



Centre for
**Applied Philosophy
and Public Ethics**
An Australian Research Council funded Special Research Centre

Report 1
**An Integrity System for Victoria Police:
Key Elements of a Model Integrity
System**

REPORT FOR VICTORIA POLICE

**BY THE CENTRE FOR APPLIED PHILOSOPHY AND PUBLIC ETHICS
AN AUSTRALIAN RESEARCH COUNCIL FUNDED SPECIAL RESEARCH
CENTRE**

AUGUST 2008



An Integrity System for Victoria Police
Report 1: Key Elements of a Model Integrity System

This Report is part of a Victoria Police and Australian Research Council funded research project undertaken by the Centre for Applied Philosophy and Public Ethics (an ARC funded Special Research Centre) under the ARC's Linkage Grants Scheme. The Project Leader is Professor Seumas Miller.

The Report was co-authored by Professor Tim Prenzler and Professor Seumas Miller with contributions from Andrew Alexandra, David Bradley, Greg Chilvers, Assistant Commissioner Luke Cornelius, Dr Steve Curry, Ian Gordon, Professor John Kleinig and Penny Maroulis.

Contents

CONTENTS3

METHODOLOGY OF STRATEGIC THREAT ASSESSMENT7

INTEGRITY SYSTEMS9

A COMPLAINTS AND DISCIPLINE SYSTEM12

BACKGROUND12

THE NATURE OF COMPLAINTS14

RECEPTION16

MANDATORY REPORTING AND WHISTLEBLOWER PROTECTION17

INVESTIGATIONS17

OUTCOMES19

INQUISITORIAL METHODS AND COMMISSIONER’S CONFIDENCE20

OFFICER RIGHTS21

SETTING STANDARDS22

RESTORATIVE JUSTICE AND ALTERNATIVE DISPUTE RESOLUTION23

COMPLAINTS, INTELLIGENCE ANALYSIS AND EARLY WARNING SYSTEMS23

ADVANCED TECHNIQUES24

A PROFESSIONAL STANDARDS DEPARTMENT24

PERFORMANCE INDICATORS AND QUALITY ASSURANCE25

RECOMMENDATIONS26

RECRUITMENT, TRAINING, PROFESSIONAL DEVELOPMENT AND SUPPORT SYSTEMS29

BACKGROUND: RECRUITMENT29

Promotional material30

Criminal history checks30

Referees31

Panel interviews32

Home visits32

Intelligence checks on associates32

Character checking in pre-employment educational programs and probation33

Higher recruitment age33

Personal financial checking33

Higher educational standards34

Personality and psychological testing35

Self-declaration testing36

Polygraph testing36

Illicit drug testing36

An integrity committee37

CODES OF ETHICS37

RECRUIT ETHICS EDUCATION38

PROFESSIONAL DEVELOPMENT39

ETHICS COMMITTEES39

RECOMMENDATIONS40

INVESTIGATIONS42

BACKGROUND42

QUALITY OF INVESTIGATIONS: CRITERIA OF QUALITY43

Competence of investigator43

Resilience of investigator44

Independence of investigator44

Investigation is lawful and ethical45

An Integrity System for Victoria Police
Report 1: Key Elements of a Model Integrity System

| | |
|---|-----------|
| <i>Compatible with public interest</i> | 46 |
| <i>Corporate priorities considered</i> | 46 |
| <i>Open mindedness</i> | 47 |
| <i>Well planned investigation</i> | 49 |
| <i>Thorough treatment of all information/evidence</i> | 49 |
| <i>Comprehensive recording and preservation of all information/evidence</i> ...49 | 49 |
| <i>Information/evidence security</i> | 49 |
| <i>Respect for rights of victims</i> | 50 |
| <i>Respect for rights of witnesses</i> | 50 |
| <i>Respect for rights of suspects</i> | 50 |
| <i>Judicious use of covert tactics</i> | 50 |
| <i>Informant management</i> | 51 |
| <i>Efficient and effective use of public resources</i> | 52 |
| <i>Communication with stakeholders</i> | 53 |
| <i>Timeliness</i> | 53 |
| <i>Professional approach to presentation</i> | 53 |
| <i>Accountability</i> | 53 |
| <i>Continuous improvement</i> | 54 |
| <i>Performance indicators</i> | 54 |
| RECOMMENDATIONS | 56 |
| RISK MANAGEMENT, INTELLIGENCE GATHERING AND EARLY INTERVENTION SYSTEMS | 59 |
| BACKGROUND..... | 59 |
| SOURCES OF INFORMATION ABOUT POLICE MISCONDUCT..... | 60 |
| COMPLAINTS..... | 61 |
| COMPLAINT PROFILING AND EARLY INTERVENTION SYSTEMS | 63 |
| KEY ELEMENTS OF AN EARLY WARNING SYSTEM..... | 65 |
| PROFILING ORGANISATIONAL UNITS | 67 |
| BROADER RISK MANAGEMENT | 68 |
| INTELLIGENCE GATHERING FOR INVESTIGATIONS AND COVERT OPERATIONS | 69 |
| RESPONDING TO MALICIOUS AND VEXATIOUS COMPLAINTS..... | 69 |
| ROTATION OF PERSONNEL..... | 69 |
| RECOMMENDATIONS | 70 |
| PROACTIVE ANTI-CORRUPTION INTERVENTION SYSTEMS | 72 |
| BACKGROUND..... | 72 |
| INTEGRITY TESTING..... | 72 |
| <i>Targeted and random tests</i> | 73 |
| <i>Ethical and legal issues</i> | 74 |
| <i>Associated issues</i> | 76 |
| DRUG AND ALCOHOL TESTING | 77 |
| SURVEILLANCE | 78 |
| UNDERCOVER AGENTS..... | 79 |
| ASSET AND FINANCIAL AUDITS | 81 |
| DATA ACCESS CONTROLS AND DATA TRAILS | 82 |
| WITNESS PROTECTION PROGRAMS | 83 |
| RECOMMENDATIONS | 85 |
| ETHICAL LEADERSHIP | 87 |
| BACKGROUND..... | 87 |
| MODELS | 87 |
| PRACTICAL ASPECTS OF POLICE LEADERSHIP | 91 |
| LEADERSHIP AND CULTURE..... | 92 |
| ETHICAL LEADERSHIP AND INTEGRITY MECHANISMS | 95 |
| <i>Ethics and recruitment</i> | 95 |
| <i>Ethics education</i> | 96 |

An Integrity System for Victoria Police
Report 1: Key Elements of a Model Integrity System

| | |
|--|------------|
| <i>Complaints and discipline system</i> | 96 |
| <i>Other integrity mechanisms</i> | 96 |
| <i>Commissioner's confidence</i> | 96 |
| SELECTION AND EDUCATION OF ETHICAL LEADERS | 97 |
| <i>Promotion and ethics</i> | 97 |
| <i>Ongoing ethics assessment</i> | 98 |
| <i>Focused ethics leadership education</i> | 98 |
| ACCOUNTABILITY OF POLICE LEADERS | 100 |
| <i>Compstat and management accountability</i> | 100 |
| <i>Operationalising supervision in a compstat paradigm</i> | 101 |
| POLICE UNION LEADERS | 103 |
| RECOMMENDATIONS | 104 |
| EXTERNAL OVERSIGHT | 106 |
| BACKGROUND..... | 106 |
| STAKEHOLDER PERSPECTIVES | 107 |
| <i>Inquiries</i> | 107 |
| <i>Oversight agencies</i> | 109 |
| <i>Complainants</i> | 109 |
| <i>Police perspectives</i> | 110 |
| <i>Public opinion</i> | 111 |
| <i>Civil liberties groups</i> | 112 |
| <i>Government reviews</i> | 113 |
| THE PERFORMANCE OF EXTERNAL AGENCIES..... | 115 |
| RECOMMENDATIONS | 117 |
| REFERENCES | 119 |

Introduction

The following sections set out an ideal structure and set of strategies for minimising corruption and establishing an ethical culture in a police department. The model is based on a search of the international literature. It was initiated with key word searches of electronic databases current to 30 November 2007. Keywords included "police corruption prevention", "police accountability", "integrity management", "police ethics" and "police ethics education", with variants such as "and undercover agent", "and financial audit", "and wiretapping". Databases included CINCH, Criminal Justice Abstracts, APAIS, FACTIVA, Australian Federal Police Digest, AGIS, SAGE (full text database), ERIC via Proquest, Legal Trac, Communications Law and Policy, Case Base, Hein Online and Google Scholar.

The model could best be described as a "comprehensive system" in that it attempts to include all practical means of preventing corruption. Given that police corruption is highly variable, with multiple opportunities and pressures for corruption, the model system proposed here is complex, with strategies designed to foreclose opportunities and heighten the probability of detection and deterrence across a wide range of fronts. The system was designed for application in the Victoria Police, which is a large police department, with a highly diverse field of operations, and with a long history of diverse forms of corruption (OPI, 2007). Hence the focus is on a comprehensive system for a high risk department. At the same time, the model also has a high level of universality. Although not all elements of the model might be required in all police departments, it is probable that the common nature of police work would mean that any department serious about corruption prevention would at least require knowledge of, and a capacity for, all strategies. For example, smaller, low-risk, police departments might not require an active program of integrity testing, or drug and alcohol testing. But they should have the legal capacity and corporate knowledge to make use of these techniques when required (Ferguson, 2003: 28).

The basic framework within which the various component elements of an integrity system need to be embedded is one which is intelligence-driven and focussed on identified threats to the integrity of the police organisation. Accordingly, a force-wide process of strategic threat assessment (STA) is presupposed by any credible integrity system for a police organisation.

Methodology of Strategic Threat Assessment

The aim of the STA is to identify the medium to long-term issues that are apparent or emerging and to determine resource, funding and communication requirements. In this respect, STA should be considered in the business planning process and be available for consultation between the police leadership and chosen stakeholders.

By way of example, in 2003 the Association of Chief Police Officers Professional Standards Committee (ACPO PSC) in the UK commissioned the National Crime Intelligence Service (NCIS) to describe and assess the threat of corruption involving collusion with criminals, especially serious and organised criminals, by Police Service staff (both officers and support staff) in the UK (excluding Northern Ireland). The report (NCIS, 2003) drew upon a number of sources and concluded:

- Only a small minority of Police service staff are corrupt but scale is not the concern, a single instance can have a devastating and wide-ranging impact. It affects all forces across the UK.
- Most examples have been of 'leaking information'.
- 'Lifestyle choices' such as; recreational drugs, debt, a chaotic private life make individuals more vulnerable to corruption.
- No standard patterns as to how corrupt relationships develop - initial contacts between police and criminal may occur through family, neighbourhood, social or sports clubs (in particular gyms and golf).
- A lack of effective leadership and supervision of police staff.
- Examples of infiltration by criminals into the police service
- Intelligence gaps
- Previous inadequate procedures for informant handling (changed by statute in 2000).

In May 2005, the annual conference of ACPO considered the national STA in more detail and highlighted three primary areas of focus:

- Information leakage;
- Infiltration of the Police Service, (exacerbated by the increasing 'extended police family');
- Substance misuse, (its criminal conduct connotations and the additional risk of targeting, coercion or blackmail of staff).

UK forces use the intelligence led approach of the National Intelligence Model (NIM) to drive activity. Use of NIM anchors action to the Force Strategic Plan, the Control Strategy and STA and provides a common structure of information flow throughout the Force, which can be audited. It also sets defined minimum standards for intelligence products to implement quality control for the operational package. VicPol is implementing NIM under the title VicPol Intelligence Model (VPIM).

The high level control is the Strategic Tasking and Coordinating Group (ST&CG) that is led by a chief officer and ensures focus is kept on the organisation's strategic priorities.

Recommendations in the NCIS report focused on:

- Central reporting of all corruption cases (from all UK forces/agencies).
- Co-ordinated proactive intelligence gathering.
- Annual UK strategic assessment of corruption (formed from local force assessments and partner agencies in the criminal justice system).
- Rigorous vetting pre-employment and for internal staff selection processes.
- Joined-up approach by line managers, PSD, Human Resource Departments (HRD), including welfare and occupational health units.
- Police officers and support staff to be subject to the same high standards of discipline and responsibility for dealing with breaches should not be split between units.
- Enhanced security of information and information management systems with rigorous audit.
- Within covert operations the appointment of independent Operational Security Officers to keep integrity and security under constant review.

Another report by HMIC - 'Closing the Gap' (HMIC, 2005), talks about an emerging view evident in the Police Service of Northern Ireland (PSNI) and, to a degree the Metropolitan Police Service (MPS), that a 'bottom up' approach to gathering intelligence on serious threats from organised crime etc. offers the best way of assessing the market and tackling the social harms associated with it. A vigorous bottom up approach could in fact complement work done at a national level and provide a much more accurate picture of both the spread of this criminality and police impact in disrupting or disabling it. Neighbourhood policing, properly linked in and tasked, must be part of the solution, offering the prospect of significantly enhancing intelligence on these issues. The same could be said for professional standards issues and the existence

and use made of community intelligence is worth exploring. Community intelligence is under developed.

Integrity Systems

Integrity systems can be contrasted with regulatory frameworks (Miller et al., 2005). A regulatory framework is a structured set of explicit laws, rules or, regulations governing behaviour, issued by some institutional authority and backed by sanctions. It may serve to ensure compliance with minimum ethical standards (namely those embodied in a law, rule or regulation), but this is only one of its purposes. There are numerous laws, rules and regulations that have little or nothing to do with ethics. An integrity system, by contrast, is an assemblage of institutional entities, mechanisms and procedures, the purpose of which is to ensure compliance with minimum *ethical* standards and promote the pursuit of *ethical* ideals.

Integrity systems for police need to go beyond the requirements of the law or of narrow professional or technical practice. Specifically, they need to address the requirement that the policing are realizing their defining ends, e.g. serving the ends of justice. Moreover, they will also need to ensure that professional rights are protected, professional duties discharged and professional virtues exercised. For example, an adequate integrity system will protect appropriate levels of professional autonomy while ensuring professional accountability.

The term "integrity system" has recently come into vogue in relation to what is in fact a very ancient problem for organizations, occupational groups and, indeed, whole polities and communities, namely the problem of promoting ethical behaviour and eliminating or reducing unethical behaviour.

Here the term "system" is somewhat misleading in that it implies a clear and distinct set of integrated institutional mechanisms operating in unison and in accordance with determinate mechanical, or at least quasi-mechanical, principles. However, in practice integrity "systems" are a messy assemblage of formal and informal devices and processes, and they operate in often indeterminate and unpredictable ways.

The integrity of an occupational group is in large part dependent on the individual integrity of its members, and therefore an integrity system is in large part focused on developing and maintaining the individual integrity of these members. Nevertheless, these groups are not simply the sum of its members, and so determining the integrity levels for these groups is not simply a matter of summing the levels of integrity of the individuals who happen to be its members.

In the first place, the individuals who comprise professions, including police organisations, are role occupants, and the responsibilities and virtues required of them are somewhat different from, and in some respects greater than, those required of ordinary individual persons not occupying such roles.

In the second place, the integrity of a profession is not simply a matter of the integrity of the individual role occupants who comprise it. For the integrity of a profession is partly a matter of the structure, function and culture of the organisations in which professional practitioners are housed. Consider structure, both legal and administrative. In an organisation possessed of integrity the administrative processes and procedures in relation to, for example, promotion or complaints and discipline, would embody relevant ethical principles of fairness, procedural justice, transparency, and the like.

Now consider function. In an organisation possessed of integrity the organizational goals actually being pursued would align closely with the morally legitimate functions of the profession of policing, such as the protection of human rights, including the rights to life and liberty. Finally, consider culture. In an organisation possessed of integrity, the pervasive ethos or spirit, i.e., the culture, would be one that was, for example, conducive to high performance, both technically and ethically, and supportive in times of need, but intolerant of serious incompetence or misconduct.

In looking at options to promote integrity and combat ethico-professional failures it is very easy to leap to a particular single "magic bullet" solution, like increasing penalties or giving more intrusive powers to investigative agencies, and doing so without considering the full array of implications, including the demonstrable (as opposed to hoped for) benefits (Which of these measures has been tested and, as a consequence, is *known* to work?), and the costs in terms of resources, damage to ethico-professional ethos, and so on.

Moreover, "magic bullet" solutions are often offered in relative ignorance of both the actual nature and causes of the problems they are supposed to address. The truth is often in the detail.

In attempting to determine the causes of unethical professional practices there are a number of preliminary questions that need to be addressed. One set of questions pertains to the precise nature of the unethical practice at issue, and the context in which it occurs. What is the motivation? Are there, for example, as above, some compelling practical facts that explain the practice? What other pressures and opportunities might there be for the unethical practice in question? Another set of questions

concerns the extent of the corruption or unethical practice: Is it sporadic or continuing, restricted to a few “rotten apples” or widespread within the area? Here, as elsewhere, rhetoric is no substitute for evidence-based conclusions.

An integrity system can be described in many different formats. This one uses seven primary divisions around the following dimensions:

1. A complaints and discipline system
2. Recruitment, training, professional development and support systems
3. Investigations
4. Risk management, intelligence gathering and early intervention systems
5. Pro-active anti-corruption intervention systems
6. Ethical leadership, and
7. External oversight.

Each section begins with a review of the literature – covering issues, principles and evidence – and then concludes with a number point list of recommendations. These can be used as a checklist to ensure a department has included all elements of a modern state-of-the-art integrity system. Of course, the real test is the extent to which the system is implemented in a highly committed, energetic and conscientious fashion.

Section 1.

A Complaints and Discipline System

The quality of a complaints and discipline system is of vital importance to eradicate malpractice and build a police department's ethical health. The control of misconduct within policing continues to rely heavily on reported incidents, both as instigators of investigations and as crucial elements in intelligence gathering. It is therefore essential that a complaints system is easily accessible, highly responsive, thorough and accountable. Major problems can easily arise when both the public and police feel unable to lodge a complaint or when they are diverted from complaining by fear of reprisal. Problems also arise when the system is not comprehensive, so that patterns of recorded allegations understate or skew the level of problems across a department. Care must also be taken to ensure that the response to reported misconduct is measured and proportionate. Significant harm can also be done by an excessive, as by an inadequate, response to complaints. Overall, complaints systems need to be able to put in place an appropriate response both to concerns about justice – on the part of all parties involved with each allegation – and to the need to obtain reliable measures and control of ethical standards across the organisation.

Background

For most of their existence, police departments have operated under a simple minimalist model of accountability. The model developed separately with various permutations in the nineteenth century. A key principle was framed in terms of "constabulary independence" (whether at the organisational level or at the level of individual police officers (Miller, 2005: chap. 2): that police should operate at arms length from elected officials, and in practice police commissioners and chiefs have enjoyed much more autonomy than other heads of government departments (Bryett, Harrison & Shaw, 1997). The principle of police independence, and associated notions of the original authority of the office of constable and of police discretion (Miller, 2005: chapl. 2), are important, indeed critical, if the police are to undertake their investigative, public order and other roles in relation to the citizenry at large, and in relation to government, industry and other institutions. However, when it comes to police accountability matters are somewhat different; the principle of police independence in the context of police policing police is highly problematic, indeed unacceptable. In terms of control of police conduct, the traditional system gave primary responsibility to police disciplinary command.

Interventions would occur at varying levels in the hierarchy depending on the gravity of allegations. In larger departments, "inspectories" developed with general audit functions and disciplinary responsibilities. Elected officials provided some external scrutiny and democratic accountability through various means such as questions in parliament. Governments could also resort to independent commissions of inquiry if they were dissatisfied with the treatment of allegations against police. However, the main source of standing external control was provided by the courts. This occurred through the occasional civil or criminal case against police, but on a more routine basis through the examination of police evidence in criminal prosecutions and the application of the exclusionary rule when police evidence was obtained illegally (Sarre, 1989). The main elements of the minimalist model are:

- line management control for complaints investigations and discipline,
- judicial scrutiny of police conduct in the courts and use of the exclusionary rule,
- detached political oversight with resort to independent inquiries as a last resort.

It is now apparent that this model is entirely inadequate to detect and prevent police misconduct in any systematic and reliable fashion. Punch (1983, 2000, 2003) argues that police corruption is rarely a problem at the level of the individual or individuals involved but usually a problem that is systemic within the organisation. Thus, when deviance and corruption occur due to inadequate accountability practices, it should not be dismissed at an purely individual level, but should be addressed organisationally. The result of inadequate accountability is a long history of scandal and mistrust of police in many jurisdictions such as New York (Knapp, 1972), Los Angeles (Christopher, 1991), England (MacPherson, 1999; Scarman, 1986), and various Australian states (Fitzgerald, 1989; Kennedy, 2004; Wood, 1997). The problem was summed up in the Queensland Fitzgerald Report's stinging indictment of internal management of integrity matters:

The Internal Investigations Section has been woefully ineffective, hampered by a lack of staff and resources and crude techniques. It has lacked commitment and will and demonstrated no initiative to detect serious crime... The Section has provided warm comfort to corrupt police. It has been a friendly, sympathetic,

protective and inept overseer. It must be abolished.
(Fitzgerald, 1989, p. 289)

Policing is an occupation with numerous pressures and opportunities for corruption. This structural aspect has combined with the cultural aspect of police solidarity in closing ranks to cover up corrupt practices. A related factor behind the development of widespread and serious misconduct has been a state of management disbelief or denial concerning the systemic nature of corruption risks. The pervasiveness of the "bad apple" meant police departments usually lacked an infrastructure – properly resourced with committed staff – for either dealing with information about possible corruption or for activating preventive programs (Knapp, 1972; Fleming & Lafferty; 2000; Newburn, 1999). However, it is now well understood that a sophisticated complaints and discipline system – an advanced model – is a central plank in the fight against corruption, and also has a key role in promoting integrity and good conduct. A good deal of the work of such a department will involve dealing with a large number of complaints.

The Nature of Complaints

As noted, policing attracts large numbers of complaints – as many as one for every two officers per year (Prenzler, 2002a). Many of these are about "customer service" issues – including tardy responses or rudeness – rather than outright corruption. The customer service issues need to be addressed in ways that reduce complainant resentment and that also feed into improved procedures. At the same time, complaints can provide important information on corruption – such as bribery and fabricated evidence – and more serious types of misconduct – such as assaults. These need to be investigated systematically with a view to identifying possible culpability while also feeding the results into system improvements to prevent repetition in the future.

However, complaints in themselves are generally a poor source of substantive information about police behaviour. Formal investigations are expensive and produce low substantiation rates and low complainant satisfaction (Prenzler, 2002a). It is generally accepted that many complaints against police are "genuine" – in terms of not being malicious and in reflecting the honest perceptions of the complainant (Maguire & Corbett, 1991; Strudwick, 2003). At the same time, the quality of complaints is generally very poor in either the uncorroborated nature of the allegations or the potential for evidence to be obtained. In many

cases it will come down to the complainant's word against the officer's word with no independent witnesses (Griswold, 1994). Additionally, the very fact that police are involved in stopping people committing illegal acts that some people want to pursue means that a considerable proportion of complaints will be retaliatory. As a partial consequence of these factors, most complaints systems have very low substantiation rates – around 10% or less (Lersch, 1998; Pate & Fridell, 1993).

Despite these difficulties, reducing complaints will be a major aim of any complaints and discipline system. However, falls or rises in complaints are difficult to interpret. An increase could reflect improving public confidence in the system rather than lack of effectiveness (Worrall, 2002). A decrease might show that the system is working to deter misconduct or it might reflect citizen disaffection (Walker & Bumphus, 1992). As indicated, final outcomes in terms of punishments are also questionable. A disciplinary system may have high substantiation rates but fail to properly sanction misbehaviour. Conversely, a system may be too harsh and insensitive to the difficulties and provocations of police work. Consequently, while basic quantitative measures of case dispositions need to be collected and considered, they must be augmented with more creative assessments of system effectiveness. Overall, the research on complaints against police presented a number of complexities and difficulties, summarised in the following points (Bassett & Prenzler, 2002; Ede & Barnes, 2002; Ede, Homel & Prenzler 2002; Landau, 1994; Lersch, et al., 2006; Maguire & Corbett, 1991; Thomassen, 2002; Walker, 1997):

- Police usually attract large numbers of complaints (as many as one for every two officers per year).
- Many more people are dissatisfied with their encounter with police but don't complain.
- Most complaints lack legally admissible evidence in any criminal prosecutions or disciplinary procedures – even on the "balance of probabilities".
- Most complaints are not about classic corruption – in the form of graft, fabrication of evidence or serious assaults – but about perceived lack of response, rudeness or rough handling.
- Many complaints are generated by the nature of police work – entailing conflict, deprivation of liberty, the prospect of imprisonment and "heat of the moment" decisions. These actions can be interpreted in quite different ways by participants and onlookers.
- Some complaints are vexatious.
- Most complainants appear to be sincere, even where the complaint is based on a misunderstanding.

- Most complainants are not seeking retribution; rather they are interested in an explanation or apology.
- Formal investigations, especially when conducted by police themselves, tend to increase complainant dissatisfaction.
- Investigations, even when they involve some degree of independent oversight or supervision, typically result in substantiation rates of 10% or less.
- Complaint statistics are difficult to interpret. For example, increases may result from increased misconduct, police arresting more offenders or increased public confidence in the complaints system.
- Analyses of complaints consistently show that a minority of officers and units attract a disproportionately high number of complaints.
- An indeterminate proportion of complaints will be about genuine misconduct.
- Above average numbers of complaints are often indicative of real behaviour problems.

Reception

Under a minimalist model of complaints and discipline police were able to deploy a range of effective strategies for deflecting genuine complaints (Christopher, 1991; Russell, 1978). Simply lodging a complaint was made difficult – with complicated paper work, complainants made to wait for long periods, and failure to communicate in a timely fashion. Officers' accounts were often readily accepted and evidence to the contrary dismissed, while complainants were frequently interrogated and “evidence to incriminate [them]... scrupulously sought” (USCCR, 1981: 68; see also Parks, 2000: 336-337). In Victoria, for example, the Beach and Richardson reports emphasised how many complaints or potential complaints could not even get to “first base”:

In my opinion, the Board's inquiry established beyond any doubt that... there was no satisfactory avenue through which a citizen could lodge a complaint against Police misbehaviour in the expectation it would be thoroughly and impartially pursued. Regrettably, this is apparently due in no small measure to an attitude of the Police mind, which is affronted by the impertinence of the civilian in making a complaint at all, and which then in a defensive reflex, classifies him as a troublemaker, or as being anti-Police, or motivated by malice or ill-will (Beach, 1978: 106-7).

Many lawyers and members of the public had so little confidence in the present system of investigations by the Internal Investigations Department that many serious complaints about the police were not being lodged (Richardson, 1987: 17).

A good complaints and discipline system starts with a reception facility that makes it easy for complainants to lodge a complaint and "tell their story" (USDoJ, 2001: 7-8). This means that a variety of media need to be available, including post, telephone and even the development of web or e-mail based reporting. It is essential that all complaints (or disclosures) are recorded, including anonymous and verbal complaints. Complainants should be made to feel safe and able to provide all information relevant to their complaint. Complainants should also be able to complain directly to the internal professional standards unit or to an external agency, as well as to the police.

Mandatory Reporting and Whistleblower Protection

Given the long history of police cover ups and non-disclosure, including by police who are not themselves corrupt, another crucial key element of an advanced system is a legal requirement that all officers report any observed or suspected misconduct, including hearsay (Fitzgerald, 1989). Police should be prosecuted if undisclosed knowledge of corruption comes to light (USDoJ, 2001: 7-8). Internal informants – when not ignored – were also frequently ostracised, persecuted and threatened. Many police informants have feared for their lives (Fitzgerald, 1989; Knapp, 1972). The potential for the intimidation of witnesses needs to be countered by strong whistleblower protection legislation and an infrastructure that allow for practical protection of witnesses, such as safe houses where necessary (Fitzgerald, 1989).

Investigations

Inquiries that uncover widespread or serious misconduct in police departments inevitably are also harshly critical of how complaints are investigated. The 1997 report of the Royal Commission into the NSW Police Service identified:

An inherent bias in investigations as the result of which the Service failed to carry out impartial investigations or pursue allegations with the same rigour or approach seen in ordinary criminal inquiries (Wood, 1997, p. 201).

Virtually every significant review or commission of inquiry has condemned the record of police investigations in similar terms. Unfortunately, problems of poor investigative quality often continue even after major inquiries and reform. For example, the first review by the New South Wales Police Integrity Commission of the post-reform operations of Internal Affairs provoked it to make a special report to parliament highly critical of investigations. The report provided a detailed catalogue of weaknesses in police processes, including under-resourcing, lack of planning and background checks, insufficient use of surveillance technology, investigators with conflicts of interest, and a general failure to properly pursue cases (PIC, 2000: i-iv):

In a similar example, in 1996 the Queensland Criminal Justice Commission reported on an in-depth review of police investigative methods undertaken under external oversight. The review was conducted by a retired supreme court judge. From a sample of 180 cases, 30 were deemed to have been "inadequately investigated" (CJC, 1996c: 23). A protective style of questioning by police investigators was identified, along with failure to follow leads or secure physical exhibits.

