive results for programs of between 3 and 12 weeks and larger effects with adults (24 years and older) than with younger subjects.

The is also a large body of more recent work examining the effects of ethics education on members of the medical profession. Self, Olivarez and Baldwin (1998) conducted a study using data from 729 medical students who were exposed to between 0 and 44 hours of small-group case-study discussion. This study showed that groups of medical students had significantly different pre- and post-moral reasoning scores after exposure to 20 or more hours of small-group case-study discussion of medical ethics. Those with less than 20 hours exposure showed no significant increase. The authors concluded that moral reasoning skills are teachable and measurable and that small-group case-study discussion significantly increased moral reasoning skills. In an earlier study (Self, Baldwin & Olivarez, 1993), the same authors found an increase in medical students moral reasoning after a course of weekly one-hour discussions of short films compared to control students who did not take the course. Self, Baldwin and Wolinsky (1992) found that the formal teaching of medical ethics increased the moral reasoning of medical students compared to a control group not exposed to the medical ethics course. Sulmasy, Geller, Levine and Faden (1993) found that
ethics education given to 85 medical house officers in a university hospital programme increased confidence regarding procedural issues related to ethics and their ability to respond to a simulated case in comparison to controls who did not receive the ethics education. These effects were even found to have increased when measured in a follow-up study years later (Sulmasy & Marx, 1997).

These studies demonstrate that ethics education does have the ability to increase moral reasoning. It could also be argued that policing research is deficient in this area and that similar studies are necessary with police subjects. However, there is a compelling reason to provide ethical education even if there was no supportive research. This reason is that it is a management responsibility to ensure that staff know how they are expected to act. Management can not reasonably expect staff to act ethically if it has not informed staff of the standards of behaviour it expects from them.

In order to address the deficiencies observed in ethics education, the QPS should develop a comprehensive, integrated approach to ethics education in all aspects of QPS training (the Royal Commission into the New South Wales Police Service (1997, pp. 280-281) made a similar recommendation). This should be designed to ensure that the continued training on corruption opportunities that officers will be likely to face and how to deal with this corruption (forewarned is forearmed) is not just an add-on component to policing and that all officers receive training in ethics throughout their police careers. Specifying the exact elements of such an integrated curriculum and how it would be adapted for officers as they progress in rank or for more specialised areas of the Service is outside the scope of this thesis. However, particular emphasis should be placed upon identifying and dealing with “noble cause” corruption which is often seen as a major stumbling block for an otherwise honest officer. The QPS also needs to ensure that all officers in supervisory and management positions, and Field Training Officers, receive appropriate education in ethics and are fully aware of their obligations as supervisors to provide suitable role models to new police.
The role of the CJC

Strategies which the CJC has in place to ensure that the process of reform continues in the QPS include:

- Employing proactive intelligence and investigative techniques (that is, the gathering of information that is not reactive to a crime or an investigation; for example, financial analysis conducted on QPS officers driving luxury cars or living in affluent suburbs). These techniques are designed to detect and investigate serious misconduct, such as consensual corruption, which does not come to the attention of the complaints system.

- Monitoring and reporting regularly on trends in attitudes and behaviour among QPS officers, through such means as:
  - periodic surveys of members of the public and people who have been apprehended by police
  - regular surveys of police on issues relating to ethical conduct and perceptions of the complaints and discipline process
  - statistical modelling of complaints data

- Conducting research on practical ways of reducing the incidence of misconduct among police and promoting positive cultural change (for example, by identifying “verballing” as a concern, the implementation of a preventative strategy requiring mandatory use of personal tape recorders by operational officers would promote a culture shift away from this type of misconduct).

- Working with the QPS to implement and evaluate strategies for reducing the incidence of police misconduct and the number of complaints made against police.
(such as through the recently established CJC-QPS joint project titled “Project Resolve” which aims, among other things, to increase command accountability by encouraging greater use of managerial action in resolving minor complaints, rather than have supervisors relying upon the formal complaints and discipline system)

- Working with the QPS to ensure that participants (both complainants and subject officers) in complaint investigations and informal resolution processes are periodically surveyed to ensure that these procedures are achieving their desired aims and to seek any participants’ ideas on improvement of these systems

- Assisting in the development and delivery of ethics education within the QPS (for example, the provision of information regarding the role and function of the CJC to recruits).

New individual and cultural strategies – Covert anti-corruption options

Sherman (1977, p. 119) states that the “most effective methods of intelligence gathering are both covert and proactive”. The covert strategies discussed below will probably be most effectively conducted by the QPS in conjunction with the CJC. It should be noted that some authors have criticised these measures because some civil liberties may be sacrificed with the use of such covert surveillance and testing measures. However, the majority of authors are of the opinion that the benefits of such strategies far outweigh these costs (for example, the increases in both deterrence and the apprehension of corrupt officers; Chapter Three of this thesis has discussed these benefits and costs in more detail).

Possible covert strategies include the use of both randomised and targeted integrity testing. The win-win factor in integrity testing – that a failed test identifies a corrupt officer and a passed test demonstrates officer integrity – makes this strategy very attractive for management. Such a strategy could include testing the willingness of officers to take
complaints against other members of the Service by having ESC or CJC officers pose as complainants or telephone anonymously with a complaint. As mentioned above, there are two types of integrity tests, targeted and random. Targeted testing is conducted on a specific officer or small group of officers suspected of being corrupt. Random testing, as the name suggests, tests a random selection of officers from an operational area or even from throughout the entire Police Service. A big advantage of random testing over targeted testing is its increased deterrent effect as officers cannot use the rationalisation that they possess skills or abilities that enable them to hide their corrupt activities and, therefore, will never become a ‘target’. The additional benefits of random integrity testing include that the same situation can be used to test many officers (rather than devising new scenarios for each targeted officer); there is greater scope for publication of the outcomes resulting in an increased deterrence effect; they provide a measure of QPS “cleanliness” and allow interstate comparisons of this measure; and the tests can be repeated over time as a measure of the effectiveness of QPS strategies in reducing corruption. Currently, the CJC and the QPS have developed policy and are initiating targeted integrity testing but not random testing, primarily due to police union opposition to random testing.

Another possible covert strategy would be a Field Associate program. Such a program would need to be well publicised internally and include as many officers participating as possible. This would help counter the problems of lowered morale, increased suspicion amongst the rank and file officers, and the perception that the duty for all officers to report corruption is now placed solely upon the selected Field Associates. Under such intense scrutiny and close supervision perhaps the culture will be moved towards one where unethical conduct is seen as foolhardy.

Finally, corruption investigations that focus on groups or networks rather than individuals should be encouraged. Traditional investigations have been driven by the “rotten apple” theory and have focused on individual officers. Socialisation and culture theories argue that the identification of an individual officer should be just the first step in an investigation to uncover a group or network of corrupt officers. This type of investigation involves gathering the maximum amount of evidence before “going public” with direct interviews
or arrests, and often involves the use of “turned” and undercover officers to help identify other officers involved and determine the pervasiveness of a particular group or network.

Incorporating opportunity theory into proactive management practices

It is evident from the literature on situational crime prevention that potentially one of the most effective strategies for reducing misconduct would be to limit the opportunities for police to engage in improper conduct without being detected. Many of these strategies have the added advantage of aiding police officers in reducing doubts about their version of events where corroboration is lacking for either party in a complaint. The third study of this thesis supports the conclusion that situational crime prevention methods are also applicable to police corruption prevention. Based upon three years of complaints against police data, enough homogenous cases were gathered to enable the construction of summary tables (from which the full analysis was then conducted) for four categories of police corruption. This resulted in recommendations for a variety of situational interventions. Some examples of this type of strategy which the QPS should consider are given below. These are grouped by type of situational prevention technique.

**Target hardening**
Establishing minimum standards throughout QPS for the storage of money (even social funds) and other valuables (including firearms).

**Access control**
Reducing the number of officers with access to money storage.

**Target removal**
More frequent banking.
Deflecting offenders
Instituting regular rotation of staff, especially in specialised squads and “high risk” areas of corruption and criminality, to prevent complacency from developing and to reduce opportunities for police to develop and maintain corrupt associations (Royal Commission into the New South Wales Police Service, 1997, p. 500).

Formal surveillance
Managers initiating more regular checks on books, claim forms and QPS property in the possession of officers. Managers instituting more stock-takes of goods and property storage facilities. Policy formulation to place the onus for loss in the above areas upon managers to ensure that checks and stock-takes are conducted thoroughly.

Ensuring that appropriate management action is taken when “problem” individuals and work units are identified through the processes of officer and command profiling. This is currently being developed by the QPS.

Reviewing existing rostering practices, with the aim of ensuring that more supervisors and experienced officers are “on the street”, especially at times when there is a greater likelihood of conflict between police and civilians, particularly Thursday, Friday and Saturday evenings (CJC, 1997b, p. 56).

Mandatory use of personal tape recorders by operational police to record contacts “in the field” with members of the public and suspects, as recommended by the Royal Commission into the New South Wales Police Service (1997, pp. 428-429; also QPS Review, 1996, p. 91).

Installation of video cameras in locations where there is likely to be contact between police and members of the public, such as the front counters of watchhouses and police interview rooms (CJC, 1997b, p. 60).

Instituting command accountability (for lower and middle management not just top management) so supervisors are held personally accountable for combatting corruption in
their commands. This should dramatically reduce the implicit support of supervisory officers that fosters corruption. Close supervision is necessary to ensure that those who start to “slide” on minor violations of departmental rules do not progress to major transgressions.

In addition to personally being a role model for integrity, managers need to emphasise that the ends never justify the means and that things will be done “by the book” even if this is not the most effective way. Thus, the rewarding of ethical behaviour is as necessary as the punishment of corrupt behaviour. Managers also must convey to their staff that transgressions will not be covered-up and full co-operation will be given to both internal and external oversight functions.