High levels of complainant dissatisfaction are a common feature of minimalist complaints and discipline systems (see Section 7). In a typical survey result from a study in the 1990s – of people who made complaints against the Metropolitan Toronto Police – over 70% did not feel confident with police investigating their complaint. At the end of the process, only 14% felt their complaint had been dealt with fairly, 35% believed police were biased in their handling of the complaint investigation and 15% claimed police did not look at all of the evidence (Landau, 1996).

A major challenge therefore for any modern complaints and discipline system is to follow the proper reception of complaints with adequate investigation (Section 3). This will entail a properly resourced internal investigations section led by experienced successful investigators. Given that internal affairs can carry a stigma, incentives in pay and status need to be utilised. One option is make a period in internal investigations a requirement for investigator training and accreditation or promotion. This may, however, mean that inappropriate persons work in the area. Consequently, senior management need to match responses to conditions to obtain the best investigative capacity. Another part of "getting it right" will involve setting high standards for investigations and ensuring quality through a regular process of independent auditing. External police watchdog bodies have a key role to play here in auditing

investigations and providing feedback for improvements (Section 7). Where police repeatedly fail these tests then it is incumbent on the external agency to take over more of the investigations itself (CJC, 1996c; see Section 8).

Outcomes

The usual complaint about police disciplinary outcomes, made by reviews and inquiries, is that, like the investigation process itself, favouritism is shown to police, either by way of lack of substantiation or by light penalties (ALRC, 1995). In another example from the Queensland Criminal Justice Commission, a special review of police disciplinary decisions was undertaken by a former magistrate. Of 30 charges recommended by the CJC against 19 officers only four had been accepted as substantiated by police, and two of these resulted in "manifestly inadequate" penalties (CJC, 1996c: 15). The auditor conceded that some charges had weak evidence, but concluded with confidence that there were 12 charges involving eight officers where "justice had not been done." (CJC, 1996c: 15). These findings, and public disquiet over prominent cases in which police received light sentences for serious misconduct, compelled the Commission to seek authority to appeal to a tribunal against police disciplinary decisions.

Even where police investigations are of a high quality and result in high substantiation rates the effect is undermined by low level outcomes, such as reprimands and small fines (Dugan & Breda, 1991; Griswold, 1994). The lack of information about outcomes has also been a common problem in reporting on the operations of complaints and discipline systems. Lack of communication directly to complainants about outcomes can also be a problem; and a good complaints system will include a mechanism by which complainants can appeal against the disposition of their complaint.

At the same time that police internal discipline has historically often been considered weak, it can at times also be overly harsh or arbitrary. For example, following the Ramparts scandal in Los Angeles, the Independent Panel charged with evaluating reform in the LAPD found that internal discipline was perceived by officers to be generally weak; but it was also described as arbitrary, unfair, erratic and often overly harsh (RIRP, 2000: 16, 21). A complaints and discipline system needs to be seen as fair, with appropriate penalties, if it is to have the confidence of rank-and-file officers.

Inquisitorial Methods and Commissioner's Confidence

Numerous corruption inquiries have emphasised how police have felt immune from prosecution because of their ability to "beat the rap" under the high standards of proof of the adversarial system in criminal courts. Even where internal investigations are thorough and there is a will to prosecute, the best intentions can be destroyed on the floor of the courtroom (often due to the increased standard of proof in criminal proceedings when compared to that of civil proceedings) (ALRC, 1995; Fitzgerald, 1989). Consequently, a complaints and discipline system can easily fall into the ironic situation where less serious charges against police are substantiated on a lower standard of proof and more serious charges are acquitted on the higher standard (Lersch, 1998). For example, a study of the outcome of charges against police in Queensland found that 35% of criminal charges resulted in an officer being found guilty or resigning; for matters treated as "official misconduct" the figure was 50%, for "misconduct" 74% and "breach of discipline" 78% (CJC, 1997: 66-67). The study also found that officers who face criminal charges are much more likely to plead not guilty because of the greater potential penalties.

One effect of failed outcomes in the courts is to make internal affairs even more prosecution averse and offenders remain unpunished. However, there is a growing trend to recognise that punishment should not be the primary goal of a complaints and discipline system (Ede & Barnes, 2002). The focus should be on the more positive and productive area of behaviour management and improved police-community relations, but with an essential capacity to remove unsuitable officers. From this perspective, a key strength of an inquisitorial system is its flexibility. There must be a capacity to identify and remove incorrigibles from police work. Having an inappropriate officer out of the job is likely to be of more value in many cases than having the officer in jail – especially when pursuit of the jail option entails the high risk avenue of the criminal courts. Hence the uptake of "commissioner's confidence" provisions – or "lack of confidence" – as an efficient means of removing unsuitable staff through an administrative process. At the same time, there must also be a capacity to deploy a range of complaints resolution and behaviour modification techniques that restore public confidence and realign officer behaviour with organisational standards (see below). Moreover, as with any institutional device that provides for special powers in the hands of an individual at the apex of an hierarchical organisation, there needs to be commensurate

accountability, and natural justice and other protections for those subject to those powers.

At the core of the inquisitorial approach is the capacity to substantiate allegations and apply an effective response. Despite the diminution in the severity of possible punishments, deterrence remains a key component of the mechanism. Because many police are committed to a police career, and have families and mortgages, they have a strong stake in conformity and are therefore responsive to perceptions of the probability of detection and punishment. Deterrence is assisted by a standard of proof based on the balance of probabilities with matching non-criminal sanctions. The most powerful sanction in this system is employment termination. But the system can include lower level penalties that can assist in behaviour modification, including demotion, fines, pay point deductions and and shaming – as well as providing a sanction for an offence. However, arguably penalties that are essentially punitive rather than performance-based, such as fines, are out of place in a performance-focussed organisation. In such an organisation employees who underperform, including in terms of ethical behaviour, are either judged to be retrievable or they should be terminated on performance grounds. If judged to be retrievable – because capable of meeting performance requirements - then the appropriate organisational response is counselling, retraining, close supervision and the like.

Officer Rights

An inquisitorial system trades off lower penalties against traditional rights that apply in an adversarial system, especially the right to silence. Officers brought before disciplinary hearings or tribunals must answer questions or face contempt proceedings. The process should not, however, extend to the denial of the right of appeal or denial of legal advice. For police to have faith in the system there must be avenues of appeal to an independent third party, such as a tribunal. If stakeholders believe that the system is safe, accessible, responsive, fair and effective they are more likely to use it, and more likely to believe that the police force as a whole is genuine in its commitment to ethics. Officers need to be fully informed of the structure of the system, the types of offences and range of penalties that apply, and their rights and responsibilities within the system. Responses also need to be timely, as officers are likely to be highly stressed when under investigation or with outstanding complaints against them. Confidence must also be built through the communication of case outcomes to individuals and through a process of general

reporting that allows transparency in all non-confidential matters.

Setting Standards

What constitutes misconduct is usually defined in criminal law and in police administration and police powers legislation. Over time, police have also refined professional codes of ethics to more clearly define standards of conduct. There is now a strong consensus at the official level in most democracies about core principles that should constrain and direct police decision making. One of the best expressions of this consensus is the Law Enforcement Code of Conduct, developed by the International Association of Chiefs of Police (IACP, n.d). The code addresses specific issues, upholding protection of confidential information, rejecting bribes and gratuities, and supporting co-operation between lawful agencies. The most important of the general principles is the requirement to enforce the law, protect human rights and assist the public equitably, without discrimination. In the words of the code:

A police officer shall perform all duties impartially, without favour or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity (IACP, n.d: 1)

In terms of the use of force, the code also emphasises threats and force should be used "only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective." (IACP, n.d: 2)

These principles can be usefully built into police pre-service and in-service training (Section 2). But they also have value when they are enforceable as part of the complaints and discipline system. The clearer the standards, and the greater the number of examples, the more police can be confident about how to behave when faced with ethical dilemmas. Similarly, the clearer the code, the more confident decision makers may be on disciplinary panels when evaluating officer conduct once the facts have been ascertained. A code of conduct should therefore be much more than a set of ideals. It should be a very clear set of standards, applied in a very practical way, as part of the day-to-day operations of a complaints and discipline system (Kleinig, 1996). The code should also be comprehensive in covering all areas of police ethical decision making and areas of public

concern including gratuities, the management of demonstrations, pursuit policies and the use of discretion.

Restorative Justice and Alternative Dispute Resolution

As indicated, there has been a clear trend in police accountability away from a simple investigate-prosecute-punish model of discipline towards more creative, positive and productive ways of responding to complaints. One option in that regard is "alternative dispute resolution", "mediation" or "restorative justice". Surveys indicate it is possible for police to obtain high levels of complainant satisfaction by these means, and that meetings can be instructive for police in regard to how the public respond to their actions (Bartels & Silverman, 2005; CJC, 1994; Ede & Barnes, 2002; Walker, 2001; Young, et al., 2005). Mediation is particularly good for responding meaningfully to the large number of complaints where evidence of misconduct is poor and the issues are more in the "customer service" realm. But even where allegations of misconduct are substantiated by investigations, there is also support from stakeholders for selective use of non-punitive outcomes such as apology. This represents an application to the police complaints and discipline process of the philosophy of restorative justice (Smith, 2004; Young, et al., 2005).

Complaints, Intelligence Analysis and Early Warning Systems

An additional common feature of traditional and ineffective complaints and discipline systems is to deal with complaints on a case-by-case basis from a narrow legalistic perspective, rather than identifying patterns of misconduct and developing organisational remedies (Wood, 1997). In this regard, theorists have made a distinction between "deterrence models" and "evaluation models" (Bayley, 1992). An effective evaluation oriented system for ensuring police integrity will need to do much more than merely respond to complaints. Complaints need to be analysed with a view to identifying patterns and trends that are amenable to preventive initiatives.

A number of other methods are available in the area of "diagnostics" and prevention that can be related to complaints data to provide a wider picture of ethical issues in the organisation (Brereton, 2002). These include regular "ethical climate" surveys, which can reveal attitudinal support for forms of misconduct and gauge changes over time in response to changing management strategies. These surveys also usually

include questions about perceptions of misconduct amongst colleagues and levels of management commitment to ethics (e.g., Ede & Legosz, 2002; Frank, McConkey & Huon, 1995; Huon, et al., 1995; Klockars, Kutnjak Ivkovic & Haberfield, 2004; Klockars, et al., 2000). Interviews or surveys of arrestees are also a potentially useful source of information about police practices (e.g., CMC, 2000). Public “confidence” surveys allow for general measures of public perceptions of police integrity; while surveys of persons who have contacted police (including “crime victim” surveys) allow for a more specific picture of public experiences of police practices (e.g., Productivity Commission, 2007).

Advanced Techniques

Successful judicial inquiries into police corruption have provided crucial lessons about practical strategies to reveal misconduct, especially in the area of covert techniques. These include the use of undercover agents and informants (including “turned” police informants), covert recording devices, and integrity tests. The NSW Police Integrity Commission adopted telecommunications interception as “an essential and cost effective strategy” in large part because “the Royal Commission found its use of electronic surveillance was the single most important factor in achieving breakthroughs in its investigations.” (PIC, 1998: 24). Drug and alcohol tests have also been successfully applied in reform programs. A simple or traditional set of investigative techniques – based on interviewing witnesses and collecting available forensic data – will generally be incapable of revealing secretive police corruption. Advanced techniques need to be included in the repertoire of investigative processes triggered by complaints, as well as operating as parallel proactive integrity strategies (see Section 5).

A Professional Standards Department

Police administrators and all stakeholders in the area of police conduct must accept that anti-corruption measures must be much more aggressive than in the past. A key element of a progressive approach is the creation of internal affairs departments solely dedicated to the investigation of complaints and other intelligence about corruption (Henry, 1994). The advantage of a specialist unit is that it cannot be distracted by other tasks and is accountable – in theory at least – for any failures in conduct. It allows for the development of specialized skills and knowledge about corruption, and for the selection of committed investigators (Knapp, 1972). It also allows for the

collection of data about conduct across the whole department, and the enforcement of common standards and procedures. If complaints and misconduct are handled exclusively at the local level there is enormous scope for inconsistency, the development of "safe havens" and the entrenchment of long term problems. Local area commanders may even be involved in corruption, further adding to the unlikelihood of any disclosures and repair.

At the same time as centralisation has been applied to integrity systems, one of the trends apparent in police disciplinary processes has been the resolution of complaints at the local area under schemes sometimes framed as "managerial resolution" or "local resolution" (Ede & Barnes, 2002; Seneviratne, 2004). The rationale for this is that it is more effective and more personal, (for both officer and complainant), and encourages greater responsibility for prevention at the local level. However, what is critical is that complaints are referred back to the local area only after central reception and that there is close monitoring of the local processes.

Adequate resourcing of a professional standards unit is crucial to the success of a complaints and discipline system. Although resources are always subject to competing demands and cut into core service delivery, an adequate response to complaints is a major test of a police department's commitments to ethical standards. Performance measures (below) in association with assessment by the external watchdog agency will be of significant value in assuring resourcing is adequate.

Performance Indicators and Quality Assurance

An effective system of complaints processing will need to develop measures of quality control (CJC, 1997). One important method is regular surveys of complainants. Three year intervals probably provides for a reasonable schedule. Surveys need to ask probing questions about how the investigation was conducted; including types of questions asked, the attitude of the investigators, timeliness, and the adequacy of communication (CJC, 1994; Maguire & Corbett, 1991; Landau, 1996). Surveys of police officers are also important for obtaining general perceptions of the system and specific information about experiences with the system from officers who have been the subject of complaints. Public opinion surveys are important for gauging awareness of the agency's services and powers and perceptions of its effectiveness. Police professional standards agencies also need to have the case files from their investigations and disciplinary decisions regularly audited by an independent agency with

proper professional representation on the auditing board (such as lawyers and reputable investigators). Auditing can be on a systems basis (testing the processes) or on the basis of randomised checks of files (and the like). Auditing can include interviews, where auditors seek explanations for decisions before making final evaluations. Occasional evaluations by external consultants can also be of value (Hoque, Arends & Alexander, 2004; Kaptein & van Reenen, 2001; PIC, 2001).

Recommendations

1. Police departments need to establish internal professional standards units, commanded by a senior officer, with adequate powers and resources to identify and prevent corruption. The unit should operate to ensure consistency in complaints processing, independence from local police loyalties, and to develop a central repository of data to inform proactive prevention strategies. The unit needs to be independent of the main chain of command to prevent interference.
2. The system for receiving complaints needs to be made easy for complainants. Complainants should be strongly encouraged to make signed complaints in writing, including contact details. At the same time, all complaints (or disclosures), including anonymous and verbal complaints, should be recorded. Complainants should be made to feel safe and able to provide all information relevant to their complaint. A variety of means and locations need to be available to cater to the concerns and needs of different complainants, including making a complaint outside the department to an external agency.
3. Complaints systems need to be buttressed by internal compulsory reporting legislation and strong whistleblower protection legislation and enforcement mechanisms.
4. All complaints should be analysed by the professional standards unit and decisions about the disposition of cases made at the central level. Decision making processes should include consultation with local area commanders where appropriate, and allow for local application of decisions. (See also caveats regarding external oversight mechanisms and complaints in Section 7.)

5. Professional standards units need to employ quality investigators and apply quality standards to investigations (see Section 3).
6. Benchmarks about timeliness in the disposition of cases should be developed, pursued and monitored.
7. Complainants and police subject to complaints should be kept informed about the progress of their case.
8. There should be as much transparency as possible in the system including reportage of the full disposition of complainants including numbers and types of complaints, completion times, final outcomes and appeals.
9. Forms of mediation should be available to resolve the large numbers of complaints that are minor or carry little hard evidence of misbehaviour.
10. There needs to be a mechanism by which complainants can appeal against the disposition of their complaint.
11. There needs to be a mechanism for prosecuting vexatious/malicious complainants.
12. A formal taxonomy and hierarchy of complaints should be developed to guide the analysis and disposition of cases. This should include an enforceable code of conduct that can also be used for ethics training.
13. Complaints systems need to be efficient and effective and, therefore, streamlined rather than complex and overly bureaucratic; the deployment of investigators' time and other resources should be a matter of strategic determination, e.g. weighted in favour of verifiable complaints of serious ethical misconduct, focussed in part on improving complainant satisfaction, rather than the ongoing and politically motivated consumption of scarce police resources on elaborate, process-driven complaints systems that generate a 'tick-the-box' mentality, but do not result in the conviction and/or termination of corrupt police or in an acceptable level of complainant satisfaction.
14. The system should be inquisitorial, focused on finding the truth and achieving the best resolution of a matter. Punitive responses need to be balanced against remedial responses by deploying a range of options including re-training, mediation,

and – as a last resort – dismissals. Consideration should be given to criminal charges only after administrative procedures have been completed.

15. An inquisitorial approach – waiving the right to silence and employing a civil standard of proof – must be matched by access to legal support, an appeal tribunal, and counselling and other support services. Police will need to be thoroughly informed about the system and their rights.
16. Prevention must be the ultimate aim of a complaints and discipline system. A prevention oriented system will integrate findings from investigations within a larger research-based risk management approach to integrity that includes integrity profiling of officers and organisational units, with separate studies on special issues such as new weapons, public order strategies and police powers (see Section 4).

Section 2. Recruitment, Training, Professional Development and Support Systems

Police departments have developed a range of tests in recruitment designed to screen out applicants who have a record of misconduct or who appear vulnerable to having their integrity compromised by police work. Aspects of testing also attempt to select in potential officers with qualities resistant to the pressures and temptations that lie behind police corruption. Once selected, these persons are then subject to training systems that communicate, test and reinforce organizational standards. Pre-service training also presents opportunities to further eliminate candidates who display inappropriate behaviours. Although common forms of screening do not represent an exact science, there is a high degree of consensus about the basic form these should take – including criminal history checks, character references, panel interviews and psychological tests. And although there is little in the way of strong evidence of “what works” in ethics training, there is also a range of ethical competencies and knowledge – such as codes of conduct and their rationales, and how to manage ethical dilemmas – that in principle should be communicated to all police over their career as part of the accountability obligations of police departments.

Background: Recruitment

Recruitment is recognized by all modern police departments as a key opportunity to exclude persons predisposed to crime, violence, emotional volatility, deception, rudeness and other forms of misconduct or poor service. The importance of integrity screening was brought home by the 2000 report into police corruption in the Rampart Area of Los Angeles:

Pre-employment information on four of the profiled officers raises serious issues regarding their employment with the Department. Criminal records, inability to manage personal finances, histories of violent behaviour and narcotics involvement are all factors that should have precluded their employment as police officers (Parks, 2000: 332).

Significant resources are now placed into attracting and selecting the right recruits as a vital first step in a comprehensive integrity system. In sum:

Systematic integrity screening of police applicants is an important mechanism for promoting organisational

integrity, along with measures aimed at modifying the attitudes and behaviours of serving officers, reducing opportunities for police to act improperly, enhancing supervision, and reforming the more negative aspects of the organisational culture... Improved screening at the "front end" will make it easier to implement these other strategies. It is also much more cost-effective to exclude ethically suspect individuals at the outset than to have to deal at a later stage with problems that may result if such applicants become police officers (PEAC, 1998: 66).

The main elements of recruitment for integrity are:

- Promotional material that emphasizes a commitment to integrity,
- Criminal history checks and automatic exclusion for disqualifying offences,
- Character references, especially from employers,
- Psychological tests that are able to flag possible negative character traits such as a predisposition to deception, anger or grandiosity, or the absence of positive ones such as an inability to handle stress or reluctance to exercise authority,
- Panel interviews that probe applicants' ethical awareness and personal principles, and follow up investigations of possible adverse indicators.

These, and associated, elements of integrity screening are set out below.

Promotional material

Advertisements that announce recruiting rounds and communicate the benefits of a police career now also include the importance of a personal commitment to integrity. Material of this nature is designed to both encourage those who may have knowledge of previous misconduct problems in a police department and deter those with a predisposition towards misconduct. These advertisements, and a more general message about a department's integrity system, also signal to a wider audience that the department has a strong commitment to ethical policing (Mollen, 1994: 112).

Criminal history checks

Checking whether police applicants have criminal records is probably universal in democratic societies. Evidence of past offending is deemed evidence of possible future lack of honesty

and/or temperament. As well, knowledge that some police have criminal pasts would seriously impact upon public confidence in the police. Criminal history checks are conducted by matching the jurisdiction's criminal records against the applicant's name and any alternative names. Fingerprinting provides a follow up mechanism (PEAC, 1998: p66ff). Checks should cast the net as wide as possible to include national criminal record databases, as well as country of origin checks where feasible. Checks of this nature can include service records for those who have worked in the defence forces (PEAC, 1998: 66).

Where police agencies differ is in the degree to which they tolerate evidence of minor criminal behaviour (Mollen, 1994). Some agencies take a zero tolerance stand, including in the area of traffic offences. Others, though, where candidates generally present strong professional suitability standards, are prepared to overlook minor convictions of non-violent and non-economic types – typically driving offences. Others may tolerate relatively minor offences, such as shop theft, when the criminality occurred during childhood or adolescence and where there is evidence of many years of desistance. These offences should, however, be noted for consideration as part of the capture of indicative data that might trigger closer investigation of an applicant (PEAC, 1998: 67).

Referees

Another normal practice, common in all employment application processes, is to obtain written references from people who have had experience with the applicant (Ferguson, 2003). Questions will normally relate to a variety of qualities desirable for police, with integrity questions focused on character and attitudes. This area is problematic in that referees may not be of good character themselves or may distort reports to favour an applicant for whom they have a personal liking. Selection panels will therefore need to consider how authoritative the referee appears and engage several referees who have not had contact with each other. Referees are expected to be of good standing, and to have been in positions enabling them to report on the qualities of potential recruits – as friends, acquaintances, former work colleagues, employers or managers. Police agencies vary, though, in the extent to which they require evidence (referenced or otherwise) of the good standing of referees. Doubts can be addressed in part by follow up interviews with referees (PEAC, 1998: 92). Some agencies expect applicants to include references from police officers (PEAC, 1998: 68), although this

could be considered unfair and contribute to a closed society of police.

Panel interviews

Almost all police agencies use face-to-face interviews to examine the motivation, appearance, interpersonal skills, attitudes and values of potential recruits. Variations occur in the training and preparation of interviewers (e.g., the use of behaviour-based questions) and the composition of interview panels (police, non-police, use of external independents). In New South Wales interviews were dropped when police moved to a university-based recruit education program because students undertook a significant period of on-campus training before being offered employment.

Panel interviews provide an opportunity to test personal statements made in applications, and to present applicants with ethical scenarios. Procedural fairness is extremely important in these delicate areas. The same questions should be asked of all applicants, and all questions must be overtly relevant to policing. In general, applicants should be allowed time to consider their answers and not be cut short in their replies. Numerical scoring of applicants' across different criteria also helps in reducing subjectivity and unfairness. Formal training of all interviewers is essential to ensure proper procedures. (PEAC, 1998: 56-69)

Home visits

Some police departments use home visits, where practicable, in their recruit selection processes. The appearance of homes, and home-sharers is deemed to provide indications of the respectability of potential recruits. Home checks can include interviews with neighbours. (PEAC, 1998: 68)

Intelligence checks on associates

Criminal history checks can be extended to include close associates, friends and family – given concerns about potential links between police and organised crime groups or serious offenders (Ferguson, 2003: 20). More general checks can be conducted through intelligence databases. Applicants should be required to disclose the names of close associates and any knowledge they may have of possible criminal activities. Some inquiry reports recommend that these checks are undertaken by trained specialists or retired police (e.g., Ferguson, 2003: 20).

Character checking in pre-employment educational programs and probation

Police pre-employment training is structured in different ways. While many departments retain the basic recruit academy training system, others have adopted various shared systems with universities. However, regardless of the location and length of training and education prior to trainees being sworn in, classroom observations, skills training and simulated patrol exercises enable faculty staff to assess general conduct and character of potential recruits. These situations provide a crucial opportunity to identify unacceptable behaviour such as cheating, sexism and racism, harassment, drunkenness, unjustifiable defiance, and other problem behaviours.

The use of probationary periods for new officers provides a vital further check on personal standards before full attainment of the office of constable. Probationary periods are also variable, but a period of at least one year under close supervision and assessment is probably essential before an adequate level of confidence in the preparedness of probationers can be achieved (PEAC, 1998: 85).

Higher recruitment age

Increasingly, police reformers have advocated the raising of the minimum recruitment age (Mollen, 1994: 116; Wood, 1997). Schemes that allow recruits to enter police forces directly from school (such as cadetships) have fallen out of favour as breeding grounds for a negative conformist culture (Fitzgerald, 1989). Extended work experience provides greater opportunity to test the character and conduct of potential recruits. Higher entry age requirements also generally bring more maturity and resilience of character in recruits (below), and allow a greater period of time for criminal and traffic offence histories to come to light.

Personal financial checking

Checking the personal financial standing of potential recruits is undertaken on the grounds that weakness in this area would make recruits more vulnerable to forms of economically-motivated police corruption (PEAC, 1998: 79). Sources can include voluntary disclosures of bank records and checks with credit reporting agencies. Privacy laws are likely to prevent employers accessing data from credit rating agencies. However, employers can require applicants to supply a copy themselves. The ethical justification for this is summed up as follows:

- Police occupy a special position in the community and need to be subject to extra checks and balances compared to the rest of the community
- There is a strong link between police facing financial difficulties and corrupt behaviour – the public interest in preventing corruption outweighs the individual's interest in his or her privacy...
- The credit file will not be used to determine an application, but merely placed before the integrity Committee as relevant information (PEAC, 1998: 81).

Higher educational standards

Australian commissions of inquiry into police corruption and maladministration – including Neasham (Victoria), Lusher and Wood (New South Wales) and Fitzgerald (Queensland) – have placed significant emphasis on the connection between police reform, the education of police officers and the minimization of corruption. Each contained a trenchant criticism of conventional police training. Each called for an improvement in the standards and level of police, and each looked forward to a time when police foundational training would be provided through a higher education provider. Wood (1997) specifically called for all recruits to undertake a pre-employment degree in policing practice. The rationale for this reform direction was complex. In part, conventional police academy-based training was seen as too sealed off from society generally, involving a process of subordination and control that cut recruits off from the wider society. The quality of the training was seen as narrow, mainly composed of rote learning of law, procedure and drill. It was argued that only a course taught through a professional educational organization could guarantee the standards of pedagogy and depth of knowledge and skill required for good policing.

A century ago in the US the police reformer August Vollmer, seeking ways to reduce crime, called for the employment of college graduates. Advocates of police professionalisation, like Vollmer, argue that tertiary education offers a broader awareness of the social context of policing and improved management skills; as well as making improvements in basic operational skills of communication, negotiation and problem solving (Dantzker 1992; Potts, 1981). Other proposed advantages of tertiary education for police include the development of greater understanding and tolerance of minority groups and differing lifestyles, and more ethical decision making

(Carter, Sapp & Stephens, 1989). The general conclusion appears that higher education, other things being equal, has a favourable impact upon both integrity and performance; including complaint levels, sickness rates and stress levels; without a correlation with higher separation rates (Aamodt, 2004; Carter & Sapp, 1992; Jones, Jones & Prenzler, 2005; Sherman, 1978a). Education levels are in fact predictors of academy performance across all aspects of training (CJC, 1996a; PEAC, 1998: 41).

Personality and psychological testing

Many modern police agencies require applicants to undertake some form of personality and/or psychological testing, which includes a strong ethics component (Aamodt, 2004). Research has shown that adverse scores on some test measures are predictive of higher numbers of complaints and problem behaviours (Aamodt, 2004; Boes, Chandler & Timm, 1997; Macintyre, Ronken & Prenzler, 2002; Sced, 2002). Popular tests in police recruitment include the MMPI-2 (Minnesota Multiphasic Personality Inventory) and 16PF (Sixteen Personality Factor). These tests can identify a range of desirable and undesirable traits including emotional stability, honesty, impulsiveness, defensiveness and aggressiveness; and a range of psychological disorders. A study using Victoria Police data, in a period when MMPI-2 results were not applied in a strict manner, included a financial cost dimension (Macintyre, et al., 2002). There were 141 officers in the sample who were recruited despite being deemed “undesirable” by psychological assessors using the MMPI-2. They accumulated a total of 956 complaints in a 10 year period. At a cost of \$21,000 per complaint investigation, this resulted in a loss of \$20,076,000 to the Force. Additional costs not factored in included the replacement costs of officers who were dismissed.