**Surveillance by employees**

The rotation of treasurers, policies ensuring that dual responsibility (for example, requiring two signatures) for monies paid out and requiring the presence of another officer when counting or moving money or valuables.

Providing greater organisational support (for example, whistleblower support programs) to encourage officers who are prepared to report misconduct by other officers (Royal Commission into the New South Wales Police Service, 1997, pp. 419-421).

**Identifying property**

The marking of property clearly and permanently with the “QPS” initials to deter theft of such property for private use.

**Rule setting**

Education of officers in the rules for claiming travel allowances and the training of officers acting in positions with book keeping responsibility.
Increasing the pressure to comply with existing rules via the use of sanctions for failing to comply and rewards (which could be as simple as supervisor recognition) for following procedures.

Establishing rules where none or poor ones exist (for example, in many book keeping areas and in regards to the use of QPS property by officers over long time periods).

Enforcement of tighter controls over corruption prone activities (for example, dealing with informants, counting money, dealing with seized drugs) to reduce the corruption opportunities (for example, by the use of informant registers or policies insisting more than one officer be present when meeting informants) (Royal Commission into the New South Wales Police Service, 1997, pp. 439-441).

Strictly enforcing a clear, highly specific gratuities policy informing officers exactly what is acceptable and from whom it is acceptable to receive it.

Removing policies that could inadvertently produce corruption, for example arrest quota policies and reporting a “cleared” category for crimes only encourages arrests for their own sake.

**Strengthening moral condemnation**

Cashbox stickers (for example, “Taking temporary loans is still theft”), messages on forms (for example, “Claiming for time you did not work is stealing”) and pay slips (for example, “Paid work while on sick leave is stealing”).

**Facilitating compliance**

The provision of a Service financial consultant available for appointments or simple telephone advice would be valuable in guiding officers in a variety of accounting situations.
Paying officers for overtime rather than fostering the expectation that officers should not be compensated for this overtime which can result in an officer’s rationale to recover such payment from the QPS via corrupt means.

Making forms easier to complete via such methods as redesign and printing calculation rates on the forms.

In addition, the QPS should refine and extend the application of the newly introduced risk management strategies which identify at an early stage opportunities for police to act improperly in order to enable prompt remedial action to be taken. One example of such a risk management strategy would be the introduction of drug and alcohol screening. This strategy has been initiated in New South Wales following the Royal Commission into the New South Wales Police Service (1997). As with integrity testing, there are two types of drug and alcohol testing, targeted and random. Targeted testing is conducted on officers (or even work units) suspected of having alcohol or drug misuse problems or for particular types of high risk police work (for example, police covert operatives). Random testing is as the name suggests, a random selection of officers throughout the Service who will be tested. The big advantage of random testing over targeted testing is its increased deterrent effect as officers cannot use the rationalisation that they possess skills or abilities that enable them to hide their alcohol or drug use and, therefore, will never become a ‘target’. The evaluations and lessons learned from both these types of testing programs conducted within the New South Wales Police Service over the last few years will be valuable for the implementation of such strategies in Queensland.

**Conclusion**

The role of scandal, like that which led to the Fitzgerald Inquiry, is noted for its helpfulness in aiding the reform process. However, without vigilance and continued media interest corruption is likely to reoccur. The New York Police Department was an excellent example
of organisational reform following the corruption uncovered by the Knapp Commission (1972). However, vigilance was not maintained and corruption was allowed to re-establish itself, albeit in changed pervasiveness and intensity (see Chapter Three, pages 79-80). The data presented in Studies One and Two of this thesis indicate that the Fitzgerald Inquiry reforms have, at least to some degree, had their intended impact on the QPS. These reforms have contributed to an apparent improvement in public confidence in the complaints system and the QPS generally. The evidence indicates an overall improvement in the behaviour and conduct of police officers and a weakening of the police code of silence within the QPS as a result of the Fitzgerald Inquiry reforms. However, the middle management ranks in the QPS have had little exposure to training in either management or ethics education, and there are some who are disgruntled with the effect of the reform process on their own careers, yet have a significant input into the operational training of recruits and junior officers. Moreover, the actual day-to-day task environment of operational police has changed little from that criticised by the Fitzgerald Inquiry Report as contributing to a closed organisational culture. Another deficiency noted was that lateral recruitment and civilianisation policies have largely targeted lower ranks or administrative or technical positions in the QPS. Recommendations for strategies to continue the prevention of corruption within the QPS include:

- legalising and regulating vice activities, like gambling and prostitution, or minor drug offences like those involving the possession of small quantities of marijuana to reduce opportunities for graft related to illegal activities in high demand

- the recruitment of more educated, female and older officers to reduce police-citizen conflict and the negative elements of the police culture

- developing a comprehensive, integrated approach to ethics education for QPS officers at all ranks and positions

- the greater use of covert strategies such as integrity testing in conjunction with the CJC
• implementing a range of proactive management options based upon situational crime prevention theory.

The next chapter describes some probable deficiencies in the use of complaints against police data, then makes recommendations for the improvement in both the collection of complaints data and the use of these data in the prevention of police corruption, before finally outlining some possible future research ideas.
Albert Reiss stated in the forward to Sherman’s (1978a) work *Scandal and Reform – Controlling Police Corruption*, that gathering information about corrupt police behaviour is the only way that organisational strategies can hope to succeed in controlling corruption. At present the CJC and the QPS hold a large body of information with the potential to provide valuable corruption prevention strategies. However, the potential of complaints against police data remains virtually untapped.

The future for situational analysis of complaints files

The type of police deviance described by the four categories of corruption analysed in Study Three is quite diverse, suggesting that with enough data many categories of police corruption and misconduct would be amenable to such a situational analysis. Given that this study only used three years of complaints data held by the CJC and more than nine years of data exist, productive situational analyses of many other categories of corruption are probable. However, while a current redevelopment of the CJC’s complaints database is in progress there are several potential problems. First, the new allegation code list (that is, the corruption and misconduct typology) may not be homogenous enough to enable situational analysis of all complaints categories. Nevertheless, the new allegation list is far more specific than the current one (presented in Table 1.4) and should provide enough homogeneity in at least some categories. Second, the information entered onto the electronic database is not specific nor detailed enough to conduct a situational analysis. At present a researcher would need to revisit each hardcopy file and extract the data required. Unfortunately, it is unlikely that time would be allocated for such an assignment given the competing priorities within the organisation. If situational information were entered at the same time as other more routine information then, while it may be more time consuming at this stage, greater long term prevention rewards could be reaped.
Finally, the most problematic concern is the lack of situationally relevant information recorded in complaints files. This problem has several facets. Are investigators recording information relevant to prevention efforts or are they simply focused on facts that are needed to prove or disprove the complaint? For example, an investigator may be concerned about recent occurrences of a suspect’s misbehaviour or ones involving significant rewards for the suspect. However, from a prevention focus more may be learned from the initial misconduct, that is, how did the misbehaver first stray into this type of misbehaviour? This also raises another question: do investigators have knowledge of the information relevant to prevention efforts and are not recording it, or do specific enquires have to be made to gather this prevention information? I imagine that some of this prevention information, which is general in nature, is known by the investigator but is not recorded simply because the investigator did not realise it could be useful or because that there was no “place” into which to slot the information. Poyner (1986, p.27), in his British study of the situational prevention of several different types of crimes, outlined the basis of this general information as:

- “what happened” (including a detailed account of the series of events leading up to the misconduct as well as subsequent events)
- “where it happened” (which may include a sequence of events occurring in several locations)
- “when it happened”
- “who was involved” (including witnesses and other third parties)
- “physical” and “social environment” (physical attributes and surroundings including weather, lighting, crowds, interactions with others).

It is important to gather this information for each occurrence of corruption or misconduct, with particular attention paid to factors that were present when the deviant behaviour was initiated and to the factors which contributed to the continuation of the deviant behaviour once it had commenced. However, there will also be some information that is not known but could be if the investigator were required to collect it. This other information will be quite specific to certain types of corruption or misconduct. For example, the information necessary to aid in the prevention of employee theft may be quite different from that
gathered to prevent police brutality. It will be necessary to examine each homogenous category of corruption and misconduct to determine information needed.

The future for divisional analysis of complaints data

The fourth study of this thesis also supports the conclusion that complaints against police data can be utilised to a far greater extent to provide information valuable to the prevention of police corruption. The fourth study concluded that each of the three factors considered – “task environment”, “bad apples” and “negative culture” – are important to any divisional analysis of police complaints data. Once task environment was held constant (that is, like units were only compared to like units based upon the unit’s size and duty type) the effects of “bad apples” and/or “negative cultures” were explored.

For this study of the thesis it was assumed that a high Concentration of complaints was an indication of the presence of “bad apples” and a high Prevalence of complaints was an indication of a “negative culture”. As discussed earlier (page 199), it is acknowledged that there are other possible reasons for high or low levels of complaints that are not associated with police misconduct but are associated with “task environment” factors. This study used data on a unit’s size and type of duties performed to determine “task environment”. Future studies should attempt to build in a variety of additional task environment factors to attempt to accommodate for a larger range of task environment influences. For example, socio-economic status of the divisional area, population density (as a rural/urban measure), proportion of residents from ethnic and cultural backgrounds, measures of the amount of police-public interaction, crime statistics, level of tourism measures and many other factors could all be included to further define the task environment. The next step is to identify those units experiencing the presence of “bad apples”, those experiencing the effects of a “negative culture”, and those suffering a problem with both “bad apples” and a “negative culture”.

“Bad apples” are probably the easiest target of police management. Once police management identifies which officers in the unit are attracting high levels of complaints, an individual assessment of this officer should take place. The outcome of this assessment will determine what corrective action should be undertaken by the department. Perhaps the officer does not have the correct level of ability in one or more areas of functioning, for example interpersonal skills, and requires some extra training or some retraining. Perhaps the officer is not suited to the particular type of policing that he or she is currently assigned and requires a transfer to another task environment. Perhaps the officer is not suited to policing at all and requires removal from the Service.