Generally speaking, psychological tests are used in integrity screening to “flag” possible problem behaviours and attitudes rather than trigger automatic exclusion. This is because tests do not have 100% predictive accuracy. The problem of “false positives” means that applicants could be excluded who would not demonstrate undesirable behaviours in the future. Consequently, adverse scores on undesirable measures should be used to direct further investigation of an applicant’s suitability – such as through an interview-based psychological assessment and wider interviews with associates (Macintyre et al., 2002; PEAC, 1998: 53).

Self-declaration testing

Another “test” that can be applied for police recruitment requires applicants to answer a range of questions about their work histories, driving records and financial state. Some include highly detailed questions about dishonest behaviour, sexual misconduct, and other types of delinquency including illegal drug use. These tests serve a number of functions. They deter applicants who might otherwise be able to conceal disqualifying behaviours that would not be detected by other tests. The results may provide evidence for recruiters to automatically exclude inappropriate candidates, or to conduct follow up investigations. And they provide an efficient administrative mechanism for removing inappropriate candidates further down the process if it is subsequently found that they lied or engaged in misleading responses.

Polygraph testing

Australian police departments appear to have been averse to the use of “lie detectors”. About two-thirds of American police agencies require applicants to undertake a lie detection polygraph test (Cochrane, et al., 2003; Reaves & Goldberg, 1999). These tests are controversial and, like psychological tests, are not 100% accurate. They may, however, be useful as part of a broad set of indicative measures. The LAPD Rampart Board of Inquiry recommended that:

Polygraph examinations should be administered routinely to all police officer candidates prior to conducting their background investigation with a particular emphasis on drug use and integrity issues. The cost associated with this effort will undoubtedly be offset by the reduced costs associated with disciplinary and litigation processes generated by problem officers (Parks, 2000: 334).

Illicit drug testing

Drug testing has also been introduced into the battery of recruitment tests in a number of departments. A 1999 survey of integrity measures used by Australian police departments found that the AFP was the only agency that had adopted drug testing in recruitment, although other departments had the tests under consideration (Prenzler & Ronken, 2001). The significant problem of drug corruption has led most of the more recent inquiries and reviews in North America and the UK to recommend drug testing

of both serving officers and all applicants (e.g., Ferguson, 2003; HMIC, 1999a, 1999b; Mollen, 1994).

An integrity committee

The above discussion drew a distinction between matters that are cause for automatic exclusion from recruitment and those that are considered problematic or that in combination appear problematic. One mechanism that has been recommended for managing problematic cases is through the deployment of an "integrity committee" (PEAC, 1998: 71). The committee should consist of senior staff including top management of the Human Resources branch and the professional standards unit. The committee can direct that further investigations be made and review all the available evidence related to an applicant's integrity in order to make a final decision on recruitment.

Codes of Ethics

Police officers need to know what is expected of them, and this goes for ethics as for any other dimension of policing. Hence the importance of codes of ethics and codes of conduct. Codes of ethics set out general principles and values. Codes of conduct set out the detail of the specific requirements and protocols. A code of ethics and a code of conduct should constitute an integrated whole. Codes of conduct might exist under another name and, for example, consist of a diverse assemblage of those legal and administrative requirements that are of an ethical nature. However, these should be consolidated into a detailed code of conduct. In the case of police organizations, the latter would include protocols in relation to ethically sensitive areas such as use of force, covert policing and informant management. Moreover, the structure of accountability for ethical misconduct, including processes for adjudication and appeal, needs to be clearly articulated and disseminated (Kleinig, 1996).

A further point is that codes of ethics and codes of conduct need to be "owned" by the police officers themselves. Accordingly, there is a need for police to participate in the development of codes, and not simply be on the receiving end of standards handed down by senior management. Codes also need to be revised in light of new developments, such as changes in policing technologies. Codes should also be enforceable; otherwise they tend to be little other than window-dressing. Accordingly, evaluations of the operation of codes should be undertaken periodically. Surveys of the perceived utility and relevance of codes will enhance this process.

Recruit Ethics Education

Recruit academy training should entail detailed, “stand alone”, systematic training in the department’s code of conduct and ethical issues (HMIC, 1999b; Kennedy, 2004; Parks, 2000). It is essential that code positions are not simply asserted, but that the rationale is developed. For example, the complete prohibition on gratuities – a standard provision in police codes – needs to be explained in terms of the democratic principle of impartial policing. Police who accept gratuities enter a situation of obligation and generate the appearance of potential bias. It is also essential that police are trained in how to deflect offers of gratuities without causing offence (HMIC, 1999a: 43ff; Kleinig, 1996; Prenzler & Mackay, 1995).

Police ethical dilemmas are predictable and standard responses need to be practiced in live simulations; as well as giving recruits skills to independently negotiate more complex and ambiguous ethical dilemmas within the organisation’s mandated framework. This approach is further enhanced through the analysis and discussion of hypothetical and real life ethical scenarios (Newburn, 1999; USDoJ, 2001: 14). Inquires have also recommended the use of mixed police-civilian teaching teams to ensure there is a counter to a possible traditional attitudes supporting unethical behaviour (Kennedy, 2004; Wood, 1997).

The danger is that in a crowded academy curriculum ethics is downsized to make space for the seeming imperatives of operational procedures, so that ethics is seen not only as a minor issue but a separate issue to “real” policing. This argument was made in a recent evaluation of police training in England and Wales. White (2006) alleged that training lacked “a moral compass because its methods have become separated from its purposes”:

The current vogue for “National Standards” and “Competence Frameworks” ... permit(s) a dislocation of training methods from the purposes of policing and support(s) unhelpful binaries such as theory/practice and fact/value. The unintended consequences or “hidden curriculum” of this approach is that police training reinforces traditional cultural prejudices and inhibits major change programmes (e.g., problem-solving, diversity, community-focus). It is concluded that progress demands the development of an ethical foundation for a policing practice rather than a technical one (2006: 386).

Professional Development

Professional development is partly knowledge and skills updating – familiarizing oneself with and developing competence in vocational best practices – and partly a recommitment to the tasks in which one is involved. Included in that should be a deepened ethical awareness and greater ethical facility. One ought to be able to presume ethical growth as well as a growth in competence.

Maintenance, and indeed advancement, of police knowledge of ethics is essential given the well documented process of deterioration of recruits' high personal standards as a result of experience on the job and pressures from inappropriate aspects of the police organisational culture (Catlan & Maupin, 2002). The effects of in-service training in ethics is uncertain, as it is for recruit training. However, there is a strong obligation on police management to ensure staff retain ethical competence and remain fully conversant with the ethical standards of the department. As officers move into management positions it is also essential that they become more competent in ethical leadership and corruption prevention (Section 6). In-service ethics education, like any in-service training and education, needs to be accessible and take into account work/family balance issues. Some kinds of incentives, such as pay point increases and time off for study, are probably essential to involve all or most staff.

Ethics Committees

In many organizations and professions, particularly those in which high levels of public trust are involved – such as hospitals, medicine generally, law – ethics committees have been set up to respond to issues that are encountered by providers or to comment on initiatives that might be planned in cases in which conflicts of interest might be involved. These committees can commission research, develop ethical white papers on matters of organisational concern (e.g., public swearing, courtesy, gratuities, new technologies, how to complain, etc) and contribute to improving ethical policy and operational standards. Overarching this whole enterprise is the conviction that an ethic of professionalism is not merely an add-on but a foundational expectation of policing, part of the “social contract” that exists between police and public (HMIC, 1999a).

Recommendations

Most large police agencies have in place selection protocols designed directly or indirectly to weed out applicants who are of bad character and at some risk of being vulnerable to corrupting influences if employed as police officers. There is considerable research into the use of personality testing as predictive of performance (Aamodt, 2004). There is considerably less research evidence of the impact of other selection testing on subsequent police behaviour. However, as Delattre (1994) has warned, when large police agencies seriously compromise their selection standards in efforts to quickly increase police numbers, invariably they have later discovered significant increases in numbers of corrupt police. In addition, the capacity for a negative police culture to erode the personal ethics of early career officers means that there needs to be continual communication and reinforcement of organisational ethics through pre-service and in-service ethics training and testing throughout an officer's career. The following summarises the core elements of best practice in integrity screening and ethics training protocols.

1. Recruitment advertising should emphasise the importance of personal ethics and the use of integrity screening in selection.
2. A full battery of integrity checks should be used on all applicants:
 - Criminal and traffic history (including fingerprinting),
 - Written reports from diverse referees (with some checking on referees, such as through telephone interviews),
 - Structured panel interviews that cover integrity topics,
 - Formal training of all panel interviewers,
 - Home visits,
 - Criminal intelligence checks on associates,
 - Higher recruitment age (above 20 years),
 - Personal financial checking,
 - Higher educational experience,
 - Personality and psychological testing,
 - Self-declaration testing,
 - Polygraph testing requires research and experimentation in Australia,
 - Illicit drug testing.
3. An integrity committee should be used in recruitment to review all cases where there are any integrity issues

associated with an applicant that require further investigation and resolution.

4. All police departments require comprehensive detailed and enforceable codes of conduct covering the complex areas of police ethical decision making.
5. Recruit academy training should entail detailed systematic training in the department's code of conduct, involving simulations and scenarios, delivered by mixed police-civilian staff. Integrity training should be both "stand alone" and "embedded", with ethics seen as permeating all aspects of police work.
6. There should be a mandatory continuing education program in ethics for all officers.
7. An ethics committee should be established that monitors ethical issues in the organisation and provides direction where required.

Section 3. Investigations

Background

As outlined in Section 1 above, virtually every significant review or commission of inquiry has condemned the record of police investigations of police corruption and misconduct. Moreover, problems of poor investigative quality often continue even after major inquiries and reform. Thus the first review by the New South Wales Police Integrity Commission of the post-reform operations of Internal Affairs made a special report to parliament highly critical of investigations. The report provided a detailed catalogue of weaknesses in police processes, including the following: (PIC, 2000: i-iv)

- lack of proper planning of investigations,
- failure to engage in background checks – for example, on officers’ complaints histories – before conducting an investigation,
- inadequate use of electronic surveillance,
- insufficient encouragement to officers to make admissions,
- insufficient encouragement to officers to disclose misconduct by colleagues,
- investigators involved in conflicts of interest, such as investigating a colleague in their work area,
- officers investigating other officers superior in rank,
- a general lack of rigour,
- less rigour applied than in comparable cases in which the suspect was a member of the public,
- Internal Affairs under-resourced,
- 43% of cases where the police decided not to investigate should have been investigated,
- 22% of cases where police decided to take no further action should have been pursued.

A 2001 study of NSW Police internal investigations into serious drug-related police corruption came to similar conclusions (Miller, et al., 2001): not only was the quality of internal investigations poor but also that there were too many investigations, with the emphasis on bureaucratic processing of complaints at the expense of quality driven investigations.

This section develops a number of principles canvassed in Section , “A Complaints and Discipline System”, in the area of quality in investigations. It sets out a relatively comprehensive set of criteria for quality in police investigations by professional

standards units, and some additional reference to associated performance indicators. There is very little in the policing literature on standards for internal investigations, although there are numerous standards to be applied from the wider literature on investigations and performance indicators. The literature on miscarriages of justice is also highly relevant. The nature of investigations of misconduct indicators, such as complaints, and follow up responses are crucial for establishing an ethical climate in a police organisation. For example, a recent US National Institute of Justice study *Enhancing Police Integrity* found:

Officers learned to gauge the seriousness of various types of misconduct by observing their department's diligence in detecting and disciplining those who engaged in police misconduct (NIJ, 2005: 3).

Quality of Investigations: Criteria of Quality

Competence of investigator

Self-evidently investigators need to have the necessary training, e.g. have successfully undertaken an investigator's course, experience, e.g. have undertaken a reasonable number of complaints or similar investigations, aptitude, e.g. have displayed the necessary capacity for logical thinking and open mindedness, and demonstrable expertise, e.g. have successfully completed previous investigations. Accordingly, competence and performance indicators, e.g. audit of the investigator's past investigator reports, prosecution outcomes, complainee and complainant's degrees of satisfaction, need to be developed to determine what counts as a competent investigator, and these should be applied to investigators in a systematic and objective manner. Experts also emphasise that internal investigations requires specialist training:

Inevitably, many of the anti-corruption investigations require highly specialised skills and equipment. It is important that all staff deployed in these investigations are appropriately trained, and HMIC recommends that such training should meet national standards and be accredited accordingly (HMIC, 1999b: 10).

It should also be noted that competence is to some extent relative to the person to be investigated. Presumably, other things being equal, a novice investigator should not be assigned the task of undertaking the investigation of a serious complaint

made against a police officer who is him/herself a highly experienced investigator.

Again, competence, or at least standards of investigative competence, is to some extent relative to investigative competence elsewhere within the organisation and outside the organisation. Incentives need to be in place, in the form of promotion or career enhancing experience, to attract high quality investigators from other parts of the organisation – especially given that historically in many police organisations the role of internal investigator has been shunned. The Rampart Inquiry report in fact recommended that the LAPD's Internal Affairs Group halt the system of open application to investigator positions and, instead, "hand pick" the best detectives: "those selected for these assignments must be guaranteed retention of their advanced paygrade position and given preference of assignment upon completion of their IAG assignment" (Parks, 2000: 337).

Resilience of investigator

Historically, the role of internal affairs investigator has been shunned by many police who have seen it as a form of "catching and killing one's own". Moreover, given that investigative expertise is often possessed by those who are being investigated and given the secretive and fraternal police culture, the role of internal affairs investigator is a psychologically demanding one, especially if undertaken over lengthy periods of time. Accordingly, internal affairs investigators need to have a high degree of psychological resilience including a capacity to resist external pressure.

Independence of investigator

Clearly the investigator needs to be independent and, importantly, they need to be seen to be independent. There are at least three respects in which the independence of the investigator might be compromised:

- a. Institutional independence, e.g. police from a given police organisation investigating large numbers of complaints of systemic police corruption in that organisation. Some have argued that in relation to serious police corruption (whether allegedly systemic or not) and other serious forms of criminality the investigators should not be members of the police organisation whose members are under investigation.

- b. Conflict of interest, e.g. an investigator investigating a complaint against his relative. The notion of a conflict of interest involves one person, P1, being required to exercise judgement in relation to another person, P2, (e.g. P1 is investigating a complaint made by P3 against P2) and P1 has a special interest tending to interfere with P1's proper exercise of his/her judgment in relation to P2. The special interest in question can be a personal interest, e.g. P2 is a relative, or a conflicting role interest, e.g. P2 is P1's immediate superior.
- c. Bias, e.g. an investigator investigating a complaint of corruption by a non-police complainant against a workmate of the investigator. Strictly speaking, this is not necessarily a conflict of interest since the investigating officer might not have a special interest in the required sense. Indeed, one might reasonably expect police to resist any temptation to be unduly influenced by the fact that the person being investigated is merely a workplace colleague. On the other hand, there might be a tendency for bias or, at least, the appearance thereof.

In relation to each of the above, performance indicators might be developed (see below).

Investigation is lawful and ethical

There are some questions that need to be settled prior to the commencement of an investigation, including the following ones:

- the investigation must itself be lawful and ethical, e.g. an actual complaint has been made or intelligence has come to light that is sufficient to warrant investigation;
- the investigator has been properly authorised to undertake the investigation, e.g. it is not simply an unauthorised investigation embarked upon for personal reasons
- the investigation is conducted within the authorised terms of reference.

Note that an investigation might be undertaken which is lawful, strictly speaking, but unethical since not justified on the merits but pursued as part of a vendetta or for some other ethically unacceptable reason.

Compatible with public interest

There is legitimate public interest in the investigation of complaints in relation to wrongdoing on the part of police, notwithstanding the fact that the wrongdoing in question might in large part consist in harm done to some individual, e.g. police assaulting a suspect. On the other hand, there is also legitimate public interest in the investigation of complaints in relation to police wrongdoing in which there is no harm to any individual. An example of police wrongdoing that needs to be investigated because it is in the public interest to do so, even though the wrongdoing in question does not necessarily harm any individual is some forms of police corruption, e.g. accepting bribes. Moreover, many complaints pertain not to police misconduct, but to incompetence or low quality of service provision by police. There is a public interest in the existence of a police organisation that provides high quality service; hence the importance of the scrutiny and, if necessary, investigation of such complaints.

Corporate priorities considered

In the context of scarce resources priorities need to be determined in relation to investigations. These priorities ought to be determined by a variety of criteria including seriousness of the complaint made, and the likelihood that it might be resolved if investigated, but also by a variety of corporate priorities. A particular kind of complaint might be so frequent as to indicate that the associated form of misconduct is highly prevalent and in need of particular attention at this time, e.g. sexual harassment of female police officers; or there might be a need to focus more on crime reduction, e.g. police engaged in drug dealing, rather than customer satisfaction, e.g. insensitivity of police to victims of crime, and so on. Surveys, interrogation of complaints databases and the like can help to identify areas of concern and assist in the process of prioritisation.

In relation to any such priority there will be a number of strategies in place, e.g., strategies to reduce a particular form of misconduct, and investigations can be integrated within such strategies. Decisions about directions that should be taken in these cases require a management committee approach. For example, a large number of complaints in relation to particular officers might trigger an investigation of the complaints made against those officers, notwithstanding the fact that any one complaint taken on its own might not warrant further investigation. An example might be allegations of dealing in drugs. Although no complainants, or informants, can provide

evidence, the number of reports from different people might give rise to an investigation (probably entailing covert techniques).

An important corporate priority, albeit one sometimes not explicitly prioritised, is organisational reputation. The question should be asked: To what extent is organisational reputation factored in explicitly and given reasonable, but not overriding or unreasonable, weight? An overarching corporate priority question is whether or not a police organisation's claimed priority to effectively investigate, say, police corruption is actually being realised. There are a range of performance indicators here including process and case audits, number and ratio of complaints leading to prosecutions, and so on. Surveys of police, with direct questions covering perceptions about the probability of officers being "caught" and sanctioned for misbehaviour are a further indicator.

Open mindedness

Open mindedness is essential if the outcomes of investigations are not to be predetermined. Open mindedness consists in having the discovery of the truth as the ultimate aim of an investigation, and allowing the evidence to settle the question of what is or is not the truth. While open mindedness is an attitudinal state it is one that has a number of behavioural manifestations in investigations, including identifying and exploring all avenues of inquiry, interviewing all relevant witnesses, and gathering all relevant physical evidence (including exculpatory evidence). Auditing procedures can be developed to reflect these behavioural indicators of a lack of open mindedness. Investigations need to follow objective evidence and avoid subjective influences such as an over-reliance on "gut feelings" or prejudices about suspects.

Open mindedness is particularly important in light of the persistent problem of miscarriages of justice in the criminal justice system. These almost always begin with errors in the police investigative process. A critical factor identified by researchers of miscarriages of justice is the onset in a case of police "tunnel vision". An initial investigation may reveal a number of suspects, but once police feel one or a small number of suspects are more likely to be culpable their evidence gathering process shifts away from pursuit of all viable leads to building a case against the key suspects. When appeals are lodged or contrary evidence comes to light the tendency is then for the institution to disbelieve its own fallibility, close ranks, conceal the investigative trail, and ultimately, despite the

eventual overturning of a false conviction, fail to learn from the experience, treating it as an aberration (Dixon, 1999; Ransley, 2002).

However, a question arises for open mindedness when the interviewee is not simply a witness but a suspect. The context of such interviews is inherently stressful, if not coercive, for the interviewee. Such interviews may involve a conflict between interviewer and interviewee. Specifically, the interviewer might be concerned to discover the truth but (rightly or wrongly) believe the interviewee is actually attempting to prevent that outcome. Accordingly, the interviewer might make use of deceptive practices to "trick" the interviewee into making inconsistent statements or unintended disclosures, or might use methods of persuasion, e.g. appeals to self interest in light of the likely cooperation with police of the suspect's alleged partner in crime (Inbau, et al., 1967). Evidently, there are general differences between practices in different police services. Many US police agencies train their interviewers in the use of manipulative techniques with the prime object of obtaining confessions, whereas recent UK policy in this regard is for police interviewers to search for the truth and maintain open mindedness. Moreover, it may be that manipulative techniques will be known to police under investigation and, therefore, are less useful in internal investigations that might otherwise be the case. John Baldwin conducted an extensive evaluation of video-recording of interviews with suspects for the UK's Association of Chief Police Officers (Baldwin, 1992) and concluded among other things:

The most accomplished interviewers do not enter the interview room with their minds made up, seeking single-mindedly a confession. They also recognise that confrontation and unpleasantness are likely to prove counter-productive. "You get more flies with honey than you do with vinegar", is how one experienced detective summed it up (Baldwin, 1992: 13).

Audits of audio-tapes and videotapes of interviews provide evidence of the quality of interviews, in particular in relation to open mindedness. Moreover, together with the use of CCTVs in custodial areas, audio-taping and video-taping provide more evidence about respect for suspects' rights (Dixon, 2006; Newton Cain, 2002). Complaints received from suspects in relation to interviews are a further indicator.

Well planned investigation

All the issues in the complaint need to be clearly identified. On the basis of the issues identified and the information/evidence available, an investigative plan needs to be formulated, including in relation to avenues of inquiry, additional information/evidence to be gathered, witnesses to be interviewed, and task allocation. The plan is to some extent a dynamic process given that new lines of inquiry suggest themselves, new evidence comes to light and so on. Nevertheless, at any particular stage of its development the plan - in the form that it exists at that stage - should be adhered to. Audits of investigator's reports are a performance indicator in relation to quality of investigation plans.

Thorough treatment of all information/evidence

The information/evidence provided in the complaint, including unsubstantiated as well as substantiated claims, needs to be identified and verified (or at least its degree of likelihood established). Additional information/evidence required by the investigative plan should also be sought and verified (substantiated); with information/evidence integrated into the investigative plan as it evolves. Information provided that is not germane to the investigation might, nevertheless, constitutes intelligence and should be forwarded to the relevant agency.

Comprehensive recording and preservation of all information/evidence

Appropriate access to electronic and other data systems should be provided to the investigator, and the information/evidence gathered and the information-gathering tasks undertaken (in chronological and logical order) accurately and adequately recorded on the system(s). Quality of recorded data can be assessed in part by way of auditing the database (CMC, 2004).

Information/evidence security

Adequate security of information and evidence should be provided and relevant procedures followed, e.g., confidentiality is not breached, physical evidence is secured. Process audits will determine the non/existence of such procedures. Such process audits are an indicator of whether or not information/evidence security is actually taken seriously.

Respect for rights of victims

Victims have a moral and (usually) legal right to assistance from investigators, not only with respect to the detection and apprehension of those who have wronged them, but with respect to any immediate physical or psychological suffering brought about by that wrongdoing. Accordingly, there is a duty of care to victims, including police officers, albeit in the case of investigators this might consist only in taking reasonable steps to ensure that an appropriate non-investigator discharges that duty of care. Such duty of care might involve the provision or offer of welfare, medical and/or professional counselling services. Victims also have other moral rights, including the right to privacy. Complaints from victims are an indicator in relation to investigators' respect for victims' rights.

Respect for rights of witnesses

Witnesses (including informants) have a moral and (usually) legal right to protection. Accordingly, there is a duty of care in relation to witnesses, including police officers. Such duty of care might involve referring officers to an internal witnesses support unit. Aside from duty of care considerations, there might be a need to afford protection to witnesses in order to prevent an investigation being compromised. Witnesses also have other rights, including the moral right to privacy. Witness protection programs can be evaluated, including by interviewing those who have made use of them.

Respect for rights of suspects

In the investigative phase, as in the testimonial phase, suspects have a number of moral and legal rights, including rights to presumption of innocence, freedom, privacy, life, not to be assaulted/tortured and not to self-incriminate. These rights can justifiably be infringed under certain circumstances, e.g. surveillance, arrest and detention of a suspect in the context of evidence of wrongdoing. However, these infringements are subject to stringent limitations and restrictions, e.g. detention for questioning only for limited periods, restriction against the use of force to extract a confession.

Judicious use of covert tactics

The evidence from more recent successful inquiries and exposés of police misconduct is that the use of "high-tech" and covert methods are now essential to break open many of the more

secretive and pernicious forms of misconduct (Wood, 1997; see Section 5). High tech and intrusive methods include listening devices, hidden cameras, telephone and electronic communication interception, covert physical surveillance, and undercover operatives. These can only be justified if they have a reasonable chance of being successful, are used only in relation to serious crimes, the infringement of the rights of innocent persons is minimised, and there are appropriate safeguards in place – for example that their use is subject to warrants issued by a judicial officer, there is external oversight, etc. In most cases legislation is required to protect covert operatives if they necessarily engage in some illegal behaviour (Prenzler & Ronken, 2001).

Informant management

Informants are also an important source of information for law enforcement agencies, especially in areas such as drug-dealing and corruption where there is no direct victim as such – such as drugs and corruption. According to Skolnick (1994), “without a network of informants – usually victims, sometimes police – narcotics police cannot operate.” (117). On the other hand, informants are something of a double-edged sword. Some researchers have questioned the benefits of informants in terms of crime reduction. (Dunnighan & Norris, 1999) and they can have a corrupting effect on police (ICAC, 1994).

Informants are often themselves criminals and are typically paid by police for the information that they provide. Accordingly, the information provided is not necessarily accurate. Moreover, in order to be provided with information police usually have to turn a blind eye to their informants’ criminal activities – the so-called “licence to deal” given to informants who are themselves drug dealers in order to catch “bigger fish” (Billingsley, et al., 2001: chp. 1). In still other cases the informants have become de facto handlers and the police handler the informant. Organised crime, for example, has a vested interest in corrupting police officers and one favoured way of doing so is for a criminal to become a police informant, and for the police officer to begin to feed information to his “informant” in return for financial rewards made available by the organised crime bosses (Billingsley, et al., 2001: chp. 2).

In this context, there is obviously a need for stringent accountability mechanisms, including that the informant be named in documentation, that a police officer with an informant has a supervisor who meets with the officer and the informant,

that the supervisor monitors the police officer's dealings with the informant; and that all payments are recorded (including electronic transfers to prevent theft) (HMIC, 1999b; ICAC, 1994). However, such accountability mechanisms generate problems of their own. There is considerable risk attached to being an informant and the consequent need for strict confidentiality. Unfortunately, concern for their safety, and hence with confidentiality, can cause would-be informants not to remain or become such, if there is to be documentation revealing their identity and if persons other than their immediate handler are to be made aware of their identity and disclosures.

Safety measures, including monitoring of the informant/handler relationship, and strict confidentiality protection for informants and their disclosures, need to be buttressed by rigorous training in informant management (Parks, 2000: 352), and maximisation of the utility of intelligence provided by informants, e.g. by means of a central (protected) data source. Some authors have suggested the use of ethics committees to test and quality assure informant handling proposals, and random integrity testing in relation to the use of informants, given the corruption and other risks (Billingsley, et al., 2001: 63-64). A further issue is whether an outside person, such as a magistrate, ought to approve and supervise informants, as happens in Belgium and Netherlands (Gill, 2000: 183).

Efficient and effective use of public resources

Investigations should be conducted within budget and use the appropriate number of personnel (avoiding "undermanning" or "overmanning"). More generally, the resources used should be appropriate to the investigations, e.g. appropriate use of resource-intensive intrusive surveillance methods. The larger context for the efficient and effective use of public resources by investigators is the overall quantum of resources made available to the police organisation by government. Naturally, appropriate resourcing of investigations cannot be achieved, absent the existence of adequate resources within the police organisation, or at least within the investigative division of the police organisation. Accordingly, an issue arises in relation to the system for allocating scarce resources within the police organisation as a whole, and within the internal affairs department itself.

Communication with stakeholders

Complainant surveys and interviews show that complainants place a every high value on being kept informed of the progress of their case; and lack of communication is a major factor in high levels of complainant dissatisfaction (Landau, 1994; Maguire & Corbett, 1991). Other stakeholders, such as the police officers being investigated, also have an obvious stake in, or right, to adequate communication.

Timeliness

It is important that complaints investigations are completed in a timely manner, there being significant costs to complainants, complainees, and the police organisation itself – both in terms of resources and the likelihood of a reasonable and just outcome (Prenzler & Lewis, 2005). Witnesses change place of residence/work and their memories become even less reliable when investigations drag on for lengthy periods. Accordingly, investigations need to be completed within reasonable and agreed upon timeframes, and any extensions need to be justified.

Professional approach to presentation

It is of fundamental importance for an investigator to make an evidence-based recommendation, but it is also of great importance that the evidence be presented in a logical and luminous manner. More generally, investigative reports, plans, correspondence, and so on need to be presented in a clear, concise and complete manner. Audits of, for example, investigators' report, or complaints files as a whole, in relation to completeness are a performance indicator here.

Accountability

Investigators need to be held accountable for the investigations, including processes undertaken and the results delivered. Accordingly, they need to be able to withstand scrutiny from both internal and external agencies. A variety of such forms of scrutiny have been mentioned above, including audits. An important dimension of accountability, indeed the presupposition of accountability, is transparency. Procedures need to be in place to ensure that investigative processes are transparent, including not only to internal and external oversight elements but also to victims, witnesses and suspects. Naturally, the nature and level of transparency needs to be consistent with security and

confidentiality requirements. A further point here is that the decisions and recommendations made by the investigator need to be justified in terms of reasons, and these reasons need to be adequately documented.

Accountability is operative at two levels (at least): (i) there is the accountability of investigator in relation to a particular investigation considered in itself; and (ii) there is the accountability of the investigator in relation to his/her investigative performance over a period of time. The latter is susceptible to performance indicators not necessarily applicable to the former, e.g. the number and ratio of complaints investigations in which the investigators recommendation is that the complaint in question is sustained.

Continuous improvement

Investigation is a dynamic mode of activity, in part because those investigated seek to avoid investigation and/or subvert investigative techniques. Hence, the need to identify and implement best practice, including using the latest investigative tools, e.g. tools made available by forensic science, and to innovatively apply such practices and tools to the specific internal affairs context in which the investigators are operating, e.g. in the design of integrity tests. Hence a criterion of the quality of investigations is the extent to which they not only deploy best practice but are monitored with a view to improvement in light of new developments.

In addition, data needs to be collected in relation to the complaints made, including the number of complaints received and finalised per annum, time take to finalise complaints, the outcome in terms of decisions such as substantiation, referral to mediation and penalties, and the levels of satisfaction of complainants, since they provide an important picture of agency work and can be used to indicate areas of under-performance by investigators. Attention also needs to be paid to outcomes in terms of the numbers and ratios of complaints that are substantiated/unsubstantiated/prosecuted etc.

Performance indicators

The application of performance indicators has become a major aspect of public sector accountability and there have been a number of studies elaborating useful indicators that can be applied in integrity investigations (Brereton, 2000, 2002; Prenzler, 2004; Prenzler & Lewis, 2005; Wainwright, 1999;

Walker & Bumphus, 1992; see also Grabosky, 1989). It should be emphasised, however, that “indicators” is the operative word here. Many of the sources used are problematic in their own right and do not constitute objective measures. However, in combination they can inform useful judgements about the quality of investigations. Results from performance measures should also feed back into system improvements. Some indicators can be operationalised by the police professional standards unit on their own, with the results disseminated internal and to external stakeholders. Others are probably best organised by an external agency, such as a watchdog body, to ensure independence. Indicators that can be used include the following:

- Time taken to complete cases needs to be recorded and sent against completion benchmarks or targets. Benchmarks can be developed from experience over time for average cases and also by consultation with other agencies. Recognition should be given to the exigencies of more complex cases.
- Stakeholder feedback can be obtained through periodic surveys, such as every three years. A range of questions should be included covering criteria such as communication, questioning style, timeliness, and satisfaction with outcome and process. The main stakeholders are complainants and police who are the subject of complaints. Interviews can provide great depth, as can focus groups.
- Prosecution outcomes are a vital measure of investigative competence. Again, targets should be set based on experience and experiences with other agencies. The hazards of adjudicative forums need to be set against the need for high level outcomes from the investment of public monies and the importance of police integrity. In light of these considerations, targets of 90% or higher are probably reasonable. At the same time it should be kept in mind that different forums and different standards of proof affect the odds of prosecutions. Criminal court cases are much harder to “win” than cases dealt with by administrative tribunals or disciplinary hearings.
- Appeal outcomes provide another measure of performance. Successful appeals constitute a negative, but should feed into procedural improvements.
- Case file audits involve a group of experts – such as judicial officers and experienced investigators – examining randomly chosen case files to judge if appropriate methods have used,

appropriate rigour applied, if findings are appropriate and if appropriate sanctions or other responses have been adopted.

- Standard checklist audits can be done of basic processes, such as quality briefs and reports. For example, tapes of interviews can be audited to make sure interviews comply with due process requirements (e.g., CMC, 2004).

Recommendations

1. Investigators in the area of police conduct need to be fully qualified as detectives, with extensive experience, and additional specialist training in tissues associated with internal investigations. Inexperienced investigators and trainees need close supervision.
2. Internal affairs investigators need to be specially selected for qualities of resilience and resistance to pressure.
3. As a general rule investigators should be as independent from the subjects of their investigations as possible. I.e., all potential conflicts of interest involving friends and colleagues should be declared and resolved, usually through exempting an investigator with a conflict.
4. Investigations must lawful and ethical. They should not be vexatious or motivated by ambition or other personal motives, or undertaken without due cause, or deviate from their authorised terms of reference.
5. Investigations should be consistent with public interest principles. For example, complaints that appear minor should in many cases be investigated from the point of view of democratic accountability
6. Corporate priorities should be considered in making decisions about what is to be investigated. For example, lack of evidence from complainants should not be a sole criterion. Complaints that lack substance may need to be approached with more creative enquiry processes in case they relate to problematic behaviour by police that breaches organisational standards and affects the department's reputation.
7. Open mindedness is critical to pursuing all potential lines of enquiry, "breaking open" difficult cases and avoiding miscarriages of justice as a result of "tunnel vision".

8. Good planning is also essential to quality investigations. On the basis of the issues identified and the information/evidence available, an investigative plan is formulated, including in relation to avenues of inquiry, additional information/evidence to be gathered, witnesses to be interviewed, and task allocation.
9. Thorough treatment of all information/evidence is essential to a quality process.
10. All information and evidence need to be recorded and preserved.
11. Adequate security of evidence is also integral to the integrity of investigations.
12. The rights of victims, complainants and suspects need to be scrupulously respected; including sensitivity to emotional states and the possibility of counselling support, the presumption of innocence, and the right to privacy.
13. Judicious use should be made of covert tactics where appropriate, including the use of listening devices, hidden cameras, telephone and electronic communication intercepts, covert physical surveillance, and undercover operatives.
14. Judicious use should also be made of informants, subject to oversight and management protocols and with regard to corruption hazards, issues of informant offending and the potential for informant duplicity. Informants and handlers should never be allowed to operate on their own.
15. Timely communication with stakeholders about the progress of their cases is essential to a total quality approach.
16. Case turnaround targets are also important for quality and in stakeholders' interests.
17. Case reports and all communications need to be clear and logical.
18. Investigator accountability needs to be structured through clear lines of responsibility and openness to external auditing.
19. A commitment to continuous improvement is important to ensure technical and legal innovations have been adopted

where appropriate and systems represent current international best practice.

20. Performance indicators are part of accountability and continuous improvement and should include process targets, stakeholder feedback, case file audits, and prosecution and appeal outcomes.

Section 4.

Risk Management, Intelligence Gathering and Early Intervention Systems

This section deals with a relatively new area of police integrity management, which can variously be described as “integrity profiling”, “complaints profiling”, “early warning systems”, “risk management” or “intelligence management”. The aim of this approach is to collect and analyse as much data as possible about police officer behaviour in a way that will allow for the identification of early signs of possible misconduct. These risk indicators can then be used to design and implement targeted prevention strategies, with subsequent evaluation of the impact of these strategies. Overall, the aim of these systems is to adopt a “nip it in the bud” approach to misconduct. Research to-date suggests that the combination of broad data collection and remedial measures can be highly effective in reducing complaints and improving police-citizen relations without the need to resort to punitive or intrusive techniques “down the track”. At the same time, risk management data can also be used to inform investigations that lead to convictions and punitive responses where necessary.

Background

In the type of “traditional” or “minimal” model of police accountability described in Section 1, complaints and other information about alleged or suspected misconduct are investigated by interviewing witnesses or seeking other sources of corroboration. If the evidence appears adequate a prosecution will be initiated, either in a disciplinary hearing or a court of law. The complaint is either then “substantiated” and a penalty imposed, or “not substantiated” and the matter dropped. Because of the common inadequacy of evidence, this approach can mean that a great deal of misconduct is not brought to light. Recurring complaints, especially about the same alleged problem, may indicate a pattern of behaviour hidden from view if complaints are treated on a strictly legal basis (Bassett & Prenzler, 2002). This follows from the fact that policing is an occupation characterised by a high degree of independent action by frontline employees. Direct supervision is difficult. The freedom of front line officers provides numerous opportunities for misconduct because of the lack of capacity to monitor staff. Modern police departments concerned about monitoring police conduct, and preventing misconduct and conflict that lead to complaints, need to collect all available sources of information and analyse these for patterns of conflict and possible

misconduct. Advances in information technology now make this possible on a large scale. Consequently, computer-based intelligence gathering, complaints profiling and early intervention are essential for any state-of-the-art police integrity system.

Sources of Information about Police Misconduct

The use of "intelligence" about police misconduct follows the same principles as those applied to police management of "criminal intelligence" (Brown, 2001). Criminal intelligence usually refers to any information that may assist in identifying an offender. This may include eye witness accounts of the appearance of a suspect, as well as trace evidence such as fingerprints and DNA. Intelligence includes information in reports regarding suspicions or similar information which on its own does not constitute legally admissible evidence – such as the mere presence at a crime scene of a known person's fingerprint. A great deal of intelligence data is therefore provisional, indicative and exploratory. It can also refer to information that may be used to make predictions about likely re-offending or assist in a clearer understanding of the possible psychological motivations of an offender. Criminal intelligence and crime statistics may be deployed even more broadly to identify specific aspects of crimes that may contribute to reduction efforts, such as clustering around time of day or particular geographical locations (Eck & Weisburd, 2002). The ability to cross-reference or "match" these types of data with fresh case information and findings from ongoing investigations is a crucial means of casting the information net as widely as possible. Hence, the use of computer-based information management is vital to modern law enforcement:

Information is the life blood of law enforcement... Police administrators and planners are finding it more and more necessary to collate seemingly unrelated bits of information into some kind of understandable whole so that they can use their already strained resources as effectively as possible. The need for accurate and timely information about criminal activity has led to the creation of criminal intelligence units to gather, analyse and disseminate information in support of operational units (Brown, 2001: 64).

As with criminal intelligence, information about possible police officer misconduct comes from a variety of sources including "complaints", "allegations" or other information from the public, police "members" (sworn police and unsworn staff), other law

enforcement agencies, associated professions (lawyers, social workers) or police informants. Supervisor reports and performance management data provide further sources, as do drug and alcohol test results – as well as incident data via compulsory incident reporting for events such use of force, discharge of weapon or traffic accidents. Outcomes of prosecutions and disciplinary hearings against police are another source. Considered in isolation, none of these sources may appear to say anything of any great significance about an officer's conduct. However, added together over time they may provide a quite different profile indicating patterns of recurring misconduct that need to be investigated further with a view to remedial interventions and monitoring of the impact of interventions (Bassett & Prenzler, 2002). In the words of a HMIC report:

Her Majesty's Inspector considers it good practice to maintain a central repository for suspicions – internally or externally generated – to allow collation, analysis and appropriate action to be taken. Currently, there could be information or intelligence held about potentially dishonest officers in different locations within a force, such as the complaints and discipline department, informant contact reports, divisional discipline books or grievance procedure reports. The Inspection Team found little evidence these threads were being pulled together to provide a comprehensive picture of suspected staff (1999a: 59).

Complaints

As discussed in Section 1, the major quantitative source of information about possible police misconduct is complaints. (Complaints are generally conceived of in terms of one "complaint" from one member of the public, which can be broken down into one or more specific "allegations"). Complaints about police from the public tend to be voluminous, and accountability systems need to plan to manage large numbers (Goldsmith, 1991). Some complaints are malicious, vexatious or trivial or based on misunderstandings. Many contain little of substance in terms of legally admissible evidence, primarily because of the absence of independent witnesses. Nonetheless, complaints need to be taken seriously in any formal system of police accountability. Their significance receives added weight from the fact many people who have a grievance against police will not complain – as many as two-thirds or more in some studies (Adams, 1995: 79) – and complainants can face considerable

obstacles in simply lodging a complaint or having it investigated without being subject to harassment and intimidation (Landau, 1996; Russell, 1976).

As noted, while the investigation of complaints is important, simply processing them within the confines of a traditional "investigate-prosecute" model can lead to behaviour problems not being identified. A common concern of review agencies is that police internal affairs departments are often content to operate on a purely reactive basis in relation to complaints and other intelligence about misconduct (Landau, 1996: 293). Complaints are investigated, findings made and penalties assigned, but there is no analysis to find patterns and facilitating factors in incidents, and no experimentation with preventive initiatives (CJC, 1997; Wood, 1997). Standard mechanisms for dealing with complaints limit investigations to the immediate circumstances of the complaint or related allegations in order to ensure that the investigation is not tainted by assumptions based on previous conduct – whether substantiated or unsubstantiated complaints. While this process is procedurally fair in determining the outcome of particular complaints, it does not contribute to the identification of complaint patterns and profiles of risk. For example, police officers may have substantiated complaints against them with penalties that have not led to dismissal. Over the years the number of substantiated complaints may build up without supervisors being aware of the situation. In these terms, in one study, the NSW Ombudsman reported that:

Preliminary research by my office suggests in excess of 200 police officers have complaint histories which indicate they may present a significant risk to the police service and community. Some of these officers have very serious substantiated complaints against them, including criminal matters. Others have between 20 and 40 complaints of varying degrees of seriousness. (2002: 8)

The Ombudsman's report indicated there had not been much improvement in complaints management since a Police Integrity Commission review of NSW Police Internal Affairs was highly critical of the "reactive focus of the complaints system on single instances of misconduct", with a consequent failure to identify organised corruption or develop management responsibility for prevention (PIC, 2000: i).

Complaint Profiling and Early Intervention Systems

One of the earliest accounts of the use of complaints profiling is from the famous "Oakland Police Department Violence Reduction Project" of the late-1960s and early-1970s (Toch & Grant, 2005). The project was an early example of a form of problem oriented policing and action research. It was indirectly oriented to reducing crime and disorder problems, and was centred on the problem of physical conflict between police and citizens. The new Violence Reduction Unit was responsible for generating a new system for reducing conflict through an extensive consultation process and experimentation.

The outcome was one of the best documented early warning and intervention systems for police conduct. Officers who passed a threshold for involvement in violent incidents were required to attend a peer review panel in the unit. With the panel they discussed the incidents with their peers, identified patterns and factors in their behaviour and attitudes that may have contributed to conflict, and made commitments to a changed approach to suspects. Over time the system produced marked reductions in violent encounters between police and citizens. Projects like Oakland supported a 1981 US Commission on Civil Rights recommendation that all police departments should develop systems for identifying "problem officers" (USCCR, 2000). The effect of neglecting complaints patterns was dramatically illustrated in a study of excessive force complaints by the 1991 Christopher Commission (which followed the Rodney King beating in Los Angeles):

Of approximately 1,800 officers against whom an allegation of excessive force or improper tactics was made from 1986 through 1990, over 1,400 officers had only one or two allegations. But 183 officers had four or more allegations, 44 had six or more, 16 had eight or more, and one had 16 allegations (Christopher, 1991: 36).

However, there was then little available on the topic in the main criminology literature until in 2001 the US National Institute of Justice published a report *Early Warning Systems: Responding to the Problem Officer* (Walker, Alpert & Kenney, 2001). On the negative side, the national survey found that only 27% of a large sample of departments had an early warning system in place. On the positive side, the report included three in-depth case studies focused on the impact of early warning systems that demonstrated their potential to reduce complaints. The

departments selected were Miami-Dade County, Minneapolis and New Orleans. The study concluded that introducing the systems had a “dramatic effect” on reducing poor performance records and complaints. In summary, the following results were reported:

- In Minneapolis, the average number of citizen complaints received by officers subject to early intervention dropped by 67 per cent one year after the intervention.
- In New Orleans, that number dropped by 62 per cent one year after intervention.
- In Miami-Dade, only four per cent of the early warning cohort had zero use-of-force reports prior to intervention; following intervention, 50 percent had zero use-of force reports. (Walker, Alpert and Kenney, 2001: 3)

In a related program prompted by rising litigation payouts, the Los Angeles Sheriff’s Department in 2003 implemented a new Strategic Risk Management program to reduce litigation costs. The program (1) expedited cases with merit, (2) thoroughly investigated and challenged cases deemed to be without merit (especially those with high costs attached), and (3) addressed systematic behavioural and procedural issues identified from analyses of litigation cases. The results “surpassed even LASD’s most optimistic expectations”:

The fiscal year 2003-4 statistics, when compared to the previous fiscal year, revealed that the active caseload decreased 17.8 percent, that new lawsuits decreased 26.9 percent, and that judgment and settlement costs decreased more than 55 percent (Jones & Mathers, 2006: 126).

Despite the enormous scope for early warning systems to improve police conduct there has been limited research on the topic. In the US, there have been some enlargements of the NIJ report focused on guidelines (Alpert & Walker, 2000; Walker, 2003, 2005) and more recently a paper showing how police in high arrest areas will attract more complaints, indicating that complaints profiling and intervention systems to adjust their complaints thresholds according to the type of work police do (Lersch, Bazley & Mieczkowski, 2006).

In Australia, Bassett and Prenzler (2002) reviewed general principles of early warning systems and noted anecdotal reports that the majority of Australian police departments had initiated some kind of system – although details on procedures and,

especially, impacts were not publicly available. Ede, Homel and Prenzler (2002) used Queensland Police data to demonstrate the potential for analysing complaints at the level of police operational units (primarily stations). Drawing on the criminological concept of crime mapping, analysis of complaints was conducted at a more specific level than previously attempted. The study also attempted to control for the effects of different "task environments" – by comparing units of similar size and similar duties – and by comparing complaint patterns in terms of concentration and prevalence. A high concentration of complaints was interpreted as indicative of a problem with small numbers of individuals attracting a large number of complaints. A high prevalence was considered indicative of a more diffuse problem that might be associated with negative aspects of the workplace culture of a unit. The analysis found units in all possible combinations of concentration and prevalence of complaints. Out of 436 units, 38 had no complaints and 79 had either a high concentration or a high prevalence. Five units had a combination of a high concentration and high prevalence. A number of implications were developed from these findings. For example, cases of high concentrations of complaints might to be addressed with responses tailored to individual behavioural patterns. The issue of a possible negative culture could be addressed through reviews of management practices, with attention to issues such as supervision and staff morale.

Key Elements of an Early Warning System

Profiles (or risk assessments) may be made of individual police officers or other employees, an organisational unit (such as a police station) or a procedure (such as the execution of search warrants or prosecution of offences in the courts). The strategies of profiling and early warning fit within the four basic rules for effective corruption prevention identified by O'Dowd (1999: 26-28):

- "Cast the net wide" - Profiling casts the net across the whole organisation.
- "Never stop" - Profiling is an ongoing long-term strategy.
- "Be proactive" - Profiling assesses areas at risk, allowing interventions before the problem compounds.
- "Make it a leadership problem" - Profiling is a management tool that allows for expanded supervision capability and information sharing with

staff in the pursuit of the organisational goal of integrity.

One basic requirement is to establish a normative threshold for triggering a formal profile. This will usually entail a mix of quantitative and qualitative criteria. For complaints, a warning flag is often raised when 3-5 complaints are received in a given timeframe – typically 12 months (Bassett & Prenzler, 2002). At the same time, “the key to a successful system is to include as much data as possible. The blending of a wide range of indicators may well bring an officer to the top of the list where a review of a single aspect would not” (Berkow, 1996: 24). Some of the sources used in a comprehensive system will be more qualitative, such as supervisor’s reports. These may trigger a profile, or be used in developing a profile after a flag has been raised by quantitative indicators. The following types of indicators would be useful in a comprehensive warning system (Berkow, 1996; Ransley, Anderson & Prenzler, 2007; Walker, et al., 2001):

- citizen complaints
- internal complaints/disclosures
- discharge of firearm
- unusual absenteeism/sick leave
- high speed pursuits
- resisting arrest cases
- injury to arrestee
- failure to attend court
- use of force incidents
- adverse work performance reports
- suspensions, fines or other disciplinary outcomes
- litigation
- failed prosecution briefs.

As noted, these indicators need to be considered in context – for example, the type of duty a police officer performs can influence the number of complaints received. Consequently, an understanding of the different task environments needs to be built into the early warning system. Additionally, different indicators need to be weighted according to different levels of seriousness; so that a flag might be raised after two complaints of a serious matter vis-à-vis four complaints of a minor nature. Overall, the exercise requires the identification of normative behaviours for the organisation and reasonable expectations about what is appropriate conduct in different situations. The benchmarks would incorporate means and variances of groups and organisational units within an organisation (e.g., traffic,

detectives, low crime area, high crime area). Violations of the appropriate benchmark would automatically signal a warning.

An important point to note is that in a comprehensive system all complaints should be included and used to trigger alerts, including cases that are not substantiated. Even withdrawn complaints should be included because they may suggest threat or intimidation by the subject of the complaint; or they may be withdrawn for other reasons unrelated to the original conduct, such as a lack of resources by the complainant to continue with the matter. Issues such as outcomes should then be considered in detail in building a profile and at the review stage. If a thorough investigation identified the officer as exonerated of the complaint, this should be recognised. It is extremely important that staff understand profiling is an objective process conducted "without prejudice and with a presumption of innocence" (Ede, et al., 2002: 9). Officers will feel threatened by the prospect of disciplinary action. They will also be concerned that "having a record", even if they have been cleared of wrong doing, will prejudice their career prospects or affect people's view of their character.

It is therefore vital from the point of view of both organisational morale and ethical practice that subject officers are given the opportunity to explain, and that explanations form part of the record. The NSW Ombudsman has also cautioned that officers should, in most cases, know what their complaint history is, and how it is being used in performance and promotion assessments. Officers should also "have the right to have noted on their complaint history matters which are disputed." (NSW Ombudsman, 2002: 15; Wood, 1997). In preparing the profile, analysts may choose to speak with the subject. Speaking with the subject of the profile gives them a chance to explain personal issues that may be affecting their performance and helps decide on remedial strategies. A meeting will often highlight broader issues unknowable from the examination of hard data alone. However, feedback to the subject should be strictly limited to work related explanations (Girodo, 2000).

Profiling Organisational Units

While the focus of profiling is generally on individual officers, it can also be used to examine work units or locations as part of a comprehensive risk management system. Ede, et al. (2002) showed that complaints are not normally spread evenly across a police department but can cluster in certain units, including more intense "hot spots". Controlling for type of work done by police

(task environment) and the size of organisational units, research shows that some police stations and specialist units receive many more complaints than others. At a deeper level of analysis, some units have large numbers of complaints because a small number of officers attracted a disproportionate number of complaints (a high concentration). In other cases, the high volume of complaints may be spread relatively evenly across a unit (a high prevalence). Where a high concentration of complaints is identified, remedial interventions are most likely to be effective when targeted at the individuals concerned. A high prevalence is more likely to require changes to management style, supervision and police procedures.

Broader Risk Management

Policing is a high risk occupation for misconduct, but risk is not spread evenly. Particular types of police work, or aspects of police operations, carry specific risks. Examples include detectives and process corruption, traffic patrol and opportunistic bribes, watch-houses and inappropriate strip searching, patrol and dangerous high speed vehicle pursuits, "special tactics" units and excessive force in raids and sieges, drug law enforcement and on-selling of drugs or "shakedowns" of dealers (Prenzler, 2004). These are areas that require regular risk assessments to ensure that abuses or other problems have not crept in. Risk assessments of this type will utilise a variety of sources including complaints and other data listed under profiling above, but they will also commonly use social science methods such as surveys and interviews, and analyses of incident data, and include consideration of law reform implications.

An example of a model risk assessment on an area of police operations is the 2003 Queensland Crime and Misconduct report on high speed vehicle pursuits. The study found that most of the initial violations that triggered pursuits – such as traffic violations – were of insufficient gravity to justify the high number of resulting deaths and injuries incurred by police and the public. The report recommended a much higher threshold of grounds for pursuit, a lower threshold of grounds for terminating a pursuit, an absolute speed limit of 140kph, and supervision of drivers by a senior officer via radio. It also recommended refresher training every two years that included research findings that contradict myths about the value of pursuits (Hoffman, 2003). Other examples include recent in-depth reports by the NSW Police Integrity Commission on drug use by police officers and special risks faced by the NSW Police Counter Terrorist Coordination Command (PIC, 2006).

Intelligence Gathering for Investigations and Covert Operations

The type of data described so far can be used for profiling with a view to remedial or punitive interventions. It can also be used to inform two forms of follow up – either more traditional investigative processes of the “fact finding” kind (Section 3), or testing of the probity of suspect officer through the use of undercover operations including integrity testing and covert surveillance (Section 5). The outcomes of these follow up processes may result in a finding that suspicions were unfounded or lack sufficient evidence, or they may result in a range of intervention including warnings, re-training, dispute resolution, disciplinary sanctions or criminal prosecutions. The key point is that suspicions developed from the intelligence gathering processes need to be pursued by all reasonable, legal and appropriate means so that, as far as possible, the department can have confidence that officers are not engaged in misconduct. All data collected in follow up investigations, even if it appears to exonerate officers, needs to be kept on the record for future risk assessments (Parks, 2000). Intelligence gathering can be further enhanced by the provision of secure internal and external “confidential reporting lines”, widely promoted, with specially trained call centre staff to handle approaches (HMIC, 1999b: 125-126).

Responding to Malicious and Vexatious Complaints

Just as some officers get many complaints, some citizens complain on a frequent basis. Some of these may be justifiable but others may be harassing or malicious (NSW Ombudsman, 2002). Profiling can also be used to examine this type of complaint. Like an officer, a complainant is identified by the number of times they complain within a given time frame or within a particular frequency. Examining these complaints may highlight a pattern. This could show whether there is a genuine basis for the complaints or if they truly are malicious. There is a positive trend for oversight agencies to prosecute malicious complainants as a way of deterring this abuse of the complaints system and as a way of reassuring police that their interests are being protected (NSW Ombudsman, 2002).

Rotation of Personnel

One classic aspect of police corruption is the tendency for corruption to be concentrated in squads where it becomes entrenched over time, with new entrants socialised into scams.

Consequently, one recommendation made to counter this problem is the rotation of personnel through high risk areas (HMICb, 1999: 36; Knapp, 1972). The idea is that corrupt relations between police and criminals can be broken by this means with stress on corrupt pockets of officers from fresh arrivals. The risk is that vital specialist knowledge can be lost and staff morale affected by compulsory movements. It is important then that a rotational system is properly planned, explained and monitored to ensure it works at optimal effect with least negative impacts. The Mollen Commission (1994: 124) recommended five years as an ideal turnaround period. The Western Australian Royal Commission recommended seven years as optimum (Kennedy, 2004: 175) Of note is the fact that variants of this approach have been used as an administrative measure to remove senior detectives who have lost their productivity, returning them to patrol; or shaking up a division that had a tendency to elitism and slackness (Geberth, 1998; Greenwood & Petersilia, 1975).

Recommendations

Integrity profiling and associated risk assessments are evolving techniques and there are a number of limitations and problems that need to be acknowledged. These include the difficulty of identifying genuine misconduct from unsubstantiated complaints, the fact that complaints may be vexatious or malicious, and that some police misconduct (such as consensual corruption) may not lead to complaints. Despite these limitations, evidence suggests that computer-based risk assessment and early warning systems that pull in a large amount of diverse data can be highly effective in reducing misconduct and reducing citizen complaints. The following factors should be taken into account when developing an early warning system.

1. Early warning systems are an essential component of a broader corruption prevention program.
2. The responsibility for use of the early warning system should rest with the internal affairs unit to ensure uniformity and department-wide coverage. (See section on external oversight of police for a discussion of shared responsibilities.)
3. Complaints (internal and external) will be a key source but systems should integrate as much data as possible that relate, even tangentially, to police behaviour.

4. Systems should profile both individuals and locations, and include periodic reviews of high risk areas of police work.
5. Profile trigger thresholds and subsequent investigations and assessments should be moderated by an appreciation of the pressures on police from different task environments.
6. The system must be continually monitored and updated.
7. Interventions should be tailor-made to the suspected problem; such as counselling, therapy, training, a warning or an integrity test to confirm suspicions.
8. Processes must openly practice procedural fairness and the presumption of innocence.
9. The process should promote positive performance.
10. Assessments should always consider factors beyond the individualised "problem officer", such as gaps in training or better supervision requirements.
11. Systems should include a communication strategy for conveying plans and summaries of outcomes to employees.
12. Rotation of personnel through high risk sections should be considered, monitored and evaluated as part of a comprehensive risk management strategy.