A “negative culture” is a harder target for police management to address. In addition, past attempts to change cultural features have occurred at a Service-wide level, perhaps with a focus on specialised policing areas, rather than on the scale of individual units (for example, Fitzgerald, 1989). Wortley and Homel (1996, p. 306) stated that the “dominant view in the literature is that the typical police officer comes to possess a set of authoritarian traits...through a process of occupational socialization”. However, they later cited research to support the view that “police stationed at innovative police districts have been found to be less authoritarian than police stationed at traditional police districts” (p. 306). Therefore, on the basis of my current work the logical next step for police management is one of comparison and contrast. For example, units of a similar task environment, without the presence of “bad apples” and without a “negative culture” should be compared to each other. These should then be contrasted to units of a similar task environment, without the presence of “bad apples” but with a “negative culture”. The aim of this exercise will be to identify features such as management practices, procedures used, leadership styles, or perhaps combinations of the above features that are beneficial to units in reducing a “negative culture” and those features or combinations that are allowing or encouraging a “negative culture” to flourish. Similarly, valuable information could be gained from examining units with good cultures in the presence of “bad apples” to determine what enables these units to be resistant from the “bad apple” effects.
The work of Hollinger and Clark (1983), as mentioned in Chapter Three, should be beneficial here. Hollinger and Clark’s (1983) large survey study found that employee deviance was related to organisational culture influences, such as employee dissatisfaction, the perceived chance of being detected, and informal and formal social controls. The compare-and-contrast exercise described above should determine whether units identified as having a “negative culture” are ones with a workplace climate where employees feel exploited, creating greater employee dissatisfaction and making employees more likely to engage in deviant behaviours. Those units identified as being without a “negative culture” are possibly utilising formal sanctions or other management tools more effectively to shape the much more effective “informal social controls initiated by fellow co-workers, such as gossip, ridicule, and ostracism” (p. 145) in the desired direction. Hollinger and Clark (1983) also found that the same circumstances foster other “production deviance such as slow or sloppy workmanship, sick-leave abuse, long coffee breaks, alcohol and drug use at work, and coming to work late and leaving early” (p. 141). This type of information could also be compared and contrasted between units to obtain confirmatory evidence of a “negative culture”. In addition, Hollinger and Clark (1983) recommended the use of “fringe benefits” to help “eradicate the underlying justification for deviance” (p. 143). Examples of “fringe benefits” appropriate for the police service could include more flexible work hours, increasing supervisory responsibilities, and educational opportunities. While there will not be a large number of cases in each homogenous category of corruption and misconduct, a situational analysis comparison between stations could reveal that those with a “negative culture” are simply providing more opportunities for corruption to occur. Situational techniques as described previously in this thesis could become apparent to limit these opportunities and reduce the amount of corruption and misconduct occurring at these “negative culture” stations.

The units with both “bad apples” and a “negative culture” are the most problematic for the police hierarchy. The question in these units is ‘are the “bad apples” poisoning the culture or is the “negative culture” producing “bad apples”?’ Answering this question could prove an arduous and perhaps unnecessary task. As both problems are currently present, if each of the problems is addressed simultaneously, as described above, then the unit should be corrected to a state where neither problem is present. After these interventions have been
achieved, careful monitoring should be initiated to ascertain if either a new set of “bad apples” move into the unit or, alternatively, if “bad apples” are produced by the unit indicating that the cultural deficiencies were actually the root cause and still have not been adequately addressed. This monitoring data may also prove beneficial in developing interventions for similar units.

**Other future research**

Apart from the recommended extensions of the research presented in Studies Three and Four of this thesis (as outlined in the previous two sections), several directions for future research from a situational perspective were envisioned during the preparation of this thesis. For example, interviews with prisoners, sex workers or other persons with high frequency contact with the police could be conducted to gather their perceptions of any situational factors involved in police corruption, and any ideas in regards to ways of reducing this corruption. A second example would be to conduct exit surveys of retiring and resigning officers on a purely anonymous basis in the hope that these officers now may be more open to revealing some factors they perceive to be influential in corrupting either themselves or other officers that they worked with. Another fascinating and very involved idea for future analysis at a divisional level would be the temporal mapping of complaints histories of officers with large numbers of complaints against the temporal complaints patterns of stations, and vice versa, looking for any evidence that stations with a poor culture have moulded these officers or that the influence of these officers has poisoned stations. This concept will be illustrated below using fictitious data.

Five fictitious “bad” officers are used as an example of how a simultaneous longitudinal mapping of both officer and stations (or units) would be conducted. The identification of “bad” officers could be done via a variety or combination of methods such as officers with a high number of complaints, those identified in CJC operations, or those dismissed for corruption. For simplicity, in the example below we will assume that only complaints data
are being used. Table 10.1 illustrates that our five fictitious "bad" officers have been assigned to a total of 11 stations and five units over their careers, to date.