Section 5. Proactive Anti-Corruption Intervention Systems

Background

This section deals with what could be considered “advanced techniques” for combating misconduct. These techniques are designed to identify and deter corruption in a highly systematic fashion or targeted fashion by providing a net of surveillance which makes it very difficult for corrupt officers to elude detection. Some are “overt”, in the sense that officers may be well informed of their operation. Others are covert, in that specific individuals may not know they are subject to an action. The techniques include integrity testing, drug and alcohol testing, covert surveillance, listening devices, phone taps, financial audits, data access trails, and asset and financial audits. These could be variously described as “intrusive” and threatening to police. Other, more supportive strategies include internal witness support, stress and drug/alcohol counselling. Covert operations depend on secrecy and therefore require low profile facilities located away from normal police offices (HMIC, 1999b: 112). The extent to which these techniques are deployed depends on the need and is likely to vary from department to department. They are, of course, controversial and pose a variety of risks, including physical risks to participants and risks to privacy and due process. Consequently, they are generally recommended as “tactics of last resort” (Marx, 1992: 170; Girodo, 1998). Nonetheless, their routine use – or at least availability – are widely endorsed. The LAPD Rampart Board of Inquiry, for example, recommended that:

A Public Integrity or Professional Standards Unit ... continually conduct sting operations and other investigative strategies (such as financial checks) to find and root out corruption ... The single most important lesson learned from other police department’s corruption scandals is the need for an aggressive anti-corruption program (Parks, 2000: 337).

Integrity Testing

“Integrity tests” involve simulated misconduct opportunities that are monitored to record the response of subjects. An early use of integrity testing was in New York City during the Knapp Inquiry of 1970-72 (Knapp, et al., 1972). The Commission initially made limited progress with traditional investigative techniques.

However, breakthroughs occurred when "turned" officers were placed in undercover "sting" operations. Corruption opportunities, such as cash baits at fake drug pads, were organised in situations where there were strong suspicions that officers were taking money. The tape-recorded responses of officers provided crucial evidence of misconduct.

Tests of this type have since become a vital strategy in investigations of corruption. Australian jurisdictions have introduced tests with some success. Particularly dramatic results were achieved in the Royal Commission into the New South Wales Police Service with hidden cameras in stings using turned officers (Wood, 1997). Integrity testing then became part of the array of anti-corruption strategies in the post-Inquiry period. A testing program was introduced by both police Internal Affairs and by the major oversight body, the Police Integrity Commission. A 1999 survey found that Victoria and Queensland had also introduced integrity tests; and South Australia and Western Australia were considering their introduction. In the most detailed data made available – from the NSW Police – of 90 operations, 37% revealed misconduct, 27% showed no misconduct, 12% were forwarded for further investigation and 24% were inconclusive or were discontinued. A total of 51 criminal charges followed from the "failed" tests. Of these, 54 per cent were against police, 23 per cent against staff and 23 per cent against civilians (Prenzler & Ronken, 2001).

Targeted and random tests

Integrity tests can be divided into 'targeted' and 'random' types. Targeted tests are directed at specific individuals or small groups in response to intelligence or complaints indicating a corruption problem but where adequate proof for successful criminal or departmental prosecution is lacking. Random testing implies that simulations are not directed to any specific officers or sections but assigned on a systematically random basis. However, the focus is likely to be on police in operational positions exposed to opportunities for misconduct. The most famous examples of random testing are from post-Knapp New York when wallets were left where police could find them, allegations against police were made to monitor responses or valuables were left at crime scenes (Henry, 1990). A revived program of 'random testing', introduced after the 1994 Mollen Inquiry, involved the random assignment of tests within a specific precinct where there was a suspected corruption problem (KPMG, 1996; Mollen, 1994). Systematic random testing has been advocated as a more reliable method for both assessing corruption levels and

detering corruption (Homel, 2002). In the UK, the Metropolitan Police have run a type of random testing program that operates more in terms of 'quality assurance checks' aimed at problems other than "corruption" narrowly defined – such as racism, sexism and neglect of crime victims (HMIC, 1999b).

A recent survey of Inspector level police in Australia found very high levels of support for targeted integrity tests – in the order of 86-91% for scenarios covering drug crime, opportunistic bribes and thefts from a police station. Support for targeted tests for suspected racism and inappropriate responses to domestic violence calls were much lower at 41% and 36% respectively. Support was also lower for random tests involving similar scenarios, at 50%, 46%, 58%, 29% and 27% respectively (Prenzler, 2006). A US survey of middle and upper-middle police managers found similar high levels of support – of approximately 87% – for launching stings against police in a drugs shakedown scenario and a scenario involving sexual harassment of offenders (Girodo, 1998).

Ethical and legal issues

Integrity testing raises serious issues regarding privacy, deception, entrapment, provocation and the legal rights of individuals. The most challenging ethical issue concerns the step from discovering already existing misconduct to testing "corruptibility" (Marx, 1992). Critics claim that the focus on potential crimes, rather than existing crimes, entails unfair or unjustifiable temptation (QPS, 1996: 221). The NSW Royal Commission concluded that policing "is so filled with operational and ethical dilemmas that temptation should not be placed in the way of an officer, unless reasonable cause exists to test that person's integrity" (Wood, 1997: 511-512). Acceptance of the need for targeted testing is therefore based on the persistence of suspicions about specific officers. To be fair, the deceptive situation should resemble the suspected corruption (Wood, 1997). The justification is based on the existence of partial evidence of corruption, which is then confirmed or refuted by the test. This circumstance appears to greatly reduce the strength of the entrapment accusation (Sherman, 1983). However, a pejorative judgement regarding entrapment depends to a considerable extent on the degree to which an officer was influenced to act corruptly as a result of pressures entailed in the test. Specific circumstances are therefore crucial in judging the fairness of tests. The utilitarian argument in favour of targeted testing has been strengthened by the "success" of tests and

subsequent confessions by targets of previous corrupt conduct (Daley, 1978; Prenzler & Ronken, 2001).

Random tests, in contrast, are considered more difficult to justify, given lower levels of suspicion or the absence of suspicion, particularly in relation to specific individuals. Covert surveillance associated with random testing is also said to de-professionalise policing and create an inhibiting climate of fear and mistrust (Kleinig, 1996). Others have argued that random testing and covert surveillance follow logically from an employer's responsibility to assess employee work performance and honesty (HMIC, 1999b; Marx, 1992) – as in 'eavesdropping' on telephone communications with customers and using 'dummy' customers to monitor the response of service personnel (Bylinsky, 1991).

The legality of integrity testing and related covert practices has been upheld in the courts as part of the contractual rights of employers, within certain bounds of privacy and within the area of an employee's responsibilities (Cozzetto & Pedeliski, 1997). The legality of integrity tests in Australia has been supported in case law by the High Court in rejecting a defence of entrapment in a drug case. It was recognised that,

State Supreme Courts [and]... the courts of England, Canada and New Zealand have denied the existence of such a substantive common law defence ... (A)n offender does not escape liability (for his or her actions) merely because he was induced to commit the offence by another, whether the other be a friend, a business associate or a member of a police force (*Ridgeway v The Queen* [1995] 184 CLR 19).

It would seem then that integrity testing is legal in common law, barring strong evidence of provocation or coercion on the part of those involved in creating the test. The law reflects the principle that sane individuals are responsible for their actions even when the circumstances leading to an offence are not what they seem. Despite this, jurisdictions have introduced special legislation to facilitate tests, particularly with a view to protecting undercover agents who perform illegal actions in the course of running tests (Prenzler & Ronken, 2001). Enabling and protective legislation generally now go under terms such as "controlled operations" and "assumed identities".

Associated issues

A number of other objections have been raised against integrity testing. Cost is an obvious one, with diversion of resources away from the primary law enforcement and crime prevention functions of police. A review of the NYPD program by KPMG in 1996 also suggested that it was difficult to create realistic scenarios for random tests and officers were often able to detect test situations. Targeted testing, however, produced a much higher 'failure' rate because of the capacity to tailor scenarios to the profile of suspected officers (KPMG, 1996). Marx (1992) provides examples of expensive and embarrassing "keystone cops fiascos: with overlapping operations between different agencies. He also warns that integrity tests and other covert tactics can be misused to harass and discredit rivals within an organisation. An issue that follows close on the heels of the ethics of integrity testing is what to do when a subject 'fails'. There is very little information on practice, but it appears police have tended to take the hard line and dispense the same punishment to those who failed tests as those caught in 'real' corruption (Prenzler & Ronken, 2001).

Police reactions to the idea of integrity tests have been divergent; but tending towards the negative, at least when first confronted with the idea. Many police unions have been vehemently opposed on grounds of entrapment, adverse effects on morale, inhibiting effects on police work, misdirection of scarce resources, and potential hazards. They have also argued that testing of police should not be introduced unless other occupations are also tested (KPMG, 1991). Henry (1990) reports that random testing in the NYPD was initially accompanied by outrage from officers, but they came to accept it as a necessary evil to prevent corruption and protect the police reputation. In New South Wales, a state-wide education program was conducted prior to implementation of targeted tests (NSWPS, 1996). Marketing emphasised the slogan, 'honest police have nothing to fear from integrity testing'. The policy nonetheless was said to meet with considerable resistance, as well as some adverse media coverage. However, targeted testing became accepted as an essential anti-corruption tool by key stakeholders in policing in NSW; including the Union, who argued it provided a means to remove officers who betrayed their colleagues and also to address public distrust of police (Newton, 1997).

Drug and Alcohol Testing

Drug and alcohol testing is a developing area of quality assurance and duty of care, justified especially in occupations with high safety considerations (Hartwell, Steele & Rodman, 1998; Mieczkowski & Lersch, 2002). The 1999 Australian survey of integrity strategies (Prenzler & Ronken, 2001) found that the Australian Federal Police conducted drug tests on applicants and on serving officers where there was reasonable suspicion. Data indicated that only one positive result had been returned for an applicant.

In New South Wales, alcohol testing of police was introduced in 1997 and drug testing in 1998. This was in line with the recommendations of the Royal Commission and its findings concerning widespread abuse of alcohol and drugs by police (Wood, 1997). Alcohol tests were conducted on a random basis, with targets selected, irrespective of rank, by computer (Melling, 1997). In 1997, 6,967 tests were conducted (NSWPS, 1999: 4). Of the 5,473 tests conducted in 1998/9, 13 officers returned positive tests. Testing for 'illicit drugs' was conducted on a targeted basis in response to intelligence (Larkham, 1999). Test samples of urine were analysed by a Sydney hospital. For all drug tests up to the end of October 1999, of 44 tests nine resulted in a positive finding. There are no forced tests, but officers who refused to take a test were liable to be dismissed (Larkham, 1999). In 1998 the NSWPS introduced an additional programme of compulsory drug and alcohol tests following all incidents involving death or serious injury. Up to the end of the 1998/9 period, 125 officers had been tested in relation to 42 incidents. Two officers returned positive tests for illicit drugs, with no positive results for alcohol (NSWPS, 1999: 34). A US study in two police departments found that:

There is an identifiable group of people in policing which appears to be drug-involved. It also appears that, at least in some situations, and for rapidly excreted drugs like cocaine, the use of urine may be producing underestimates of these groups. The data support the idea that policing agencies may want to consider using multiple drug-testing modalities in order to maximize the identification of different drugs (Mieczkowski & Lersch, 2002: 581).

In drug and alcohol testing, a "fail" (or "positive") result appears to draw more diverse responses, including treatment options, despite the fact that drug and alcohol tests are not simulations

(Mieczkowski & Lersch, 2002). In the case of random alcohol tests, 'all officers who tested positive were offered and accepted rehabilitation counselling' (NSWPS, 1999: 34). A much tougher line was taken on positive drug results, with the expectation of dismissal and criminal charges. In some cases officers could be maintained on a probationary system if they participate in rehabilitation and accept random tests for five years (Larkham, 1999). The approach of the NSWPS to drug and alcohol testing combined the perspectives of employee health, workplace health and safety, and corruption prevention. This was in line with the Royal Commission analysis, which recommended testing occur in consideration of the following:

- the interests of rehabilitation in the circumstances of a job that is at times dangerous and stressful;
- the incompatibility between resort to criminal behaviour and the holding of an office in law enforcement; and
- the dangers of handling motor vehicles and firearms, and dealing with the public, when affected by alcohol and drugs (Wood, 1996: 15).

The Service's rationale for drug testing took cognisance of the particular risks entailed for corruption when police use drugs (Larkham, 1999; see also Wood, 1997: 506). The survey of Australian police inspectors cited above (Prenzler, 2006) found that 97% believed targeted testing for drug use was justified, with 77% supporting random drug testing. Targeted testing for alcohol was supported by 97%, with 75% supporting random alcohol tests. The 1999 HMIC report *Raising the Standard* argued that "in view of the ... threat posed to the Service by drug misuse, forces should now be treating the area of drug testing as a professional standards priority" (1999b).

Surveillance

There is very little in the academic police integrity literature on covert surveillance. The use of covert tactics against police corruption has been influenced by the Knapp Inquiry in New York City and, in Australia, by the NSW Royal Commission. The Fitzgerald Inquiry in Queensland relied on traditional investigative methods augmented by powers to compel witnesses to testify and "turning" corrupt officers, often with offers of indemnities (see also Punch 2000: 318). In NSW the Wood Commission went further with the use of stings and covert recording devices. These strategies, and the display of selected results in the media, were considered key elements of the success of the inquiry. Their continued use was a major

recommendation in the final report. Wood emphasised that there needed to be a shift in anti-corruption methods away from reliance on confessions and informants to greater use of physical evidence and surveillance (1997). He also recommended continuous monitoring of technology to ensure that best use was made of all available technologies against police corruption. A current example of this is the availability of "skype" – telephone-like computer-based internet communications – that corrupt police can use instead of standard landline telephones or mobile phones.

Undercover Agents

There is also very little in the policing integrity literature on the use of undercover operatives – other than as shadowy players in physical surveillance operations and stings. There is the famous example of "field associates" or "spies" used in the NYPD in the post-Knapp period. They were recruited from the Academy or in-service training and operated as regular police officers but with a duty to report suspicious behaviour to Internal Affairs "control agents". Officers assigned to engage in follow up investigations of reports were not given the agent's name. "Internal informants" were also used in the Oakland Police Department; apparently hand picked by the Police Chief and reporting directly to him (Sherman, 1978: 157). In New York City agents were widely deployed, including to patrol units, but with a concentration of agents in high risk squads:

The reform commander of the newly centralized vice and narcotics enforcement unit was the first to use "field associates"... The vice commander recruited field associates from among the graduates of the in-service training course that prepared selected uniformed patrol officers for their new assignments to vice and narcotics work. By early 1972, 70 of the 400 officers newly assigned to that 925-officer bureau had agreed to serve as field associates. Of course, the 330 new officers who were interviewed but not picked for the additional assignment as a field associate immediately spread the word that "spies" were about (Sherman, 1978: 157-158).

While strict control was placed on their identities, the program was publicised as a deterrent measure:

Field associates were quietly infiltrated through every precinct and specialised unit in the agency, until they

reached a rumoured strength of one per ten officers in the department, and one in eight in gambling and narcotics enforcement units. The actual number of field associates deployed has never been revealed by the NYCPD, but it has also never attempted to quash rumours about their proportion within the force. Whether field associates actually account for ten percent of the department or that figure is the result of subtle disinformation, their effect upon corrupt activities within the police subculture is undeniable. This institutionalised program of controlled internal whistleblowing spread throughout the agency creating a tremendous amount of functional anxiety and corruption consciousness... One never knew if his partner or another officer nearby was a field associate, secretly reporting his activities to IAD (Henry, 1990: 50).

Although the impacts were never apparently quantified, Henry (1990: 50) argues the program "shattered the implicit subcultural expectation of trust (if not tacit complicity) upon which corrupt officers depended". Internal informants were of little direct value as prosecution witnesses because of the need to protect their anonymity. Nonetheless, the program created a "functional divisiveness" across the organisation that was crucial to stopping blatant corruption (51). Furthermore, the identities of field agents were so well protected, and the program was so well managed, that experienced police had to abandon the system of initiating rookies into corruption through participation in minor infringements.

Undercover operatives can be placed at high risk, when they act as drug buyers or supplier for example. Operations can involve the building of lengthy interpersonal relationships with criminals. To this extent it gives rise to the concerns attached to the use of undercover operatives in general, including deception, infringement of privacy (especially of third parties), participation in unethical, even unlawful, activities to create and maintain credibility with criminals, exposure to drug use and the risk of addiction, and risks to undercover operatives themselves (including physical harm, even death, if his/her identity is exposed, but also corrosion of character as a consequence of substance abuse, adopting a criminal "lifestyle" and so on) (Marx, 1988). There is a consequent need for judicious recruitment and appropriate training and supervision of undercover operatives; there is also a need for restrictions on unethical and unlawful behaviour in these contexts, e.g. grievous bodily harm is unacceptable but what of sexual relationships.

Arguably, given their intrusive character and high risks, undercover operations should only be used in a targeted fashion against persons reasonably suspected of misconduct (Girodo, 1998). As Gill points out, "the invasion of privacy represented by an undercover officer is much greater than that of an electronic bug or telephone intercept" (Gill, 2000: 205). Despite its apparent success, NYPD style field associate programs have not been taken up elsewhere to any extent. The 1994 Mollen Commission did not recommend the program's reinstatement in its original form. Nonetheless, it required the creation of an "undercover squad", to be engaged in a form of hybrid random/targeted operations against particular organisational elements (1994: 139):

Internal Affairs must recruit and operate a cadre of undercover officers in the most corruption-prone precincts and commands. Their role should be to gather information on corruption within their commands and provide the basis for integrity tests, electronic surveillance, and other pro-active investigative measures.

Asset and Financial Audits

Financial audits of suspect police is an idea that circulates in police integrity circles. There is, however, even less published in this area. Financial audits can be operationalised on a random basis or targeted against suspect officers. One obvious trigger is an "unaffordable lifestyle". While police may have legitimate sources of income above their salary, a proper risk management system will see a lavish lifestyle as a legitimate trigger for a financial probe. The LAPD Ramparts scandal involved police receiving income from drug sales and armed robbery. The Board of Inquiry stated:

State laws must be changed to allow examination of an officer's financial record, particularly when that officer is in a highly sensitive assignment or there are indications that the officer may be living above his or her apparent means. Officers driving a very expensive automobile who boldly display a license plate taunting the IAG surveillance team or who display wealth far above their apparent means should expect to be asked about the source of their income. Restricting a law enforcement agency's access to this critical information only facilitates corrupt activities (Parks, 2000: 337).

The Ferguson report into the Toronto Police Service recommended automatic financial checks for promotions and certain assignments. It noted that:

The Service does not today employ a consistent practice of thorough background and financial checks on persons being promoted and on persons being transferred to sensitive or high-risk units. This is particularly troubling since it is well known that personal debt and so-called high living are major contributors to police dishonesty. Additionally, a process of psychological assessment is not currently in place for promotional candidates or those making application for transfer to sensitive or high-risk units. Such an assessment is critical to the selection of appropriate candidates for such positions (Ferguson, 2003: 24)

A broader rationale comes from the use of financial analyses and tax law against organised crime figures who do not file tax returns, or whose ostensible incomes and lifestyles do not match their official income. The most famous case is that of the 1920s American crime boss Al Capone, whose career was destroyed after he was imprisoned for tax evasion. Australia's most notorious police officer, Roger Rogerson, was acquitted on a variety of charges. He was eventually dismissed from the NSW Police as a result of pending charges. He was subsequently convicted and imprisoned for perverting the course of justice in relation to attempting to cover up an association with a criminal and attempting to cover up "the deposit of monies into bank accounts under a false name" (Wood, 1997: 58).

Data Access Controls and Data Trails

Police "information corruption" involves illegal disclosures of confidential information, often for a fee, or simply obtaining information about persons out of personal curiosity or malice. In the past, illegal access and the passing of information by police to criminals or to other corrupt police was difficult to track. Electronic storage and access stems now make data access controls and tracking relatively simple procedures, using the following principles. Sample controls include (HMIC, 1999a, 1999b: 128-129):

- Sequestering of highly sensitive databases, such as informant registers and Professional Standards data,
- Password access on a strict "need to know" basis,
- Regular automated password change requirements,

- Entry questions about access purposes,
- Automatic time outs to prevent secondary access,
- Regular audits to identify illicit access,
- Automatic alerts about attempted unauthorised access or unusual activity,
- Passwords can even be connected to building security swipe cards so that an alert can be triggered if a staff member has left the building but appears to be on the computer system.

Witness Protection Programs

The functionality of the criminal justice system as a whole, and the combating of police corruption in particular, is heavily dependent on witnesses:

Without witnesses, the rudiments of prosecution, such as identifying the accused and establishing the requisite nexus between the accused and the crime, would become insurmountable obstacles to conviction, and the criminal justice system would cease to function (Harris; in Fyfe, 2001: 1).

The importance of protecting witnesses was graphically illustrated in Victoria in 2004 when key witnesses to serious crimes, Terence and Christine Hodson, were murdered in their own home and part of the prosecution case in relation to these serious crimes collapsed as a consequence (OPI, 2005). As is their right, the Hodsons had opted not to accept the full protection afforded by the Victoria Police witness protection program.

Witness protection programs exist on a spectrum sometimes categorised in terms of level 1 (life threatening), level 2 (case specific) and level 3 (community wide) (OPI, 2005: 8-9). Level 1 witnesses need to be relocated and provided with a new identity. Before doing so there is a need for: the evidence to be provided by the witness to be determined to be crucial and in relation to very serious crimes; an assessment of the level of threat to the witness; an assessment of the suitability of the witness (including psychological and other testing, e.g. in relation to substance abuse) and; a clear and detailed MOU drawn up. Witness protection personnel need to be trained appropriately, and the roles of assisting those in the program - as opposed to determining their possible non-compliance with the requirements of the program and, as a consequence, removing them from the program - need to be clearly separated. It goes without saying that strict confidentiality and security of information are at a

premium in relation to such witness protection programs. Level 1 witnesses include the so-called "supergrasses" involved in the fight against organised crime, e.g. the mafia in the US and Italy, and former members of terrorist groups such as the IRA in the UK and Northern Ireland in the 1970s and '80s (Greer, 2001).

Many of these Level 1 witnesses are themselves criminals who have been offered indemnity in return for acting as witnesses for the prosecution case against their former criminal colleagues. This gives rise to important questions in relation to the credibility of these witnesses. Is the testimony of such criminals to be believed? Hence the importance of corroborating evidence, e.g. videotaped interviews, testimony of other witnesses. It is also important to ensure that such witnesses are not being rewarded, since this can impugn their credibility. Here there are fine distinctions in play between being rewarded and being indemnified (without being rewarded). Again, entrants into such a witness protection program must understand that, for example, any breach of security on their part may lead to their removal from the program and termination of their indemnification, i.e. they will be charged for the offences against which they had originally been indemnified.

Level 2 witnesses are witnesses subject to verbal threats, stalking or the like, but who are not facing a threat to life or limb. They may need protection in the form of enhanced home security, personal electronic warning devices, and the like.

Level 3 witnesses have received no direct threat but feel at risk. They might simply need the reassurance of knowing that they will not find themselves alone with the accused in, say, a courthouse room, and that police have informed the accused that they are not to approach the witness or his/her domicile. Protections for Levels 2 and 3 are determined on a case by case basis.

In the context of the notoriously solidaristic police culture, internal witnesses in police organisations pose special problems. These problems are above and beyond the general issue of legal protections against defamation or breaching official secrets legislation; by and large a duty to report misconduct deals with these problems, albeit there is a residual need for legal protection for internal witnesses - including so-called "whistleblowers" acting in good faith and in the possession of the facts - in the small number of cases where all official channels have been exhausted, including external oversight agencies, e.g. ombudsman, and there is a need to go public, e.g. to the media.

These additional protections pertain to victimisation, not only on the part of those who are the subject of allegations by internal witnesses, but also managers seeking to “bury” the problem. Here there are a range of policies that should be in place (Commonwealth Ombudsman, 1997):

- making victimisation of internal witnesses a criminal offence;
- establishing an external oversight body to whom complaints of victimisation can be made and who can monitor the quality of internal processes in relation to internal witnesses, e.g. Ombudsman;
- appropriate training of managers in relation to such internal investigations;
- penalties, e.g. loss of command, for managers who fail adequately to investigate cases of victimisation;
- an appropriately high level authority in relation to any decision to make internal witnesses undergo psychological testing, and (in appropriate cases) recognition/reward system for internal witnesses whose claims/evidence are upheld/vindicated.

Indeed, such are the problems with witness protection programs that some have suggested that admission to witness protection programs should not be at the discretion of the police (Fyfe, 2001: 65). At any rate, the adequacy of witness protection programs is also in part a matter of whether or not witnesses are in fact protected. It is also a matter of their felt level of security; this can be gauged by questionnaires. In addition, there are other measures, for example, the extent and quality of the physical security protections afforded level 2 witnesses. Ombudsman reports and audits are a further source of information in regard to the adequacy of witness protection programs.

Recommendations

“Advanced techniques” now appear as essential tools against misconduct, especially in large police departments with a high risk profile for corruption. This does not mean that high risk strategies, such as integrity testing, need to be continuously deployed, but the legal capacity and knowledge need to be in place to ensure they can be applied when needed. It appears, however, that other strategies, such as drug and alcohol testing, need to be deployed on a routine bases as a means of assuring ongoing compliance with professional standards.

1. Targeted and random drug and alcohol testing should be established as a standard strategy to ensure police are fit for work and to prevent corruption.
2. Targeted integrity testing should be available for use when required. Audits of investigations and general assessments of conduct levels will assist in determining the level of deployment required.
3. Targeted integrity testing needs to be carefully planned and managed, and conducted within legal and ethical constraints.
4. Random integrity testing for serious crimes and in high risk areas probably faces too many risks and difficult ethical or public relations challenges. Nonetheless, it is a strategy about which police departments should probably maintain a watching brief.
5. There is a case for the use of randomised, or partially randomised, "quality assurance" tests in areas such as police responses to crime reports, responses to domestic violence calls and responses to social minorities.
6. Consideration of the value of telephone intercepts, covert physical and electronic surveillance, tracking and financial audits needs to be standard for all investigations. The question should always be asked: Would this investigation be enhanced, or would this suspicion best be addressed, through the use of covert surveillance techniques?
7. Police anti-corruption units need to ensure they are up-to-date with technical developments to ensure that best use is made of available technologies and to counter the uptake of new technologies by corrupt police.
8. A witness protection program should be in place in all modern police organisations, and one pursued in accordance with best practice, ethical constraints and subject to audit.
9. The ethical issues involved in integrity testing, drug and alcohol testing, and witness protection should have an important place in ethics education and training programs.

Section 6. Ethical Leadership

Background

This section is concerned with police leadership and, specifically, ethical leadership in policing. One HMIC report concluded:

Of all the factors which might lead to a lack of integrity in the Service put forward by those visited by the Inspection Team, an absence of good supervision, management and leadership was by far the most prominent (1999a: 61).

Issues of leadership are inseparable from issues of institutional structure, culture and purpose. Good leadership and good management are relative to the nature and goals of the occupation or organisation to be led or managed. Good managers facilitate the successful pursuit of the proper goals of the organisations that they manage. By contrast, bad managers impede or undermine the successful pursuit of appropriate organisational goals. But there are important differences between institutions and between occupations. Police managers self-evidently need to possess generic administrative, budgetary and management skills. However, police organisations presumably should not to be assimilated to, for example, business models. Police managers should therefore not be styled exclusively as business managers. A business orientation is evident in the language of "customer service" and "value for money" that has come to pervade some police management discourses. But the victims of crimes, such as rape or robbery, much less the perpetrators of those crimes, are surely not merely "customers" seeking "value for money".

The following sets out a model of ethically-based leadership in policing. This is based on a growing body of work that questions the narrow business management model while not necessarily rejecting some of the elements of that model, such as efficiency, accountability, and quality of service (Goldsmith, 2001).

Models

A detailed and widely accepted normative theory of contemporary police institutions is yet to be provided. A normative, as opposed to a descriptive theory, provides an account of what an organisation's goals ought to be and what its structure and culture ought to be – as opposed to what they in

fact are at some particular point in time. The traditional model of a hierarchical, bureaucratic and paramilitary organisation has been rejected by most contemporary theorists of policing, and its deficiencies comprehensively detailed (e.g., Goldstein, 1990; Bayley, 1995). Corruption and misconduct have been prominent amongst the negative outcomes of this system.

What is less clear is what ought to replace the paramilitary model, albeit there are various candidates being put forward. One family of such models emphasise the ethical dimension of policing, and the accountability of police organisations to the community. For example, there is the social contractarian/peacekeeping model (Alderson, 1979; Kleinig, 1996: chp 1) and a (related) human rights based account, according to which the fundamental end of policing is the protection of human rights (Miller & Blackler, 2005: chp 1; Neyroud & Beckley, 2001). Such models tend to emphasise ethically informed discretionary decision-making on the part of autonomous reflective practitioners, and direct police-community engagement and accountability.

These two models contrast somewhat with public sector management models that have been embraced by many Australian police services to varying degrees over the last couple of decades. These postulate a rational-instrumentalist bureaucratic model of police organisations emphasise top-down management control in the service of quantifiable outcomes (notably reduction in crime rates), and recommend extended deployment of incentives/disincentives (“sticks and carrots”) as motivational tools (Hood, 1995). It is important to note that accountability programs including incentives and disincentives should be put across as positive. Those who are found to be accountable should be rewarded as such with merit based promotion (Mills, 2003). It has been argued by some that these public sector management models represent a return to the traditional paramilitary model (Weisburd & Braga, 2006; White, 2006), albeit with some differences, notably the use of sophisticated new technologies (especially information and computer technology) and the holding of police middle managers to account for their performance in regard to crime reduction, e.g. in the Compstat process (see below).

Whatever the virtues or vices of particular models of policing institutions, the general point is that without an acceptable normative theory of police institutions workable conceptions of good leadership and management in policing are significantly hamstrung. Police leaders and managers need agreed upon and

clear institutional purposes to provide direction to their strategic thinking and performance management activities. As Neyroud and Beckly argue, "judging police performance is a complex matter, because of the absence of a clear purpose and clear expectations about what police services should deliver" (2001: 94).

A further and derivative problem pertains to police autonomy, both at the institutional level and at the level of the individual police officer – the occupants of the much vaunted "office of constable" (Mack, 1978; Miller, 2005: chap.2). On the one hand, police organisations require a degree of independence from government if they are to perform their quasi-judicial function of impartial law enforcement, including at times, in relation to members of the government itself. For a similar reason individual police officers would seem to require a degree of independence from their superiors. There is also a more general argument for individual police officer autonomy based on the proposition that in contemporary societies the police role is, or ought to be, undergoing a process of professionalisation leading to police-as-reflective-practitioners exercising ethically informed discretion (Bayley, 1994, 2001).

On the other hand, the responsiveness of police organisations to the community that they serve requires that their autonomy be constrained in large part by governmental agencies representing the community; moreover, the requirements of accountability – not to speak of the historical vulnerability of police organisations to corruption – dictate that police organisations be subjected to close and ongoing oversight. Similarly, the discretionary powers of individual police officers need to be constrained and/or subjected to stringent accountability mechanisms. This entails in turn their answerability to police management, at least in the first instance. A critical point here pertains to the need to ensure that police managers are themselves subjected to stringent accountability, notably in respect of their management/supervision of subordinates.

There is a general point regarding police leadership and management to be extracted from all this. In the absence of a coherent and agreed upon account of the nature and limits of both the autonomy of police institutions, and that of individual police officers, there will be a lack of clarity in relation to the role of police managers. As Neyroud and Beckly state:

We have suggested that an enabling model – involving increased professional autonomy and a

more reflective practitioner – is essential for the development of policing.....However, this does not fit well with the existing managerialism and performance culture in the police service (2001: 94).

Arguably, there is both a need for police to become reflective practitioners, exercising ethically informed discretion in relation to an engaged community, as well as a requirement that they be subject to stringent accountability mechanisms: increased discretion implies increased accountability. The use of clear and quantifiable performance indicators would seem to be part and parcel of any organisation. Thus any cohort of practitioners claiming to be professional, or at least claiming to be in the process of professionalizing, must include the use of measurable performance indicators with an appropriate degree of professional autonomy.

A possible model on offer – at least in relation to some policing contexts – is that of the Australian Federal Police, which abolished its traditional rank structure for all national operations personnel, replacing them with a generic rank of Federal Agent. The AFP also virtually abolished all divisions and branches, implementing a flexible teams approach to all operational and operations support work. On this team-based model, work is assessed and prioritised, teams set up on the basis of required and available skill-sets, and resources applied on the basis of need. The team leader has responsibility for the operational budget, and the team has real ownership of its own work, decisions made and the results achieved (Miller & Palmer, 2003).

Following in-depth interviews with police in the Netherlands, Huberts, Lamboo and Punch reported “there was unanimity that the Dutch police have undergone significant changes concerning integrity”:

Police chiefs and police management ... are far more than in the past presenting a “good example,” and there is little doubt about the integrity of management ... Officers most often mentioned the following causes for the changing importance of integrity: governmental and force integrity policies, the reorganization of the police (which opened up working teams to more scrutiny) and changing values and norms in the wider environment (society) (2003: 229).

Governmental promotion of ethics and a political agenda concerned with accountability does appear to positively influence

cultural support for integrity, as indicated in a recent cross-national study of police attitudes (Kitnjak Ivkovic, 2005).

Practical Aspects of Police Leadership

To exercise leadership is to influence others to follow one in certain ways. It entails influence that shows situational wisdom or influence that reflects a larger vision. Leaders, unlike managers, must engage the hearts and minds of those whom they lead. The leadership may be personal or it may point beyond its conveyor to some larger (e.g., organisational or professional) cause. To be a leader in this sense one does not need de jure authority (a formal rank) though a leader will tend to exercise de facto authority by influencing others in particular directions.

Within a police department, might one expect officers to express leadership qualities before promoting them into supervisory positions? Almost certainly. Promotion prior to the successful completion of a supervisory leadership course/program is almost certain to lead to more inappropriate promotions than would occur were those aspiring to supervisory leadership first required to succeed in a leadership program. Prior completion of such a program should be a condition of eligibility for (not a guarantee of) promotion. Might the need for all officers to show leadership make it appropriate to provide a general leadership program that addresses and fosters the qualities that one might usually expect to find in leaders? That might be desirable but operationally impossible in a large department. But it is not unreasonable to think that every person of or above the rank of senior constable might be expected to pass through a leadership program.

Essential leadership qualities will probably vary with context in which leadership is to be shown. But they might include (HMIC, 1999a: 61ff):

- Role modelling, in which the leader exemplifies the qualities desired of those who are called to follow;
- Competence in the area in which leadership is to be exercised;
- Initiative – being willing to take the lead;
- Commitment to the cause in which the leadership is exercised;
- A clear sense of what is called for in a situation in terms of both means and ends;

- Enthusiasm for the activity and optimism that it can be accomplished, without denying a realistic appreciation of what is and what is not achievable;
- Sensitivity to where followers are and the capacity to energize them and draw them into supportive contributions to the goals of the activity;
- Self-discipline.

Leadership, of course, is not simply a matter of certain qualities or traits. It is a matter of exercising these contextually and situationally.

Leadership and Culture

Cultural considerations are of central importance to the ethical health of police organisations. Without a culture of commitment to the purposes of policing and maintenance of the public trust administrative and legal constraints will constitute resented barriers rather than guidelines. Administrative and legal constraints should be there to serve a culture of commitment, not substitute for it. This is easily overlooked in an environment that tends toward the militaristic rather than the professional, the retaliatory rather than the educative, and the punitive rather than the redemptive.

Organisational culture should be one of professionalism, and legal and other administrative devices and initiatives should be directed to creating and sustaining a culture of professionalism. A culture of professionalism is one which fosters both a commitment to the ends or purposes of the activities for which the organisation stands and also the determination of its members to enhance the quality of their engagement in those activities. This will not happen naturally and, even when it has been created, will not be sustained without ongoing efforts. All organisations have an endemic tendency to decline (Hirschman, 1970) and unless the organisation is going forward it will drift backward.

Here there is a need to identify features in the organisation that foster decline as well as other features that enhance professional commitment (White, 2006). Examples of the former include: excessive oversight, leading to minimalism; a stagnant or “unprofessional” promotional process; time-serving supervisors; a culture of kicking the dog (passing on blame down the ranks); constantly changing expectations (and double-bind). Examples of the latter include: a leadership that acknowledges and/or rewards good work; clear understanding of responsibilities, and

of why one has them; a culture of improvement rather than of blame; openness to innovation; good lines of communication.

Within policing, leadership will occur at several levels, beginning, probably, with the Commissioner, whose job, though connected to every other job, will tend to be cast in broad policy and organisational climate terms rather than at the interface of micro-service delivery (mostly the responsibility of the constable). It is clear, though, that what goes on at the top reverberates through the institution (and, sometimes, vice versa). For example, research on the history of gender equity in Australian policing has shown that the attitude of the commissioner has been the overwhelming source of influence on whether or not a department's procedures are sexist or egalitarian (Prenzler, 2002b). A somewhat similar relationship has been found between the attitude of chief constables in England and Wales and the recruitment of minority groups (Holdaway, 1991). Judicial inquiries have also repeatedly shown that in corrupt departments support for corruption has come down from the top (Fitzgerald, 1989; Fleming & Lafferty; 2000; Knapp, 1972; Newburn, 1999, Wood, 1997). Either commissioners or chiefs have been directly involved, or they have protected corrupt officers through a culture of tolerance and lack of an anti-corruption infrastructure. Denial and defensiveness have most frequently been the response to allegations of corruption in these contexts.

Policing is well known for a sharp disjunction between management rhetoric and rank-and-file practices: the "two cultures of policing" (Reuss-Ianni, 1983) or the formal and informal cultures of an organisation. This difference is partly natural but can be fostered by management indifference to real implementation of policy. It can also be affected by a sense of unfairness amongst the rank-and-file. For example, the Rampart Board of Inquiry in Los Angeles recommended that regular audits be done of disciplinary outcomes to stop the widespread practice of a double standard in discipline that favoured management (Parks, 2000: 339).

In a study sponsored by the US National Institute of Justice, researchers surveyed officers in 30 police departments using an ethical climate survey. From the results they selected three highly ranked departments in terms of their "integrity environment". In-depth follow up research, including field observations, identified the following key factors in organisational integrity:

Officers learned to gauge the seriousness of various types of misconduct by observing their department's diligence in detecting it and disciplining those who engage in police misconduct ... The rules governing misconduct should be specified and officers trained in their application... an effective way to educate both the police and the public is to disclose the entire disciplinary process to public scrutiny. How police manage, investigate, and discipline misconduct will show officers how serious they consider the misconduct to be. In choosing levels of discipline, police administrators should understand the educational consequences of their disciplinary acts (Klockars, Kutnjak Ivkovich & Haberfield, 2005: 3, 8).

A Dutch study on the influence of leadership styles – “role modelling, strictness, and openness” – on types of police misconduct concluded that:

Role modelling is especially significant in limiting unethical conduct in the context of interpersonal relationships. Employees appear to copy the leader's integrity standards in their daily interaction with one another. Strictness is important as well, but appears to be particularly effective in controlling fraud, corruption and the misuse of resources. The impact of openness is less evident (Huberts, Kaptein & Lasthuizen, 2007: 587).

The study related the respondents' perceptions of their supervisor's leadership style to the respondents' perceptions of colleagues' violations of ethical standards. These were colleagues who worked under the same supervisor. To elaborate, the study found that:

Role modelling appears to have a significant influence [in positive terms] on all types of misconduct, with a relatively strong effect on internal corruption (favouritism), types of ill-treatment (discrimination, harassment, gossiping, bullying) and falsely calling in sick (599).

Openness was also identified as having a positive influence on 15 of the 20 types of unethical conduct used in the study, with a particularly strong influence on “internal favouritism and discriminatory remarks to citizens and suspects” (599).

The Commissioner's role is critical, just because of the hierarchical structure of policing. Even if we seek to diminish this hierarchy by means of a flattened leadership structure, this does not do away with the critical importance of the Commissioner. Rather it increases the importance of other leaders within the organisation. This may be of particular significance in cases in which a new Commissioner has been brought into a police organisation with deep problems. Leadership initiatives from the top may not flow down without a supportive ongoing leadership below. It is essential that junior and middle managers received support from their supervisors for a strong approach to ethical conduct (HMICb, 1999).

One bedevilling factor in police organisations is leadership flux: leaders come and go, along with their expectations and initiatives. How does one effect cultural change when some of the major initiators/sponsors of change are here today, gone tomorrow? Those under a leader may be unwilling to commit to a leader whose tenure is expected to be relatively brief. Consider cases in which those who did commit to a leader who subsequently left now find themselves too closely identified with the leader who left and are therefore left out in the cold: admittedly most often the case when a leader has left in bad circumstances, but sometimes they may be bad only politically. Is there some way in which good work begun can be kept alive and built upon? Might this be partly the responsibility of those who choose leaders – to ensure a certain continuity of good work?

Ethical Leadership and Integrity Mechanisms

One key set of indicators of the quality of ethical leadership in a police organization is an indirect one. It focuses on the extent and quality of key elements of the integrity system itself, albeit in so far as those elements are the responsibility of, or otherwise interface with, police managers. This follows from the work undertaken in earlier sections on elements of an integrity system for police organizations.

Ethics and recruitment

The extent and quality of recruitment policies and processes – such as background checks, interview processes, psychological testing and so on – in so far as they pertain to ethical character are an indicator of ethical leadership in a police organization. These policies and processes can be subject to evaluation and audits.

Ethics education

Ethically informed police practice relies on ethics education, both at the recruitment level and in professional development courses (Wood, 1997: 542). Therefore, an indicator of ethical leadership in a police service is the extent and quality of such ethics education. Of particular importance here is the ethics education provided to managers. It is not surprising therefore that the International Association of Chiefs of Police at its 1999 conference put police ethics and ethics training as its number one priority in relation to police leadership (Bennett, et al., 1999). An external evaluation of ethics education structures, processes and materials – especially ethics education for police managers – is, therefore, also an indicator of the quality of ethical leadership in a police organization.

Complaints and discipline system

The question for police leadership here concerns not only implementation, and ongoing monitoring and evaluation of a satisfactory complaints and discipline system, but, in particular, management policies in relation to ensuring the justice and utility (efficiency and effectiveness) of this system in practice. Such quality assurance could take the form of analysis of complaints data, surveys of complainants, and audits of complaints investigations; moreover, such analysis should be skewed to management issues, e.g. management interventions (or lack thereof) into a poorly conducted investigation.

Other integrity mechanisms

Intervention and support systems include witness protection systems, informant management systems, covert operations, early intervention systems and risk management. It is the responsibility of police management to ensure that these integrity mechanisms are best practice, fully implemented and subject to ongoing evaluation and (where necessary) redesign. There are various quality assurance mechanisms available here, including data analysis, audits, interviews and so on by independent evaluators.

Commissioner's confidence

Commissioner's confidence provisions are a recent innovation in Australian policing. If the service wishes to avail itself of "loss of the Commissioner's confidence" as a basis for job termination for ethical misconduct/criminality/corruption, it must be assured that

its invocation of this reason and the conditions under which it is invoked can be sustained at law. Accordingly, the adequacy and appropriate use of such provisions is a criterion of ethical leadership at the highest level of the police organization. Its use to be monitored and a fair appeal mechanism needs to be available to ensure member confidence in the system.

Selection and Education of Ethical Leaders

The following looks more directly at the processes for selecting ethical leaders, and for enhancing their performance as ethical leaders by way of ethics education.

Promotion and ethics

There should be a promotional – or at least advancement – structure within a police service that is responsive not only to functional needs but also to the professional expectations of those in the service. Arguably, financial considerations are not completely irrelevant. One might imagine that between years 8 and 20 of an officer's career (house, children, education), financial pressures are likely to be the most significant.

Promotion – particularly, though not exclusively, to administrative positions – probably should not occur cold. There should be some executive development program (for which people are appropriately selected), successful engagement with which will (normally) constitute a precondition for promotion to a leadership position as those become available. Although a great deal of learning is likely to occur on the job, a prepared person is likely to learn better. Moreover, such programs ought to reflect best practice and the latest relevant research in terms of their context, design and delivery.

Those tasked with leadership ought to display in their own case some of the personal qualities they (should) expect of others – that is, those general qualities of character implicit in the role of a police officer: impartiality, integrity, commitment, industriousness, and so forth. Promotion to a leadership role should consider how such qualities manifest themselves in the potential leader. A leader cannot expect of others what are not manifest in him/herself. How might an assessment of a potential leader's professional ethic (which would include – though not be limited to – competence, integrity, work ethic) be acceptably accomplished? How might we avoid the impression – often given in police services – that promotion depends on relatively extraneous factors or at least on factors that are less rather than

more relevant (e.g., seniority) or that when based on appeals to merit, merit does not dummy for a person's networking ability ("MERIT = Mates Elevated Regardless (of) Intelligence or Training"). Unless "civil service" type exams are included in the mix of criteria, judgments are likely to be coloured by too many personal factors. (This is not to deny the relevance of personal factors. Collegiality, trust, even loyalty (or at least the kinds of loyalties one has), may have importance).

Ongoing ethics assessment

What is necessary for promotion should be sustained in execution. Ongoing performance reviews should include some reference to a leader's professionalism that also takes account of the qualities of character required by that professionalism. Here there are important questions as to the form such an assessment should take and the properties that should be looked for. The latter include: coolness under stress; patience allied with firmness; decisiveness but with consultation; avoidance of condescension, humiliation, and punitiveness; keeping of promises and not promising more than can be given; accepting responsibility for mistakes; allocating responsibility for success to subordinates; lack of favouritism; sensitivity to potential conflicts of interest; educative and supportive of subordinates.

We have already touched on one important area in relation to which an ethics assessment of a police manager could be conducted, namely, the adequacy of the various integrity mechanisms in place within their sphere of responsibility (see above). This includes mechanisms of prevention and detection of ethical problems, e.g. use of early warning systems, investigation of complaints; but it also includes interventions to support and correct the attitudes and behaviour of those whom may have engaged in misconduct, e.g. ethics education, conflict resolution, restorative justice programs. More generally, there is the question of the extent and quality of a manager's ethically informed engagement with his/her subordinates as evidenced in, for example, performance appraisal documentation, documented responsiveness (or lack thereof) to complaints about subordinate officers, documented interventions in relation to workplace conflict, and so on.

Focused ethics leadership education

Each leadership role brings distinctive challenges with it. Many of the ethical challenges faced by a police commissioner will be different from those faced by an operational police sergeant, and

vice versa. As people move into leadership roles and into different leadership roles they should have the opportunity to familiarise and prepare themselves for the kinds of challenges that are likely to be encountered within the role. If it is thought appropriate – as, surely, it should be – that people are provided with an in-service initiation program for the leadership roles they are about to enter, it should be thought appropriate to include within that preparation familiarity with and resources for responding to the ethical challenges that the role is likely to bring (White, 2006) .

Overarching this whole enterprise is the conviction that an ethic of professionalism is not merely an add-on but a foundational expectation of policing, part of the “social contract” that exists between police and public. In many professions – especially those characterised by rapid developments – members are required over a one or two year period to accumulate a certain number of credits in recognized continuing education programs. This is made a condition of continuing certification or good standing. Although it might be argued that new developments can be conveyed to members via the intranet or other impersonal means, the value of collective continuing education in which questions can be shared, discussed, and responded to is likely to be a more effective way of updating and retooling, and is also likely to provide important communal opportunities. Hence, integrity reports, such as Ferguson (2003: 25), argue that:

No member of the Service shall be promoted to a management or supervisory position unless he or she has successfully completed a designated course on management skills required in the higher rank, in addition to training in ethics and integrity.

Quite apart from mandatory continuing education, rewarded continuing education should be available to those officers who wish to continue as operational street officers and wish to have salary increments available to them without having to accept supervisory roles. Successful performance in a variety of continuing educational programs could provide a framework for their not only remaining operational street officers but also enhancing their operational and mentoring skills. They might indeed, even be drawn upon as resources for some continuing education programs. Salary increments would then have a “quantitative” justification.

Accountability of Police Leaders

Leaders will be accountable to various constituencies, depending on their place in an organisation. Ultimately, as part of their professionalism, they should be accountable to themselves. They should hold themselves to account for the way in which they carry out their tasks. But, given the realities of our condition, we cannot always rely on this and therefore other accountability measures need to be implemented – reporting requirements, annual interviews, etc. What will be the most essential and useful and essential tools for such professional accountability? What seems to be important, at least so far as the development and maintenance of professionalism is concerned, is that accountability measures be of a kind that foster rather than inhibit professional development. Cynicism is a corrosive feature of many police organisations.

Compstat and management accountability

A notable accountability mechanism for police managers in relation to crime control that has been introduced in one form or another in many police organisations in recent years is the so-called Compstat model (Henry, 2002). Compstat has been described as “perhaps the single most important organisational/administrative innovation in policing during the latter half of the 20th century” (Kelling & Sousa, 2001: 6). In its original form it was developed during the time of William Bratton, NYPD Chief of Police, in the 1990s. It involves a process by means of which police middle managers are held to account by their superiors for their performance especially (though not necessarily) in relation to crime reduction in those geographical areas for which they are responsible. The process presupposes up-to-date and comprehensive data by means of which performance can be measured and improved. For example, the NYPD police chief might hold monthly meetings with the commanding officers of New York police precincts at which crime statistics and crime maps are provided to track police performance in particular precincts in relation to crime reduction across a range of crime types. Most important, commanding officers are expected to explain what they are doing to combat crime in specific “hot spots”.

Compstat was attributed with effecting dramatic reductions crime in New York City. Although evaluations have been more mixed (Weisburd & Braga, 2006) the method has been exported to numerous other police organisations, both in the US and outside. What is agreed by most commentators is that the narrow

Compstat process must be embedded in a wider institutional context that includes some decentralisation and enhanced problem-solving at the local level. Thus there is likely to be little progress in relation to crime reduction if middle managers are not able to engage in problem-solving policing. It is one thing to possess up-to-the-minute information on crime "hot spots", it is another to be able to respond appropriately and in ways that, for example, do not simply displace crime to other areas. Mitchell (2007) argues that in order for a Compstat/"Intelligence Led Policing" system to work managers need to use and interpret information by examining it thoroughly and using it strategically. Better information does not necessarily lead to appropriate use (Cope, 2003).

In light of this view, in 2004 the Western Australia Kennedy Inquiry recommended quarterly performance reviews that included HR and integrity issues as part of "a comprehensive performance management system" (2004: 138). The reason for the uptake of the Compstat process for leadership in ethics is twofold. First, it promises to enhance performance and accountability more generally. If this promise were to be fulfilled, there is likely to be a knock-on effect in terms of the overall ethical health of police organisations, given a mutually reinforcing relationship between professional competence/success on the one hand, and ethical attitudes/behaviour on the other. Second, the Compstat process itself is available for application to ethical issues. Suitably recast, it is a mechanism for providing accountability and a problem-solving approach on the part of middle managers to ethical problems. For example, data in regard to complaints should be presented in Compstat meetings, and police middle managers asked what they are doing in relation to, for example, high or increasing levels of complaints about the officers under their command. Problem-solving strategies, such as interventions with officers with high numbers of complaints, should be introduced and evaluated. Ethical climate surveys can also be used to gauge the willingness of supervisors to report, or act on, misconduct by their staff (Kutnjak Ivkovic, et al., 2002)

Operationalising supervision in a compstat paradigm

The period following the discovery of major corruption can require extremely close supervision. In New York City after the Knapp Commission, for example, supervisors were expected to be present at arrests for crimes where corruption had been a common problem. (Newburn, 1999: 34). Supervisors were also expected to be involved in "corruption patrols" or "corruption

probes”, where they observed police behaviour in areas where corruption commonly occurred, such as night club areas (Barker, 2006: 81; Sherman, 1978: 162). Following Knapp, reform Commissioner Patrick Murphy:

strengthened and re-deployed (anti-corruption units), consolidating the agency’s corruption investigation mechanism at the central Internal Affairs Division, at the same time creating a subsidiary network of 17 decentralised Field Internal Affairs Units (FIAUs) throughout the Department’s 10 Bureaus and 7 Patrol Borough commands. Although each was technically a sub-unit of the Bureau or Borough command, the FIAUs were modelled after the central Internal Affairs Division and acted as liaison between it and their commanding officer. Police commanders were expected to manage the specific corruption hazards existing within their part of the organisation, and FIAUs gave them the capability to conduct their own corruption investigations or to conduct integrity tests of their subordinates (Henry, 1990: 53).

In reply to management complaints that they could not observe officers all the time, Murphy replied:

We won’t assume you are automatically guilty, if something happens under your command. But, if something happens, *we will thoroughly investigate the methods you used to prevent it*, and make a judgment as to whether you were *careless*, or not using your resources effectively (in Gelb, 1998: 299-300).

In policing, like many occupations, managers become preoccupied with administration rather than supervision, when, in fact, working with staff, including monitoring their performance, appears as a more productive management technique (Brewer, 1991; HMIC, 1999a: 61). There is some research evidence that close supervision produces lower levels of use of force and misconduct (Walker, 2007). In New York City a study was conducted of two precincts that went against the trend of rising citizen complaints during the 1990s crackdown on crime. Davis, Mateu-Gelabert & Miller (2005) attributed reduced complaints to the implementation of a “courtesy, professionalism and respect policy” (“CPR”), a verbal judo course and close supervisor monitoring of staff with complaints histories. Both precincts had commanding officers “who held the officers in their command to high standards and who had a commitment to

reducing civilian complaints" (239). One specific strategy these commanders initiated involved taking less experienced officers with "attitude problems" and pairing them with experienced officers.

An adequate management/staff ratio appears essential to ensure supervisors can be properly informed of the activities of their staff, monitor their activities and attend on the field when necessary (Parks, 2000). An Oakland Police Department Consent Decree Consent, for example, stipulates that there should be no more than eight members under a supervisor's control (OPD, 2004: 16; see also Parks, 2000: 341 who recommended a ratio of 1:7).

Ethical climate surveys provide another important source of data to inform leadership directions. The National Institute of Justice in the US has argued that these should be a key source for police managers to understand issues and problems relating to integrity under their command (NIJ, 2005: 1):

Managers who use the questions and scenarios and then analyze the responses should be able to answer the following key questions and take action to develop appropriate integrity enhancing measures:

- *Do officers in this agency know the rules?* Action: If they do, fine. Where they don't, teach them.
- *How strongly do they support those rules?* Action: If they support them, fine. Where they don't, teach them why they should.
- *Do they know what disciplinary threat this agency makes for violation of the rules?* Action, if they do, fine. Where they don't, teach them.
- *Do they think the developmental process/disciplinary action/dismissal is fair?* Action: If they do, fine. If they don't, adjust discipline or correct their perceptions.

Police Union Leaders

Police union leaders have, in the main, seen it as their obligation to oppose enhanced police accountability, especially many of the more intrusive anti-corruption measures recommended by inquiries and oversight agencies. "Most officers see their union organizations as the guardians of their rights and interests in the face of Department rules and regulations, and often hostile public" (Mollen, 1994: 125). Police unions frequently have a highly defensive outlook. They are also frequently very politically

powerful because of their capacity to marshal a voting block. They often have substantial financial assets, with enormous capacity to contract defence lawyers to fight individual cases in the courts and plaintiff lawyers to challenge the legality of anti-corruption measures, such as the requirement to appear before tribunals or answer questions (Kramer & Gold, 2006; Stewart, 2006).

There are, nonetheless, a number of cases in the literature where police unions leaders have strongly supported reform measures, including enlarged external oversight, in the interests of the reputations and welfare of their members; and worked with integrity agencies on practical measures such as drug and alcohol testing (Prenzler, 2004; Prenzler & Ronken, 2001). The Mollen Commission, among many commissions, argued that union leaders' power,

brings the obligation to educate their members about the dangers of dishonesty and corruption. In promoting and furthering their members' interest, we strongly urge police unions to join in partnership with the Department's leadership in effectively fighting corruption. With an unequivocal voice, police unions must encourage their members to report corruption and cooperate the Department and other law enforcement agencies when it comes to prosecute, so long as their legitimate interest and their rights are protected (1994: 66).

Recommendations

A key task for ethical leadership is to establish ethics as a standard organisational practice. This is partly achieved by role modelling and education. It is also achieved by establishing and maintaining a comprehensive integrity system. The following are critical elements of these processes.

1. The importance of ethical leadership needs to be recognised in the staff appraisal and promotion systems of modern police departments. Evaluation of performance in integrity issues related to an officer's command must be taken into account across the system of performance appraisal and retention of position, deployment and promotion.
2. The indicators of quality of ethical leadership of police managers should include assessments of the application of the code of conduct, deployment of measures of integrity and

responses to indicators of misconduct. With more senior positions the external oversight agency will play an important part in these evaluations.

3. The personal integrity of an officer, including how they role model ethical conduct, should also be taken into account in performance.
4. All applicants for management roles must have undertaken in-service training and education in ethical issues and corruption prevention strategies.
5. Integrity agencies, internal and external, need to engage the union leadership wherever possible in a partnership approach to corruption prevention. This can be done in part, without compromising confidential information, by including union executive members and delegates on working parties and advisory committees. It is important to avoid alienating unions by surprise actions. Union should be informed of all new plans and policy changes, and consulted wherever feasible.