Table 10.1 – The assignments of five fictitious "bad" officers

<table>
<thead>
<tr>
<th>Officer</th>
<th>First Assignment</th>
<th>Second Assignment</th>
<th>Third Assignment</th>
<th>Fourth Assignment</th>
<th>Fifth Assignment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bad Officer 1</td>
<td>Station 1</td>
<td>Station 2</td>
<td>Station 3</td>
<td>Station 4</td>
<td></td>
</tr>
<tr>
<td>Bad Officer 2</td>
<td>Station 5</td>
<td>Station 3</td>
<td>Unit 1</td>
<td>Unit 2</td>
<td>Station 6</td>
</tr>
<tr>
<td>Bad Officer 3</td>
<td>Station 4</td>
<td>Station 7</td>
<td>Unit 3</td>
<td>Unit 4</td>
<td>Unit 5</td>
</tr>
<tr>
<td>Bad Officer 4</td>
<td>Station 3</td>
<td>Station 8</td>
<td>Station 9</td>
<td>Unit 3</td>
<td></td>
</tr>
<tr>
<td>Bad Officer 5</td>
<td>Station 10</td>
<td>Station 11</td>
<td>Unit 4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Figure 10.1 illustrates the fictitious complaints profile of Station 1. The figure shows that Bad Officer 1 elevated the station’s complaint level from about 2.5 to a peak of 4.0 complaints per officer. However, the station’s “culture” was somewhat “poisoned” with the complaint level remaining at 3.0 complaints per officer even after Bad Officer 1’s departure.

Figure 10.1 – Complaints profile of Station 1
The profile of Station1 could then be contrasted to that of Unit4 (as illustrated in Figure 10.2). This figure shows that the "bad apples" were almost entirely responsible for the increase in the unit's complaint level and that the unit's culture was not "poisoned" but recovered after the bad officers' departure. In contrast, the profile of Station3 (as illustrated in Figure 10.3) shows that the influence of the "bad apples" was to "poison" the culture of that station to the extent that this culture is now likely to be breeding further "bad apples".

Figure 10.2 – Complaints profile of Unit4

Figure 10.3 – Complaints profile of Station3
The other aspect of examining the longitudinal mapping of "bad" officers is their impact on individual officers with whom they serve. As illustrated in Figure 10.4 and 10.5, it is envisioned that "bad" officers will have varying effects upon fellow officers. In these fictitious examples I have used complaints per 100 arrests as a demonstration of a measure that attempts to accommodate for level of policing activity. However, other more sophisticated measures would need to be explored for an actual study taking into account a larger variety of additional task environment factors (as described on page 242). In the fictitious cases illustrated in Figure 10.4, OfficerA experiences a brief increase in complaints per 100 arrests when exposed to Bad Officer1's influence; OfficerB also experiences an increase in complaints per 100 arrests but takes many years to return to original levels; OfficerC does not seem affected by Bad Officer1; and OfficerD actually rebelled against Bad Officer1's influence becoming even more virtuous for the period of contact.

Figure 10.4 – Complaints profile of officers stationed with Bad Officer1

![Complaints profile chart]

- OfficerA - OfficerB - OfficerC - OfficerD

Bad Officer1 assigned

0 0.5 1 1.5 2 2.5 3 3.5
Complaints per 100 arrests
In the fictitious cases illustrated in Figure 10.5, OfficerE’s profile shows a steady worsening, perhaps adversely influenced by each of the Bad Officers, to the point where this officer would also be considered a “bad apple” (and, therefore, OfficerE’s influence on his/her fellow officers should also be examined); OfficerF suffered a similar fate to OfficerE but is different in that it seems this officer could have corrected after the first bad influence if he/she had not encountered another dose of “bad” influence; and OfficerG experienced a long term effect from the Bad Officer influence making the officer slightly less virtuous, but this influence does not seemed to have “poisoned” the officer to a large extent.

Figure 10.5 – Complaints profile of officers stationed with Bad Officer1 and Bad Officer2

In addition this kind of analysis could be supported by local knowledge about interactions at the station (for example, who worked with who, social interactions, etc.). The fictitious analysis presented here would, if applied to real data, not only enable corrective strategies to be developed for identified “bad apples” and stations or units with “negative cultures”,

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but also allow for preventative measures to be targeted for those officers who had served with the "bad apples" and targeted at the stations or units where these "bad apples" were assigned. Similarly, officers assigned to stations or units with "negative cultures" would benefit from preventative strategies aimed both at a station level and individually, and these officers could be monitored over time to ensure that they have not been adversely affected by any negative indoctrination.
CHAPTER 11
CONCLUSION

The research finding presented in Section Three of this thesis is that there has been progress in a number of areas in addressing the problems identified by the Fitzgerald Inquiry, but that there is undoubtedly scope for more to be achieved. This chapter presents some recommendations for advancement.