Section 7.

External Oversight

This section examines the issue of the independent investigation and adjudication of complaints against police, and the external oversight of police integrity in general. The need for external review is well established. The current debate concerns the extent of direct external involvement and control, particularly in investigations and disciplinary decisions. The recommendations developed here do not seek to prescribe an exact division of labour between police and an external agency but advocate a large operational role for an external agency in the complaints and discipline system. Where policy makers reject this position, at the very least the external agency should hold a "reserve power" of direct involvement and control on a discretionary basis.

Background

External – sometimes "civilian" – oversight was initially developed as a counter to the charge that police internal investigations were compromised by the natural tendency (apparent in most organisations) to close ranks and cover up misconduct. The creation of internal affairs departments, with specially selected staff, did little to mitigate this problem in many cases. Greater external control is also supported by the theoretical concepts of "relational distance" in law enforcement commitment (Black, 1980; Grabosky & Braithwaite, 1986) and of "regulatory capture" – when regulated organisations obtain undue influence over the regulator (Prenzler, 2000). As argued subsequently in this section, agencies that do not have adequate accountability systems to prevent "managerial disorganisation" and "administrative breakdown", that is often the product of entrenched corruption, eventually have enlarged accountability forced upon them, including through court decrees and enlarged external oversight (Dias & Vaughn, 2006; Mollen, 1994). The repeated failure of police to properly investigate and discipline their own has driven the evolution, over the last three decades, away from police control towards civilian control (Goldsmith, 1991; USSCR, 1981; Walker, 2001). The powers and functions of these agencies can vary significantly, but two fundamentally different models are apparent (Prenzler, 2002a):

A minimal review model

- Agency staff respond to appeals from dissatisfied complainants,
- Audit selected files,

- Recommend changes to police procedures or disciplinary decisions.

A civilian control model

- Power to conduct independent investigations into complaints or any matters that come to their attention,
- Power to make disciplinary decisions or initiate prosecutions,
- Power to ask questions, obtain other evidence and engage in covert surveillance,
- Audit investigations (both systems audits and randomised scrutiny) and disciplinary decisions undertaken by police,
- Evaluate police internal corruption prevention strategies.

Stakeholder Perspectives

The remainder of this paper summarises the debate around a substantive or “controlling” role for oversight agencies in police accountability. The debate is organised around the experiences and perspectives of key stakeholder groups: commissions of inquiry, oversight agencies, complainants, police, the public, civil liberties groups and government review bodies. This is followed by a review of the performance of oversight agencies as reported in the literature.

Inquiries

Public inquiries have frequently revealed the gross failure of police departments to act zealously against corruption and repeatedly emphasise the fundamental need for independence in investigations and discipline. At the same time, the examples that follow also show a degree of equivocation between findings and recommendations on the question of the degree of external control, which in turn demonstrates the need to balance competing and equally important considerations in the oversight model selected.

The most significant inquiry in the United States was the Knapp Commission in New York City (Knapp, 1972). A critical element of this Report was the need to protect informants (both police and the public) against reprisals. A core recommendation was that investigations into misconduct should be independently controlled by an external agency. However, post-Knapp reforms focused on revamping the internal affairs department (Henry, 1994). The need for independent control was also emphasised by the later Mollen Commission into serious police corruption (Mollen, 1994). The Mollen Report stated that unless external review agencies were created to continually monitor and

investigate police corruption, as originally recommended by Knapp, then reforms would only be temporary and police would inevitably revert back to corruption. At the same time, the Report also argued that "It is the Department that best understands the corruption hazards facing cops, the culture that protects it, and the methods that can most effectively uncover it" (Mollen, 1994: 154).

In England and Wales, the 1981 Scarman Report into the policing of race riots led to the establishment in 1985 of the Police Complaints Authority (PCA). This agency was charged with supervising investigations of serious matters and reviewing investigations undertaken by police from outside the subject officer's Force (Maguire & Corbett, 1991). The high profile "Stephen Lawrence Inquiry" was highly critical of the PCA's reliance on police investigators (MacPherson, 1999) and in response to these and other criticisms, the Home Office created the Independent Police Complaints Commission (IPCC) in 2004. The IPCC, however, remains a mixed model, with substantial reliance on police for investigations and limitations on disciplinary decisions (Seneviratne, 2004).

In Australia, the landmark Fitzgerald Inquiry in Queensland exposed a total failure in police management to control corruption (Fitzgerald, 1989). In addition, the Report condemned political interference in investigations, and neglect by a complacent State government. To create a safe haven for police whistleblowers and to insulate the accountability process from politicisation, Fitzgerald recommended the creation of the Criminal Justice Commission (CJC) – which became the Crime and Misconduct Commission (CMC) – cited as amongst the most powerful oversight agencies in the world (Harrison & Cunneen, 2000). However, the use of seconded police in the Fitzgerald Inquiry was transferred to the CJC, which has a small number of civilian investigators but is essentially reliant on police, and also lacks an independent disciplinary function (Prenzler, 2000). At the same time, the CMC emphasises its "own motion" capacity to independently investigate any matter for any reason, using non-police investigators on a discretionary basis (CMC, 2004).

The Wood Commission investigated corruption in the NSW Police Service from 1994 to 1997 and recommended the creation of a new Police Integrity Commission (PIC) with statutory responsibility for the investigation or review of serious misconduct and oversight of all police conduct issues, including training and management (Wood, 1997). The PIC, established in 1996, cannot employ any present or past member of the NSW

Police Force (PIC, 2004: 2), The Wood Commission, however, also argued that the Police Service needed to retain primary responsibility for controlling corruption, "otherwise there was a risk that that it might abandon all responsibility and interest in maintaining high standards of integrity" (1997: 524). Consequently, the PIC can only recommend action against an officer, either by the Police Service or the public prosecutor. Since the Wood Commission, major restructuring in the direction of greater external control of integrity matters has occurred in Australia in Western Australia, Victoria and at the federal level.

Oversight agencies

Civilian review agencies often support the view that police should have primary responsibility for discipline and should deal with the bulk of complaints (ALRC, 1995). However, the frustration entailed in supervising police conduct frequently drives them to seek greater powers (e.g., PIC, 2000). Audits of police internal disciplinary decisions have found similar problems of inadequate penalties and downgrading of charges that have led external agencies to seek authority to appeal police decisions to a third party such as a tribunal (e.g., CJC, 1996c).

Expanded powers are not always confined to those used potentially against police, but can include powers to protect police, such as prosecution of vexatious complainants. Agencies may also recommend expanded anti-misconduct strategies by police internal affairs, such as drug and alcohol testing (PIC, 1998). A significant criticism of police internal affairs departments is that they are often content to operate on a purely reactive basis (Landau, 1996). Complaints are investigated, findings made and penalties assigned, but there is no attempt to find patterns and facilitating factors in incidents and no experimentation with preventive initiatives (CJC, 1996c; PIC, 2000). This type of review of strategies and impacts is a key element of the work of an advanced oversight agency (Walker, 2005).

Complainants

Complainants are a key source of input for any police discipline system. One of the most extensive studies of complainant satisfaction was performed as part of an evaluation of the complaints system for England and Wales. Given the potential problem of malicious, vexatious and trivial complaints, Maguire and Corbett (1991) found that the large majority of complainants were honest in feeling genuinely aggrieved. This was partly

gauged by the reluctance of many to complain and that complainants on the whole were not vindictive – most sought an apology or official acknowledgement of their complaint (1991: 168). However, the majority felt that the PCA's independence and effectiveness were compromised, either because the investigations were carried out by the police or because of close links between the PCA and the police. A decade later, Waters and Brown (2000) found similar complaints about the PCA: 80% of complainants surveyed felt their complaint had not received fair treatment and 67% strongly agreed that "complaints should be investigated by an independent body" (2000: 631-632). The findings from other studies of complainants all show similar outcomes (Brown, 1987; CCRC, 1999; CJC, 1994; Hayes, 1997). And although the evidence supports a major role for police in mediation (see above), citizen bodies can also conduct reconciliation sessions between police and complainants in the role of the independent mediator (Quinn, 2006).

Police perspectives

In many jurisdictions police have been stridently opposed to external oversight and have at times mobilised successfully to block its introduction or curtail agency powers. However, studies so far show that "police officers are more open to the idea of independent investigation than may have been previously thought" (Liberty, 2000: 5). Reiner (1991), who interviewed chief constables in England and Wales, found that:

- 52% rejected the proposition of a fully independent system,
- 30% were supportive,
- 18% felt there were strong arguments for both systems.

The 30% in favour did not believe that an independent system would be more effective in identifying and preventing misconduct, but felt it was essential to ensure public confidence and remove perceptions of bias.

Maguire and Corbett (1991) examined the views of police officers who had been the subject of a complaint in the UK. Just over half the interviewees were concerned that outside investigators lacked the necessary insight into police practices to conduct a fair investigation and would not understand the pressures on police. However, just under half expressed some positive comments about replacing police investigators with civilians. They felt civilian investigators would improve the credibility of the complaints process, and could also "weed out" trivial or malicious complaints at an early stage without being suspected

of doing so unfairly” (Maguire & Corbett; 1991: 70). Adams (1997) survey of police in Britain found:

- 50% supported the existing system of investigations by police officers,
- 33% preferred investigation by an independent body,
- 20% expressing equal confidence in both systems, and
- 85% supported the view that independent investigations would improve public confidence.

Police unions can also be sensitive to public opinion, and they can be pushed to repudiate internal control when scandals involve wholesale discrediting of police integrity. Hence, during the Wood Commission in NSW the Police Association developed a policy of complete externalisation of investigations as a way of removing any doubt about bias and cover-ups. Similarly, following the Ramparts Scandal in Los Angeles, the Los Angeles Police Protective League asserted that independent investigation and adjudication of complaints was necessary for public confidence (Barry, 2000: 1).

Public opinion

Public confidence is almost universally cited as a primary criterion for evaluating police discipline (Walker, 2001). The British Social Attitudes Survey has included a question on police complaints processing since 1990, with the question restricted to “serious complaints”. In the 1996 survey, 89% of respondents supported the proposition that serious complaints “should be investigated by an independent body, not by the police themselves” (Tarling & Dowds, 1997: 206). Other public opinion surveys also show high levels of support (Jenkins, 1997; McGuire Research Services, 2000: 11). In 1999 the survey sponsored by the Queensland CMC introduced more detail into the question. The study found that 88% of respondents agreed with the statement that “complaints against the police should be investigated by an independent body, not the police themselves” (CJC, 2000: 4). But preferred options depended on the type of complaint, with majority support for police processing of complaints regarding rudeness, views split on assault cases, and majority support for CJC handling of bribery allegations.

Table 1: Selected Results from the CJC Survey.

| Complaint | Preferred investigative body (%) | | |
|-----------|----------------------------------|-----|-------|
| | Police | CJC | Other |
| Rudeness | 59 | 20 | 10 |
| Assault | 39 | 38 | 9 |
| Bribery | 23 | 60 | 10 |

(CJC, 2000: 4), Note: "Other" includes a member of parliament, ombudsman or lawyer. Figures are rounded.

Civil liberties groups

Given their prominent role in challenging police brutality and process corruption, civil libertarian lawyers also strongly supported independent agencies. In the US, a major report in 1998 by Human Rights Watch analysed excessive force cases and concluded that the problem remained at epidemic levels (Human Rights Watch, 1998). Case studies of 14 large cities yielded the inevitable indictment of internal affairs as largely ineffective to identify, punish or deter misconduct; with weak civilian oversight providing only a limited positive effect.

The American Civil Liberties Union (ACLU) has been at the forefront of the campaign against police control of discipline. The Union has argued that "even a weak civilian review process is far better than none at all", but also claims that weak external agency "emboldens police officers with a propensity to abuse their power, and gives false assurance to civilians who file a complaint of police misconduct with the expectation that justice will be done" (NYCLU, 1998: 12, 5).

The NYCLU also alleged that external review agencies:

- Usually lack adequate staffing to cope with the large volumes of complaints and those with legal and evidentiary complexities,
- Frequently lack sufficient powers to hold investigative hearings, subpoena documents, engage in covert operations or conduct statistical research on complaint and incident patterns,
- Can also fail to engage widespread support because of lack of community representation on their management boards (NYCLU, 1998).

The most significant opportunity for police subversion occurs in the practice of restricting review boards to recommending disciplinary actions, which can then be overturned at the

discretion of the Police Chief (ACLU, 1992). This failure of democratic accountability has necessitated victims resort to civil action. Despite the hazards faced by complainants in the civil courts, the NYPD, for example, has been subject to numerous successful lawsuits. In the period 1994-97 the City paid almost US\$97 million in claims against police (NYCLU, 1998: 8).

A notable contribution to the debate is the recent report of the National Council for Civil Liberties in the United Kingdom (Liberty, 2000). This report was produced from a project in which researchers visited oversight agencies internationally, reviewed the literature, and consulted with stakeholders and experts. The report noted the growing convergence of opinion supporting the principle of independent processing of complaints and briefly reiterated the main arguments. The Liberty report addressed concerns about practical obstacles, in particular, the issue that only police have the requisite skills to investigate police, by citing the wide range of occupations outside policing that involve both generalist and specialist skills in investigation. It stated that civilian review agencies can progressively recruit and train external investigators as they wean themselves off dependence on police. Nevertheless, police experience was recognised as an invaluable resource. Liberty made the following recommendations to maximise the benefits of police knowledge and skills without permitting subversion of independence:

- The investigative staff of the IPCC should comprise at least 75% civilians with no more than 25% seconded or ex-police officers,
- The investigations should take place in a team structure reflecting the above proportions,
- The IPCC should have the decision as to who are selected as seconded police officers,
- Investigative teams should always be headed by a civilian team leader,
- The creation of disciplinary panels comprising an assistant chief constable and two non-police members (2000: 40, 49).

Government reviews

The issue of independent investigation and adjudication of complaints has been the subject of numerous government reviews in the form of parliamentary committees, departmental reviews, law reform commission reviews or reviews contracted out to consultancy firms. In 1981, the US Commission on Civil Rights produced a pioneering report that criticised the limited

powers of review boards and analysed the way police investigators deflect and intimidate complainants (USCCR, 1981). A follow up report argued that police misconduct and public mistrust had increased substantially in the two decades following the first report, highlighting the need for review boards to exercise subpoena power and "disciplinary authority over investigations of police abuse incidents" (USCCR, 2000: 12).

The LAPD has provided a major focus for this issue. Following the Rampart Scandal, the independent panel charged with evaluating reform engaged in a comprehensive censure of self-policing, with specific reference to the Police Chief's use of his statutory authority over discipline to defy the Commission (RIRP, 2000). Significantly, while police internal discipline was perceived to be weak, it was also described as erratic and often harsh. Considerable emphasis was placed on the failure of the LAPD to develop a sophisticated risk management system, especially in terms of identifying and dealing with problem officers. The report stopped short of recommending independent investigations, but it recommended an increase in the Inspector General's staff and closer auditing of disciplinary processes (RIRP, 2000: 41).

In Northern Ireland, efforts to reform the Royal Ulster Constabulary included an influential review of the complaints process (Hayes, 1997). The Hayes Report did not equivocate on the central principle:

The overwhelming message I got from nearly all sides and from all political parties was the need for the investigation to be independent and to be seen to be independent. While there were systemic failings in the present arrangements they lacked credibility because of a lack of independence, because it was the Chief Constable who decided what was a complaint, because there was no power of initiative, and because the complaints were investigated by police officers... The main value which was impressed upon me was independence, independence, independence (1997: v).

The Hayes recommendations were endorsed as part of the wider remit of the Patten Inquiry in Northern Ireland (ICPNI, 1999) and in 2000 a powerful Police Ombudsman for Northern Ireland was created. The Ombudsman may refer less serious matters to the Chief Constable for formal investigation, but has sought to investigate all public complaints using civilian investigation teams. Contrary to the civilian control model, the Ombudsman

can initially only make disciplinary recommendations. However, there is a capacity to appeal police decisions to an independent tribunal or direct the Chief Constable to take disciplinary action (Seneviratne, 2004).

The 1995 Australian Law Reform Commission review into complaints against police argued that asking police to investigate police “places them in a “hopeless conflict of interest position”” and concluded that “the model most likely to engender confidence must be one which gives as much power and responsibility as possible to an external agency” (ALRC, 1995: 149). The corruption web revealed by the Wood Commission, which included connections with federal policing, led to a final ALRC report recommending that the Commonwealth Ombudsman be replaced by a more independent body (ALRC, 1996). This reform was blocked by police opposition until further revelations of misconduct led to the establishment of the Australian Commission for Law Enforcement Integrity in 2006.

The Performance of External Agencies

Evaluating the impact of external oversight is difficult because of the number of variables involved – especially agency powers and resources – and the problem of developing objective performance measures (Walker & Bumphus, 1992). For example, as previously noted, increased complaints against police might be interpreted as a negative but may in fact reflect growing confidence in the integrity system, including the external component. An external agency might have high levels of public support but fail to uncover hidden corruption. Or an external agency might engage in high quality investigations but be undermined by police responses to its disciplinary recommendations.

There has been some research addressing agency performance issues, using measures such as police officer perceptions of the rigour and deterrent impact of the different systems, as well as comparisons on substantiation rates, “action taken”, and public confidence. Some evidence suggests that the more assertive an agency is, and the more it engages in independent investigations or supervision of police investigators, the more likely it is to score higher on these indicators than preceding police dominated systems (CJC, 1997a; Herzog, 2002; Maguire & Corbett, 1991; PONI, 2002a, 2002b). External agencies also appear to be much more open in documenting police misconduct, and the outcomes of complaint processes and investigations (e.g., PCA, 2000a; PONI, 2002a). They are also much more likely to engage in open

enquiry processes, and more likely to conduct quality research and policy development on integrity issues (e.g., CJC, 1997; Hoffman, 2003; Seneviratne, 2004). Greater openness, more research and more information mean greater accountability. Furthermore, public opinion is usually highly favourable towards external agencies, with a positive view of their effectiveness in making police accountable (e.g., ACLUT, 2000; ICAC, 2000; IPCC, 2006; Seneviratne, 2004). At the same time, however, it is often apparent that survey respondents are not aware of the precise division of labour between police and the external agency; i.e., how genuinely independent the agency is.

Complainant satisfaction would appear as a key criterion for the success of external agencies, given the major problem of complainant dissatisfaction with police investigating police. However, some attempts to measure possible improvements in complainant satisfaction have been confounded by continuing police, or ex-police, involvement under the rubric of independent processing (de Guzman, 2007; Herzog, 2002; Thomassen, 2002). One exception is the Northern Ireland Ombudsman. In the 2005/6 survey of complainants (PONI, 2006), only 36% were satisfied with the outcome of their complaint, and 43% were dissatisfied. However, 62% felt they were treated fairly, 70% said they would use the system again if they had a complaint, and the majority were satisfied with communication and timeliness.

The limited data on police responses to external agencies show similarly mixed, but promising, results. A study of the initial responses of police to the work of the PONI (2004) found that 58% felt complaints should be independently investigated. However,

- 56% claimed they were deterred from doing their job properly because of the potential for complaints,
- 63% thought investigators from the PONI were "more likely to believe the person making the complaint than the officer being complained about", and
- 42% felt the PONI was "out to get them".

Of police who had contact with the PONI, 57% said they felt they had not been fairly treated. However, 64% were satisfied with the outcome of the investigation. A Philippines' study found that the majority of police who had experience with mixed police-civilian investigations overall had positive views of their experience, higher than the perceptions of those who had not experienced the system (de Guzman, 2004). A US study, where

oversight agency staff were responsible for “participating in and monitoring all internal investigations”, found that one of the most important elements of police satisfaction with the process was the perception of procedural justice, with trust in external oversight as such having no apparent influence either way (de Angelis & Kupchick, 2007).

What is apparent is that external agencies are obligated to develop a mix of performance indicators as a way of demonstrating their effectiveness and identifying areas that need improvement (Brereton, 2000). The more agencies conduct investigations themselves the more they become subject to performance indicators that are also increasingly applied to police internal affairs. The following instruments and indicators have been used or recommended: time taken to complete cases, reducing the number and seriousness of complaints, stakeholder feedback, public confidence surveys, prosecution outcomes, successful appeals, case file audits, case studies, police implementation of recommendations, overall assessments of police conduct using complaints and other intelligence, inspector/monitor reports (Prenzler & Lewis, 2005) (see Sections 1 & 4 above).

Recommendations

The experiences and arguments supporting external control of police discipline are not without their flaws. There are major challenges posed by the counter-arguments concerning police expertise and the need for police managerial responsibility for integrity. There is, nonetheless, a growing convergence of opinion in favour of the view that direct external conduct of investigations is essential for serious matters (e.g., police shootings, allegations of bribery). There would also appear to be a strong case for oversight agencies to have a free hand to investigate or research matters they consider need to be pursued on a discretionary basis (e.g., an alleged police assaults revealed by the media). Furthermore, it would appear essential that oversight agencies have direct input into disciplinary decisions; or at the very least a capacity to overturn police decisions. These functions and powers – set out below – arguably constitute the minimum elements of a police oversight system that would attract improved stakeholder confidence.

1. The civilian agency must have direct access to all records and files across the complaints handling process from initial assessment to adjudication and be able to conduct own motion audits of these files at any time.

2. The civilian agency must be independent of the police organisation, have an investigative function and be well-resourced, including in respect of its investigative function.
- 3.
4. For the most serious matters, including the most serious categories of complaints, e.g. serious police corruption, formal investigations (involving interviewing of witnesses, collection of documentary sources and preparation of a report or brief of evidence) should be performed either by the external agency or by mixed agency/police teams dominated by members of the external agency.
5. The external agency should have the right to investigate all matters of police criminality, serious and less serious, including complaints of police criminality, e.g. complaint of minor assault.
6. Complainants must have access to appeals to an independent tribunal even in minor cases. This tribunal should be able to strike out complaints and to initiate action against serially vexatious/malicious complainants.
7. In developing a civilian control model of police discipline, defining "civilians" may be difficult. In general the external agency must have a majority of members who have not ever served in the police agency being oversighted.
8. The decision to conduct a formal investigation or prosecution needs to be considered in the context of alternative responses, such as informal resolution, that may provide a better outcome for all parties (see Section 1).
9. The external system should an inquisitorial approach with attendant protection for police (see Section 1).
10. A focus on prevention will require a research-based risk management approach to integrity, and assessment of the effectiveness of police in-house strategies.
11. Agencies should develop a set of comprehensive performance indicators and communicate these to the public in order to demonstrate the value of their work and to identify areas that need improvement.

References

- Aamodt, M.G. (2004). *Law enforcement selection: Research summaries*. Washington, DC: Police Executive Research Forum.
- ACLU (1992). *Fighting police abuse: A Community action manual*. New York: American Civil Liberties Union.
- ACLUT (2000). Austin Community Supports Police Oversight. *Police Accountability Project Fact Sheet #4*. Austin: American Civil Liberties Union of Texas.
- Adams, D. (1997). One in two officers back existing system of complaints investigations. *Police Review*, 7 November, 4.
- Adams, K. (1995). Measuring the prevalence of police abuse of force. In W. Geller, & G. Toch (Eds.), *And Justice for all: Understanding and controlling police abuse of force*. Washington, DC: Police Executive Research Forum.
- Alderson, J. (1979). *Policing freedom*. Estover, UK: Macdonald and Evans.
- Alpert, G.P., & Walker, S. (2000). Police accountability and early warning systems: Developing policies and programs. *Justice Research and Policy*, 2(2), 59-72.
- ALRC (1995). *Under the spotlight: Complaints against the AFP and NCA*. Canberra: Australian Law Reform Commission.
- ALRC (1996). *Integrity: But not by trust alone, AFP and NCA complaints and disciplinary systems*. Canberra: Australian Law Reform Commission.
- Barker, T. (2006) *Police ethics: Crisis in law enforcement*. Springfield, IL: Charles C. Thomas.
- Baldwin, J. (1992). *Video taping police interviews with suspects: An Evaluation*. London: Home Office.
- Barry, D. (2000). *LA Police Union calls for civilian oversight*. APBnews.com. <http://www.ipsn.org/2000-10-06.htm>.
- Bartels, E., & Silverman, E. (2005). An exploratory study of the New York City Civilian Complaint Review Board mediation program. *Policing: An International Journal of Police Strategies and Management*, 28(4), 619-630.
- Bassett, M., & Prenzler, T. (2002). Complaint profiling and early warning systems. In T. Prenzler, & J. Ransley (Eds.), *Police reform: Building integrity*. Sydney: Hawkins Press.
- Bayley, D. (1992). Comparative organization of the police in English-speaking countries. *Crime and Justice*, 15, 509-545.
- Bayley, D. (1994). "It's Accountability, Stupid!" In K. Bryett & C. Lewis (Eds.), *Un-peeling Tradition: Contemporary Policing*. Melbourne: Macmillan.
- Bayley, D. (2001). *Democratizing the police abroad: What to do and how to do it*. Washington, DC: National Institute of Justice.

- Beach, B. (1978). *Report of the board of inquiry into allegations against members of the Victoria Police Force (The Beach Report)*. Melbourne: Government Printer.
- Bennett, C., Bushey, K., Cummings, P., Doherty, A.M., Herrer, L., Jahn, M., & Melton, R. (1999). Focus on ethics: The law enforcement oath of honor. *Annual IACP Conference*. At: http://theiacp.org/profassist/ethics/focus_on_ethics.htm
- Berkow, M. (1996). Weeding out problem officers. *Police Chief*, 63(4), 22-29.
- Billingsley, R., Nemitz, T., & Bean P. (Eds.), (2001). *Informers: Policing, policy and practice*. Devon, UK: Willan.
- Black, D. (1980). *The manners and customs of the police*. New York: Academic Press.
- Boes, J.O., Chandler, C.J., & Timm, H.W. (1997). *Police integrity: Use of personality measures to identify corruption-prone officers*. Monterey, CA: Defense Personnel Security Research and Education Center.
- Brereton, D. (2000). Evaluating the performance of external oversight bodies. In A. Goldsmith & C. Lewis (Eds.), *Civilian oversight of policing: Governance, democracy and human rights*. Oxford: Hart Publishing.
- Brereton, D. (2002). Monitoring integrity. In T. Prenzler, & J. Ransley (Eds.), *Police reform: Building integrity*. Sydney: Federation Press.
- Brewer, N. (1991) *Identifying effective supervisory behaviours*. Adelaide: National Police Research Unit.
- Brown, D. (1987). *The Police complaints procedure: A Survey of complainants' views*. London: Home Office.
- Brown, M. (2001). *Criminal investigation: Law and practice*. Boston: Butterworth-Heinemann.
- Bryett, K., Harrison, A. & Shaw, J. (1997). *The Role and functions of police in Australia*. Sydney: Butterworths.
- Carter, D., Sapp, A., & Stephens, D. (1989). *The State of police education: Policy directions for the 21st Century*. Washington, DC: Police Executive Research Forum.
- Carter, D.L. & Sapp, A.D. (1992). College education and policing: Coming of age. *FBI Law Enforcement Bulletin*, 61(1), 8-14.
- Catlin, D.W. & Maupin, J.R. (2002). Ethical orientations of state police recruits and one-year experienced officers. *Journal of Criminal Justice*, 30(6), 491-498.
- CCRC (1999). *Report*. Calgary: Citizen Complaints Review Committee, Calgary Police Commission.
- Christopher, W. (1991). *Report of the Independent Commission on the Los Angeles Police Department*. Los Angeles: Independent Commission of the Los Angeles Police Department.