Reliance on an enforcement-based strategy for dealing with the problem of police misconduct was necessary in the immediate post-Fitzgerald Inquiry period. The focus of this strategy was on increasing the risks and costs of detection for those who engaged in misconduct, or who directly or indirectly assisted in covering up improper behaviour by other officers. This was accomplished by the creation of civilian oversight of complaints investigations, the independent investigation of serious matters and the introduction of inquisitorial misconduct tribunals. The results of this approach are undoubtedly a better disciplined police service, and the approach appears to have been effective in preventing a recurrence of the systemic problems of corruption which plagued the QPS in pre-Fitzgerald times.

However, the first lesson from this experience is that long term cultural and behavioural change can not be achieved simply by “getting tough” on police. The basic task environment of policing – dominated by reactive patrolling and traditional investigative work – has changed relatively little since the Fitzgerald Inquiry and is unlikely to change significantly in the foreseeable future. Policing, by its nature, involves numerous encounters between police and citizens where officers exercise broad discretion with minimal supervision, making the detection of misconduct extremely difficult. Despite the very significant increase in the resources and powers available to investigators, it is still difficult to prove that a police officer engaged in misconduct, or that other officers were aware of this fact and had failed to take action, because of the constraints imposed by evidentiary and legal requirements. Thus, while it is vital to maintain an effective and credible independent complaints investigation system and ensure that there is a proper
internal discipline process in place, the scope for increasing the “deterrent power” of the present system is limited. Putting more resources into complaints investigations might make a difference at the margins, but is unlikely to lead to a significant increase in the probability of a complaint being substantiated and a sanction imposed. Investing more resources in investigations has an additional cost in that such resources are then lost to other strategies to combat corruption that may provide more fruitful results in the long term. The value of an occasional substantiation is placed above the ability to engage in a large amount of prevention work. For example, Studies Three and Four of this thesis have shown that valuable prevention strategies can be developed from situational and divisional analysis of complaints data should resources be focussed in this area.

Inevitably then, three clear messages are apparent. First, continued effort must be made to modify the organisational climate of the QPS in terms of commitment to integrity. Second, other forms of effective deterrence against misconduct are needed. Third, a greater emphasis needs to be placed on developing and implementing preventive strategies. At this point I would like to draw an analogy to aid understanding and to help the reader retain the information presented. The analogy is that the QPS can be compared to the human body. The aim of corruption prevention measures is, then, to prevent the QPS “body” from developing or contracting illness or injury. However, it should be noted that while the value of exercise, healthy life styles and medicine may be known this does not automatically imply that the good advice will be put into practice. One possible strategy developed by Homel (1997a) for motivating the QPS “body” into putting this healthy life style advice into action was previously discussed on pages 90-91.

The first important area in ensuring an optimal organisational climate is recruitment. This can be compared to the “diet” of the QPS body. While a diet of meat and potatoes might not seem to be harming the body we now know that a more varied diet encompassing the food groups is preferable for one’s health. The QPS has made significant gains over the last few years in recruiting people who are older and better educated, and in increasing the proportion of females in the intakes (CJC 1997a, pp. 24-29). This is likely to contribute to a breakdown in the traditional police solidarity that supported corruption, as well as reducing police-citizen conflict. However, the QPS’s recruitment of substantial numbers
of constables (mostly male and mostly with lower standards of formal education) from other police services threatens to undermine these gains. In addition, it takes a considerable period of time for changed recruitment policies to have a significant impact on the overall make-up of an organisation. Research reported in this thesis has shown that the rank and file culture continues to have a powerful influence on recruits coming into the Service, regardless of the increasing age and education levels of these recruits. In part, this is because the QPS has not had any strategies in place, such as mentoring arrangements or ongoing ethics training programs, to counteract the influence of this culture on new entrants.

This brings us to the next logical step, that of ethics education. This may be equated to the “exercise” of the QPS body. If the QPS body just assumes that the “diet” will keep the body healthy while just sitting around in an inactive state then the QPS body is likely to develop unhealthy flab. Similarly, while it would be naive to think that education alone will eliminate misconduct within a police service, it is undoubtedly an important element of any comprehensive strategy to increase the level of police integrity. As discussed briefly in Chapter Two and in more depth in the CJC Integrity Report (CJC 1997a, pp. 30-32), the QPS currently has a variety of ethics education initiatives in place, but there is no overall integrated training strategy and there are some significant gaps. For example, there is little, if any, ethics education provided to detectives – one of the groups most at risk of becoming involved in serious misconduct. Moreover, the QPS has only recently begun to develop programs for ensuring that appropriate training in management skills and obligations is provided to middle management level officers. These officers potentially have a crucial role to play; not only in enforcing discipline, but also in providing role models to more junior officers and actively promoting standards of ethical behaviour. In practice, a considerable number of the middle ranking positions in the QPS are still occupied by officers recruited and trained in the pre-Fitzgerald era who may be disenchanted with the changes that have been instituted as a result of the Fitzgerald report.

In a related area, the QPS needs to encourage these front-line managers to make greater use of proactive personnel management strategies to reduce the level of misconduct and the number of complaints being made against police (CJC, 1997a, pp. 34-35). This can be accomplished by such means as devising and employing monitoring strategies to identify
officers and work units with poor discipline profiles and then utilising managerial responses (such as provision of additional training, guidance, re-deployment of officers, etc.) to address these problems. A further critical area is supervision and rostering practices. For example, making sure that experienced officers and supervisors are “on the street” at times when the risk of police-civilian conflict is greatest is one way of reducing complaints of assault and misuse of powers against police (CJC, 1997b).

In regards to the second priority strategy, the problem is how to build deterrence into the unsupervised task environment of policing. One response – pro-active covert testing – has become popular as an anti-corruption strategy in the United States. While not having undergone thorough evaluation, such strategies showed impressive results in the post-Knapp Inquiry period in New York (although a lack of focussed public attention allowed corruption to again flourish resulting 20 years later in the Mollen Commission (1994) – see pages 79-80). Targeted integrity testing has been introduced in New South Wales following recommendations made by the Royal Commission into the New South Wales Police Service (1997) and Queensland is currently following down this path. However it has been argued (Homel, 1997b) that the extension of the program to include randomised testing would greatly increase its deterrent power. In my analogy, integrity testing could then be compared to medical testing. Targeted integrity testing can be compared to tests done on a part of the QPS body that was already showing some symptoms – hopefully just minor symptoms and the problem can be detected and addressed before anything major develops. Random integrity testing could be compared to a general physical screening, conducted in less depth than a targeted test but on a much wider scale. Its focus is to search the QPS body for any possible health problems of which it is currently unaware.

The last priority strategy involves an increased emphasis on developing and implementing situational prevention strategies. In terms of my analogy, these initiatives aim to make the external environment as safe for our QPS body as possible. These initiatives attempt to avoid placing the QPS body in danger or attempt to minimise the danger when the QPS body must venture into these situations. For example, our body may have to cross the road (which may be equated to dealing with informants) but this does not mean the QPS body should sprint across the road in the dark of night with its eyes shut. Just as a person can use
a variety of strategies (such as crossing with the lights, looking left and right, etc.) to increase their ability to cross the road safely, so the QPS body can implement methods of dealing with informants that minimise the dangers of corruption that are involved. Many sound strategies, consistent with the principles of situational crime prevention, have been suggested in this thesis and other police corruption literature. For example, the QPS could make a more concerted effort to reduce the opportunities for police to engage in improper conduct without being detected by implementing such initiatives as: requiring police to tape record all contacts “in the field” with members of the public and suspects (as has recently been proposed by the Royal Commission into the New South Wales Police Service, 1997, pp. 428-429); installing video cameras in locations where there is likely to be a high level of contact between police and civilians, such as watchhouses and police interview rooms (CJC, 1997b, p. 60); instituting tighter controls on the use of informants by police; exercising better security for drug exhibits and other confiscated property; and, regularly rotating staff in “high risk” areas to reduce opportunities for police to develop and maintain corrupt associations.

Finally, I argue that the CJC has a crucial ongoing role in promoting reform within the QPS and ensuring that the problems identified by the Fitzgerald Inquiry do not re-emerge. In my analogy, the CJC could be equated to a guardian of the QPS body. The CJC is well placed to provide advice on diet, exercise, medical tests, and how to deal with dangerous situations that the QPS body will have to face. In addition, the CJC should be looking towards the future to help the QPS body to avoid pitfalls that the body may not see while devoting its attention to everyday tasks and struggles. A unique feature of the CJC is that it is not just a reactive complaints investigation body, but also incorporates substantial research, intelligence and corruption prevention functions. However, as with any external body there is a danger that the CJC will become little more than a clearing house for complaints. Dixon (1999c) stated that:

A persistent threat to bodies dealing with complaints is that they become bogged down in dealing retrospectively with individual instances which are brought to them, and have little time or energy left for proactive investigations, for attempts to examine patterns and structures, or for prospective, preventative strategies (pp. 56-57).
Critics argue that the heavy staffing of the CJC by lawyers and police has created a punitive, legalistic mentality within the agency (Woodyatt, 1995). Consequently, the CJC’s budget does not reflect the importance of being more than just a reactive agency. In recent years, there has been a greater emphasis on research and prevention, but arguably, a larger percentage of the CJC’s resources should be spent on pro-actively enhancing the level of integrity within the Police Service given the continuing very high volume of complaints. As for every oversight body, the CJC must find the correct balance considering such factors as changes in the police service over time, the number of complaints, and its own limited resources. Improved intelligence management is needed to identify areas of corrupt activity not revealed by complaints at an early stage so that pre-emptive action can be taken. Research is required to assess attitudinal and behavioural change among police to monitor Police Service reform, evaluate the effectiveness of current investigative and preventive strategies, and develop a better understanding of the factors which contribute to misconduct in the hope of developing further and more effective prevention strategies. To ensure that the findings of research are acted upon, a capable prevention arm is vital for liaising with the Police Service and for ensuring that adequate training is provided for the proper implementation of prevention strategies in the workplace.
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