- CJC (1994). *Informal complaint resolution in the Queensland Police Service: An evaluation*. Brisbane: Criminal Justice Commission.
- CJC (1996a) *Police recruit selection: Predictors of academy performance*. Brisbane: Criminal Justice Commission.
- CJC (1996b). *Informal complaint resolution in the Queensland Police Service: Follow-up evaluation*. Brisbane: Criminal Justice Commission.
- CJC (1996c). *Submission to the Queensland Police Service Review Committee*. Brisbane: Criminal Justice Commission.
- CJC (1997). *Integrity in the Queensland Police Service: Implementation and impact of the Fitzgerald Inquiry reforms*. Brisbane: Queensland Criminal Justice Commission.
- CJC (2000). *Public attitudes toward the CJC*. Brisbane: Criminal Justice Commission.
- CMC (2000). *Defendants' perceptions of police Treatment*. Brisbane: Crime and Misconduct Commission.
- CMC (2004). *Handling complaints against Queensland Police: Past, present and future*. Brisbane: Crime and Misconduct Commission.
- CMC (2004). *Listening in: Results from a CMC audit of police interview tapes*. Brisbane: Crime and Misconduct Commission.
- Cochrane, R.E., Tett, R.P. & Vandecreek, L. (2003). Psychological testing and the selection of police officers: A National survey. *Criminal Justice and Behavior*, 30(5), 511-537.
- Commonwealth Ombudsman (1997) *Professional reporting and internal witness protection in the Australian Federal Police – A review of practices and procedures*. Canberra.
- Cope, N. (2003). Intelligence led policing or policing led intelligence? *British Journal of Criminology*, 44(2), 188-203.
- Cozzetto, D. & Pedeliski, T. (1997) Privacy and the workplace: Technology and public employment. *Public Personnel Management*, 26(4): 515-527.
- Daley, R. (1978) *Prince of the City*. Boston: Houghton Mifflin.
- Dantkzer, M.L. (1993). An Issue for policing – educational level and job satisfaction: A Research note. *American Journal of Police*, 12(2), 101-118.
- Davis, R., Mateu-Gelabert, P. & Miller, J. (2005). Can effective policing also be respectful? Two examples in the South Bronx. *Police Quarterly*, 8(2), 229-247.
- de Angelis, J. & Kupchick, A. (2007). Citizen oversight, procedural justice, and officer perceptions of the complaint investigation process. *Policing: An International Journal of Police Strategies and Management*, 30(4), 651-671.

- de Guzman, M.C. (2004). One for all? Philippine police officers' perceptions of civilian review. *Policing: An International Journal of Police Strategies & Management*, 27(3), 358-379.
- de Guzman, M.C. (2007). Integrity of civilian review: A Contemporary analysis of complainants' and police officers' views in the Philippines. *Police Practice and Research: An International Journal*, 8(1), 31-45.
- Delattre, E. (1994). *Character and cops: Ethics in policing*. Washington, DC: AEI Press.
- Dias, C.F. & Vaughn, M.S. (2006). Bureaucracy, managerial disorganisation, and administrative breakdown in criminal justice agencies. *Journal of Criminal Justice*, 34(5), 543-555.
- Dixon, D. (1999). Police investigative procedures. In C. Walker & K. Starmer (Eds.), *Miscarriages of justice: A review of justice in error*. Sydney: Blackstone Press.
- Dixon, D. (2006). A window into the interviewing process? The audio-visual recording of police interrogation in New South Wales, Australia. *Policing & Society*, 16(4), 323-348.
- Dugan, J.R., & Breda, D.R. (1991). Complaints about police officers: A Comparison among types and agencies. *Journal of Criminal Justice*, 19(2), 165-171.
- Dunnighan C. & Norris C. (1999). The Detective, the snout and the audit commission: The Real costs in using informants, *Howard Journal of Criminal Justice*, 38(1), 67-86.
- Eck, J. & Weisburd, D. (Eds.), (2002). *Crime and place*. Monsey NY: Criminal Justice Press.
- Ede, A. & Legosz, M. (2002). Monitoring the ethical climate of organisations: A Queensland case study. *Crime and Misconduct Commission Research & Issues Paper No. 2*. Brisbane: Crime and Misconduct Commission.
- Ede, A., & Barnes, M. (2002). Making the response fit the complaint: Alternative strategies for resolving complaints against police. *Crime and Misconduct Commission Research & Issues Paper No. 1*. Brisbane: Crime and Misconduct Commission.
- Ede, A., Homel, R., & Prenzler, T. (2002). Reducing complaints against police and preventing misconduct: A Diagnostic study using hot spot analysis. *Australian and New Zealand Journal of Criminology*, 35(1), 27-42.
- Ferguson, G. (2003) *Review and recommendations concerning various aspects of police misconduct, Volume 1*. Toronto: Toronto Police Service.
- Fitzgerald, G. (1989). *Report of a commission of inquiry pursuant to orders in council (the Fitzgerald report)*. Brisbane: Government Printer.
- Flemming, J. & Lafferty, G. (2000). New management techniques and restructuring for accountability in Australian police

Formatted: Dutch
(Netherlands)

Formatted: Dutch
(Netherlands)

- organisations. *Policing: An International Journal of Police Strategies and Management*, 23(2), 154-168.
- Frank, M., McConkey, K. & Huon, G. (1995). *Individual perspectives on police ethics*. Adelaide: National Police Research Unit.
- Fyfe, N.R. (2001). *Protecting intimidated witnesses*. Aldershot, UK: Ashgate.
- Geberth, V.J. (1998). Detective rotation: An enigma. *Law and Order*, 46(10), 194-96.
- Gelb, B. (1983). *Varnished brass: The decade after Serpico*. New York: GP Putnam's Sons.
- Gill, P. (2000). *Rounding up the usual suspects? Developments in contemporary law enforcement intelligence*. Aldershot, UK: Ashgate.
- Girodo, M. (1998). Undercover probes of police corruption: Risk factor in proactive internal affairs investigations. *Behavioral Sciences and the Law*, 16(4), 479-96.
- Girodo, M. (2000). Ethical standards for profile assessment, analysis and feedback sessions. In *Behaviour Risk Assessment and Strategic Systems (BRASS), Selected Documents Related to Testing and Profile Feedback in the BRASS Program*. Ottawa: School of Psychology, University of Ottawa.
- Goldsmith, A. (2001). Pursuit of police integrity: Leadership and governance dimensions. *Current Issues in Criminal Justice*, 13(2), 185-202.
- Goldstein, H. (1990). *Problem oriented policing*. New York: McGraw Hill.
- Goode, M. (1973). Administrative systems for the resolution of complaints against the police: A proposed reform. *Adelaide Law Review*, 5(1), 55-78.
- Grabosky, P. & Braithwaite, J. (1986). Corporate crime and government response in Australia. In D. Chappell & P.R. Wilson (Eds.), *The Australian criminal justice system: The Mid-1980s*. Sydney: Butterworths.
- Grabosky, P. (1989). Efficiency and effectiveness in Australian policing. In D. Chappell & P. Wilson (Eds.), *Australian policing: Contemporary issues*. Sydney: Butterworths.
- Greenwood, P.W. & Petersilia, J. (1975). *The Criminal investigation process - Volume I: Summary and policy implications*. Santa Monica, CA: RAND.
- Greer, S. (2001). Where the grass is greener? Supergrasses in comparative perspective. In R. Billingsley, T. Nemitz & P. Bean (Eds.), *Informers: Policing, policy and practice*. Devon, UK: Willan.
- Griswold, D.B. (1994). Complaints against the police: Predicting dispositions. *Journal of Criminal Justice*, 22(3), 215-21.

Formatted: Dutch
(Netherlands)

- Harrison, J. & Cunneen, M. (2000). *An independent police complaints commission*. London: Liberty, The National Council for Civil Liberties.
- Hartwell, T., Steele, P. and Rodman, N. (1998). Workplace alcohol-testing programs: Prevalence and trends. *Monthly Labor Review*, 121(6): 1-17.
- Hayes, M. (1997). *A police ombudsman for Northern Ireland?* Belfast: Home Office Stationery Office.
- Henry, V. (1990) Lifting the "blue curtain": Some controversial strategies to control police corruption, *National Police Research Unit Review*, 6: 48-55.
- Henry, V. (1994). Police corruption: Tradition and evolution. In K. Bryett & C. Lewis (Eds.). *Un-Peeling tradition: Contemporary policing*. South Melbourne: Macmillan Education.
- Henry, V. (2002). *The Compstat paradigm: Management accountability in policing, business, and the public sector*. NY: Looseleaf Law Publications.
- Hirschman, A.O. (1970). *Exit, voice, and loyalty: Response to decline in firms, organizations, and states*. Cambridge, MA: Harvard University Press.
- HMIC (1999a) *Police Integrity, England, Wales and Northern Ireland: Securing and maintaining public confidence*. London: Her Majesty's Inspectorate of Constabulary.
- HMIC (1999b). *Raising the standard: A thematic inspection of professional standards*. London: Her Majesty's Inspectorate of Constabulary.
- HMIC (2005) *Closing the Gap*. London: Her Majesty's Inspectorate of Constabulary.
- Hoffman, G. (2003). *Police pursuits: A Law enforcement and public safety issue for Queensland*. Brisbane: Crime and Misconduct Commission.
- Holdaway, S. (1991). Race relations and police recruitment. *British Journal of Criminology*, 31(4). 365-382.
- Homel, R. (2002) Integrity testing. In T. Prenzler & J. Ransley (Eds.), *Police reform: Building integrity*. Sydney: Federation Press.
- Hood, C. (1995). The "New Public Management" in the 1980's. *Accounting, Organisations and Society*, 20(2), 93-109.
- Hoque, Z., Arends, S. & Alexander, R. (2004). Policing the police service: A Case study of the "new public management" within an Australian police service. *Accounting, Auditing and Accountability Journal*, 17(1), 59-84.
- Huberts, , L., Lamboo, T. & Punch, M. (2003). Police integrity in the Netherlands and the United States: Awareness and alertness. *Police Practice and Research: An International Journal*, 4(3), 217-232.

- Huberts, L., Kaptein, M. & Lasthuizen, K. (2007). A study of the impact of three leadership styles on integrity violations committed by police officers. *Policing: An International Journal of Police Strategies and Management*, 30(4), 587-607.
- Human Rights Watch. (1998). *Shielded from justice: Police brutality and accountability in the United States*. New York: Human Rights Watch.
- Huon, G., Hesketh, B., Frank, M., McConkey, K. & McGrath, G. (1995). *Perceptions of ethical dilemmas*. Adelaide: National Police Research Unit.
- IACP, n.d., Law enforcement code of conduct, *International Association of Chiefs of Police*, www.theiacp.org.
- ICAC (1994). *Investigation into the relationship between police and criminals*. Sydney: Independent Commission Against Corruption
- ICAC (2000). *Annual Report*. Hong Kong: Independent Commission Against Corruption.
- ICPNI. (1999). *A New beginning: Policing in Northern Ireland*. Belfast: Independent Commission on Policing for Northern Ireland.
- Inbau, F., Reid, J. & Buckley, J.P. (1967). *Criminal interrogation and confession*. Baltimore: William and Wilkins.
- IPCC (2006) *Confidence in the police complaints system: A survey of the general population*. London: Independent Police Complaints Commission.
- Jenkins, C. (1997). Independent body to investigate police has public support in poll. *Police Review*, 17th October, 4.
- Jones, B. & Mathers, S. (2006). Los Angeles County Sheriff's Department Risk Management and Civil Litigation Management Programs. In J. Cintron Perino (Ed.), *Citizen oversight and law enforcement*. Chicago: ABA Publishing.
- Jones, D., Jones, L. & Prenzler, T. (2005). Tertiary education, commitment and turnover in police work. *Police Practice and Research: An International Journal*, 6(1):49-63.
- Kaptein, M. & van Reenen, P. (2001). Integrity management of police organisations. *Policing: An International Journal of Police Strategies and Management*, 24(3), 281-300.
- Kelling, G. L., & Sousa, W.H. (2001). *Do Police matter? An Analysis of the impact of New York City's police reforms: Civic Report No. 22*. New York: Manhattan Institute.
- Kennedy, G. (2004). *Final report of the Royal Commission into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers*. Perth.
- Kitnjak Ivkovic, S. (2005). Police (mis)behaviour: A cross-cultural study of corruption seriousness. *Policing: An*

- International Journal of Police Strategies and Management*, 28(3), 546-566.
- Kleinig, J. (1996) *The ethics of policing*. New York: Cambridge University Press.
- Klockars, C., Kutnjak Ivkovich, S.K. & Haberfield, M. (2004). *The contours of police integrity*. Thousand Oaks, CA: Sage.
- Klockars, C., Kutnjak Ivkovich, S.K. & Haberfield, M. (2005). *Enhancing police integrity*. Washington, DC: National Institute of Justice, Department of Justice.
- Klockars, C., Kutnjak Ivkovich, S. K., & Harver, W. E. (2000). *The Measurement of police integrity*. Washington, DC: U.S. National Institute of Justice.
- Knapp, W. (1972). *Report of a commission to investigate allegations of police corruption and the city's anti-corruption procedures*. New York: The City of New York.
- KPMG (1996) *Report to the New York City Commission to Combat Police Corruption: The New York City Police Department random integrity testing program*. New York: NYC Commission to Combat Police Corruption.
- Kramer, R. & Gold, E. (2006). Collective bargaining and labor agreements: Challenges to citizen oversight. In J. Cintron Perino (Ed.), *Citizen oversight and law enforcement*. Chicago: ABA Publishing.
- Kutnjak Ivkovic, S., Klockars, C., Cajner-Mraovic, I. & Ivanusec, D. (2002) Controlling police corruption: The Croatian Perspective. *Police Practice and Research: An International Journal*, 3(1), 55-72.
- Landau, T. (1994). *Public complaints against the police: A View from complainants*. Toronto: Butterworths.
- Landau, T. (1996). When police investigate police: A view from complainants. *Canadian Journal of Criminology*, 38(3), 291-315.
- Larkham, B. (1999). Recent developments in the integrity testing of police officers. In *Ethics in Policing: First National Conference of the Australian Police Ethics Network: Conference Papers*. Brisbane: Ethical Standards Command, Queensland Police Service, 23-25 March.
- Lersch, K.M. (1998). Police misconduct and malpractice: A Critical analysis of citizens' complaints. *Policing: An International Journal of Police Strategies & Management*, 21(1), 80-96.
- Lersch, K.M., Bazley, T. & Mieczkowski, T. (2006). Early intervention programs: An effective police accountability tool, or punishment of the productive? *Policing: An International Journal of Police Strategies and Management*, 29(1), 58-76.

- Liberty. (2000). *An independent police complaints commission*. London: Liberty, The National Council for Civil Liberties.
- Lusher, E. (1981). *A report of the commissioner to enquire into the New South Wales Police administration*. Sydney: NSW Government Printer.
- Macintyre, S., Ronken, C. & Prenzler, T. (2002). The MMPI-2 as a tool for preventing police misconduct: A Victoria Police study. *International Journal of Police Science and Management*, 4(3), 213-232.
- Mack, R. (1978). *In the office of constable*. London: Collins.
- MacPherson, W. (1999). *The Stephen Lawrence inquiry*. London: Home Office Stationery Office.
- Maguire, M. & Corbett, C. (1991). *A Study of the police complaints system*. London: HMSO.
- Marx, G. (1988). *Undercover: Police surveillance in America*. Berkeley, CA: University of California Press.
- Marx, G. (1992). When the guards guard themselves: Undercover tactics turned inward. *Policing and Society*, 2(3): 151-172.
- McGuire Research Services. (2000). *Public satisfaction survey: New York City Police Department*. New York: New York City Council.
- Melling, M. (1997) Random drug and alcohol testing now lawful in NSW Police'. *The Queensland Police Union Journal*, September, 23.
- Mieczkowski, T. & Lersch, K. (2002) Drug-testing police officers and police recruits. *Policing: The International Journal of Police Strategies and Management* 25(3): 581-601.
- Miller, S. (ed.) (2006). *Police Ethics* Aldershot: Ashgate.
- Miller, S., Blackler, J. & Alexandra, A. (2006). *Police Ethics (2nd edition)* Sydney: Allen & Unwin.
- Miller, S., Roberts, P & Spence, E. (2005). *Corruption and Anti-corruption*. Saddle River, N.J.: Pearson Publishing.
- Miller, S. & Blackler, J. (2005). *Ethical issues in policing*. Aldershot, UK: Ashgate.
- Miller, S. & Palmer, M. (2003). Authority, leadership and character in policing. In R. Adlam & P. Villiers (Eds.), *Police leadership in the Twenty-First Century*. Winchester, UK: Waterside Press.
- Miller, S. (2004). Noble cause corruption in policing revisited. In R. Adlam & P. Villiers (Eds.), *A Safe, Just and Tolerant Society: Police Virtue Rediscovered*. Winchester, UK: Waterside Press.
- Miller, S., Biles, D., Green, T. & Ratcliffe, J. (2005). Drug related complaints against police: some findings from a New South Wales study. *Policing: An International Journal of Police Strategies and Management* vol. 28 no. 1 pp.69-83.

- Miller, S., Biles, D., Green, T. & Ratcliffe, J. (2001). *New South Wales Police Service investigations into serious drug related offences: Report for the Internal Affairs Command*. Sydney: New South Wales Police Service.
- Mills, A. (2003). Ethical decision making and policing – The challenge for police leadership. *Journal of Financial Crime*, 10(4), 331-335.
- Mitchell, M. (2007). Evidence based policy and practice in police management. In M. Mitchell & J. Casey (Eds.), *Police: Leadership and management*. Sydney: Federation Press.
- Mollen, M. (1994). *Commission to investigate allegations of police corruption and the anti-corruption procedures of the police department: Commission report (the Mollen report)*. New York: City of New York.
- Neesham, T. (1985). *A final report of the Committee of Inquiry*. Victoria Police Force: Government Printer, Melbourne.
- Newburn, T. (1999) *Understanding and preventing police corruption: Lessons from the literature*. London, UK: Policing and Reducing Crime Unit, Home Office.
- Newton Cain, T. (2002). Changing police procedures. In T. Prenzler & J. Ransley (Eds.), *Police reform: Building integrity*. Sydney: The Federation Press.
- Newton, S. (1997). Integrity testing as an anti-corruption strategy. *Australian Police Journal*, 51(4), 222-5.
- Neyroud, P. & Beckley, A. (2001). *Policing, ethics and human rights*. Devon, UK: Willan Publishing.
- NCIS (2003). *Ethical Standards within the Police Service: Corruption involving Collusion with Criminals (Appendix)* London: National Crime Intelligence Service.
- NIJ (2005). *Enhancing police integrity*. Washington, DC: National Institute of Justice.
- NSW Ombudsman. (2002). *Improving the management of complaints: Identifying and managing officers with complaint histories of significance*. NSW: New South Wales Ombudsman.
- NSWPS (1996) *Integrity testing: What you've heard, what will really happen and why*. Sydney: New South Wales Police Service.
- NSWPS (1999) *Annual Report 1998/99*. Sydney: New South Wales Police Service.
- NYCLU (1998). *The NYCLU special report: Five years of civilian review: A mandate unfulfilled*. New York: New York Civil Liberties Union.
- O'Dowd, D. (1999). Perdition to probity: Four steps towards ethical policing. Paper presented to the *Corruption Investigations Beyond 2000* conference, Sydney, September.

- OPD (2004). *Negotiated settlement agreement*. Oakland Police Department. www.cdsusa.org/imt_rpts/agmt.pdf
- OPI (2005). *Review of Victoria Police witness protection program*. Victoria: Office of Police Integrity.
- OPI (2007). *Past patterns - Future directions: Victoria Police and the problem of corruption and serious misconduct*. Victoria: Office of Police Integrity.
- Parks, B. (2000). *Board of inquiry into the Rampart area corruption incident: Public report*. Los Angeles: Los Angeles Police Department.
- Pate, A.M. & Fridell, L.A. (1993). *Police use of force: Official reports, citizen complaints, and legal consequences*. Washington, DC: Police Foundation.
- PEAC (1998). *Police for the future: Review of recruitment and selection for the Queensland Police Service*. Brisbane: Police Education Advisory Council (Queensland Police Service and Criminal Justice Commission).
- PIC (1998). *Annual report 1997-98*. Sydney: Police Integrity Commission.
- PIC (2000). *Special report to parliament: Project Dresden, an audit of the quality of NSW Police Service internal investigations*. Sydney: Police Integrity Commission.
- PIC (2001). *Qualitative and strategic audit of the reform process (QSARP) of the NSW Police Service*. Sydney: Police Integrity Commission.
- PIC (2004). *Police integrity commission practice guidelines*. Sydney: Police Integrity Commission.
- PIC (2006). *Management of misconduct risks by the NSW Police Counter Terrorist Coordination Command*. Sydney: Police Integrity Commission.
- PONI (2002a). *First Annual Report*. Belfast: Police Ombudsman for Northern Ireland.
- PONI (2004). *A Study of the attitudes of members of the Police Service of Northern Ireland to the Office of the Police Ombudsman for Northern Ireland and the new complaints system: Main findings*. Belfast: Police Ombudsman for Northern Ireland.
- PONI (2006). *Complainant satisfaction survey 2005/6*. Belfast: Police Ombudsman for Northern Ireland.
- PONI. (2002b). *Public Awareness of the Northern Ireland Police Complaints System*. Belfast: Police Ombudsman for Northern Ireland.
- Potts, L.W. (1981). Higher education, ethics, and the police. *Journal of Police Science and Administration*, 9(2) 131-134.
- Prenzler, T. & Lewis, C. (2005). Performance indicators for police oversight agencies. *Australian Journal of Public Administration*, 64(2), 77-83.

- Prenzler, T and Mackay, P (1995) Police Gratuities: What the Public Think. *Criminal Justice Ethics*. 14(1):15-25.
- Prenzler, T. & Ronken, C. (2001). Police integrity testing in Australia. *Criminal Justice: The International Journal of Policy and Practice*, 1(3): 319-342.
- Prenzler, T. (2000). Civilian oversight of police: A test of capture theory. *The British Journal of Criminology*, 40(4), 659-674.
- Prenzler, T. (2002). Independent investigation of complaints. In T. Prenzler & J. Ransley (Eds.), *Police reform: Building integrity*. Sydney: The Federation Press.
- Prenzler, T. (2002). Sex discrimination. In T. Prenzler & J. Ransley (Eds.), *Police reform: Building integrity*. Sydney: The Federation Press.
- Prenzler, T. (2004). Stakeholder perspectives on police complaints and discipline: Towards a civilian control model. *Australian and New Zealand Journal of Criminology*, 37(1), 85-113.
- Prenzler, T. (2006). Senior police managers views on integrity testing, and drug and alcohol testing. *Policing: An International Journal of Police Strategies and Management*, 29(3).
- Productivity Commission (2007). *Report on government services 2007: 5A Police services – attachment*. Canberra: Productivity Commission.
- Punch, M. (1983). Officers and men: Occupational culture, inter-rank antagonism and the investigation of corruption. In M. Punch (Ed.), *Control in the police organisation*. Cambridge, MA: MIT Press.
- Punch, M. (2000). Police corruption and its prevention. *European Journal of Criminal Policy and Research*, 8, 301-324.
- Punch, M. (2003). Rotten orchards: "Pestilence", police misconduct and system failure. *Policing and Society: An International Journal of Research and Policy*, 13(2), 171-196.
- QPS (1996) *Project Honour: Final report to the Commissioner of Police on matters pertaining to ethics and organisational integrity*. Brisbane: Queensland Police Service.
- Quinn, S. (2006). Citizen complaints and mediation. In J. Cintron Perino (Ed.), *Citizen oversight and law enforcement*. Chicago: ABA Publishing.
- Ransley, J. (2002). Miscarriages of justice. In T. Prenzler & J. Ransley (Eds.), *Police reform: Building integrity*. Sydney: The Federation Press.
- Ransley, J., Anderson, J. & Prenzler, T. (2007). Litigation against police in Australia: policy implications. *Australian and New Zealand Journal of Criminology*. 40(2), 143-160.

- Reaves, B. & Goldberg, A. (1999). *Law enforcement and management statistics 1997*. Washington, DC: Department of Justice.
- Reiner, R. (1991). Multiple realities, divided worlds: Chief constables' perspectives on the police complaints system. In A. Goldsmith (Ed.), *Complaints against the police: The trend to external review*. Oxford: Clarendon.
- Reuss-Ianni, E. (1983) *Two cultures of policing: Street cops and management cops*. New Brunswick, NJ: Transaction Books.
- Richardson, J. (1987) *Review of the investigation of complaints by the Internal Investigation Department of the Victoria Police*. Melbourne: Victoria Police.
- RIPA (2000). *Regulation of Investigatory Procedures Act 2000*. United Kingdom.
- RIRP (2000). *Report of the Rampart Independent Review Panel*. Los Angeles: Los Angeles Board of Police Commissioners.
- Russell, K. (1976). *Complaints against the police: A sociological view*. Leicester, England: Milltak.
- Russell, K.V. (1978). Complaints against the police. *The Police Journal*, 51(1), 34-44.
- Sarre, R. (1989). Towards the notion of policing "by consent" and its implications for police accountability. In D. Chappell & P. Wilson (Eds.), *Australian policing: Contemporary issues*. Sydney: Butterworths.
- Scarman, Lord. (1986). *Scarman Report*. Harmondsworth, UK: Penguin.
- Sced, M. (2004). *Screening for corruption using standard psychological tests of personality: A review of the research evidence*. Adelaide: Australasian Centre for Policing Research.
- Seneviratne, M. (2004). Policing the police in the United Kingdom. *Policing & Society*, 14(4), 329-347.
- Sherman, L. (1978a). *Quality of police education: A Critical review with recommendations for improving programs in higher education*. San Francisco: Jossey-Bass.
- Sherman, L. (1978b). *Scandal and reform: Controlling police corruption*. Berkeley: University of California Press.
- Sherman, L. (1983) From Whodunit to Who Does It: Fairness and Target Selection in Deceptive Investigations. In G. Caplan (Ed.), *ABSCAM Ethics: Moral issues and Deception in Law Enforcement*. Washington, DC: The Police Foundation.
- Skolnick, J.H. (1994). *Justice without trial: Law enforcement in democratic societ*. New York: MacMillan.
- Smith, G. (2004). Rethinking police complaints. *The British Journal of Criminology*, 44(1), 15-33.
- Stewart, L. (2006). What to expect of outreach: Different strategies for different stakeholders. In J. Cintron Perino

- (Ed.), *Citizen oversight and law enforcement*. Chicago: ABA Publishing.
- Strudwick, K. (2003). Is independence the only answer to complainants' satisfaction of the police complaints process? A Perspective from the United Kingdom. *Police Practice and Research: An International Journal*, 4(1), 35-46.
- Tarling, R. & Dowds, L. (1997). Crime and punishment. In R. Jowell, et. al., (Eds.), *British social attitudes*. Aldershot: Ashgate Publishing.
- Thomassen, G. (2002). Investigating complaints against the police in Norway: An empirical evaluation. *Policing and Society*, 12(3), 201-210.
- Toch, H. & Grant, J.D. (2005). *Police as problem solvers: How frontline workers can promote organizational and community change*. Washington, DC: American Psychological Association
- USCCR (1981). *Who is guarding the guardians? A report on police practices*. Washington, DC: United States Commission on Civil Rights.
- USCCR (2000). *Revisiting who is guarding the guardians? A Report on police practices and civil rights in America*. Washington, DC: United States Commission on Civil Rights.
- USDoJ (2001). *Principles for promoting police integrity: Examples of promising police practices and policies*. Washington DC: US Department of Justice.
- Wainwright, T. (1999). Evaluating the effectiveness of civilian oversight'. *1999 IACOLE World Conference*, Sydney, September 5-9.
- Walker, S. & Bumphus, V. (1992). The effectiveness of civilian review'. *American Journal of Police*, 11(4), 1-26.
- Walker, S. (1997). Complaints against the police: A focus group study of citizen perceptions, goals, and expectations. *Criminal Justice Review*, 22(2), 207-226.
- Walker, S. (2001). *Police accountability: The role of citizen oversight*. Belmont, CA: Wadsworth.
- Walker, S. (2003). *Early intervention systems for law enforcement agencies: A Planning and management guide*. Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services.
- Walker, S. (2007). Police accountability: Current issues and research needs. Paper presented at the *Policing Research Workshop: Planning for the Future*, National Institute of Justice, Washington, DC, November 28-29.
- Walker, S., Albert, G.P. & Kenney, D.J. (2001). *Early warning systems: Responding to the problem police officer*. Washington, DC: National Institute of Justice.

- Waters, I. & Brown, K. (2000). Police complaints and the complainants' experience. *British Journal of Criminology*, 40(2), 617-638.
- Weisburd, D. & Braga, A. (Eds.). (2006). *Police innovation: Contrasting perspectives*. Cambridge: Cambridge University Press.
- White, D. (2006). A conceptual analysis of the hidden curriculum of police training in England and Wales. *Policing and Society*, 16(4), 386-404.
- Wood, J. (1996) *Royal Commission into the New South Wales Police Service, Interim Report: Immediate Measures for the Reform of the Police Service of New South Wales*. Sydney: Government of the State of NSW.
- Wood, J. (1997). *Royal Commission into the New South Wales Police Service: Final report (the Wood report)*. Sydney: Government of the State of NSW.
- Worrall, J. (2002). If you build it they will come: Consequences of improved citizen complaint review procedures. *Crime and Delinquency*, 48(3), 355-379.
- Young, R., Hoyle, C., Cooper, K. & Hill, R. (2005). Informal resolution of complaints against the police: A Quasi-Experimental test of restorative justice. *Criminal Justice*, 5(3), 279-317.

Legal Cases

Ridgeway v The Queen [1995] 184 CLR 19, Australia.